

# explorations



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## **A humor, didacticism, characterization and the criticized subject: Law reconsidered in Ben Jonson's *Volpone***

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**Abstract.** *The aim of the article is to fill a gap in Ben Jonson criticism by analyzing legal concepts in one of his most acclaimed dramas: "Volpone". The play has so far remained largely ignored by the quickly growing field of research on the interactions of literature and law. The issues to be considered, which point to Volpone's definite claim to a place within literature and law discipline, include the target of Jonson's satire which emerges from the trial scenes, the role law plays in Jonson's didacticism, the correspondence between law and the characterization of the dramatis personae and, finally, the correlation of legal references and satire in the play.*

**Key words:** *Law, literature, drama, Early Modern, Ben Jonson*

### **1. INTRODUCTION**

"My next question gave rise to an interesting confusion," recounts Kenneth Tynan in his comment on the interview he conducted with Jean Paul Sartre in 1961. "I intended to ask Monsieur Sartre whether he thought it was possible nowadays to create right-wing art. I mispronounced the phrase: instead of *la droite*, the political right, I heard myself referring to *le droit* – the law." Tynan's mispronunciation provoked an answer which perfectly encapsulates the relationship between theatre and law: "The law is theater. For at the roots of theater there is not merely a religious ceremony, there is also eloquence." Sartre furthers his comparison of the stage with courtroom by likening dramatic characters to lawyers who defend a cause: "Others take the opposite side and plead against. At the end, there is a catastrophe in which everyone is judged, and matters return to normal. The stage is the courtroom in which the case is tried" (Sartre 1976, 126). Although Sartre bases his judgement on the Greek theatre, in early modern English drama the relationship of theatre and law was equally close. Despite a considerable scholarly interest in the ways that legal concepts have been incorporated into the works of such prominent Renaissance playwrights as Shakespeare, Marlowe, Kyd, Webster or Jonson,

some of their plays still remain neglected and excluded from law-oriented analysis. One of them is Jonson's *Volpone*, which Littlewood names "The greatest comedy ever written" (quoted in Steggle 2011, 9). This article seeks to retrieve *Volpone* from its marginalized position in literature and law criticism to which it was pushed by other Jonson's plays (such as *Every Man in His Humor* or *Bartholomew Fair*) whose relevance to legal context has received a much wider appreciation. The analysis focuses on four aspects of the correlation between law and drama in *Volpone*: the reconsideration of the actual subject of Jonson's satire which emerges from the trial scenes, the ways in which law and Jonson's didactic impulse correspond with each other, the influence which the workings of law in the play have on the plot and on the characterization of the *dramatis personae*, and finally the relationship between law and humor in the play.

## 2. THE CRITICIZED SUBJECT, DIDACTICISM, CHARACTERIZATION AND HUMOR: THEIR CORRELATION WITH THE LAW IN *VOLPONE*

In *Law and Representation in Early Modern England* Subha Mukherji (2006) argues that "Few periods or kinds of literature show such a deep and comprehensive engagement with the subject [of law]" (2). Most early modern playwrights studied law and law students comprised a prominent part of the audience. "The theatre-as-court metaphor is pervasive in Renaissance drama, sometimes suggesting the theatricality of trials, at other times the judicial structure of drama," claims Mukherji (1). Both interpretations of the metaphor, sometimes separate and sometimes combined, find expression not only in *Volpone*, but also in numerous plays by Shakespeare, Kyd and Webster. To explore the theatrical character of a trial dramatized in the most straightforward way, one needs to refer no further than to the most acclaimed of Shakespeare's plays, such as *King Lear*, where Lear in his maddened state organizes a pretended trial for his treacherous daughters, or *The Merchant of Venice* whose entire dénouement revolves around a public trial which determines the fates of the protagonists. In fact, numerous Shakespearian plays (e.g. *Titus Andronicus*, *Richard II*, *Henry VI*, *Much Ado About Nothing*, *Hamlet*, *Macbeth*, *Coriolanus*, *Measure for Measure*) rely heavily on different aspects of and ideas connected with law. The same could be said about Kyd and Webster, who repeatedly engage and rework legal concepts in their drama. In *Spanish Tragedy*, for instance, Kyd examines the idea of "The loss of faith in legal justice, together with the doubts as to the existence of a divine justice, even in the next world" (Sacks 1982, 578). Webster's formative years were heavily influenced by the legal culture of the Inns of Court, which becomes evident in such plays as *The Devil's Law-Case* and *The White Devil* (Dunne). Although the employment of law-related motifs differs among these playwrights, the common denominator is that they all "Repeatedly open up the action of their plays, explicitly or implicitly, to the judgement, even 'sentence,' of the theatre audience" (Mukherji 2006, 1).

The selection of *Volpone* as a work to be analyzed in the context of law comes as a natural impulse to choose what is so heavily and undeniably influenced by the given motif. According to Lisa Klotz (2011), a prominent group of Jonson's dramatic works "[e]vinces a pattern of legalistic thinking" (387). Many of his plays are structured on such concepts as the inefficiency of judicious system, compensation, legal punishment, pardon and testimony. This should not come as a surprise for two reasons. Firstly, because the

interrelation of the law and drama in early modern England was, as mentioned before, strong and pervasive. Secondly, because the law for Jonson must have been not only a fashionable new perspective of understanding and writing drama but also a part of life. The play on which he collaborated in 1597, *The Isle of Dogs*, was condemned as lewd and Jonson was imprisoned for two months. Shortly after the premiere of his first widely acknowledged play *Every Man in His Humor* he killed one of the actors Gabriel Spencer in a fight but escaped death penalty by pleading the “Benefit of the clergy” (McEvoy 2008, 3-4). He was imprisoned two more times later in his life, once for debts and then for the anti-Scottish satire in *Eastward Ho!* (4-5). Klotz even suggests that it is “Jonson’s personal experience that might have bent him against the judicial system” (2011, 403). The humorous and critical representation of the inefficiency of law in *Volpone* will constitute one of the focal points of this analysis.

The revisiting of law in *Volpone* must commence with a consideration of the setting of the play. The question of whether Venice is, in fact, Venice or rather London presented as Venice, merits a debate since it entails the problem of which legal system Jonson is criticizing (if any) and to what end. It is also pertinent to legal issues from practical reasons since Jonson was known to set his plays in foreign locations in order to avoid “the legal and professional problems (libel and censorship) that might arise from contemporary references to people and events” (Klotz 2011, 385). Whichever city Jonson had in mind, its central role in the play (often classified as a city comedy) is indubitable. According to Helen Hackett (2013) much of Jonson’s satirical drama has been based on “[h]olding up a satiric mirror to his native city” and even when he used Italian settings, like in *Volpone*, “these were arguably in many respects merely depictions of contemporary London in another guise” (131). Klotz, however, contradicts this view by stating that in this particular play Venice is no analogue of London. To support her hypothesis she stresses the effort Jonson makes in *Volpone* to depict as truthfully as possible the city which he has never visited and which claimed a special place in English imagination (2011, 386). The close-reading of the play seems to support Klotz’s argument. That the image of Venice in minds of the English was widespread and complicated and that its accurate representation must have been Jonson’s end finds confirmation in numerous references to the city’s architecture, topography, customs and politics. Venice echoes through the pages of the play sometimes playing prominent role almost on par with other characters, other times resurfacing as a distant background detail. At the beginning of Act One Voltore offers Volpone “A piece of antique plate, bought of St Mark” (Jonson I. 3. 10) referring to arguably one of the most renowned squares in Europe. At the end of the play Corvino is convicted to be “rowed / Round about Venice, through the Grand Canal” (V. 12. 135-136). The play is permeated with Italian expressions and insistently Venetian notions, such as *gondolas* or *courtesans*. In Scene One of Act Four Sir Politic refers to the Venetian organs of authority:

SIR POLITIC

Some certain goods unto the state of Venice,  
Which I do call my cautions; and, sir, which  
I mean (in hope of pension) to propound  
To the Great Council, then unto the Forty,  
So to the Ten . . . (IV. 1. 71-75)

Finally, the Venetian law system is presented in detail through the figures of *avocatore*, *notario* and *commendatore*.

What is often referred to in criticism as the ‘Would-be-plot,’ that is the subplot involving Sir Politic-Would-Be, his wife and their English companion Peregrine, allows an especially interesting insight into how Venetian reality might have been stereotypically construed by the English. This perception was apparently a commingling of curiosity, awe and disdain. Lady Would-Be, for instance, stays in Venice “for intelligence / Of tires, and fashions, and behavior, Among the courtesans” (II. 1. 28-29). Employing a well-known proverb her husband defends her virtue suggesting that using Venetian ways does not corrupt her in the way that it corrupts Venetian women: “the spider and the bee, oftentimes / Suck from one flower” (II. 1. 28-29). Lady Would-Be’s willingness to emulate Italian trends, however, intimates that she admires Venetian women and their lifestyle. At some point she even admits she wants to impress them and appears insecure about their perception of her own nation:

LADY WOULD BE    Besides, you seeing what a curious nation  
                               Th’ Italians are, what will they say of me?  
                               The English lady cannot dress herself:  
                               Here’s a fine imputation, to our country. (III. 4. 32-35)

Even Sir Politic, despite his apparent conviction of the superiority of England is proud of his ability to pretend to be Venetian:

SIR POLITIC            I now have lived here, ‘tis some fourteen months;  
                               Within the first week of my landing here,  
                               All took me for a citizen of Venice;  
                               I knew the forms so well – (IV. 1. 37-39)

The Would-Be plot is significant in that it establishes a polarity between the English and the Venetians thus furthering Klotz’s hypothesis that in *Volpone* Venice does not stand for any place other than itself.

If the city of *Volpone*’s action is not a symbolic equivalent of London but a setting in its own right, what Jonson criticizes and satirizes is not English legal system but either the Venetian one or something more universal beyond it. In “Ben Jonson’s Legal Imagination” Klotz summarizes the rules of sixteenth-century legal system of Venice. She enumerates and analyses its most characteristic elements such as an independent city-state government, the non-existence of civil law, the rejection of pope’s authority and the role of the three *Avocatori* (evidence-gathering prosecutors) in a trial. She stresses the diversity in the assessment of this system which was seen as unique, impartial, severe and extremely politicized at the same time. She bases her argument, to a considerable degree, on the ways in which Jonson misrepresents and alters some of its details (like the number and function of the *Avocatori*) to conclude that his intention was not so much to render the system more ‘English’ and understandable to the audience but to adjust it to the requirements of the stage and ensure its dramatic viability (2011, 386-392). Still, the analysis of the play in its entirety allows alternative inferences about the reasons for which Jonson misrepresented law which he evidently knew so well. Klotz suggests that Jonson “broadens the aim of his satire beyond the easy targets of corrupt judges and or

inane enforcement of laws, and instead achieves a more general exposition of the limits of forensic investigation” (2011, 387). It seems, however, that the aim of Jonson’s satire described by Klotz can be broadened even further. Perhaps what Jonson aims to expose through the representation of the court’s inaptness, are the limitations of human cognition in general: limitations that transcend legal discourse. What he offers can be perceived as a social critique irreducible to neither Italian, nor English, nor judicious context and instead aimed at imperfections of the human condition with its propensity towards treachery, its disregard of honesty, its selfishness and greed. As noticed by Klotz, “[o]ne can hardly blame the Avocatori for having trouble determining which witnesses are telling the truth and which are lying” (2011, 395), which further advocates the argument that the target of Jonson’s criticism must lie beyond the legal system itself.

The central role of law and law concepts in *Volpone* cannot be overstressed. One of its prime functions is the stimulation and ordering of Jonson’s didactic impulse. On multiple occasions different characters accentuate the importance and finality of the court’s judgement in prescribing the ethically-approvable solution. “Free the forced lady, or thou diest, impostor” (III. 8. 276) threatens Bonario, just to immediately curb his outrage and admit that ensuring ethical balance lies within the obligations of the court: “But that I am loath to snatch thy punishment / Out of the hand of justice, thou shouldst yet / Be made the timely sacrifice of vengeance” (III. 8. 276). By adding, in an attempt to comfort Celia, that Volpone “ere long, shall meet his just reward” (III. 8. 274), Bonario points to the court’s apparent almost God-like competence to separate the good from the bad and execute justice accordingly. This infallibility will be questioned towards the end of the play. Even those characters who are themselves ethically dubious seem to trust that law will ultimately further their intentions. Describing to Voltore his plan to frame Bonario, Mosca declares:

MOSCA	That the unnaturalness, first, of the act, And then, his father’s oft disclaiming in him Which I did mean t’ help on, would sure enrage him To do some violence upon his parent, On which the law should take sufficient hold. (III. 9. 31-35)
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Thus, what Mosca’s comment demonstrates is a paradoxical, and as it turns out in the end unachievable, wish for the law to function properly only when it is on his side. Finally, it is through the workings of law that the “harshly moralistic conclusion” of the play is delivered. In his introduction Watson calls Volpone and Mosca’s crimes “poetic justice against loathsome and over-privileged scavengers” and argues that this is why the audience usually condones their offences. He also locates in the trial outcome Jonson’s quandary as a ‘comic moralist’ who aspires to combine heartless criticism with lenient satire. The result is that “[t]he surprisingly blunt exposure and punishment . . . pits the indulgent conventions of satiric comedy . . . against the forces of conventional morality that were . . . exerting renewed pressure against the popular theatre” (Watson 2003, xxiii).

Both trial scenes ultimately challenge Greenblatt’s idea of the court in *Volpone* as the “sole seat of authority and justice within the world of the play” (1976, 90). Not only are the characters’ scruples, wit and quick-thinking tested in these scenes, but also the inefficacy of the law is exposed. It is true that the *Avocatori* seem impartial and determined to hear both sides (“You had your hearing free, so must they theirs” (IV. 6.

140)) and that they do not easily fall into the web of the plotters' lies. To the inconceivable accusations directed at Bonario they respond with justified incredulity: "The young man's fame was ever fair and honest" (IV. 5. 59). The story delivered by the innocents, however, appears as absurd as the false one it is countered with: literally "The like of . . . [which] the Senate never heard of" (IV. 5. 1.). As usually in court, the discovery eventually comes down to the capacity of each side to produce convincing evidence, and it turns out that despite the truthfulness of their accusations, Bonario and Celia are unable to do it. The only witnesses they naively offer are their consciences and "heaven, that never fails the innocent" (IV. 6. 16). The circumstances of the first hearing, during which the *Avocatori* were asked to adjudicate between two equally absurd accounts of events with only one supported by evidence, could be considered mitigating and the helplessness of law in this case could perhaps be excused. Also the undeniable mastery of Voltore's defense speech called by Sean McEvoy "a marvelous piece of forensic rhetoric" (2008, 62)), which was well thought-out, carefully crafted and powerfully delivered, and which remains unchallenged throughout the scene, encourages the audience to justify the inability of the *Avocatori* to ascertain the truth. An accurate description of the Venetian courts in the play is offered by John Enck who states that they "only know what they are told, . . . can be molded by a lawyer's bombast" but at the same time represent the law and "when aroused they perceive the truth rather later than anyone else" (1972, 139).

It is in the final scenes of Act Two, that the ineffectiveness of the court is ultimately made manifest through the fact that justice is eventually delivered "not by the vigilance of the criminal law, but by the process through which the knaves finally betray each other" (Brockbank 1972, 199). The colluders switch sides and have to improvise, often desperately, to follow the changing rules of the game and to prevent themselves from being unmasked. Still though, despite utterly unfavorable turn of events, conflict of interests between the accomplices and, finally, despite absolutely absurd attempts at averting the disaster (like the pretended act of exorcism), the judges would probably remain beguiled if not for Volpone's decision to reveal his identity and thus undo both Mosca and himself. Although Bonario and Celia locate the source of justice within God's will ("Heaven could not long let such gross crimes be hid" (V. 12. 98)), the audience knows that this is not the case. The justice may be executed by the court but it derives from somewhere else, and not even from a coincidence as it often does in Renaissance drama. It comes from the protagonist himself, from his 'comic flaw' which makes him always want to outdo himself, from his addiction to trickery and self-destructive risk-drive. As Philip Brockbank aptly comments, "Jonson's art makes it imperative that they [Volpone and Mosca] consume themselves with the very energies and fantasies that animate them" (1972, 199). The sentences passed on the four offenders make each of them suffer in a way that they most wanted to avoid and, together with Bonario's and Celia's compensations, they leave the audience with a feeling of poetic justice secured. With the half-harsh half-humorous ending of the play, Jonson's initial declaration in the Epistle that it is "the office of a comic poet to imitate justice" comes full circle. What must be noted as well in relation to the final scene when the sentences are distributed, is its focus on the theatricality of the courtroom which Sartre remarked upon. As McEvoy notices, in the last moments the action accelerates "towards the punitive final minutes where we see a performance of sentencing which reminds us of the theatricality of the law courts themselves" (2008, 63).



hilariously complex disputes about the rights to inherited property” (2003, xi). The fight for inheritance right presented in the play, with its multiple legacy-hunters, its coincidences, its unexpected turns of action, its absurdities and manipulations definitely displays a link with this practice. Still, even in extra-legalistic contexts the play keeps returning to legal concepts. When discussing the rights and obligations of physicians Mosca comments on the way they are protected by law from the responsibility for potential mistakes: “And then, they do it by experiment / For which the law not only doth absolve them, / But gives them great reward” (I. 4. 29-31). In response, Corbaccio likens physicians’ power over life with the competence of judges to give death sentences: “It is true, they kill / With as much license as a judge” (I. 4. 33-34). At the same time, however, by initially condemning Bonario and Celia, Jonson exposes the limitations of the law system, thereby undermining the absolutism of rules and concepts around which his entire play revolves. This conclusion seems to coincide with Wilson’s (2000) assertion that “the law loses its authoritative force, becomes one among the many, frequently specious, sources of credit and authority among which Jonson carefully discriminates” (69).

In the end, the connection between law and *Volpone*’s satiric character must be established. Undeniably, law and legal concepts serve as catalysts of humor in the play. Sometimes in a very subtle, and sometimes in a rather bombastic way, law is employed to amusingly expose the absurdities of Venetian society as well as the flaws of individual characters. Lawyers and officers of the law are mocked in order to further Jonson’s aim, which is to “demonstrate that crime and deception enjoy acceptance in every stratum of society” (Olson 2013, 144). The unlawfulness of law-related characters is evident not only in the advocate Voltore, but also in the final trial scene, where the fourth *Avvocato* immediately plans to marry his daughter off to Mosca once he learns of his fortune. The irony inherent in the concept of the judge who disregards illegality of defendant’s action as soon as he perceives an opportunity for personal gain is not only humoristic but also didactic: it suggests that the sources of greed and societal decay are to be found everywhere, also in the institutions established to resist them. In this way, as Olson asserts, “rather than criminalizing already marginalized groups, [Jonson’s] comedies warn audiences against roguish tendencies in themselves” (Olson 2013, 131). They argue that the dichotomy between the legal and illegal is unstable. Another element in the play that presupposes a concordance between law and humor are the figures of Volpone’s illegitimate children, which “he begot on beggars, | Gypsies, and Jews, and black-moors, when he was drunk” (I. 5. 44-45), all of whom (a Dwarf, an Eunuch, a Hermaphrodite) are in some way disfigured. The slapstick flair in the presentation of these characters, especially evident in the second scene of Act One when they perform a ridiculous entertainment show for Volpone, can be assumed to result from the illegality of their conception. Once again the didactic and the humorous combine to entertain and to warn that the socially ‘unnatural’ ways of conceiving progeny can (re)produce preposterous consequences. It is evident that, as Enck notices, “the interpretation of justice in *Volpone* suits the *domnées* of the comic” (1972, 145).

### 3. CONCLUSIONS

In conclusion, Jonson's city comedy has an unexplored potential regarding its importance for the field of law and literature studies. *Volpone* can undeniably be categorized among the Renaissance dramas in which legal concepts play central role. The legal-oriented analysis of the play reveals that law in *Volpone* functions on multiple platforms and that the correspondences between law and theatre transcend literal references. The reconsideration of the meaning which the setting brings into the play suggests that it might be neither Venetian nor English legal systems that constitutes the object of Jonson's critique, but the general human flaws and misconceptions. Furthermore, the image of the court of law has been proved to work as a channel of Jonson's didacticism. The revelatory role of the court scenes in understanding of characters' motives and personalities has been confirmed by referring to the example of Voltore's transformation into a competent lawyer and to Volpone's character. In the end, law has been revealed to be an indispensable tool in the production of satirical tension.

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