

The proviso scenes in Restoration dramas depict a legal negotiation or “bargain” that takes place between the hero and the heroine of the play. In William Congreve’s comedy, *The Way of the World*, scene V of Act IV plays a significant role but “plays with the Restoration convention of proviso scenes”. According to Richard W.F. Kroll, the scene is symbolic of a social agreement with only “potential” legal force (“Discourse and Power in *The Way of the World*”, 749). It cannot be wholly agreed that the scene in the play facilitates a progression towards equality and liberation for women in the modern sense as there are several limiting instances that occur throughout the scene which have repercussions in Act V as well.

The proviso scene appears to have a subversive intent in that it allows for certain prenuptial proceedings to take place between Millamant and Mirabell. Yet, this notion is deconstructed by the fact that it is only the female character who needs to set down certain terms and conditions to safeguard her independence after marriage. Mirabell, being a “patriarch”, does not need to do the same and instead lays down any terms only to regulate and counter those proposed by Millamant. The rights and privileges of the man in a conjugational union is a given and reflects the privilege that Mirabell comes from. This destabilizes the façade of the equality of the sexes.

The scene is better interpreted as a “battle of the sexes” where the power struggles between both parties are quite evident. Kroll notes that it is Millamant who is at the centre of Congreve’s masterpiece as she confronts the reality of losing her “natural power over men”-her beauty, which shall fade away as she “grows old” in a “man’s world” (741). He states that the central significance of the proviso scene lies in the “careful orchestration” of Millamant’s “withdrawal from the monopoly of knowledge” and allowing herself to be “read and obtained” (749). The “chase”, as put by Mirabell, does come to an end as Millamant accepts the impending “loss of her power” and agrees to negotiate the term of marriage. The transgressive stance taken by the character of Millamant in voicing her opinions and dismay is not seen through to an appropriate conclusion by Congreve. She is at first portrayed as an “intense” woman whose “delicate intelligence” peculiarly enables her to deal with her passions as well as the legal

realities of marriage. As claimed by Alan Roper, she may “laugh aggravatively” and use “defensive” language, yet, she does not isolate herself completely from that social reality. Millamant comes to terms with the fact that the “price of even partial social and political freedom is the ability to negotiate according to contracts that maintain the fabric of society” (Kroll 741). Kroll also describes the proviso scene as accommodating Mirabell’s obedience to Millamant without compromising the former’s autonomy.

Congreve has fashioned this scene on the basis of the Lockean view of “Conjugal Society”, according to which, marriage is seen as a “voluntary compact” between a man and a woman. According to Locke (1688), a husband and wife can lay claim to each other’s bodies only for “procreational purposes” and must draw on “mutual support”, “assistance” and “communion of interest” to nurture their offspring until maturity is attained. Thus, the “compact” stands for the “forging of all ties” and not just

personal gratification. This take on marriage as a “social contract”, although seen by some critics as liberal, is discarded by others such as Pateman, in favor of interpreting marriage as a “sexual contract”. Mary Wollstonecraft agrees with this idea in her *Vindication of the Rights of Woman* where she explicitly describes marriage as a form of “legal prostitution”.

Vivian Davis believes that the “conventions of the stage are traded in for a round of legal bargaining” in the proviso scene. In other words, the insecurity and anxieties of Mirabell are laid to rest by the “surety of the law” (523). It is through these legal procedures that Mirabell is finally able to “extricate” Millamant from Lady Wishfort’s “vicious circle” and settle the terms of their pending union. Thus, law in the form of the marriage contract, helps reassert control over a “volatile female subject” (Davis). Pateman complies with this idea as she interprets the contract as a means through which “modern patriarchy is constituted”. As

the negotiations continue in the scene, we notice that Millamant is no longer just the “negotiator” but also that which is “negotiated”. On looking closer, we see that except for a claim to her life, the husband has claim to the wife just as the other property, by natural order (Davis 525).

While some critics justify the limitation of Millamant’s freedoms, although problematized by voicing her dissent, as a necessary to maintain “emotional authority” and “social/moral order” in the play, Pateman exposes the ploy of the objectification of women through the marriage contract in which the wife is, both, the “subject” as well as the “object”. Thus, this scene emphasises a loss of autonomy and independence for women and blatantly appropriates patriarchy rather than propelling the status of women towards a liberal and progressive state.