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**THE DEVIL'S LAW CASE BY JOHN WEBSTER:  
LEGAL FRAUDULENCE OR NEW PROFESSIONALISM?**

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**ABSTRACT:** The world that is depicted in *The Devil's Law Case* by John Webster is a typical mercantile world, based on all kinds of contracts: transfers of money, shipping profits, class interaction between merchants and aristocracy through marriage contracts. In this world the figure of the lawyer is central, for he guarantees the validity of the contracts as he participates in this rapid exchanging of various sorts of property. Webster portrays a tortuous world picture centred on legal figures and legal problems. On one hand we have several lawyers representing different hues of justice, or injustice; on the other hand, we see the importance of property and how to deal with it, hence the importance of wills.

**KEYWORDS:** John Webster; law and literature; lawyers; justice; property.

[...] the idea that the legitimacy of law rested in the political imagination of its subject audience was certainly one understood and accepted by Shakespeare and his contemporaries. (Ward, 1999, p. 1)

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*The Devil's Law Case* by John Webster presents a very complex structure: plots and subplots merge and clash, creating a tortuous world picture centred on legal figures and legal problems. On one hand we have several lawyers representing different hues of justice, or injustice; on the other hand, the importance of property and how to deal with it, hence the importance of wills, become the central discourses.

### 1 THE FIGURE OF THE LAWYER

The world that is depicted in the play is a typical mercantile world, based on all kinds of contracts: transfers of money, shipping profits, class interaction between merchants and aristocracy through marriage contracts. In this world the figure of the lawyer is central, for he guarantees the validity of the contracts as he participates in this rapid exchanging of various sorts of property. All means are valid for the acquisition of money and property: the main goal of practically all the characters is that of acquiring wealth at any cost. It is an avaricious society, one no longer based on ethics or morality, no longer rooted in spiritual refinement, but made up of crooks, panderers and licentious widows. The crooks and panderers deride maidenhead; the widows make buying a husband or a lover their principal goal.

The plot is typical of most of Middleton's city life comedies. It is the story of two young people in love, hindered by a money-minded brother and a licentious widow mother, played out in the Plautian tradition of warfare between the young and the old. What is particularly new in this context is the figure of the lawyer who is so well integrated into this tarnished society.

[t]he common lawyer [i]s a composite representation, or a set of public images, historically determined by the reaction of men and women in all walks of life in response to the professional conduct of lawyers (Tucker, 1984, p. xi).

In the Middle Ages the lawyer became the object of jokes and common gossip; from these popular sources dramatists derived their own portraits of common lawyers. The fact that lawyers are so often mentioned

by Elizabethan playwrights reveals their social importance and the extent to which their presence was pervasive in society.

The lawyer, Crispiano, appears in Act I, scene i, in conversation with Sanitonella, who serves the function of alter ego, the deuteragonist helping the lawyer shine forth in all his villainy. Indeed it seems inevitable that lawyers, who are supposed to represent justice, should personify the imperfectability of mankind. They come to embody the impossibility of justice because of their very function, that is, the function of enforcing the law: justice should not be in need of the services of a middleman. For this reason the lawyer is considered to be an “intruder into Eden.” His presence is an affront to those who believe in the intrinsic goodness of man and in his natural adherence to the law. By his very existence the lawyer demonstrates that there is a distinction between the individual’s faith in justice and society’s need for the law (Tucker, 1984, p. 2). The lawyer shows how far man has wandered away from his connection with God; he embodies the loss of a pre-lapsarian perfection which did not require an intermediary between man and justice. Therefore, the lawyer’s official function is strongly linked to the concept of property and to its problematic nature.

It is significant that the lawyer is clothed in the attire of the typical medieval figure of the devil, Old Vice; he appears on the scene in disguise—and we know that the devil was called “master of disguise.” Outwardly the lawyer is a professional figure who deals with the money transactions of the time (his clients press around him and cluster about his door), but he is actually the embodiment of avarice and covetousness: he feeds on the ruin of his clients. His entire life is described as a deprivation of any sort of joy: “melancholy study of the law,” “importunity of his clients,” rising early and staying up late, no time for prayers (law and religion at variance), loss of voice because of excessive pleading, no enjoyment even in food because there is no time to eat at leisure, and what for? For the mere joy of it, for the pleasure of robbing clients of their money. His greed is such that he asserts:

No pleasure in the world was comparable to’t. [...]  
He shall never taste the like  
Unless he study law. (I, i, 48-51)

Here we clearly see the wicked joy he feels in winning his cases and in earning his clients' money. The satisfaction he experiences is even superior to that of wenching (Sanitonella draws that comparison just to have his real nature emphasized):

Wenching? Oh fie, the disease follows it:  
Beside, can the fing'ring taffaties, or lawns,  
Or a painted hand, or a breast, be like the pleasure  
In taking clients' fees, and piling them  
In several goodly rows before my desk?  
And according to the bigness of each heap,  
Which I took by a leer – for lawyers do not tell them –  
I vailed my cap, and withal gave great hope  
The cause should go on their sides. (I, i, 54-63)

More negative traits emerge from this quotation: the lawyer is avaricious (the term “piling” and “rows” of money suggest his financial gluttony), crude (“vailed my cap” suggests servility and a crooked nature), and sly (he gives “great hope”). All and all, a sly person who partakes of many stereotypes typical of the medieval Vice, which stood for the figure of the devil. As in medieval literary production, moreover, his physique is naturally grotesque; therefore, the lawyer/Vice becomes a figure of fun. Ridicule served to exorcise the dangerous nature of the devil.

The double nature of the lawyer (man and non-man, man and monster, man and cur) is stressed by pointing to one particular means which caused the ruin of noblemen at the time: the excessive hunting expenses that often brought noblemen into financial distress.

[...] a good cry of hounds ? It has been known  
Dogs have hunted lordships to a fault. (I, i, 62-63)

This pack of hounds becomes a metaphor for the tenacious and dangerous attack of the lawyer (the metaphorical dog) on his clients' financial means. The lawyer is the dog that, once he has got his fangs into his clients' flesh, never lets go of his hold—no cry or lamentation brings him to mercy.

Cry of curs?  
The noise of clients at my chamber door  
Was sweeter music far, in my conceit,  
Than all the hunting in Europe. (I, i, 64-67)

Being no prey to vanity himself, he gluts in other people's vanities.

Come, come, leave citing other vanities  
 For neither wine, nor lust, nor riotous feasts,  
 Rich clothes, nor all the pleasure that the devil  
 Has ever practised with, to raise a man  
 To a devil's likeness, e'er brought man that pleasure  
 I took in getting my wealth. (I, i, 78-83)

It is significant that in this speech the word "devil" comes up twice, thus underscoring the fact that the lawyer is revealing his demonic attitude; he is exploiting man's weakness. The situation reminds us of the devil's temptation of the human weaknesses of Doctor Faustus, which include his love for riches and power, his lustful desires, his insistence on physical and material pleasure at the expense of spiritual refinement, his greed. A similar comparison between serious behaviour and frivolous conduct is carried out in *The Merchant of Venice*, where the gravity of Shylock in his respect for his ancestors and for his efforts to protect his household is contraposed to the Christians' enjoyment of rowdy pleasures in the streets of Venice.

To this figure of the lawyer/devil another figure is opposed, for whom the law is a source of peace and of communion among men: Ariosto. Ariosto is "the very miracle of a lawyer, /One that persuades men to peace, and compounds quarrels / Among his neighbours, without going to law" (I, i, 97-100). We are inside the situation typical of medieval morality plays: the two figures, in their flatness and non-psychological development, stand for two moral types comparable to the Good Angel and the Bad Angel present in *Doctor Faustus* by Christopher Marlowe. The utter negativity of Crispiano clashes against Ariosto's utter goodness. In his unselfishness, his non-acquisitiveness, his honesty Ariosto represents an almost Christ-like figure: he is the wonder of his profession.

[...] will give counsel  
 In honest causes gratis; never in his life  
 Took fee, but he came and spake for't; is a man  
 Of extreme practice, and yet all his longing,  
 Is to become a judge. (I, i, 99-103)

Ariosto's perfection is such that the only position he may aspire to is that of judge, for we are witnessing a debate between two forms of justice.

One is represented by the lawyer, who works for the interests of his clients – and for his own interests as a paid professional. The other is represented by the judge, who must pursue a universal form of justice, who should be above petty controversies and act for the sake of the law itself. The judge must try to create harmony in society; he must try to bring about that more effective form of justice of which the social period was in need. In *Hamlet* we are within a legal crisis where the medieval form of personal and/or familial revenge and punishment is being superseded by a more modern form of justice in the hands of a tribunal or a governor.<sup>2</sup> In this play, by comparison, the debate is within the law itself: between a corrupt application of the law and a serious, rigorous, ethical use of the law.

## 2 THE WILL

Besides presenting characters who stand for different aspects of the law, the play deals with the drama surrounding a contested will, Contarino's will, in favour of his betrothed, Jolenta. Indeed, before the passing of the Inheritance (Family Provision) Act in 1938, English law had no rules to ensure that testators would not leave all their property away from their families. The common law does not admit the share of the testator's estate reserved by law for certain heirs (as the rightful heirs of the "de cuius"). The so called "rightful share (*legittima*)" was a juridical institution codified by Justinian and later transmitted to all civil law systems. A similar example we find in *The Duchess of Malfi*, where the Duchess woos her future husband Antonio by hinting at the fact that she will bequeath him all her riches:

Duchess: In heaven.  
I am making my will (as 'tis fit princes should,  
In perfect memory), and, I pray, sir, tell me  
Were not one better make it smiling, thus,

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<sup>2</sup> Hamlet postpones revenge also because he feels it is no longer a justice appropriate to a more civilized and modern society, dominated by new mercantile customs, customs which require justice to be administered not by clans or family, but by a central power above class divisions. But how can he have recourse to a modern form of justice when the ruler who should administer justice is himself a murderer? Can the ruler condemn himself for murder?



Than in deep groans and terrible ghastly looks,  
 As if the gifts we parted with procur’d  
 That violent distraction?  
 [...] If I had a husband now, this care  
 were quit.  
 [.]  
 You may discover what a wealthy mine  
 I make you lord of. (I, ii, 82-89; 133-134)

Also in this case the Duchess decides about her riches without taking into consideration her relatives, her two brothers Ferdinand and the Cardinal. In fact, one of the possible explanations for her brother Ferdinand’s ferocious persecution has been ascribed to a jealousy concerning her wealth.

In *The Devil’s Law Case* some legal practices need to be considered: how did wills work? Contarino on his death bed bequeaths all his riches to fair Jolenta. But how can Romelio, Jolenta’s brother and her tutor, come into possession of that wealth? According to the patriarchal conceptions of the time, the woman was controlled by her father or, in the absence of a father or a husband, by her brother; therefore, Jolenta’s wealth would have fallen into her brother Romelio’s hands. The risk is that Contarino, somehow escaping death, may change his testament. To prevent this possibility, Romelio disguises himself as a physician, enters Contarino’s room with a pretext, and stabs him. However, the pretext of entering Contarino’s room officially, in front of the two surgeons who are taking care of him, is again a legal one. Romelio affirms that he has a way to revive Contarino, make him “*compos sui*,” then convince him to change his will. Obviously, this device would not work from a legal viewpoint, because since Contarino is momentarily unconscious, Romelio would need the surgeons to witness Contarino’s recovered mental faculties in order for the will to be valid. Instead, Romelio refuses to have any witnesses. His insistence leads the two surgeons to suspect Romelio’s intentions; but their suspicions are right for a wrong reason. They should not have suspected him for the oddity of his request (“This is a fine toy, fetch a man to life, / To make a new will; there’s some trick in it” [III, ii, 70-71]), but for its irregularity: they should have been aware that their presence was necessary for the legality of the will.

In order to be valid a will must be in writing, must be signed by the testator or by some person in his presence, and at his express directions; the document must be signed or acknowledged by the testator in the presence of two or more witnesses, both present at the same time; the witnesses must attest and sign the will in the testator's presence or acknowledge their signatures in his presence.

These legal elements become intertwined with another juridical problem: how could Ercole not be accused of Contarino's death? If Ercole is considered to be dead, he cannot be prosecuted, but in this case he cannot bring about the denunciation of Lenora's plot (she wants to be revenged of Contarino who scorned her courtship in favour of her daughter, whom he has nominated his heir). If he is declared as still living, he might be prosecuted for Contarino's death in the course of a duel. Webster creates such a tortuous palimpsest of legal cases that there is practically no way out from the juridical trap he has constructed.

What emerges is a tension between the pretended certainty of natural and civic order (laws exist and can be applied) and the ever-present possibility of their collapse. The text is totally pervaded with legalities (*de facto* marriage contracts, wills, lawyers presiding over legal transactions, etc), but the law is presented as being constantly impeded (the lawyer exploiting his clients, cases of enforced wills and marriages): the risk is that obstruction of the law may win. The law is shown as continuously in danger of being subverted, thus causing society to collapse under the weight of illegality and immorality. Even though the characters are portrayed as in constant tension in their desire to bypass the law, still the law is there, and represents a resistance to incipient chaos in society. The text in fact describes social dislocation.

### **3 PROPERTY**

The play's legal turmoil centres around property. Acquisition of property is at the core of a mercantile society; it is necessary to give full scope to the free will of the individual. However, the relationship between



people and things must be a healthy one, for it must involve a procedure for distinguishing good from bad interaction. At the heart of this play is the evaluation of a legal/moral culture of property.

The mythology of property conveys rootedness; the mythology of contract conveys mutability (Radin, 1993, p. 24).

As often in these Jacobean plays, the central issue concerns property and the transfer of wealth from one social class to another. The acquisition of property is what contributes to the creation of personhood within the play. Emphasized is the covetousness of the various characters that tends to suppress their moral nature. If we are witnessing the creation of a new sort of personhood, it is one devoid of all moral values. The dark moral tone of the society is underscored through the characters of Romelio and Crispiano. People have a value as long as they “possess,” not “are.” Indeed, the changing nature of persons and communities is reflected in and shaped by changing conceptions of property.

The utilitarian theory of welfare maximization, fully developed much later by Jeremy Bentham, is foreshadowed in this play. Romelio considers people only according to his personal gain and treats them as if they were things. The same is true of the lawyers. Crispiano and Contiluppo see their clients as objects to be exploited, as means for the acquisition of wealth, with no deontological aim, while Ariosto has the law and its universal value as his object. His goal is administering justice in the best possible way, extending harmony and peace in society through the unselfish administration of the law.

This personhood perspective corresponds to, or is the dominant premise of, the so-called personality theory of property (Radin, 1993, p. 36).

Leonora possesses a certain amount of money which she offers Contarino; for her that money represents both personal property and fungible property. It is personal property because as a widow, and as a no longer young woman, she exists as a person only in so far as she “possesses” money. Money allows her to exist as a person in society, but at the same time this money is put to use in the attempt to buy a lover, and from this perspective it is fungible.

Analogously, Romelio considers his sister as fungible property because he uses her beauty and youth in order to cultivate fruitful relations in society and thus to acquire wealth. Characters are so much obsessed with the possession of money that their behaviour verges on fetishism. Let us consider, for instance, the way Romelio appears on the scene: he is from the very first described as a merchant of substance.

Romelio: I'll give the King of Spain  
 Ten thousand ducats yearly, and discharge  
 My yearly custom. The Hollanders scarce trade  
 More generally than I: my factors' wives  
 Wear chaperons of velvet, and my scriveners  
 Merely through my employment, grow so rich,  
 They build their palaces and belvederes  
 With musical water-works. Never in my life  
 had I a loss at sea. They call me on th' Exchange  
 The fortunate Youth. (1, i, 3-13)

He exists only as a man of wealth and vaunts himself on such riches that all the other characters appear to him as mere beggars. His braggart attitude brings him to spurn the term “gentry” itself, which he defines as “a superstitious relic of time past” (1, i, 34). He spurns Contarino precisely because Contarino belongs to this despised class, and even more because he has come to “sell” land. Romelio never sells but only buys, and constantly increases his possessions. His acquisitiveness is grotesque in its excess; in his case we are witnessing an actual case of fetishism or bad object-relationship. We may consider his legal counterpart to be the lawyer Sanitonella, who is so eager to make more and more money that he develops an unwholesome relationship with “things”; this hinders his own self-development. The debate here is between a healthy and an unhealthy connection to property.

Another concern central both to the play and to the society of the time is the struggle for personal identity, which is a recurring theme in early modern English society. All the characters are engaged in forging their self-identities, as Stephen Greenblatt aptly points out in his book *Renaissance Self-fashioning*. The forging of a self-identity very often relies on acts of appropriation, based not on legitimate earnings but on unlawful deeds. This is exactly what takes place in the scene of Romelio in

the hospital when he attempts to murder Contarino in order to prevent him from changing his will. “The dream of conquest is sometimes experienced as [...] desire for control” (Whigham, 1996, p. 5). Such an attitude can be connected to the widespread loss of confidence in the prevailing system of social relations and identities, a shift which problematized the personal and collective sense of identity. The consequences brought about a general feeling of insecurity in identity which had to be overcome through deeds of acquisition.

The ideological struggle over models of social rank in early modern England is now a familiar matter. The land dispersion attendant upon the dissolution of the monasteries, interacting with a variety of other factors, generated an increasingly disturbing sense that status previously constructed as absolute and God-given could in fact be acquired by various kinds of human effort [...] Linear ‘ladder’ conceptions of rank competed with the older, clearer (and often nostalgically fictional) essentialist binary structures of aristocratic and subject ranks (Whigham, 1996, p. 10).

The balance between the forces of social identification and the forces of social differentiation vary. In *The Devils’ Law Case* we can discern an ambiguous relationship between Romelio and the two suitors of Jolenta. One is a nobleman who is not totally penniless (he leaves all his modest possessions to Jolenta on his death bed) but still impoverished; the other is a merchant much older but also much richer. Romelio prefers the wealthy suitor rather than the nobleman, who would give him the prospect of buying a title. What is involved therefore is not so much a shift in social class, but a strengthening in the valuation given to possessions.

#### 4 CONCLUSIONS

With all the many elements of legal debate at work in the play, it appears that Webster wants to cast doubt upon the morality of the inner workings of the juridical system of the time, a system obviously at variance with the principle of the common good. What prevails instead are selfish private economic interests which cancel the human rights of the

individual, thus creating a bleak social picture where law, politics and morality are intertwined negatively. But notwithstanding the generally squalid picture of this covetous society and in particular of the greed of lawyers, we may discern an evolution with respect to the gross portrait of the medieval lawyer. If in medieval literature “lawyers are criticized for real legal faults, such as pandering to the rich, ignoring the *querulae* of the poor, prolonging or delaying litigation, padding fees and engaging in a greedy scramble for lands,” (Tucker, 10) Crispiano, Ariosto and Contilupo do not present such characteristics of ignorance or violation of the law. Even though they emphasize the materialistic side of their profession, they are still able, knowledgeable lawyers. Crispiano’s positive description of Ariosto, by hinting at the temptations lawyers may run into, has the function of demonstrating what a good lawyer must do. We are gradually developing towards a legal system where justice is in the hands of professionals who may be rapacious and immoral but who know how to interpret the legal code to their own or their clients’ advantage.

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