

Cambridge University Press  
978-0-521-03511-8 - The Works of John Webster: An Old-Spelling Critical Edition, Volume  
Two - The Devil's Law-Case a Cure for a Cuckold Appius and Virginia  
Edited by David Gunby, David Carnegie and MacDonald P. Jackson  
Excerpt  
[More information](#)

---

THE DEVIL'S LAW-CASE



Cambridge University Press

978-0-521-03511-8 - The Works of John Webster: An Old-Spelling Critical Edition, Volume Two - The Devil's Law-Case a Cure for a Cuckold Appius and Virginia

Edited by David Gunby, David Carnegie and MacDonald P. Jackson

Excerpt

[More information](#)

## Date

---

A firm *terminus ad quem* of 1619 for the dating of *The Devil's Law-Case* is provided by the title-page of the 1623 Quarto, which states that the play was 'acted by her maiesties Seruants'. For as Bentley and Gurr demonstrate,<sup>1</sup> *pace* Lucas, Queen Anne's Men ceased to refer to themselves by their old title at her death on 2 March 1619, a provincial troupe continuing as 'Servants to the Late Queen Anne', while a remnant of the London company, including Richard Perkins, continued to play at the Red Bull as the 'Players of the Revels'.<sup>2</sup> It thus seems almost certain that *The Devil's Law-Case* must first have been performed by Queen Anne's Men no later than February 1619.

A sound *terminus a quo* is harder to establish. Bentley, for once supporting Fleay, argues that 'the unusual insistence on the dates'<sup>3</sup> in the trial scene argues first performance in 1610, but this mathematically-derived solution—e.g. Romelio, aged thirty-eight, was born in 1572—finds no favour elsewhere, and a more viable *terminus* is likely to be found in Webster's borrowings (at I.ii.173 ff. and II.i.155 ff.) from Jonson's *The Devil Is an Ass*. As Lucas notes,<sup>4</sup> these passages show no signs of being later interpolations, so it seems reasonable to assume that the writing of some, at least, of *The Devil's Law-Case* postdates the first performance of *The Devil Is an Ass* in (probably) November or December 1616.<sup>5</sup>

Dating Webster's tragicomedy more closely within these limits is difficult and involves the assessment of several possible topical references, none of them conclusive. One is that at IV.ii.11–13, where the Second Surgeon comments: 'How? Goe to the East Indies! And so many Hollanders gone to fetch sauce for their pickeld Herrings! Some have bene pepperd there too lately.' Stoll argued a reference to a notorious incident in August (but actually October) 1619, when four English ships loading pepper off Sumatra were captured by the Dutch,<sup>6</sup> but this is ruled out by the March 1619 disbanding of the Queen's Men. On the other hand, as Lucas points out, 'hostilities were incessant in the East Indies between English and Dutch from the beginning of 1617 to the end of 1620',<sup>7</sup> and the first news of fighting reached England in April 1618, so that the passage may indicate a date of composition subsequent to that.

Cambridge University Press

978-0-521-03511-8 - The Works of John Webster: An Old-Spelling Critical Edition, Volume Two - The Devil's Law-Case a Cure for a Cuckold Appius and Virginia

Edited by David Gunby, David Carnegie and MacDonald P. Jackson

Excerpt

[More information](#)

## THE DEVIL'S LAW-CASE

A less particular allusion is that argued by Bourgeois, who links references in *Viv* to courage in the face of death to the legendary firmness before execution of Sir Walter Raleigh on 29 October 1618.<sup>8</sup> Bourgeois argues also that in the handling of Leonora's law suit, and particularly in the character of Winifrid, are to be found allusions to the scandalous Lake-Roos trial of January 1618 to February 1619 (see p. 10). The case is weak, however, and no more capable of substantiation than attempts to find in *The Devil's Law-Case* allusions to the long-running warfare between Chief Justice Coke and his wife, which began in 1617 as a quarrel over their daughter's marriage, or to any other example of what John Chamberlain, writing to Dudley Carleton on 12 February 1620, called 'the insolence and impudence of women'.<sup>9</sup>

In sum, the most that can be said concerning the dating of *The Devil's Law-Case* is that it was probably completed after November or December 1616 and performed prior to March 1619. The East Indies reference suggests, however, that (unless the allusion is a late insertion) the play was still being written in April 1618, while the allusions to Raleigh, if indeed they are such, argue that composition was still under way in November of that year. Such particularity, however, is speculative, and a conservative dating can be no more precise than 1617–19, with an inclination towards 1618 as the most likely date.

1. Bentley, I, 165; Gurr 1996, pp. 326–7.

2. Gurr 1996, p. 326.

3. Bentley, V, 1250–1.

4. Lucas, II, 213.

5. Jonson, IX, 250–1.

6. Stoll, *Periods*, p. 31.

7. Lucas, II, 214. See for details Gardiner, III, 167–71.

8. Baron A. F. Bourgeois, 'John Webster: the Probable Date of *The Devil's Law-Case*', *N&Q*, eleventh series, x (July–December 1914), pp. 41–2. Chamberlain writes of Raleigh's courage in letters dated 31 October and 7 November (Chamberlain, *Letters*, II, 175–80).

9. Chamberlain, *Letters*, II, 289.

Cambridge University Press

978-0-521-03511-8 - The Works of John Webster: An Old-Spelling Critical Edition, Volume Two - The Devil's Law-Case a Cure for a Cuckold Appius and Virginia

Edited by David Gunby, David Carnegie and MacDonald P. Jackson

Excerpt

[More information](#)

## Critical introduction

---

 DAVID GUNBY
 

---

‘What is striking about discussion of the work of John Webster’, writes Neil Carson, ‘is the absence of that larger area of agreement within which meaningful arguments about detail can take place. There is not a universally acceptable definition of Webster’s peculiar genius.’<sup>1</sup> Where *The Devil’s Law-Case* is concerned that problem—‘the absence of that larger area of agreement within which meaningful arguments about detail can take place’—is exacerbated by the relative paucity of critical debate about Webster’s only unaided foray, so far as we know, into the genre of tragicomedy. In 1970 Gunnar Boklund expressed the problem thus: ‘Any critical treatment of *The Devil’s Law-Case* will inevitably be hampered by the lack of a critical tradition on which to fall back. Few scholars have found the play worth serious consideration, and nothing like a generally accepted interpretation has consequently been achieved.’<sup>2</sup> In fact the situation had begun to improve when Boklund presented his paper at the York Conference on John Webster, since the first article devoted entirely to *The Devil’s Law-Case* appeared in 1968,<sup>3</sup> and the first major discussion of chapter length, in Peter B. Murray’s *A Study of John Webster*, in 1969. Prior to these there had, of course, been Lucas’s introduction (pp. 222–8) to the play in the second volume of his edition of *The Complete Works of John Webster* (1927), but Lucas was not, for the most part, impressed by *The Devil’s Law-Case*, and his introduction tends to damn with faint praise where it does not damn outright. Since Boklund wrote, however, there have been major contributions to the debate over *The Devil’s Law-Case* from Jacqueline Pearson, Lee Bliss, and Charles Forker, and briefer but useful ones from Akiko Kusunoki, Rowland Wymer, Anthony Courtade, and René Weis. Agreement on what Webster is trying to do, and how he goes about it, is still far from universal, but at least there is a modest corpus of critical material on which those discussing the play can draw.

In the first critical comment we have (c. 1640) on *The Devil’s Law-Case*, the clergyman Abraham Wright describes it as ‘But an indifferent play’. The plot, Wright continued, ‘is intricate enough, but if rightly

Cambridge University Press

978-0-521-03511-8 - The Works of John Webster: An Old-Spelling Critical Edition, Volume Two - The Devil's Law-Case a Cure for a Cuckold Appius and Virginia

Edited by David Gunby, David Carnegie and MacDonald P. Jackson

Excerpt

[More information](#)

## THE DEVIL'S LAW-CASE

scanned will be found faulty, by reasons many passages doe either not hang together, or if they doe it is so sillily as noe man can perceive them likely to bee euer done'.<sup>4</sup> Whether because of dissatisfaction with the plot, as Wright would have it, or for other reasons, *The Devil's Law-Case* has, in fact, been very rarely 'done' since the seventeenth century: only twice indeed on the professional stage, at York in 1980 and Bristol in 1989 (see pp. 52–4). Cynics might be inclined to suggest that the absence of bizarre and idiosyncratic Websterian productions, particularly such as some *The White Devil* has received, advances rather than hinders a critical understanding of his plays, but it is nonetheless unfortunate that there is so little in the way of theatre experience to support and illuminate the critical study of a 'poem' where, Webster himself confessed, in his address 'To the Juditious Reader', 'A great part of the grace . . . lay in Action'.

In slating the structure of *The Devil's Law-Case* Wright institutes a critical tradition which continues to the present day. 'The disjunctive tendencies of Webster's dramaturgy seem to threaten cohesion in *The Devil's Law-Case* even more radically than in *The White Devil*', writes Forker, adding that 'the drama gives an impression of having been conceived as a group of separate episodes or emotionally entangling situations that were only later spliced into a play.'<sup>5</sup> Boklund, earlier, had come to much the same conclusion, though linking the problem of incoherence with the absence of a single source on which Webster could rely: 'He had neither the natural continuity of an exciting story nor the elemental problems of a familiar exemplum to fall back on, and was apparently not able to bring his disparate ingredients together to a convincing dramatic whole.'<sup>6</sup> And Wymer, in the course of a generally sympathetic account of a play which he finds 'lively, disconcerting, highly theatrical and much more interesting than many more "competent" plays of the period . . . in other words, a suitable candidate for further revivals',<sup>7</sup> nonetheless comments that, 'Even for admirers of Fletcher's style of melodrama, Webster has overloaded the narrative complications to the point of incoherence.'<sup>8</sup>

Not all those who write on *The Devil's Law-Case* agree. Murray, for instance, praises 'the nearly perfect order of its plot',<sup>9</sup> while Pearson sees it as one of 'four perfectly structured plays' which Webster wrote.<sup>10</sup> Nonetheless, the balance of critical opinion tends towards the view that *The Devil's Law-Case* is deficient structurally. It also tends to see its conclusion as one of the play's least satisfactory features. One of the earliest and most damning comments on this aspect of the play is Madeleine Doran's:

Cambridge University Press

978-0-521-03511-8 - The Works of John Webster: An Old-Spelling Critical Edition, Volume Two - The Devil's Law-Case a Cure for a Cuckold Appius and Virginia

Edited by David Gunby, David Carnegie and MacDonald P. Jackson

Excerpt

[More information](#)

## CRITICAL INTRODUCTION

A complicated plot of rivalries in love, duels and disappearances leads up to a fine trial scene in which the conscienceless Leonora's revengeful intentions against her own son are exposed and thwarted. But Webster does not let the findings of the trial govern the outcome of the play. He winds it up with a solution of affairs directly athwart every sympathy he has created, all sense of justice, and what might be called the 'leading' of the plot.<sup>11</sup>

Forker is less scathing in declaring that 'Webster's concluding scene may be said both to resolve and to sidestep the many complexities of plot, character, and meaning so assiduously cultivated in all that precedes',<sup>12</sup> but he, too, feels dissatisfaction at the 'pairing off' of the couples at the end: it is, he writes, 'oddly joyless and so unadorned by poetry or romance as to seem imposed—more like a convenience of the playwright than a psychologically valid, much less inevitable, harmonizing of dissonance'. 'An arranged rather than a felt or emergent symmetry', Forker concludes, 'is what Webster offers us at the end.'<sup>13</sup> The same concern is expressed by Wymer, who writes: 'We hardly care what happens to the various characters and their expressions of joy seem perfunctory in the extreme (though arguably less so in performance, where their words may be less important than their gestures).'<sup>14</sup> 'Webster's unlikely ending', Wymer observes, 'is neither amusing enough to work as a parody of the desire for improbable happy endings nor emotional enough to seem deeply significant.'<sup>15</sup>

By contrast, Pearson argues that the 'increasingly incomplete explanations of the behaviour and feelings of the people in the play' constitute 'a deliberate tragicomic strategy' in which *The Devil's Law-Case* 'falls apart into spectacle, short scenes and sketchy explanations, detaching us from the fiction and confronting us unavoidably with its theatrical nature'.<sup>16</sup> '*The Devil's Law-Case*', Pearson concludes, 'is not failed tragedy that goes to pieces in the last act, but a successful play in a different mode, a critical and analytic tragicomedy with a strong theatrical self-consciousness.'<sup>17</sup>

Like Pearson, Wymer sees *The Devil's Law-Case* as 'extremely self-conscious about its theatrical status'.<sup>18</sup> But unlike Pearson, he links two major strands of criticism concerning the play, the perfunctory nature of its ending and the debate over its 'significance', and specifically over whether Webster's tragicomedy should be read in Christian, and indeed theological, terms. Wymer himself briefly discusses aspects of seventeenth-century Church of England theology which may have a bearing on the improbability of the ending, and particularly emphasis on the inscrutability of God's purposes and the hidden workings of grace, before concluding that 'The decisive objection to taking *The Devil's*

Cambridge University Press

978-0-521-03511-8 - The Works of John Webster: An Old-Spelling Critical Edition, Volume Two - The Devil's Law-Case a Cure for a Cuckold Appius and Virginia

Edited by David Gunby, David Carnegie and MacDonald P. Jackson

Excerpt

[More information](#)

## THE DEVIL'S LAW-CASE

*Law-Case* as seriously as some critics have done is . . . its lack of emotional engagement at the end.<sup>19</sup>

Wymer's is a reaction to, though not entirely a rejection of, a reading of *The Devil's Law-Case* which has its origins in the arguments of Gunby and Murray that the play is essentially a work of theodicy. The counter-argument, which rests, *inter alia*, on Elton's documentation of the impact of scepticism on belief in providence,<sup>20</sup> sees the fideism of the Capuchin as misplaced, and undermined by the action of the play. 'The Capuchin believes Heaven has redirected man's disastrous private drama into one harmonious and encompassing comedy,' writes Bliss, 'but his happy certainty hardly quiets our suspicion that for Webster fundamental questions remain unanswered.'<sup>21</sup> 'Webster's own tragicomedy offers little support', he concludes, 'for the pat assumption of happy endings created by divine fiat.'<sup>22</sup> Forker straddles the gap between these critical positions in maintaining both that 'We can hardly exclude Christian values from Webster's play without doing it violence' and that 'Neither, on the more skeptical side of the debate, can we ignore the damaging glibness of tone, the shrugging off of moral responsibility and the quasi-cynical fillips of plot that push the ending of the drama dangerously close to parody.'<sup>23</sup> Yet one senses in Forker's account of the play an uncertainty, displayed in constantly tentative phrasing, which suggests the difficulty of maintaining that position. In *The Devil's Law-Case*, Dena Goldberg claims, Webster 'is allowing himself to have his cake and eat it'.<sup>24</sup> A question to be addressed is whether the position taken by Forker can be similarly described, or whether it represents an unsustainable maintenance of opposites.

In much of what has been written above concerning disagreements over Webster's dramaturgy, over the meaning of *The Devil's Law-Case*, and the significance which is to be drawn from its ending, there is a sense of *déjà vu*. With the two tragedies, after all, and with *The White Devil* in particular, there is disagreement of a similar kind. In another respect, however, there is no sense of earlier disagreements revisited, since the topicality of *The Devil's Law-Case* and its evident connection with London, despite its Neapolitan setting, mark a new development in Webster, or rather a return to the world of the *Ho* plays of 1604–5. Nor is there major disagreement as to what the dramatist's purposes are in respect of his two major targets, the insolence of ungovernable women, and duelling. Both issues were topical in London in 1618 and both are handled in a manner which makes the dramatist's position clear.

Of the two issues, that of duelling is handled entirely in Act II, where

Cambridge University Press

978-0-521-03511-8 - The Works of John Webster: An Old-Spelling Critical Edition, Volume Two - The Devil's Law-Case a Cure for a Cuckold Appius and Virginia

Edited by David Gunby, David Carnegie and MacDonald P. Jackson

Excerpt

[More information](#)

## CRITICAL INTRODUCTION

Contarino and Ercole fight, and nearly kill each other, over Jolenta. Julio sees the two duellists as 'perfect lovers' (II.ii.41), since

It has been ever my opinion,  
That there are none love perfectly indeed,  
But those that hang or drowne themselves for love:  
Now these have chose a death next to Beheading,  
They have cut one anothers throats, brave valiant Lads. (II.ii.42–6)

The terms in which Julio praises the rivals, however, as having 'cut one anothers throats' undermine his praise, as does the behaviour of the duellists themselves, whose elaborate dedication to protocol, and a punctilio taken to perhaps comic extremes, serve to underline the pointlessness of what they are doing. But it is the curt response of Prospero, here as elsewhere in the play seeming to have a choric function, in which we find the condemnation which echoes the vehemence with which King James himself opposed, and proscribed, duelling:

Come, you doe ill, to set the name of valour  
Upon a violent and mad despaire.  
Hence may all learne, that count such actions well,  
The roots of fury shoot themselves to hell. (II.ii.47–50)

Duelling is examined—and condemned—in the first half of the play. What Crispiano describes as 'the insolencies | Of . . . women' (III.i.28–9) is likewise examined—and likewise condemned—in the second half. Courtade considers III.i 'misplaced', since 'Crispiano's revelation of his secret mission is clearly expository as is the presentation of Ariosto's honesty.'<sup>25</sup> 'The discussion of the abuse of the law by women and the meeting of the two guardians of society's fragile soundness', Courtade continues, 'might have better occurred as part of their first meeting in II.i. The importance of the law and the eventual transfer of the law's championship from the trusty old judge to the scrupulously honest lawyer need to be established earlier in the play for better dramatic impact.'<sup>26</sup> But Courtade misses the structural point, which is that the handling of the issues of duelling and ungovernable women is predicated on a two-part structure to the play, manifest in so many other aspects of *The Devil's Law-Case*.

That what Crispiano calls 'the insolencies | Of . . . women' was a major concern in England in the years 1615–21 is well documented. During this period major scandals saw three men holding high public office brought down through what were widely perceived as unscrupulous and domineering wives and a fourth made a laughing-stock. The



Cambridge University Press

978-0-521-03511-8 - The Works of John Webster: An Old-Spelling Critical Edition, Volume Two - The Devil's Law-Case a Cure for a Cuckold Appius and Virginia

Edited by David Gunby, David Carnegie and MacDonald P. Jackson

Excerpt

[More information](#)

## THE DEVIL'S LAW-CASE

first to fall was Robert Carr, Earl of Somerset, who with his wife, the former Countess of Essex, was in May 1616 found guilty of the murder in September 1613 of Sir Thomas Overbury, imprisoned in the Tower of London. Though King James commuted the death sentences passed on his former favourite and his wife, they were not released from prison until 1622, and Carr's career was over.

The second case involved the Lord Treasurer, Thomas Howard, Earl of Suffolk, who in 1618 was dismissed on grounds of corruption. After a Star Chamber hearing in October and November 1619, he and his wife, accused of extortion, were found guilty, fined, ordered to make reparation, and imprisoned. Howard's public career, too, was over, and rumour had it that he had acted under the influence of his wife.

The third case, also brought to the Star Chamber, involved Sir Thomas Lake, who in February 1619 was dismissed as Secretary of State, not because of any failure in office, but because of his involvement in the scandalous Lake-Roos case. After a quarrel about property, Lady Lake had accused her son-in-law, Lord Roos, of an incestuous relationship with his stepgrandmother, the Countess of Exeter, whom Lady Lake likewise accused of trying to poison her and her daughter. A crucial point in the allegations was that the Countess had read and signed a confession of guilt in her house in Wimbledon, and that Lady Lake's maid, one Sarah Swarton, had observed this from behind an arras. The Countess brought a charge of defamation against the Lakes and Lady Roos, and James himself, in what Lucas describes as 'one of his flashes of Sancho Panzan shrewdness',<sup>27</sup> insisted on inspecting the room, and found that there was a gap of some two feet between the bottom of the arras and the floor, so that there was no way Sarah Swarton could have been present without discovery. In February 1619 the Lakes and Lady Roos were fined and imprisoned, Lady Roos being released in June on admission of guilt, as was Lake in January 1620. His wife, however, obstinately refused to admit her guilt, and was not released until May 1621. Again, the general view was that a husband had been the victim of an unscrupulous and domineering wife.

Besides these three cases, there was another, much longer-running, involving a public feud between the Chief Justice, Sir Edward Coke, and his wife, the former Lady Hatton. Their first falling-out (over property) had occurred soon after their marriage in 1598, but things came to a head in 1617 over the marriage of their daughter, Frances. When the case was brought before the Privy Council Lady Hatton's denunciation of her husband was such that, John Chamberlain reported to Sir Dudley Carleton on 24 May 1617, 'Burbage could not have acted better.'<sup>28</sup>

Cambridge University Press

978-0-521-03511-8 - The Works of John Webster: An Old-Spelling Critical Edition, Volume Two - The Devil's Law-Case a Cure for a Cuckold Appius and Virginia

Edited by David Gunby, David Carnegie and MacDonald P. Jackson

Excerpt

[More information](#)

## CRITICAL INTRODUCTION

That these and other incidents, including the publication of Joseph Swetnam's virulent *Araignment of Lewde, Idle, Froward and Unconstant Women* (1615), fuelled strong anti-feminist feelings seems clear. Moreover the King himself shared these feelings, as was evident from his instruction in January 1620 to the Bishop of London. John Chamberlain writes:

Yesterday [24 January] the bishop of London called together all his Clergie about this towne, and told them he had expres commaundment from the King to will them inveigh vehemently and bitterly in theyre sermons against the insolencie of our women, and theyre wearing of brode brimd hats, pointed doublets, theyr heaire cut short or shorne, and some of the stilletes or poniards, and such other trinckets of like moment, adding withall that yf pulpit admonitions will not reforme them he wold proceed by another course.<sup>29</sup>

Less than three weeks later, Chamberlain wrote to Carleton describing the results:

Our pulpits ring continually of the insolence and impudence of women: and to help the matter forward the players have likewise taken them to taske, and so to the ballades and ballad-singers, so that they can come no where but theyre eares tingle.<sup>30</sup>

That *The Devil's Law-Case* was written in response to the royal initiative is ruled out by its date of composition (see pp. 3–4). Kusunoki, however, argues that Romelio's comments on the violence of female jealousy, which has often 'raisd the Devil up | In forme of a Law-case' (III.iii.201–2), 'having no relevance to the dramatic context here', 'may well have been intended to remind the audience of the Lake-Roos case, which was caused partly by Lady Roos' jealousy of the Countess of Exeter',<sup>31</sup> though the more immediate purpose of the statement is prophetic, as an ironic prefiguration of the trial which Leonora is to instigate, and of which we get our first inkling later in the same scene. But that in *The Devil's Law-Case* Webster does address seriously the moral and social implications raised for his contemporaries by the actions of women seen as malicious and ungovernable is signalled throughout the play—and indeed in its sub-title—by the references to the devil. Apropos the Bishop of London's instruction to his clergy John Chamberlain wrote: 'the truth is the world is very far out of order, but whether this will mend yt God knowes'.<sup>32</sup> In Leonora, and in Romelio, we observe individuals 'very far out of order', but part of a dramatic world which at the last does 'mend' through divine intervention in support of the law and the church.

In support of his argument for 'the nearly perfect order' of the plot of *The Devil's Law-Case*, Murray advances the following summary: