Distribution Agreement: In presenting this thesis as a partial fulfillment of the requirements for a degree from Emory University, I hereby grant to Emory University and its agents the non-exclusive license to archive, make accessible, and display my thesis in whole or in part in all forms of media, now or hereafter now, including display on the World Wide Web. I understand that I may select some access restrictions as part of the online submission of this thesis. I retain all ownership rights to the copyright of the thesis. I also retain the right to use in future works (such as articles or books) all or part of this thesis.

Lyndsay Mackay April 13 2021

Searching for Mercy: Punishment, Mercy, and Morality in Early Modern Literature

By

Lyndsay Mackay

Ross Knecht

Advisor

English

Ross Knecht

Advisor

Patricia Cahill

Committee Member

Cynthia Willett

Committee Member

2021

Searching for Mercy: Punishment, Mercy, and Morality in Early Modern Literature

By

Lyndsay Mackay

Ross Knecht

Advisor

An abstract of

a thesis submitted to the Faculty of Emory College of Arts and Sciences

of Emory University in partial fulfillment

of the requirements of the degree of

Bachelor of Arts with Honors

English

2021

Abstract

Searching for Mercy: Punishment, Mercy, and Morality in Early Modern Literature

By Lyndsay Mackay

This work explores three influential texts (*Utopia*, *Paradise Lost,* and *The Tempest*) and how their depictions of justice interact with conceptions of justice both in the time of their writing as well as modern day. The work also explores how, both as literally presented in the texts and in how audiences can interpret them, punishment, mercy, and morality can be conflated, or in how they differ with each other. While primarily an analysis of the literature, this work also applies the logic of Foucault and seeks to extrapolate philosophical arguments from what the texts present in an attempt to challenge our conceptions of punishment and justice.

Searching for Mercy: Punishment, Mercy, and Morality in Early Modern Literature

By

Lyndsay Mackay

Ross Knecht

Advisor

A thesis submitted to the Faculty of Emory College of Arts and Sciences

of Emory University in partial fulfillment

of the requirements of the degree of

Bachelor of Arts with Honors

English

2021

Acknowledgements

I would like to thank my parents for all they have done to encourage and enable my education; Back Alley Productions for nurturing my love of Shakespeare at a young age that led me to this program, and Dr. Sarah Higinbotham for her phenomenal courses, encouragement of students, and compassionate and thought-provoking teachings on justice and Early Modern literature. I would also like to thank my advisor Dr. Ross Knecht for his insight throughout the process of writing this thesis, and committee members Dr. Patricia Cahill and Cynthia Willet for their support and engagement with the material. This project sparked a new understanding of compassion in our approach to justice in me, and I could not have accomplished it without the compassion continuously expressed to me throughout my college career.

Table of Contents

Searching for Mercy: Punishment, Mercy, and Morality in Early Modern Literature

INTRODUCTION: PRACTICE AND PREACHING: MOTIVATIONS OF PUNISHMENT AND ITS PLACE IN MODERN AMERICA

In a society characterized by public hangings as Sunday afternoon entertainment, to examine mercy in the literature of the era seems at first paradoxical. However, the same could be said of a society that has five times its proportional population represented in worldwide incarceration rates (Walmsley 1), that far overshadows even the next highest in rank, and one of the few "first world" countries to still allow capital punishment. While the justice system of 16th and 17th century England seems not only comparatively barbaric, but worlds away from modern America's, the underlying rhetoric and morality of both systems remains the same: when wrong is done, it must be punished. The commitment to retributive justice has changed very little over the centuries, but the horror of the tortured body has been diluted and sanitized for public comfort. Prisoners are no longer flogged publicly, but rather hidden away from society, with autonomy, freedom, and most hope for the future stripped away. Even punishment as entertainment has shifted more in form rather than function; while public viewership or any interactions with prisoners has shifted from commonplace (Murray 151-53) to almost nonexistent, fictionalized or sensationalized crime narratives are wildly popular in American entertainment. These shows, movies, books and podcasts tend to depict graphic and morally heinous crimes, met by harsh and long-lasting, if not physical punishment; through different methods, they still perpetuate a black and white morality of lawbreakers vs law enforcers, and interaction with this media correlates to increased support for social control and harsh punitive policies (National Opinion Survey on Crime and Justice, Dowler (2003), qtd. Kort-Butler and Hartshorn 38). Through different means, both Early Modern England and modern America

cultivate devotion to retributive punishment and a rhetoric of "deservedness" on behalf of their criminals, and both treat their lawbreakers abhorrently, in ways that do not otherwise align with social norms regarding human dignity and autonomy, or even general attitudes surrounding mercy and forgiveness when regarded outside the carceral system.

However, what also emerges in both societies are narratives that criticize the punitive system and advocate for mercy, even in the face of grievous human rights abominations as law that may otherwise characterize the culture as solely punitive and bloodthirsty. The American carceral system did not spring to life from a vacuum, and many of its identifying characteristics began to emerge in the Renaissance era (Foucault). Punishment in American politics is often spoken about as a necessity, because retribution has been preached for hundreds of years; but if mercy and forgiveness can be identified and argued for in narratives regarding betrayal, murder, and the original sin, and if those arguing for it walked past stocks and guillotines on their way to buy bread, then the same challenging rhetoric can be extrapolated to American systems and attitudes of punishment today. Furthermore, it can make the case that hyper-punitiveness is not the default state of humanity, but that forgiveness has always been upheld by some, no matter how retributive the society. As American values regarding justice have been swept to the forefront of our national concerns, not only must we question what we practice, but also what we preach. It is not enough to dilute the physical torture of punishment to something more palatable, but it is necessary to question why we must enact retribution in the first place, and what we seek to establish through punishment. By examining the morality or rhetoric behind punishment, and the opposite, mercy or forgiveness, the motivations behind each can be uncovered and the truly moral choice can better be analyzed, as well as how the choices we make reflect and change ourselves and our societies.

The three texts I have chosen to analyze are Thomas More's *Utopia* (1516), Shakespeare's *The Tempest* (1611), and John Milton's *Paradise Lost* (1667). The selection represents the era's attitudes in that each text was both popular and influential at the time of writing and publication, and all have remained major components of literary canon ever since. Each addresses various forms of punishment, justice, and mercy, and is reflective of the surrounding culture of their writing, specifically of the acceptance of harsh, bodily retributive punishment as acceptable, even mandated. In each text, punishment is tied to power imbalances and enacted by an authority figure, but not always towards someone who has committed a crime or even a moral transgression. The element of innocence in the face of punishment serves to illustrate what motivates punishment, and how punishment can exist if not to correct misbehavior. Punishment without reason, especially retributive punishment with no vengeance to be paid, is no longer punishment, but subjugation. Even when enacted in response to a crime, the underlying rhetoric of retribution and its ability to be enacted outside of righting a wrong render all expressions of this kind of punishment as motivated by power and subjugation, rather than restoring what was transgressed or protecting human dignity.

Each text also presents some form of mercy or deviation from the comparative norm of retribution in the authors' societies. Where many other popular works from the same period portray punishment as necessary comeuppance, divine fate, or earned revenge, these three texts stood out among the literary canon in somehow subverting or even completely bypassing the expectation for retribution audiences would hold compared to other similar texts. The degree of this subversion varies in each narrative, and how protagonists present their commitment to mercy does not always align either with the actual respect expressed to their fellow man. The alternative societies of *Utopia* are at first presented as idealistic alternatives to British society, with

punishment identified as the major fault. However, each quickly shows glaring faults or inconsistencies that reveal that even an ideal implementation of retribution still leads to dehumanization and prioritization of economic production and the egoism of enacting cruelty upon other humans as motivations overshadowing any hope for reform out of retribution. Utopians consider themselves paragons of upholding dignity, yet are the most willing to dehumanize wrongdoers, if through subtle means. Their punishment upholds on a surface level Utopian purity, but any deeper analysis reveals an ethnonationalist hegemonic system built to excuse and justify a society built upon dependence on the dehumanization and subjugation of others. Meanwhile, *Paradise Lost* presents a much more nuanced and sympathetic attitude from God towards sin, as well as grief expressed when punishment is mandated by divine law. *Paradise Lost* explores the intersection of forgiveness when punishment must be enacted, and the expression of retribution without malice, but it also allows for even mandated punishment to be grieved for. By pairing both retribution and forgiveness, *Paradise Lost* advocates for the place of each, and presents humans specifically as capable of a radical forgiveness, being unbound to divine law as God is. Where fault is humanity's downfall, it is also presented as allowing them to forgive similar wrongdoings where God in His perfection is not. As well as recontextualizing God's wrath as an action still consistent with love and grief, *Paradise Lost* also marks humanity as not only incredibly capable of, but defined by their capacity for mercy. *The Tempest* for much of the narrative features a character extremely comfortable with subjugating others for his own benefit, yet also ends with the most radical and unwarranted forgiveness depicted amongst the three texts. At first, the distinction between who receives what punishment is decided by their humanity, or their innocence, but by the end all are restored to their rightful state, and Prospero the would-be punisher both frees those awaiting punishment, and begs his own forgiveness.

Mercy becomes conflated with not just innocence, but humanity itself, and both restoration and healing require a conscious devotion to the preservation of human dignity. *The Tempest* does not depict regret nor rehabilitation from the villains of the story, yet ends with mercy, expressed for the sake of the would-be punisher, rather than any of those who caused harm to him. The question of deservedness is forgone in favor of what action is more conducive to healing for those that were wronged. Each text offers a different interaction with power and punishment, subjugation and freedom, and it is based on the balance of the elements that each text settles into whether mercy, and with it more often than not, justice can also be found.

The three texts are examined through the lens of Foucault's *Discipline and Punish*. I chose this approach not only because of Foucault's widely acclaimed writings on punishment, but because his work is able to both reflect on as well as predict the potential evolution of punitive systems in Western society. The texts chosen reflect the society they were produced in, but as with any art form, also relay values of the creators, and in doing so can rest at odds with what was acceptable, expected, and enacted during their time. Each work looks somehow beyond or outside of their own community in characterizing punishment, drawing from the theological, the futuristic, or the fantastical to test the limits of the parameters of justice, and each presents a distinct take on how mercy and justice can be balanced.

Both More and Milton's positions as high-ranking officials familiar with the punitive systems render their works as extremely responsive to what they witnessed and interacted with, independent of the texts' explicit orientation towards moral arguments. The risk (and, for More, fulfillment) of execution in response to their beliefs and arguments also rendered their moral arguments as both incredibly important to not only their artistic and philosophical beliefs, but also how each author was willing to speak to their society (knowing what they presented would

be granted a platform, and interpreted in context of their positions). Both authors still held well-informed views of their nation's response to wrongdoing, and their texts reflected their interpretation of that morality; the inconsistencies between their writings and their communities are, more than most, intentional and a presentation if not an argument for alternatives.

Criticism of *Utopia* has recently centered on its reflection of colonization and globalization, with the subjugation of other civilizations necessary for both quests as well as depicted in *Utopia*. The societies discussed in the text are offered at face value as ideal alternatives that Britain should emulate, yet reveal troubling logistical as well as moral inconsistencies; whether they are intended as approval or condemnation of this same colonialist perspective is up for interpretation (Mong and DeStephano, Davis). *Utopia*'s presentation of alternative societies, and its criticism of British punitive laws, orient it in a forward-looking perspective, while *Paradise Lost*'s religious origin and romantic lens render it as somewhat old-fashioned and gazing at the origins rather than the development of British punishments. Recent analysis largely examines the emergence of mercy in the work, specifically between the humans (Shifflett, Held). Instead of seeking to rationalize God's love with His wrath as largely was done during the work's emergence, current readings instead reconcile the grace and mutual love between Adam and Eve both with the grief they feel and the punishment they are dealt (Canfield). While the lacking existence of biographical information for Shakespeare leaves understanding of what exactly influenced or was at stake with his writing largely uninformed, *The Tempest* is still enough of an anomaly to stand out amongst other texts. The intended orientation of the work is unsaid, and the play itself orients itself as simultaneously nostalgic and restorative, with the characters and plot able to progress only when the wrongs of over a decade past are righted. "With their preoccupation with aestheticization and the romance form, with

court masques and aristocratic rule, Shakespeare's late plays have been read as a backward-looking reaction to the modern, citified concerns of Jonsonian comedy with their more outright focus on contingencies of economy and material culture" (Pye 144). Other less recent analyses of *The Tempest* highlight Prospero in particular, specifically his treatment of the island's spirits as reflective of colonialist ideals emerging during the colonization of the Americas (Takaki, Willis), and more recently the hyper-theatrical interactions between Prospero and the audience and the necessity of Prospero's forgiveness for his actions, not just the grace he offers others (Beckwith). I believe the work is not completely oriented in examining the past, but rather more of a presentation of what is, and how it came to be, with the intention of the flaws and their resolutions as offering a lesson on how to better orient the future in a more merciful and just fashion. The placement of both the plot devices and moral arguments as interacting with both the pasts and futures of their societies, and my personal interest in the development of Western carceral systems and the underlying moral justifications for the abuse and dehumanization of prisoners identified Foucault as a key lens to analyze the texts. His orientation as able to look back upon the era during which these texts were written allow *Discipline and Punish* to examine how carceral systems developed and how they were morally justified, and using Foucault's lens in conjunction with three works that offered criticism and alternatives to their own societies' justice system present a case for both how punishment has evolved and why, but also for what might have been.

Examining the roots of our carceral system is necessary to understanding how it evolved, and how we wish to interact with it as we discuss its many flaws and shortcomings. However, beyond questions of effectiveness and implementation, we must question the underlying rhetoric, and whether or not we should remain committed to the foundational intentions of our punishment

system, or whether our current methods are at all reconcilable with how societal conceptions of justice and morality have evolved over the last centuries. To examine punishment through these texts is to examine our own system at its roots; the defining era of retributive punishment and progression of punishment from the physical body to restricting autonomy. In narrative, punishment can be explored as removed from social creation of crime or constraints of capitalism; punishment when able to be enacted with no fear of repercussions, and punishment as mandated, with no viable alternative. The isolation of punishment, and application with isolated variables, accessible only through fiction, allows the clearest view possible about what punishment really conveys and achieves, and through this isolation allows us to challenge if there is perhaps an alternative; if punishment can be constructive, or if its absence can achieve the same result.

‘Wild Beasts’: Utopia and the Dehumanization of Wrongdoers

“For what real pleasure can you get out of the sight of a bared head or bent knee?”

Thomas More, *Utopia*

INTRODUCTION

Utopia, after centuries of interpretation and analysis, functions much closer to any real nation rather than a theoretical experiment in that Utopian society cannot be generalized as a paragon or cautionary tale, communist or fascist, or moral or immoral. Regardless of Utopia’s merits and flaws, even its deviations from English society at the time did little to challenge the reigning moralities that created the cruelties of England’s punishment system. For, while Utopia is contrasted with the rest of the world in the text, specifically England, the processes by which morality is assessed and equated with legality, and the resulting treatment of lawbreakers, is still not far removed from the British hyper-punitive retributive model of punishment which More

criticized. Even some of the more outlandish aspects of the Utopian carceral system, such as labor from prisoners fueling society and the constant observation even in outlying society, now mimic modern panoptic elements of society and the development of American prisons as institutions of neoslavery. While recent analysis focuses on Utopian resemblance of colonization and repetition of divine right to colonization, I focus more on the justifications offered for their believed reasonings and rights to punish in the first place. *Utopia* presents a society where the underlying rhetoric of the British punishment model could be applied in the most ideal scenario, with predictable rulers and citizens, social safety nets, and strong community support, rectifying the major elements of social inequalities that create or perpetuate crime, or allow for unequal punishments. The end result is of course not the total elimination of wrongdoing, but what does remain is insight to an equalized society, where both means and motivation make obeying the law nearly overwhelmingly easier than to break it, and eliminates amoral precursors to crime such as starvation. However, the punishment that remains does not reflect the same fairness that we find in other aspects of Utopian society. Even when applied solely to culturally immoral acts, punishment in Utopia still reflects injustice; not in punishing a necessary crime, but in assigning value to human suffering, and allowing what is permissible to fluctuate by externally decided factors. By stripping socioeconomic factors and the offputting gore from punishment, and analyzing only the stripped moral basis, the remaining cruelty allows Utopia to serve as a "negative attack on European wickedness" (Turner, xv). While Utopia does address the economic and often social causes of crime and seek to eliminate them, and claim to offer rehabilitation for lawbreakers through their servitude, a closer examination of their treatment of slaves (the primary method of punishment in Utopia) reveals that the culture surrounding enslaved Utopians is not conducive to their reintegration to society upon their release, despite

assurances that good behavior and remorse can earn a slave their restored Utopian citizenship. Utopian slaves are forced to do work that Utopians consider vile, animalistic, degrading, and wholly antithetical to their values and culture; yet, these tasks, and thus slaves, are required for the continuation of their society. Utopia cannot function without enabling the very things they despise; "You see, the Utopians are just as anxious to find wicked men to exploit as good men to employ" (94). While upheld as an example of kindness and peace, Utopia actually serves far more illustratively as an example of how legality and morality are conflated, the process by which lawbreakers are dehumanized and removed from considerations of worth, much less restoration, and that, even when removed from the social creation of crime, retributive justice will always come at the cost of kindness and human dignity.

BOOK ONE: FALSE PRETENSES

Before ever introducing Utopia or alternative societal or punitive structures, More spends half his work offering criticisms on English methods of punishment through the character of Raphael Hythloday; the name offers a biblical connection to the archangel Raphael, indicating that this speaker is good and trustworthy, yet the surname "Hythloday" directly translates from Greek to "peddler of nonsense". The paradoxical name foreshadows the position of Utopia in conjunction with the critique of British society; truth and nonsense paired, legitimacy obscured by ridiculousness. Some Utopian practices do appear as paradisal ways of existence, but a closer look exposes either cruelties (both in intent and execution) or impracticalities that rule out any hope of real life implementation. While More's support or condemnation for the Utopian punitive model are murky at best, Book One does offer harsh and substantiated criticisms on existing models of punishment in England at the time that convinces that he did believe that current methods were cruel, ineffective, and inhumane, and that some type of reform was called

for. More identifies the largely economic (rather than strictly moral or even religious) base of Early Modern punishments, and that then-current practices fueled a self-perpetuating model of crime and punishment. “You allow these people to be brought up in the worst possible way, and systematically corrupted them from their earliest years. Finally, when they grow up and commit the crimes that they were obviously destined to commit, ever since they were children, you start punishing them. In other words, you create thieves, and then punish them for stealing!” (27). Not only do Early Modern punishments perpetuate themselves and not offer an avenue for redemption or reform, they are antithetical to the professed morals of the very same society; “‘God said, “Thou shalt not kill”-- does the theft of a little money make it quite all right for us to do so? If it’s said that this commandment applies only to illegal killing, what’s to prevent human beings from similarly agreeing among themselves to legalize certain types of rape, adultery, or perjury?” (28). This is the first instance of questioning not only whether the wrongdoer deserves the punishment or whether society benefits from the chosen method, but how the act of punishing affects the morality of the punisher themselves. The question posited by Hythloday insinuates that even reactions to offenses are held to moral standards, and that the condition of being reactionary does not mitigate the standards of moral codes. This simple question presents the rest of Utopian (and English) punishments as inhumane and wrong by their respective societal standards; it asserts that wrongdoers are human and deserving of moral treatment, rather than absolving punishers of any duty of care so long as the actions are responsive. The ineffectiveness of these hyperpunitive models applies not only to the question of reform, but to harm reduction in regards to the victim(s) of crimes as well; “If a theif knows that a conviction for murder will get him into no more trouble than a conviction for theft, he’s naturally impelled to kill the person he’d otherwise merely have robbed” (29). When the punishment does not suit

the crime, means to escape punishment or make it ‘worthwhile’ often create more harm than would have originally been dealt to satisfy need alone. The need for alternative methods of punishment is presented in no uncertain terms; yet, More’s offered alternatives are subtly indicated to still be nonsensical, identifying the culprit of inhumane treatment not in gory physical reactions, but rather in the *purpose* of punishment as retributive rather than restorative.

Hythloday does offer an alternative method of punishment specifically, even before he moves on to discuss Utopian society; he identifies “the best arrangement I know of” (29) as the method of punishment in Tallstoria (again evoking the assertion of nonsense/that these societies should not be taken seriously). The punishment system in Tallstoria is not dissimilar to Utopia; slavery is the primary method of punishment, and the jobs done by these slaves are built into the fabric of society rather than superfluous work. The institution is quoted as rather merciful, as slaves are only whipped if the work they perform is unsatisfactory, and otherwise, “if he works hard, he’s treated not at all badly” (30); still, shame is woven into all aspects of Tallstorian slavery. Public works are built by slave labor, and can be hired out to private entities, or individuals; “Anyone needing their services goes to the market-place and engages them by the day, at a rather lower wage than he would pay for free labor” (30). Not only are slaves treated like commodities, their labor is considered to require less compensation than their free neighbors; the takeaway from these interactions is that slaves are inherently worth less. Slaves are marked as ‘other’ and followed by their status in all interactions; “They all wear clothes of a special colour, which nobody else wears. Their heads aren’t actually shaved, but the hair is clipped short just above the ears, and a tiny piece is cut off one of them.” While their basic needs such as food and shelter are taken care of by public taxes (or donations), they can receive food, drink, and clothes “of regulation colour” from friends as gifts, but not money, marking them as

charity cases or dependents rather than autonomous beings. The restrictions of freedom continue in that “Each slave is given a badge to show which district he belongs to, and it’s a capital crime to take one’s badge off, to be seen outside one’s own district, or to speak to a slave from another district” (31). Slaves are reduced to a state more akin to property than humanity, and the shame and humiliated ingrained into the institution of slavery marks that, like Utopia, the purpose is something more than reform. While it is argued that Tallstorian slaves are treated kindly and that upon release they can return to life as respected citizens “since a certain number of slaves are released every year for good behavior” (32), the cropped ear brands them forever as a slave, either visibly or as a mark that must be hidden beneath hair to avoid shame. Were slavery truly an instution of reform, release would be commended rather than a reminder of shame even after the sentence had been paid.

The inconsistencies in the presentation of Tallstorian punishment, paired with the literal meanings behind the names of Hythloday and Tallstoria, lay a groundwork that what is to be outlined in Book Two of *Utopia* is not to be taken at face value. The focus on punishment in Book One is not to be overlooked either; when presented with the flaws of English society and offering an alternative, the focus is not on property laws, higher wages, or aid for disenfranchised citizens, but specifically on punishment. Utopia is granted a more nuanced and exhaustive description of societal structure, but preceding this, punishment is identified as the major issue of English inhumanity, and reform as the solution. The cause of the oversaturation of lawbreaking is identified as greedy landowners, and collective ownership also called for as part of reform, but the specific focus on punishment aids to identify that the rhetoric behind why and how we punish itself is in dire need of reform— for, even when economic motivations are removed, as in Utopia, cruelty persists, exposing the focus of retributive punishment as the true evil rather than

just an imperfectly executed but overall just moral code.

UTOPIA AND FALSE MERCY; “ABSOLUTE JUSTICE COMPLETELY UNJUST”

Utopia’s punishment system is presented as a more moral alternative to England’s, as their society seeks to eliminate the social causes of crime. Their laws seek to address moral wrongdoings instead of property infringement, of which there are none due to the collective ownership of goods in Utopia. The Utopians attribute crimes like theft to social factors and seek only to eliminate their cause, legalizing the actions in their own society under the logic that public property cannot be ‘stolen’. They also ascribe to the idea that no one should want to steal or hoard when everything is publicly available, and neither luxurious nor superfluous possessions are enviable in their society. For what crimes they do choose to punish, slavery is the standard sentence, when behavioral infractions do move beyond household discipline. The logic given for slavery over capital punishment is that slavery is “just as unpleasant for the criminals as capital punishment, and more useful for society than getting rid of them right away, since live workers are more valuable than dead ones, and have a prolonged deterrent effect” (85). While service does offer eventual chance for reform, it appears as more of an afterthought, while the prime motivators for slavery are shame and exploitation of labor. The forced servitude is not spoken of in terms of repaying any sort of restitution or debt to society, moreso as an alternative to capital punishment that does not overly differ from the deterrence effect and removal from society of characteristic punishment, but also offers the benefit of increased labor for Utopia through exploitation of its lawbreakers (Avineri 260). However, As Utopia already produces surplus goods, and is not in want of wealth from its exports, the economic gain of slavery seems purposeless.

The Utopian explanation is that slavery both punishes as well as contributes to the

common good; however, the ‘usefulness’ of the slaves is unrequired, while forcing Utopians to witness their community members (as well as foreigners accepted into Utopian slavery) subjugated on a daily basis. While kinder than capital punishment, the use of slavery still holds a primary function not to redress or alleviate harm, or even to search for and amend the social cause of the harm, as the Utopians criticize the English for refusing to do. The purpose of slavery is still, like capital punishment, retribution, causing harm to acknowledge harm done without thought as to how to address the social cause or make amends to the injured party. Utopia manages to all but eliminate the “horrifying spectacle of public punishment”, but, in allieviating the confrontation of torture or gore, “justice no longer takes public responsibility for the violence that is bound up with its practice”; “its effectiveness is seen as resulting from its inevitability, not from its visible intensity” (Foucault 9). Utopian punishment is far from a merciful reimagining of what treatment is deserved by criminals, but rather only a more hidden and insidious avenue to remove autonomy, if leaving life. No matter what amendments or explanations are given, the ‘idealistic’ use of slavery in Utopia advocates that even the most sanitized form of retributive punishment can truly be upheld as just, as the benefits cannot help but be outweighed by the price of human dignity.

SLAVERY AND SHAME; “THE ROUGH AND DIRTY WORK IS DONE BY SLAVES”

As Utopia is not in need of slaves to uphold its economy, the social motivation for the use of slavery becomes the explanation for its use. The crimes Utopia chooses to punish hold moral value; adultery, repeated departure from a district without a passport (64) (associated with avoiding the expected workday and other civil duties), and aggressive behavior in religious debates (100). While the punishment of slavery is spoken of as rehabilitative, the treatment of slaves does not actually offer to rectify the cause of the wrongdoing. At first glance, slavery as

the automatic punishment aligns with Utopian ideals that "[...T]o deprive yourself of pleasure so that you can add to someone else's enjoyment is an act of humanity by which you always gain more than you lose" (73). Attribution of morality to sacrifice was a Christian value admired by More (Turner xvii), translated easily to Utopian values of communal support and value of work, and the use of slavery as punishment for wrongdoing appears as a kindness and attempt to fortify the humanity and dignity of the wrongdoer. However, slaves are consistently placed below Utopian citizens, and little work seems to go into uplifting them. Slaves not only wear chains to incapacitate any attempt at escape, but the chains are made of gold, a stigmatized metal in Utopia and a constant mark of shame. Not only are their chains golden, but, "anyone who commits a really shameful crime is forced to go about with gold rings on his ears and fingers, a gold necklace round his neck, and a crown of gold on his head" (67). While this practice is spoken of as a method to attribute contempt to metals considered precious in other societies, and prevent their coveting in Utopia, the side effect is that slaves also become objects for ridicule and scorn, as they are bedecked in the same metal Utopians use for their chamber-pots. Not only are lawbreakers bound, but their chains are of metal that signify lowliness and shame.

Shame again emerges as the distinguishing factor in securing a slave's freedom; "If, after being tamed by years of hardship, they show signs of feeling really sorry, not merely for themselves, but for what they've done, their sentence is either reduced or canceled altogether" (86). Regardless of how quickly a lawbreaker may acknowledge their wrongdoing, it is only after years of public service a slave can even be considered eligible for securing their freedom, and then it is not good behavior nor restitution paid to their community that makes amends, but rather the guilt expressed for their actions. . Meanwhile, while only years of dehumanizing labor can reform a defected Utopian citizen (or outsider turned slave), "[...] if a priest commits a crime,

he's not liable to prosecution. They just leave him to God and his own conscience" (105). Were slavery justified as a means to pay a debt to society, a priest's connection to God would make little difference, as, regardless of his affront to God, he would have hurt his community in the same capacity as any non-religious leader; however, the shame alone assumed to be felt by a priest is considered a strong enough punishment. The fact that the priest is left to "his own conscience" creates a running thread with the treatment of regular slaves' subjection to the public display of gold and dehumanizing tasks, and displays that shame is the motivating factor for Utopian punishment, not reform.

THE DEHUMANIZATION OF SLAVES; "DESTROY ONE'S NATURAL FEELINGS OF HUMANITY"

The practice of humility may be argued to contribute to the practice of deprivation in order to regain dignity, but the work delineated for slaves is marked as debasing far beyond the simple concept of humility. When additional labor is performed freely in Utopia, it brings admiration for the worker's devotion to their community; "the more they [Utopian religious sectors devoted to servitude] make slaves of themselves, the more everybody respects them" 103). For slaves, however, work holds no moral value, and they do not receive admiration for supporting their community, despite many jobs marked solely to be performed by slaves, and despised by Utopian citizens. The purpose of work for slaves is not recompense, but pain. Not only does it not grant the same admiration willingly performed extra service does, the work done by slaves is considered to be antithetical to Utopian values, and actively wear away at their humanity."Utopians consider hunting below the dignity of free men, and leave it entirely to butchers, who are, as I told you, slaves" (76); "The slaughtering of livestock and cleaning of

carcasses are done by slaves. They don't let anyone else get used to cutting up animals, because they think it tends to destroy one's natural feelings of humanity" (61). Upon release, nothing is said of restoring the years spent actively wearing away at their humanity through the tasks required of slaves."Since it is no longer the body, it must be the soul" (Foucault 16). Slavery is not only economically needless, it is cruel even without resorting to physical punishment, and culturally the requirements of slavery in Utopia could be alikened to damnation, in that their humanity is eroded away, or capital punishment in terms of how much autonomy remains. "Take away life, but prevent the patient from feeling it; deprive the prisoner of all rights, but do not inflict pain; impose penalties free from all pain" (Foucault 11). Slavery may not result to the blood and gore of capital punishment, and slaves are eligible to be used as profit as well as promised a return to their former citizenship, but the effect on a Utopian's soul is by their own standards cruel and vicious. The work reserved for slaves comes at the cost of their humanity, using the slaves as a moral sacrifice to protect Utopian citizens from needing to stoop to violence against animals and other stigmatized tasks that Utopian society relies on (Stillman 375).

RELIANCE ON SLAVERY; "WICKED MEN TO EXPLOIT AS GOOD MEN TO EMPLOY"

Utopian society itself is built to depend on slaves. Slaves are expected to exist in every household (50), perform the "rough and dirty work" in dining-halls (62), and fulfill all the jobs that Utopians mark as distasteful or degrading. Stillman (374) argues that Utopian society does not depend on slave labor, and it is true that without slaves, many jobs could be taken up by Utopians, with some adjustments to their maintained population. However, the disgust expressed to jobs such as butchery and hunting mean that, regardless of whether or not slavery was originally intended as a pillar of Utopian society, for regular citizens to fulfill slaves' roles would be to directly challenge major values in Utopian culture. The expectation for slaves to fulfill

these roles, and the specific demarcation for slaves in the carefully maintained populations of Utopian households, shows that Utopians not only profit from, but expect and rely upon not only slavery, wickedness and wrongdoing despite their preachings of fairness and equality. The same phenomenon occurs in America today, as America's incarcerated population represents five times its proportional population compared to the rest of the world (Walmsley 1). Where America specifically targets marginalized communities and uses incarceration as a means of disenfranchisement, or a means of removing individuals/groups from their place in society, Utopia does not implement laws that specifically attack its own people, but rather primarily chooses to import citizens from other nations, whom they view as inherently 'less than' and require no entrance payment of grievous wrongdoing to be marked to wear away their own soul. But the underlying rhetoric between the two remains the same; to preserve the ideal way of life in each society, others must be subjected (whether for cheap or dehumanizing labor, to silence dissenting voices, or to pay private prison investors, the reasons have varied through the ages). In both societies, a certain number of subjected individuals are required, and as long as there is a societal dependence on subjugating wrongdoers, there will be no true commitment to eliminating those actions, nor to reform or mercy. In America it is primarily people of color, in Utopia it is primarily outsiders, but in both societies the erosion of humanity is marked as an acceptable price to maintain the comfort of others. So long as there is any benefit from this forced subjugation, there can never be any objective question of whether enslavement is a truly moral or even effective form of punishment-- that is, if respect for humanity or reform were the motivations behind the carceral system, instead of profit and subjugation.

HYPOCRISY OF UTOPIA; "CHAINS AND FETTERS OF SOLID GOLD"

Utopian diversions from physicality of punishment preceded a similar pattern in England

by about 200 years (Foucault 16), but the divergence from barbarism does not reflect in either case an increased respect for criminals nor a commitment to mercy. Rather, the deviation from physical tortue reflects a concern for the dignity of the punisher themselves, and any mercy expressed to the wrongdoer is merely a side effect. The Utopian aversion to punishing priests not only reflects their value of the power of shame as a punishment, but also their awareness that physical retaliation holds negative weight, and that they value their own innocence above what may be 'deserved'; since, no matter what he has done, they don't think it right for any human to lay hands on a man who has been dedicated as a special offering to God" (105). This nuance in Utopian law reveals that Utopians do consider the morality of who has the right to punish, and that the act of inflicting harm on another human being, even one who has been marked as wrongful, still bears an effect on the punisher themselves. The religious distinction marks the act of punishment as wrong. In the meantime, "if convicts prove recalcitrant under this treatment, and don't respond to any sort of prison discipline, they're just slaughtered like wild beasts"(85). If shame is not expressed, the slaves are dehumanized enough to no longer garner the sympathy of other Utopians, or even the same pity and aversion to inflicting pain that they express to regular animals.

The status of the criminal, and the subsequent willingness to subjugate or dehumanize themselves, determines their treatment by their society; if they attempt to retain their dignity, they are culled with less thought than a wild beast. The dehumanization of slaves is a necessary prerequisite to justify this action, to negate sympathy expressed to wrongdoers and to protect the moral status of punishers; "It was as if the punishment was thought to equal, if not to exceed, in savagery the crime itself [...] to make the executioner resemble a criminal, judges murderers, to reverse roles at the last moment, to make the tortured criminal an object of pity or admiration

(Foucault 9).When slaves do express shame and take part in their own dehumanization, it allows their enslavement to feel more acceptable. When they refuse to do so, and are given perhaps the least dignified treatment amongst all living creatures in Utopia, the preceding dehumanization of slaves allows Utopians to ignore the dignity the recalcitrant slave demands, that would otherwise be owed to him before the loss of his citizenship.

Utopian innocence comes at the price of shedding all of their would-be sins to the shoulders of others, or to abstraction. They practice a similar habit by employing foreign soldiers to fight wars for them, and have no issue employing vicious soldiers in the name of Utopia, so long as they are not from Utopia themselves. (Avineri 263). Even the majority of their slaves are foreigners, either war prisoners or refugees who chose Utopian slavery over their native citizenship, instead of primarily relying on disgraced Utopian citizens (82). The justification offered is the general lack of Utopian criminals, but, rather than restructure their society to allocate more of the undignified work to the average citizen, Utopia prefers to take in foreigners to do the tasks they mark as degrading to the very soul. Utopians are aware of the social aspect of wrongdoing, even in the absence of a need to commit a crime in order to survive; they treat Utopian slaves much harsher than foreigners adopted into their slave system, under the logic that "[...I]t's all the more deplorable if a person who has had the advantage of a first-rate education and a thoroughly moral upbringing still insists on becoming a criminal" (82). While foreigners are treated more kindly than native Utopians, there is no mention of an alternative method to earning citizenship for them, and foreign slaves are still expected to take on the soul-damaging work set aside for slaves, and assumedly to show the same shame warranted from slaves in exchange for their lives. Utopians fall victim to hypocrisy in this, as they scorn the English for the social perpetuation of crimes such as theft, but do not seek to identify any flaws in their own

systems when one of their own citizens slips through the cracks . They express mercy (if inspired by arrogance in the superiority of their own culture) to foreigners, but their treatment of native slaves follows the same pattern they so criticize, by depriving lawbreakers of community and expressions of dignity that may inspire behavior better aligned with Utopian values (Stillman 374).

CONCLUSION

The problem of Utopia is not that it is an unachievable society. In fact, Utopia served to some degree as a mirror for European hypocrisy and mercilessness even as More was writing (Turner xv). Utopia serves as an idealistic glimpse into the society England (and other nations) could become were systemic inequality and socially-created crimes were eradicated, were all citizens given equal opportunity for growth, employment, and marriage, and were making the socially accepted choice both easier and more beneficial to their own wellbeing. What remains is not a land of equality, but a nation that could function largely without human suffering, yet still chooses to use it as the foundation for their society. Through the bureaucratization of punishment they are able to alleviate guilt and mask their own contribution to the very cruelty they claim to disdain, but do little to challenge how we view deserved punishment other than removing the distasteful physicality. Loss of autonomy, of rights, loss of a true life, and degradation of the soul all remain. Utopia illustrates that no reworking of retribution can coexist with mercy or with preservation of dignity; Utopia is not a paradise, but functions more closely to a nightmarish projection of the trajectory of Europe if the retributive justice model were not analyzed for its true motivations and effects. Beyond the similarities it held to England at the time of writing, Utopia now eerily evokes modern Western punitive systems, specifically the use of incarceration as neo-slavery, the removal of prisoner's rights, and the culture of shame and dehumanization

that exists for criminals even after their release. As in Utopia, whether through ‘repaying their debt to society’ or through transcending to the next life with a pure soul, criminals are promised a chance at redemption, but the truth of this promise is elusive and deliberately kept out of reach The result is immorality attributed to wrongdoer’s souls, instead of only their actions, as retribution only further marks them as other, and redemption is not offered through any worldly avenue. Utopian punishment, by showing the ‘best case scenario’ of retributive punishment, exemplifies that it is antithetical to the pursuit of human dignity.

UTOPIA AND PARADISE LOST

Where Utopia presents a proto-enlightenment perspective on criminal justice, focused on logic and reason, *Paradise Lost* asserts the power of the individual soul, and the redemptive power of grace, regardless of whether or not it is deserved. This testament to individual worth requires more care and conscious effort in return to society, but it is the only case in which the soul is preserved. Humanity in *Paradise Lost* are afforded tremendous mourning and sacrifice in exchange for their return to Paradise. Meanwhile, Satan’s abandonment fuels his vengeance, and, less directly, the same phenomenon likely occurs in Utopian prisoners. While a literal return to society is maintained, Utopian punishment functions as a punitive city over reformatory, with servants left with no choice but to debase themselves to earn their return. While Adam and Eve too were sent to an existence removed from purity as punishment, they were afforded not just a promise of salvation, but an means of redress through their remaining virtue, something robbed from Utopian prisoners as their involvement with their communities, traditionally something valued, is considered depraved and marring to the soul. In this, their treatment is more akin to Hell than Earth, in that they are afforded no ability to practice virtue and earn redemption, but

rather dehumanized and exiled for an arbitrary period until the societal "debt" is repaid, rather than actually able to redress the wrongs they committed.

"A Place for Repentance": *Paradise Lost*, Free Will, and Reformation

"O then at last relent: is there no place/ Left for repentance, none for pardon left?"

John Milton, *Paradise Lost*, 4, 79-80.

INTRODUCTION

Mercy in the story of Eden and the fall of Man may first strike the reader as paradoxical; in a story of original sin and punishment so encompassing it is still paid generations later, the question of forgiveness seems irrelevant. While both book and source material are inarguably stories of immense pain, *Paradise Lost* emphasizes mercy even in the darkest moments. To reconcile a loving God with the story of Eden and the punishment issued to humankind is a question as old as Christianity itself, but Milton's work reconciles not only these concepts, but the questions of required punishment, and the ability to express grace even in mandated retribution. Milton finds mercy in justice by asserting free will, not only in the capacity to fall, but in the chance for return, and by the assertion of grief for those lost even by their own will: that no person is beyond reform or reconciliation, and that commitment to reform is mandated from both injured and injurer in the pursuit of goodness and redress. This assertion of grief and the reformative power of devotion has emerged in recent criticism, which has strayed from explorations of free will or reconciling a wrathful and loving God. *Paradise Lost* is presented as a situation where the wrong done, and the necessity for punishment are both unquestionable, but redemption is also posited as achievable: not only by Adam and Eve, as scripture mandates, but by Satan himself, arguing that grace is inseparable from existence in even the most dire scenarios. Conscience and commitment to each other are marked as divine, but freely performed

by lower creations; God's creations are not marked forever by their sins, but rather their willingness to rebuild (Canfield 44-45). Milton's interpretation of the scripture marks the commitment to return as a communal journey, with all involved forced to pay the price of redemption through some sort of sacrifice, but the love between mankind and God to His creations as making worthwhile any sacrifice in name of redemption.

While heartache, transgression, and retaliation are inherent to *Paradise Lost*, so are grief and hope for redemption, not only from the transgressor, but from the victim. The poem is a testament not only to a merciful God, but a demonstration of the value of mercy itself, asserting that it is a necessary concept to reconcile with God's actions. If God himself must be analyzed until mercy can be understood in his actions, then mercy too must permeate our own society. While *Paradise Lost* does not directly address the hyper punitive laws of Early Modern England, it makes the case for forgiveness in all interactions. Reform is marked as inherent to humanity and worth committing a lifetime to; if repentance can earn forgiveness from God, then surely grace has a place on Earth as well as Heaven.

SATAN: "FREE TO FALL"

The question of free will at the price of subservience permeates *Paradise Lost*, and a clear answer is never presented to the audience, nor to the victims of God's wrath. The question of whether freedom and service can ever truly be reconciled, or whether peace can be found in existence of one at the price of the other, appears multiple times with no answer, and each of the major characters struggles with the question and ultimately loses God's grace in pursuit of autonomy. What is presented is a constant assertion of *choice*; God has faced criticism for not preventing the fall of Satan or of Man, but both scenarios are offered similar freedom for either choice; "I made him just and right,/Sufficient to have stood, though free to fall" (3, 98-99). Satan

is presented as both prototype and counterpart to man; he is favored by God, considered excellent among angels, and through frustration at the demand for obedience, chooses to defect and fall into damnation and eternal destruction. This premise is familiar, but Milton presents another caveat; Satan insinuates that his return to Heaven is forbidden as much by his own character as by God's:

> But say I could repent and could obtain
> By act of grace my former state; how soon
> Would heighth recall high thoughts, how soon unsay
> What feigned submission swore: ease would recant
> Vows made in pain, as violent and void.
> For never can true reconcilement grow
> Where wounds of deadly hate have pierced so deep:
> [...] This knows my punisher; therefore as far
> From granting he, as I from begging peace (Milton, *Paradise Lost*, 4, 93-104).

Milton presents a double bind to forgiveness— rather than a one-sided banishment, Satan's condition is not solely dependent on his transgression, but on his current willingness to repent. Humankind is presented as a complement to Satan and his legion; Eve is tempted due to frustration from her perceived inferiority and dissatisfaction at her demanded subservience. In Book 9, she contemplates Satan's offer and wonders if it will "Render me more equal, and perhaps,/ A thing not undesirable, sometime/ Superior; for who inferior is free?" (9, 823-25). Like Satan, she falls from favor despite being marked as favored by God and as above the rest. After Satan's fall, as he considers his future and new relation to Heaven, he commits himself to perpetuating his damnation rather than subjecting himself to continued subservience; "While

they adore me on the throne of Hell,/ With diadem and sceptre high advanced/ The lower still I fall, only supreme/ In misery; such joy ambition finds" (4, 89-92). Satan's damnation appears consistently and repeatedly chosen, ingrained into his soul rather than the regretted actions of an unfortunate choice.

God's ability (or lack of) to prevent a fall from grace is not the source of the suffering of His creations: Milton asserts that God *can* prevent corruption, but intentional obedience and faith are what He requires from His creations; "God made thee choice of his own, and of his own/ To serve him; thy reward was of his grace;/ Thy punishment then is justly at his will./ Be it so, for I submit, his doom is fair" (10,766-69). Obedience with no other option is not the same as faith, and thus God offers barriers and advice, but never completely bars an answering action to His will. Even after casting out Satan, Hell is not inescapable; Satan and his legion escape the lake of fire, and despite nine doors with both Sin and Death barring the gates of Hell, none of the doors are impenetrable nor are the monsters insurmountable; "[...W]hom no bounds/ Prescribed, no bars of Hell, nor all the chains/ Heaped on him there, nor yet the main abyss/ Will interrupt can hold" (3, 81-84). The penetrability of Hell reinforces God's prioritization of free will above His own power, and the maintenance of Adam and Eve's ability to fall, even at the cost of enormous grief to God, asserts that perfection is not the defining quality of service to God, but humility, and willingness to ask for mercy and commit to repentance and redress. Though Adam and Eve's sin was only disobedience, Satan's egregious act of violence is still met with the intimation that forgiveness is barred by his own reluctance to repent rather than God's to forgive, maintaining that no act is beyond redress. In a societal context, the rhetoric can be extrapolated to defend wrongdoers and criminals by arguing that their value lies not in their previously untarnished souls now sullied and damaging to their worth, but in their willingness to seek mercy and ability

to amend the harm done. Humanity demands equal opportunity to stand or to fall, and this requirement does not vanish after the initial sin or on Earth. Beyond this compassion extended to wrongdoers, Milton's rationalization of Genesis posits not only that an act of harm, even when requiring punishment, can always be reformed, but that society holds a duty to create "a place for repentance".

The importance of free will in *Paradise Lost* serves not only to reconcile both wrathful and loving depictions of God, but also to maintain the dignity and humanity of even those who have committed grievous wrongs. That redemption is never barred completely by God, but instead by the wrongdoer's decision to either repent or to commit themselves to harm, attests to the notion that no sin or crime can corrupt beyond salvation. There are some actions that are agreed upon to mandate punishment, as the harm is too severe to forgive without recompense; whether the punishment is eternal damnation, or begets a return to community is what is left to decide. Where punishment in *Utopia* is degrading to the soul, in *Paradise Lost* the consequences of actions may be grueling and long lasting, but never a lost cause without the wrongdoer's consent. While Milton did not write his epic as a challenge to Early Modern values of punishment, his unorthodox presentation of God as a grieving punisher is easily extrapolated as a testimonial to the enduringness of goodness and the ability to reform.

EVE: "REPAIRING WHERE HE JUDGED US"

Humankind, like Satan, is created with the matching ability to adhere to God's will or to go against it; however, their defection is not performed without influence as Satan's was, and was not a direct act of insurrection, which perhaps makes the transgression easier to redress. "One way alone exists in which man can fall: through disobedience [...] Disobedience, as Milton was to illustrate, can stem only from a breaking of the law of love which binds the universe

together and to God— the love of the creator for the created, the love of the created in grateful return to the creator" (Bowers 264-65). As humanity's purity is marked by conflated love and obedience, in breaking one they break the other, but in performing one can restore the other; thus, even after disobeying and inciting their fall, through love they can restore themselves. "Freely we serve/ Because we freely love, as in our will/ To love or not; in this we stand or fall" (5, 538-40). Adam and Eve's choice to eat the fruit, be it characterized by foolishness, disobedience, or hubris, lacks the same cruelty and intent of harm in Satan's defection, and the immediate aftermath of their decision is characterized by love and repentance rather than bitterness and vengeance; in this they earn their salvation.

As Satan mirrors humanity's fall from grace and capacity to reform, Eve complements his temptation and disobedience, but deviates from Satan by acknowledging her fault and devoting herself to love instead of destruction (Bowers 270). Eve's actions echo Satan's in her willingness to bring Adam with her in her sin, as Satan convinced his brethren to rebel; while she has not yet been punished when Adam eats, she does understand it to be forbidden, and the threat of death for her actions, though she has not yet felt the consequences. But where Eve's fall mimics Satan's in her desire to rise above her station, and allow others to risk falling with her in hopes of the same reward for them, she diverges by being the first of any of the sinners to accept responsibility and seek to rebuild; "Eve breaks the cycle [of recrimination] by gesturing . . . to a reconciliation rooted not in justice or in adjudication, but merely in love," (Fish, qtd. Shifflett 146). However, this first expression of any of these notions is not given to God, but instead to Adam; . "[...A]t his feet/ Fell humble, and embracing them, besought/ His peace, and thus proceeded in her plaint" [10, 911-13]. While the chain of superiority places Adam between Eve and God, perhaps interrupting her appeal for mercy, her words appeal to *Adam* and *Adam's*

forgiveness, rather than making any appeal to God. It is between Adam and Eve that mercy and forgiveness are first expressed, before any divine power expresses grace; “Yet up to this point Adam has not even considered God’s mercy [...] What turns Adam around and in effect saves him from despair is “sad” Eve’s magnificent perseverance in her penitent “plaint” and in her compassionate attempt to assuage Adam’s “fierce passion” (X.910ff)” (Canfield 44). Even believing themselves to exist in a life newly devoid of mercy, the humans (perhaps as a reflection of God in themselves) find a way to recreate love and obedience, and in doing so create their own redemption; “If man loves so truly that he stands gratefully obedient, as the sole recompense that he can make, in time love will refine his spirit so that he will turn to spirit like the angels” (Bowers 265). While this claim is made in regards to Raphael’s pre-fall promise to Adam, the sentiment remains true even after the fall; humanity was made fallible, though even in the face of exile, through enduring love and devotion can still atone for harm. In opposition to Satan, who commits himself to destruction, humanity commits themselves to “peace*making*—active reconciliation, more than mere loyalty and an attitude of obedience” (Doerksen, qtd. Shifflett 146). Obedience, required to be freely given before the fall, still holds its same power, and though tarnished by sin humanity creates their own grace, and through this first autonomous expression of forgiveness proves their own capability for redemption.

ADAM: “THOUGH LOVE ALONE FULFILL THE LAW”

As Eve steps into the role of Satan and subverts his choices in navigating punishment after sinning, Adam steps into a role that mimics God’s in his ability to forgive and choose life over death. Adam’s choice to disobey is (arguably) the least selfish among the three sinners; where Satan and Eve were both tempted by pride and a desire to advance their station, Milton characterizes Adam’s motivation not by desire, but by devotion; “Should God create another

Eve, and I/ Another rib afford, yet loss of thee/ Would never from my heart; [...F]rom thy state/ Mine never shall be parted, bliss or woe" (9, 911-16). Adam's temptation and prioritization of Eve over God is marked as sinful and punished just as Eve's desire for elevation is, but unlike Satan, who was willing to risk the fall of his brethren for his own ascension, Adam chooses companionship and love, at the price of his own life. Adam has a double transgression to forgive; not only Eve's decision that brought about his own fall, but Eve's decision regardless of his choice to follow, as it "[W]as not only a breach of the chain of being, it was a breach of their love which, on her part, had rested on "Hee for God only, shee for God in him"" (Bowers 272). But just as Eve interrupts the "chain of being", so does Adam in answer; he "resolves through vehemence of love to perish with her" (9, Argument), deeming his own existence as dependent on Eve's, and both the "vehemence" of his love and decision to repeat the sin acts of defiance to God. Adam's devotion, and his eventual forgiveness of Eve echoes God's capacity to forgive (even if punishment is mandated), and his determination to live out life on Earth maintains God's mercy shown to man. Bowers characterizes his decision as not made in the face of any deception, either of the act or its consequences, as Eve was deceived in the serpent's temptation; "[...B]ut the fault is even more heinous in that his reason was corrupted but not obscured by passion" (273). His decision may be viewed as selfish in the eyes of God, but the willingness to sacrifice oneself for another is what marks repeatedly marks humanity in the poem, and sets them apart from the fallen angels.

Though Eve is the first to seek mercy or forgiveness, Adam is the first to choose sacrifice or loss on the behalf of someone else. Adam pays the price for eating the fruit because his prioritization of Eve over God is an affront to His power, but the choice still embodies the divinely human capacity for devotion that sets them apart from Satan even in their fall. "In a very

real sense the love of Adam and Eve for each other is an ennobling emotion because it exemplifies at its own level the love of man and the angels for God." (Bowers 265). The concept of mercy seems unknown to the humans before invoking or expressing to and from each other, before ever receiving grace from God; "Nor does the already fallen Adam understand God's mercy at first. Between his intention to die with eve and the actual eating of the fruit, he rationalizes, submits to, "what *seem'd* remediless" (9.918)" (Canfield 44). This invention of grace is a testament to humanity's goodness even in sin, and perhaps what earns them the Son's devotion and matching desperation to save at cost of His own self; "[...L]et him live/ Before thee reconciled, at least his days/ Numbered, though sad, till death, his doom (which I/ To mitigate thus plead, not to reverse)/ To better life shall yield him, where with me/ All my redeemed may swell in joy and bliss" (11, 38-43). The Son sacrifices himself for man's ability to redeem himself; Mankind's ability to show regret and willingness to reform alone attests to a remaining quality of the soul untainted by sin, and that man is worth sacrificing for. The pattern of regret earning reform is repeated in multiple relationships throughout the poem; some already dictated by scripture, such as the Son's sacrifice, and others with less precedent, such as Adam's. The narrative can easily be extracted from the story of Genesis and applied to general attitudes towards wrongdoers; as Hell is as enforced by Satan as God, and as mankind is deemed worthy of immense sacrifice merely by expressing love for each other, the value of a sinner or criminal can likewise be found in their willingness to seek virtue, rather than in judgement for their crime.

Eve too exhorts the power of sacrifice in the face of the suffering their descendents will inevitably face; "Then both ourselves and seed at once to free/ From what we fear for both, let us make short,/ Let us seek Death, or he not found, supply/ With our own hands his office on ourselves" (10, 999-1002). While Eve is both forgiven by Adam and convinced to continue her

life, her willingness to end her life to protect their future children shows compassion, love, and regret lacking in Satan that sets humanity apart and marks them capable, and therefore worthy, of reform. Adam himself remarks, “Eve, thy contempt of life and pleasure seems/ To argue in thee something more sublime” (10, 1013-14) in response to her supplication, though the promise of eventual salvation prevents their suicide. The continuous expressions of love after exile assert humanity’s goodness even in absence of the divine; Earth takes on their virtue, and transforms their punishment into something much more bearable than Hell. Raphael promises Adam an eventual return at the cost of nothing else than the virtues they have already proven to exist in themselves; “[...A]dd faith,/ Add virtue, patience, temperance, add love,/ By name to come called charity, the soul/ Of all the rest: then thou will not be loath/ To leave this Paradise, but shalt possess/ A paradise within thee, happier far.” (12, 581-87). The state of Paradise, or connection with God, as embodied by human devotion is embodied in Eve’s final words to Adam, in which she resolves to follow and obey him and aid in in humanity’s restoration. Her words are the last lines spoken by a human in the poem; the final impression of humanity is a promise of deliverance and devotion, and offered not to God nor to an audience, but strictly to a companion, and, markedly, in sonnet form. “By encapsulating her commitment to Adam in a sonnet, a form traditionally used to express intimate love, she suggests the couple’s regained unity, thus mitigating the loss of the Edenic paradise and fostering in its place the “paradise within”” (Held 173).

Adam and Eve’s exile from Heaven may not be characterized by the same harshness as Hell; their incarceration is both less penetrable, yet more bearable than Satan’s punishment. Earth does not require Hell’s nine doors, because unlike Satan, Adam and Eve intend to pay the price of their wrongdoing and earn their atonement. What sets humanity apart from Satan’s

legion is their willingness to repent, and to forgive each other; choosing to rebuild themselves as individuals and as a pair, committing themselves to the eternal and grueling redemption of their descendants, and refusing to join Satan in the act of destruction (Canfield 45); the fall from grace is not a fall from dignity or humanity, not without the willing consent of the wrongdoers. Where Satan, unwilling and therefore unable to reform, is cast into Hell, unending and inescapable as Death, man is offered some possible escape from sin and death on Earth through life. Satan's punishment is stasis, while mankind, though they seem to suffer more in their punishment, maintain their souls and ability to return to Paradise.

COMMUNITY AND COLLECTIVE HARM: "ONE WITH ME AS I WITH THEE AM ONE"

God in *Paradise Lost* at no point attempts to avoid or mask wrongdoing, even when anticipated, and (unlike the Utopians) grieves for the punishment that He deems necessary, even fated. The punishment He issues is also subjective; not all sin is treated equally, and both blame and punishment bleed out beyond the original transgressors. Adam in particular is marked as perhaps even more disobedient than Eve; Eve is frequently absent or dismissed during conversations of Heaven, and while she was warned not to eat from the Tree of Knowledge, lacked the same knowledge as Adam in the intricacies of Satan's power and cunning. It is also worth noting that God does not appear until Adam has also eaten the fruit, despite the substantial amount of time that passes, and when God does appear, he speaks first to Adam, and speaks far less to Eve when He chastises the two. While disobedience is the cited cause of the injury, these factors add nuance to the both the crime and the punishment issued in response. While Adam and Eve were tempted by Satan rather than choosing insubordination of their own volition, frustration at this perceived subservience had already been expressed by Eve, echoing Satan's fall; even before the temptation there is intimation that a flaw is present, and God expresses little

pity for Eve's temptation by the serpent, "or Adam's by Eve ("Was she thy God, that her thou didst obey/ Before his voice, or was she made thy guide,/ Superior, or but equal, that to her,/ Thou didst resign thy manhood, and the place Wherein God set thee above her made of thee" (10, 145-49)). While temptation does not lessen the grievousness of the transgression, the act of tempting another does increase the blame ascribed and resulting punishment; Eve is given pain of childbirth along with her expulsion from Eden, and even the serpent, despite having no conscious part in the crime, is punished; "Because thou hast done this, thou art accursed/ Above all cattle, each beast of the field;/ Upon thy belly grovelling thy shall go,/ And dust thy shall eat all the days of thy life" (10, 175-78).

Working directly from Genesis, Milton was constrained in his ability to freely depict the consequences of the choice to eat the fruit, but his lines insinuate an assertion of collective blame and suffering; all must pay for transgression, and a crime harms whole communities, not just the wrongdoer. Milton's depiction of the Son's sacrifice and crucifixion to save humanity also asserts this point; to save a living being worth saving, an innocent one also must suffer. Choice of love and devotion even in the face of damnation earns the humans their ability to be saved, though whether those attributes are examples of the divine influence existing in humanity, or humanity itself being good even in its imperfection is impossible to discern. As God's "Creating hand/ Nothing imperfect or deficient left/ Of all that he created, much less man" (12, 344-46), it is understood that all of mankind's capacity for either good or evil was intentional upon creation, but the act of redress is not spoken until sin is introduced and mankind is contaminated. Before, there was no need for it, as there was no harm to atone for. God in His omniscience is aware of humanity's impending fall and salvation before it happens, and the lack of chronological constraint further muddles the distinction between what is distinctively human and what is gifted

from the divine, but, from a human perspective, the concepts of mercy and grace are introduced through *human* interaction before ever expressed by God. Furthermore, it is mankind's enduring love even in corruption that makes the case for the Son's sacrifice and Man's eventual redemption. Companionship becomes more than mankind's endearing idiosyncrasy, but the mark of Godliness; as Adam and Eve choose suffering in the name of each other and their children, so does the Son choose to suffer to earn mankind's ability to be redeemed. This pattern presents harm as a communal issue, requiring communal love and sacrifice for redress, rather than an individual action requiring only individual repentance. When this attitude is adopted in response to mankind's defection from grace, redress is found, but the lack of grief and recognition expressed towards Satan further removes him from any hope for forgiveness; as he is not claimed by his community even in recognition of loss, he is unable to even consider making amends.

PUNISHMENT AS A SELF FULFILLING PROPHECY: "FIRST FROM INWARD GRIEF"

The difference between Satan and humanity's respective exiles again become evident in how their treatments and reactions characterize harm and reactive punishment: the worth of man is reinforced by the Son, but there is no talk in Heaven about even attempting to make peace or redeem Satan and the other demons. Even before humanity expresses grace, grief is afforded to them; the first line after Eve's transgression is mourning, before she can express any regret or virtue that combats her action: "So sating, her rash hand in evil hour/ Forth reaching to the fruit, she plucked, she ate:/ Earth felt the wound, and Nature from her seat/ Sighing through all her works gave signs of woe,/ That all was lost." (9, 280-84). Meanwhile, no such grief is offered for Satan. While Satan's characterization of God is doubtless spiteful and likely untrustworthy, he describes God's attitude towards the defected angels and their punishment with no references to

the grace or grief extended to man; “This Hell then seemed/ A refuge from those wounds”; “Or from above/Should intermitted vengeance arm again/ His red right hand to plague us?” (2, 167-74), and characterizes himself and his compatriots as “Unrespited, unpitied, unreprieved” (2, 185). Satan’s refusal to repent is given as the reason for his unending exile with no hope for return, but God’s lack of acknowledgement for the loss of him seems influential in Satan’s determination for destruction; his wish for vengeance seems inseparable from grief for his own station. The individual will for repentance is necessary for any hope of healing, but both parties must be willing for this redress. God’s complete dismissal and ire for Satan seems as decisive of Satan’s unending damnation as all of Satan’s iniquities.

“[H]ope never comes/ That comes to all; but torture without end [...] Such place Eternal Justice had prepared/ For those rebellious, here their prison ordained/ In utter darkness, and their portion set/ As far remov’d from God and light of Heav’n/ As from the center thrice to th’ utmost pole” (1, 67-74); Satan’s punishment, though escapable, unlike Earth, is visceral and humiliating; the purpose of it is not rooted in any sort of reform. Both Earth and Hell function as exile, but while Earth does allow for restoration, Hell only offers retribution for the fallen angels’ actions. Where Earth is a prison, if a cruel one, Hell is described explicitly as “torture”, and seems as far from earning any redress as the torture that characterized Early Modern penal codes. “It [torture] must mark the victim; it is intended, either by the scar it leaves on the body, or by the spectacle that accompanies it, to brand the victim with infamy; even if its function is to ‘purge’ the crime, torture does not reconcile” (Foucault 34). Hell, with its “Floods and Whirlwinds of tempestuous fire” (1,77) , “thrice threefold the Gates [...] Impenetrable, impal'd with circling fire”, guarded, “On either side a formidable shape” (2, 645- 49), and “No light, but rather darkness visible” (1, 63) all exemplify the “spectacular” nature required of torture. After the events of Eden, though

Satan was the only temptor, all of his legion are "[T]ransformed/ Alike, to serpents all as accessories" (10, 519-20). Indignity for its own sake could serve as deterrence, ("Shameful punishments are effective because they are based on the vanity that was at the root of the crime" [Foucault 107]), but the transformation is not marked as limiting them from future evil, nor a means to allow them to reform themselves through a new means of existence; the punishment is simply an act of retribution. The doling out of shame becomes more of a validation for the punisher than any tool of instruction or reform, as Satan is irredeemable; "A penalty that had no end would be contradictory: all the constraints that it imposes on the convict and of which, having become virtuous once more, he would never be able to take advantage,would be little better than torture; and the effort made to reform him would be so much trouble and expense lost by society" (Foucault 107). No effort is made by God nor the Son to redeem Satan, marking all action dealt to him as served for some other purpose than reform; more akin to torture, causing pain for its sake alone rather than any hope of societal reform. "The very excess of the violence employed is one of the elements of its glory; it [penal torture] is a differentiated production of pain, an organized ritual for the marking of victims and the expression of the power that punishes; not the expression of a legal system driven to exasperation" (Foucault 34). Furthermore, Satan and his followers are not even a cautionary tale to the humans, as the story of their defection and creation of Hell is not told to them until Satan is a direct threat to them. "A secret punishment is a punishment half wasted" (Foucault 111); the concealment of Hell speaks to its purpose not as any constructive punishment, but simply an answering slap to disobedience.

Milton was limited by scripture from affording any sympathy to Satan, much less any narrative of reform, but his characterization of *why* Satan is irredeemable and the contrast of the two methods of punishment aid to make a case for rehabilitative punishment in society. Satan is

deprived of, while Adam and Eve are afforded, "[A] ceremony of mourning. The society that has rediscovered its laws has lost the citizen who violated them. Public punishment must manifest this double affliction: that a citizen should have been capable of ignoring the law and that one should have been obliged to separate oneself from a citizen" (Foucault 110). The expression of mourning and loss not only asserts the wrongness of an action to other community members, it marks the loss as painful to the whole community; this creates the opportunity for return. As Adam and Eve are grieved, the Son is able to step forward and earn them the chance for redemption; as no one grieves for Satan, he is lost before ever confirming himself so.

"The meaning of this mourning must be clear to all; each element of its ritual must speak, repeat the crime, recall the law, show the need for punishment and justify its degree [...] The publicity of the punishment should not have the physical effect of terror; it must open up a book to be read" (Foucault 111). One punishment fits this criteria; the other does not. Adam and Eve's punishment, and *Paradise Lost* itself, serves as both explanation for and mourning of man's first transgression, and the contrast between mankind's punishment and Satan's asserts that the dignity of the wrongdoer, no matter how grievous, is necessary for reform. This mourning and maintenance of sinners and criminals as equals is mandated not just of the wrongdoers in holding themselves accountable while still worthy of reform, but of the rest of the community and even the victim in preserving the space for return and maintaining faith in the ability for reform.

"Virtue of Compassion": Mercy as the Definitive Human Experience in *The Tempest*

"[...] if you now beheld them, your affections

Would become tender[...]

Mine would, sir, were I human."

William Shakespeare, *The Tempest*, 5.1.24-26

INTRODUCTION

The Tempest functions as a unique example of punishment and mercy both in its plot and its philosophical foundations. Like God in *Paradise Lost*, Prospero wields complete and supernatural power over the island, while serving as a paternal figure to his own child and as master to the spirits, as God did to Adam and Eve and to the angels. Unlike God, and more akin to the Utopians, Prospero is forced into the human struggle with morality, rather than able to trust that his judgement is divinely right. However, where the Utopians failed to recognize their cruelty masked in logic and higher learning, Prospero does discover his shortcomings, and seeks for his own repentance. *The Tempest* stands out not only in actually portraying the salvation of wrongdoers, rather than focusing on their punishment and only the vague promise of eventual restoration, but in actually addressing the morality of the *punisher*; even in response to inarguably cruel and immoral actions. Recent analysis has shifted from race and colonial/postcolonial interpretations to focus more on the hyper-theatrical orientation of the play, and specifically Prospero's interactions with accountability and forgiveness. Prospero never receives apology nor expression of regret from those who sought to harm him, yet his grace is required for him to move on from the same harm inflicted upon him; to leave his exile and return to life and community, he must forgive.

All three scenarios address moral transgressions and the question of punishment, but Prospero challenges the other texts in that he chooses unsought mercy, for the sake of grace alone rather than in response to pleas for forgiveness or evidence of changed behavior. *The Tempest* stands in contrast to the proposed nature of punishment alone as a tool of reform (with

internal morality marked more or less irrelevant and solely responsive to punishment in comparison in *Utopia,* and as a mark of worth but not enough to solely redeem in *Paradise Lost),* and instead advocates for the power of mercy; both for its own sake, and as a uniquely identifying aspect of humanity that sets them apart from nature or the divine, the capacity to allow for harm and the determination to insist on redress.

TEMPEST AND UTOPIA

The island in the play serves as a sort of proto-Utopia; Prospero functions as government or monarch, as an educated and moral man who rules over others, decides what should be done, and what is good and what is punishable. His whims are the others' labor, Miranda his project and receiver of education, Ariel his servant and Caliban his prisoner. That Prospero's power is at least partly attributed to his vast knowledge from his books "intimate[s] that he has achieved a synthesis of moral and political virtue that the Renaissance associated with enlightened, exemplary rulers" (Bulger 39); he mimics the Utopians' assertion of power over others through the argument that he is more educated, is the only inhabitant to recall civilized life outside of the island, and by this holds a greater worth than the other island inhabitants that justify their service to him, just as Utopians believed in their own logical and moral superiority to justify their punitive practices both to their own and to foreign citizens; "His memory is used in these conversations to bring people back to heel, whether it is Ariel to his bonded service, Caliban to his interminable servitude, or Miranda to her father's precepts " (Beckwith 160). Though Prospero seemingly possesses the knowledge and disposition for a fair and just ruler, he still maintains unchecked power on the island, and the others are not only beneath him in authority, but directly subservient to him. Ariel and Caliban both perform Prospero's bidding, and Miranda, while she is raised by Prospero rather than his maid, is still placed in a role of duty to him; she

hears his tales and bends to his will, and even her exertion of autonomy in regards to her love for Ferdinand is secretly endorsed and even orchestrated by Prospero. “[T]his swift business/ I must uneasy make, lest too light winning/ make the prize light” (1.2.449-51). Like Utopia, wrongfulness and sin can never be completely extirpated from the society on the island; but unlike Utopia, instead of attempting to do so through extended punishment, Prospero learns that retribution is overall powerless to teach morality, and instead devotes himself to extending grace; either for the sake of his own soul, or in advocation of a brighter, more healed future for his child and the island he leaves behind. “Prospero acknowledges the desirability of a society based primarily on love rather than on power” (Bulger 44). Where Utopians, and even God, insist on the necessity for punishment in response to harm, Prospero eventually settles on unwarranted grace; and, as a result, both himself and the criminals of the text are the only ones amongst the three works that actually achieve restoration.

TEMPEST AND PARADISE LOST

As humility sets Prospero apart from the Utopians, his contrast to God is found in his humanity, and the inherent state of imperfection and flaw that is inseparable from humanity. God, despite being all-powerful, in His prioritization of free will is required by His own power to punish those that choose greed or curiosity over faithfulness. In that He and His creations have the ability to be perfect, anything less must be punishable, and the Son’s sacrifice; unjust suffering of an innocent being in defense of a sinful one; is required for even the hope of salvation for humanity. In comparison, Prospero is able to accept flaws, both in himself and others, and thus can extend grace that is neither sought for nor, by any pre-existing standard, deserved.

> "Prospero has godlike attributes, including a disquieting measure of the kind of irritability and wrath that often characterizes the Lord God in the earlier books of the Old Testament, but he learns about his humanity in the course of the action, and he transforms himself (as well as others) [...].His speech on compassion constitutes both an implicit acknowledgment of the difference between God's power and man's, a prologue to the adjuration of his "rough magic" that immediately follows, and an elucidation of the consequent strife that his human virtue entails" (Kirsch 343).

In his final forgiveness of Antonio, Sebastian and Alonso, Prospero again takes on the role of God in enacting divine power without justification, but his unwarranted grace is a mark of humanity unable to be replicated by God. As Eve sought forgiveness before even God could offer it, and as Adam extended mercy and prioritized companionship even over faith and paradise, Prospero's choice to extend undeserved mercy to the royals in act 5 redefines his own exile much as the humans' same choice in *Paradise Lost* did for them. Adam and Eve's choice for companionship, motivated by mutual love and devotion, creates a "paradise within" (12,587) that marks their exile apart from Satan's damnation. Prospero's forgiveness mirrors this self-fulfilling prophecy by not only freeing his betrayers from Ariel's curse, but freeing himself and Miranda from their own exile, and restoring Ariel and Caliban to their previous states of freedom on the island. Where sin is punished in *Paradise Lost*, it is accepted in *The Tempest*. The acceptance of wrongdoing as intrinsic to humanity allows for the same understanding of mercy; it is an intrinsic part of human nature and must be expressed whenever possible, even to those who may be undeserving. In this radical understanding of mercy as a definitive aspect of human nature, *The Tempest* redefines what is possible both societally and interpersonally in making a place for mercy.

TEMPEST AND COLONIZATION; “WHICH FIRST WAS MINE OWN KING”

While I focus on the questions of justice and punishment in *The Tempest* and my analysis lies outside the colonial/postcolonial framework, the racialization of Ariel and Caliban are inseparable from their treatment and the understanding of both their morality and their worth, which define their treatment, service, and punishments. The orientation of my analysis of *The Tempest*, as focused more on the ethical and juridical aspects, by nature leaves unanswered questions about the nuances of race in regards to attributed morality and resulting punishment. Still I believe it would be remiss to leave the question of racialization and colonization completely unaddressed, and consider the island spirits’ connection with ongoing colonization at the time a reflection of what *The Tempest* argues about justice and mercy. The spirits of the island hold an unignorable mirror to the colonization of the Americas that was taking place throughout (as well as before and after) the era. Caliban and Ariel are markedly non-human; but while Ariel is a spirit and characterized as closer to fairykind, and takes on superhuman qualities, taking on a position as equal or above humanity even while in servitude, Caliban is distinctly subhuman. His actual status in position to humanity is murky; he is described as “a freckled whelp. Hag-born— not honored with/ A human shape” (1.2.283-34). Though no explicit nonhuman or supernatural parenthood is attributed to Caliban, he is not only spoken of in these terms that strip him of otherwise assumed humanity, he is robbed of the same affection granted to Ariel; where Ariel inhabits the role of the “noble savage”, and gifted with affectionate monikers such as “tricksy spirit” (5.1.273), Caliban is addressed as “tortoise” (1.2.316), “cat”, mooncalf”, and “monster” (2.2); the only name he is afforded bearing any semblance of humanity before act 5 is his true name (which, a play in the word “cannibal”, also evokes savagery and violence), and “slave”. Only in act 5, as he is freed, is Caliban addressed as

"sirrah" (5.1.294), still marked inferior, but finally afforded human connection. The name is afforded not in response to any changed behavior from Caliban, as Prospero addresses him before Caliban's apology. It is afforded based on Prospero's decision to afford grace, without retribution, and decided solely on his decision for restoration rather than the behavior of the other actors. The humanity that is afforded and ripped away from Caliban based on the whims of Prospero and Miranda mimic traditional colonialist attitudes; once, Caliban held the same "noble savage" status as Ariel, and was afforded a colonialist treatment of affection and education, at the price of the exchange of his land, as Caliban teaches Prospero and Miranda "all the qualities o'th' isle" (1.2.337). While Miranda characterizes the treatment of Caliban as akin to a student ("I pitied thee,/ Took pains to make thee speak, taught thee each hour/ One thing or other. When thou didst not, savage,/ Know thine own meaning but would gabble like/ A thing most brutish, I endowed thy purposes/ With words that made them known:" (1.2.351-57)), Caliban's description takes on qualities both animal and human "When thou cam'st first/ Thou strok'st me and made much of me; wouldst give me/ Water with berries in't, and teach me how/ To name the bigger light, and how the less/ That burn by day and night" (1.2.333-36). The initial stripping of this affection and humanity is attributed to his attempted rape of Miranda; but the restoration in act 5, given of Prospero's own volition independent of Caliban's repentace, and immediately following his attempted murder of Prospero, marks the treatment as more reflective of Prospero's attitudes rather than a true reflection of Caliban's earned or unearned dignity.

Caliban is frequently characterized in analysis as the disenfranchised indigenous population; however, his position on the island resembles more of a prison colony. His existence on the island resembles second-generation colonization, born to a non-native inhabitant who first enslaved and then imprisoned the island's true indigenous population; "This blue-eyed hag was

hither brought with child, and here was left by th' sailors. Thou, my slave,/ As thou report'st thyself, was then her servant;/ And for thou wast a spirit too delicate/ To act her earthy and abhorred commands,/ Refusing her grand hests, she did confine thee" (1.2.269-74).

As he is not truly integrated with the island by nature, as Ariel is, yet never known any other life, Caliban inhabits a liminal space between colonizer and native in the same way he is neither truly seen as neither human nor spirit. He claims the isle as his own by birthright and blames Prospero for the same treatment his own mother dealt Ariel; enslavement and imprisonment. Caliban's claim of ownership, and his later attempt to usurp Prospero and devote himself to Stephano as leader instead, are all Western understandings of interaction with land and with nature. Ariel, the true indigenous population, does not speak of ownership, only of the restoration of his liberty. His existence is integrated with the island and the elements; though this is due to his supernatural nature, he is still removed from Western/colonialism conceptions of ownership that Caliban adheres to. Even so, Caliban's dehumanization bears a racialization. His origin is marked as Algiers, insinuating non-whiteness, but the attribution of "freckles" and the "blue-eyed"-ness of his mother evoke whiteness, although could possibly be intended as an allusion to Irishness, which was a racialized other at the time (Takaki). He is marked as "profitable" even as a body, as Native American bodies would be paid for the privilege of viewing; Caliban's simultaneous savagery and "civilized" origins again place him in a state of limbo, between human and animal, between islander and exile, between indigenous savage and castoff from civilization. "Caliban is by turns sympathetic and ridiculous; the play's racism inheres most clearly in its linking of Caliban's "vile race" to a "nature" that is conceived of as comically grotesque rather than demonic. Ultimately, the play trivializes Caliban's plight" (Willis 286). While Caliban is othered, he is not granted the affectionate exotification given to both Ariel and

Native Americans. While considered uncivilized and savage, Native Americans were also described as, "very gentle and without knowledge of ... evil" (Takaki 899), a characterization also afforded the island spirits by Gonzalo; "I saw such islanders/ . .. who, though they are of monstrous shape, yet, note/ their manners are more gentle, kind, than of/ our human generation you shall find/ many- nay, almost any" (3.3.30-34). The attribution of uncivilized origin, but with a good soul able to be tamed and happy servitude, marks Ariel as analogy for Native Americans rather than Caliban; Ariel is the noble savage and happy servant, affectionate towards Prospero and told his servitude is a gift of existence above his previous state of confinement, with Ariel's wishes and autonomy placed aside.

While the colonization of the Americas largely lacked criticism during the time of *Tempest*'s writing, as did the violence against indigenous populations, the violence and enslavement of both Ariel and Caliban is resolved not through eradication or conversion to European civilization, but rather of restoration to their previous states, and to their claim over the island. Part of Caliban's unceremonious restoration is a mark of his trivialization that stems from his dehumanization, but Ariel is afforded more sympathy that disrupts a narrative of colonization as divine or deserved. *The Tempest* interrupts the colonialist tradition of divine ownership of land or superiority over native populations by requiring Prospero's abandonment of the island, and the return of its inhabitants to their existence before his arrival. The only true way for restoration is to leave the island, and to free its inhabitants; Prospero escapes consequences from his abuse and enslavement of the Natives, even the "pinches" or "cramps" he instills in those who have wronged him, but nevertheless begs forgiveness for his faults. The islanders are not afforded the same dignity as the humans, but nevertheless marked as requiring their freedom for true restoration of all the wrongs in the play. Their enslavement is not grieved for, but neither is it

completely condoned. In their dehumanization they escape the obligation for dignity that is afforded the humans, but still reap the benefits of universal mercy enacted in the play's conclusion.

PROSPERO AND PUNISHMENT;

None of this is to say that Prospero is wholly merciful or even just; his actions in the opening scenes reflect Utopian punishment in his extended imprisonment of Ariel, despite loyalty and good behavior paired with Ariel's repeated wishes for freedom; "Remember I have done thee worthy service/ Told thee no lies, made no mistakes, served/ without grudge nor grumblings. Thou did promise/ To bate me a full year" (1.2.247-50). Prospero's enslavement of Ariel exemplifies the economic dependence of enslavement as marring the institution and rendering pure moral responses impossible; on the microsociety of the island, the continuation of Ariel's imprisonment despite neither injury nor offense dealt to Prospero (either previous or continuing) serves neither to purify Ariel's soul nor to atone for a debt, and is solely an extortion of labor for selfish purposes. As Prospero's intelligence is used to argue for his hegemonic rule of the island, the previous torment of Ariel is used to argue for his continued enslavement, rather than any action that would earn his service in recompense; "Thou best know'st/ What torment I did find thee in [...] It was mine art,/ When I arrived and heard thee, that made gape/ The pine and let thee out" (1.2.286-93). The use of debt as justification for imprisonment or servitude subtly debunks the argument of punishment as reformative in and of itself; its purpose is to suit the victim, but while the economic benefit cannot be argued, for any non-economic harm dealt, retributive punishment can therefore never produce any true recompense as no moral reformation can be found in its motivations. Freedom therefore becomes a universal requirement for restoration in *The Tempest*; every character's autonomy and forgiveness must be established, and

the act of freeing another takes on a circular effect, where the act of forgiving another creates the actor's own salvation. The end of Ariel's punishment is marked by a mutual freeing of the humans; the final command he receives from Prospero is to, "Set Caliban and his companions free:/ Untie the spell." (5.1.255-56). His final action is to free those who harmed Prospero, and indirectly caused Ariel's own enslavement (though also bringing about his freedom from Sycorax's curse). Punishment, enslavement, and exile become self-fulfilling and beget only continued suffering with no moral change. The freeing of the other humans is Prospero's requirement for his own restoration, too, which he must receive before freeing Ariel and Caliban. Instead of a wrongdoer forced to make amends (which is often impossible, especially by the standards of near or total perfection set in *Utopia* and in *Paradise Lost*), the obligation for restoration falls on the community, and in this communal blame allows for restoration rather than suffering. The commitment to forgiveness in defense of another mimics the Son's sacrifice in *Paradise Lost*, and again makes the case that a communal commitment to each other is by far the most effective route to healing a past injustice.

The relative kindness extended to Ariel, contrasted with the abuse doled out in response to Caliban's ill wishes imitates *Paradise Lost'*s assertion that inner morality can serve as at least partial recompense for harm done. The continued harsh physical punishment in response to Caliban's actions also echo the previous narratives of punishment as reforming in and of itself; yet, while Prospero himself grieves the ineffectiveness of a reformative approach to Caliban, ("Thou most lying slave,/ Whom stripes may move, not kindness" (1.2.344-45)), he insists upon relying on his service (But, as 'tis,/ We cannot miss him. He does make our fire, Fetch in our wood, and serves in offices that profit us." (1.2, 310-13), again echoing Utopian economic (as much as can be said for the island) motivation for punishment and specifically enslavement.

Caliban is not only decidedly set in his ways ("Would't had been done! Thou didst prevent me; I had peopled else/ This isle with Calibans" (1.1.347-49))and refusing of repentance or reform, he is an active threat to Miranda, and causes her fear, but rather than banishing him to another part of the island, or even enacting capital punishment, Prospero allows him to continue in close quarters to himself and Miranda, only demoting Caliban from student to slave. The punishment is not for the possible reform of Caliban, or even in the defense of the most vulnerable of the island micro-society, but for capital gain. In his punishment of Caliban, Prospero falls victim to the same moral fallacy of the Utopians; after harm is dealt or attempted, he responds with retribution and degradation, but only succeeds in further distancing the condemned from community and restoration. Caliban's punishment also does nothing to reform him. His mandated distance from Miranda for her safety is understandable, but the abuse Prospero deals him appears commonplace, as do his threats and ill wishes; the audience has no reason to believe that the "cramps" Prospero rewards him have any staying power, nor the torment of the spirits that precede his request for forgiveness in the final act of the play.

The enslavement of the spirits with their respective behaviors is illustrative of the ineffectiveness of retribution.The fact that Prospero does not exercise the same unwarranted forgiveness he extends to Antonio and Sebastian to the island spirits serves as an allegory for their marked inhumanity; an innate trait in *The Tempest* and an ascribed one in Utopia (due to criminality). "The possibility and resources of forgiveness can, after all, be fully grasped only if the mutuality of harmer and harmed, caught in the same act, can be mutually recognized." (Beckwith 148). Prospero's acceptance of mutuality with Caliban and Ariel is necessary for his expressions of mercy and for his own freedom. While Prospero is trapped on the island, he keeps the spirits in his service, but frees them when his own restoration is found, although not a

moment before. This expression, the gift of human dignity to nonhuman creatures, is a mark of Prospero's own restored humanity and freedom, and an illustration of the circular nature of retributive punishment. As long as Prospero imprisons the islanders, he cannot be free himself, and to return to Milan, he has to free them and to forgive his usurpers, regardless of their deservingness. The offering of grace attests to the necessity of community for true healing, and how punishment not only fails to reform, it prevents the victim from moving on from the harm done to them.

While Utopians argue for the use of harsh, retributive punishment for its power to reform (which, I argue, ultimately fails), in *The Tempest*, this failure is illustrated and learned from, and its alternative is also portrayed as successful. To mark a failure to behave morally is to acknowledge the other individual as *capable* of existing on the same moral plane and executing goodness in action. "[...J]udgment is a way of manifesting our status as free agents in moral terms – in terms, that is, of a collective obligation to the good that only a free agent could enter into" (Curran 167). In the same vein that "free agents" must acknowledge the obligation for goodness, in the face of failure, those same free agents must continually commit themselves to the pursuit and establishment of that goodness; this is where Prospero's treatment of Caliban marks his difference. "For a true community to be established, superior as well as inferior individuals must subscribe to a common justice advocating both equity and mercy" (Bulger 44). Prospero's abuse bestows upon Caliban the same expectations of a human or any other equal, but his forgiveness marks Prospero's own humanity and prioritization of peace over retribution. Prospero's forgiveness is able to restore because it ascribes humanity, even to those in whom it is questioned. In this, he bestows dignity and peace, for both individuals and for those around them, and allows the harm done to finally be laid to rest.

MIRANDA AND INNOCENCE

Miranda, human in form and being but isolated from any other human influence but her father, presents another case for radical mercy, although this time with no hurt to overcome. From her very introduction, she is the epitome of grace and empathy ("Oh, I have suffered/ with those I saw suffer") (1.2.5-6), and refrains from judgement ("I should sin/ To think but nobly of my grandmother./ Good wombs have borne bad sons" (1.2.117-19)) except in the case of Caliban, the only creature to ever attempt her harm. Miranda's relationship with Caliban is never re-examined; but for this one exchange, she does not speak with him, and expresses her utmost disdain and fear with no reconciliation from either party. Her first and only instance of poor faith in another creature is immediately met with the first expression of grace at the entrance of Ferdinand. Though Prospero's ire towards Ferdinand is feigned to encourage their infatuation, Ferdinand is nevertheless a representation of the world Prospero was forcefully ejected from, and a direct descendent of his usurpers. Miranda's immediate adoration for Ferdinand marks a beginning to the process for healing. While her naivety is a major influence in her instant love for Ferdinand, she is not alone in her feelings— Ferdinand, with all the benefits of civilization and guardedness taught to a prince, is as struck by Miranda as she is by him, and is as kind and devoted to her as any father could wish for a daughter. "Miranda can brave a response of wonder and of warmth, but her exemplary empathic projections, her capacity for compassion and wonder are, we are informed, based on her innocence, an innocence which must nevertheless be cherished, for the future will depend upon it. Can wonder and pity survive experience, betrayal, irreparable loss, powerlessness?" (Beckwith 170). Ferdinand, the embodiment of the harm Prospero suffered, presents the same goodness seen in Miranda, and attests that good is not only found in naivety. The love between them begins Prospero's journey to forgiveness, by

embodying something new, rather than attempting to erase a wound that has scarred, but healed. "What The Tempest will end up suggesting is that our best hope lies in new beginnings disclosed by love" (Beckwith 159). Miranda's willingness to bond with the representation of Prospero's pain, and Ferdinand's embodiment of the capacity for goodness even from a history of corruption allows for Prospero to commit to a new narrative, of letting go and beginning again. "To recall something is to perceive that it is utterly bound up with the minds and thoughts of others, their histories and their logics. This, in turn, means that there can be no absolute renovation, no brave new beginnings, just the fragile, precious and tenacious hope of starting over. The world can only seem brave and new on the basis of innocence rather than experience" (Beckwith 159-160). This perspective, of abandoning completely the restitution that by all previously held conceptions is owed to Prospero, is jarring to witness when performed. The total lack of retribution, of punishment, in favor of absolute mercy is unfamiliar to audiences and at first appears unfair, even dangerous to the future of the characters facing their transgressors with no evidence of moral reform. But the concept of reform as presented in the previous two texts is either ineffective or grueling; *The Tempest* presents an alternative option, where consequences are not faced and pain is not inflicted, but a future for both the cause of the harm and the victim is secured.

PROSPERO'S FORGIVENESS

After four acts of theatrical orchestrations and teasing punishments, Prospero's final forgiveness of his usurpers and Alonso's would-be murderers appears at first out of place. Sebastian, and particularly Antonio, have shown no remorse nor intimation of changing their ways. As sole lord of the island, Prospero has no obligation to forgive, no other powers to answer to; should he decide to murder one or both, or leave them stranded on the island, even after

returning to Milan it is unlikely he would face consequences. His forgiveness is unsolicited and unearned, yet offered without question of promise of gain. Alternatively, but not entirely removed from *Utopia*'s and *Paradise Lost*'s presentation of punishment and pain as redeeming, *Tempest* instead advocates for repentance, if not retribution. Repentance at first is offered to the transgressors as a necessary means of reform; the final lines of Ariel's curse promise, "heart's sorrow" will ensure a "clear life ensuing" ((3.3.81-2), Bulger 42). But it is only Alonso who responds both to Ariel's curse, and to Prospero's admonishments and eventual forgiveness in the final scene; it is also he who actually suffers a loss among the three. Alonso is the farthest removed from violence, yet still suffers most through the "loss" of Ferdinand; "[...P]ronounced the name of Prosper. It did bass my trespass./ Therefore my son i'th' ooze is bedded, and/ I'll seek him deeper than e'er plummet sounded,/ And with him there lie mudded" (4.1.100-03). This "punishment" dealt to him he addresses as an effect of his past crimes, and as necessitating both his punishment in the loss of Ferdinand, as well as continued suffering to join Ferdinand in death (either in grief or in self- punishment for indirectly bringing about the death of his son). This assumption reflects the audience's expectations of punishment and is a mark of the human world that Alonso (as well as Prospero) left behind; harm done demands more harm in payment, regardless of any good it would do. Alonso inhabits a similar limbo to Prospero, in that he has dealt less harm in comparison to Antonio and Sebastian, but by this same merit of virtue feels regret for his actions and asks for forgiveness ("But oh, how oddly it will sound that I/ Must ask my child forgiveness!" (5.1.234-35)). This practice aligns with previously held conceptions of punishment and morality; retribution, mercy as something that must be begged and not something undeservedly bestowed. Prospero interrupts this literally and figuratively in his response to Alonso's appeal to Ferdinand's forgiveness: "There, sir, stop./ Let us not burden our

remembrances with/ A heaviness that's gone" (5.1.197-99). He advocates for pain to be forgotten rather than forgiven, and applies this same new rhetoric to the unrepentant Antonio and Sebastian. Though he chastises them and reclaims his title, no forgiveness is asked for; it is given without question.

Still, the unrepentant and unpunished Antonio and Sebastian are offered equivalent grace. Prospero does bestow "pinches" upon them; but even this punishment is not only extremely short-lived, lasting less than the expanse of 100 lines, it is the most subdued of the punishments that Prospero enforces; even less so than the "cramps" afforded Caliban simply for his cruel words and fruitless curses upon Prospero and Miranda. The idea of retribution is echoed, but it is hollow and heartless, moreso motions, and with no evidence of true reform before grace is extended. Even when forgiving, Prospero emphasizes that Antonio's state is still as foul as when he was first driven from Milan, negating any of the previous narratives of reform that this moral change is somehow *required* for forgiveness; "For you, most wicked sir/ whom to call brother/Would even infect my mouth, I do forgive/ Thy rankest fault— all of them" (5.1.130-33). Antonio and Sebastian are not even *asked* to repent; Prospero forgives them when they are largely silent, negating the expectation as well as requirement for remorse or even changed morality. The silence of the transgressors still met with forgiveness demonstrates that Prospero's choice is mercy for mercy's sake, an action directed towards an end goal of communal healing rather than retribution, or even redress. The willingness of Prospero to sacrifice his own dignity in favor of moving on from even a grievous crime is an unfamiliar narrative for the time period; it is a quiet but effective advocation for a society that takes only the best aspects of humanity, the ones that survive the trials of abandonment, and the ones that actually bring about a happy end.

The immediately ensuing dismissal of Caliban and his drunken companions is even more rushed than the forgiveness of the royals; while only a scene before the trio had attempted to murder and overthrow Prospero, they are reduced to chastised children, bemusedly mocked rather than expected to answer to what they would have enacted. Again, Prospero bestows forgiveness before it can be asked for; "As you look/ To have my pardon, trim it handsomely" (5.1.295-96). Caliban responds this time with humility, but there is no reason to believe that this plea for grace is a true repentance, and it appears rather to be rooted in condemnation of Stephano and Caliban's own foolishness in trusting him. Even the "wiseness" Caliban promises does not address his previous cruelties, or his intent to murder and usurp Prospero, but only his own decisions in who to confide in in his unsavory schemes. Despite this, the island is still returned to the spirits; Caliban has claimed it as his birthright, and it appears to be Ariel's home even when he is not imprisoned or in service there. The supplications for forgiveness from Alonso, paired with loss and suffering, or Ariel's kind treatment and freedom after service without complaint or disobedience, would present punishment as reforming in and of itself. But the same mercy is shown to the unrepentant villains, and expressions of grief for past actions are freely offered and never sought by the victim of the injury. "Restitution can never restore, not only because of the very logic of human action, but because of its remorseless temporality" (Beckwith 159); The unanimous restoration regardless of remorse marks reform as not the responsibility of the injurer, but rather the one harmed; it is upon them to find a place for mercy and reform, regardless of whether the transgressor 'deserves' forgiveness.

The most important person awaiting restoration, however, is Prospero— both in offering and in receiving forgiveness. Still violent, but far short of the attempts of upon his life by those around him, Prospero is not without fault concerning his exile; he himself admits to, "neglecting

worldly ends, all dedicated/ To closeness and the bettering of my mind" (1.2.89-90); his own self-absorption and pursuit of knowledge lead him to abandon his practical responsibilities, and not only allow his duties to fall to an inferior ruler, he failed to recognize the impending mutiny and almost cost the lives of himself and his innocent infant daughter. In his time on the island, Prospero does not change his ways at first; the play's opening scene is Prospero enacting punishment, stranding the ship so that he can exact what he desires from the royals. He enslaves Ariel for purely selfish motivations, even acknowledging the bond of friendship they share; and though once was fond of Caliban and attempted to civilize him, now primarily offers abuse both verbal and physical, and still demands Caliban's service rather than performing it himself, even at the price of Caliban's detriment to the island's community. He subjects Caliban to continuous torture, either at his own hands or those of the island spirits, again recalling Utopian practices of whipping unruly slaves while respecting obedient ones; again the practice insinuates a motive of egoism rather than reform, and Caliban never shows motivation to reform himself in response to the pain dealt to him, only cowers and silences himself for temporary reprieve. Throughout the play, Prospero torments those around him to varying degrees; either petty fooling with Ferdinand, or the more direct vengeance he exacts upon the royals. While all of this puppetry is a means to an end, Prospero has still not shown signs of grace before this moment; even act 4 is concluded with his setting the island spirits upon Caliban, Stephano and Trinculo like hunting dogs, taking pleasure in the pain he sets upon them.

Before Act 5, Prospero has acted as prisoner; he inflicts his own pain on others, and takes on the role of imprisoner in retaliation to his own exile. To restore his own state, Prospero is responsible for "freeing" those he interacts with, either from the literal bonds he forces on the islanders, or the curse he places on the royals; a more constraining embodiment of the guilt he

places upon them before speaking aloud his forgiveness. In his vengeance, Prospero has forgotten his humanity, and only through freeing others can he restore it. When he considers his betrayers, it is Ariel who first speaks of grace.

ARIEL: Your charm so strongly works ‘em

That if you now beheld them, your affections

Would become tender.

PROSPERO: Dost thou think so, spirit?

ARIEL: Mine would, sir, were I human.” (5.1.17-19)

The invocation of *humanity* as the requirement for tenderness characterizes Prospero’s prior harshness as somewhat lacking in that same characteristic, and for tenderness, or forgiveness, to be expressed to restore it; “Ariel tutors Prospero in how to be human, how to be kind.” (Beckwith 148). As Prospero will shortly mimic, Ariel as prisoner expresses a kindness that is yet to be shown to him, and prompts an answering action of mercy in return. This expression is the turning point for Prospero, but it is only after another being invokes his humanity that he finds his ability to express mercy. His response also calls upon his own humanity, and the previous abandonment of his obligation for mercy that stems from it;

“And mine shall.

Hast thou, which art but air, a touch, a feeling

Of their afflictions, and shall not myself—

One of their kind, that relish all as sharply

Passion as they— Be kindlier moved than thou art?

Though with their high wrongs I am struck to the quick,

Yet with my nobler reason ‘gainst my fury

Do I take part, The rarer action is

In virtue than in vengeance." (5.1.20-28).

Prospero admits that his state as human asks of him to "be kindlier moved" than Ariel; his humanity requires expressions of grace and mercy that are unrivaled by beings of nature or religion. He evokes the same notion of mercy as definitively human as enacted by Adam and Eve in *Paradise Lost*, and in being reminded of his humanity finds that grace also is required of him; whether or not it is deserved, it is intrinsic and inseparable from what makes us human.

Prospero's actions disrupt the tradition of punishment in that consequences are not paid; though regret is not mandated for reform, when it is offered, it is marked as enough for restitution. The traditional goal of punishment was not solely to pay a debt or reform an erred soul, but to mimic the initial injury; "The penalty must be made to conform as closely as possible to the nature of the offence" (Beccaria qtd. Foucault 104). The disruption of retribution is not only a deviation of the understanding of the need for retribution and the general justifying rhetoric behind why we punish, but of societal organizations and interactions themselves."The punishment must proceed from the crime; the law must appear to be a necessity of things, and power must act while concealing itself beneath the gentle force of nature" (Foucault 106). To abandon punishment is to abandon power. Prospero's decision to forgive Antonio devalues his own position and dignity by refusing to advocate for his revenge, but it simultaneously prioritizes the relation he holds with his brother and the other royals, placing those bonds above his individual worth. As the success of punishment as a determinant is characterized by its connection with shame ("Shameful punishments are effective because they are based on the vanity that was at the root of the crime" (Foucault 107)), the instinct to punish is also based on a belief of superiority and drive to subjugate others. This is illustrated literally in *The Tempest*, as

Prospero's retribution is literal enslavement of the island spirits, and his forgiveness of the humans also requires freeing those he has previously held under his power. His decision to abandon revenge in the final scene may read initially as debasing himself and what he is "owed", even dangerous given the lack of repentance from his usurpers. But as Prospero bypasses punishment, so too does he bypass the "ceremony of mourning" that accompanies it; "The society that has rediscovered its laws has lost the citizen who violated them" (Foucault 110). By abandoning the laws, the citizen is preserved, and the society can heal.

Prospero echoes the need for forgiveness in the final epilogue, unlike (though not uniquely) a typical supplication for applause based on merit of the actors, Prospero asks instead for forgiveness, and freedom. "One tendency in recent criticism of *The Tempes*t has been to see Prospero's magnificent speech and the play itself as an expression of Shakespeare's disenchantment with the limitations of theatrical illusion" (Kirsch 349). The break in custom in the final epilogue

Despite the end of his exile offered by the royals, the return of his Dukedom set, and his safe passage back to Milan secured, Prospero still identifies himself as bound to the island, and dependent on receiving his own pardon; "Unless I be relieved by prayer,/ Which pierces so that it assaults/ Mercy itself and frees all faults./ As you from crimes would pardoned be,/ Let your indulgence set me free." (5, Epilogue,16-20). He recognizes not only his past faults, but the need for his actions to be forgiven. While he has righted the wrongs by restoring freedom to Ariel and Caliban, and made peace with the royals, Prospero's own wrongdoings have yet to be acknowledged; thus, he turns to the audience. "It shows us, in other words, that at the heart of Prospero's judgment–invention linkage is an implicit assumption that the playgoers assembled in the theater are free agents and therefore not just able to judge, but also expected to judge"

(Curran 168). The requirement in each instance of harm is not reform, even redress, as we see in the difference between the forgiveness Prospero offers to the islanders as opposed to the royals; but what is mandated in each case, regardless of origin, is forgiveness. As Prospero is the primary witness to his own shortcomings, he is forced to seek grace from the only entity that can perceive him in all his faults, and thus requires forgiveness from the audience not only to end the show on a note of applause, but to complete the restoration of his humanity and finally free him from his imprisonment.

CONCLUSION

Prospero enacts all-encompassing forgiveness to all on the island, restoring all ill and returning each character to their former state,with no lasting impact regardless of the weight of their actions. In this he differs from the Utopians or the Tallstorians, who force wrongdoers to bear either a physical mark or a stained soul for the rest of their lives by nature of their punishment; and from God, who allows the opportunity for restoration, but only after a lifetime of recompense for the original sin of humankind. Prospero's forgiveness is an advocation for intrinsic worth; he does not require labor nor tears, does not degrade the soul, restores those who moments ago sought to end his life. "The Tempest, then, is at once a sober acknowledgement of the fragility of Utopian ideals and also a testament to the enduring vitality and desirability of the concept of the utopic community" (Bulger 44). Where Utopia failed by placing ideals of virtue and education above human dignity, Prospero succeeds in prioritizing freedom and restoration above revenge and even his own state. While the question of justice goes unanswered in *The Tempest,* the question of mercy is answered definitively; that it is worth more than punishment or retribution, and that it is worth sacrificing for. To devote himself to punishment was to sacrifice Prospero's humanity. To forgive, even at the cost of his recompense, allows the restoration not

only of Prospero, but of his family and community. Mercy in *The Tempest* comes to juxtapose traditional understandings of justice, but allows for true reformation; if not of a villain, of a victim, and on behalf of both lives that would otherwise be lost or wasted in pursuit of retribution.

Conclusion: The Place of Mercy, Then and Now

I am not bold enough to argue that any of these texts, nor any aspect of human experience, can advocate for a universal morality or response to injustice. I do not argue either that morality, justice, and mercy are intertwined or reconcilable. What I do believe can be advocated for, and can be read in the chosen texts, is that, regardless of whether a debt is paid, mercy will emerge in the face of punishment. Even in harsh retributive systems, real or fictional, rare instances of grace or criticism of the system persistently emerge. Even idealist re-imaginings of the current system of retribution offer insight that something is amiss, and the obligation for the preservation of human dignity is being forsaken. Where punishment is mandated, reform can still be found, and when mercy is granted, even at the cost of retribution, restoration can be prioritized in ways it cannot in a retributive mindset. *Utopia*, *Paradise Lost,* and *The Tempest* embody a determination to seek for grace even during the establishment of a hyper-punitive carceral system, and both the condemnations and alternatives presented in each text remain relevant even today. America's current system of punishment is both inhumane and unsustainable; to commit to reform or abolition, the issues and alternatives offered not just at the current state, but at the root of the institution, must be understood. To challenge the modern carceral system requires not only an argument against the economic basis or social impact of prisons; it requires a complete societal disruption of the underlying rhetoric that justifies the cruelty of these systems. The commitment to retribution is taught, and used to sow approval or

apathy towards the grievous human rights violations that permeate the prison industrial complex even today. By finding the cracks in both implementation and rhetoric at the root of the institution can best help lead to interruption of the injustices and identify a more merciful alternative. These texts characterize mercy as worth devoting ourselves to, even at the price of repaying the debt owed from the initial wound, and identify mercy as the path to true reconciliation and moving beyond the harm done. Each interacts with punishment in a distinct way, and the three portrayals create a case that presents forgiveness and a commitment from whole communities to prioritize reform as the best avenue for healing and connection. The case for mercy not only interrupts the conception that the flaws in our punishment system are an issue of implementation that need only to be tweaked to be solved, but the very narrative itself that punishment is synonymous with justice. For mercy to become prioritized is to commit to human dignity, connection, and healing, rather than simply to repay a debt, be it economic or moral. Challenging the narrative of retribution can not only redefine punishment and the carceral system, but reigning moralities throughout our society that perpetuate injustice and inequality. Identifying the place for mercy throughout human history and throughout the art they create identifies that even when surrounded by hyperpunitive systems, injustice, and pain, a rhetoric of mercy can always emerge; if it can survive, it is worth nurturing, and worth implementing, and the preservation of even the forsaken among us produces a society more devoted to dignity and kindness; reforming not only those who have wronged others, but prioritizing the values of goodness that create a more merciful, and just society.

Works Cited

Avineri, Shlomo. “War And Slavery In More's ‘Utopia.’” *International Review of Social History*, vol. 7, no. 2, 1962, pp. 260–290. *JSTOR*, www.jstor.org/stable/44581481. Accessed 25 Mar. 2021.

Bowers, Fredson. “Adam, Eve, and the Fall in ‘Paradise Lost.’” *PMLA*, vol. 84, no. 2, 1969, pp. 264–273. *JSTOR*, www.jstor.org/stable/1261283. Accessed 23 Feb. 2021.

Bulger, Thomas. “The Utopic Structure of The Tempest.” *Utopian Studies*, vol. 5, no. 1, 1994, pp. 38–47. *JSTOR*, www.jstor.org/stable/20719247. Accessed 14 Mar. 2021.

Canfield, J. Douglas. “Blessed Are the Merciful: The Understanding of the Promise in ‘Paradise Lost.’” *Milton Quarterly*, vol. 7, no. 2, 1973, pp. 43–46. *JSTOR*, www.jstor.org/stable/24462448. Accessed 23 Feb. 2021.

Curran, Kevin. “Prospero’s Plea: Judgment, Invention, and Political Form in The Tempest.” *Shakespeare and Judgment*, edited by Kevin Curran, Edinburgh University Press, Edinburgh, 2017, pp. 157–172. *JSTOR*, www.jstor.org/stable/10.3366/j.ctt1g04zss.12. Accessed 15 Mar. 2021.

Davis, Laurence. “Utopia.” *Protest Cultures: A Companion*, edited by Kathrin Fahlenbrach et al., 1st ed., Berghahn Books, New York; Oxford, 2016, pp. 146–152. *JSTOR*, www.jstor.org/stable/j.ctvgs0b1r.18. Accessed 25 Mar. 2021.

Foucault, Michel. *Discipline and Punish*. Translated by Alan Sheridan, 2nd ed., New York, Vintage-Random House, 1995.

Held, Joshua R. “Eve’s ‘Paradise within’ in Paradise Lost: A Stoic Mind, a Love Sonnet, and a Good Conscience.” *Studies in Philology*, vol. 114, no. 1, 2017, pp. 171–196. *JSTOR*, www.jstor.org/stable/90000852. Accessed 25 Feb. 2021.

Kirsch, Arthur. “Virtue, Vice, and Compassion in Montaigne and The Tempest.” *Studies in English Literature, 1500-1900*, vol. 37, no. 2, 1997, pp. 337–352. *JSTOR*, www.jstor.org/stable/450837. Accessed 16 Mar. 2021.

Kort-Butler, Lisa A., and Kelley J. Sittner Hartshorn. “Watching the Detectives: Crime Programming, Fear of Crime, and Attitudes About the Criminal Justice System.” *The Sociological Quarterly*, vol. 52, no. 1, 2011, pp.36–55. *JSTOR*, www.jstor.org/stable/23027459.

“Making Good in The Tempest.” *Shakespeare and the Grammar of Forgiveness*, by Sarah Beckwith, 1st ed., Cornell University Press, Ithaca; London, 2011, pp. 147–172. *JSTOR*, www.jstor.org/stable/10.7591/j.ctt7zdqb.12. Accessed 16 Mar. 2021.

Milton, John. *Paradise Lost*. Penguin, 2000.

More, Thomas. *Utopia.* Translated by Paul Turner, Penguin Books, London, 2003.

Shifflett, Andrew. “Milton and Forgiveness.” *Renaissance Papers 2006*, edited by Christopher Cobb and M. Thomas Hester, Boydell & Brewer, Rochester, New York, 2006, pp. 137–150. *JSTOR*, www.jstor.org/stable/10.7722/j.ctt81mjp.12. Accessed 23 Feb. 2021.

Stillman, Peter Gordon. "Justice, Crime, and Punishment in More’s Utopia." *Utopía: 500 Years*, edited by Pablo Guerra, Editorial Editions Cooperative University of Colombia, 2016, pp. 367-379.

Takaki, Ronald. “The Tempest in the Wilderness: The Racialization of Savagery.” *The Journal of American History*, vol. 79, no. 3, 1992, pp. 892–912. *JSTOR*, www.jstor.org/stable/2080792. Accessed 26 Mar. 2021.

“The Beating Mind: The Tempest in History.” *The Storm at Sea: Political Aesthetics in the Time of Shakespeare*, by Christopher Pye, Fordham University Press, New York, 2015, pp. 142–157. *JSTOR*, www.jstor.org/stable/j.ctt130h9h7.11. Accessed 15 Mar. 2021.

“Utopia.” *A Better World Is Possible: An Exploration of Utopian Visions*, by Ambrose Mong and Mark DeStephano, 1st ed., The Lutterworth Press, Cambridge; United Kingdom, 2018, pp. 1–24. Accessed 25 Mar. 2021.

Walmsley, Roy. World Prison Population List. Prisonstudies.org, https://www.prisonstudies.org/sites/default/files/resources/downloads/wppl_10.pdf.

Willis, Deborah. “Shakespeare's Tempest and the Discourse of Colonialism.” *Studies in English Literature, 1500-1900*, vol. 29, no. 2, 1989, pp. 277–289. *JSTOR*, www.jstor.org/stable/450475. Accessed 26 Mar. 2021.