



Ethics and Renaissance Comedy

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Ethics and Renaissance Comedy

A dissertation presented

by

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to

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Ethics and Renaissance Comedy

Abstract

“Ethics and Renaissance Comedy” examines ethical puzzles in early modern English comedies. Comic characters regularly lie and steal, deceive and coerce one other, commit adultery, pardon criminals, and seek revenge. Early modern theorists and contemporary audiences condemn such actions as unethical, but in comedy, these same actions are pardoned or even praised. I argue that seemingly unethical actions become ethically justifiable in comedy because of the generic conventions specific to comedy. The ethical standards we apply in a given world depend on what we believe to be true in that world, which, in the world of a literary genre, is determined by that genre’s conventions. The ethical standards by which we evaluate actions in comedy likewise depend on conventions.

Comedies, which aim at happy endings, conventionally represent humans as imperfect social animals. The ethical standards we apply to comedy are determined by the specific conditions that imperfect social animals require for happiness. An action becomes justified if, even by a seemingly unethical means, it attains the desirable end of securing the minimum conditions for human happiness. I argue that comedy, rather than being amoral or immoral, as many critics suggest, is essentially concerned with ethical justification, and that one condition for happiness in comedy is justice.

This project offers a capacious view of early modern comedy that goes beyond Shakespeare’s works to consider authors such as Armin, Beaumont, Chapman, Cooke, Day,

Dekker, Fletcher, Garter, Greene, Heywood, Jonson, Lyly, Marston, Massinger, Middleton, Peele, Porter, Rowley, and Webster. It also offers a new method for the philosophical criticism of literature by showing how genre grounds our judgments of literary events.

Table of Contents

Acknowledgements	vi
A note on the texts	viii
Introduction	1
Chapter One: Justice and Comedy	48
Chapter Two: Socially Contingent Ethics, or, To Cheat the Cheater	101
Chapter Three: End-Based Ethics, or, To Procure their Good for Them	151
Chapter Four: Pragmatism, or, <i>Believe</i> She Will be Constant	202
Chapter Five: Moral Luck	253
Conclusion	310
Bibliography	339

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A note on the texts

I accessed many of my primary texts via Early English Books Online (EEBO), which I note in the bibliographic citations for these texts. Where I have used texts from EEBO, I have modernized the spelling but kept the capitalization and punctuation largely unchanged. Line numbers are omitted where the source text provides none. For texts that required a high degree of correction, I have included short snippets of the original text (spelling not modernized) in the footnotes to enable other scholars to search and find the original passage in the digital text.

For each play, I give the date and the name of the author(s) parenthetically in the body of the text. Except where otherwise noted, all dates and authors' names are taken from Martin Wiggins and Catherine Richardson, *British Drama 1533-1642: A Catalogue* (Oxford: Oxford University Press, 2012). The date given in parentheses in the body of the text refers to the date of the first performance. (Where a date is given as "c. ____", the year corresponds with Wiggins' "best guess.") In footnoted citations for texts from EEBO, the date is that given by the EEBO edition (generally the year when the edition was printed).

Line numbers from plays and citations from the works of Aristotle, Aquinas, and Hooker are given parenthetically in the body of the text. All other citations are given in the footnotes. Aquinas's *Summa Theologiae* is abbreviated as *ST*. Aristotle's *Nicomachean Ethics* is abbreviated as *EN*. All quotations from a given source are derived from the edition cited in the first footnote for that source, except where otherwise noted.

All quotations from William Shakespeare's plays are taken from *The Norton Shakespeare*, ed. Stephen Greenblatt et al., 3rd ed. (New York: W.W. Norton & Co., 2016).

Introduction

This project began with a simple question: why are certain actions bad in real life but good in comedy? Between 1580 and 1626, English playwrights wrote hundreds of comedies in a variety of modes, including many set in contemporary London. In this large body of literature, written over half a century by playwrights who constantly studied, imitated, and used each other's work, certain plot conventions appear again and again. Characters lie and steal; they deceive and coerce one another; they take property from enemies, take partners from friends, and take revenge on everyone. Early modern theorists condemned such actions in general, much as audiences would today. In the context of comedy, however, these same actions are tolerated and even celebrated. I ask why this is so.

My central argument is that our evaluations depend on conventions. The ethical standards we apply to a given world (real or imagined) depend on what we believe to be true in that world. Genres describe a literary world, and what we take to be true in a genre is determined by its conventions. This means that the ethical standards we adopt to evaluate actions in comedy likewise depend on those conventions. Comedies, for example, conventionally represent human beings as imperfect social animals. They also conventionally end with happiness for their human characters. The ethical standards we apply to comedy, then, derive chiefly from that which imperfect social animals require for their happiness.

But what constitutes happiness for such animals as we are, and how do we attain it? In particular, how do social animals achieve happy societies? These were urgent questions for anyone living in the increasingly crowded, increasingly diverse city of London at the turn of the seventeenth century. They are also urgent for early modern comedy, whose defining question, I

argue, is this: what are the *minimum* conditions required for human flourishing? It is from this question that comedies derive their notions of ethics. Standards of right and wrong are closely tied to what promotes flourishing for social animals without demanding too much from their imperfect natures.

Early modern authors used literature to think through these foundational political and ethical questions, and their thinking was assisted by genre. By isolating certain phenomena for examination, by providing a frame on the world, genres helped authors to examine different hypotheses about human nature and action, to ask what consequences would follow if the world were like this. In this way, the genre of comedy provided a forum of ethical inquiry. By deploying, recombining, and altering its conventions, Elizabethan and Jacobean dramatists asked what human happiness is and how we can reach it. What are the social, literary, and philosophical conditions that influenced how playwrights approached these questions? I turn now to a brief account of these conditions. I shall then give an account of genre and outline the method and scope of this project.

The spectrum of Renaissance comedy

The late 1500s witnessed a revolution in English drama. The first public theaters, built beginning in 1567,¹ enabled professional companies of actors and playwrights to take up residence and develop their literary and performative capacities, as well as the audience's capacity of response.² At the same time, England was undergoing social and economic

¹ See Herbert Berry, "Playhouses," in *Plotting Early Modern London : New Essays on Jacobean City Comedy*, ed. Dieter Mehl, Angela Stock, and Anne-Julia Zwierlein (Aldershot: Ashgate, 2004), for a history of the English public theaters.

² See Anne Barton, "London Comedy and the Ethos of the City," *The London Journal* 4, no. 2 (1978), especially 158.

revolutions. The feudal economy was shifting to, but still coexisting with, a new capitalist market.³ Redistribution of lands, increased immigration, and growth in overseas trade and manufacturing, all increased the size and income of groups like the gentry, the civic-bureaucratic class, and especially the new, upwardly mobile middle class of merchants and manufacturers.⁴ This growth was felt above all in London. The city of 120,000 in 1550 had expanded by another 250,000 by 1650, with a “sharp acceleration around 1600.”⁵ This expanded population included not only prosperous professionals like lawyers and merchants but large groups with less social and economic security, such as young servants, apprentices, and refugees from the Continent.⁶

These demographic and economic shifts meant that London had more people who had fewer things in common. This new society, “increasingly aware of its economic instability and its heterogenous elements and interests,” was forced to ask how its inhabitants could successfully

³ For treatments of citizen/city comedy as a response to changing conditions in English society, see L. C. Knights, *Drama & Society in the Age of Jonson* (London: Chatto & Windus, 1937); Richard Horwich, "Wives, Courtesans, and the Economics of Love in Jacobean City Comedy," *Comparative Drama* 7 (1973); Peter Mortenson, "The Economics of Joy in the Shoemakers' Holiday," *SEL: Studies in English Literature, 1500-1900* 16, no. 2 (1976); Barton, "London Comedy and the Ethos of the City"; Susan Wells, "Jacobean City Comedy and the Ideology of the City," *ELH: a Journal of English Literary History* 48 (1981); William Tydeman, "The Image of the City in English Renaissance Drama," *Essays and Studies* 38 (1985); Lawrence Venuti, "Transformations of City Comedy: A Symptomatic Reading," *Assays* 3 (1985); Jean-Christophe Agnew, *Worlds Apart: The Market and the Theater in Anglo-American Thought, 1550-1750* (Cambridge: Cambridge University Press, 1986); David Scott Kastan, "Workshop and/as Playhouse: Comedy and Commerce in the Shoemaker's Holiday," *Studies in Philology* 84, no. 3 (1987); Lorna Hutson, "The Displacement of the Market in Jacobean City Comedy," *The London Journal* 14, no. 1 (1989); Douglas Scott Bruster, *Drama and the Market in the Age of Shakespeare* (Cambridge: Cambridge University Press, 1992); Lawrence Manley, *Literature and Culture in Early Modern London* (Cambridge: Cambridge University Press, 1995).

⁴ Venuti, "Transformations of City Comedy: A Symptomatic Reading", 103-4. Venuti offers an excellent historical-material analysis of changing economic and social conditions in London and their relation to changing conventions in comedy.

⁵ John A. Twyning, "City Comedy," in *A Companion to Renaissance Drama*, ed. Arthur F. Kinney (Oxford: Blackwell Publishing, 2004), 357.

⁶ Kastan, "Workshop and/as Playhouse: Comedy and Commerce in the Shoemaker's Holiday", treats the social issues of foreign immigrants and returning soldiers.

coexist.⁷ This is also the question that London comedies asked with increasing urgency: what are the requirements for living life together? In this way, the genre of comedy was dominated by a mode that criticism often overlooks: city comedy.⁸

Critics have tended to divide Renaissance comedies into opposing camps, labeled with antitheses such as romantic and satiric, tolerant and punitive, sweet and bitter, Shakespearean and Jonsonian.⁹ “Comedy,” on this account, can seem a misleading label yoking together two utterly heterogeneous forms of art. The division seems all the deeper because of how our contemporary view of comedy has been formed. In 1948, Northrop Frye proposed a three-part model for comedy of “struggle, death, and rebirth”: “the action of the comedy begins in a world represented as the normal world, moves into the green world, goes into a metamorphosis there in

⁷ Ibid., 328.

⁸ For a discussion of mode and subgenre in relation to genre, see Northrop Frye, *Anatomy of Criticism*, ed. Harold Bloom (Princeton: Princeton University Press, 2000), “First Essay: Historical Criticism: Theory of Modes” (all citations from *Anatomy* are from this edition); and Alastair Fowler, *Kinds of Literature : An Introduction to the Theory of Genres and Modes* (Cambridge: Harvard University Press, 1982), “Mode and subgenre.” “Subgenre” picks out the work’s external form. Subgenres “have the common features of the kind — external features and all — and, over and above these, add special substantive features,” like certain settings, plot motifs, or topics (112). “Mode,” by contrast, functions adjectivally to pick out certain qualities within “a selection only of the corresponding kind’s features” (107), and especially to the attitude these features generate for the reader towards the work. I use “romantic comedy” and “satiric comedy” to refer to comedies that encourage the audience to adopt towards the comedy certain attitudes associated with romance or satire. Citizen comedy is a subgenre of comedy with a well-defined set of plots, characters, and settings. But it could also be called a mode, insofar as it generates attitudes associated both with romance and with satire. Frye’s theory of “phases” in a genre (or the more comprehensive category he calls *mythos*) is also highly useful: “I recognize six phases of each *mythos*, three being parallel to the phases of a neighboring *mythos*. The first three phases of comedy are parallel to the first three phases of irony and satire, and the second three to the second three of romance. The distinction between an ironic comedy and a comic satire, or between a romantic comedy and a comic romance, is tenuous, but not quite a distinction without a difference” (Frye, *Anatomy of Criticism*, 177). Later I introduce the idea of a comic spectrum, which could be seen as a variation on Frye’s phase model.

⁹ See, for example, Madeleine Doran, *Endeavors of Art : A Study of Form in Elizabethan Drama* (Madison: University of Wisconsin Press, 1954), 148; M. C. Bradbrook, *The Growth and Structure of Elizabethan Comedy* (London: Chatto & Windus, 1955), 13; Harry Levin, *Playboys and Killjoys : An Essay on the Theory and Practice of Comedy*, Una’s Lectures in the Humanities (New York: Oxford University Press, 1987), 167; Russ McDonald, *Shakespeare & Jonson, Jonson & Shakespeare* (Lincoln: University of Nebraska Press, 1988); Anne Barton, *Essays, Mainly Shakespearean* (Cambridge: Cambridge University Press, 1994), 287.

which the comic resolution is achieved, and returns to the normal world.”¹⁰ Frye’s model is heavily drawn from Greek and Christian mythology, religion, and ritual. Frye identifies this pattern in a few of Shakespeare’s plays — *The Two Gentleman of Verona*, *As You Like It*, *A Midsummer Night’s Dream* — and from there derives a theory of Shakespearean comedy and of an “Elizabethan kind” of comedy.¹¹ This account, together with C.L. Barber’s *Shakespeare’s Festive Comedy*, has been highly influential for contemporary criticism, so that a small subset of Shakespeare’s comedies is often generalized into an account of Renaissance comedy as a whole.¹²

But this model, especially as the comic genre developed, was the exception more than the rule. On the “green world” model, the crucial action takes place in a world defined by its *not* being the real world. It was the real world, however, that most interested Shakespeare’s contemporaries. Harry Levin notes that the commonplace Renaissance definition of comedy — “*imitatio vitae, speculum consuetudinis, imago veritatis*”¹³ — could refer almost equally well to

¹⁰ Northrop Frye, “The Argument of Comedy,” reprinted from *English Institute Essays 1948* in *Theories of Comedy*, ed. Paul Lauter (Garden City: Anchor Books, 1964), 454.

¹¹ Northrop Frye, “The Argument of Comedy,” reprinted from *English Institute Essays 1948* in *ibid.*, 456.

¹² For influential accounts of Shakespeare’s comedy as romantic or festive, see C. L. Barber, *Shakespeare's Festive Comedy: A Study of Dramatic Form and Its Relation to Social Custom* (Princeton: Princeton University Press, 1959); Northrop Frye, *A Natural Perspective: The Development of Shakespearean Comedy and Romance* (New York: Harcourt, Brace & World, 1965); G. K. Hunter, *Shakespeare and the Comedy of Forgiveness* (New York: Columbia University Press, 1965). For critical overviews of Shakespeare’s comedies, see Alexander Leggatt, *Shakespeare's Comedy of Love* (London: Methuen, 1974); Kenneth Muir, *Shakespeare's Comic Sequence* (Liverpool: Liverpool University Press, 1979); Northrop Frye, *The Myth of Deliverance: Reflections on Shakespeare's Problem Comedies* (Toronto: University of Toronto Press, 1983); Kiernan Ryan, *Shakespeare's Comedies* (New York: Palgrave Macmillan, 2009). See Greenblatt’s “Foreword” in C. L. Barber, *Shakespeare's Festive Comedy: A Study of Dramatic Form and Its Relation to Social Custom* (Princeton: Princeton University Press, 2012) for an account of Barber’s influence and recent challenges to it.

¹³ The phrase is attributed to Cicero by Donatus, the ancient grammarian and biographer discussed below, and was well known in the Renaissance because it was included in the Introduction to a 1546 edition of Terence, published in 1546. See Ernst Robert Curtius, *European Literature and the Latin Middle Ages* (New York: Pantheon Books, 1953), 336, n. 56, and J. W. H. Atkins, *Literary Criticism in Antiquity: A Sketch of Its Development*, vol. II (Cambridge: Cambridge University Press, 1934), 38. I thank Gordon Teskey for these notes.

tragedy. It is the “trope of the mirror, that signalizes the difference: what is to be reflected [in comedy] is custom, typical behavior, quotidian existence”¹⁴ — the life of ordinary citizens in a real city. Between 1580 and 1642, Anne Barton notes, “hundreds of comedies appeared that were set in contemporary London.” Shakespeare was the “glaring exception.” The play that “comes closer than any of his other plays in its plot and social structure to the ... comedies written by his contemporaries” is not *As You Like It* or *Twelfth Night* but *The Merry Wives of Windsor*.¹⁵

Shakespeare’s festive comedies have much in common with works from the 1580s by playwrights like John Lyly, George Peele, and Robert Greene.¹⁶ Their romantic pastoral comedies draw on classical romance, Italian tragicomedy, and native English festive traditions, and feature foreign or mythical idealized settings, noble characters, motifs from fairy tales, and often highly stylized, recognizably literary motifs.¹⁷ These plays and their sources were important precedents for Shakespeare’s “green world” or festive comedies.¹⁸ But in the 1590s,

¹⁴ Harry Levin, “Notes towards a Definition of City Comedy,” in *Renaissance Genres : Essays on Theory, History, and Interpretation*, ed. Barbara Kiefer Lewalski (Cambridge: Harvard University Press, 1986), 129.

¹⁵ Anne Barton, “Falstaff and the Comic Community,” in *Shakespeare's "Rough Magic" : Renaissance Essays in Honor of C.L. Barber*, ed. C. L. Barber, Peter Erickson, and Coppélia Kahn (Newark: University of Delaware Press, 1985), 37-38. In *Plotting Early Modern London : New Essays on Jacobean City Comedy*, the editors note that non-Shakespearean comedies, especially city comedies, are receiving an “increasing deal of attention” as well as an increase in performances and popularity (1-2), but Shakespearean productions still come in far ahead, particularly in America. Jean Howard, “Shakespeare and the London of City Comedy,” *Shakespeare Studies* 39 (2001) usefully discusses Shakespeare’s marginal position in relation to the drama of his contemporaries, as well as our own skewed view of that drama.

¹⁶ See, for example, the anonymous *Mucedorous* (c. 1591), Robert Greene’s *Orlando Furioso*, *James IV* (c.1590), and *Friar Bacon and Friar Bungary* (c. 1589), George Peele’s *The Old Wife’s Tale* (c. 1592), and *The Arraignment of Paris* (c. 1584) and John Lyly’s *Campaspe* (c. 1583), *The Woman in the Moon* (c. 1588), *Sapho and Phao* (c. 1584), *Galathea* (c. 1584), and *Endymion* (c. 1588).

¹⁷ See Harry Levin, “Notes toward a Definition of City Comedy,” in *Renaissance Genres : Essays on Theory, History, and Interpretation*, 137-8; Susan Synder, “The genres of Shakespeare’s plays,” in *The New Cambridge Companion to Shakespeare*, ed. Margreta De Grazia and Stanley Wells, 2nd ed. (New York: Cambridge University Press, 2010), 88-90.

¹⁸ For the sources of Shakespeare’s comedies, see Nevill Coghill, “The Basis of Shakespearean Comedy: A Study in Medieval Affinities,” *Essays and Studies* 3 (1950); Doran, *Endeavors of Art : A Study of Form in Elizabethan Drama*; Bradbrook, *The Growth and Structure of Elizabethan Comedy*; Leo Salingar, *Shakespeare and the Traditions of Comedy*, ed. William Empson (Cambridge: Cambridge University Press, 1974); Robert S. Miola,

playwrights began turning their attention to more realistic, contemporary stories and settings.

From the late 1590s through about 1630, the dominant mode for comic drama was city comedy.¹⁹

The subgenre of city comedy came into critical focus with Brian Gibbons' influential 1968 study of Jonson, Marston, and Middleton, and the category has gained increasing attention.²⁰ City comedies characteristically depict the everyday affairs of a "predominantly middle-class social milieu,"²¹ concerned with negotiating social *mores* and manners, plotting the "intrigues and romances in which a particular configuration of the dramatic triangle formed by

Shakespeare and Classical Comedy : The Influence of Plautus and Terence (Oxford: Clarendon Press, 1994); Janette Dillon, "Elizabethan Comedy," in *The Cambridge Companion to Shakespearean Comedy*, ed. Alexander Leggatt (Cambridge: Cambridge University Press, 2002), Stanley Wells, "Shakespeare's comedies," in *The New Cambridge Companion to Shakespeare*, .

¹⁹ The genre had its greatest vogue between 1605 and 1630 (Theodore B. Leinwand, *The City Staged : Jacobean Comedy, 1603-1613* (Madison: University of Wisconsin Press, 1986), 7; Wells, "Jacobean City Comedy and the Ideology of the City", 37, but there were precedents in the 1580s and 90s. John A. Twyning points out that George Chapman's *A Humorous Day's Mirth* (1597) is arguably the first English dramatization of a satire in an urban setting ("City Comedy" in *A Companion to Renaissance Drama*, , 363); Leggatt notes that William Haughton's *Englishmen for my Money* (1598) is the earliest extant comedy set in London (Alexander Leggatt, *Citizen Comedy in the Age of Shakespeare* (Toronto: University of Toronto Press, 1973), 7).

²⁰ For studies of city comedy, see Brian Gibbons, *Jacobean City Comedy: A Study of Satiric Plays by Jonson, Marston, and Middleton* (Cambridge: Harvard University Press, 1968). See also Knights, *Drama & Society in the Age of Jonson*; Richard Louis Levin, *The Multiple Plot in English Renaissance Drama* (Chicago: University of Chicago Press, 1971); Leggatt, *Citizen Comedy in the Age of Shakespeare*; Brian Gibbons, *Jacobean City Comedy*, 2nd ed. (London, New York: Methuen, 1980); Gail Kern Paster, *The Idea of the City in the Age of Shakespeare* (Athens: University of Georgia Press, 1985); Wendy Griswold, *Renaissance Revolts: City Comedy and Revenge Tragedy in the London Theatre, 1576-1980* (Chicago: University of Chicago Press, 1986); Leinwand, *The City Staged : Jacobean Comedy, 1603-1613*; John Twyning, *London Dispossessed : Literature and Social Space in the Early Modern City* (New York: St. Martin's Press, 1998); Mathew R. Martin, *Between Theater and Philosophy : Skepticism in the Major City Comedies of Ben Jonson and Thomas Middleton* (Newark; University of Delaware Press: London; Associated University Presses, 2001); *Plotting Early Modern London : New Essays on Jacobean City Comedy*, ; Heather C. Easterling, *Parsing the City : Jonson, Middleton, Dekker, and City Comedy's London as Language* (New York: Routledge, 2007). For historical context relevant to city comedies, see *London 1500-1700 : The Making of the Metropolis*, ed. A. L. Beier and Roger Finlay (London: Longman, 1986); Agnew, *Worlds Apart : The Market and the Theater in Anglo-American Thought, 1550-1750*; Hutson, "The Displacement of the Market in Jacobean City Comedy"; Bruster, *Drama and the Market in the Age of Shakespeare*; Manley, *Literature and Culture in Early Modern London; Material London, Ca. 1600*, ed. Lena Cowen Orlin (Philadelphia: University of Pennsylvania Press, 2000); Jean Howard, "Introduction," *Shakespeare Studies* 35 (2007).

²¹ Leggatt, *Citizen Comedy in the Age of Shakespeare*, 1. His Introduction offers an excellent survey of the points drawn below.

citizens, gallants, and wives, whores, widows, and maids.”²² They are set in a realistically contemporary London (or a thinly disguised Continental counterpart); characters live on streets that the audience could find on a map, and they even hear the same bells that Londoners daily heard.²³

The genre’s realism comes above all, however, from the kinds of conflict it depicts. City comedies are interested in practical solutions to ordinary problems. A common thread among the plays is their interest in “practical social issues”: “how to get money, and how to spend it; how to get a wife, and how to keep her,” and how to do the “hard bargaining” necessary for these.²⁴ While Shakespeare’s pastoral comedies reinforce the “cultural fantasy that love and the market are separate entities,” in city comedies, “‘love’ is never entirely separable from the daily business of making a living.”²⁵ We see these two competing tendencies at work in *The Merry Wives of Windsor* (William Shakespeare, c. 1597). The young gentleman Fenton is wooing Anne, daughter of a prosperous middle-class father. He tells Anne,

Albeit I will confess thy father’s wealth
Was the first motive that I wooed thee, Anne,
Yet wooing thee, I found thee of more value
Than stamps in gold or sums in sealèd bags,
And ’tis the very riches of thyself
That now I aim at. (3.412-18)

It may not be romantic for a suitor to admit that he needs money along with marriage, but it is not realistic to expect him not to need it. What makes the tone of *Merry Wives* so distinctive among Shakespeare’s plays is the fact that Fenton needs both *and* obtains both. It because the

²² Leinwand, *The City Staged : Jacobean Comedy, 1603-1613*, 7.

²³ Leggatt, *Citizen Comedy in the Age of Shakespeare*, 7.

²⁴ *Ibid.*, 3-4.

²⁵ Howard, "Shakespeare and the London of City Comedy", 17.

play so adroitly balances romance and realism, festive and satiric impulses, that Russ McDonald locates it “close to the center of a comic scale.”²⁶

As critics have turned more attention to non-Shakespearean comedy, they have also proposed new models for describing it. The two opposing camps of romantic/satiric comedy are replaced by a “spectrum of comic forms” with farce or satire on one end and romance on the other.²⁷ Such a scale makes sense of the way that early modern playwrights wrote. They were a “small, tightly knit community, tied together by habits of collaboration, watching one another’s successes and failures,”²⁸ adapting and varying each other’s techniques, to produce a group of plays with discernible lines of heritage and influence but significant variation as well. The idea of a comic spectrum captures those wide variations as well as the meaningful features held in common.

This approach is related to new ways of thinking about genre itself. Contemporary criticism does not take genres to be well-defined sets to which members belong by sharing all the same inclusion criteria. Rather, works participate²⁹ in a genre by virtue of what Wittgenstein

²⁶ McDonald, *Shakespeare & Jonson, Jonson & Shakespeare*, 33.

²⁷ G.K. Hunter, “Comedy, farce, romance,” in *Comedy from Shakespeare to Sheridan : Change and Continuity in the English and European Dramatic Tradition : Essays in Honor of Eugene M. Waith*, ed. Eugene M. Waith, A. R. Braunmuller, and James C. Bulman (Newark: University of Delaware Press, 1986), 31. McDonald proposes similarly “a “horizontal scale at the opposite ends of which would stand Shakespeare’s most romantic comedy, perhaps *As You Like It*, and Jonson’s most critical, almost certainly *Volpone*” (*Shakespeare & Jonson, Jonson & Shakespeare*, 55). Jill Levinson considers the advantages and drawbacks of this approach in “Comedy,” *The Cambridge Companion to English Renaissance Drama*, ed. A. R. Braunmuller and Michael Hattaway, 2nd ed. (Cambridge: Cambridge University Press, 2003).

²⁸ G.K. Hunter, “Comedy, farce, romance,” in *Comedy from Shakespeare to Sheridan : Change and Continuity in the English and European Dramatic Tradition : Essays in Honor of Eugene M. Waith*, 28.

²⁹ See John Frow, *Genre* (New York: Routledge, 2006), “Approaching Genre.” Frow derives the term “participation” from Derrida (25); he suggests a “reflexive model in which texts are thought to use or perform the genres by which they are shaped” (25).

termed “family resemblance”: “These phenomena have no one thing in common which makes us use the same word for all — but they are *related* to one another in many different ways.”³⁰

One significant relationship among early modern comedies is the way in which they engage dialectically with the two poles of the comic spectrum: romance and satire. From the 1580s to the 1620s, playwrights developed new kinds of comedy by shifting emphasis to one side or the other, by underplaying one mode and developing the potentialities of the other. We see wide variations in plot, character, and affect even in the subgenre of those more realistic comedies set in London, among which we find “the satiric, the didactic, and the simply amusing, with everything from lightweight farce to pieces that verge on domestic drama.”³¹ When playwrights first took up London as their setting and subject, they tended to recreate the formal structures of romance.³² Playwrights like Thomas Dekker and Thomas Heywood depict semi-realistic settings whose unrealistically fortuitous conclusions benefit characters who exemplify an “inclusive, neochivalric ethic of loyalty, service, and moral nobility.”³³ The reliable pairing of goodness and good fortune allay “in romantic fashion a potential for class strife.”³⁴ Later

³⁰ Quoted in Fowler, *Kinds of Literature : An Introduction to the Theory of Genres and Modes*, 41. See also David Fishelov, "Genre Theory and Family Resemblance—Revisited," *Poetics* 20, no. 2 (1991); Frow, *Genre*. For critics who apply this theory to Renaissance genres and to comedy, see Fowler; Stanley Cavell, *Pursuits of Happiness : The Hollywood Comedy of Remarriage* (Cambridge: Harvard University Press, 1981); Levin, *Playboys and Killjoys : An Essay on the Theory and Practice of Comedy*; Gabriel Beiner, *Shakespeare's Agonistic Comedy: Poetics, Analysis, Criticism* (Rutherford; Fairleigh Dickinson University Press: London; Associated University Presses, 1993); Joshua Scodel, *Excess and the Mean in Early Modern English Literature* (Princeton: Princeton University Press, 2002); Jill Levinson, “Comedy,” in *The Cambridge Companion to English Renaissance Drama*, ed. A. R. Braunmuller and Michael Hattaway, 2nd ed., *Companion to English Renaissance Drama* (Cambridge: Cambridge University Press, 2003).

³¹ Leggatt, *Citizen Comedy in the Age of Shakespeare*, 4.

³² See *ibid.* and ‘Our scene is London...’ in *Plotting Early Modern London : New Essays on Jacobean City Comedy*,

³³ Manley, *Literature and Culture in Early Modern London*, 439.

³⁴ *Ibid.*, 441.

comedies, however, turn more sharply satiric, marked by intrigue and “sordid realism.”³⁵ We should not, however, see comedy’s development as a straightforward “de-romanticizing ... by which the seventeenth century replaces fantasy by realism.”³⁶ Although comedy was increasingly marked by satire and realism rather than by the romance of Shakespeare’s comedies, there is “probably no city comedy” in which “romantic and farcical, utopian and satiric possibilities are not in some sort of tension.”³⁷

These two emphases of comedy are already at work in the two defining conventions of comedy in early modern literary theory. Comedy features commonplace characters for whom things turn out well. These ordinary people are neither perfect nor completely vicious, but essentially imperfect. And yet, despite their imperfections, they nearly always achieve a kind of success. Romance throws the emphasis on the success. As comedy tends towards romance, triumphs become greater, and obstacles are more completely overcome. Satire emphasizes the limiting factors on success. The dialectical interplay of these two impulses produces the defining question for comedy: how can individuals and communities achieve success, given human limitations? Much of early modern comedy skews satiric in insisting above all on the limitations.

³⁵ Gibbons, *Jacobean City Comedy*, 1; *Plotting Early Modern London : New Essays on Jacobean City Comedy*, 3. See also Leinwand, *The City Staged : Jacobean Comedy, 1603-1613*, 7-9, and Mortenson, "The Economics of Joy in the Shoemakers' Holiday" Kastan, "Workshop and/as Playhouse: Comedy and Commerce in the Shoemaker's Holiday", that applies this vision to Dekker’s *The Shoemaker’s Holiday*.

³⁶ Hunter, *Comedy from Shakespeare to Sheridan : Change and Continuity in the English and European Dramatic Tradition : Essays in Honor of Eugene M. Waith*, 39.

³⁷ Manley, *Literature and Culture in Early Modern London*, 440. For other accounts of the dialectical interplay of romantic and satiric modes in citizen comedies, see Wells, "Jacobean City Comedy and the Ideology of the City"; Nancy S. Leonard, "Shakespeare and Jonson Again: The Comic Forms," *Renaissance Drama* 10 (1979); Thomas Cartelli, "'Bartholomew Fair' as Urban Arcadia: Jonson Responds to Shakespeare," *ibid.* 14 (1983); Joanne Altieri, "Against Moralizing Jacobean Comedy: Middleton's *Chaste Maid*," *Criticism: a Quarterly for Literature and the Arts* 30, no. 2 (1988); McDonald, *Shakespeare & Jonson, Jonson & Shakespeare*; Twynning, *London Dispossessed : Literature and Social Space in the Early Modern City*.

As London's changing socioeconomic conditions posed greater social challenges and offered fewer cultural resources to solve them, dramatists became interested in the minimum conditions required for living life together, and they found in comedy a resource to think through that question. They also found resources in the most prevalent anthropological and political tradition of the early modern — Aristotelianism.

Aristotle in Renaissance literary theory

Aristotle played a major role in shaping European literary theory and criticism. Bernard Weinberg writes that “the signal event in the history of literary criticism in the Italian Renaissance was the discovery of Aristotle’s *Poetics* and its incorporation into the critical tradition.”³⁸ Although the *Poetics* treats comedy more briefly than tragedy, commentaries and essays on the *Poetics* provided the basis of sixteenth-century Italian comic theory.³⁹ And while the *Poetics* did not itself become influential in England until the late sixteenth century, English theories of comedy nevertheless had crucial premises from the *Poetics* at their foundation.

³⁸ Bernard Weinberg, *A History of Literary Criticism in the Italian Renaissance* (Chicago: University of Chicago Press, 1961), 349. Averroes’ paraphrase of the *Poetics* was published in Italy in 1481 and 1515. The *Poetics* itself was first published in Latin by Giorgio Valla in 1498; a Greek text was published in 1508; and the work received greatest attention when Alessandro de’ Pazzi published an edition of the Greek text with the Latin translation in 1536, an edition which became standard (Brian Vickers, “Rhetoric and Poetics” in *The Cambridge History of Renaissance Philosophy*, ed. Charles B. Schmitt, et al. (Cambridge: Cambridge University Press, 1988), 718).

³⁹ Among the most notable are Francesco Robortello, who published *De Arte Poetic Explicationes* with an essay, “On Comedy,” that reconstructs an Aristotelian theory of comedy from the *Poetics* (1548); Ludovico Castelvetro, *Poetica d’Aristotele Vulgarizzata et Sposta*, the first vernacular exposition of the *Poetics* (1570) (David Galbraith, “Theories of Comedy,” in *The Cambridge Companion to Shakespearean Comedy*, 12-13); Marius, who published a commentary on the *Poetics* and an essay, *De Ridiculis* (1550), and Antonius Riccozonus, who published a Latin translation/paraphrase with an essay, *Ars Comica ex Aristotele*, another reconstruction of Aristotelian comic theory (1587) (Marvin T. Herrick, *Comic Theory in the Sixteenth Century* (Urbana: University of Illinois Press, 1964), 41, 52).

English comedy developed from a variety of sources, native, classical, and continental.⁴⁰ Romantic and satiric comedies drew plots and character types from contemporary Italian *commedia* and *novelle*. Motifs in citizen comedy, like the riotous vice figure and the anatomy of social classes, derive from English folklore, chronicles, morality plays, and complaint literature. It was Greek and Roman New Comedy, however, that authors and audiences spent the most time reading, analyzing, imitating, and performing.⁴¹ English grammar school and university students studied extensively the plays of Plautus and Terence.

Just as it guided the practice, classical models also guided the theory. Appended to many Renaissance editions of Terence were the essays *De Fabula* and *De Comoedia*, ascribed to the fourth-century Roman grammarian Donatus. Along with Horace's *Ars Poetica* and Cicero's *De Oratore*, these essays provided the foundation of English comic theory.⁴² Donatus and Cicero

⁴⁰ See Leggatt, *Citizen Comedy in the Age of Shakespeare*, "Introduction," and Jill Levinson, "Comedy," in *The Cambridge Companion to English Renaissance Drama*. For more in-depth studies of the sources of early modern English comedy, see Bradbrook, *The Growth and Structure of Elizabethan Comedy*; Herrick, *Comic Theory in the Sixteenth Century*; Salingar, *Shakespeare and the Traditions of Comedy*; E. C. Pettet, *Shakespeare and the Romance Tradition* (New York: Haskell House Publishers, 1976); Miola, *Shakespeare and Classical Comedy: The Influence of Plautus and Terence; The Italian World of English Renaissance Drama: Cultural Exchange and Intertextuality*, ed. Michele Marrapodi and A. J. Hoenselaars (Cranbury, NJ; University of Delaware Press: London; Associated University Presses, 1998). For useful overviews of English Renaissance comedy, see Doran, *Endeavors of Art: A Study of Form in Elizabethan Drama*; Alexander Leggatt, *Introduction to English Renaissance Comedy* (Manchester and New York: Manchester University Press, 1999); for overviews of comedy more generally, see Frye, *Anatomy of Criticism*; Cyrus Henry Hoy, *The Hyacinth Room: An Investigation into the Nature of Comedy, Tragedy, & Tragicomedy* (New York: Knopf, 1964); *Comedy from Shakespeare to Sheridan: Change and Continuity in the English and European Dramatic Tradition: Essays in Honor of Eugene M. Waith*, ed. Alexander Leggatt (New York: Routledge, 1998).

⁴¹ For the role of Terence in English grammar school education, see Thomas Whitfield Baldwin, *William Shakespeare's Small Latine & Lesse Greeke* (Urbana: University of Illinois Press, 1944), "Lower Grammar School: Shakespeare's Constructions; Terence, Mantuan, Palingenius." For the influence of Roman comedy on English Renaissance drama, see Baldwin's *Shakespeare's Five-Act Structure: Shakespeare's Early Plays on the Background of Renaissance Theories of Five-Act Structure from 1470* (Urbana: University of Illinois Press, 1947); Herrick, *Comic Theory in the Sixteenth Century*; Miola, *Shakespeare and Classical Comedy: The Influence of Plautus and Terence*.

⁴² "The Function of Comedy" in Herrick, *Comic Theory in the Sixteenth Century*; David Galbraith, "Theories of Comedy," in *The Cambridge Companion to Shakespearean Comedy*, 3-17; Susan Snyder, "Wise Saws and Modern Instances: The Relevance of Donatus" and S. Georgia Nugent, "Ancient Theories of Comedy: The Treatises of Evanthius and Donatus" in *Shakespearean Comedy*, ed. Maurice Charney (New York: New York Literary Forum, 1980); Susan Snyder, "The Genres of Shakespeare's Plays," in *The Cambridge Companion to Shakespeare*, ed. Margreta de Grazia; Stanley Wells (Cambridge: Cambridge University Press, 2001). Modern scholarship now

parallel Aristotle's *Poetics* in their accounts of comedy's characteristic subjects, endings, and types of humor. Aristotle writes that comedy is an imitation of "people of a lower sort," while tragedy tends to imitate those who are "better ... rather than worse" and often of "great repute and good fortune"; the ending most appropriate to comedy is the one that rewards the better people and punishes the worse, or that concludes in friendship, so that enemies "go away having become friends at the end and no one is killed by anyone" (*Poetics*, 1449a31, 1453b10-17, 1453a37-8).⁴³ For Donatus, likewise, comedy's characters are lower in status, and its ending is happy: "[I]n comedy the fortunes of men are ordinary, the onslaughts of difficulties minor, the outcomes of actions happy. But in tragedy, everything is the opposite: the characters are outstanding, the fears great, the outcomes disastrous. Then again, in comedy, the beginning is stormy, the end calm, but in tragedy the opposite holds true."⁴⁴

What makes the subjects of comedy "lower" for Aristotle is not that they are inferior "in respect to every vice" but that they are "ridiculous," meaning "a certain sort of missing the mark and a deformity that is painless and not destructive" (*Poetics* 1449a32-4). Cicero likewise says that laughter comes from what is "unseemly or ugly" and causes "neither strong disgust nor the deepest sympathy"; this kind of laughter arises most from "the conduct of people who are neither objects of general esteem nor yet full of misery, and not apparently merely fit to be hurried off to execution for their crimes."⁴⁵ Comedy concerns people who fall in the middle, in terms both of

ascribes *De Fabula* to Donatus and *De Comoedia* to his contemporary Evanthius; I use the name ascribed to the text in the editions that I use. Translations from Donatus and Evanthius are from S. Georgia Nugent, included in *Shakespearean Comedy*, except where otherwise noted.

⁴³ All translations are from Aristotle, *Poetics*, trans. Joe Sachs (Newburyport: Focus Publishing/R. Pullins Co., 2011) except where otherwise noted.

⁴⁴ *De Fabula* in *Shakespearean Comedy*, 271.

⁴⁵ Marcus Tullius Cicero, *Cicero : De Oratore*, ed. E. W. Sutton and H. Rackham (Cambridge: Harvard University Press, 1942), II.58.236-9.

station and of vice: ordinary people. For Donatus, comedy presents the “manners of life of private citizens” and “is a mirror of daily life” through which we “perceive the image of life and of daily habit.”⁴⁶ While tragic characters are often drawn from a specific historical individual and his “never-to-be-repeated life,”⁴⁷ comic characters are drawn from universal types found in everyday life.

English comic theory repeats the definitions and descriptions of comedy found in Aristotle, Cicero, and Donatus. Thomas Heywood writes:

saith Donatus ... comedies begin in trouble, and end in peace; Tragedies begin in calms, and end in tempest ... the definition of the comedy, according to the Latins: a discourse consisting of divers institutions, comprehending civil and domestic things ... Cicero saith, a comedy is the imitation of life, the glass of custom and the image of truth.⁴⁸

Comedy is a truthful imitation of ordinary events in the lives of ordinary people that usually ends well. Significantly, this description is also the basis of prescription. Because comedy depicts ordinary life, Heywood claims, it can teach us “what in our lives and manners is to be followed, what to be avoided.”⁴⁹ This instructive power was claimed for comedy in a literary culture that understood poetics as a species of rhetoric.

Rhetoric was foundational in the early modern English curriculum. The works most frequently used by literary theorists included Aristotle’s *Rhetoric*; *Rhetoric ad Herennium*;

⁴⁶ *De Comoedia* in *Shakespearean Comedy*, 271-2.

⁴⁷ Susan Synder, “The genres of Shakespeare’s plays,” in *The New Cambridge Companion to Shakespeare*, 85. Compare Ludovico Castelvetro, *Poetica d’Aristotle vulgarizzata e sposta* (*Poetics of Aristotle, Translated into the Vernacular and Explicated*): “The plots of [tragedies and epic poems] are always developed from something that actually happened. It is comic plots that always exclude all types of incidents except those that are possible and have never happened. The plots of tragedy and epic poetry must of necessity be based upon incidents which we have classified as things happening to a particular person,” in *Sources of Dramatic Theory*, ed. Michael J. Sidnell (Cambridge: Cambridge University Press, 1991), 137.

⁴⁸ Thomas Heywood, *A Defence of Drama*, in *English Renaissance Literary Criticism*, ed. Brian Vickers (Oxford and New York: Oxford University Press, 1999), 493.

⁴⁹ *Ibid.*, 493.

Cicero's *De inventione* and *De oratore*; Quintilian's *Institute Oratio*; and Horace's *Ars Poetica*.⁵⁰

Aristotle's *Rhetoric* was the source for several basic canons of rhetoric that English students learned, identified in others' speeches, and recreated in their own.⁵¹ English literary theory saw rhetoric and poetics as essentially one and the same subject.⁵² Aristotle's commonly accepted definition of rhetoric was the "ability, in each [particular case] to see the available means of persuasion."⁵³ Poetry was viewed as a "mode of communication using persuasion and proof, addressed to the intellect and to the emotions" and thus also a "form of *rhetoric*."⁵⁴

All literature was analyzed in terms of the instruction it could provide, but comedy had a unique rhetorical power because of its characteristic subjects and storylines. English audiences learned from Aristotle's *Rhetoric* that humans belong to recognizable social groups with stable traits.⁵⁵ An orator needs to be familiar with these groups so that he can know what they will find persuasive. The groups and traits described by Aristotle became the basis for the stock character

⁵⁰ Ibid., 11-12; see also Peter Mack, *Elizabethan Rhetoric : Theory and Practice* (Cambridge: Cambridge University Press, 2002).

⁵¹ See Brian Vickers, "Rhetoric and Poetics" in *The Cambridge History of Renaissance Philosophy*, 715-745, and "Introduction" in *English Renaissance Literary Criticism*, ; Chapter Three, "Greek Rhetorical Theory from Corax to Aristotle," in George A. Kennedy, *A New History of Classical Rhetoric* (Princeton: Princeton University Press, 1994); Christof Rapp, "Aristotle on the Moral Psychology of Persuasion" in *The Oxford Handbook of Aristotle*, ed. Christopher John Shields (Oxford: Oxford University Press, 2012). For an account of Aristotle's basic rhetoric theorems and his influence on Renaissance writers, see Peter Mack, "Spenser and Rhetoric," in *The Oxford Handbook of Edmund Spenser*, ed. Richard A. McCabe (Oxford: Oxford University Press, 2010). For an extended discussion of the role of these means of proof in the Renaissance, see Joel B. Altman, *The Improbability of Othello : Rhetorical Anthropology and Shakespearean Selfhood* (Chicago: University of Chicago Press, 2010).

⁵² See Brian Vickers, "Rhetoric and Poetics" in *The Cambridge History of Renaissance Philosophy*, and "The Place of Rhetoric in Poetics" in Herrick, *Comic Theory in the Sixteenth Century*.

⁵³ Aristotle, *On Rhetoric : A Theory of Civic Discourse*, ed. George A. Kennedy (New York: Oxford University Press, 1991), 1355b26-7. All translations are from Kennedy unless otherwise noted.

⁵⁴ *English Renaissance Literary Criticism*, "Introduction," 10.

⁵⁵ *Rhetoric* II.12-17.

types of New Comedy.⁵⁶ English theorists took these types as reflective of the actual persons audience members were likely to encounter in their own lives. Playwright Richard Edwards writes, “In comedies, the greatest skill is this: rightly to touch / All things to the quick, and eke to frame each person so / That by his common talk you may his nature rightly know”; the old man is sober, for example, and “the young man rash.”⁵⁷ Sidney writes likewise, “[W]e get as it were an experience, what is to be looked for of a ... crafty Davus, of a flattering Gnatho” and “to know who be such, by the signifying badge given them by the comedian.”⁵⁸ Comedy was supposed to convey these character types so that audiences could learn how to identify them and cope with their vices.

In imitating ordinary life, however, comedy did not merely reflect the viewer’s neighbors. It also reflected the viewer back to himself. When an audience member laughed at the faults of comic characters, so the theory went, he was more likely to notice and amend those faults in himself. Sidney also writes that comedy is “an imitation of the common errors of our life, which he representeth in the most ridiculous & scornful sort that may be, so as it is impossible that any beholder can be content to be such a one.”⁵⁹ In the prologue to *Every Man in*

⁵⁶ Aristotle addresses the topic of the speaker’s audience by “considering character in terms of groups, classified by age and as affected by birth, wealth, power, and fortune. The picture of youth, prime, and old age that he gives reflects the common stereotypical views of antiquity and can also be seen in the comedy of Menander and his Roman imitators, Plautus and Terence”: Kennedy’s headnote, Aristotle, *On Rhetoric : A Theory of Civic Discourse*, 163.

⁵⁷ Richard Edwards, Prologue to *Damon and Pithias* (1571), in *Sources of Dramatic Theory*, 147, emphasis mine. Compare George Whetstone, “The morality of comedy”: “to work a comedy kindly, grave olde men should instruct, young men should show the imperfections of youth, strumpets should be lascivious, boys unhappy, and clowns should speak disorderly: intermingling all these actions in such sort as the grave matter may instruct and the pleasant delight” (*English Renaissance Literary Criticism*, 174).

⁵⁸ Sir Philip Sidney, *A Defence of Poetry*, in *English Renaissance Literary Criticism*, 362.

⁵⁹ *Ibid.*, 74. Compare Heywood, “And what is then the subject of this harmless mirth? Either in the shape of a clown, to show others their slovenly and unhandsome behaviour, that they may reform that simplicity in themselves, which others make their sport, lest they happen to become the like subject of general scorn to an auditory,” in *ibid.*, 495.

his Humour (1598), Ben Jonson announces that the play will depict “deeds, and language, such as men do use ... And sport with human follies, not with crimes — / Except, we make ’em such by loving still / Our popular errors, when we know they’re ill” (“Prologue,” 21-26).⁶⁰ The point of the comedy was, by offering follies up for laughter, to make audience members know their follies as follies and to cease loving them.

Some character types provided negative examples, but comic plots were often engineered to provide positive examples, too. Many comedies followed the “double plot” that Aristotle describes, with different fortunes for the better and the worse. More sympathetic or praiseworthy protagonists generally enjoy success, while their antagonists meet defeat. Considered only in theory, these endings have a rather simple didacticism: by “the reward of the good the good are encouraged in well doing, and with the scourge of the lewd, the lewd are feared from evil attempts.”⁶¹ But in practice, comedy provided a more complex form of instruction by investigating what actually constitutes a “reward” and what kind of “well doing” allows humans to attain it.

What is significant, in terms of the questions comedy characteristically asks, is that “well doing” in comedy usually refers to certain modes of social interaction. For Donatus, comedy “presents various manners of life of private citizens, from which one may learn what is useful in life and what, on the other hand, is to be avoided.”⁶² What is useful includes, above all, one’s “manners,” one’s way of interacting with others. Comedy is “an imitation of life and a faithful

⁶⁰ Ben Jonson, *Every Man in His Humour*, 2nd ed. (New York: W.W. Norton & Company Inc., 1998). All quotations are from this edition.

⁶¹ George Whetstone in *English Renaissance Literary Criticism*, 173.

⁶² *De Comoedia in Shakespearean Comedy*, 271-2.

representation of *mores*.”⁶³ The Latin term *mores* is also the root of the term “morality,” as the Greek term *ethos*, referring to habit or custom, is the root of the term “ethics.” In imitating human manners, comedy instructs its audience in a socially oriented form of ethics. What it means to do well is to do well by others.⁶⁴ By punishing anti-social behavior and rewarding those who respect their neighbors, comedy identifies the well-being of each individual person with the well-being of his community.

In depicting ordinary, imperfect people, ending with social reconciliation, and portraying that reconciliation as essential to human well-being, English comic theory and practice draws on key elements of Aristotelian poetics and rhetoric — elements also found in Aristotle’s social science. Comedy becomes a form of ethical inquiry partly because there are fundamental parallels between the conventions of comedy and the premises of Aristotelian ethics.

Aristotle in English Renaissance ethical and political theory

Aristotle was “just as influential for Renaissance literary theory as for jurisprudence,” writes R.S. White.⁶⁵ In the early modern period, Aristotle’s thought provided many of the starting points not only for literary theory but also for ethics and politics. Recent scholarship has shown that, contrary to some accounts, Aristotelianism retained and in some ways expanded its dominance as the primary framework for philosophical investigation in Europe during the early

⁶³ *De Comoedia* in *ibid.*, 272. The Latin reads “*comoedia ... quia poema sub imitatione uitae atque morum similitudine compositum est*” (278).

⁶⁴ Gray and Cox raise this point in their Introduction to *Shakespeare and Renaissance Ethics*, ed. John D. Cox and Patrick Gray (Cambridge: Cambridge University Press, 2014), 10, in discussing the “relational concept of the self,” derived from Aristotle, Cicero, and the Christian tradition, that was the prevailing view in Shakespeare’s England (9).

⁶⁵ R. S. White, *Natural Law in English Renaissance Literature* (Cambridge: Cambridge University Press, 1996), 25.

modern period. In the fifteenth and sixteenth centuries, “university instruction in the philosophical disciplines continued everywhere to be based on the works of Aristotle.”⁶⁶ From his extensive studies of Renaissance philosophical texts, university curricula, and individual thinkers, Charles B. Schmitt concludes that “the Aristotelian tradition of philosophy and science continued to hold a dominant position.”⁶⁷ Despite recoveries of more esoteric ancient philosophies, Aristotelianism “remained the predominant one through the end of the sixteenth and into the seventeenth century.”⁶⁸

This dominance held in England, too. There was a “general revival of interest in philosophy, particularly of the Aristotelian tradition, in England during the last quarter of the sixteenth century.”⁶⁹ John Case, who taught in Oxford from the 1560s to the 1590s, wrote influential expositions of Aristotle’s key texts that “provided the kind of Aristotelian interpretation that was the basis of English university education.”⁷⁰ Thanks in part to Case, a

⁶⁶ Paul Oskar Kristeller, *Renaissance Thought : The Classic, Scholastic, and Humanistic Strains* (New York: Harper & Brothers, 1961), 34. I am indebted throughout this chapter to the detailed discussion and bibliography found in Matthew Vivyan, "Crawling between Earth and Heaven': Shakespeare and Elizabethan Aristotelianism" (PhD diss., State University of New York at Albany, 2014).

⁶⁷ Charles B. Schmitt, *The Aristotelian Tradition and Renaissance Universities* (London: Variorum Reprints, 1984), 87, cited in Vivyan, "Crawling between Earth and Heaven': Shakespeare and Elizabethan Aristotelianism," 3. Within this Aristotelian framework, there was tremendous variety other approaches and conclusions, meaning it is more accurate to speak of Renaissance “Aristotelianisms.” Schmitt also concludes, however, that “general homogeneity of the movement,” its unity of framework, terminology, and concepts, is more significant than its internal diversity, meaning it is possible to speak of “Aristotelianism in the West” and its impact as a “key intellectual force” from the twelfth to the seventeenth centuries: Charles B. Schmitt, *Aristotle and the Renaissance* (Cambridge: Harvard University Press, 1983), 10-33, 10, 8.

⁶⁸ Luca Bianchi, “Continuity and change in the Aristotelian tradition,” in *The Cambridge Companion to Renaissance Philosophy*, ed. James Hankins (Cambridge: Cambridge University Press, 2007), 49.

⁶⁹ *Aristotle and the Renaissance*, 26-7.

⁷⁰ Charles B. Schmitt, *John Case and Aristotelianism in Renaissance England* (Kingston: McGill-Queen's University Press, 1983), 223.

“new humanistic Aristotelian curriculum ... came to dominate the post-Reformation English universities.”⁷¹

The humanistic curriculum shifted emphasis from logic and natural philosophy to moral and political philosophy. Aristotle’s *Politics* was “the standard political text in Western Europe from the twelfth to the seventeenth centuries.”⁷² His *Nicomachean Ethics* provided the foundation for moral philosophy through the medieval period into the early modern: “[E]thics as a professional and university discipline was Aristotelian ... in all major European universities.”⁷³ The *Ethics* was frequently reprinted, translated, paraphrased, summarized, commented on, and disputed:⁷⁴ “[P]ractically every writer of the period was acquainted with the main doctrines of Aristotelian ethics and was inclined to adopt them or discuss them.”⁷⁵ In early modern England, Aristotelian doctrines formed the basis of a wide range of texts, from university textbooks to popular philosophical primers.⁷⁶

⁷¹ Aristotle and the Renaissance, 73, 223. See also James McConica, "Humanism and Aristotle in Tudor Oxford," *The English Historical Review* 94, no. 371 (1979), Mordechai Feingold, "The Humanities," in *The History of the University of Oxford: Iv: Seventeenth-Century Oxford*, ed. Nicholas Tyacke (Oxford: Oxford University Press, 1997), for the Aristotelian curriculum at Oxford University in the early modern period.

⁷² Debora K. Shuger, *Political Theologies in Shakespeare's England : The Sacred and the State in Measure for Measure* (Houndmills: Palgrave, 2001), 41.

⁷³ Jill Kraye, "Moral Philosophy," in *The Cambridge Companion to Renaissance Philosophy*, 325.

⁷⁴ "Continuity and change in the Aristotelian tradition" by Luca Bianchi in *ibid.*, 54, and Schmitt, *The Aristotelian Tradition and Renaissance Universities*, 89.

⁷⁵ Paul Oskar Kristeller, *Renaissance Thought II: Papers on Humanism and the Arts* (New York: Harper & Row, 1965), 34, cited in Vivyan, "Crawling between Earth and Heaven: Shakespeare and Elizabethan Aristotelianism," 6.

⁷⁶ Cases’s *Speculum quaestionum moralium* (1585), published in Oxford, was a more advanced exposition of Aristotle’s *Ethics*, while his *ABCedarium moralis philosophiae* (1596) was a more basic primer (Schmitt, *John Case and Aristotelianism in Renaissance England*, 72, 143, 83). William Baldwin’s “A treatise of morall phylosophie,” first printed in 1547 with 24 editions through 1651, also made extensive use of basic Aristotelian ideas, eclectically combined with other sources. Thomas Wilson’s popular *The Rule of Reason*, the first logic text printed in English, reprinted in six editions from 1551-1584, relies on Aristotelian categories and on the theories of human action found in the *Ethics*. Lodowick Bryskett’s *A Discourse of Civill Life* (c. 1582), Sir Thomas Smith’s *De Republica Anglorum* (1583), and Richard Hooker’s *Laws of Ecclesiastical Polity* (1594), and Thomas Wright’s *The Passions of the Minde* (1601) draw heavily on Aristotle’s *Ethics* and *Politics*.

In England, the terms, concepts, and methods of analysis derived from Aristotle and his intellectual heirs (Cicero foremost among them) formed the philosophical milieu of university elites and common readers alike.⁷⁷ Historians and literary critics have shown the strong influence of the Aristotelian ethical, political, and legal tradition on the intellectual context of early modern English literature⁷⁸ and on individual writers like Sir Thomas More,⁷⁹ Sir Philip Sidney,⁸⁰

⁷⁷ Cicero's *De Officiis*, a text thought draws heavily on Aristotle's *Ethics* and *Politics*, as well as Stoic doctrines, was printed in at least 20 editions in England between 1550 and 1620, with four editions in English from the translation by Nicholas Gimalde (1556). On Cicero's Aristotelian heritage and English influence, see White, *Natural Law in English Renaissance Literature*, Chapters 2-4, *Shakespeare and Early Modern Political Thought*, ed. David Armitage, Conal Condren, and Andrew Fitzmaurice (Cambridge: Cambridge University Press, 2009), "Introduction." See also Lawrence Manley, *Convention, 1500-1750* (Cambridge: Harvard University Press, 1980); Anthony Grafton and Lisa Jardine, *From Humanism to the Humanities: Education and the Liberal Arts in Fifteenth- and Sixteenth-Century Europe* (Cambridge: Harvard University Press); Howard Jones, *Master Tully: Cicero in Tudor England* (Nieuwkoop: De Graaf Publishers, 1998); Mike Pincombe, *Elizabethan Humanism: Literature and Learning in the Later Sixteenth Century* (New York: Routledge, 2013). I owe this bibliography to Rhodri Lewis.

⁷⁸ Joel B. Altman, *The Tudor Play of Mind : Rhetorical Inquiry and the Development of Elizabethan Drama* (Berkeley: University of California Press, 1978); Manley, *Convention, 1500-1750*; Kathy Eden, *Poetic and Legal Fiction in the Aristotelian Tradition* (Princeton: Princeton University Press, 1986); White, *Natural Law in English Renaissance Literature*; Shuger, *Political Theologies in Shakespeare's England : The Sacred and the State in Measure for Measure*; Paul Cefalu, *Moral Identity in Early Modern English Literature* (Cambridge: Cambridge University Press, 2004); *Reading Renaissance Ethics*, ed. Marshall Grossman (New York: Routledge, 2006); Andrew Majeske, *Equity in English Renaissance Literature : Thomas More and Edmund Spenser* (New York: Routledge, 2006); Christopher Tilmouth, *Passion's Triumph over Reason : A History of the Moral Imagination from Spenser to Rochester* (Oxford: Oxford University Press, 2007).

⁷⁹ White, *Natural Law in English Renaissance Literature* and Majeske, *Equity in English Renaissance Literature : Thomas More and Edmund Spenser* each devote a chapter to More.

⁸⁰ Eden, *Poetic and Legal Fiction in the Aristotelian Tradition* examines Sidney's *An Apology for Poetry* in light of Aristotle's rhetorical, ethical, and legal philosophy; White, *Natural Law in English Renaissance Literature* examines Sidney's *Arcadia* in the context of natural law.

Edmund Spenser,⁸¹ William Shakespeare,⁸² Ben Jonson,⁸³ and John Milton.⁸⁴ Renaissance comedies likewise drew on this tradition, upholding by their conventions many key Aristotelian premises.

Central to Aristotle's analysis of living creatures is his claim that all belong to a certain kind or species.⁸⁵ All creatures in the same species share the same nature. This nature is the source not only of capacities and qualities but of a *telos*, the goal toward which the creature is

⁸¹ See Gerald Morgan, "Aquinas, Thomas," and Ronald A. Horton, "Aristotle and his commentators" in *The Spenser Encyclopedia*, ed. A. C. Hamilton (Toronto: University of Toronto Press, 1990); Andrew Escobedo, "Spenser and classical philosophy," and Peter Mack, "Spenser and rhetoric," in *The Oxford Handbook of Edmund Spenser*, 520-537, 420-436; Drew Scheler, "Equitable Poetics and the State of Conflict in Edmund Spenser's Two Cantos of Mutabilitie," *Rhetorica* 32, no. 4 (2014). Majeske, *Equity in English Renaissance Literature: Thomas More and Edmund Spenser* devotes a chapter to Spenser.

⁸² See *Shakespeare and Early Modern Political Thought*, ; Tzachi Zamir, *Double Vision: Moral Philosophy and Shakespearean Drama* (Princeton: Princeton University Press, 2007); *Shakespeare and Moral Agency*, ed. Michael D. Bristol (London and New York: Continuum, 2010); Julia Reinhard Lupton, *Thinking with Shakespeare: Essays on Politics and Life* (Chicago: University of Chicago Press, 2011); *Shakespeare and Renaissance Ethics*, for general discussions of moral and political philosophy in Shakespeare. For detailed discussion of Aristotelian influence on Shakespeare's work, see W. R. Elton, "Aristotle's 'Nicomachean Ethics' and Shakespeare's 'Troilus and Cressida'," *Journal of the History of Ideas* 58, no. 2 (1997); Christopher Crosbie, "Fixing Moderation: 'Titus Andronicus' and the Aristotelian Determination of Value," *Shakespeare Quarterly* 58, no. 2 (2007); Bradin Cormack, "On Will: Time and Voluntary Action in Coriolanus and the Sonnets," *Shakespeare* 5, no. 3 (2009); Jane Kingsley-Smith, "Aristotelian Shame and Christian mortification in *Love's Labours Lost*" in *Shakespeare and Renaissance Ethics*, . Vivyan, "Crawling between Earth and Heaven: Shakespeare and Elizabethan Aristotelianism," argues for direct and wide-ranging influence of Aristotle on Shakespeare's work specifically through John Case's exposition of the *Nicomachean Ethics*, *Speculum quaestionum moralium* (1585). Vivyan finds that "Shakespeare's Hamlet, Troilus and Cressida, Measure for Measure, and Timon of Athens — the four plays discussed in Part II, Chapters 3-6 — contain explicit, extensive, and highly sophisticated ethical discourses that are absent from Shakespeare's source materials and which could only be the product of the playwright having read a work on Aristotelian moral philosophy; and in their structure, style, conceptual relationships, and poetic metaphors and imagery, Shakespeare's discourses much more closely follow Case's *Speculum* than they do Aristotle's *Nicomachean Ethics*" (23).

⁸³ For the influence of Aristotle's *Poetics*, see John Mulryan, "Jonson's Classicism" and Stanley Stewart, "Jonson's Criticism" in *The Cambridge Companion to Ben Jonson*, ed. Richard Harp and Stanley Stewart (Cambridge: Cambridge University Press, 2000); for the influence of Aristotle's *Ethics*, see Constantine Gianakaris, "The Humanism of Ben Jonson," *College Language Association Journal* 14, no. 2 (1970); Jonathan Goossen, "Leaving Stoicity Alone in Jonson's *Epicoene*," *Ben Jonson Journal* 18, no. 2 (2011).

⁸⁴ White, *Natural Law in English Renaissance Literature* and Tilmouth, *Passion's Triumph over Reason: A History of the Moral Imagination from Spenser to Rochester* include discussions of Milton.

⁸⁵ Cf. "Substance and Essence" in Terence Irwin, *Aristotle's First Principles* (Oxford: Oxford University Press, 1988) and S. Marc Cohen, "Substance" in *A Companion to Aristotle*, ed. Georgios Anagnostopoulos (Oxford: Wiley-Blackwell, 2009).

directed. English Aristotelians accepted this idea that living creatures have a species nature and that philosophical inquiry must, as Thomas Wilson put it in his Aristotelian treatise *The Rule of Reason* (1551), “begin with the definition, to know the very nature of the thing.”⁸⁶ They also adopted the Aristotelian teleology that “identifies a thing’s nature with its end and perfection.”⁸⁷ Wilson explains that “there is an absolute end ... called the perfection, and chief property in any thing.”⁸⁸ In a similarly Aristotelian work, *Of the Laws of Ecclesiastical Polity* (1594), Richard Hooker takes it as axiomatic that “All things that are, have some operation” and seek the “constancy and excellency of those operations which belong unto their kind.”⁸⁹

The first step in any inquiry concerning humans, then, is to know what a human is. Wilson’s Aristotelian definition was commonplace.⁹⁰ A human is, by nature, a “living creature endowed with reason.” Humans are rational; they are also animals. A human is mind and body: “man is made of body, and soul, (which are the parts of his substance, and cannot be away).”⁹¹

⁸⁶ Thomas Wilson, *The Rule of Reason, Conteynyng the Arte of Logique, Set Forth in Englishe*, STC (2nd ed.) / 25809 ed. (1551), “The thyng apointed for some ende.” All citations from Wilson are from this edition.

⁸⁷ Shuger, *Political Theologies in Shakespeare's England : The Sacred and the State in Measure for Measure*, 3.

⁸⁸ Wilson, *The Rule of Reason, Conteynyng the Arte of Logique, Set Forth in Englishe*, “The ende, called. Finis.”

⁸⁹ *Of the Laws of Ecclesiastical Polity*, Book I, Chapter 5, §2 (I.5.2), in Richard Hooker, *The Works of That Learned and Judicious Divine Mr. Richard Hooker with an Account of His Life and Death by Isaac Walton*, ed. Rev. R.W. Church Rev. John Keble MA, Rev. F Paget, 3 vols., vol. 1 (Oxford: Clarendon Press, 1888), accessed via <http://oll.libertyfund.org/titles/hooker-the-works-of-richard-hooker-vol-1>. All citations from Hooker are from this edition.

⁹⁰ See Tilmouth, *Passion's Triumph over Reason : A History of the Moral Imagination from Spenser to Rochester*, “Positions in Early Modern Thought.”

⁹¹ Wilson, *The Rule of Reason, Conteynyng the Arte of Logique, Set Forth in Englishe*, “The ende, called. Finis,” “Of the whole and the partes.” See Aristotle, *De Anima* II.3, III.11, and *Nicomachean Ethics* I.7, I.11. See Erica Fudge, *Brutal Reasoning : Animals, Rationality, and Humanity in Early Modern England* (Ithaca: Cornell University Press, 2006), “Being Human,” for an account of early modern definitions of the human as an animal uniquely endowed with reason. See also Michael Carl Schoenfeldt, *Bodies and Selves in Early Modern England : Physiology and Inwardness in Spenser, Shakespeare, Herbert, and Milton* (Cambridge: Cambridge University Press, 1999); Gail Kern Paster, *Humoring the Body : Emotions and the Shakespearean Stage* (Chicago: University of Chicago Press, 2004).

The human *telos* is to attain *eudaemonia*, usually translated as happiness or flourishing. Because humans are rational, what counts as flourishing for humans is, according to the Aristotelian account, excellent activity in accord with reason. Since virtue refers to excellence in function, and the human function is to live in accordance with the rational soul, “the human good turns out to be activity of the soul in accord with virtue” (*EN* 1098a15). But because humans are animal as well as rational, they cannot achieve their good except in a society of other humans.⁹²

Humans require society’s help to live, to sustain their animal bodies with those bodies’ attendant dependencies and vulnerabilities. They also require society’s help to live well. The human soul provides the capacity for reason and virtue but *only* the capacity.⁹³ These capacities cannot be actualized without habituation and education, which come through society.⁹⁴ This is why, for Aristotle, humans are not only rational animals but also social animals. This view of human nature lies at the heart of his ethics and politics.⁹⁵

On Aristotle’s account, ethics is directed toward flourishing for individuals and politics toward flourishing for the society.⁹⁶ These ends turn out to be the same because individuals can

⁹² See *Politics* I.2; David Keyt, “Three Basic Theorems in Aristotle’s *Politics*,” in *A Companion to Aristotle’s Politics*, ed. David Keyt and Fred Dycus Miller (Oxford, UK: Blackwell, 1991); *The Cambridge History of Greek and Roman Political Thought*, ed. C. J. Rowe, et al. (New York: Cambridge University Press, 2000); *A Companion to Aristotle’s Politics*, .

⁹³ For Aristotle’s identification of the soul, or substantial form, as the source of an animals’ nature and its species-defining capacities, see *Physics* Book II and “Essence and Form” in Irwin, *Aristotle’s First Principles*.

⁹⁴ See *Ethics* II.1, X.9 and *Politics* I.13; Fred D. Miller, “Naturalism,” in *The Cambridge History of Greek and Roman Political Thought*, ; Richard Kraut, “Aristotle on Becoming Good: Habituation, Reflection, and Perception,” in *The Oxford Handbook of Aristotle*, .

⁹⁵ See Jill Kraye, “Moral Philosophy,” in *The Cambridge Companion to Renaissance Philosophy*, 303-6: “Thomas Aquinas, developed this argument ... in his commentary on the *Nicomachean Ethics*. Since man was by nature a social animal, he was dependent upon others, who could be divided into two groups: one domestic, the other civil. It was on this basis that moral philosophy was divided into three parts: *monastica*, which concerned the actions of the individual; *oconomica*, the actions of the domestic unit; and *politica*, the actions of civil society.”

⁹⁶ See Aristotle, *Nicomachean Ethics* I.2 and *Politics* VII.1; Malcolm Schofield, “Aristotle: An Introduction” and Jean Roberts, “Justice in the Polis” in *The Cambridge History of Greek and Roman Political Thought*, . I am indebted throughout to C.D.C. Reeve and his selection of the most relevant parallel passages in his introductions in Aristotle, *Nicomachean Ethics*, trans. C. D. C. Reeve (Hackett Publishing Company, Inc., 2014) and *Politics*, trans.

flourish only in a certain kind of society, and societies can flourish only if they are composed of certain kinds of individuals.⁹⁷ As Chapter One explains, humans' common need for help from each other gives rise to a need to offer help to each other. The natural necessity for mutual aid gives rise to the codes of manners regulating how humans interact with each other — in short, to ethics.

What constitutes the *mores* of a society, its moral or ethical code, are those standards that promote the society's well-being. By following these standards, humans also promote their own well-being. Because humans are social animals, personal and communal goods are, on the Aristotelian account, mutually entailing. Cicero affirms, "For whatsoever is just, they also judge the same to be profitable: and likewise, whatso is honest, they take the same to be just: whereof is concluded, that whatsoever is honest, yet same is profitable."⁹⁸ Richard Hooker says, too, "[T]hat which is good in the actions of men, doth not only delight as profitable, but as amiable also" (I.7.2).

Nicholas Grimaulde writes in his translation of Cicero's *De Officiis* (1559), "Philosophy ... sets before our eyesight the very ends, and marks, that self nature hath appointed us."⁹⁹ Nature supplies us with certain ends, and we learn how to reach those ends through philosophy, especially moral philosophy. The plots of comedy suggest similar lessons. One's own "profit" or

C. D. C. Reeve (Indianapolis: Hackett Publishing Company, Inc., 2017). All citations from the *Ethics* and from the *Politics* are from Reeve's editions unless otherwise noted.

⁹⁷ See C.C.W. Taylor, "Politics," in *The Cambridge Companion to Aristotle*, ed. Jonathan Barnes (Cambridge: Cambridge University Press, 1995) and Pierre Pellegrin, "Aristotle's Politics" in *The Oxford Handbook of Aristotle*,

⁹⁸ Marcus Tullius Cicero, *Three Bokes of Duties to Marcus His Sonne*, trans. Nicholas Grimaulde, EEBO STC (2nd ed.) / 5281 ed. (1556), "Preface," "For whatsoever is iust ..."

⁹⁹ Ibid., "Preface," "Philosolophie ...setts before our yiesight..."

well-being usually turns out to lie in positive relationships with others, and those who obstruct the community's well-being are the ones most often punished.

What counts as honest, just, amiable — in short, what counts as a virtue — is shaped by those same ends that ethical standards exist to promote. On the Aristotelian view, virtues belong to the states of a human person, as “disposition[s] ... to act and feel in certain ways.”¹⁰⁰ Virtues are praiseworthy states because they make their bearer “perform [their] function well” (*EN* 1106a15). The human function is activity in accordance with reason; our goal in performing that function well is the achievement of *eudaemonia* in accordance with our nature. The virtues are “precisely those qualities the possession of which will enable an individual to achieve *eudaimonia* and the lack of which will frustrate his movement toward that *telos*.”¹⁰¹ Virtues enable human flourishing. If, for example, our well-being requires that we respect certain standards in how we treat other persons, the virtues are the dispositions that enable us to uphold those standards.

In Aristotelian theory, as in comedy, there is a tight relationship between virtue and happiness. But this still leaves open the very broad question of what counts as virtue and what counts as happiness. The question is made more complex by the fact that, in both cases, virtue exists on a spectrum. Aristotle describes a range of possibilities for human character that includes vice, incontinence, continence, and virtue.¹⁰² On this view, there is such a thing as imperfect goodness. One can be better without being fully good, and be worse without being

¹⁰⁰ Sarah Broadie, “Introduction,” in Aristotle, *Nicomachean Ethics*, ed. C. J. Rowe and Sarah Broadie (Oxford: Oxford University Press, 2002), 18.

¹⁰¹ Alasdair C. MacIntyre, *After Virtue : A Study in Moral Theory*, 3rd ed. (Notre Dame: University of Notre Dame Press, 2007), 148.

¹⁰² See Aristotle, *Ethics* VII and Sarah Broadie, *Ethics with Aristotle* (New York: Oxford University Press, 1994), “Incontinence.”

fully bad.¹⁰³ Most people fall in the middle range most of the time, doing the wrong thing although they know they should not do it, and doing the right thing although they do not want to do it (what Aristotle describes as incontinence and continence). Significantly, Aristotle does say, “Presumably ... we should be content if, when we have all the things through which it seems we become decent people, we achieve some share of virtue” (*EN* 1179b17-18).

Not only does virtue exist on a spectrum for Aristotle, but he does not make it his project, or the project of politics, to bring every person to perfect virtue. Aristotle claims that “we should be content” when we have achieved “some share of virtue” in the course of describing the nature and purpose of laws in human society. A society must demand a certain degree of virtue from its members. They must follow those standards set in place to promote the society’s well-being. But those standards must also not ask too much, given that most people cannot achieve more than “some share of virtue.” So a crucial political question is how much is “some share of virtue,” and what is the smallest degree of virtue — or the greatest degree of vice — that a society can tolerate and still remain intact. Comedy, which concerns itself precisely with this middle range of people, asks the same question.

This specific notion of virtue as existing along a spectrum carries with it a specific notion of value. Psychologists distinguish between two modes of assessing value.¹⁰⁴ One is called “maximizing.” When making a choice or pursuing a goal, a maximizer will not accept anything less than the best possible outcome. Another is called “satisficing.” A satisficer sets a minimum standard of value and accepts any outcome that meets this minimum standard, whether or not it

¹⁰³ Other systems reject this in favor of a binary view of goodness. One is either good or bad, and to be good, one must be perfect. Reformation theologians like John Calvin, following texts like James 2:10 (“For whosoever shall keep the whole Law, & yet offend in one point, he is guilty of all”), adopted the binary view.

¹⁰⁴ See H. A. Simon, "Rational Choice and the Structure of the Environment," *Psychological Review* 63, no. 2 (1956) for a description of this model.

is the best one possible. The spectrum view of virtue allows for satisficing. Even if some action does not manifest perfect virtue, so long as it achieves “some share of virtue” that meets the minimum standard, we can be satisfied or “content” with it. Comedy is fundamentally a satisficing genre. Given the limitations of human nature, comedy does not ask simply what is good for humans. It asks what is good *enough*. As John Marston writes at the end of *The Dutch Courtesan* (c. 1604), “We do not hope ’tis best: ’tis all, if well” (5.3.162).¹⁰⁵

Comedy, as each chapter will discuss, shares many of the Aristotelian premises laid out here: that humans are rational, social animals, whose potential for virtue is real but often limited, for whom individual well-being is closely connected to the community’s well-being — a connection that lies at the heart of many of comedy’s ethical puzzles. Most importantly of all, a human being has, on Aristotle’s account, the *telos* as comedy itself. Both human beings and comic plots aim at happiness. This makes comedy, in its search for strategies that secure a happy ending, an ideal site to ask what constitutes human happiness and how it can be attained. I turn now to explain more precisely how literature can engage in such inquiry by showing the connection between philosophical premises and generic conventions.

The function of genre

For the Renaissance, as for Aristotle, poetry was understood as a rhetorical form “with an explicit or implicit design on its readers, intended to arouse their feelings and direct them to some moral end.”¹⁰⁶ Poetry’s chief function was to imitate ethical ideals in an attractive or

¹⁰⁵ John Marston, *The Dutch Courtesan*, ed. Martin L. Wine (Lincoln: University of Nebraska Press, 1965). All citations are from this edition.

¹⁰⁶ *English Renaissance Literary Criticism*, “Introduction,” 1. See “Poetics and Rhetoric,” 10-22, for elaboration of this point. See also Weinberg, *A History of Literary Criticism in the Italian Renaissance*, “*Ars Poetica*: Return to Tradition” and “Platonism: Defence of Poetry” for an account of the ethical defense of poetry.

moving way so that readers would, in turn, be inspired to imitate these ideals in action. Literature served both as “a record of virtuous action and as an incentive towards its emulation.”¹⁰⁷

Theorists such as Sir Thomas Elyot, Roger Ascham, Sir Philip Sidney, and Edmund Spenser held that students were best instructed in virtue by encountering its “ensample” in literature.¹⁰⁸ For Renaissance theorists, the “purpose of literary production lies outside literature, in the social realm.”¹⁰⁹

In particular, literature’s purpose lay in education. Early moderns viewed education as the foundation of good governance.¹¹⁰ If ethics and politics were two branches of the same subject — the study of how humans can flourish individually and collectively — then education was the key to virtuous and successful rulers, who were the key to virtuous and thus happy citizens. Literature was valued for its power to form effective rulers and citizens, and in this virtue-centric curriculum, comedy actually played a crucial role. The comedies of Plautus and Terence “formed the staple of elementary and intermediate education in Latin throughout all Renaissance schools.”¹¹¹ One Italian critic claimed that Terence was the greatest comic poet because “nowhere else may one have a more useful and clearer image of the ordinary way of life ... we find examples of honest behavior and of honorable citizens, which teach the reader what is

¹⁰⁷ *English Renaissance Literary Criticism*, 50; see 50-53 for a useful summary of this view.

¹⁰⁸ See Sir Thomas Elyot, *The Boke Named the Governour* (1537), Roger Ascham, *The Schoolmaster* (1570), Edmund Spenser, “Letter to Sir Walter Raleigh” (1590), Sir Philip Sidney, *A Defence of Poetry* (1595). See Jeffrey Andrew Dolven, *Scenes of Instruction in Renaissance Romance* (Chicago: University of Chicago Press, 2007) for a critical account of this theory and how it functioned in practice.

¹⁰⁹ Gordon Teskey, “Renaissance Theory and Criticism,” in *The Johns Hopkins Guide to Literary Theory & Criticism*, ed. Michael Groden, Martin Kreiswirth, and Imre Szeman, 2nd ed. (Baltimore: Johns Hopkins University Press, 1997), accessed via <http://litguide.press.jhu.edu/>.

¹¹⁰ See “The Centrality of the Virtues” and “The Role of Education” in “The reception of humanist political thought” in Quentin Skinner, *The Foundations of Modern Political Thought* (Cambridge: Cambridge University Press, 1978).

¹¹¹ *English Renaissance Literary Criticism*, 44.

proper to the praiseworthy life and through whose example may be known how much blame is deserved by those who have given themselves over to a vicious way of life.”¹¹² Because it instructed students in civil life as much as in language, comedy was “an indispensable part of early education.”¹¹³

Modern critics, of course, tend to regard this view of literature skeptically, and this skepticism is strongest when it comes to comedy. (Anne Barton claims, for example, that comedy is “always an unreliable moral ally ... like to remain subversive at heart.”¹¹⁴) But if comedy is not a storehouse of virtue-making pictures, there is another way in which comedy can serve as a form of ethical reasoning. Literature and rhetoric both engage in what we could call “conditional reasoning.”¹¹⁵ Both use similar tools to investigate areas that fall outside the provenance of scientific demonstration — above all, the world of human affairs, the things that “naturally depend on us” (*Rhetoric* 1359a37).¹¹⁶

Rhetoric addresses what is probable rather than what is certain. It treats matters that “can be other than what they are” and hold “true [only] for the most part” (*Rhetoric* 1357a).¹¹⁷ This means that a rhetorician does not begin by claiming his premises as certain truth and demanding that listeners assent to them. Instead, he posits certain premises for his listeners to entertain as

¹¹² Lucio Olimpico Giralaldi, *Ragionamento in difesa di Terentio*, 1566, in Weinberg, *A History of Literary Criticism in the Italian Renaissance*, 288.

¹¹³ *Ibid.*, 289.

¹¹⁴ Barton, “London Comedy and the Ethos of the City”, 161.

¹¹⁵ Scheler, “Equitable Poetics and the State of Conflict in Edmund Spenser's Two Cantos of Mutabilitie”, 373. The discussion below is indebted to Scheler’s discussion of 372 ff. on the use of hypothetical premises, or fictions, as a tool of inquiry and clarification.

¹¹⁶ Cited in Aristotle, *Nicomachean Ethics*, Reeve’s n. 221.

¹¹⁷ Aristotle says likewise in the *Nicomachean Ethics* that the things that are up to us are contained in the “sphere of what holds for the most part but where it is unclear what way things will turn out and where there is an element of indefinability” (*EN* 1112b8-9).

hypotheses. Truth is sought through a conditional question: *If* this were the case, what then would follow? In positing various antecedents to discern their possible consequents, rhetoricians use hypothetical circumstances that are better-known, to investigate real-world events that are less well-known. These hypotheses often take the form of explicit fictions: “Put case that ...” For early modern rhetoricians and authors, fiction was a heuristic tool, like thought experiments in science and philosophy.¹¹⁸ Establishing a shared fiction was the first step toward reaching a shared, if limited, judgment of the world.¹¹⁹

Renaissance drama was thus a form of rhetorical-philosophical inquiry. The inciting crisis of the plot raises an implicit question — How do you choose a spouse? How should crimes be punished? — and suggests, by its mode of resolution, a certain answer. Joel Altman describes two paradigms for this inquiry in drama. Plays that follow the demonstrative paradigm begin with a generalization from which they deduce particular conclusions. Works that follow the *explorative* paradigm begin with “observable data” and move towards a “tentative and delimited premise” concerning that data.¹²⁰

The premise can only be a tentative one because drama, like rhetoric, treats events that fall in the realm of probability rather than necessity. But in Aristotle’s view, part of what makes

¹¹⁸ See Ernst Mach, *Knowledge and Error : Sketches on the Psychology of Enquiry* (Boston: D. Reidel Pub. Co., 1976), “On Thought Experiments”; Thomas S. Kuhn, *The Essential Tension : Selected Studies in Scientific Tradition and Change* (Chicago: University of Chicago Press, 1977), “The Function for Thought Experiments”; Martin Cohen, *Wittgenstein's Beetle and Other Classic Thought Experiments* (Malden: Blackwell Pub., 2005); D. C. Dennett, *Intuition Pumps and Other Tools for Thinking* (New York: W. W. Norton & Company, 2013) for influential accounts of how thought experiments function.

¹¹⁹ See Altman, *The Tudor Play of Mind : Rhetorical Inquiry and the Development of Elizabethan Drama*, Wesley Trimpi, *Muses of One Mind : The Literary Analysis of Experience and Its Continuity* (Princeton: Princeton University Press, 1983), Eden, *Poetic and Legal Fiction in the Aristotelian Tradition*, and Scheler, "Equitable Poetics and the State of Conflict in Edmund Spenser's Two Cantos of Mutabilitie", for detailed accounts of the use of fiction in argumentation in the Renaissance.

¹²⁰ Altman, *The Tudor Play of Mind : Rhetorical Inquiry and the Development of Elizabethan Drama*, 25-7, in “Demonstrative and Explorative: Two Paradigms.”

a good play is its particular relation to probability. What makes a dramatic plot a successful “imitation of an action that is complete and whole” is the probability of its causal structure: it has a beginning “which is not necessarily after anything else, but after which it is natural for another thing to be”; an end that “is itself naturally after something else, either necessarily or for the most part, with no other thing naturally after it” (*Poetics* 1450b25-31). Poetry imitates reality by representing the effects that *would* follow if a certain cause were present.¹²¹ Just as an orator posits a hypothesized account of how events developed, poetry imitates actions according to “probability or necessity,”¹²² actions that, though hypothesized, follow a “logical sequence of cause and effect.”¹²³

One difference between poetry and rhetoric, however, is that the meaning of probability in poetry or fiction depends on factors internal to the art. The epic poet Tasso asked how verisimilitude functions in fantastical genres (those that depict magic or pagan gods, for example). Since poetry is “nothing but imitation ... and imitation cannot exist without verisimilitude,”¹²⁴ it might seem that poetry cannot present the marvelous, since this would violate the ordinary laws of cause and effect. Tasso replies, however, that “one and the same action may be marvelous and verisimilar, marvelous looking at it in itself and circumscribed within natural limits, verisimilar considering it removed from these limits in its cause, which is a

¹²¹ Aristotle famously said that in poetry, “an impossible thing that is believable is preferable to an unbelievable thing that is possible” (*Poetics* 1461a11-12).

¹²² *Poetics* 1451a37-38, trans. Niel O’Sullivan, in Neil O’Sullivan, “Aristotle on Dramatic Probability,” *The Classical Journal* 91, no. 1 (1995), 47; in this article, O’Sullivan discusses the nature of “probability” in Aristotle’s *Poetics*.

¹²³ Eden, *Poetic and Legal Fiction in the Aristotelian Tradition*, 5.

¹²⁴ Torquato Tasso, *Discorsi dell’arte poetica*, trans. Weinberg, quoted in Weinberg, *A History of Literary Criticism in the Italian Renaissance*, 650.

supernatural force powerful and accustomed to produce marvels of this kind.”¹²⁵ When we remove an event from “natural” circumstances and situate it where forces producing that event are “accustomed” to work, even the most marvelous event becomes necessary or probable. But when we encounter this event in literature for the first time, how might we know if such forces are accustomed to work? We know thanks to our awareness of the text’s genre and the genre’s conventions, the features that hold either necessarily or for the most part.

Tragedy and comedy are not straightforward imitations of reality any more than fantastical genres are, for in these genres, a limited part of reality is represented as the whole. Renaissance genre theory generally followed Donatus’s division: “[I]n comedy the fortunes of men are middle-class, the dangers are slight, and the ends of the action are happy; but in tragedy everything is the opposite — the characters are great men, the fears are intense, and the ends disastrous.”¹²⁶ In accordance with Paul Hernandi’s description of genre as “a gestalt which invites us to emphasize certain features while suppressing others it potentially contains,”¹²⁷ comedy and tragedy carve reality into different, sometimes disjoint sets: low or high persons, common or extraordinary, happy or unhappy. This selective emphasis makes a genre a constructed representation and interpretation of reality, which also changes how we interpret the events it contains.¹²⁸ In real life, we take good outcomes as possible but not necessarily probable; we take them as probable or necessary in comedy.

¹²⁵ Quoted in *ibid.*, 650.

¹²⁶ Quoted in David Galbraith, “Theories of Comedy,” in *The Cambridge Companion to Shakespearean Comedy*, 9.

¹²⁷ Cited in Manley, *Literature and Culture in Early Modern London*, 443.

¹²⁸ See Eden, *Poetic and Legal Fiction in the Aristotelian Tradition*, Chapter Two, “Poetry and Equity,” Part 3, “The Psychology of Fiction.”

A literary genre does not say, “This is what the world is like.” It says, rather, “*Suppose* the world were like this.” Like an orator, a genre offers a set of hypothetical premises and uses a fiction to investigate their consequences. The premises include all the conventions, family features, and audience expectations associated with the genre. The consequences include the causal structures of the plot, the chains of cause and effect, that occur necessarily or probably given these starting conditions. To write in a certain genre, then, is to engage in conditional reasoning: to ask, if the world were like this, what would follow?

This form of reasoning is what makes genre such an important site of inquiry. Representing human action within a given genre is much like carrying out an experiment in the controlled conditions of a laboratory. In controlling the starting premises, in depicting only certain aspects of reality, genres isolate certain variables as scientists do in a laboratory setting. Authors working in the genre can eliminate some variables, hold some constant, or adjust others in controlled conditions, so as to understand better the nature of those variables and why they behave as they do in the messy and uncontrolled world outside the frames of literature.

This was how Renaissance authors understood genre: as a heuristic, delimiting frame. Genres were not merely a system of classification but “a set of interpretations, of ‘frames’ or ‘fixes’ on the world”:¹²⁹ incomplete representations of the world whose very incompleteness drives and directs interpretation. In this understanding of genre, Renaissance theorists approached the key insights of twentieth-century genre theory, the most crucial of which is that genre functions like language itself: as an “instrument[] of communication”¹³⁰ whose shared

¹²⁹ Rosalie Littell Colie, *The Resources of Kind: Genre-Theory in the Renaissance* (Berkeley: University of California Press, 1973), 7. See also Colin Burrow, “Spenser’s Genres,” in *The Oxford Handbook to Edmund Spenser*, ed. Richard A. McCabe (Oxford: Oxford University Press, 2010) and Snyder, “The Genres of Shakespeare’s Plays,” for a contemporary summary of Renaissance genre theory.

¹³⁰ Lewalski, *Renaissance Genres : Essays on Theory, History, and Interpretation*, 7.

conventions enable understanding.¹³¹ All communication depends on a common code belonging to transmitters and receivers. How a reader understands a message from an author depends on the code he uses to interpret it; this depends on what kind of message he takes it to be. The meaning he receives is powerfully determined by the meaning he expects. New texts create their meaning by drawing upon the reader's "horizon of expectations," his experience of other works of the same kind. For these reasons, genre is often the most important code for a reader's comprehension. A reader makes sense of new texts first by discerning their genre. The significance of genre lies in its function as a cognitive tool that makes literary understanding possible.

To represent a person or event within a certain genre, then, is to supply the reader with instructions about how to interpret that representation. For Renaissance authors, this instruction extended to ethical interpretation. Specific genres carried specific cultural and normative weights. Genres were organized in a hierarchy of higher (tragedy, epic) and lower (pastoral, comedy) kinds of literature, based on their characters, events, diction, and style.¹³² Along with these formal and thematic differences, there was also a distinct value system associated with each genre.¹³³ What I investigate in this project is how a genre takes on its own value system.

¹³¹ See E. D. Hirsch, *Validity in Interpretation* (New Haven: Yale University Press, 1967) and Hans Robert Jauss, *Toward an Aesthetic of Reception*, ed. Timothy Bahti and Paul De Man (Minneapolis: University of Minnesota Press, 1982) for two formative accounts of the role of genre in interpretation (Jauss introduces the idea of the reader's "horizon of expectations"). For related accounts of the role of viewer expectations related to "kind" in perception, see E. H. Gombrich, *Art and Illusion: A Study in the Psychology of Pictorial Representation*, 2nd ed. (Princeton: Princeton University Press, 1969) and *The Sense of Order: A Study in the Psychology of Decorative Art* (Ithaca: Cornell University Press, 1979). For seminal works in twentieth-century genre theory and overview of the field, see *Theories of Literary Genre*, ed. Joseph Strelka (University Park: Pennsylvania State University Press, 1978); Heather Dubrow, *Genre* (London and New York: Methuen, 1982); *Modern Genre Theory*, ed. David Duff (London: Longman, 2000); Frow, *Genre*.

¹³² See Rosalie Colie, "Genre-Systems and the Functions of Literature," in *Modern Genre Theory*,

¹³³ David Quint, *Epic and Empire: Politics and Generic Form from Virgil to Milton* (Princeton: Princeton University Press, 1993) is an insightful account of how genres — epic and romance — embody different cultural values in their diverse literary forms.

What makes it true in comedy, for example, as it is not true in romance or tragedy, that we ought to be satisficers rather than maximizers?

What it means to call something a generic “convention” is not that it occurs in all instances of the genre but that it is part of our “horizon of expectations,” something we expect to find in works of that kind, “either necessarily or for the most part.” This expectation is what gives conventions their particular relevance for ethics. All arguments, all philosophical systems, start from certain axioms. If these hold, the conclusion follows. What axioms are to philosophy, conventions are to literature. A genre’s conventions determine which axioms hold in that world and therefore which conclusions follow. These conclusions include, as the chapters will show, the standards we should use to judge that world. According to my account, literature’s ethical function is not primarily to show us which acts are good. It is to show us *what the world would have to be like* for these acts to be good.

Comedy is particularly well-suited for this function because it makes such strong claims about value. By figuring its conclusion as a “happy ending” — for both the characters and those watching them — comedy makes a claim about what happiness is. It implies that the audience ought to desire, or approve of, or value, the elements contained in that ending. For the ending to be successful, even from a purely formal or aesthetic point of view, it must offer strong internal reasons as to why the audience ought to value those elements. The history of critical responses to comedy shows how, *pace* critical claims about comedy’s amorality, we cannot find the ending happy if we find it ethically indefensible.¹³⁴

¹³⁴ Feminist criticism shows most clearly how the experience of a play as a comedy — as something happy, pleasing, desirable, etc. — is contingent on whether it seems to support unethical or otherwise objectionable views. The ending ceases to be happy when it becomes too ethically troubling. Concluding a critique of gender binaries, for instance, Catherine Belsey writes: “It is not obvious from a feminist point of view that, in so far as they seem to re-affirm sexual polarity, Shakespeare’s comedies have happy endings”: “Meaning and gender in the comedies,” in *Alternative Shakespeares*, ed. John Drakakis and Terence Hawkes (London and New York: Methuen, 1985), 193. *The Taming of the Shrew* provides, perhaps, the most salient example. Feminist critics recommend stagings that

Comedy's generic success, so to speak, depends on its ethical success — on whether it can convince us that its actions meet certain ethical standards and that, in the world as comedy represents it, these are the standards by which we should judge. In each chapter, I will take a typical comic action that seems to be unethical and examine the way in which characters justify it, asking if the assumptions underlying their justifications are themselves justified. My conclusion is that they generally are justified because what they assume to be true is also what comedy's conventions represent as being true within the genre. This also means, however, that those arguments might not be justified outside the context of comedy.

This gap in justification partly accounts for the strongly divergent critical responses to the genre. It also allows comedies to perform their own ethical critiques. When an author makes it patently clear that the plot's resolution depends entirely on comic conventions, his real concern may be to show skepticism about the possibility or desirability of such "resolutions" in real life.

The competing impulses in comedy can also generate a tension with respect to justification. If romance and satire, like all genres, make implicit claims about values, what happens when these two genres are put side by side, as they are in most comedies? Generic competition becomes a competition also between value systems. More so even than other genres,

"stress the play's latent brutality and Kate's disoriented terror in the farmhouse so that audience members have to feel uncomfortable with 'the happy ending'": Jean Howard, "Feminist criticism" in *Shakespeare: An Oxford Guide*, ed. Lena Cowen Orlin and Stanley Wells (Oxford: Oxford University Press, 2003), 418. See also Catherine Bates, "If ... *The Taming of the Shrew* succeeds in captivating its audience, or at least in making them enjoy the show, then it legitimates the most violent, coercive, not to say outrageously sexist behavior": "Love and Courtship," in *The Cambridge Companion to Shakespearean Comedy*, 118; and Lynda Boose: "For romantic comedy to 'work' normatively in *Shrew*'s concluding scene and allow the audience the happy ending it demands, the cost is, simply put, the construction of a woman's speech that must unspeak its own resistance and reconstitute female subjectivity into the self-abnegating rhetoric of Kate's famous disquisition on obedience": Lynda Boose, "Scolding Brides and Bridling Scolds: Taming the Woman's Unruly Member," *Shakespeare Quarterly* 42, no. 2 (1991), 170. For similar readings of *Much Ado About Nothing*, see M. D. Friedman, "Hush'd on Purpose to Grace Harmony': Wives and Silence in *Much Ado About Nothing*," *Theatre Journal* 42, no. 3 (1990) and Stephen Greenblatt, "On the Edge of Slander (Review of *Much Ado About Nothing*, Dir. Joss Whedon)," *The New York Review of Books* September 26, 2013.

comedy explicitly stages debates between two sets of values, two sides of a question. Altman writes that many Renaissance plays “literally were questions”¹³⁵ and sees comedy in particular as “an image of human reasoning and its outcome.”¹³⁶ The competing outlooks of romance and satire — one emphasizing human potential for friendship and virtue; the other, the limitations posed by human greed and folly — become all the more salient since the competition between these outlooks, and the ethical conclusions drawn from them, were being played out in early modern London.

The city itself had an ambivalent status in popular imagination, as a breeding ground of both harmony and delinquency.¹³⁷ The marketplace, too, embodied “two contradictory aspects.”¹³⁸ It was the site of community, virtuous self-governance, and inclusive festive celebration. It increasingly became the site, however, for individual pursuit of profits, hospitable to energy and industry but corrosive to nostalgic idealizations of a citizenry united in serving the common good. Early modern comedies reflect, and reflect on, these tensions. The competing norms of individual profit and common good create the genre’s deep “ambivalence towards its own operations” as part of its “ambivalent response to the contradictions in English society.”¹³⁹

By reflecting these competing values in its competing generic frames, comedy reflects not just on value but on the grounds of value. What makes value claims true? Are our value systems the product of (alterable) human construction in the same way that genres are? If they have some more absolute ground — if, say, they are justified by adhering more faithfully to the

¹³⁵ Altman, *The Tudor Play of Mind : Rhetorical Inquiry and the Development of Elizabethan Drama*, 3.

¹³⁶ *Ibid.*, 9.

¹³⁷ See Tydeman, "The Image of the City in English Renaissance Drama".

¹³⁸ Wells, "Jacobean City Comedy and the Ideology of the City", 37.

¹³⁹ Venuti, "Transformations of City Comedy: A Symptomatic Reading", 112.

conditions of reality than other systems do — what is that ground? Which aspects of reality are relevant for value systems? The “unresolved alterity of realism and romance,” the “heightened visibility of romantic and farcical alternatives” in turn-of-the-century comedy, “reflect[] a sharpened awareness of the positional nature of generic frames of reference, a new consciousness of the social basis on which the frames of reality are formed”¹⁴⁰ — including ethical frames.

What I have been describing as the prevalent philosophical frame for early modern England, the Aristotelian tradition, was coming under critique at the same time that early modern comedy was developing. In the 1590s, the contradictions in London society reflected in city comedy are paralleled by new uncertainties in the culture at large. English political life was “increasingly marked by growing religious tensions, war, impoverishment,” and “growing pessimism and anxiety.”¹⁴¹ These anxieties, in England and on the Continent, corresponded with a turn away from key aspects of Aristotle’s philosophy. Political and religious conflict, for example, meant that the Aristotelian “notion of human sociability became increasingly suspect.”¹⁴² Personal interest competed with the common good as the real foundation of social behavior and political order. Political realists such as Tacitus, Seneca, and Machiavelli were used to “challenge the moral authority of Aristotle and Cicero,” creating a “complex dialogue between interest and virtue.”¹⁴³

Comedy’s development reflects this complex dialogue. Philosophical challenges to Aristotelianism are expressed as generic tensions within comedy. At the center of the comic

¹⁴⁰ Manley, *Literature and Culture in Early Modern London*, 435.

¹⁴¹ *Shakespeare and Early Modern Political Thought*, 10.

¹⁴² *Ibid.*, 6.

¹⁴³ *Ibid.*, 10. See Skinner, *The Foundations of Modern Political Thought* for account of these transitions.

spectrum, where romantic and satiric impulses are most evenly balanced, the conventions tend most to reflect Aristotelean premises. Humans are rational social animals, neither very virtuous nor very vicious, who require society's help for their survival and development, and who, by helping others, also help themselves. Human potential is as real as human limitation. But comedy shifts away from the center when those premises are challenged. The claim that individual and communal interests always coincide, for instance, becomes increasingly less true as we move away from the genre of comedy. As comedy becomes more satiric, humans are shown to be less rational, less sociable, and less internally corrigible. When satire presents this new vision of the human person, it also presents a new standard for judging human action. Likewise, when comedy shifts more towards the new genre of tragicomedy, we find yet another set of standards derived from romance.

By beginning the project with comedies that fall in the center of the comic spectrum (Chapters One through Three) and then moving to consider more satiric comedies (Four) and more romantic comedies (Five), I trace the way in which ethical standards shift in correspondence with generic shifts. If we change the genre, we change what holds as true in this literary world, and so we also change the standard we should use to evaluate it. These parallel shifts support my larger claim: in literature, ethical evaluations depend crucially on genre.

I organize each chapter around a particular ethical puzzle that occurs over and over in early modern comedy: a seemingly unethical act that the comic community permits, pardons, or celebrates. I show how these actions may be justified if we accept certain premises about human life and action — premises the characters often draw on in their own justifications. The reason characters and audiences do accept these premises is that they are supported by the conventions of comedy. Each chapter contributes new insight to our understanding of what I argue is

comedy's central question: what are the minimum conditions for human flourishing? Each also helps understand what human flourishing is. The conclusion draws on all five chapters to address this question: if comedies conventionally end happily, what is happiness?

Chapter One, "Justice and Comedy," argues that justice plays a constitutive role in early modern comedies. I show how the convention of human equality gives rise to the need for justice in comedy. Both early modern political theory and comic conventions take human beings to be social animals who are equal in nature, needs, and rights. Systems of law and justice recognize and protect this equality so that even imperfect humans can form social relationships with each other. This chapter focuses on Henry Porter's *Two Angry Women of Abington* (1598), Ben Jonson's *Bartholomew Fair* (1614), and John Lyly's *Love's Metamorphosis* (c. 1590).

Chapter Two, "Socially Contingent Ethics, or, To Cheat the Cheater," uses the premise of human equality to examine the ethical problem of revenge. In many comedies, when a culprit wrongs some character, that character often inflicts the same wrong in *tu quoque* fashion on him. If the act is wrong the first time, it ought to be wrong the second. Characters argue, however, that the culprit's first committing the wrong justifies their own repeating of it. If one member of society may do it, then I may, too. This justification, which makes ethics socially contingent, assumes that humans are naturally equal. The standard that applies to one applies to all. If someone consents to a standard of behavior by enacting that behavior upon someone else, it is just to enact that behavior upon him. The puzzle of revenge depends on the convention of human equality. I focus here on Shakespeare's *The Merry Wives of Windsor* (c. 1597) and Thomas Middleton's *A Mad World, My Masters* (c. 1605).

Chapter Three, "End-Based Ethics, or, To Procure their Good for Them," examines an ethical puzzle concerning consent. Characters in comedy frequently argue that they may coerce

someone if that coercion is necessary to secure a good end for that person. What makes the coercion necessary is the fact that humans are, in comedy, animals. As animals, we require certain biological goods; but also as animals, we have limitations that may prevent us from recognizing or choosing those goods. If someone cannot consent to his own good, then, the argument goes, others may procure it for him without his consent. What underlies the ethical puzzle of coercion is the convention of figuring humans as animals. I focus here on John Marston's *The Dutch Courtesan* (c. 1604), George Chapman's *Monsieur D'Olive* (c. 1605), and Shakespeare's *All's Well That Ends Well* (c. 1605).

Chapter Four, "Pragmatism, or, *Believe She Will Be Constant*," examines the related ethical puzzle of deception in satiric comedy. Characters frequently deceive others, and this deception is permitted and praised while attempts to get at the truth are condemned — above all, when the truth concerns a partner's sexual fidelity. In plays like George Chapman's *All Fools* (1604) and *The Widow's Tears* (c. 1605), and Middleton's *A Chaste Maid in Cheapside* (1613), characters justify their deceptions by claiming that no one can be hurt by infidelity if he does not know it is taking place. What underlies this justification is the assumption that the world is material. The conventions of satiric comedy represent the world and human beings as fundamentally material. If this is true, the only things that count as bad for humans are things that produce harmful material effects. If we are not aware of some action, it can have no material effect on us; and in a material world, that which has no material effect may as well not exist. If the victim is unaffected by the crime, there is no crime. The satiric convention that the world is material underlies the puzzle of deception.

In Chapter Five, "Moral Luck," we look at comedies in which the opposite convention holds. In romantic comedies, the world is figured as spiritual and spiritually directed. This

convention underlies the puzzle of moral luck. In plays like Thomas Heywood's *How a Man May Choose a Good Wife from a Bad* (c. 1602), Robert Greene's *James IV* (c. 1590), and Shakespeare's *Measure for Measure* (c. 1603), a character attempts a murder, but accidents prevent it. Because the murder never takes place, the community decides not to punish him. To judge the accidental outcome rather than the sinful intention — to create “moral luck” — seems unjustifiable. But characters take the “accident” to be a divine act of providence. When the would-be culprit repents of his crime, they see this, too, as evidence of divine forces working upon his soul. If the criminal is penitent and if providence is protecting the community, then the community is in no further danger from this culprit, and so they need not punish him. They can afford moral luck because they expect things to turn out well. What justifies moral luck is the community's expectation — borne out by comic convention — that events are reliably, providentially guided toward a good end.

What providence is to characters, genre is to us. We know, even more certainly than do the characters, that the story is reliably directed toward a happy ending if that story belongs to the genre of comedy. The conclusion examines how genre theory and audience expectations help us understand how we evaluate ethical action in comedy, and why we evaluate it differently in comedy than we do in other contexts. It also takes up the question of what it means to call an ending happy. Throughout the chapters, I examine what comedy takes to be the minimum conditions for human flourishing: how much imperfection a community can tolerate and still remain intact. I ask finally whether these conditions, which are secured in the comic ending, constitute happiness in themselves, or whether they are merely its preconditions.

Criticism of comedy today

As I noted above and as Jean Howard explains,¹⁴⁴ studies of Renaissance comedy have been dominated and, to that extent, skewed by a disproportionate critical focus on (a subset of) Shakespeare's comedies. Overall, monographs in the last three decades have tended to focus on Shakespeare's corpus. Some offer overviews of all of his comedies,¹⁴⁵ others read a subset of comedies that treat a particular theme.¹⁴⁶ The "problem plays" (particularly *Measure for Measure* and *All's Well That Ends Well*) remain a particularly popular critical topic.¹⁴⁷ But a number of critical companions and handbooks focusing on early modern comedy and drama more generally have given greater attention to non-romantic and non-Shakespearean comedy.¹⁴⁸ There have also

¹⁴⁴ Howard, "Shakespeare and the London of City Comedy".

¹⁴⁵ *Shakespeare's Comedies*, ed. Gary F. Waller (Essex, England and New York: Longman, 1991); Ronald R. Macdonald, *William Shakespeare: The Comedies* (New York: Twayne Publishers, 1992); *The Cambridge Companion to Shakespearean Comedy*, ; Ryan, *Shakespeare's Comedies*; Penny Gay, *The Cambridge Introduction to Shakespeare's Comedies* (Cambridge: Cambridge University Press, 2008); Paul A. Olson, *Beyond a Common Joy : An Introduction to Shakespearean Comedy* (Lincoln: University of Nebraska Press, 2008); Bart Van Es, *Shakespeare's Comedies : A Very Short Introduction* (Oxford University Press, 2016).

¹⁴⁶ Ejner J. Jensen, *Shakespeare and the Ends of Comedy* (Bloomington: Indiana University Press, 1991); Anthony J. Lewis, *The Love Story in Shakespearean Comedy* (Lexington: University Press of Kentucky, 1992); Beiner, *Shakespeare's Agonistic Comedy: Poetics, Analysis, Criticism*; Camille Wells Slight, *Shakespeare's Comic Commonwealths* (Toronto: University of Toronto Press, 1993); Gunnar Sorelius, *Shakespeare's Early Comedies : Myth, Metamorphosis, Mannerism* (Uppsala: Academiae Ubsaliensis, 1993); Michael D. Friedman, *"The World Must Be Peopled" : Shakespeare's Comedies of Forgiveness* (Madison; Fairleigh Dickinson University Press: London; Associated Univeristy Presses, 2002); Loreen L. Giese, *Courtships, Marriage Customs, and Shakespeare's Comedies* (New York: Palgrave Macmillan, 2006).

¹⁴⁷ Important early studies include R. A. Foakes, *Shakespeare: The Dark Comedies to the Last Plays : From Satire to Celebration* (London: Routledge and K. Paul, 1971); Richard P. Wheeler, *Shakespeare's Development and the Problem Comedies : Turn and Counter-Turn* (Berkeley: University of California Press, 1981); Frye, *The Myth of Deliverance : Reflections on Shakespeare's Problem Comedies*; Carol Thomas Neely, *Broken Nuptials in Shakespeare's Plays* (New Haven: Yale University Press, 1985). More recent studies include David Foley McCandless, *Gender and Performance in Shakespeare's Problem Comedies* (Bloomington: Indiana University Press, 1997); Ira Clark, *Rhetorical Readings, Dark Comedies, and Shakespeare's Problem Plays* (Gainesville: University Press of Florida, 2007); Myron Stagman, *Shakespeare's Double-Dealing Comedies : Deciphering the "Problem Plays"* (Newcastle: Cambridge Scholars, 2010).

¹⁴⁸ Leggatt, *Introduction to English Renaissance Comedy; The Cambridge Companion to English Renaissance Drama*, ; Sandra Clark, *Renaissance Drama* (Cambridge: Polity, 2007); *The Cambridge Companion to Shakespeare and Contemporary Dramatists*, ed. A. J. Hoenselaars (Cambridge: Cambridge University Press, 2012); Helen Hackett, *A Short History of English Renaissance Drama* (London: I.B. Tauris, 2013); Julie Sanders, *The Cambridge Introduction to Early Modern Drama, 1576–1642* (Cambridge: Cambridge University Press, 2013).

been a number of critical monographs on city comedy.¹⁴⁹ Thomas Middleton, whose works were recently published in a new scholarly edition, is one author in particular who is receiving greater critical attention.¹⁵⁰ Middleton's satiric city comedies contrast sharply with Shakespeare's romantic comedies; I treat his works in Chapters Two and Four. My project, by situating Shakespeare's work in, and in some sense subordinating it to, the less-studied works of early other modern comic dramatists, aims to improve our understanding both of Shakespeare and of the early modern comedy more generally.

A note on method

This project focuses specifically on early modern English dramatic comedy, but many of its claims are intended to apply to comedy more generally, in other periods and media. To support these claims and to show their broader implications, I make frequent references to contemporary comedy. And since many of the claims about ethics are conceptual-philosophical claims rather than strictly historical claims, I also draw from a number of contemporary

¹⁴⁹ Martin, *Between Theater and Philosophy : Skepticism in the Major City Comedies of Ben Jonson and Thomas Middleton; Plotting Early Modern London : New Essays on Jacobean City Comedy*; ; Easterling, *Parsing the City : Jonson, Middleton, Dekker, and City Comedy's London as Language*; Jean Howard, *Theater of a City : The Places of London Comedy, 1598-1642* (Philadelphia: University of Pennsylvania Press, 2007); Rick Bowers, *Radical Comedy in Early Modern England : Contexts, Cultures, Performances* (Burlington: Ashgate, 2008); Aaron Kitch, *Political Economy and the States of Literature in Early Modern England* (Burlington: Ashgate, 2009); Adam Zucker, *The Places of Wit in Early Modern English Comedy* (Cambridge: Cambridge University Press, 2011). Cyrus Mulready, *Romance on the Early Modern Stage : English Expansion before and after Shakespeare* (New York: Palgrave Macmillan, 2013) considers romance outside of a strictly Shakespearean context.

¹⁵⁰ Thomas Middleton, *Thomas Middleton : The Collected Works*, ed. Gary Taylor, John Lavagnino, and MacDonald P. Jackson (Oxford: Oxford University Press, 2007). Oxford's edition of Middleton's work was accompanied by a critical companion: *Thomas Middleton and Early Modern Textual Culture : A Companion to the Collected Works*, ed. Gary Taylor and John Lavagnino (Oxford: Oxford University Press, 2007). More recently Oxford also published a handbook to Middleton, *The Oxford Handbook of Thomas Middleton*, ed. Gary Taylor and Trish Thomas Henley (Oxford: Oxford University Press, 2012).

philosophers (Aristotelian and non-Aristotelian) whose terminology and discussions usefully illuminate the concepts and puzzles we find in early modern plays.

Finally, a remark about how this project should be read and used. This project asks what many works of literature have in common. This question is different but no less valid than the question of what makes a given text or author unique. The fact that the differences are not emphasized should not be taken as a claim that they do not exist. But there is good reason for focusing on the similarities, which has to do with what I intend the project to accomplish.

All comedies achieve their own distinctive power and interest partly by the way in which they engage, alter, subvert, and recombine conventions. We will be in a better position to understand these achievements if we first understand the conventions upon which they draw. This is best done by considering each convention to some degree in isolation, as scientists best understand the many variables of a physical event by altering one variable at a time and holding the others constant. My intention is to provide a thorough analysis of certain individual conventions so that when readers go out and read early modern plays for themselves, they will be able to see more, understand more, and enjoy more of what they read, since they will be better able to recognize what kind of innovative work the author is doing with the genre's conventions. My work is not intended to be the last word on any one play. It is intended to be the first — to inspire many readings and re-readings of the highly engaging and often understudied plays that, to my regret, I treat all too briefly here.

Chapter One

Justice and Comedy

In *Lincoln* (dir. Steven Spielberg, 2013), Thaddeus Stevens is the most radically progressive of Lincoln's advisors, declaring his unambiguous support not only for abolition but for "full equality, the Negro vote, and much more." Lincoln is seeking Senate approval for the Thirteenth Amendment abolishing slavery, but his opponents are planning to use Stevens' radical views to foment opposition to the bill. Lincoln and his party beg Stevens to moderate his stance for the sake of the bill: "Say you believe only in legal equality for all races, not racial equality, I beg you, sir. Compromise. Or you risk it all."¹⁵¹

During the Congressional debate on the bill, Senator Wood asks Stevens, "Do you or do you not hold that the precept that 'all men are created equal' is meant literally?" Stevens responds, "I don't hold with equality in all things, only with equality before the law and nothing more." He repeats this statement over and over as his opponents push and push him to admit that he believes "that Negroes are entirely equal to white men." At last, he finally breaks: "How can I hold that all men are created equal, when here before me stands, stinking, the moral carcass of the gentleman from Ohio, proof that some men are inferior, endowed by their Maker with dim wits, impermeable to reason, with cold, pallid slime in their veins instead of hot red blood! You are more reptile than man, George! ... Yet even you, Pendleton, who should have been gibbeted for treason long before today, even worthless unworthy you ought to be treated equally before

¹⁵¹ Screenplay by Tony Kushner, accessed via <http://www.imsdb.com/scripts/Lincoln.html>. All citations from the film are from this source.

the law! And so again, sir, and again and again and again I say: I do not hold with equality in all things. Only with equality before the law.”

The issue at stake is deadly serious, and the film showed earlier a serious conversation between Stevens and Lincoln about what it means to compromise one’s beliefs. But this moment is a comic one, as Stevens helps secure the amendment’s passage by turning the tables on his opponents. The scene is comic for another reason as well. Comedy, like Stevens, takes as a central premise “equality before the law.”¹⁵²

Early modern comedy is concerned with how people can live together even when they believe that their fellow community members are more beasts than men — and even when they are right. Comedy conventionally represents humans as social animals who are essentially imperfect. These imperfect animals must, however, live together in communities if they are to flourish. The standards that govern community life must be high enough to protect the members’ well-being, but they must not be so high that highly imperfect people cannot meet them. The way to hold a maximally large and diverse group of people together in a community is by determining the minimal requirements for its governance.

Comedy concludes that one such requirement is justice. Comedy also represents humans as essentially alike in their nature. This means they are essentially equal — not in all things, but before the law. Formal and informal systems of justice enable humans to trust that their rights will be protected and respected equally with the rights of all other members of the community.¹⁵³

¹⁵² For other comedies in which legal trials or figures of law enforcement figure benevolently in securing the happy ending, see, for example, the films *My Cousin Vinny* (1992), *Dumb and Dumber* (1994), *Legally Blond* (2011), *The Guard* (2011), *Horrible Bosses* (2011), *Get Hard* (2015), and *Zootopia* (2016). While individual members of the judicial or legal system may be corrupt, the systems are not: these individuals are exposed and the systems are represented as a positive force for good.

¹⁵³ *Zootopia* (dir. Byron Howard and Rich Moore, 2016) provides an excellent example of the way that comic characters are highly diverse in terms of their personality traits and eccentricities but the same in terms of how they ought legally to be treated. The city of Zootopia is constructed to accommodate the widely varying needs of all the

I used the term “right” in this chapter to refer to whatever a person is justly owed or whatever justice requires that one person do or give to another in a given situation. This is the sense used by Sir Thomas Elyot in defining justice as the “will perpetual and constant, which giveth to every man his right,”¹⁵⁴ rather than more specific and modern sense of the term used, for example, by John Rawls.¹⁵⁵ This trust is what allows humans to form communities. My claim in this chapter is that, in early modern comedy, justice functions both as a precondition of human flourishing and as constitutive of the comic ending.

This claim runs counter to many twentieth-century theories of comedy. Some theories read comedy as essentially transcending justice by dispensing with harsh or irrational law in favor of tolerance, forgiveness, or mercy.¹⁵⁶ Others read comedy as a carnivalesque genre that

different animal species and the characters often embody the “stereotypes” of their species (the fox is sly, the bull fierce, the rabbit zippy), but the plot of the movie turns on whether certain species (predators) ought to be fired from their jobs or imprisoned without due process; the answer is, of course, no.

¹⁵⁴ Sir Thomas Elyot, *The Boke Named the Governour*, STC (2nd ed.) / 7636 ed. (1537), Book III, Ch. 1.

¹⁵⁵ For more on the post-Renaissance development of idea of human rights, see Lynn Hunt, *Inventing Human Rights : A History* (New York: W.W. Norton & Co., 2007); James Griffin, *On Human Rights* (Oxford: Oxford University Press, 2008); *The Oxford Handbook of International Human Rights Law*, ed. Dinah Shelton (Oxford: Oxford University Press, 2013).

¹⁵⁶ Coghill, "The Basis of Shakespearian Comedy: A Study in Medieval Affinities"; Northrop Frye, "The Argument of Comedy," in *Theories of Comedy*, 450-460; Northrop Frye, *Anatomy of Criticism : Four Essays* (Princeton: Princeton University Press, 1957); Barber, *Shakespeare's Festive Comedy: A Study of Dramatic Rorm and Its Relation to Social Custom*; Honor Matthews, *Character and Symbol in Shakespeare's Plays : A Study of Certain Christian and Pre-Christian Elements in Their Structure and Imagery* (Cambridge: Cambridge University Press, 1962); Hunter, *Shakespeare and the Comedy of Forgiveness*; Frank Kermode, "Justice and Mercy in Shakespeare," *Houston Law Review* 33, no. 4 (1996); Friedman, "*The World Must Be Peopled*" : *Shakespeare's Comedies of Forgiveness*; Sarah Beckwith, *Shakespeare and the Grammar of Forgiveness* (Ithaca: Cornell University Press, 2011). Barbara K. Lewalski, "Biblical Allusion and Allegory in "the Merchant of Venice"," *Shakespeare Quarterly* 13, no. 3 (1962) and "Love, Appearance and Reality: Much Ado About Something," *SEL: Studies in English Literature, 1500-1900* 8, no. 2 (1968) offer readings of Shakespearean plays along this model. Coghill writes, "The Christian vision sees love the cause and crown of life, the classical sees a useful morality, which will do to go on with. The best pagan faith offers Justice; Christianity, Mercy and Forgiveness. In a spirit of conformity with these opposites stand the Comedies of Jonson and Shakespeare respectively" (13, emphasis added). Matthews says similarly, "The relative importance given to Justice and Mercy in early Elizabethan drama obtains also in Shakespeare's early work, but the balance is gradually adjusted until in his last plays it is reversed, and, as in the dialogue of the Vices and Virtues, Mercy is held supreme ... Justice and Mercy are each, as Shakespeare shows, a true 'daughter of God', but the plays can leave no one in doubt as to which is the more lovely in his eyes" (90-91); White writes, "Shakespeare provides comic patterns where feelings may be in line with Natural Law and dictate the terms of 'poetic justice' in the closure, no matter how much they offend patriarchs and laws. The real moral

essentially subverts justice, undermining authority figures and drawing its humor and energy from flouting social norms.¹⁵⁷ Others see justice as orthogonal to comedy, which they read as an amoral genre unconcerned with ethical or social norms.¹⁵⁸ On any of these readings, for a play to insist too strongly on justice is to undermine its claims to comedy. We see this tendency at work, for example, in critics' mixed responses to Ben Jonson's *Volpone* (c. 1606) and *Bartholomew Fair* (1614).

Volpone ends not in a marriage but a trial. *Volpone* gulls his neighbors into believing that he is mortally ill so that they will be willing to sacrifice their money, their honesty, and even

malefactors are those who attempt to use positive law to control life itself" (White, *Natural Law in English Renaissance Literature*, 11).

¹⁵⁷ The Carnival reading of comedy, based on Mikhail Bakhtin's articulation of the carnivalesque in *Dialogic Imagination and Rabelais and His World*, takes comedy to be a subversion of culturally-crafted moral systems. Rick Bowers claims, "Comic reversals, complications, and debunking of authority constantly suspend the usual rules of societal, moral, and sexual conduct" (Bowers, *Radical Comedy in Early Modern England: Contexts, Cultures, Performances*, 5). The norms that comedy is said to subvert are often political or sexual. Stephen Greenblatt argued famously in his essay "Invisible Bullets" that Renaissance theatre both stages subversion of political authority and contains it (Stephen Greenblatt, *Shakespearean Negotiations: The Circulation of Social Energy in Renaissance England* (Berkeley: University of California Press, 1988)). Other critics find comedy to be more successful in enacting a subversion that is never fully contained: see Michael D. Bristol, *Carnival and Theater: Plebeian Culture and the Structure of Authority in Renaissance England* (New York: Methuen, 1985); Peter Stallybrass; Allon White, *The Politics and Poetics of Transgression* (Ithaca: Cornell University Press, 1986); David Scott Kastan, *Shakespeare after Theory* (New York: Routledge, 1999). Feminist critics find different degrees of success in comedy's potential for liberation and subversion. Traub notes that early feminist readings focused on the "liberating effect caused by the temporary inversion of hierarchical gender arrangements" (e.g., Juliet Dusinberre, *Shakespeare and the Nature of Women*, 3rd ed. (New York: Palgrave Macmillan, 2003)), while later critics maintain that "any subversion of gender is contained by the comic form which mandates marriage in the final act" (e.g., Jean Howard, "Crossdressing, the Theatre, and Gender Struggle in Early Modern England," *Shakespeare Quarterly* 39, no. 4 (1988)); Valerie Traub, *Desire and Anxiety: Circulations of Sexuality in Shakespearean Drama* (New York: Routledge, 1992), 119.

¹⁵⁸ Bergson and Freud both emphasize comedy's unconcern with, or downright resistance to, moral injunctions (Henri Bergson, *Le Rire*, 1900; Sigmund Freud, *Jokes and Their Relation to the Unconscious*, ed. James Strachey (New York: Norton, 1960). Frye finds similarly that "the social judgement against the absurd is closer to the comic norm than the moral judgement against the wicked": Frye, *Anatomy of Criticism: Four Essays*, 168. For readings of early modern specifically as subverting or suspending moral codes, see Barton, "London Comedy and the Ethos of the City"; Catherine Bates, "Love and courtship," in *The Cambridge Companion to Shakespearean Comedy*, ; Michael D. Bristol, *Carnival and Theater (Routledge Revivals): Plebeian Culture and the Structure of Authority in Renaissance England* (2014). For similar readings of individual plays and authors, see A. P. Riemer, *Antic Fables: Patterns of Evasion in Shakespeare's Comedies* (Sydney: Sydney University Press, 1980); Altieri, "Against Moralizing Jacobean Comedy: Middleton's *Chaste Maid*"; Bowers, *Radical Comedy in Early Modern England: Contexts, Cultures, Performances*.

their spouses in hopes of becoming heir to his fortunes. In the trial that concludes the play, Volpone and his corrupt victims are given almost Dantesque punishments fitting their crimes. Volpone, the master trickster whose plots we have presumably enjoyed, is sentenced to lie in prison until he is actually as sick as he had pretended to be.

Jonson notes that the play's ending may, "in the strict rigour of comic law, meet with censure," but he insists that the final scene of punishment is done "fitly, it being the office of a comic poet to imitate justice and instruct to life."¹⁵⁹ Critics have generally supplied the censure for just that reason: the play insists too strongly on justice. The "harshness of the Avocatori's sentences ... threaten[s] to break the play's comic tone" as they seem "too harsh for comedy."¹⁶⁰ The only thing that saves the play's ending is the fact that Volpone symbolically escapes his captors long enough to deliver an epilogue to the audience and seek their applause. It is "Volpone's magnificent and unjust performances, not the harsh justice of the play's conclusion, that gains the audience's applause."¹⁶¹ In *Bartholomew Fair*, by contrast, Jonson "achieves for the first time a 'comic' conclusion" because "a balance between humanity and justice is struck at last," partly because characters who "embody the authoritarian principle" are "overthrown or compromised."¹⁶² It is as if Jonson can either imitate justice or be a comic poet, but not both.

But even as critics condemn *Volpone* for insisting on justice, they deny that its conclusion is actually just. The Avocatori are "corrupt as judges,"¹⁶³ and that corruption "undermines even

¹⁵⁹ Ben Jonson, *Volpone*, ed. R.B. Parker and David. M. Bevington (Manchester: Manchester University Press, 1999), "Epistle," 38-39. All quotations are from this edition.

¹⁶⁰ Ibid., "Introduction," 16-17.

¹⁶¹ Martin, *Between Theater and Philosophy : Skepticism in the Major City Comedies of Ben Jonson and Thomas Middleton*, 32, 37.

¹⁶² E. Pearlman, "Ben Jonson: An Anatomy," *English Literary Renaissance* 9, no. 3 (1979), 381, 371.

¹⁶³ Jonson, *Volpone*, "Introduction," 18.

the more modest conclusion that Justice has triumphed.”¹⁶⁴ The “avocatori who impose the justice are conspicuously fallible,” and the “effects of the justice ... seem unduly harsh”; the scene “lacks the ‘judicial integrity’ that would legitimate the avocatori’s social engineering as justice.”¹⁶⁵ If the play fails as a comedy, is it because it represents justice or injustice?

One answer is that comedy should not represent either, but transcend moral concerns altogether. *Bartholomew Fair* succeeds as comedy because “strict morality gets modified by human toleration, and laughter abolishes oppressive authority of all kinds.”¹⁶⁶ *Volpone* succeeds only insofar as it “appeals beyond moral judgment to the theatrical empathy of performance.”¹⁶⁷ But this conventional critical position — that comedy upholds tolerance and indulgence over morality and justice — would be seen by early modern period audiences as inconsistent with another entrenched position, that the happy endings of comedy consist in social reconciliation.

Describing comedy in general, Frye finds that it moves “from one kind of society to another,” and that the final society “is the one that the audience has recognized all along to be the proper and desirable state of affairs.”¹⁶⁸ Writing on the conventions of English stage comedy, Leggatt also finds that “the order affirmed in the traditional ending is essentially social.”¹⁶⁹ Early modern literary theory affirmed that “the resolution of social dissension provides the satisfying

¹⁶⁴ Stephen Greenblatt, “The False Ending in “Volpone”,” *Journal of English and Germanic Philology* 75, no. 1 (1976), 102.

¹⁶⁵ Martin, *Between Theater and Philosophy : Skepticism in the Major City Comedies of Ben Jonson and Thomas Middleton*, 32.

¹⁶⁶ Bowers, *Radical Comedy in Early Modern England : Contexts, Cultures, Performances*, 108.

¹⁶⁷ Jonson, *Volpone*, “Introduction,” 18.

¹⁶⁸ Frye, *Anatomy of Criticism*, 163-4.

¹⁶⁹ Leggatt, *English Stage Comedy, 1490-1990 : Five Centuries of a Genre*, 5.

completion of the comic form.”¹⁷⁰ Giovan Giorgio Trissino, for example, writes that “comedy ends with marriages, peace-making, and tranquility; the final exit of the characters occurs in a state of conciliation.”¹⁷¹

If comedy is “a problem-solving story, ending in resolution and order,” the problem to be solved is how this social resolution and order can be achieved.¹⁷² If “the natural tendency of comedy is to include as many as possible in its final festival,” how can that large and diverse group be made to live successfully together?¹⁷³ As we saw in the *Introduction*, this was also the question facing early modern London. What enables a religiously, geographically, and socioeconomically diverse group, lacking ties of familial or romantic love, to form the trust and relationships necessary for social life?

The answer proposed by classical and early modern theorists was justice. Justice recognizes and promotes the equality that holds among humans by nature. So long as its standards do not ask more of humans than their imperfect nature can bear, justice is the enabling condition of successful social life and thus of the comic endings that represent it. Unjust judges may need to be toppled and irrational laws overturned, not because justice is opposed to human happiness, but because justice helps to constitute it. We tend to think of comedy chiefly in terms of romantic plotlines, where the happy ending consists in marriage (a view produced by heavy critical emphasis on Shakespeare).¹⁷⁴ But in Ben Jonson’s and, in fact, in the significant

¹⁷⁰ Slights, *Shakespeare's Comic Commonwealths*, 9.

¹⁷¹ “The Poetics” (c. 1549) in *Dramatic Theory and Criticism: Greeks to Grotowski*, ed. Bernard F. Dukore (New York: Holt, Rinehart and Winston, 1974), 134.

¹⁷² Leggatt, *English Stage Comedy, 1490-1990 : Five Centuries of a Genre*, 3.

¹⁷³ Northrop Frye, “The argument of comedy” in *Theories of Comedy*, 452-453.

¹⁷⁴ For a discussion of the skewed view of early modern comedy produced by exclusive focus on Shakespeare, see Howard, “Shakespeare and the London of City Comedy”.

proportion of early modern comedies, the “emphasis is not on bringing lovers together so much as bringing a community together.”¹⁷⁵ A minimum condition for this social reconciliation — and thus for human flourishing — is justice, and this makes justice a constitutive element of comedy.

Different kinds of comedy suggest this view in different ways, of course. Satiric comedies may show how personal corruption causes or is caused by a flawed justice system, while romantic comedies show how characters of high integrity can carry out justice in less institutional, more personal ways.¹⁷⁶ I focus here chiefly on comedies at the center of the spectrum, in which the laws are chiefly good and humans are not so good that they do not require law’s intervention. In general, comedy ties the success of justice to the community’s success and ties the community’s success to the happy ending. What it means for a human to be happy or to flourish is a complex question that each chapter helps partly to answer. In this chapter, I focus on the role of justice in comic communities. I show how the conventional role of justice, which is to enable the comic ending, is based in other comic conventions: the representation of humans as social animals, equal both in their rights and their imperfections.

I first show how the conventions of comedy represent its characters as essentially equal. I also examine prevalent political theories in early modern England, classical and contemporary. These theories begin by assuming the same things comic conventions invite us to assume, and from these assumptions they draw the same conclusions. They take humans to be imperfect social animals who require communities to flourish. For communities to flourish, they must

¹⁷⁵ Alexander Leggatt, *Ben Jonson, His Vision and His Art* (London and New York: Methuen, 1981), 75.

¹⁷⁶ As Maus writes, “In *De legibus*, Cicero argues that because justice is so fundamental to any society, its legal machinery provides an index of its moral rectitude. The legal impotence of good characters in *Sejanus* or *Volpone* constitutes an indictment of the social order in these plays, just as the legal power of Horace in *Poetaster* or Cicero in *Catiline* suggests the ultimate triumph of healthy elements in republican and Augustan Rome” (Katharine Eisaman Maus, *Ben Jonson and the Roman Frame of Mind* (Princeton: Princeton University Press, 1984), 127).

respect humans' natural equality by guaranteeing equal protection of their rights. This requires a system of law and justice.

I then analyze the way in which justice is commonly enacted in comedy through trials, as in *Much Ado About Nothing* (William Shakespeare, 1598), and how the procedures of justice, in plays like *The Two Angry Women of Abington* (William Porter, 1598), enable social life. By resolving social crises through justice rather than mercy, as occurs in *The Shoemaker's Holiday* (Thomas Dekker, 1599) and *Susanna* (Thomas Garter, c. 1563), comedy affirms the equality that holds among all its characters, both subjects and rulers, by holding them all to the same laws. But if laws are to be just, they must adapt to human imperfection. This is one of the lessons of *Bartholomew Fair* (Ben Jonson, 1614) and *Love's Metamorphosis* (John Lyly, c. 1590).

Equality under the law

Comedy is interested not only in the number but in the “variety of individuals it can tolerate.”¹⁷⁷ Comedy generates both laughter and plot lines by showing us how much characters have in common in spite of their differences. The romantic comedy *Chocolat* (dir. Lasse Hallström, 2000) pits Vianne, the free-spirited chocolate-maker, against the mayor who desires the whole town to follow his example of strict Lenten abstinence. On Holy Saturday, he breaks into her shop intending to destroy the chocolate. Instead, he ends up eating it. When Vianne finds him asleep in the shop window on Easter morning, the telltale chocolate stains still on his chin, he can no longer sustain his war against her. This is one example of “democratic leveling” — the

¹⁷⁷ Northrop Frye, “The argument of comedy” in *Theories of Comedy*, 452-453.

way that comedy takes characters of apparently different stations or beliefs and puts them side by side as equals.¹⁷⁸

Food is one of the most common democratic levelers.¹⁷⁹ Early modern comedies often end with a feast that unites the classes around it. Sometimes it is given by the king for commoners, sometimes by the commoners for the king (*The Shoemaker's Holiday*). Jonson's *Bartholomew Fair* closes with Quarrelous commanding Justice Overdo to invite the company to “drown the memory of all enormity in your biggest bowl at home.”¹⁸⁰

¹⁷⁸ One strong connection among comedy, community, and democratic leveling occurs in imitation: presenting one's movements as identical to someone else's. When one human copies another (as a game, not a mockery), the game creates a bond as well as laughter. The film *Lion* (dir. Garth Davis, 2016), the child Saroo bonds with a stranger in a restaurant window by mimicking his movements with his spoon; the adult Saroo bonds with a young woman by imitating her walk. Another common democratic leveler is embarrassment. Characters are brought down to the same level as others when their pretensions are deflated. In *Singin' in the Rain* (dir. Gene Kelly, Stanley Donen, 1952), Cathy snubs Don for acting in films, which is inferior to acting onstage; she reveals that she is not, in fact, a successful theatre actress when she goes to her job that evening as the girl who jumps out of the birthday cake and the cake turns out to be Don's.

¹⁷⁹ In *This is the End* (dir. Seth Rogan, Evan Goldberg, 2013), Seth Rogan initially refuses to have a Carl Jr's cheeseburger with his friend Jay because, he patronizingly informs him, he is on a cleanse (it's L.A.). In the next shot, we see them in the parking lot of a Carl Jr's wolfing down cheeseburgers together. Biology is a great democratic leveler, which also includes sexual desire. In the song “I Don't Understand the Poor,” in *A Gentleman's Guide to Love and Murder* (Robert L. Freedman and Steven Lutvak, 2012), the pompous squire begins “Though my politics are purely democratical / I find the species frankly problematical,” as though they *are* a different species — only to reveal by the end that they are emphatically not: “Oh, there's one I admit I adore ... Well, he may be a bit of a drinker/ He can often be found on the floor ... According to mother / He may be my brother / A fact we all choose to ignore” (Lyrics accessed via <http://www.themusicallyrics.com/g/298-a-gentlemans-guide-to-love-and-murder/2614-i-dont-understand-the-poor.html>). In *Pineapple Express* (dir. David Gordon Green, 2008) a member of a drug gang captures a rival and shouts at him, “I'm gonna kill the f*** out you ... I hope you enjoy these last ... 17 minutes of your life... cause when Ted gets here, he's gonna be like, 'Kill that motha f***er’ — interrupting this tirade to caution him, as he's forcing him into the low-ceilinged cellar, “Watch your head!” (Screenplay by Judd Apatow, Seth Rogen, and Evan Goldberg, accessed via <http://www.imsdb.com/scripts/Pineapple-Express.html>. All citations from the film are from this source). The experience of pain is a democratic leveler too, as is the human body. In his essay “Looking Back on the Spanish War,” George Orwell reflects on this fact. Orwell and his company are in a trench firing upon the Spanish fascists when an enemy officer jumps out of the trench into their full view. Orwell does not shoot partly because the man “was half-dressed and was holding up his trousers with both hands as he ran ... I had come here to shoot at ‘Fascists’ but a man who is holding up his trousers isn't a Fascist, he is visibly a fellow-creature, similar to yourself, and you don't feel like shooting at him” (George Orwell, *A Collection of Essays* (New York: Harcourt, Inc., 1981), 194).

¹⁸⁰ Ben Jonson, *Bartholomew Fair*, ed. G.R. Hibbard (New York: W.W. Norton & Company Inc., 2001), 5.6.96-97. All quotations are from this edition.

Another democratic leveler is the promise. In *James IV* (Robert Greene, c. 1590), the food offered from monarch to subject is framed as the Queen's repayment for her servant's service. "What would my Dwarfe, that I will not bestow?" Queen Dorothea asks her loyal servant Nano. He replies, "My stomacke, after toile requireth meate. / An easy suite, dread Princes; will you wend?" (5.6.236-240).¹⁸¹ In *Mucedorus* (anonymous, c. 1591), the Clown chides the King: "O you forgot, now, a little apparel to make[us?] handsome." The King replies, "I did promise thee, I will perform, attend on me."¹⁸² *The Tempest* ends with Prospero's keeping his promise to his servant Ariel to set him free. *Henry V* ends with the subject's keeping his promise to the king.¹⁸³ While in disguise, Henry falls into disagreement with Williams, a commoner. Williams gives the King his gage and promises to strike him the next time he sees it. When Henry gives Fluellen the gage and Williams strikes Fluellen, Henry tells him, "'Twas I, indeed, thou promised'st to strike" (4.8.38). Williams asks for pardon but denies that he has done anything wrong: "You appeared to me but as a common man ... And what your highness suffered under that shape, I beseech you take it for your own fault and not mine" (4.8.46-50). Henry does not fault Williams but returns his glove to him full of crowns.

In these moments, rulers acknowledge that, in some respect, they are common men. All men, subjects and rulers, are subject to the laws governing obligation and restitution. If one person incurs a debt to another, that person has a right to be repaid. Rights, like food, are

¹⁸¹ Robert Greene, *The Scottish History of James Iv: A Critical, Old-Spelling Edition*, ed. Charles H. Stein (Salzburg: Institute fur Englische Sprache und Literatur, 1977). All citations are from this edition.

¹⁸² Anon., *a Most Pleasant Comedie of Mucedorus*, EEBO STC (2nd ed.) / 18230 ed. (1598).

¹⁸³ Through this storyline, *Henry V* participates in the genre of the "comical history," in which meetings "between subject and king in disguise [generates] harmony, good fellowship, and mutual understanding" ("The king disguised: Shakespeare's *Henry V* and the comical history," in Barton, *Essays, Mainly Shakespearean*, 212).

democratic levelers. In fact, according to some early modern accounts, the origin of equal rights lies partly in this equal need for food.

What humans hold primarily in common is their biology. All possess a human body. Thomas Wilson's popular *The Rule of Reason* (1551) explains that "man is made of body, and soul, (which are the parts of his substance, and cannot be away) ... we say the soul liveth when the body is dead, but no man sayeth the soul is the very man"; Wilson's commonplace definition of the human was not "a rational soul" but "a living creature endued with reason."¹⁸⁴ A human is a living creature with a body. All humans have an essential equality because they share this essential nature. Sir Thomas Elyot in *The Book Named the Governour* (1537) makes explicit the fact that rulers have the same essential nature as their subjects. In a section entitled "the equality in souls & corporal substance," he writes of the governor,

... of that same matter and substance that his soul is of, be all other souls ... that now are, and have been, and ever shall be, without singularity or preeminence of nature. In semblable estate is his body, and of no better clay (as I might frankly say) is a gentleman made, than a carter, and of liberty of will, as much is given of God to the poor herdman, as to the great and mighty Emperor.¹⁸⁵

All humans, regardless of wealth or station, are essentially equal in their souls and bodies. Elyot concludes that this natural equality extends to equality of treatment: "Reason bid[s] him, Do the same thing to an other, that thou wouldst have done to thee."¹⁸⁶ In *De Officiis* (trans. 1556), Cicero draws the same conclusion from equality in nature to equality in rights:

[I]f nature doth also appoint this: that man would have man provided for, whatsoever he be: yet even for this same respect, because he is a man: it must needs follow, that

¹⁸⁴ Wilson, *The Rule of Reason, Conteynyng the Arte of Logique, Set Forth in Englishe*, "Of the whole and the partes," "The vse and commoditie of these Predicamentes." See Aristotle, *De Anima* II.3, III.11, and *Nicomachean Ethics* I.7, I.11.

¹⁸⁵ Elyot, *The Boke Named the Governour*, Book III, Ch. 3, "The thre noble counsayles of reason, societie, & knowlege."

¹⁸⁶ *Ibid.*

according to the same nature, the profit of all be in common. Which if it be so: we all be contained in one, and the like law of nature. And if the same be so: doubtless by the law of nature, we are forbidden one to wrong another.¹⁸⁷

Because the biological nature belonging to all humans requires that they be “provided for,” it is forbidden for any one human to “pull from another, for one’s own profit’s sake.”¹⁸⁸

Equal natural needs form the basis of equal ethical standing, an equal right not to be harmed.

William Baldwin in his *Treatise of Moral Philosophie* (1547) likewise derives from equal need an equal right to be helped:

For where as Nature bringeth forth all other creatures able to help themselves ... only man is born naked, destitute of power to help himself ... And since therefore it is so, that no man can live alone, but must of necessity both help and be holpen of other, what can be better than good manners, that make every man glad & willing to do one for another: that jointed us together in love and friendship, and helpeth us in all kind of necessities?¹⁸⁹

If it is a biological necessity that humans must be helped by others to meet their own needs, it then becomes a social necessity that they offer the same help to others. If one person wishes others to respect the claims he makes on them, he must, in turn, respect the same claims others make on him. This structure of mutual necessity is partly why Renaissance theorists understood humans to be not just rational animals but social animals.¹⁹⁰

In the *Politics*, Aristotle claims that the city “comes to be for the sake of living, but it exists for the sake of living well” (1252a28). The first communities, households, are formed “to satisfy everyday needs,” while villages form to “satisfy[] needs other than everyday ones” (1252b13-15). A “human is by nature a political animal” (1253a2), because humans require

¹⁸⁷ Cicero, *Three Bokes of Duties to Marcus His Sonne*, Book III, “And if nature dothe also appoint this ...”

¹⁸⁸ Ibid., “But to pull from an other, for ones own ...”

¹⁸⁹ William Baldwin, *A Treatise of Morall Phylosophie Contaynyng the Sayinges of the Wyse.*, EEBO STC (2nd ed) / 1253 ed. (1547), Book II, Ch. 1.

¹⁹⁰ See *Politics* I.2; David Keyt, “Three Basic Theorems in Aristotle’s *Politics*,” in *A Companion to Aristotle’s Politics*, .

communities both for living and living well. Sir Thomas Smith in *De Republica Anglorum* (1583) offers the same Aristotelian account of political society: “A common wealth is called a society or common doing of a multitude of free men collected together and united by common accord & covenants among themselves.”¹⁹¹ After repeating Aristotle’s account of the origin of cities, he draws Aristotle’s same conclusion: “[M]an by nature is rather desirous to fellow himself to another ... Although of all things or living creatures a man doth show himself most politic, yet can he not well live without the society & fellowship civil.”¹⁹²

That humans are social animals was a cornerstone of early modern ethical and political thought.¹⁹³ The “vision of the self most prevalent in Shakespeare’s England ... was that of an individual interacting with other individuals, each possessing some degree of agency and none having absolute autonomy.”¹⁹⁴ Their vision of human need aligns with that suggested by comedies: “[I]n spite of causing unavoidable pain and irremediable loss, society is the happiness of life.”¹⁹⁵ Humans’ natural needs give rise to a need for society, and society governed in a certain way. Elyot writes that “Society, without which man’s life is unpleasant and full of anguish, sayeth, Love thou thy neighbor, as thou doest thyself.”¹⁹⁶ For equal needs to be met,

¹⁹¹ Sir Thomas Smith, *De Republica Anglorum: The Maner of Governement or Policie of the Realme of England*, EEBO STC (2nd ed.) / 22857 ed. (London, 1583), Book I, Ch. 10.

¹⁹² *Ibid.*, Book I, Ch. 11.

¹⁹³ In “Jonson and the Roman Social Ethos,” Katherine Maus explains how Roman moralists, too, saw humans as naturally social (Maus, *Ben Jonson and the Roman Frame of Mind*, 133 ff.) This social nature derives from their natural equality in nature: “[h]uman fellowship ... is founded upon an accurate assessment of similarity” (115); “Once a man perceives that another man shares his nature ... he is rationally obligated to treat that man as he would treat himself” (130).

¹⁹⁴ *Shakespeare and Renaissance Ethics*, 9. See also *Shakespeare and Early Modern Political Thought*, 3 ff.

¹⁹⁵ Slights, *Shakespeare's Comic Commonwealths*, 243.

¹⁹⁶ Elyot, *The Boke Named the Governour*, Book III, Ch 3.

equal treatment must be given and received. For a society of equals to function successfully, its mode of governance must recognize and promote that equality.

Aristotle notes that different political systems are appropriate for different kinds of populations. The “majority rather than those who are the best people, albeit few, should be in control” on the condition that “the many, each of whom individually is not an excellent man, nevertheless can, when they have come together, be better than the few best people, not individually but collectively” (*Politics* 1281a39-1281b1). This condition does not always hold. There may exist a few persons who are so supremely excellent that their superiority in ability or virtue outweighs whatever natural needs they have in common. In that case, those few ought either to rule the city or leave it.¹⁹⁷ However, “when the city consists of similar people,” then it is “not even natural for one person ... to be in control.” For “justice and worth must be by nature the same for those who are naturally similar. So if indeed it is harmful to their bodies for equal people to have unequal food or clothing, the same holds, too, where honors are concerned, and similarly, therefore, when equal people have what is unequal. This is why it is just for them to rule no more than they are ruled, and, therefore, to do so in turn” (12879a11-17).

Aristotle moves from equality in body to equality in political power. Comedy makes the same move. Through conventions of democratic leveling, comedy represents its characters as fundamentally “similar people,” and this natural equality is made the basis of political equality.

¹⁹⁷ If, for instance, there is “one person ... who is so outstanding in extreme virtue that neither the virtue nor the political capacity of all the others is comparable to his ... then such people can no longer be taken to be part of the city. For they would be treated unjustly if they were thought worthy of equal shares despite being so unequal in virtue and political capacity. For anyone of that sort would probably be like a god among human beings” (*Politics* 1284a4-10). But Aristotle also acknowledges that anyone who cannot or does not need to live in a society has a nature other than fully human: “... the city both exists by nature and is prior in nature to the individual. For if an individual is not self-sufficient when separated, he will be in a similar state to that of the other parts in relation to the whole. And anyone who cannot live in a community with others, or who does not need to because of his self-sufficiency, is no part of a city, so that he is either a wild beast or a god” (1253a24-29).

No person is so superior that he is fit to rule over the rest of the community. Instead, all community members rule and are ruled in equal measure. This order, Aristotle explains, “is law” (1287a17). This is exactly how Renaissance literary theory figured the characters of comedy: as people who live under the law.

Renaissance theorists, as noted in the Introduction, followed Aristotle’s view that tragedy depicts extraordinary individuals from the ruling class, while comedy depicts the mass of common people in the lower and middle classes. Antonio Minturno writes that “the people in [comedy] lead an ordinary life, be they citizens, or peasants, military, or merchants. For this reason, the first comic poets bit the principal citizens of the city, since they recognized them as citizens subject like everybody else to the laws of equality and to the decisions of the people.”¹⁹⁸

To be subject to the people and to the laws of equality is to be subject to the rule of law. This is a distinction, Castelvetro writes, between the characters of tragedy and comedy: “Those of tragedy are royal and are more dynamic and proud.” If offended, “they do not appeal to the courts to take legal action concerning the injury. Nor do they endure injury patiently. Instead, they take justice into their own hands, following their instincts.” Characters in comedy, however, “are accustomed to obey the courts. They live under the law and endure offenses and damages. They appeal to officials to enforce by means of their statutes the restitution of their self-respect or the payment of damages. They do not take the law into their own hands.”¹⁹⁹ Generic conventions here take on political significance. Comedy conventionally depicts ordinary people and, even when some of its characters are rulers, emphasizes the natural similarity among them.

¹⁹⁸ “The Art of Poetry” (1563), in *Theories of Comedy*, 77.

¹⁹⁹ Ludovico Castelvetro, “On Aristotle’s Poetics” (1570), in *Dramatic Theory and Criticism: Greeks to Grotowski*, 147.

This natural similarity means that all are subject to the law: a set of standards that derive from the whole community and that are applied equally to the whole community.

Italian theorists explicitly link comedy and politics. Minturno says the “effects of first and second comedy were concentrated in bettering the mores of the city and in bringing the citizens to a better form of government.”²⁰⁰ “[C]omedy alone teaches ethics, economics, and perhaps even politics,” says Scipione Ammirato.²⁰¹ And what it teaches its audience about politics is to “love private life and to wish to preserve that well-regulated popular republic in which they live.”²⁰² Comedy inclines particularly toward republican and democratic systems of government. Denotes, finding that the “moral uses of poetry” are “first and foremost, political,”²⁰³ subdivides the different political uses by genre: “Those who founded these poems had the intention of introducing into the hearts of the citizens the love of and the desire for the republic ruled by one man, or the republic ruled by a few, or the republic ruled by the many [*Republica regolata de’ molti*] — and primarily for this latter kind.”²⁰⁴ Weinberg explains, “Each of these governmental forms gave rise to a poetic form: epic, tragedy, and comedy respectively.”²⁰⁵

Comedy depicts and encourages the “republic ruled by the many” because it depicts characters for whom this political system is most just. As equals themselves, they are subject to

²⁰⁰ “The Art of Poetry” (1563) in *Theories of Comedy*, 77.

²⁰¹ Scipione Ammirato, *Il Dedalione ovvero del poeta dialogo* 1560, quoted in Weinberg, *A History of Literary Criticism in the Italian Renaissance*, 280.

²⁰² Giason Denores 1586, *Discorso intorno a que’ principii, cause, et accrescimenti, che la comedia, la tragedia, et il poema heroicio*, quoted in *ibid.*, 317.

²⁰³ *Ibid.*, 673.

²⁰⁴ Quoted in *ibid.*, 673.

²⁰⁵ *Ibid.*, 673.

equal treatment under the law. They also have equal right to a share in political rule. The proper form of government for this community is a republican one, one in which citizens share equally in ruling and being ruled. Sir Thomas Smith actually figures the government of England in this way. Parliament, which is the “most high and absolute power of the realm of England,” is understood to represent every single person in the country. It

representeth & hath the power of the whole realm both the head and the body. For every Englishman is intended to be there present, either in person or by procuracy and attorneys, of what preeminence, state, dignity, or quality soever he be, from the Prince (be he King or Queen) to the lowest person of England. And the consent of the Parliament is taken to be every man’s consent.²⁰⁶

Laws promulgated by Parliament are understood to be the will of the entire people. The subjects of England, while not equal in every way, have theoretically an equal share in ruling in that their consent is the foundation of the law. This is the political system, according to literary theorists, that belongs to comedy. All rule and are ruled by the “laws of equality.” Law is both a recognition of equality, insofar as it derives from “decisions of the people,” and a reinforcer of equality, insofar as it subjects each person to the same standards. Law is not identical to justice, but in formally recognizing and promoting equality, it helps promote justice.

Aristotle’s most general definition of justice is equality for equals: “[J]ustice seems to be equality, and it is — not for everyone, however, but for equals” (*Politics* 1280a10-11).²⁰⁷

Aristotle’s *Ethics*, which identifies the virtue of justice as the disposition to give each person

²⁰⁶ Smith, *De Republica Anglorum: The Maner of Gouvernement or Policie of the Realme of England*, Book II, Ch. 1.

²⁰⁷ Cicero says similarly, “what is valid in one of two equal cases should be valid in the other ... Equity should prevail, which requires equal laws in equal cases” (*Topica* IV.23, cited in Majeske, *Equity in English Renaissance Literature : Thomas More and Edmund Spenser*, 18.)

what is “proportionately equal,”²⁰⁸ was a seminal source text for early modern notions of justice.²⁰⁹ Sir Thomas Elyot, for example, draws on Aristotle in defining justice as the “will perpetual and constant, which giveth to every man his right.”²¹⁰ Early modern theorists also adopted Aristotle’s distinction between types of justice.²¹¹ Corrective justice acts on a “strictly arithmetical basis to restore the balance disturbed when one individual takes more than his or her fair share from another”; distributive justice “apportions the wealth and honors a person may acquire through social interaction, and is based on the system of value governing a particular society.”²¹²

Comic endings often depict the act of distributive justice. Communities attempt to determine which debts should be repaid, honors given, or penalties exacted, and then to make the just distribution. This collective process is, itself, an instance of political rule distributed equally among the community. We can see this distribution of rule in one of the most common conventions of early modern comedy, the trial. Like law, the trial is a human institution intended to promote justice by providing a reliable way for the community as a whole to determine who is

²⁰⁸ A just person will “allocate things — whether to himself and another or to two other people — not in such a way that too much of what is choiceworthy goes to himself and too little to his neighbor; and the reverse with what is harmful, but rather the proportionately equal amount to both” (*EN* 1134a2-5).

²⁰⁹ “... in many respects, the most important classical source for Spenser’s theory of justice, as for his understanding of moral virtue more generally, is Aristotle’s *Nicomachean Ethics*; this work’s exposition of justice is likewise crucial to the early modern legal theory, in both civilian and common law traditions”: Andrew Zurcher, *Spenser’s Legal Language : Law and Poetry in Early Modern England* (Woodbridge: D.S. Brewer, 2007), 125. See also Joel Altman, “Justice and equity,” in *The Spenser Encyclopedia*, 414.

²¹⁰ Elyot, *The Boke Named the Governour*, Book III, Ch. 1.

²¹¹ “Justice, all though it be but one entire virtue, yet is it described in two kinds or spices, the one is named Justice distributive, which is in distribution of honour, money, benefit, or other thing semblable: the other is called commutative or by ... exchange. And of Aristotle it is named in Greek DIORTHOTICE, which is in English corrective”: *ibid.*, Book III, Ch. 1.

²¹² Joel Altman, “Justice and equity,” in *The Spenser Encyclopedia*, 414.

violating the “laws of equality” meant to be upheld by all. Through the trial, we can see how justice is accomplished and also what justice accomplishes.

The accomplishment of justice

Jonson depicts trials not only in *Volpone* but “in play after play after play.”²¹³ Early modern comedies feature dozens of trials, both formal and informal, as well as other judicial-legal processes like arrests, depositions, bringing of suits, and the making and keeping of contracts. Comedy lends itself to legal processes partly because of its conventional plot structures. Frye notes that the action of comedy in “moving from one social center to another is not unlike the action of a lawsuit, in which plaintiff and defendant construct different versions of the same situation, one finally being judged as real and the other as illusory”; the plot of the comedy, like the process of a trial, moves us from “*pistis* to *gnosis* ... illusion to reality.”²¹⁴ He also notes the historically recognized “resemblance of the rhetoric of comedy to the rhetoric of jurisprudence.”²¹⁵ Aristotle’s analysis of dramatic plot, intellectual clarification, and legal trial share some of the same rhetoric.

In the *Poetics*, Aristotle writes, “Every tragedy consists of two parts, the involvement and the unraveling.”²¹⁶ The Greek term for “involvement” is literally δέσις (*desis*), meaning “tying”; “unraveling” is λύσις (*lisis*), or “untying.”²¹⁷ Aristotle figures dramatic plot as the tying and untying of a knot. Classical and Renaissance theorists constantly repeated this metaphor.

²¹³ Maus, *Ben Jonson and the Roman Frame of Mind*, 127.

²¹⁴ Frye, *Anatomy of Criticism*, 166, 169.

²¹⁵ *Ibid.*, 166.

²¹⁶ Aristotle, *Poetics*, Ch. 18, (1455b24), trans. Kenneth A. Telford, in *Sources of Dramatic Theory*, 56.

²¹⁷ These translations and explanations were provided to me by C.D.C. Reeve in personal correspondence.

Evanthius explains the parts of comic plots thus: “The protasis is the first act and the beginning of the drama. The epitasis is the development and enlargement of the conflict and, as it were, the knot of all the error. The catastrophe is the resolution of the course of events so that there is a happy ending which is made evident to all by the recognition of past events.”²¹⁸ Renaissance writers likewise describe comic plots using the images of tying and untying. Bernardo Pino da Cagli, for instance, says that “Comedy ... always had five acts, always its complication and its denouement in order to be good.” The Italian for the last phase is “*sempre il suo nodo, e’l suo scioglimento per essere bona.*”²¹⁹ *Nodo*, the complication, is “knot,” and *scioglimento*, the denouement, is “untying.”

The knot metaphor is significant because Aristotle uses it for both dramatic clarification and forensic clarification. In Book III of the *Metaphysics*, he describes the process of philosophical inquiry as a movement from puzzlement to clarification. This movement shares the same plot structure as comedy, and he describes it with the same metaphor:

Now for those who wish to be puzzle-free it is useful to go through the puzzles well. For the subsequent puzzle-free condition is reached by untying the knots produced by the puzzles raised in advance, and it is not possible to untie a knot you are unaware of. But a puzzle in thought reveals a knot in the subject matter. For insofar as thought is puzzled it is like people who are tied up, since in both cases it is impossible to move forward.²²⁰

²¹⁸ “On Drama” in *Classical and Medieval Literary Criticism: Translations and Interpretations*, ed. Leon Golden Alex Preminger, O.B. Hardison, Jr. and Kevin Kerrane (New York: Frederick Ungar, 1974), 305. Compare “The epitasis is the increase and advance of the disturbance, and as I said the tangling of the maze. Catastrophe is the change of the situation to a pleasant outcome, a change made clear to all through the knowledge of what has happened”: Donatus, “On Comedy and Tragedy,” in *Theories of Comedy*, 30.

²¹⁹ *Discorso intorno al componimento de la commedia de’ nostri tempi*, 1578, quoted in Weinberg, *A History of Literary Criticism in the Italian Renaissance*, 204. Giambattista Giraldis (Cinthio) calls “the texture and composition of the play” a “knot” and the “resolution of the action” the “explanation of it” (“On the Composition of Comedies and Tragedies” (1554), in *Sources of Dramatic Theory*, 125).

²²⁰ *Metaphysics* 995a27-31, translation by C.D.C. Reeve, provided in personal correspondence.

The verbs Aristotle uses to describe the knot of intellectual puzzlement are cognate with the verbs he uses to describe the tying and untying of the knot of tragic plot.²²¹ He further describes the untying of the intellectual knot with a metaphor drawn from law. It is best to “get a theoretical grasp on all the difficulties [puzzles] beforehand” in part because “a person is necessarily in a better position to make a judgment when — as if they were opposing parties in a court case — he has heard all the contending arguments.”²²²

The best way to move from puzzlement to understanding, from *pistis* to *gnosis* — in short, the best way to resolve a comic plot — is through a process like a trial. Characters achieve clarity and the plot achieves resolution by hearing each person’s voice. *Much Ado About Nothing*, for example, is structured like *Volpone*, around two trials. The first creates a crisis when innocent characters are falsely accused; the second resolves the crisis by vindicating them. Don John convinces Claudio that his fiancée, Hero, is unfaithful when he has his henchman Boracio woo Hero’s maid at Hero’s window and brings Claudio to mistake her for Hero. Hero’s wedding turns into a public trial when Claudio and his friends demand, “What man was he talk’d with you yesternight / Out at your window betwixt twelve and one?” (4.1.82-83). Rejecting Hero’s protestations of innocence, Claudio denounces her. Later, the watch overhear Don John’s men confessing the plot, exam them before a sexton who can independently verify their story, and

²²¹ The original, as provided by Reeve, reads “ἔστι δὲ τοῖς εὐπορήσαι βου-λομένοις προὔργου τὸ διαπορήσαι καλῶς· ἢ γὰρ ὕστερον εὐπορία λύσις τῶν πρότερον ἀπορομένων ἐστὶ, λύειν δ’ οὐκ ἔστιν ἀγνοοῦντας τὸν δεσμόν, ἀλλ’ ἢ τῆς διανοίας ἀπορία (30) δηλοῖ τοῦτο περὶ τοῦ πράγματος· ἢ γὰρ ἀπορεῖ, ταύτη παραπλήσιον πέπονθε τοῖς δεδεμένοις.” Reeve adds a note in personal correspondence that “untying” = λύσις, “untie” = λύειν, and “knot” = δεσμόν, “which is the reference of the demonstrative adjective τοῦτο. δεδεμένοις is a participle of the verb δέω which means bind’ and is cognate with δέσις and δεσμόν.” δέσις is the verb used in the *Poetics* for the involvement or “tying” of the plot.

²²² Aristotle, *Metaphysics*, trans. C. D. C. Reeve (Indianapolis: Hackett Publishing Company, 2016), 995a33-b3.

bring Boracio to confess the plot before the company. This second trial confirms Hero's innocence and enables her reconciliation with Claudio.

For Hero, it is the trial that ultimately brings the wedding. Critics often speak of comedy as the genre that ends in a marriage, but early modern comedy, which is concerned with relationships within society as much or more than within a single couple, is structured heavily around trials.²²³ One of the earliest English comedies, *Fulgens and Lucrece* (Henry Medwall, c. 1497),²²⁴ combines the wedding and the trial. The play depicts two men who each offer arguments before Lucrece explaining why she ought to take him as a husband. Courtly romantic comedies like John Lyly's *Gallathea* (c. 1584) and *Endymion* (c. 1588), *The Maid's Metamorphosis* (anon., 1600), and *The Arraignment of Paris* (George Peele, c. 1584) feature scenes in which deities serve as arbiters who at last resolve the conflict. More satiric comedies, like *Poetaster* (Ben Jonson, 1601), *Michelmas Term* (Thomas Middleton, c. 1604), and *The Fawn* (John Marston, c. 1605), end with formal or comical trials to arraign humoral characters for their social crimes. Citizen comedies offer semi-realistic renderings of accusations, arrests, and trials, as in *The Fair Maid of the Exchange* (Thomas Heywood, c. 1602) and *The Honest Whore II* (Thomas Dekker, c. 1605).

In these plays, trials enable the dramatic denouement and the comic happy ending. To untie the knot of the story, characters must determine what has happened and how to respond to it. The trial, by giving voice to all the play's characters, enables them to achieve clarity about events, resolve their differences, and reaffirm social bonds. We see this process at work in Ben

²²³ Maus, discussing Jonson's social vision in his comedies, notes that "or the Roman moralists, who believe society to be founded upon reason, not upon desire, the trial rather than the wedding is the fundamental social ritual" (Maus, *Ben Jonson and the Roman Frame of Mind*, 127).

²²⁴ Altman follows Alfred Harbage in dating this play c. 1497 (Altman, *The Tudor Play of Mind : Rhetorical Inquiry and the Development of Elizabethan Drama*, 26).

Jonson's *Every Man in His Humour* (1598). Knowell disguises himself to spy on his son, Edward, fearing he is falling into bad company with Wellbred, a town gallant. Kitely, a merchant, fears that Wellbred is seducing his wife. Later, Wellbred convinces Kitely that his wife is cheating on him with Cob, and Dame Kitely that her husband is cheating on her with Cob's wife. They both rush to Cob's house and catch each other there. Knowell turns up there, too, convinced that Mistress Cob is Edward's mistress.

To resolve their disputes, the characters all convene at the house of Justice Clement. Clement draws out each person's story to clarify the origin and validity of the quarrels. Who told Kitely that his wife was with Cob? Wellbred. Who told Dame Kitely that her husband was with Cob's wife? Wellbred. "Why, this is a mere trick," exclaims Clement, "you are gulled in this most grossly, all!" (5.2.32-33).²²⁵ This exposure reconciles Kitely to his wife and Cob to his. This knot untied, Clement turns to Downright, who was illegitimately "arrested" by Brainworm, Knowell's tricky servant disguised as a sergeant. Brainworm also lured Kitely out of the house, so that Edward could elope with Kitely's sister, Bridget. Kitely and Knowell prepare to be outraged, but Clement orders that the couple be fetched and urges, "Neither's friends have cause to be sorry, if I know the young couple aright" (5.1.164-65). When they arrive, he tells Edward, "I ha' made your peace, give me your hand; so will I for all the rest, ere you forsake my roof" (5.1.199-200).

Clement does, indeed, "conjure the rest to put off all discontent. You, master Downright, your anger; you, master Knowell, your cares; Master Kitely, and his wife, their jealousy" (5.1.268-70). But if it is possible to put off this discontent, it is only because the characters now know it was unwarranted. Their humors and suspicions had no basis in fact. The knot of the play

²²⁵ Jonson, *Every Man in His Humour*.

is untied when each thread of the plot is explained and clarified, and this clarification is made possible by Justice Clement's legal intervention. The trial enables the play's happy ending.

We do not usually consider the justice system to play a pivotal role in the “friendship, love, and laughter” (5.1.283-4) that end a comedy. As Maus notes, we “habitually consider ‘judgment’ the coldblooded opposite of ‘sympathy’ ... Likewise ‘justice’ often seems a (usually unsatisfactory) alternative to ‘mercy.’” But this way of thinking was foreign to Jonson and to his classical sources. Judgment, including judgment of what is due in justice to another, “*is* true sympathy, true fellow-feeling, not the withdrawal or rejection of fellow-feeling.”²²⁶ The trial makes manifest the truth of what has happened, which in turn makes clear the truth of what each person is owed and allows us to “giveth every man his right.” And it is only when each person is assured of receiving his right, or due, that all can create a social life together. This is why, in drama, “the trial at its most effective becomes the recognition scene that makes the truth manifest and civilized community possible.”²²⁷

For early modern theorists who followed Aristotle and Cicero in considering humans to be social animals, justice and its effective promotion through law were what made social life possible. Elyot declares, “The most excellent and incomparable virtue called justice, is so necessary and expedient for the governor of a public weal, that without it, none other virtue may be commendable, nor wit or any other manner of doctrine profitable”; justice is, in fact, “the chief constitutor and maker of a public weal.”²²⁸ Sir Thomas Smith explains why. Following

²²⁶ Maus, *Ben Jonson and the Roman Frame of Mind*, 118.

²²⁷ *Ibid.*, 127.

²²⁸ Elyot, *The Booke Named the Governour*, Book III, Ch. 1, Ch. 7.

Aristotle, he writes that in a society of equals, the citizens must rule and be ruled equally in turn.

If a population perceived

such equality among them, it was not possible that they should be content to be governed by a few. For two things being such as for the which men in society and league do most strive, that is honor and profit, no man of free courage can be contented to be neglected therein, so that they were fain of necessity to come to that, that the more part should bear the price away in election of magistrates and rulers. So that either by course or by lot each man in turn might be received to bear rule and have his part of the honor, and (if any were) of the profit, which came by administration of the common wealth.²²⁹

Citizens who perceive their mutual equality will consent only to a representative government, chosen by election or lot. If, on the other hand, these “free people of nature” are “tyrannized or ruled by one against their wills, were he never so good, either fail of courage and were servile, or never rest until they either destroy their king and them that would subdue them, or be destroyed themselves.”²³⁰ Justice is integral to the state because subjects will not consent to be part of a state if it allocates political power unjustly — if equals are not given equal power. The rule of law is intended to distribute ruling power equally among the subjects so they will consent, in turn, to be ruled.

Similarly, citizens will not consent to live alongside other citizens unless they trust that others will treat them justly. Sir Thomas Elyot, citing Cicero, claims, “Nothing keepeth so together a public weal, as doth faith.” Without faith, “a public weal may not continue.” Community members must afford others, and have confidence that others will afford to them, what is their due. For a society to remain intact, its members must be able to trust that others will keep faith with them, faith being the “constance and truth of things spoken or covenanted.” Faith,

²²⁹ Smith, *De Republica Anglorum: The Maner of Gouvernement or Policie of the Realme of England*, Book I, Ch. 14.

²³⁰ *Ibid.*, Book I, Ch. 15.

Elyot writes, is the “foundation of justice,” and justice the foundation of social life — as we see in an English comedy whose conflict occurs not between lovers, or between parents and children, but between neighbors.²³¹

Two Angry Women of Abington and the social contract

William Porter’s *Two Angry Women of Abington* (1598) features a cast of middle-class characters in an ordinary town in rural England. The play is constructed out of parallel scenes that depict two opposing families engaged in similar activities. Renaissance comedies are often structured around paired characters and double plots.²³² Two, three, or four characters offer variations on a single type: two apprentices seek success in *Eastward Ho!* (George Chapman, Ben Jonson, John Marston, c. 1605), three daughters seek husbands in *Englishmen for My Money* (William Haughton, 1598), four apprentices seek glory in *The Four Prentices of London* (Thomas Heywood, c. 1602). Through parallel plots, different characters confront the same problem. Two fathers debate how best to raise their sons in *All Fools* (George Chapman, 1604); two husbands debate how much to trust their wives in *The Merry Wives of Windsor* (William Shakespeare, c. 1597). These parallel structures are another form of democratic leveling, emphasizing how much the diverse characters have in common.

Two Angry Women begins with the Barnes family hosting the Goursey family. Mistress Goursey declares they are “[i]ndebted to your kindness for this cheer; / Which debt . . . we may repay” and invites the Barnes family to the Gourseys’ house (1.34-35). Mistress Barnes takes the

²³¹ All quotations in this paragraph from Elyot, *The Boke Named the Governour*, Book III, Ch. 7.

²³² On the use of double plots in Renaissance comedy, see Herrick, *Comic Theory in the Sixteenth Century*, 112 ff., Salinger, *Shakespeare and the Traditions of Comedy*, 202 ff.

invitation as a covert sign that Mistress Goursey is after her husband: “I thank ye, Mistress Goursey, for my husband; / And if it hap your husband come our way ... I’ll do as much for yours, as you for mine” (1.48-51).²³³ If the play’s parallel structures figure the characters as equals, the women figure social relations as a way of maintaining equality. If another gives to you, you repay the debt of kindness. If another takes from you, you repay her the same injury.

Once Mistress Barnes makes her suspicions known, a bitter quarrel erupts between the two women. Neither is willing to take an insult without returning it, and so the hostilities become increasingly hostile. The husbands want to resolve their wives’ fight by matching their children. This plan only gives the wives an additional means of injuring each other as they work to thwart the marriage. What finally resolves the conflict is not marriage but a judicial process.

The husbands finally try to end the wives’ quarrel by “quarreling” themselves. Goursey pretends to believe Mistress Barnes’ accusation that Barnes is carrying on with Mistress Goursey. He publicly accuses Barnes. Barnes responds, “You run in debt to my opinion, / Because you pay not such advised wisdom, / As I think due unto my good conceit,” figuring the accusation as a violation of justice (13.99-101). He is not given the trust and credit that are due to his good intentions. Goursey responds, “Then still I fear I shall your debtor prove” (13.102). Barnes declares, “Then I arrest you in the name of love; / Not bail, but present answer to my plea, / And in the court of Reason we will try, / If that good thoughts should believe jealousy” (13.103-6).

Once again, a trial is necessary to determine who is owed what. Does Goursey owe it to Barnes to trust in his “good conceit,” or does Barnes owe it to Goursey to earn his trust by

²³³ Henry Porter, *Two Angry Women of Abington: A Critical Edition*, ed. Marianne Brish Evett (New York & London: Garland Publishing, Inc., 1980). All citations are from this edition.

disproving his suspicion? But their way of “trying” the question is to draw swords. The wives plead with Phillip Barnes to make them friends before the men hurt each other. Drawing on the legal discourse of contracts, Phillip gets the husbands to agree to cease their fight if these “conditions” and “articles” are performed: if Barnes swears his innocence and if Mistress Barnes acknowledges that her accusation was based on “mere suspect, not common proof” (13.146, 152, 159).

Out of concern for the men, Mistress Barnes makes the acknowledgment. But nothing will make the women friends while each still fears that the other may gain some advantage over her. When Phillip asks his mother to make friends with Mistress Goursey, she replies, “What, shall I sue for friendship to my foe?” “If she yield, will you?” he asks. “It may be,” she responds. When Phillip asks Mistress Goursey if she will “first agree,” she too refuses: “What, shall I yield unto mine enemy?” “Why, if she will, will you?” he asks again. “Perhaps” (13.196-201). The likeness of their responses reflects their goal: a restoration of likeness and equality. Perceiving themselves already at a social disadvantage, neither is willing to risk further disadvantage by yielding when she cannot trust that the other will yield too. But their quarrel means precisely that they cannot trust each other. This means that neither is willing to yield first, which means that neither can yield.

The characters seem to be at an impasse. Where people do not trust each other, they feel they need to strike before they are struck — if, that is, there are no social institutions to enforce their trust.²³⁴ What saves Mistresses Barnes and Goursey is the social institution of the

²³⁴ In *Zombieland* (dir. Ruben Fletcher, 2009), all police and judicial systems are dissolved due to the unfortunate fact that nearly all humans have turned into zombies. Four survivors encounter each other. The two men are sympathetic to the two seemingly innocent girls until they trick the men into handing over their zombie-repelling rifles and then turn the rifles on the men. As they prepare to make off with the men’s truck and supplies, one girl says, “Better you make the mistake of trusting us than us make the mistake of trusting you.” Screenplay by Rhett

contract.²³⁵ The contract does not ask require an initial surrender from either. Instead, it preserves the equality of the two parties by putting them in the very same position. For each party, the contract stipulates that she will perform her conditions if and only if the other party performs hers.

At this moment of impasse, Phillip joins the women's hands and urges, "Are not these two twins? Twins should be both alike. / If [t'one] speaks fair, the [t'other] should not strike." The "if" preserves the likeness. It is only *if* one party "speaks faire" that the other is bound to do the same. When Phillip urges them to say their quarrel is at an end, Mistress Goursey responds, "Then here it ends, if Mistress Barnes say so." Mistress Barnes replies, "If you say aye, I list not to say no" (XIII.221-230). The implied contract structure (I yield if and only if you do) makes it possible for both to yield without either having to yield first. Each withholds her right to continue the quarrel just in case the other party does. Each frames her yielding as a response to the other's already having done so. On this construction, yielding does not mean taking an unequal position of disadvantage; yielding means restoring equality.

What the contract accomplishes here is what justice accomplishes in society generally. It allows people to enter into relationships with others by guaranteeing that their equality will be

Reese and Paul Wernick, accessed via
http://www.springfieldspringfield.co.uk/movie_script.php?movie=zombieland.

²³⁵ I use the term "contract" in much the same way as Andrew Zurcher in his writing on Spenser. Zurcher writes, "In what follows I will, anachronistically, use the word 'contract' to refer to a legally binding oath-agreement, in place of the early modern term, 'covenant.' 'Contract, originally a Latin borrowing used to describe a very limited form of covenant—that struck by parties engaged in a mercantile buying and selling of chattles of personal property—only came to encompass the entire spectrum of formal agreements during the seventeenth century ... My choice of 'contract' to describe oath-agreements in *The Faerie Queene* stems from my own need for a term that will convey to modern readers the broadly essential qualities common to all oath-agreements; my use of this term does not reflect or argue for Spenserian usage" (Zurcher, *Spenser's Legal Language : Law and Poetry in Early Modern England*, 60, n. 13). I use the term "contract" to refer to agreements that have the structure of legal contracts (requiring two parties to perform certain conditions) and perform the work of legal contracts (enabling negotiations between those parties) without necessarily being legally binding.

maintained. Cicero identifies justice as “preserving the fellowship of men and giving everybody his own, & keeping a faithfulness in contracts.”²³⁶ In a society, neighbors must give each other their “own,” i.e., what they are owed. This includes respect for their reputations. One must not be allowed to impugn the other without “common proof.” It also includes respect for economic contracts.²³⁷ But when people are merely neighbors, not family or friends, they may not know or trust that the other is a just person. A person may not be willing to risk his own advantage if he cannot be sure the other will repay him what he is owed. Like *Mistresses Barnes and Goursey*, neither may be willing to yield first. What enables people to enter into contracts and other forms of relationship is justice — not as a personal virtue, but as a social institution.

Smith writes that there is no “communion,” no social relationship, between a bondman and his master because “the private wealth of the husbandman is only regarded, and there is no mutual society or portion, no law or pleading between the one and the other.”²³⁸ Part of what it means for there to be “mutual society” between two people is for there to be the possibility of “pleading between them.” If one person takes advantage of the other for his private gain, a system of law allows the other to plead his cause before a third party whose rules both parties are bound to respect. Their equality of advantage is ensured by their equality before the law. It is because the law guarantees justice in relationships that people can enter into relationships. If we fear it would be a mistake to trust the other person, at least we can trust in the law.

If law and justice seem a cold means of creating community, we should also see them as the least demanding means and therefore the most accessible. We might surrender advantage

²³⁶ Cicero, *Three Bokes of Duties to Marcus His Sonne*, Book I, “preserving the felowship ...”

²³⁷ See Zurcher, *Spenser's Legal Language : Law and Poetry in Early Modern England* 114ff. for an account of the importance of contract, in early modern thought, for social relationships.

²³⁸ Smith, *De Republica Anglorum: The Maner of Gouvernement or Policie of the Realme of England*, Book I, Ch. 10.

unconditionally for those we love; we might trust that debts will be repaid if the debtor is someone we know and trust. But in a larger society, such relationships are far less frequent than relationships like those between Mistress Barnes and Mistress Goursey. We have one spouse, a few children, but many, many neighbors, and we must find a way of living and interacting with those neighbors. But we need not trust that our neighbors have the personal virtue of justice, and in fact, they need not have that virtue, if we can trust that an impersonal system of law will maintain our mutual equality. A justice system enables people to live together while making minimal demands on their imperfect nature.

Of course, people who share few initial ties often form a closer, more trusting community. Marriage always forms a new family, and many comedies end by showing how estranged family members, strangers, or even enemies can also form a new, improvised sort of family.²³⁹ But even in these moments, social ties are still solidified by justice and equality as much as by mercy or charity.

Another way in which justice effects social reconciliation is through the “conditional pardon.” In *The Fair Maid of the Exchange*, Barnard defaults on loans he owes to his fiancée’s father, Master Berry. At the play’s end, Master Flower urges Berry to cancel the bonds. Berry tells Barnard instead, “[S]ince I see my daughter loves thee, / And for I hope thou wilt be kind and loving, / Regard thy state, and turn an honest man, / Here, take my daughter, I’ll give thee in thy bond, / Redeem thy lands, and if thou please me well, / Thou shalt not want[;] all that I have is thine.”²⁴⁰ Berry upholds justice and with it, all the social goods it enables. But he does this by

²³⁹ See, for example, the films *Get Him to the Greek* (2010), *Zombieland* (2009), *Annie* (1999), *The Parent Trap* (1998), and *St. Vincent* (2014).

²⁴⁰ Thomas Heywood, *The Fayre Mayde of the Exchange*, EEBO STC (2nd ed.) / 13317 ed. (1607). “Redeem” has the sense of “To free, recover (mortgaged property, something put in pledge, etc.) by payment of an amount due or by fulfilment of an obligation” (OED 4.a).

letting Barnard repay his debts, not by punishing him for them. Barnard is also allowed to marry Berry's daughter on the condition that he "turn an honest man."

There is a form of mercy here, but it does not consist in simply being forgiven for wrongs. It lies in being given the chance to make up for them.²⁴¹ And the comedy's happy ending is premised on the assumption that the culprit will turn honest and make up for his wrongs — that he will restore justice.

This view of law and justice as constitutive of social reconciliation and therefore of comic endings runs counter to one popular account of comedy. Many critics follow Northrop Frye in seeing comedy's job as the overthrowing of law. Frye notes how often

the action of a Shakespearean comedy begins with some absurd, cruel, or irrational law: the law of killing Syracusans in the *Comedy of Errors*, the law of compulsory marriage in *A Midsummer Night's Dream*, the law that confirms Shylock's bond, the attempts of Angelo to legislate people into righteousness, and the like, which the action of the comedy then evades or breaks.²⁴²

Now, as noted in connection with *Volpone*, to overthrow an unjust law is not to overthrow justice. But critics sometimes take comedy's aim as the evasion of law *simpliciter*. Frye describes comedy as a "movement ... from a society controlled by habit, ritual bondage, and arbitrary law and the older characters to a society controlled by youth and pragmatic freedom."²⁴³ When Theseus in *A Midsummer Night's Dream* enables Hermia to marry her chosen

²⁴¹ For other plays where culprits are offered conditional pardons, see Thomas Dekker, *The Second Part of the Honest Whore*, EEBO STC (2nd ed.) / 6506 ed. (1630) in which a father tells his daughter and son-in-law at the conclusion, "away, go, kiss out of my sight, play thou the Whore no more, nor thou the Thief again, my house shall be thine"; John Cooke, *Greenes Tu Quoque, or, the Cittie Gallant*, EEBO STC (2nd ed.) / 5673 ed. (1614), in which a master tells a former servant, "If you can put off all your former pride, / And put on this with that humility / That you first wore it, I will pay your debts, / Free you of all encumbrances, / And take you again into my service"; Thomas Middleton, *A Mad World, My Masters* in which a courtesan, having tricked Follywit in into marrying her, tells him, "What I have been is past. Be that forgiven, / And have a soul true both to thee and heaven" (5.2.303-4). All citations from *A Mad World* from Middleton, *Thomas Middleton : The Collected Works*, ed. Gary Taylor et al.

²⁴² Frye, *Anatomy of Criticism*, 166.

²⁴³ *Ibid.*, 169.

suitor by simply telling her father, “Egeus, I will overbear your will” (4.1.177), this might seem, on Frye’s account, the essence of a comic ending. We have, not the replacement of an unjust and binding law with a law that is just but still binding, but sudden liberation from law itself. But early modern comedies are constituted less often by overthrowing the rule of law than by upholding it. This is the way that sovereigns respect comedy’s central premise of equality.

Justice over mercy

In his sudden overturning of an established law, Theseus calls to mind a theory of governance that gained its greatest prominence with the accession of James I: a theory of divine kingship. On this view, political power originates with God, who confers it upon the sovereign.²⁴⁴ As the unique, divinely chosen “fountain of all justice,”²⁴⁵ the sovereign is not naturally similar to his subjects but exceptional; some theories define him, in fact, by his power to “decide[] on the exception (the suspension of the legal order expressive of the juridical norm).”²⁴⁶ The sovereign is the one who, like Theseus, has the power to override the law.

²⁴⁴ This model of sacral kingship informs many early modern works from *Richard II* to *The Faerie Queene*, and political theology, which studies its operation, is now a major branch of early modern studies. See Carl Schmitt, *Political Theology : Four Chapters on the Concept of Sovereignty* (Cambridge: MIT Press, 1985); John D. Cox, *Shakespeare and the Dramaturgy of Power* (Princeton: Princeton University Press, 1989); Shuger, *Political Theologies in Shakespeare's England : The Sacred and the State in Measure for Measure*; Giorgio Agamben, *State of Exception*, ed. Kevin Attell (Chicago: University of Chicago Press, 2005); Julia Reinhard Lupton, *Citizen-Saints: Shakespeare and Political Theology* (Chicago: University of Chicago Press, 2005); Graham Hammill and Julia Reinhard Lupton, "Sovereigns, Citizens, and Saints: Political Theology and Renaissance Literature," *Religion & Literature* 38, no. 3 (2006); Lupton, *Thinking with Shakespeare : Essays on Politics and Life; Political Theology and Early Modernity*, ed. Graham L. Hammill, Julia Reinhard Lupton, and Etienne Balibar (Chicago: University of Chicago Press, 2012). For an overview of political theology in relation to Shakespeare, see Jennifer R. Rust, "Political Theology and Shakespeare Studies," *Literature Compass* 6, no. 1 (2009).

²⁴⁵ William Hudson, *A Treatise of the Court of Star Chamber*, quoted in Shuger, *Political Theologies in Shakespeare's England : The Sacred and the State in Measure for Measure*, 73.

²⁴⁶ Bradin Cormack, *A Power to Do Justice : Jurisdiction, English Literature, and the Rise of Common Law, 1509-1625* (Chicago: University of Chicago Press, 2007), 7, following Agamben and Carl Schmitt.

This model of rule is quite antithetical, however, to Sir Thomas Smith's conception of England as a representative democracy, in which Parliament's consent to a law is taken to be "every man's consent," as well to the conception of governance that we find in comedy. Smith's view is closest to Aristotle's vision of the appropriate government for "naturally similar people," who share equally in ruling and being ruled because they are ruled ultimately by law.

Now, there is a compelling reason that we might think that the Thesean model of rule would be suitable for comedy. Law and justice, as I have argued, are both represented in comedy as essential conditions for human flourishing, but they are not identical. Justice is a term whose normativity is built in, so to speak. Justice *per se* is always a good. Law, by contrast, can be good or bad, because law is a means to achieve the end of justice, and it can do better or worse at achieving that end. As Frye suggests, it is perfectly possible to have unjust or irrational laws. But in fact, even the most just, best-constructed laws will occasionally produce injustice. This fault is not incidental but, as Aristotle notes, inherent in the nature of law itself:

all law is universal, but about some sorts of things it is not possible to pronounce correctly in universal terms. So in the sorts of cases where it is necessary to pronounce in universal terms but not possible to do so correctly, the law picks what holds for the most part, not unaware of the error involved. And it is no less correct for doing so, since the error is not in the law or in the legislator but in the nature of the thing itself. (EN 1137b12-17)

The solution to this problem is for a person, the legislator, to intervene in cases where applying the law as it is written would produce injustice and to "rectify the deficiency" by "pronounc[ing] what the legislator himself would have pronounced had he been present and would have put into his law had he known about the case" (1137b22-23). Aristotle gives to this process the name *epieikeia*, often translated as equity. Equity is a "rectification of law insofar as it is deficient because of its universality" (1137b26).

Equity is a major topic in early modern studies, and many critics read early modern literature in terms of its relationship to equity.²⁴⁷ We might expect equity to play a major role in comedy, and some critics interpret Shakespeare's comedies in its light.²⁴⁸ Given that justice is an essential goal for comedy, and that following the law can sometimes produce injustice, it would seem that comedy should be willing to go against law for the sake of justice.

In some comedies, this does happen. The happy ending is brought about by the disobedience or dissolution of a law. But the law tends to be one that is recognizably unjust, and these tend to be found in plays farther away from the center of the comic spectrum, in more satiric or more romantic comedies. Thomas Middleton and William Rowley's *The Old Law* (c. 1619), which features character types drawn from satire and from romance, is named for a law that requires that all persons in a society be executed upon reaching a certain age. The hero is the character who flatly disobeys this law to save his aging father.

But sometimes even a patently unjust law goes unrevoked, even as characters are saved from its consequences. The law in *Measure for Measure* (William Shakespeare, c. 1603) punishing fornication with death is a prime example. Another is Shylock's bond. In general, as they strive to achieve justice, comedies strive also to avoid overturning the law or legal

²⁴⁷ For discussions of equity, see Kathy Eden, "Poetry and Equity: Aristotle's Defense of Fiction," *Traditio* 38 (1982); Shuger, *Political Theologies in Shakespeare's England: The Sacred and the State in Measure for Measure*; Kathy Eden, "Equity and the Origins of Renaissance Historicism: The Case for Erasmus," *Yale Journal of Law & the Humanities* 5, no. 1 (1993); Majeske, *Equity in English Renaissance Literature: Thomas More and Edmund Spenser*; Cormack, *A Power to Do Justice: Jurisdiction, English Literature, and the Rise of Common Law, 1509-1625*; Gary Watt, *Equity Stirring: The Story of Justice Beyond Law* (Oxford: Hart Publishing, 2009); *Shakespeare and the Law: A Conversation among Disciplines and Professions*, ed. Bradin Cormack, Martha Craven Nussbaum, and Richard Strier (Chicago: University of Chicago Press, 2013); Scheler, "Equitable Poetics and the State of Conflict in Edmund Spenser's Two Cantos of Mutabilitie".

²⁴⁸ See, for example, John W. Dickinson, "Renaissance Equity and 'Measure for Measure'," *Shakespeare Quarterly* 13, no. 3 (1962); White, *Natural Law in English Renaissance Literature*; David Bevington, "Equity in *Measure for Measure*," in *Shakespeare and the Law: A Conversation among Disciplines and Professions*, .

processes. Justice is not identical to the rule of law, but comedy aims to achieve both. A discussion of Shylock's bond helps us see why simply overturning a law would be counterproductive to the goals of comedy.

The trial scene in *The Merchant of Venice* (William Shakespeare, c. 1596) is frequently read as a triumph over justice. Antonio and Shylock oppose the "Christian standard" of mercy and forgiveness to the "Old Law's demand for strict justice."²⁴⁹ When Portia succeeds in stopping Shylock from enforcing his bond and taking Antonio's pound of flesh, "the spirit of legality is vanquished by mercy."²⁵⁰ Frye reads "the law that confirms Shylock's bond" as one of the absurd, cruel, or irrational laws that comedy is meant to overthrow. But the play offers a reason for confirming Shylock's bond that is entirely in keeping with the social role that justice is meant to play.

When Solanio hopes that the Duke "Will never grant this forfeiture" (3.3.25) —
Shylock's bond — Antonio responds,

The Duke cannot deny the course of law,
For the commodity that strangers have
With us in Venice, if it be denied,
Will much impeach the justice of the state,
Since that the trade and profit of the city
Consisteth of all nations. (3.3.26-31)

Venice, even more so than early modern London, was a city containing widely diverse peoples of all different religions and races who may have had nothing more in common than their equal standing before the law. What enabled them to trade together, work together, and live together was their trust, as noted above, that the city's laws would enforce their contracts and

²⁴⁹ Lewalski, "Biblical Allusion and Allegory in "the Merchant of Venice"" 334, 333.

²⁵⁰ John Denvir, "William Shakespeare and the Jurisprudence of Comedy," *Stanford Law Review* 39, no. 4 (1987), 834.

enforce them equally. If one person were denied his contract rights, others might expect their rights to be denied as well and be unwilling to take the risk of entering into a contract.

If the Duke were to override Shylock's bond in the way that Theseus overrides Egeus's will, this "mercy" to one person would be injustice to the rest. Their social goods would be diminished in proportion with the diminishment of the rule of law.²⁵¹ The rule of law does not help only to secure justice. It also helps to secure the community's confidence that justice will be secured. That confidence is vital for human relationships, and this is why most comedies strive to preserve the law and the legal process. (Chapter Five offers a fuller account of this issue.)

Portia declares that mercy "becomes / The thronèd monarch better than his crown" (4.1.186-87). But other theorists find the monarch's submission to the law even more becoming. Elyot speaks admiringly of Lapridius, saying

On a time, one of his noble men exhorted him to do a thing, contrary to a law or edict, which he himself had enacted: But he firmly denied it. The other still persisting, said, The emperor is not bounden to observe his own laws. Whereunto the said emperor displeasantly answering, said in this manner, God forbid, that ever I should devise any laws, whereby my people should be compelled to do anything, which I myself cannot tolerate.²⁵²

The rulers in *Midsummer* (c. 1595) and *The Comedy of Errors* (c. 1592), who first enforce and then dispense with seemingly intolerable laws, resemble Elyot's ideal ruler less than do those monarchs mentioned above who keep their promises and those who resolve crises by submitting to established laws and legal procedures.

²⁵¹ Early modern theorists like Elyot distinguished between "clementia," the kind of mercy that is valuable in proper in ruler, and "misericorida" or vain pity, that ultimately leads to injustice and hardships: see James E. Phillips, "Renaissance Concepts of Justice and the Structure of "the Faerie Queene," Book V," *Huntington Library Quarterly* 33, no. 2 (1970).

²⁵² Elyot, *The Boke Named the Governour*, Book III, Ch. 3.

In Thomas Dekker's *A Shoemaker's Holiday*, the King is tasked with resolving the romantic crisis. The play's heroes, Lacy and Rose, have secretly married, and their self-serving guardians, Lincoln and Oatley, demand furiously that the King divorce them. The King ultimately blocks their demand and saves the marriage, but not because he sanctifies the marriage with his own power. Rather, he protects them by declaring that he does *not* have the authority to make or unmake a marriage: "Shall I divorce them then? O be it far, / That any hand on earth should dare untie, / The sacred knot knit by Gods majesty. / I would not for my crown disjoin their hands, / That are conjoined in holy nuptial bands."²⁵³

God here limits the King's power rather than increasing it. The divine law concerning marriage is as binding on the king as on everyone else. When the guardians persist in their demand, the King gives in and agrees to divorce Lacey and Rose — only to reunite them immediately. The play figures its resolution as the King's just enforcement of the law, not as his overriding it. In Thomas Garter's comedy *Susanna* an actual divine figure appears, but he also resolves the crisis by following the standard procedures of human law.

Susanna retells a story from the apocryphal Book of Daniel. Two lustful men attempt to blackmail the virtuous Susannah into satisfying their desires. When she refuses, they declare that they caught her in the act of fornication, and she is condemned to death. The prophet Daniel intervenes to save her. By cross-examining the two accusers separately, he catches them giving two different accounts of the story and proves that they are liars. The play dramatizes the same plot, but with an important difference. We no longer have the human prophet Daniel. Instead,

²⁵³ Thomas Dekker, *The Shoemakers Holiday. Or the Gentle Craft*, EEBO STC (2nd ed.) / 6523 ed. (1600).

“God raiseth the spirit of Daniel.”²⁵⁴ In the Bible, the human Daniel does not begin with any authority. The court does not believe his claim that the witnesses are liars until he proves it through cross-examination. In the play, however, the judge immediately accepts the word of the spirit Daniel: “[U]ndo Susanna, and rid her from her bands, / And bind those wicked Elders two, both by their seat and hands.” As a supernatural being, a manifestation of God’s divine intervention, Daniel has enough authority simply to declare that Susannah is innocent. He does not need to prove it. But even though Susanna has been freed, Daniel still calls in the two false witnesses and reveals their lie through the same Biblical strategy of cross-examination.

It is not immediately clear why Daniel goes through with the cross-examination. It might seem that he has already accomplished what he needs to accomplish: rescue the innocent and show the constancy of God’s mercy. This is how Susanna figures his intervention: “You see I am at liberty, that erst hath been in thrall, / And thus will God deal with all such, as end is mercy call.” It may be because Daniel’s task is to show not only God’s mercy, but also his justice. The two false witnesses are subjected to punishment only after they themselves reveal, through their conflicting accounts, that they have lied. Susanna takes the trial as an example not just of how “God doth help the innocent” but also of how God “by the words of their own mouth, hath cast down the unjust.”

Daniel ultimately undoes the false witnesses not through his extraordinary, divine power but through the same resources ordinarily available to any human judge. Despite his legitimate claim to supernatural authority, he does not take advantage of that authority to resolve the crisis. Instead, he follows the same judicial processes that bind all members of the human community,

²⁵⁴ Thomas Garter, *The Commodity of the Moste Vertuous and Godlye Susanna*, EEBO STC (2nd ed.) / 11632.5 ed. (1578).

proving his case using resources that human courts can access and accept: the process of the trial and the rules concerning testimony. This is part of what makes the play a comedy. Whatever their vast differences in nature and virtue, all characters find equality in relation to law.

Julia Lupton, like the Italian Renaissance theorists, notes that different political orders are supported by different genres:

[I]f Shakespeare's plays, especially his tragedies, are sundered by the lightning bolt of the monarch's caprice, his dramas, especially his comedies, are just as much concerned with the genesis, establishment, and renovation of social norms ... If the exception orients the foundational metaphors of political theology, the norm forms the baseline for civil discourse, pointing to procedure, process, and precedent, and to equity, equality, and equivalence — opposites in every way to the sovereign exception — as the horizon of group membership.²⁵⁵

Early modern comedies are concerned with the standards for group membership and with the conditions under which those groups can be maintained. Those conditions, they conclude, include social norms that respect the equality of their members and enforce that equality through the procedures of law. In comedy, then, what marks the sovereign is not his making an exception, but his refusal to do so. Though he possesses and exercises power to resolve social crises, he *justifies* his act by appealing to the same social norms of “equity, equality, and equivalence.” When comedies overturn authority figures, it is not because comedy endorses mercy and not justice. Rather, it is because those ostensible representatives of justice have failed in their task of achieving justice. This is sometimes because goods are distributed disproportionately or standards are enforced unequally across equal cases. But sometimes it is

²⁵⁵ Lupton, *Citizen-Saints: Shakespeare and Political Theology*, 5-6. Lupton distinguishes the civil society in which these norms operate from politics proper. I have not drawn that distinction in this project chiefly because comedy's politics (generally) operates at the same level as civil society: within a single community rather than between nation states, and within a single group of legislators rather than between rulers and ruled.

because the standards themselves are unjust. They are not proportionate or equal to human nature.

Overstraining human nature

In *High Society* (dir. Charles Walters, 1956), Tracy Lord is a wealthy, aristocratic young woman planning her second marriage just as her parents seem to be breaking up their own. A tabloid magazine threatens to publish an article about her father's carryings-on with a dancer unless Tracy consents to have the magazine's reporters at her wedding. Tracy wants to refuse. When she says the story will serve her father right, her mother begs, "Have some compassion."²⁵⁶ The term seems to urge a kind of clemency or mercy as opposed to a desire for just deserts. But the plot of the story changes our and Tracy's understanding of what might count as just.

Tracy admits the reporters and her ex-husband, C. Dexter Haven, both with great reluctance. On the night before her wedding, increasingly uneasy about her own choices, she drinks a great deal of champagne and steals away with Mike, one of the reporters. When she wakes up the next morning she cannot remember what happened — but she finds Mike's watch in her bedroom. She fears the worst, as it were, until Mike tells her, her fiancé, George, and Dexter that nothing happened. George now agrees to "drop the subject." Tracy protests, "George, I don't want you to marry me because you think I'm now worthy of you. It would've meant much more if you had married me because I was *unworthy*." The term "unworthy" again implies some standard she has fallen short of, as if overlooking her act would be an act of mercy.

²⁵⁶ Screenplay by John Patrick, accessed via http://www.springfieldspringfield.co.uk/movie_script.php?movie=high-society.

George protests, “But a man expects his wife to — ” and Tracy agrees, “I know, to behave herself. Naturally.” But then Dexter weighs in: “To behave herself naturally.” His shift of emphasis captures the story’s whole effort to shift our view of standards. Tracy’s actions should not be seen as falling short of the proper standard of behavior. We should judge them by seeing that they meet exactly the standard of behavior that is natural. Dexter had earlier told Tracy that she could never be a wonderful human being until she learned to have “some regard for human frailty.” He also told her that “a little slip now and then is good for people, especially if they learn something from it.” What Tracy has learned is that frailty is not something found in a few, flawed others, but something natural to humans in general, including herself. Responding leniently to those flaws is not necessarily giving people more than they deserve. That response may be exactly what they deserve. “Compassion,” in other words, is actually justice.

This is the view we find in comedy. Comedy represents humans as essentially similar not only in their rights but in their imperfections. This convention is perfectly captured in the comic film *The Campaign* (dir. Jay Roach, 2012). Marty Higgins, who is running for office, has become disgusted with the lies he has told to advance his campaign. In a TV ad, he promises to be honest from now on. To prove his sincerity, he confesses his own past faults to his audience and urges them to do the same to each other. Two viewers turn to each other. The husband says, “I had an affair with the waitress at Ruby Tuesdays.” The wife responds, “So did I.”²⁵⁷ Given this common imperfection, there are certain standards that human nature in general cannot be expected to uphold. It would be unjust, then, to hold anyone to those standards.

²⁵⁷ Screenplay by Chris Henchy and Shawn Harwell, accessed via http://www.springfieldspringfield.co.uk/movie_script.php?movie=campaign-the.

In the *Ethics*, Aristotle analyzes voluntary, involuntary and mixed action: what humans do as a result of their own free choice, what they do as a result of ignorance or force, and what they do as a result of being forced into situations that present no good options from which to choose. This analysis is “useful to legislators regarding honors and punishments” because it is “voluntary [actions] that are praised and blamed, while the involuntary ones elicit sympathetic consideration and are sometimes even pitied” (*EN* 1109b30-34).

For a legislator to know what to mandate and what to punish, he must know what lies in the power of voluntary choice. In some cases we owe “sympathetic consideration, when someone does some action he shouldn’t do because of things that overstrain human nature and that no one could endure” (1110a23-25). In certain situations, we cannot respond with perfect behavior because that perfection is not available to our nature. That is why to be “forgiving of human weakness is fair” (*Rhetoric* I.13, 1374b) — fair, not merciful.²⁵⁸ It would be unjust to punish people for what they cannot, by nature, avoid. When a weakness is endemic to human nature in general, it is not merciful to pardon it; it is just. A just law or norm will not overstrain human nature. To know what counts as justice, then, legislators and judges must learn the same lesson that Tracy did. They must learn more about human nature, and they often do so by learning more about their own. This is what happens in Jonson’s *Bartholomew Fair* (1614).

In *Bartholomew Fair*, a number of citizen families visit the annual Fair at Smithfield. Justice Adam Overdo attends the Fair in disguise so that he can detect crimes, or “enormities.” “Thus must we do,” he asserts, “that wake for the public good” (2.1.9).²⁵⁹ But his efforts do the

²⁵⁸ Aristotle, *On Rhetoric : A Theory of Civic Discourse*, ed. George A. Kennedy, trans. George A. Kennedy, 2nd ed. (Oxford: Oxford University Press, 2007).

²⁵⁹ Jonson, *Bartholomew Fair*.

public more harm than good. Taking a hardened pickpocket for a victimized youth, he preaches to him for so long that other pickpockets have the chance to rob the distracted Bartholomew Cokes of his purse. When Overdo is put in the stocks as accessory to robbery, he also learns that he has driven a man named Trouble-All to madness by dismissing him from his place, so that Trouble-All will do nothing now without a warrant from Justice Overdo. He also overhears his jailors discussing him. According to them, Overdo is a “severe justicer”: “[H]e will burn blue, and swell like a boil, God bless us, an he be angry,” and “he will be angry too, when ’has list, that’s more; and when he is angry, be it right or wrong, he has the law on’s side” (4.1.65, 71-75).

Overdo is distressed to hear their critiques but divided in his response: “I will be more tender hereafter. I see compassion may become a Justice, though it be a weakness, I confess, and nearer a vice than a virtue” (4.1.76-78). A justice should not be allowed to rule “right or wrong” on the basis of emotion, either compassion or anger. He should apply equal standards to equal cases. Overdo still needs to understand what that standard should be, however, if it is not to be unduly severe.

At the play’s conclusion, Overdo unmask himself in order, he thinks, to unmask others. He prepares to reprimand Cokes for enjoying the puppet show and to “rescue” Grace from Winwife when Grace has just agreed to marry him. He also thinks he has caught a “green madam” (5.6.45), or prostitute. He declares, “Now, to my enormities! Look upon me, O London! and see me, O Smithfield! the example of Justice, and Mirror of Magistrates; the true top of formality, and scourge of enormity” (5.6.31-34). He believes he is revealing himself as a superior specimen of humanity in the act of revealing others to be worse. But when he unmask the first “prostitute,” the woman turns out to be Littlewit’s wife. The second turns out to be his own — as he realizes when she vomits and calls for “my Adam” (5.6.24, 67).

At this moment, Quarlous reveals to him his other errors. The “innocent young man” he has been endeavoring to help is actually a thief. Overdo might hang him but, Quarlous says, “I should think it were better recovering the goods, and to save your estimation in pardoning him” (5.6.73, 77-79). It is not that thieves should simply be allowed to steal, but having them repay the debt is a better response than hanging them would be. This more lenient response is more proportionate to the human nature that Overdo now knows himself to share. Quarlous urges him, “[R]emember you are but Adam, flesh and blood!” Like Tracy Lord, Overdo learns, “You have your frailty.” The proper response to this discovery, Quarlous tells him, is to “Forget your other name of Overdo, and invite us all to supper. There you and I will compare our ‘discoveries’, and drown the memory of all enormity in your biggest bowl at home” (5.6.93-97).

Critics usually take this scene as the play’s rejection of justice and judgment in favor of tolerance and forgiveness. Justice “fails here” because “all claims to moral authority, prove invalid or arbitrary — not because society has become regenerate but because no such regeneration is possible. Overdo’s blanket dinner invitation issues ... from his recognition of the universality and inescapability of human imperfection.”²⁶⁰ Once we “perceive that the play’s festive ending depends on everyone’s acknowledging a share in human frailty, judgment as a standard will have been thoroughly discredited and replaced by a plea for humility and forgiveness.”²⁶¹ The play shows that “no one is exempt from folly, and that if men would scrutinize themselves more closely, they would learn charity toward the vices of others,” and it

²⁶⁰ Maus, *Ben Jonson and the Roman Frame of Mind*, 134.

²⁶¹ Douglas Duncan, *Ben Jonson and the Lucianic Tradition* (Cambridge: Cambridge University Press, 1979), 204.

shores up this plea for charity because, “in the figure of Overdo, [it] turns justice itself topsy-turvy.”²⁶²

But Overdo’s idea of justice was wrong side up from the start. He fails to discern not only what others are actually doing but what the proper response to their supposed “enormities” should be. By toppling an unjust authority, the play is not necessarily toppling justice. Sir Thomas Elyot gives advice that sounds very much like Quarlous’s, but he gives it to authority figures precisely to remind them how to use their authority well:

If thou be a governor ... know thyself. That ... is to say, know that thou arte verily a man, compact of soul and body, and in that all other men be equal unto thee. Also that every man taketh with the equal benefit of the spirit of life, nor thou hast any more of the dew of heaven, or the brightness of the sun, than any other person. Thy dignity or authority, wherein thou only differest from other, is (as it were) but a weight or heavy cloak, freshly glittering in the eyes of them that be poreblind, whereunto thee, it is painful if thou wear him in his right fashion, and as it shall best become thee: And from thee it may be shortly taken, of him that did put it on thee, if thou use it negligently, or that thou wear it not comely, and as it appertaineth.²⁶³

He reminds rulers that they are “soul and body,” flesh and blood, equal to “all other men.” Their authority does not make them better or brighter, but only gives them a responsibility to use their power “as it appertaineth,” or “as is proper or due” (OED 6.b). What is due to human offenders depends partly on what human nature is like. As the ruler will realize if he learns to “know thyself,” human nature is not equal to everything. Standards should be adapted to that imperfection, and the judge should apply them equally to everyone, including himself.

Earlier in the play, Cokes’s choleric tutor Wasp was put in the stocks for brawling. When Cokes finds this out, he no longer listens to Wasp’s directions: “Hold your peace, Numps; you

²⁶² Jonas A. Barish, *Ben Jonson and the Language of Prose Comedy* (Cambridge: Harvard University Press, 1960), 208-209, 213.

²⁶³ Elyot, *The Boke Named the Governour*, Book III, Ch. 3.

ha' been i'the stocks, I hear" (5.4.88). Wasp laments, "I must think no longer to reign, my government is at an end. He that will correct another must want fault in himself" (5.4.90-91). At least, he must be willing to accept the same correction. Wasp is still surly at the play's end at having been in the stocks, saying he will never speak again. Overdo chides him, "Nay, Humphrey, if I be patient, you must be so too" (5.6.101). What applies to one person applies to all, and the standard that applies should acknowledge the imperfection all people share. Insofar as *Bartholomew Fair* makes this point and Overdo learns it, the play does not topple justice but restores it.

When Overdo invites the community to his home for dinner, Thomas Cartelli claims, Jonson does not "really ask us to imagine that the supper ... will establish a community that will last much longer than the first course." However, "a community that is really no more than a temporary community is sufficient and, perhaps, all one can hope for."²⁶⁴ Comedy is interested in precisely this question of what is sufficient. What are the minimum conditions humans need to flourish, and what is the least demanding way to achieve those conditions? In *Bartholomew Fair*, having examined "irredeemable human weakness," Jonson "imposes fewer demands on human nature."²⁶⁵ The best chance humans have for forming community is to ensure that the community's standards, while not so low that they sacrifice the "public good," are not so high that human nature cannot meet their demands. This strategy is precisely how community is formed and the comic conclusion secured in John Lyly's *Love's Metamorphosis*.

Metamorphosis is another comedy whose ending turns on an informal trial. Cupid has punished three nymphs for rejecting the love of three devoted shepherds by turning them,

²⁶⁴ Cartelli, "'Bartholomew Fair' as Urban Arcadia: Jonson Responds to Shakespeare", 167-8.

²⁶⁵ *Ibid.*, 157, 167.

respectively, into a rock, a rose, and a bird. The company assemble at the end to present their grievances to Cupid, who acts as arbiter. Cupid agrees to change the nymphs back on the condition that they take the shepherds for their husbands. They initially refuse. The parties achieve a resolution only when the nymphs are allowed to make conditions of their own. Nisa, the erstwhile rock, agrees, “I am content, so as Ramis, when he finds me cold in love or hard in belief, he attribute it to his own folly, in that I retain some nature of the rock he changed me into” (5.4.145-46).²⁶⁶ Celia likewise says, “I consent, so as Montanus, when in the midst of his sweet delight shall find some bitter overthwarts, impute it to his folly, in that he suffered me to be a rose, that hath prickles with her pleasantness, as he is like to have with my love shrewdness” (5.4.153-57). Finally, Niobe demands, “[I]f Silvestris find me not ever at home, let him curse himself that gave me wings to fly abroad, whose feathers, if his jealousy shall break, my policy shall imp” (5.4.164-66).

What the nymphs demand is that their lovers not demand more of them than they are able to give. They may agree to become their wives, but they must be allowed to be imperfect wives, because perfection is not in their nature. Nisa cannot help being occasionally cold-hearted if she still retains “some nature of the rock.” The shepherds are pleased to accept these conditions. Nisa’s prospective husband, Ramis, replies, “[B]e what thou wilt, and let all thy imperfections be excused by me, so thou but say thou lovest me” (5.4.148-50). Ramis’s response is what comedy counts as justice. If justice is a minimum condition for human community, justice should make minimum demands on a human nature that is defined by, as Ramis says, “imperfections.”

²⁶⁶ John Lyly, *Love's Metamorphosis*, ed. Leah Scragg (New York: Palgrave Macmillan, 2008). All citations are from this edition.

Conclusion

I have claimed that justice, far from being opposed to comedy, is constitutive of it. By identifying the “happy ending” with social reconciliation, early modern comic conventions track the early modern understanding of humans as social animals. Insofar as social reconciliation is made possible by the processes of law and justice — repaying debts, making up for wrongs, restoring equality among equals — comedy also accords with the early modern view that justice is necessary for social life and thus for human flourishing.

The next four chapters examine ethical puzzles in comedy: moments when the community pardons or permits some seemingly unethical action. The question of why the community would endorse an unethical action is not very pressing if, as some critics suggest, comedy is unconcerned with morality or obligation. But the question becomes much more urgent if, as I have claimed, justice is constitutive of community life and comic endings. The answers vary from puzzle to puzzle, but all relate to a certain paradox in the role of justice in comedy. On the one hand, justice is maximally comprehensive. On the other hand, it is minimally demanding. Perfect justice includes every virtue. But societies do not require perfect virtue of their members; they only require that minimal degree of justice that keeps vice from harming others.

Thomas Elyot writes of justice, “And as Aristotle saith, justice is not only a portion or spice of virtue, but is entirely the same virtue. And thereof only (saith Tulli) men be called good men, as who saith, without justice, all other qualities and virtues cannot make a man good.”²⁶⁷ What Aristotle says is that justice is “complete virtue — not unconditionally but in relation to another person” (*EN* 1129b25-6). Justice is complete virtue because one cannot be just to others without possessing every virtue — at least, enough to combat the effects of every vice. Vices,

²⁶⁷ Elyot, *The Boke Named the Governour*, Book III, Ch. 1.

because they involve inordinate desires and aversions of all kinds, all pose the threat of injustice to others. Cicero says that “none can be just, who dreadeth death, pain, banishment, or poverty: nor any, that before equality preferreth the contraries.”²⁶⁸ No one can render others their due share of money or honor or safety if he has a vicious or inordinate desire for those things himself. We see in Jonson’s comedies how all kinds of vices — excessive love of money, of station, of new clothes, of silence — can lead their possessor to commit injustice to gain what he wants or to avoid what he fears.

The virtue of justice, then, is a disposition that “will lead the just person to resist unjust distributions — and to resist them *however they are motivated*.”²⁶⁹ Justice is complete virtue in the sense that it combats the effects of any and all vices, and so, in this way, performs the work of every and all virtues. Justice in this broad sense is at work whenever characters at the conclusion of a comedy moderate a desire, withdraw a grudge, admit a truth, confess a fault, distribute a good, permit a marriage, honor a wager, reward an effort, or even acknowledge a beloved as worthy of love.

Now, justice in this broad sense might also seem to place too high a demand on imperfect human nature if it requires persons to possess every virtue. But in performing the work of every virtue, justice can also, in a certain sense, *replace* every virtue. Aristotle also notes that justice is “complete virtue — not unconditionally but in relation to another person” (1129b25-6). Justice “alone of the virtues, seems to be the good of another, because it is in relation to another person, since it does what is advantageous for someone else” (1130a2-3). Justice is concerned

²⁶⁸ Cicero, *Three Bokes of Duties to Marcus His Sonne*, Book II, “For none can be iust, who dreedeth ...”

²⁶⁹ Bernard Williams, “Justice,” in *Essays on Aristotle's Ethics*, ed. Amélie Rorty (Berkeley: University of California Press, 1980), 197.

specifically with the effects of vice on others. If we take justice to be a specifically other-regarding virtue, then it becomes a minimal rather than a maximal demand. Comedy can permit its characters to lack certain virtues just as long as they have enough justice to prevent their vices from proving destructive to society.

Comedy is extremely tolerant of faults that do not harm others. Eating and drinking too much, sleeping around, slacking off on the job, hiring/working as a prostitute, taking/selling drugs, and being generally vain, misanthropic, or ridiculous are registered as morally neutral or even as lovable foibles rather than vices — just so long as they have no negative impact on other people.²⁷⁰ Comedy is a satisficer about virtue. It does not ask for perfection; it asks for what is enough. The demands placed on human nature can become still lower if justice does not depend solely on personal virtue but can be enforced by social institutions. With functional systems of law, communities can set minimal requirements for inclusion and so admit a maximally large and diverse group. Justice is what permits people to be highly imperfect and still live together.

Taking justice to be a minimum condition of human flourishing in comedy, later chapters ask just how low that minimum can go. In Chapter Three, for example, we see how that minimum can be set at good behavior rather than goodness; in Chapter Four, how it can be set at good effects rather than good behavior. In all chapters, we see how characters must still respect the demands of justice by providing justifications. When a character takes some action against another, he is required to have a defense of that action as if he were a defendant in court. In Chapter Five, we look more closely at why self-defense in comedy is modeled on legal defense.

²⁷⁰ We might point to lovable gluttons like Falstaff in *1 Henry IV*, Papigano in *The Magic Flute*, and Algernon in *The Importance of Being Earnest*, the lady-obsessed Colin Frissell in *Love Actually*, non-workers like Ron Swanson in *Parks and Rec* and Creed in *The Office*, Vincent and his well-intentioned mistress Daka in *St. Vincent* (2014), the badly behaved rockstar Aldous Snow in *Get Him to the Greek* (2010), the childlike drug dealer Saul Silver in *Pineapple Express* (2008), the anti-social Gru of *Despicable Me* (2010), the preening Mr. Toad of Toad Hall in *The Wind in the Willows*, and the talkative Miss Bates in *Emma*.

In the next chapter, we look at how communities determine the norms that justice is meant to enforce. When Smith explains how laws are passed in Parliament, he notes that representatives of each class gather to “advertise, consult and show what is good and necessary for the common wealth.” When the law is passed, it is “the Princes and whole realm’s deed” because “every Englishman is intended to be there present ... the consent of the Parliament is taken to be every man’s consent.” Consent is what legitimizes the law and gives it its force. It is because every person is represented in Parliament that “justly no man can complain [about the law] but must accommodate himself to find it good and obey it.”²⁷¹

Some of the norms that govern comic communities are legal ones, enforced formally at court. Others are social, enforced more informally by the community. To work out what their norms should be, the community must determine what standards are “good and necessary” for the community and then secure everyone’s consent to those standards. This process provides the basis of many comic plots. Mistress Barnes, when she suspects Mistress Goursey of stealing her husband, tells her, “I’ll do as much for yours, as you for mine.” Communities test whether a standard counts as just by enforcing it, as Mistress Barnes does, equally across equal cases, and then seeing if others consent to uphold that standard. The next chapter explains why this process counts as just when it often takes the form of revenge.

²⁷¹ Smith, *De Republica Anglorum: The Maner of Gouvernement or Policie of the Realme of England*, Book II, Ch. 1.

Chapter Two

Socially Contingent Ethics, or, To Cheat the Cheater

The film *In Bruges* (dir. Martin McDonagh, 2008) comes to a climactic moment when Ken, an older conman, is given orders to execute his younger partner, Ray. Ken finds Ray sitting on a park bench and takes out his gun, drawing a bead on him from behind. Just as Ken is about to fire, Ray pulls out a gun himself, sticks it to his temple, and cocks the hammer. Ken, instead of firing, shouts, “Ray! Don’t!” Ray jumps up and sees Ken’s gun. “Oh my God! You were gonna kill me.” “No, I w... You were gonna kill yourself!” counters Ken. “Well, ... I’m *allowed* to,” says Ray. “No you’re not,” Ken says. Ray protests, “I’m *not* allowed to and you *are*? How’s that fair?”²⁷²

This scene transforms the rather unpromising materials of suicide and murder into something richly comic by introducing the question of fairness.²⁷³ Ken and Ray argue not about whether killing is sinful or wrong, but about whether one person should get to kill someone if the other one doesn’t. This is often the way that arguments proceed in comedy. The decisive ethical question is whether people are treated fairly or equally. Is everyone allowed to perform the same action? Conversely, characters claim that if they do only those actions that others are allowed to

²⁷² Screenplay by Martin McDonagh, accessed via www.ivanachubbuck.com/wp-content/uploads/2012/02/In-Bruges-Entire-Script.pdf. All citations from the film are from this source.

²⁷³ In the farcical comedy *This is the End* (dir. Evan Goldberg, Seth Rogan, 2013), the apocalypse has descended upon Los Angeles and, in the absence of all other social institutions, six people trapped in a house must determine how to survive together. They fall back upon notions of fairness. Even when advocating blatantly for their own advantage, characters still find themselves attempting to show how the system that would most benefit them is actually the one that is most fair. They agree at first that their water and food will be divided in six equal portions among the six of them. One man, bigger and more bellicose than the rest, demands, “Jay weighs 150 pounds less than me. Why ... is it fair that him and I should drink the same amount of water? We should be dividing our rations based on our proportionate size” (Screenplay by Seth Rogen and Evan Goldberg, accessed via http://www.springfieldspringfield.co.uk/movie_script.php?movie=this-is-the-end).

do, this makes their actions ethical. I argue in this chapter that this claim is correct. What counts as ethical for one person is contingent on the actions and decisions of her society. In comedy, ethics are socially contingent.

Different genres find different sets of questions to be ethically decisive. In tragedy and romance, the decisive question may be whether an action serves a certain personal code or religious commitment. These questions reflect certain cultural systems of value, discussed below, but the answers for any one character do not necessarily reflect the answers of others around him. Society is ethically irrelevant. In comedy, by contrast, what is right for me to do depends significantly on what others do. What counts as ethical is contingent on social behavior.

Different critical readings, too, find different standards to be ethically decisive. Actions are judged against a certain system of values given by nature, Christianity, classical virtue, or some other system external to and independent of the characters.²⁷⁴ (This judgment may be imputed to the characters or leveled by the critic himself.) When characters in comedy make ethical arguments, they do appeal to concepts like the natural or the merciful. But what these mean turns out to be something the characters must decide amongst themselves. Which actions

²⁷⁴ Many critics read early modern or Shakespearean drama in relation to a certain cultural or historical system which is then brought to bear in judgments of the characters' actions. See, for example, Hunter, *Shakespeare and the Comedy of Forgiveness*; George C. Herndl, *The High Design: English Renaissance Tragedy and the Natural Law* (Lexington: University Press of Kentucky, 1970); Reuben Arthur Brower, *Hero & Saint: Shakespeare and the Graeco-Roman Heroic Tradition* (Oxford: Clarendon Press, 1971); Arthur C. Kirsch, *The Passions of Shakespeare's Tragic Heroes* (Charlottesville: University Press of Virginia, 1990); Charles Wells, *The Wide Arch: Roman Values in Shakespeare* (New York: St. Martin's Press, 1993); David N. Beauregard, *Virtue's Own Feature: Shakespeare and the Virtue Ethics Tradition* (Newark; University of Delaware Press: London; Associated University Presses, 1995); White, *Natural Law in English Renaissance Literature*; Geoffrey Miles, *Shakespeare and the Constant Romans* (Oxford: Clarendon Press, 1996); Scodel, *Excess and the Mean in Early Modern English Literature*; Cefalu, *Moral Identity in Early Modern English Literature*; Unhae Park Langis, *Passion, Prudence, and Virtue in Shakespearean Drama* (London: Continuum, 2011); Beckwith, *Shakespeare and the Grammar of Forgiveness*; Kasey Evans, *Colonial Virtue: The Mobility of Temperance in Renaissance England* (Toronto: University of Toronto Press, 2012). Some such readings tend towards didacticism; many are informative and insightful. My contention is not that this approach is illegitimate in general but that early modern comedies tend not to represent their own ethical systems as deriving from external systems or contexts.

count as enacting these concepts depends on social consensus. In comedy, ethics are socially contingent because of the genre's conventional representation of humans as rational, social, and equal.

As described above, the conventions of comedy represent humans as rational, social, and imperfect animals, whose similar nature gives them equal ethical standing. Since they are rational, they act for reasons. Since they are equal, what counts as a reason for one counts as a reason for all. If I have a reason to perform action X in circumstance Y, this means that I can offer an account of my action that makes it intelligible and justifiable to others like me. And if others also wish to perform action X in circumstance Y, then whatever served as a reason for me will, *certeris paribus*, serve as a reason for them.²⁷⁵ The same standards apply to all. If I may perform this action to you, you may also perform this action to me. Since standards are social, one person's action sets a standard of acceptable action for all other members of his society.

To say that ethics are socially contingent does not mean that they are unconstrained. What societies can decide to accept as ethical is constrained by the goal of ethics. We saw in Chapter One that it is necessary but not sufficient for justice that equal standards be applied to equal cases. Justice also requires that the standards themselves be just, in that they are proportionate to what human nature can achieve. Similarly, in comic revenge plots, applying standards equally is only the first step. The standards themselves must meet a certain goal: to promote flourishing for the community. But the way that characters discern what promotes flourishing is not by adhering to an externally given law, but by testing different standards within

²⁷⁵ Again, to say that what counts as a reason for me counts as a reason for you does not mean that each person ought to perform the same actions as every other person. Rather, it means that whatever would justify one person's performing action X would also, in the absence of any other relevant factors, justify another person's performing action X. This does not mean that action X is obligatory, or the *only* justifiable action that the second person could perform. The revenger is not required to repeat the culprit's original action; she simply has a (contingent) justification if she chooses to do so.

a society whose members share the same nature and the same needs until they decide which standards best serve that society. What is ethical is contingent on social consensus. This is true for two key reasons.

First, there is no higher ethical authority than the community. There is no super-human source of standards external to human society. The decisive ethical questions concern the earthly needs of biological animals. In this sense, early modern comedy is largely a secular genre. (I will discuss in Chapter Five what difference it makes when God is invoked or intervenes.)

Second, each person in the comic community has equal authority as an ethical judge. Rational beings act for reasons. In a community of equal rational beings, a reason for one counts as a reason for all. Each person has equal power to set precedent. But each person also has equal authority to reject precedent, because whether that precedent is good or bad depends on the needs and nature of the persons it affects. Since all humans in the community share the same nature, each has equal authority to judge whether that precedent promotes human flourishing, and so whether it should be accepted by the community. The goal of ethics is primarily social, and all members of society have equal authority to determine what serves that goal. In these ways, ethics in comedy are socially contingent.

I support this claim by showing how it helps us untangle a common ethical puzzle in comedy: revenge. Comic justifications for revenge assume that ethics are socially contingent: if he may do it to me, I may do it to him. Revenge is justified because comedy represents this assumption as true. To make this case, I first survey several representative comedies in light of early modern and contemporary philosophy to show why, given the conditions that comedy supplies, ethics would be socially contingent. I take Shakespeare's *The Merry Wives of Windsor* (c. 1597) as a case study to show why, given that fact, comic revenge is not only justifiable but

productive. Through revenge plots, characters test whether certain actions are ethical — that is, whether what they do to others, they are willing to have others do to them. Revenge plots do not violate ethical standards. They are the process by which societies arrive at ethical standards.

I show through Thomas Middleton's *A Mad World, My Masters* (c. 1605), that the goal of ethics in comedy is primarily social. When characters' actions produce an optimal social state, they are accepted as justified even if characters never intended to produce that state. This suggests that the main goal of comedy is not ethical perfection but a certain state of affairs. Ethics are important because they are the most reliable means of achieving that state — even if not the only means. I conclude by stating the implications of this argument, to be taken up in Chapters Three, Four, and Five.

Ethics from the public: justification

In comedy, what is just is what we can justify to each other. Ethics are socially contingent. We understand this claim better by understanding what it means for ethics *not* to be socially contingent. A brief survey of the ethical positions available in the early modern period in England will clarify the way in which ethics function in comedy.

If ethical standards, or norms, do not derive from social consensus, where do they derive from? Renaissance theorists proposed different answers to that question. One answer was God and his divine commandments. Another was nature.²⁷⁶ Natural law theory, proposed by

²⁷⁶ On these various sources of Christian and classical norms in early modern England, see Manley, *Convention, 1500-1750; The Cambridge History of Political Thought, 1450-1700*, ed. J. H. Burns and Mark Goldie (Cambridge: Cambridge University Press, 1991), "Law"; White, *Natural Law in English Renaissance Literature*; Shuger, *Political Theologies in Shakespeare's England : The Sacred and the State in Measure for Measure*; Scodel, *Excess and the Mean in Early Modern English Literature*; Cefalu, *Moral Identity in Early Modern English Literature; Shakespeare and the Classics*, ed. Charles Martindale and A. B. Taylor (Cambridge: Cambridge University Press, 2004); Majeske, *Equity in English Renaissance Literature : Thomas More and Edmund Spenser*; Tilmouth, *Passion's Triumph over Reason : A History of the Moral Imagination from Spenser to Rochester; Shakespeare and Religion : Early Modern and Postmodern Perspectives*, ed. Kenneth S. Jackson and Arthur F. Marotti (Notre Dame:

Ciceronian and Stoic philosophy and adapted by Christian theology, claimed that a certain order or *telos* was built into nature and into natural creatures, and that actions were right insofar as they conformed to this order.²⁷⁷ Reason supplies human creatures with a unique source of ethical norms in that they can reflect on their own *telos* and deliberately conform to it. Each of these views appears in the opening of Richard Hooker's *Laws*:

Now that law which, as it is laid up in the bosom of God, they call Eternal, receiveth according unto the different kinds of things which are subject unto it different and sundry kinds of names. That part of it which ordereth natural agents we call usually Nature's law ... the law of Reason, that which bindeth creatures reasonable in this world, and with which by reason they may most plainly perceive themselves bound; that which bindeth them, and is not known but by special revelation from God, Divine law; Human law, that which out of the law either of reason or of God men probably gathering to be expedient, they make it a law. (I.3.1)²⁷⁸

On Hooker's view, these various sources of ethical norms nest comfortably within each other, as they all flow from the same divine source. There could be disagreement, however, even about the source of eternal law. The intellectualist view, favored by Hooker and his chief theological source, Thomas Aquinas, posited that God willed laws in accordance with his reason's recognition of what is good. The voluntarist view, set out by William of Ockham and upheld by John Calvin, held by contrast that God's act of willing is what makes something good.²⁷⁹ This view — that the source of norms is the will — introduces the possibility of a

University of Notre Dame Press, 2011); *Shakespeare and Renaissance Ethics*, ; Leah Whittington, *Renaissance Suppliants : Poetry, Antiquity, Reconciliation* (Oxford: Oxford University Press, 2016).

²⁷⁷ “[A]ppeals to natural law were a crucial part of the early modern rhetoric of law ... derived from Aristotle, Cicero, Seneca, and others ... Invocations of natural law in this tradition call up a continuity of thought stretching from Aquinas to the seventeenth century”: *Rhetoric and Law in Early Modern Europe*, ed. Victoria Ann Kahn and Lorna Hutson (New Haven: Yale University Press, 2001), “Introduction,” 7.

²⁷⁸ Hooker, *The Works of That Learned and Judicious Divine Mr. Richard Hooker with an Account of His Life and Death by Isaac Walton* 1. Digitized text accessed via <http://oll.libertyfund.org/titles/hooker-the-works-of-richard-hooker-vol-1>. All citations are from this edition.

²⁷⁹ See Tobias Hoffman, “Intellectualism and Voluntarism” in *The Cambridge History of Medieval Philosophy*, ed. Robert Pasnau and Christina van Dyke (Cambridge: Cambridge University Press, 2010). For the influence of these ideas in the early modern period, see Richard A. McCabe, *Incest, Drama and Nature's Law 1550-1700* (Cambridge:

radical new answer to the question of how ethical standards are derived. Reformers identified the will in question as God's. But others identified that will as human will. The source of norms, they proposed, is social convention.

In the Renaissance, Lawrence Manly writes, there was “an increasingly frequent substitution of convention for nature as an adequate test of rectitude and fitness.” In “morals, politics, and the law,” theorists “reinterpret[ed] human activity in the empirical and relativistic context of different social settings.”²⁸⁰ Laws “were increasingly interpreted as conventional projections of the collective will, and were increasingly justified in terms of their merely relative ‘convenience’ to social circumstances.”²⁸¹ When convention replaced nature as the source of ethical standards, norms became contingent on social circumstances. It was also with reference to society, then, that acts could be justified. In the absence of any more absolute source of norms — God's transcendent law, nature's unchanging order — what is acceptable is determined by what the human community is willing to accept. What is just is what one can justify to others.

This view that convention is the source of ethics is associated especially with Machiavelli and Hobbes.²⁸² On Machiavelli's view, ethics derives from social conventions — from the norms people reveal, by their behavior, that they are willing to accept both for themselves and for others. What was “equal and fair needed to be abstracted from the way people actually behaved: that is, it needed to be determined based on what everyone generally considered to be equal and

Cambridge University Press, 1993), “Law and licence”; Risto Saarinen, *Weakness of Will in Renaissance and Reformation Thought* (Oxford: Oxford University Press, 2011), “The Lutheran Reformation” and “The Calvinist Reformation.”

²⁸⁰ Manley, *Convention, 1500-1750*, 10-11.

²⁸¹ *Ibid.*, 11.

²⁸² For further explication, see *The Cambridge History of Political Thought, 1450-1700*, “Italian political thought, 1450-1530,” and “Hobbes and Spinoza.”

fair”; Machiavelli’s “‘revolution’ required a reconceptualization of justice,” not because justice was discarded, but because its source was changed.²⁸³ What made something right was society’s acceptance of it as right.

A Machiavellian ethical program may sound like a kind of reverse Trojan horse — dangerous because there is nothing inside it. But in fact, aspects of this idea were advanced by writers like Aristotle and Cicero, whose notions of duty and equity invoke social contingency. What was equitable from the “Ciceronian perspective” was formulated as “*quod videtur aequum omnibus* (what appears fair — in the sense of equal — to all).”²⁸⁴ Roman and Christian traditions of natural law sometimes reformulated this maxim as what appears fair to the wise, those who perceive divine standards that transcend human opinion. But prior to Cicero, Aristotle also formulated a notion of equity as “of human origin and concerned first and foremost with humans in human affairs,” not in general, but with “those affairs relating to a particular regime.”²⁸⁵

If equity and justice are entirely contingent — if they are simply whatever some particular society thinks that they are — we might wonder whether we are offering a new answer to the question of how ethics are derived, or denying that an answer exists. Social consensus may produce codes, and it may be convenient to follow them. But can it be obligatory? Can convention have the same authority over human behavior that divine law and natural law are said to have? The answer has to do with what is not contingent but *necessary* in human practice.

As rational agents, humans act for reasons. Aristotle’s *Ethics* begins with the claim that

²⁸³ Majeske, *Equity in English Renaissance Literature : Thomas More and Edmund Spenser*, 24.

²⁸⁴ *Ibid.*, 23.

²⁸⁵ *Ibid.*, 20.

all action seeks an end.²⁸⁶ Humans are unique in that they are conscious of their ends, and so they can ask what actions will promote them. Thanks to our capacity for reason, we need not simply obey our impulses; we can reflect on them. We ask whether acting on this impulse would promote something that is, given my nature, an end for me. If it would, then this consideration gives us a reason for action. As rational beings, humans can act for reasons. In fact, they cannot act *qua* rational beings without a reason.²⁸⁷ (This does not mean that characters in comedy never act without reason. It does mean that when they do, they are presented as less than rational.) A good action is one for which a good reason can be provided. T.M. Scanlon, defending a contemporary version of this view, takes “judgments of right and wrong to be claims about reasons.”²⁸⁸ But what is a good reason? At the very least, it is one that others may be expected to accept.

To determine whether I have a reason for some action, I can ask whether beings *like* me would have a reason for this action. If it would promote some end for me, it would promote an end for people who share my nature. If I have a reason to act, so do they. As Scanlon explains, “Whenever we make judgments about our own reasons, we are committed to claims about the reasons other people have.”²⁸⁹ If I would deny that others could have a good reason for this

²⁸⁶ “Every craft and every method of inquiry and likewise every action and deliberate choice seems to seek some good. That is why they correctly declare that the good is ‘that which all seek’”: *EN* 1094a1-3.

²⁸⁷ Again, insofar as I act without a reason, I act as less than a rational being. This argument is made at length in Christine M. Korsgaard, *The Sources of Normativity* (Cambridge: Cambridge University Press, 1996) and *Self-Constitution : Agency, Identity, and Integrity* (Oxford: Oxford University Press, 2009), a work that draws heavily on Aristotle’s theory of human action in addition to Kant’s. I am indebted throughout to Korsgaard’s account.

²⁸⁸ T.M. Scanlon, *What We Owe to Each Other* (Cambridge: Harvard University Press, 1998), 74.

²⁸⁹ *Ibid.*, 74.

action, then, *ceteris paribus*, I must deny that I could have a good reason for it.²⁹⁰ One way of determining whether an action is good, then, is to ask whether I would object to someone else's committing it.

On this view, the criterion for ethical action is a social one based on the requirements of rational action. Rational agents require reasons to act. An action is wrong if we could not expect anyone else to accept our reason for it.²⁹¹ Scanlon argues that “thinking about right and wrong is, at the most basic level, thinking about what could be justified to others on grounds that they, if appropriately motivated, could not reasonably reject.”²⁹² Scanlon's account is titled, tellingly, *What We Owe to Each Other*. On this view, ethical norms arise from social consensus — and this can include social convention.

As noted in Chapter One, Aristotle claims that justice is the only virtue inherently

²⁹⁰ For further articulation of this argument, see Korsgaard, *The Sources of Normativity*, “Lecture 4: The origin of value and the scope of obligation,” and *Self-Constitution : Agency, Identity, and Integrity*, 4.4, “Against Particularist Willing,” and Scanlon, *What We Owe to Each Other*, 1.13, “Other People's Reasons.”

²⁹¹ Korsgaard's and Scanlon's accounts differ in key respects: Korsgaard offers a Kantian account of the sources of normativity while Scanlon notes that his account is “very different from Kant's” in deriving the “requirements of justifiability” from social relations rather than the “conditions of our rational agency” (*What We Owe to Each Other*, 6). Nevertheless, both provide a compelling — and non-Machiavellian — account of the social source of normativity. Korsgaard, like Scanlon, takes reasons to be essentially public. She notes that “To act on a reason is, essentially, to act on a consideration whose normative force may be shared with others” (Korsgaard, *The Sources of Normativity*, 136). As on Scanlon's account, what has no normative force others cannot provide a normative justification for me. Both also provide a “procedural” account of normative justification rather than a “substantive” one. This is the view that “there are answers to moral questions” because “there are right and wrong ways to answer them.” We need not posit the existence of “intrinsically normative entities” or metaphysical moral facts in order for there be moral truth. We only need procedures for arriving at it. These procedures for answering moral questions may involve the “dictates of practical reason, or the projections of human sentiments, or the rules of some constructive procedure,” but the procedure itself produce “moral and more generally normative truth” (*ibid.*, 35). (See also Korsgaard, *Self-Constitution : Agency, Identity, and Integrity*, Chapter 3, “Formal and Substantive Principles of Reason”). Scanlon likewise denies that we need address the “metaphysical status of moral facts” in order to make claims about what is right and wrong: “If we could characterize the method of reasoning through which we arrive at judgments of right and wrong, and could explain why there is good reason to give judgments arrived at in this way the kind of importance that moral judgments are normally thought to have, then we would, I believe, have a sufficient answer to the question of the subject matter of right and wrong” (Scanlon, *What We Owe to Each Other*, 2).

²⁹² *What We Owe to Each Other*, 5.

concerned with others and also that justice is “complete virtue,” as though to be just is *de facto* to practice all the other virtues as well. This is because what counts as virtuous action in a given situation is partly determined by how we would ask others to act in the same situation. What counts as appropriate conduct “is to some extent determined by what we owe others or what they have a right to expect from us.”²⁹³ If we conduct ourselves in that way, we show not only virtue X but also the virtue of justice: what we ask of others, we ask of ourselves.

Majeske notes that Machiavelli’s socially contingent ethics, the view that what is “equal and fair” is best decided by everybody, has the consequence “that everyone must acknowledge a radical equality with everyone else in order for the social contract to be entered.”²⁹⁴ Justice is equality between equals and (proportionate) inequality between unequals. If I accept that you may ask of me what I may ask of you, I accept our equality. Socially contingent ethics begins with this assumption, discussed in Chapter One, of human equality. It accepts as a formal principle of justice that standards must be applied equally to equal cases. Contingent social decisions, or conventions, help supply the content of those standards.

What others have a right to expect from us depends sometimes on unchanging or natural conditions, like the requirements (and limitations) of our imperfect, animal nature. But sometimes it can also depend on convention: what we as a society have decided to expect of each other. On Aristotle’s view, “judgment in accord with [equity] by a statesman in one regime in a certain case may not resemble the judgment of a statesman in another regime, though the facts of the cases be identical, since the statesman takes into account the expectations of the regime’s people respecting what they consider fair — and people’s expectations differ from time to time

²⁹³ Broadie, “Introduction,” Aristotle, *Nicomachean Ethics*, 34.

²⁹⁴ Majeske, *Equity in English Renaissance Literature : Thomas More and Edmund Spenser*, 24.

and place to place.”²⁹⁵ How does a society come to expect one thing rather than another? One way might be to test out different standards to see which ones, when put into practice, will promote flourishing for the community overall—and to reject the standards that do not. We see this process at work in comic plots of revenge.

Revenge

One puzzle about revenge in comedy is why it is not more of a puzzle. The basic revenge plot — a culprit performs a certain action, a revenger does the same action to him — is common structure for both early modern comedies and tragedies. And yet the same plot structure comes to entirely different ends in these two genres. In comedy, the revenger usually triumphs; in tragedy, he usually dies. Is it that the revenger gets just what he deserves in one genre and the opposite of what he deserves in the other? Or does what he deserves differ in different genres?

One reply might go like this. There is no simple or single answer to what the revenger deserves. As criticism of *Hamlet* (1600) reveals, there were multiple, conflicting views an audience could have held about revenge. On the one hand, certain social codes could demand revenge. On the other hand, Christianity condemned revenge or at the very least reserved it to God. The bereaved Hieronimo in *The Spanish Tragedy* (Thomas Kyd, c. 1587) begins his revenge by quoting God’s words from Deuteronomy — “Vindicta mihi” — and then deciding to reassign the “mihi” from God to himself.²⁹⁶

²⁹⁵ Ibid., 20. For a discussion of how expectation, as a key element in predictability and legal certainty, plays a decisive role in contemporary legal theory, see James R. Maxeiner, "Some Realism About Legal Certainty in the Globalization of the Rule of Law," *Houston Journal of International Law* 31, no. 1 (2008).

²⁹⁶ Thomas Kyd, *The Spanish Tragedie*, EEBO STC (2nd ed.) / 15086 ed. (1592). For seminal works on revenge in early modern tragedy, see Fredson Bowers, *Elizabethan Revenge Tragedy, 1587-1642* (Princeton: Princeton University Press, 1940); Jagannath Chakravorty, *The Idea of Revenge in Shakespeare, with Special Reference to Hamlet* (Calcutta: Jadavpur University, 1969); Eleanor Prosser, *Hamlet and Revenge*, 2nd ed. (Stanford: Stanford University Press, 1971); Gordon Braden, *Renaissance Tragedy and the Senecan Tradition : Anger's Privilege* (New

The very presence of these conflicting codes, however, suggests why the revenger must meet a tragic end. These codes impose incompatible obligations. One is a social code, specifying the demands of honor or of kinship ties. The other is a transcendent law, forbidding what offends against divinity. These competing standards create a dilemma. To fulfill one is to fail the other, and so whatever the tragic revenger does, he incurs condemnation. The comic revenger faces no such dilemma. He has a single code: a social one. He will not be punished for breaking a transcendent law because the genre contains no such law for him to break. Comedy — not tragicomedies or romances but the citizen and city comedies that constitute the bulk of early modern comedy — is largely a secular genre. (I elaborate on this claim in Chapters Four and Five.) I illustrate this claim by offering two examples from two genres.

Like *Hamlet* and *The Spanish Tragedy*, *The Atheist's Tragedy* (Cyril Tourneur, c. 1610) features a ghost who recounts his own murder. D'amville, the play's titular atheist, kills his brother Montferrers and attempts to destroy his nephew Charlemont, Montferrers' son, as well. Montferrers' ghost appears to Charlemont to tell him "[T]hy old father's dead / And thou by murder disinherited" (2.6.20-21).²⁹⁷ But in contrast to other revenge tragedies, Tourneur's Ghost explicitly counsels against revenge: "Attend with patience the success of things, / But leave revenge unto the King of kings" (5.6.22-23). Charlemont obeys. He refrains from seeking revenge on D'Amville, adhering to a directive that comes from outside the human community.

Haven: Yale University Press, 1985); René Girard, *A Theater of Envy : William Shakespeare* (New York: Oxford University Press, 1991). Recent works include Wendy Griswold, *Renaissance Revivals : City Comedy and Revenge Tragedy in the London Theatre, 1576-1980* (Chicago: University of Chicago Press, 1986) and Thomas Rist, *Revenge Tragedy and the Drama of Commemoration in Reforming England* (Aldershot: Ashgate, 2008). On revenge in comedy, see Linda Anderson, *A Kind of Wild Justice : Revenge in Shakespeare's Comedies* (Newark; University of Delaware Press; London; Associated University Presses, 1987); Beiner, *Shakespeare's Agonistic Comedy: Poetics, Analysis, Criticism*; Watt, *Equity Stirring : The Story of Justice Beyond Law*; Marguerite A. Tassi, *Women and Revenge in Shakespeare : Gender, Genre, and Ethics* (Selinsgrove: Susquehanna University Press, 2011).

²⁹⁷ Cyril Tourneur, *The Atheist's Tragedy, or, the Honest Man's Revenge*, ed. Irving Ribner (Cambridge: Harvard University Press, 1964). All quotations are from this edition.

His choice is vindicated by the play's outcome, whose cause also seems to lie beyond human control. In the final scene, D'Amville is preparing to behead Charlemont but "*As he raises up the axe [he] strikes out his own brains.*"²⁹⁸ As he dies, he confesses to those murders that he had blamed on Charlemont. Charlemont is redeemed from prison and rewarded with titles, wealth, and marriage.

The play's title poses an implicit question for ethics: is there a transcendent source of norms beyond the human community? By punishing so decisively the person who denies this, the plot suggests (rather heavy-handedly) that there is. As he dies, D'Amville says, "Nature is a fool. There is a power / Above her that hath overthrown the pride / Of all my projects" (5.2.258-60). Actions that are right — and worthy of reward — are those that, like Charlemont's patience, obey that power "above" nature. If ethics were merely socially contingent, Charlemont would have been justified in doing to D'Amville what D'Amville did to him. But in this play, there is a standard that transcends social norms, and it is this standard that provides the most decisive reasons for action. Not all tragedies thematize this transcendent standard as *The Atheist's Tragedy* does, but the frequent interventions of supernatural or non-human agents suggest that it exists, and so can compete with and even override the merely human standards of the revenger's society.

In comedy, by contrast, revenge is justified and revengers rewarded because there is no such transcendent standard. This point is made most dramatically by the generically ambiguous *A Shoemaker, A Gentleman* (William Rowley, c. 1618). This play insists that there *is* a power above nature but also that this power does not provide the generically comic characters with decisive reasons for action. *Shoemaker* dramatizes the martyrdom of two honored British saints,

²⁹⁸ 5.2, stage directions given between line 241 and 241.

Winifred and Hugh, at the hands of Roman imperial persecutors. They show the heroism characteristics of heroes of romance by choosing to die rather than renounce their faith, and their deaths are treated with the utmost respect as though this was a noble decision. The spiritual peace they enjoy is presented as real, and so is the transcendent source of that peace.

Among the witnesses to their deaths, however, is a group of comic characters: shoemakers, middle-class citizens. They honor the martyrs for dying for their faith; they take the God they honor to be real. Nevertheless, they do not take this fact as providing *them* with reason to die. After the martyrs' deaths, the head shoemaker advises his family and apprentices, "Let us keep good consciences within doors / How ere the wind blows abroad, 'tis honest deceit / To seem bad and be good, than to seem pure and be a knave." He believes that "Bosoms locked, we may be good Christians, but not show it."²⁹⁹

The very point for the martyrs was that it is *not* possible to be a good Christian and not show it. They could not save their souls if they denied their faith. But the shoemakers believe they are perfectly justified in hiding their faith to save their bodies — and the play implies that they are right. The shoemakers enjoy their own comic ending of earthly happiness just as the martyrs enjoy, we presume, their spiritual happiness. The play does not punish the shoemakers for failing to live up to the standard set by the martyrs. It rewards them for upholding standards of their own. Those standards are set entirely by human concerns: the preservation of biological life.

This example suggests what holds, I claim, for comedy generally. Its standards are presented as human in origin. In the comedy *Arsenic and Old Lace* (dir. Frank Capra, 1944), for

²⁹⁹ William Rowley, *A Merrie and Pleasant Comedy: Never before Printed, Called a Shoo-Maker a Gentleman*, EEBO STC (2nd ed.) / 21422 ed. (1638).

example, Mortimer discovers that his aunts are poisoning their lodgers. Aghast, he says, “[Y]ou can’t do things like that! Now, I don’t know how I can explain this to you.” He ultimately explains it by saying, “People wouldn’t understand!” Indicating the next proposed victim: “*He* wouldn’t understand!”³⁰⁰ What makes something wrong in comedy is not that it violates one of the Ten Commandments, but that people wouldn’t understand or agree to it. This is the sense in which comedy is a secular genre. There is no transcendent standard that provides more decisive reasons for action than human concerns alone.

Aspects of this narrative about revenge have been challenged in recent criticism, especially that of Derek Dunne. Dunne does, however, locate the origin of revenge in a “crisis of justice,” when “fundamental social institutions fail to function as they should” and the “flawed justice system ... acts as a spur to vengeance.”³⁰¹ If an institution fails to function “as it should,” the standards by which it fails must transcend that human institution, not be a product of it. The presence of conflicting codes still clarifies why tragic revengers meet with condemnation — if not from the audience, from the society on which they attempt to impose this alternative standard.

What is distinct about the comic revenger is that he is not upholding a standard external to society. Rather, he is presented as enacting a standard that his society, by its actions, has been shown to accept. If ethics are socially contingent, what is just is what we can justify to others. Our actions are ethical if we can provide reasons for them that others will accept. Now, the

³⁰⁰ Screenplay by Julius J. Epstein and Philip G. Epstein. Quotations accessed via <http://www.imdb.com/title/tt0036613/quotes>.

³⁰¹ Derek Dunne, *Shakespeare, Revenge Tragedy and Early Modern Law : Vindictive Justice* (Basingstoke: Palgrave Macmillan, 2016), 1-3. Dunne challenges the idea that Elizabethan aristocratic codes supported revenge and that Elizabethan Christianity condemned it. Most significantly for this discussion, he argues that the image of the solitary revenger is a false one and that revenge is much more a public cooperative enterprise.

revenger always has a reason for repeating the culprit's action — it is whatever reason the culprit had for committing it himself. When rational beings act, they imply they have a reason for that action. And whatever they offer as a reason for themselves, they must accept as a reason from others like them. So whatever reason the culprit had for first performing that action, he must now accept as an equally valid reason for the revenger to perform the same action to him. The revenger is justified in returning the culprit's action because she has a reason that the *culprit himself* is bound to accept. He pledged his acceptance of it when he performed the act himself.

Revenge is structured by a purely formal logic. I do to you what you do to me. Revenge is justified if ethics requires *only* this formal logic, if there exist no other codes to fulfill or break. In other words, revenge is justified if ethics are socially contingent. Revengers assume a purely formal ethical standard: if it is acceptable for others to do this to me, it is acceptable for me to do it to them. The content of that standard is contingent on what others have taken to be acceptable. Revenge in comedy is contingently ethical, but that is all comic ethics require.

A counterargument might go like this. It is not that revenge in tragedy is culpable while revenge in comedy is justified. It is just that neither comic characters nor audiences care about justification but only about entertainment. Some characters do seem to suggest this. At the conclusion of *Every Man in His Humour* (Jonson, 1598), when Brainworm confesses his tricks, Justice Clement responds, "Thou hast done, or assisted to nothing, in my judgment, but deserves to be pardoned for the wit o' the offence" (5.1.177-79). Lovewit in *The Alchemist* (1610) is sometimes read the same way: he pardons the trickster Face because he loves wit. If we the audience pardon comic revengers like Sir Toby and co. in *Twelfth Night* (William Shakespeare, c. 1601), it is because we, too, enjoy the comedy of their plots.

But this is not the justification that characters themselves tend to offer. When Lovewit

agrees not to punish Face for his schemes, what he actually says is, “That master / That had received such happiness by a servant . . . Were very ungrateful if he would not be / A little indulgent to that servant’s wit, / And help his fortune” (5.5.147-52).³⁰² The wit is the thing that needs to be excused, not the excuse. The reason he must help the witty Face is that Face’s wit has already helped him. What you get, you should be willing to give. In *Twelfth Night*, Fabian tells Olivia that when she hears the whole story of their trick on Malvolio, it may “rather pluck on laughter than revenge” (5.1.354). The laughter is not the justification but what needs to be justified. And Fabian promises it will be, “If that the injuries be justly weighed / That have on both sides passed” (5.1.355-56). Lovewit and Fabian’s justifications both appeal to reciprocity. What is just is what weighs equally on both sides.

This is the standard by which most comic revengers justify themselves, a standard captured in the title of one comedy, *Wily Beguiled* (Samuel Rowley, c. 1602). A lawyer named Churms plots to steal Leila from her father’s house. While fleeing, they are stopped by Sophos and Fortunatus, who steal Leila and beat Churms. When they return to Leila’s home, her father greets Sophos, “[T]ake thy Leila’s hand: / Great God of heaven your hearts combine / In virtue’s lore to raise a happy line.”³⁰³ Sophos and Fortunatus are presented as worthy of honor and reward rather than punishment because of the reciprocal logic behind their violence. Before being betrayed by Sophos, Churms had betrayed him. Sophos was the man Leila really wanted to marry. Churms had agreed to help Sophos win her father’s consent, but only as part of a plot to win that consent for himself. After Churms steals Leila from Sophos, Sophos steals Leila back

³⁰² Ben Jonson, *The Alchemist and Other Plays*, ed. Gordon Campbell (Oxford: Oxford University Press, 1998). All citations are from this edition.

³⁰³ Anon., *A Pleasant Comedie, Called Wily Beguilde*, EEBO STC (2nd ed.) / 25818 ed. (1606).

from him. After they beat Churms, he cries furiously, “Where ere I go, I’ll leave with her my curse / And rail on you with speeches vilde.” Fortunatus responds, “A crafty knave was never so beguiled.”

The reciprocity in the rhyme captures the reciprocity in the action. This reciprocity is the basis of comic justifications for revenge. It is justifiable to beguile someone who beguiles you. In *Northward Ho!* (Thomas Dekker and John Webster, 1605) Mayberry fools Fetherstone and Greenleaf after they have fooled him, declaring, “I will shed no blood, / But I will be reveng’d, they that do wrong / Teach others way to right.”³⁰⁴ In *Satiromastix* (Thomas Dekker, 1601), after the poet Horace has been condemned for libel, the King declares, “[H]e whose pen / Draws both corrupt and clear blood from all men / (Careless what vein he pricks) let him not rave, / When his own fides are struck, blows, blows, do crave.”³⁰⁵

Greene’s Tu Quoque (John Cooke, 1611) also captures this justification in its title. Staines is cheated of his money by the uncle of his servant Bubble. The uncle dies and leaves the money to Bubble. In his poverty, Staines is forced to become Bubble’s servant. But he plots to regain the money so “what his uncle craftily got from me, I will knavishly recover of him.”³⁰⁶ As the parallel adverbs imply, the reciprocity is what keeps his knavish plot from making him simply a knave: “I must cheat a little, I have been cheated upon, therefore I hope the world will a little the better excuse me.” What others have done the same to him provides a justification for what he does to others. *Tu quoque* (“thou also”) is a form of rebuttal in argument which consists in “retorting a charge upon one’s accuser” (OED 1). The retort is based on the assumption,

³⁰⁴ Thomas Dekker and John Webster, *North-Ward Hoe*, EEBO STC (2nd ed.) / 6539 ed. (1607).

³⁰⁵ Thomas Dekker, *Satiro-Mastix. Or the Vntrussing of the Humorous Poet*, EEBO STC (2nd ed.) / 6521 ed. (1602).

³⁰⁶ Cooke, *Greenes Tu Quoque, or, the Cittie Gallant*.

fundamental to comedy, that one person may hold others only to those standards that he upholds himself.

The tragic revenger and the comic revenger both enact *tu quoque* plots, responding to an action with the same action. But the tragic revenger is often presented as reciprocating wrong with wrong. The comic revenger's action is not wrong precisely *because* it is reciprocal. Subtle in *The Alchemist*, plotting revenge on the deceiver Face, can declare, "To deceive him / Is no deceit, but justice" (5.4.104-5). Peni-boy Senior says likewise in *The Staple of News* (Ben Jonson, 1626), "To cheat the *Cheater*, was no *Cheat*, but justice."³⁰⁷ Comedy presents this claim as true. Where ethics are socially contingent, social reciprocity justifies an action.³⁰⁸ English ethical theorists frequently repeated the Golden Rule laid out in the New Testament, which turns on reciprocity: "Therefore all things whatsoever ye would that men should doe to you, doe ye euen so to them" (Matthew 7:12).³⁰⁹ Comic revenge plots literalize this rule with a twist: Do unto others as they *actually* do unto you.

³⁰⁷ Ben Jonson, *The Workes of Beniamin Ionson. Containing These Playes, Viz. 1 Bartholomew Fayre. 2 the Staple of Newes. 3 the Divell Is an Asse*, EEBO STC (2nd ed.) / 14754 ed. (1641). I have followed the date given by *The Cambridge History of Early Modern English Literature*, ed. David Loewenstein and Janel M. Mueller (Cambridge: Cambridge University Press, 2002).

³⁰⁸ We find this view reflected in contemporary comedies as well. *A Gentleman's Guide to Love and Murder* depicts a young man Monty who seeks revenge on his aristocratic family for disowning his mother by killing the seven people who stand between him and the Earldom. His mistress speaks in his defense by turning to the audience and simply saying, "Wouldn't you?" In the world of the play, the answer is yes: everyone would. After Monty has completed his rise to power, the curtain closes with the new next-in-line repeating Monty's earlier refrain, "I am standing here with poison in me pocket..." The play almost retroactively confers on Monty permission to have murdered his relatives because others have taken his example as permission to murder *him*. He won't have given anything more than he'll get. This equilibrium, I would suggest, is what allows this story of revenge and murder to function as a comedy.

³⁰⁹ *King James Bible*, (Cambridge: Chadwyck-Healey, 1996). Issued in and accessed via the Literature Online database. Transcribed from the King James Bible (1611). All citations from the Bible are from this edition unless otherwise noted. In his influential treatise *Doctor and Student* (1532), for example, Christopher Saint German writes, "do to another as thou woldest shulde be done to the: & that thou do no thinge to other that thou woldest nat shulde be done to thee": Christopher Saint German, *The Fyrst Dialogue [Betwyxte a Doctour of Diuinite and a Student]*, STC (2nd ed.) / 21568 ed. (1532).

We find here an answer to another puzzle about comic revenge. I claimed above that comic endings depend on and celebrate justice, especially as enacted by law. If we accept the “simple binary that sees revenge as the antithesis of law,” revenge might seem unjustifiable in comedy as running counter to its goals. But in fact, as Dunne shows, “revenge is seen to partake of justice” in early modern England in ways that help us grasp why revenge can enact justice in comedy.³¹⁰ English equity courts, for example, “accepted the maxim that ‘*fraus non est fallere fallentem*’ (it is not deceit to deceive a deceiver), a version of the canon law principle that ‘*frangenti fidem, fides frangatur eidem*’ (with him who has broken faith, faith may be broken), or what was known as the *dolus bonus* (the good trick). Like canon (and civil) law, equity thus seems to have recognized the possibility of legitimate deception — for example, ‘when a man doth machinate or devise anything to entrap a thief or traitor.’”³¹¹ In certain English legal contexts, as in comedy, cheating the cheater is justice. What you may do to a man depends on what he has done to you. The fact that comedy presents revenge as fully justifiable provides the clearest evidence that comedy upholds this view: that ethics are socially contingent.

But this claim raises a crucial question. Why do some actions prompt revenge while others do not? Cheating the cheater may be justice, but if ethical standards are only social standards, why do we call the first action “cheating” to begin with? What is objectionable about the cheater is that he deprives his victim of some good (something he would not, presumably, wish to have done to himself). Cheating the cheater gets that good back. Reciprocity gives revenge its justification. What gives revenge its point, or its goal, are the goods it aims to recover. These goods may include some tangible item that was stolen. They may also include

³¹⁰ Dunne, *Shakespeare, Revenge Tragedy and Early Modern Law : Vindictive Justice*, 15.

³¹¹ Shuger, *Political Theologies in Shakespeare's England : The Sacred and the State in Measure for Measure*, 94.

social standards that were threatened.

Ethics may be socially contingent, but that does not mean it is unconstrained. What is just is what we can justify to each other, and in this sense, humans determine ethical norms. But what we will accept as a justification is constrained by something we do not determine: our nature. Human nature determines what resources and protections we need, and what resources and protections we are willing to afford others. Majeske notes that “Machiavelli’s revolutionary thinking” — the idea that standards should be supplied by the community — “leads almost directly to the Hobbesian teaching that the essential things we hold in common with our fellow human beings are fear of violent death and a desire for self-preservation.”³¹² We fear the same dangers and require the same goods (a point discussed in the next chapter), and this significantly determines what we take as reasons for action and which reasons we accept from others.³¹³ Our common reasons, responding to our common needs, partly determine the standards we agree to hold in common. Characters are prompted to revenge when a culprit violates these standards by depriving them of some good.

Besides asking why comic revenge is justified, then, we could also ask why it is productive: why does revenge in tragedy lead to cycles of social destruction, while in comedy it leaves society better off? The answer turns on this relationship between ethical standards and human needs. Any standard can be just in a formal sense, as long as it is applied equally. But

³¹² Majeske, *Equity in English Renaissance Literature : Thomas More and Edmund Spenser*, 24.

³¹³ Kahn and Hutson note how seventeenth-century thinkers extend this line of thought, deriving ethics from universal natural need, to accomplish a goal that has much in common with comedy’s goals: establishing a *minimum* standard of morality that is also a secular standard: “Aiming to provide a nonconfessional basis for social harmony and political order, figures such as Hugo Grotius, Thomas Hobbes, and Samuel Pufendorf proposed a revised doctrine of natural law predicated in part on the minimalist principles of sociability (with the exception of Hobbes), self-interest, and the natural right of self-preservation. This ‘minima moralia’ offered a secular basis for political association to those of different faiths . . . God was still the creator of the world, but human beings were the proximate creators of value, by virtue of their voluntary social and political arrangements” (*Rhetoric and Law in Early Modern Europe*, “Introduction,” 8-9).

some standards promote human flourishing better than others. Societies need to test different standards to determine which ones best promote this goal. One testing process is revenge. The revenger's goal may simply be to recover from the culprit what he took from her. She adopts his standard and repeats his action. Sometimes, however, she is not just a revenger but a reformer. Her goal is to get the culprit to change his standard, and this is why she does adopt his standard but only provisionally. She agrees that if he may do it her, she may do it to him — but her emphasis is on the *if*.

Touchstone's famous declaration in *As You Like It* (William Shakespeare, c. 1600), “[M]uch virtue in ‘if,’” concludes a mini-drama in socially contingent ethics. He explains how one may avoid a quarrel even after giving the “Lie Direct” by appealing to “if”: “I knew when seven justices could not take up a quarrel; but when the parties were met themselves, one of them thought but of an ‘if’ — as, ‘if you said so then I said so’ — and they shook hands and swore brothers. Your ‘if’ is the only peacemaker; much virtue in ‘if’” (5.4.90-94). “If,” as we saw in *Two Angry Women of Abington*, holds two equal options in suspense. Both have the same form: I do what you do. If you do it, I do it — if you do not, I do not. Either option would be fair. Which one the parties choose depends on which will lead to the most beneficial outcome. The choice between two equally fair options is contingent on social decisions, and those decisions are contingent on social needs.

Revenge as reform works in a similar way. The reformer maintains a suspended, provisional commitment to two standards at once. By repeating the culprit's action, she says, “*Suppose* your standard is right — then I am justified in adopting it.” But she also says, “*Suppose* your standard is wrong — then I am justified in getting you to change it.” His standard would be wrong if he were unwilling to have it applied to him. Applying it to him may, then,

be the best way to determine whether it is wrong — and the best way to get him to change it.

In John Fletcher's *The Loyal Subject* (1618), the Duke attempts to seduce two virtuous sisters, Viola and Honora. To repel him, Honora initially appeals to his sense of shame: "Fie, Sir, this is not noble." His response is merely to scoff, "Why do I stand here entreating?" As he pushes further, Honora changes her strategy. She out-Dukes the Duke. When he dares her to kiss him, she kisses him earnestly and invites her sister to follow her lead. The Duke's desire turns to disgust: "Fie, Honora, / Wanton Honora; is this the Modesty, / The noble chastity your onset showed me, / At first charge beaten back? Away." She then congratulates him: "A Scene of greater Honour you ne'er acted ... O my virtuous Master!" The Duke, recognizing her ploy, declares, "Thou hast done a cure upon me, counsel never could."³¹⁴

Honora's plot has the *tu quoque* structure of revenge, but it is also reform. The Duke cannot recognize how repulsive his sexual aggression is until it is mirrored back at him. If he is unwilling to accept this behavior from others, he cannot ask them to accept it from him. For a society to accept some standard as their ethical norm, equality is necessary but not sufficient. What an ethical standard ultimately requires is universalizability. If you would not want everyone to behave this way — in particular, if you would not want others to behave this way to you — you may not behave this way to them. Whether an action is ethical depends on whether it is as acceptable coming as going, committing it and suffering it. Revenge plots take different standards and apply this test by making people suffer the same actions they commit. Through this process, characters discover a point of equilibrium where they ask of others no less and no more than what they ask of themselves. Comic revenge is justified by norms of equality, by the *form* of socially contingent ethics. What makes comic revenge productive is that it helps supply

³¹⁴ John Fletcher, *The Loyal Subject, or, the Faithful General*, EEBO Wing / B1593Z ed. (1700).

the *content* of those norms.

Dunne argues that revenge tragedy “represents revenge as a form of communal action that can be traced to the participatory structures of the legal system itself.” Revenge in drama acts as a “locus for communal social tensions, a participatory act at a time when participation was key to people’s conception of justice.”³¹⁵ This participatory conception of justice was formed in part by Aristotelian notions of justice and equity, themselves informed by Aristotelian notions of rational action and humans’ shared rational nature. What makes revenge both justified and productive in comedy is that characters enforce those Aristotelian conceptions in an Aristotelian society of equal, rational humans.

We find this type of revenge plot chiefly in citizen comedies, realistic comedies that take place in recognizable urban settings and sit at the center of the comic scale. Unlike more romantic comedy, these comedies do not emphasize the divine as a source of ethical norms; but they place less emphasis than do satiric comedies on human animality and materiality as limitations on our capacity to act ethically. Humans are represented as sufficiently rational to have reasons for their actions. This means that others may demand their reasons of them and condemn their actions if they have insufficient reasons. Ethical norms are derived from a social consensus about what reasons we can all accept; revenge plots help determine what those reasons are.³¹⁶ We see this process unfold in Shakespeare’s *The Merry Wives of Windsor*.

³¹⁵ Dunne, *Shakespeare, Revenge Tragedy and Early Modern Law : Vindictive Justice*, 11, 14.

³¹⁶ For other studies of revenge in comedy and its socially productive possibilities, see Anderson, *A Kind of Wild Justice : Revenge in Shakespeare's Comedies* and Beiner, *Shakespeare's Agonistic Comedy: Poetics, Analysis, Criticism*.

Ethics for the public: *The Merry Wives of Windsor*

The Merry Wives of Windsor is the only one of Shakespeare's plays to take place in an English town. The small town of Windsor has recently been invaded by Sir John Falstaff. After offending various men of the town, Falstaff sets after the women. He decides to succor his ailing purse by drawing two citizens' wives into an affair and plying them for their husbands' money. He draws up two copies of the same letter of proposition and sends one to Mistress Page and one to Mistress Ford. Their immediate response is, "Let's be revenged on him" (2.1.84). But when Mistress Ford declares, "We'll betray him finely," Mistress Page responds, "Against such lewdsters and their lechery / Those that betray them do no treachery" (5.3.19-21). The wives appeal to socially contingent ethics to justify their retaliation against Falstaff. Their "betrayal" is justified because it follows a precedent he himself set. It is also, however, productive, because it seeks to set a better precedent: one that will promote flourishing for everyone in their society, especially the wives.

Falstaff's letter argues that the wives should return his "love," based on a logic of "sympathy": "You are not young, no more am I; go to then, there's sympathy: you are merry, so am I; ha, ha! then there's more sympathy: you love sack, and so do I; would you desire better sympathy?" (2.1.5-8). This perceived "sympathy" is also why he believes they will return it. He infers from their shared love of mirth that they must share his other desires, too. It is this inference that most troubles Mistress Page. When she receives the letter, she asks herself,

What an unweighed behavior hath this Flemish drunkard picked — with the devil's name! — out of my conversation, that he dares in this manner assay me? Why, he hath not been thrice in my company! What should I say to him? I was then frugal of my mirth: Heaven forgive me! Why, I'll exhibit a bill in the parliament for the putting down of men. How shall I be revenged on him? (2.1.19-25)

Someone, as they say, has blundered. The question is who. Mistress Page's response

temporarily suspends blame between Falstaff and herself. Was there something “unweighed” in her behavior? It might excuse his proposition if she had acted like the kind of woman who would accept it. In that case, she would be the one requiring forgiveness. But if her behavior was “frugal” and moderate, then Falstaff is at fault for implying that she was at fault. Who is at fault, and thus whether her revenge is justified, depends on how her behavior is to be interpreted. Crucially, this is not something she herself controls. Interpretation of public behavior is a public decision.

Aristotle notes that “a human is more of a political animal” than any other animal because the human voice “is a signifier of ... what is just or unjust.” Humans alone “have perception of the good and the bad, the just and the unjust ... And it is community in these that makes a household and a city” (*Politics* 1253a7-18). Political life is founded on humans’ ability to signify to each other their beliefs regarding value — not only in speech but in action. As Falstaff says, there is “voice of ... behavior” (1.3.40). Behavior signifies what the signifier finds just or acceptable in her interactions with others. But these signs only signify within a shared code of interpretation, and this code is decided by the society as a whole. What my behavior communicates depends not only on my choice in acting but also on society’s choice in interpreting my action.

This means that if the standards of interpretation change, so does the meaning of my behavior. If I kiss you and the kiss is interpreted by the community as a gesture of friendship, my behavior is not at fault. But if I kiss you and the community interprets this as my openness to an affair, my behavior will be *found* at fault — whether I intended to signal that openness or not. How other members of the community interpret what I do directly affects me, and it affects everyone in the community if standards of interpretation change. This is the threat Falstaff’s

proposition poses. It does not merely mistake the standards of interpretation: it also contributes to *rewriting* them.

Where ethics are socially contingent, humans learn what is acceptable by repeating what they see that others accept. Every action X contributes to making X an acceptable standard of behavior, and X can include an act of interpretation. If Falstaff's standard were to become the new standard in Windsor, then the women's innocent mirth, conversation, and social interaction will be taken as signs of their vice. "What should I say to him?" Mistress Page asks, and she is right to wonder. If standards of interpretation become rewritten, the wives cannot go on behaving as they have always behaved, because their wonted mirth would now be construed as wonton. To maintain their reputations, they would have to give up their way of life.

In *Othello* (William Shakespeare, c. 1604), before Iago suggests to Othello that Desdemona loves Cassio, he suggests it to Roderigo: "Didst thou not see her paddle with the palm of his hand?" Roderigo replies, "Yes, that I did; but that was but courtesy." "Lechery, by this hand," Iago counters (2.1.241-44). What is at stake is how women's behavior is to be interpreted. When Iago first tries to provoke him into suspicion, Othello states that Iago's standards for interpretation, or "inference," simply get it wrong:

[E]xchange me for a goat,
When I shall turn the business of my soul
To such exufflicate and blowed surmises,
Matching thy inference. 'Tis not to make me jealous
To say my wife is fair, feeds well, loves company,
Is free of speech, sings, plays, and dances:
Where virtue is, these are more virtuous. (3.3.178-84)

Othello rejects Iago's insinuations because, on the standard of interpretation that he accepts, Desdemona's actions signify nothing but her virtue. But what is significant is that the acts do not carry their own meaning. Their meaning is based on beliefs held by the interpreter.

He must know that this is “where virtue is” before he can decide the acts are virtuous. The meaning of the act depends on the standard used to interpret it, and so Iago attacks Othello’s standard and swaps it out for another: “I know our country disposition well: / In Venice they do let heaven see the pranks / They dare not show their husbands” (3.3.199-201). He cites how Desdemona already used behaviors of refusal when she intended invitation: “She did deceive her father, marrying you; / And when she seemed to shake and fear your looks, / She loved them most” (3.3.204-6).

Intentions are private. The community can access only signs of intention, and how those signs are interpreted depends on the community’s standards of interpretation. Falstaff says that Mistress Page “did so course o’er my exteriors, with such a greedy intention, that the appetite of her eye did seem to scorch me up like a burning-glass” (1.3.55-57). Mistress Page did not, of course, intend to signify her “appetite” at all. But if one intends to signify X by action Y and the community take action Y to signify Z, then Z is what is communicated. Regardless of her intention, that *meaning* — what she communicates to others — has been changed. And where the meaning is her honesty, the agent suffers a real harm if she can no longer communicate it. This is why accurate standards of interpretation are a social good that needs protection. Without those standards, women would be unable to signify the honest intentions that underwrite their blameless and relatively free social life.

Phyllis Rackin has challenged the “pervasive scholarly investment in Renaissance misogyny.”³¹⁷ Her research suggests that women in England enjoyed a comparative freedom

³¹⁷ “Misogyny is Everywhere” in *A Feminist Companion to Shakespeare*, ed. Dymphna Callaghan (Malden: Blackwell Publishers, 2000): “The historical evidence ... undermines the current scholarly consensus that respectable women were expected to stay at home, that they were economically dependent on fathers and husbands, and that they were subjected to constant surveillance by jealous men, obsessively anxious about their sexual fidelity” (51).

relative to that of women in other countries and to what popular critical narratives suggest, especially middle-class women. Enjoying the ability to become head of a household, to remain single, to support themselves independently by their own labor, to vote, to administer estates, to apprentice, participate in trade, and join guilds, and to choose their own marriage partners,³¹⁸ the “middling sort may actually have the potential to be the most liberated of all in Shakespeare’s plays. After all, what did the merry wives do to Falstaff?”³¹⁹ The wives need to do what they do to Falstaff precisely because what is at stake in his proposition is this social freedom that at least some middle-class women possessed. Falstaff claims his proposition is based in correct interpretation of the wives’ behavior: “I do mean to make love to Ford’s wife. I spy entertainment in her ... she gives the leer of invitation. I can construe the action of her familiar style, and the hardest voice of her behavior, to be Englished rightly, is, ‘I am Sir John Falstaff’s’” (1.3.37-41). Now, the way he interprets or “construes” her actions is mistaken. But if that mistake is uncorrected, it could cease to be a mistake and become the new social norm.

When Page and Ford learn of Falstaff’s plan to seduce their wives, Page says cheerfully, “If he should intend this voyage toward my wife, I would turn her loose to him, and what he gets more of her than sharp words, let it lie on my head” (2.1.163-65). Ford replies, “I do not

³¹⁸ Mihoko Suzuki cites Sir Thomas Smith as a contemporary cultural critic who perceived, as Rackin puts it, that “representative prescriptions should not be regarded as descriptions of actual behavior” (ibid., 49). Smith notes that women are legally under their husbands’ power but, “[d]espite these legal disabilities of wives ... the actual status of women in England may diverge considerably from the theory” as “actual husbands do not exercise the legal prerogative that they hold over their wives” (Mihoko Suzuki, “Gender, Class, and the Ideology of Comic Form,” in ibid., 123). In his *De Republica Anglorum* (1565), he writes, “Although the wife be (as I have written before) *in manu & potestate mariti*, by our law yet they be not kept so streit as in mew and with a garde as they be in Italy and Spaine, but have almost as much liberty as in Fraunce, and they have for the most part all of the charge of the house and houshoule... ‘although our lawe may seem somewhat rigorous toward the wives, yet for the most part they can handle their husbandes so well and so doulcely, and specially when their husbands be sicke: that where the lawe gives them nothing, their husbands at their death of their good will giveth them all” (quoted by Mihoko Suzuki, “Gender, Class, and the Ideology of Comic Form,” in ibid., 123).

³¹⁹ Dusinger, *Shakespeare and the Nature of Women*, xxviii.

misdo not my wife, but I would be loath to turn them together” (2.1.166-67). Whether or not women will still be trusted “loose” in public, “together” with other men, will depend on how their public behavior is interpreted. If free speech in company comes to be interpreted, as Falstaff interprets it, as a leering invitation, then speech and freedom will be taken away. In Ben Jonson’s *Volpone* (c. 1606), Celia watches Volpone’s speech from out her window and throws down a handkerchief to him. Her jealous husband, Corvino, like Falstaff, construes her act as a leering invitation: “[Y]ou smile / Most graciously, and fan your favours forth...?” (2.5.7-8). What limited freedom Celia enjoys is taken away: “[T]hy restraint before was liberty” (5.2.48). If all husbands come to interpret their actions as Corvino interprets Celia’s, and as Falstaff and Ford already interpret the wives’, then merry wives will lose their liberty and their mirth.

Is there a danger that anyone would imitate Falstaff? According to an Aristotelian anthropology, the answer is yes. Revengers are not the only ones who take others’ behavior as precedent. This is the normal mode of human interaction. As rational, social animals living with other rational, social animals, we learn by learning from others. On the Aristotelian view, the “undeveloped agent” has a “natural *formal bent* towards human excellence and happiness, but initially depends on others to supply a content.”³²⁰ As social animals, we learn what behavior is acceptable by seeing what our society accepts. As rational, we offer reasons for our behavior, and expect reasons for others’, that are valid for all other rational members of our society. This is why we should care about others’ judgment — because, as Scanlon says, “these judgments imply conclusions about the reasons *we* have.”³²¹ A judgment by one sets a precedent for all.

Since humans work by imitating models, there are serious consequences to picking or

³²⁰ Broadie, *Ethics with Aristotle*, 128.

³²¹ Scanlon, *What We Owe to Each Other*, 74.

providing a bad model. Social crimes in comedy are a serious business because they are not victimless, and there is not just one victim. If one human models the wrong behavior, damage may extend from anyone who imitates him. Mistress Page's declaration, "I'll exhibit a bill in the parliament for the putting down of men," reminds us that the good at stake is a common one. If all men were to adopt Falstaff's standard of interpretation, all women would suffer. The wives' aim, then, is not just revenge but reform. They need less to punish this particular individual than to ensure that "all" such mistakes are corrected for the protection of all wives.

Dunne argues that early modern drama presents revenge "not as a personal duty, but as a political, participatory act carried out by a group of citizens in opposition to the powers that be."³²² In comedy, revenge is often carried out in opposition to the *precedents* that might be. Falstaff has misconstrued their mirth as an invitation to adultery. To prevent this misconstrual from becoming the new standard of interpretation, the wives need to show that mirth in behavior can correspond to honesty in intention and so should be *interpreted* that way by the community. To that end, they "deliberately choose a festive punishment for Falstaff as one way to "display" their chaste *and* merry identities to their husbands and to Windsor"³²³: "We'll leave a proof by that which we will do, / Wives may be merry and yet honest too" (4.2.91-92). Their revenge plot is designed to reaffirm those social standards he threatened and so protect their social freedoms.

The wives could have simply ignored Falstaff's letters. But to ignore his threat would ultimately help it spread. The mere fact that Falstaff propositioned his wife has already caused Ford to think she might accept him. Falstaff's false standards are spreading. So the wives decide

³²² Dunne, *Shakespeare, Revenge Tragedy and Early Modern Law : Vindictive Justice*, 5.

³²³ Kimberly Huth, "'Have Not They Suffer'd?': Pain and Comedic Structure in the Merry Wives of Windsor," *Cahiers Elisabethains*, no. 82 (2012), 16.

to play a trick on him instead. They pretend to accept his offer and invite him to Mistress Ford's house while Ford is away. When Ford is tipped off by Falstaff's disgruntled servants and returns with a search party, the wives smuggle Falstaff out of the house in a laundry basket so that Ford's furious search efforts fail. Neither man is daunted. Falstaff agrees to a second meeting; Ford returns to search the house again. This time, the wives dress Falstaff up as a washerwoman and Ford beats "her" in frustration that he cannot prove to his neighbors that his wife is not faithful and he is not a fool.

The wives are motivated by a determination to correct *both* men. They are ready to cease plotting when the "spirit of wantonness" is "scared out" of Falstaff. But they also decide to reveal the plots to their husbands "to scrape the figures out of [Ford's] brains" (4.2.184, 190-91). Ford and Falstaff pose the same threat: unwarranted suspicion of their honesty. The goal of their revenge is to nullify this threat, to ensure that these men and *all* men adopt a more just standard in how they interpret and respond to women. Suitably, the revenge plot culminates when all of Windsor comes together to enact it.

After the wives have revealed the whole story to Page and Ford, Ford asks his wife's forgiveness. He also joins with them and the other townspeople to concoct one final plot against Falstaff. The wives convince Falstaff to meet them at night in Windsor Forest, disguised as Herne the Hunter with antlers on his head. When the townspeople descend on him disguised as elves and faeries, Falstaff throws himself down in a panic, and they pinch and burn him. When he looks up, he finds the Fords and Pages watching him. Mistress Page remarks, "[D]o not these fair yokes / Become the forest better than the town?" (5.5.102-3). Falstaff is made "with ironic appropriateness, to wear horns; emblematically speaking, he suffers the fate he had hoped to inflict on Ford and Page"; Leggatt finds in this *tu quoque* move "a final, and formal, expression

of the play's morality."³²⁴ Wondering "How shall I be revenged on him?" Mistress Ford decides that the "best way were to entertain him with hope till the wicked fire of lust have melted him in his own grease" (2.1.25, 58-60). This reciprocity, upholding the standards of socially contingent ethics, is what makes their revenge plot justifiable. In Mistress Page's words, "Against such lewdsters and their lechery / Those that betray them do no treachery." But what makes the revenge plot productive is the fact that it does not simply enact Falstaff's flawed standard; it aims to establish a superior standard.

Mistress Ford declares "[M]ethinks there would be no period to the jest should he not be publicly shamed" (4.2.195-96). But the jest is more than a shaming precisely because it is public. When the "fairies" descend on Falstaff, Mistress Quickly orders, "With trial-fire touch me his finger-end ... if he start, / It is the flesh of a corrupted heart" (5.5.82-85). The public plot is figured as another comic trial, with Falstaff's pain as the verdict. When he starts, they pinch him and sing:

Fie on sinful fantasy! Fie on lust and luxury!
Lust is but a bloody fire, kindled with unchaste desire,
Fed in heart whose flames aspire
As thoughts do blow them higher and higher. (5.5.91-94)

Their punishment specifies what needs punishing. He had claimed the wives provoked his desire with their behavior — "the appetite of her eye did seem to scorch me up like a burning-glass!" — as if it were their lust that first burned him. The song corrects his claim. Lust is kindled from within, not without, "fed in heart" and blown by "thoughts." If a man lusts after someone else's wife, the fault is assumed to lie with him, not with her. What is "sinful" is his own fantasy. The same applies to Ford. When he storms his house with a second search party, his

³²⁴ Leggatt, *Citizen Comedy in the Age of Shakespeare*, 148.

neighbors chastise him. Sir Hugh urges, “[Y]ou must pray, and not follow the imaginations of your own heart. This is jealousies” (4.2.135-36). When Ford admits Falstaff is not in the house, Page adds, “No, nor nowhere else but in your brain” (4.2.139). In the final scene, after Sir Hugh corrects Falstaff — “[S]erve Got and leave your desires, and fairies will not pince you” (5.5.122-23) — he corrects Ford in the same way: “And leave your jealousies too, I pray you” (5.5.125). Both men are guilty of sinful fantasy in that both suspect women without cause.

The question in *Merry Wives* is not simply how societies will interpret behavior. It is also how societies will respond to suspicion. Where will the burden of proof lie: on the defendant or on the accuser? In this final scene, society affirms its answer: “*Honi soit qui mal y pense*” (5.5.66): Evil to him who evil thinks. The burden of proof is on the accuser. If suspicion is allowed to place the burden of proof on the defendant, there is no end to its potential victims.

After suspecting his own wife, we hear that Ford “rails against all married mankind, so curses all Eve’s daughters.” On Ford’s standard of response, any woman, “of what complexion soever,” could have her social status questioned and her social privileges removed simply because someone suspects her (4.2.19-20, 21). But Windsor rejects this standard. The community’s punishment of Falstaff is enacted only after a symbolic trial, which tests for evidence before arriving at a verdict. This is the proper response to all alleged offenses. No one is to be punished simply because someone says she should be. (Chapter Five addresses other ways in which comedy promotes this charitable mode of response to offenders.) By figuring their response as a trial, the community offers a public judgment of Falstaff’s standards and reaffirms what they take to be a better standard. In this comic community, the proper form of governance is the rule of law.

Writing on law in Shakespeare’s comedies, John Denvir writes that law can become, as in

The Merchant of Venice (c. 1596), “a tool by which majorities subjugate minorities and by which they conceal their identity with those they scorn and oppress.” But he also notes that this portrayal of law “is not truly comic.”³²⁵ Comedy resists the division of society into majorities and minorities; it promotes a unified community of equals, and law promotes social justice by preserving this equality. The public trial and the demand for evidence (when these are sincere) can help keep women from being oppressed by unjust suspicion from men. But the final scene also keeps the Falstaff minority from being too heavily condemned by the Windsor majority, because it reveals a greater equality between them than they initially supposed.

After Falstaff has admitted, “[Y]ou have the start of me. I am dejected,” Page enjoins him, “Yet be cheerful, knight. Thou shalt eat a posset tonight at my house, where I will desire thee to laugh at my wife, that now laughs at thee” (5.5.149-50, 156-58). He will reintroduce Falstaff into the Windsor community by placing him in the position where the rest of Windsor stands now. In the *tu quoque* plot, Falstaff was the mocked and the citizens the mockers. Now the position will be reversed. Falstaff will laugh at Mistress Page when he sees how Page has outwitted her.

Of course, Mistress Page also plans to laugh at him. Besides scheming together to outwit Falstaff, the Pages have also been scheming independently to outwit each other. Their daughter Anne wishes to marry Fenton. Both parents plot to marry her off to someone else — Page plugs the idiotic Slender, Mistress Page the pompous Doctor Caius. In fact, Fenton outwits them both. Page tells Slender to abduct Anne during the “masque” in Windsor Forest. Mistress Page gives the same instructions to Caius. Anne tells Fenton the plan, and she escapes both unwelcome suitors to elope with Fenton. They return to the company and Fenton defends their plot:

³²⁵ Denvir, “William Shakespeare and the Jurisprudence of Comedy”, 832.

You would have married her most shamefully,
Where there was no proportion held in love.
The truth is, she and I, long since contracted,
Are now so sure that nothing can dissolve us.
The offence is holy that she hath committed,
And this deceit loses the name of craft,
Of disobedience, or unduteous title,
Since therein she doth evitate and shun
A thousand irreligious cursèd hours,
Which forcèd marriage would have brought upon her. (5.5.197-206)

Fenton's plot, like the wives', is justified by the logic of socially contingent ethics. In secretly arranging Anne's marriage to a suitor her parents dislike, he merely does to each parent what they were willing to do to the other. He enacts a *tu quoque* against the Pages as they and the others did to Falstaff. In a sense, he beguiles Wily's beguilers. Fenton's plot has significant consequences for how the play ultimately figures the Windsor community.

Page replies: "Fenton, heaven give thee joy! / What cannot be eschew'd must be embraced" (5.5.212-13). Falstaff completes the couplet comically: "When night-dogs run, all sorts of deer are chased" (5.5.214). This line signals his "new position" as "festive punisher, by using his characteristic wit to laugh at those who had previously laughed at him."³²⁶ He even seems to think that being able to laugh at them now somehow alters their earlier laughter at him: "I am glad, though you have ta'en a special stand to strike at me, that your arrow hath glanced" (5.5.210-11). It would seem that their arrow has already been shot and landed home. How can this later event rewrite the earlier?

The answer has to do with the term "special." In the early modern period, the word carried the meaning "Having a close or exclusive connection with a specified person ... own, particular, individual" (OED A.1). The community's plot in Windsor Forest was enacted solely

³²⁶ Huth, "'Have Not They Suffer'd?': Pain and Comedic Structure in the Merry Wives of Windsor", 19.

against Falstaff as though the faults they opposed were exclusively his own. Fenton's *tu quoque* plot reveals that this stance against social faults can no longer be special to Falstaff. It reproaches the Pages for doing what they reproached in Falstaff and Ford. If suspicion threatens women's social goods, so does enforced marriage. If Falstaff merits critique, so do they. This shift from a special to a general critique has implications for the community's mode of governance.

What kind of governance is best for me depends in part on what kind of people my neighbors are. Should the entire community rule, or only the best people in it? It depends on how good the "best" are. It makes a difference to Falstaff what kind of people the citizens are shown to be, because this determines whether they can condemn him without condemning themselves. If Falstaff's failings are common to the community, then they must pardon both themselves and him or else pardon no one. If they wish to give public judgments, he must have some voice in those, too. Socially contingent ethics demands that equal standards be applied to equal cases, and Fenton's plot reveals a greater equality among them than they had thought.

I argued in Chapter One that, among humans who are equal in their imperfection, the best political system is a democratic one. Aristotle finds that the majority should "be in control" where "the many, each of whom individually is not an excellent man, nevertheless can, when they have come together, be better than the few best people, not individually but collectively, just as dinners to which many contribute are better than dinners provided at one person's expense" (*Politics* 1281a39-b3). The comic convention of human equality means that each person has something valuable to contribute, while no person is so valuable that his contributions outweigh all the rest. In such a community, the best form of rule is democratic.

Merry Wives endorses this political vision by ending emphatically in equilibrium. The "balance is maintained, and the Windsor citizens are not allowed an unqualified triumph ... Just

as the triumphant citizens are heaping insults on Falstaff, they discover that they have been defeated on another front ... In the end, honours are about even”; as a “result of this balance, vice is clearly seen for what it is, yet reconciliation comes naturally.”³²⁷ Because the balance of honors (and dishonors) reveals that Windsor is a society of equals, this balance also reveals that the appropriate political system for this society is a democratic one in which everyone’s voice — even Falstaff’s — can be incorporated. The play ends by literalizing Aristotle’s metaphor for democracy, inviting everyone, “Sir John and all” (5.5.219), home for a feast.

Critics often ask why reconciliation is necessary. Why is Falstaff strongly and successfully opposed in a comedy when he is a clear descendant of comic heroes like the Vice and the Prodigal, who, as a “law unto themselves ... behave outrageously and manage to get away with it”?³²⁸ Falstaff fails to triumph in *Wives* because, in Windsor, no one is a law unto himself. Law applies to “those who are equals both in family and in capacity” (*Politics* 1284a12). As equals, all contribute to forming the law and all are bound to obey it. These are Aristotle’s citizens, those who “share[] in ruling and in being ruled,” and they are also the conventional characters of citizen comedy.

What gives the vice-prodigal his success is his power of “embracing attitudes that, in fact, this community would do well to accept — and sometimes does accept in the end.”³²⁹ He understands something the rest of the community does not. But in Windsor, the position is reversed. The community understands something Falstaff does not. His “fatal mistake” is to believe that all women, “however respectable they appear on the surface,” are neither “morally

³²⁷ Leggatt, *Citizen Comedy in the Age of Shakespeare*, 148-9.

³²⁸ Anne Barton, “Falstaff and the Comic Community” in *Shakespeare's "Rough Magic" : Renaissance Essays in Honor of C.L. Barber*, 133.

³²⁹ *Ibid.*, 133.

scrupulous nor very bright.”³³⁰ He is proved wrong. The community is not perfect, but Falstaff is not the one to correct those imperfections. The best correction for the community is the community itself. The citizens’ various *tu quoque* plots create a state of equilibrium wherein the characters may correct each other only to the extent that they are willing to be corrected. If Ford wants to condemn Falstaff for his unjust suspicions, he must abandon his own. If Page wants to chastise Ford and Falstaff for abusing wives, he must stop abusing his daughter. If the Pages and Fords want to reconcile with those they have treated unfairly, they must allow Falstaff to reconcile with them.

The formal logic of socially contingent ethics holds all these options in suspense. It only requires that the standard applied to one be applied to all. This formal state of equilibrium is just, in that each person owes, and is owed, the same as every other person. But depending on how the citizens fill out the content of these standards, this state can also be productive. What each person agrees to give others depends on what he needs others to give to him. When each person gives, and is given, what each person needs, then this state of equilibrium promotes not simply justice but the society’s well-being as a whole.

In comedy, the reason for having and enforcing ethical standards is to promote human flourishing. The “communal action” of revenge is one, often highly effective means by which the entire community mutually enacts and tests different standards in order to determine which ones will most effectively promote this goal.³³¹ In revenge plots, we witness socially contingent norms

³³⁰ Ibid., 140.

³³¹ Dunne, *Shakespeare, Revenge Tragedy and Early Modern Law : Vindictive Justice*, 11. Dunne’s view of revenge as a public rather than a private action is given in the context of tragedy, but numerous critical readings emphasize how it is the community itself that serves as the protagonist in the genre and enacts a form of self-regulation and self-governance which, unlike revenge in tragedy, tends to result in successful social reconciliation: see Slights, *Shakespeare’s Comic Commonwealths*; “Falstaff and the Comic Community” in Barton, *Essays, Mainly Shakespearean*; “‘Pribbles and Prabbles’: *The Merry Wives of Windsor*” in Ryan, *Shakespeare’s Comedies*.

generated *from* the public and specified by what is good *for* the public. What these norms seek is also what they seek to reflect: a state of equilibrium.

Ethics of equilibrium: *A Mad World, My Masters*

In Chapter One, I argued that comic endings depend on justice. For humans to live in society together, they need justice systems to preserve and reflect the equality that holds among them naturally. Since social life is vital for human flourishing and justice is vital for social life, a just ending is a happy ending. But justice begins as a purely formal property: equality among equals. In this chapter, I have argued that the content of justice is supplied by social consensus. Ethics are contingent on social decisions, and those decisions are contingent on what will promote social flourishing. In a society of equals, what promotes flourishing is equality — a state of equilibrium where people give and receive in roughly equal measure. I argue that in comedy, the point of ethics is to achieve a state of equilibrium.

I make this case by examining Thomas Middleton's *A Mad World, My Masters*. This play, like *Merry Wives*, ends with a state of equilibrium. The difference is that the state is achieved by accident. The equilibrium that allows the play to end happily does not result from *tu quoque* plots whereby characters intentionally combat wrongs with wrongs. It does not reflect any character's *virtue* of justice. And yet the play ends happily. This suggests that the kind of justice society requires is not justice as a virtue, or even as an institution, but justice as a state of affairs.

A Mad World, My Masters stars Follywit, heir to a fortune and master of none. His grandfather Sir Bounteous has left a large sum of money to him in his will but will not share a penny now: “[S]tood I in need of poor ten pounds now, by his will I should hang myself ere I

should get it” (1.1.53-55).³³² He plots, therefore, to gull Sir Bounteous out of some money, and all his plots succeed. He poses as a rich knight in need of hospitality. Sir Bounteous takes him in, affording him and his friends ample midnight moments to make off with his treasure. Sir Bounteous cottons on and sends a constable after them as they are performing an entertainment for Sir Bounteous’s court. Follywit pretends the constable is a character in the play and has him bound and gagged for arresting him without due cause. Follywit is finally caught and exposed — but Sir Bounteous does not press charges against him. Instead, he positively celebrates what his grandson has done, and the play concludes with a happy ending. How does this come about?

It might seem at first that the happy ending is constituted by the same sort of reciprocal justice that we find in *Merry Wives*. Before he forms his plan to gull his grandfather, Follywit reflects, “Then since he has no will to do me good as long as he lives, by mine own will I’ll do myself good before he dies” (1.1.59-61). If his grandfather had willed to do him good justly, he would not need to do himself good unjustly. Because his grandfather has been unjust to him, he is contingently licensed to do some injustice back. The carefully balanced oppositions of his statement (“no will,” “mine own will”; “no good,” “good”; “as he lives,” “before he dies”) show that Follywit justifies his theft by the logic of socially contingent ethics. But this is not the justification that Sir Bounteous accepts. What leads him to pardon Follywit rather than to prosecute him is not the internal justice of Follywit’s claim but a series of apparent accidents.

After the entertainment, the constable tells Sir Bounteous that the “players” have fled, and Bounteous realizes that he has been gulled. He turns to all his friends who are present and entreats them, “Do not laugh at me seven year hence.” One replies, “We should betray and laugh

³³² *A Mad World, My Masters* in Middleton, *Thomas Middleton : The Collected Works*, ed. Gary Taylor et al. All citations are from this edition.

at our own folly then, for of my troth none here but was deceived in't" (5.2.184-86). Sir Bounteous responds, "Faith that's some comfort yet. Ha, ha, it was featly carried! Troth, I commend their wits! Before our faces, make us asses while we sit still and only laugh at ourselves" (5.2.187-90). Sir Bounteous can "commend" the jest instead of condemning it because it did not turn out to upset the social equilibrium among himself and his friends. They were taken in just as he was; if they wish to laugh at him, they must also laugh at themselves. The balance of social credit still seems upset, however, by Follywit, who is now licensed to laugh at them all.

When Follywit reenters, Sir Bounteous discovers the stolen goods on his grandson and prepares to arraign him. What changes his mind is Follywit's defense. Not the *tu quoque* defense that he unjustly took what was unjustly withheld, but the defense that he stole to support his new wife. Follywit recently married a woman who, unbeknownst to him, was a courtesan who used to entertain Sir Bounteous as one of her clients. When Sir Bounteous recognizes her, he declares, "This makes amends for all" (5.2.295). Now, the fact that Follywit unwittingly married a courtesan seems to be unrelated to his theft or his deserved punishment. But Sir Bounteous pardons Follywit on this basis as though it were a justification. The fact that this accident can perform the work of a justification tells us what kind of justice comic endings require.

Follywit gained more from his grandfather than money; he gained the social upper hand. Now, however, someone else has the upper hand on him. Sir Bounteous exclaims, "Can you gull us and let a quean gull you?" Follywit replies, "Is't come about? Tricks are repaid, I see" (5.2.301, 305). Sir Bounteous agrees in the play's final line. "Who lives by cunning, mark it, his fate's cast: / When he has gulled all, then is himself the last" (5.2.315-16). Follywit has been gulled just as he gulled others. The play has achieved the kind of balance that comic revengers

appeal to in their justifications, but the balance does not come about from anyone's plot or plan. Follywit's correction is agent-less, an act of "fate." And yet, because of this correction, Sir Bounteous presses no charges against his grandson and gives him a present of a thousand marks. What this suggests is that, in comedy, it does not matter *how* tricks are repaid as long as they *are*. This fact has significant implications for ethics. It implies, for instance, that in comedy, ethics are a means more than an end.

Conclusion

In Chapter One, I argued that the end of a comedy is justice. Justice is the community's goal, and the play concludes — happily — when the community achieves it. But what *A Mad World, My Masters* suggests is that the kind of justice the community cares about is a property less of persons than of states. In this play, no one set out to correct the guller by gulling him in just this way. The end does not result from anyone's pursuit of justice. It is only through a series of accidents that the play ends in a state of equilibrium. Follywit recovers money from his grandfather; Bounteous recovers social credit from his grandson while losing none to his friends. The end is just insofar as it achieves equality within the community. If this state of equilibrium is sufficient, however, to count as the just end, then comedy's aim is not justice as a virtue. It is justice as a state of affairs, a state of equilibrium. Justice as a virtue is valued for helping create this state. This fact has importance consequences that will be the subjects of the next chapters.

First, it implies that ethics matter primarily as a means to an end. Ethics are designed to promote the state of equilibrium at which comedy aims. If, as in *A Mad World*, we have this state, we can do without the ethics. Here, again, comedy is concerned with the *minimal* conditions for human flourishing. An ideally virtuous Aristotelian agent would pursue justice for

the sake of justice. The justice that he produces in the world would reflect his own possession of justice as a virtue. Agents like this, on Aristotle's view, are also the ones who flourish most. As I argued in Chapter One, however, comedy does not require every member of society to possess justice as a personal virtue. It is enough if the society possesses justice as an institution.

Here, however, we see that the minimum condition may be set even lower. What we really require is justice as a state of affairs. Personal and institutional justice are the most reliable means of attaining that state of affairs. Some comedies may have as their ultimate goal the conversion of their characters into more virtuous agents. Many comic endings intimate that such conversion will come. But characters need not already be ideal agents in order to enjoy a happy ending at the end of their play. If a comedy ends in a state of justice, this is sufficient for characters to continue living together—and perhaps ultimately learning together.

At the end of *Merry Wives*, we do not know whether Falstaff has had a real change of heart or whether he has simply accepted the need to change his behavior.³³³ What we do now is that, since he is allowed to remain in the community, the chance for that change of heart still remains; and more importantly, since his harmful precedent has been corrected, the chance remains for that community to remain intact. An intact society is a minimum condition for continuing education, and a state of equilibrium is a minimum condition for an intact society. This continuing education, which I address in Chapter Three, is what Aristotle calls habituation.

³³³ The question of whether Falstaff really is reformed, and whether the wives really intend to reform him, is contested in the criticism. Some find that the “punitive comic action ... does not seek to reform ... but simply to punish as much as possible, and have fun in doing so” Beiner, *Shakespeare's Agonistic Comedy: Poetics, Analysis, Criticism*, 156). Others find that the play ends not with punishment but “a tableau of forgiveness” (Leggatt, *Citizen Comedy in the Age of Shakespeare*, 149) wherein Falstaff is “invited to participate in the favorite communal activities of feasting and shared laughter” (Slights, *Shakespeare's Comic Commonwealths*, 167). Huth agrees that Windsor inflicts punishment on Falstaff but also claims the community finds “constructive potential in festive rituals of pain” (Huth, “Have Not They Suffer'd?": Pain and Comedic Structure in the *Merry Wives of Windsor*”, 12). I contend that, given comedy's emphasis on minimum conditions for human flourishing, it matters less whether Falstaff truly repents of his socially destructive mistake than whether others will be discouraged from making the same one.

Second, the fact that comedy aims at a state of equilibrium helps explain why comic characters adopt certain ethical standards. Through revenge plots, characters choose to adopt certain standards based on what promotes flourishing for the community overall. But for these standards to count as options of choice, they must be standards the community is able to uphold. There are some standards that would benefit the community but that its imperfect members cannot enact. Before we can ask what is best for us to do, we must ask what we are able to do. I take up this implication in Chapter Four, which asks why characters mutually consent to uphold standards that seem *prima facie* to hinder human flourishing rather than to promote it.

I also argued that socially contingent ethics are constrained by the requirements of human nature and of rational action. Humans as rational agents require reasons in order to act. Socially contingent ethics come into play because a reason for one is a reason for all. But why do we think characters in comedy are bound by the requirements of rational agency? Many of them seem to fall short of rationality. They do not reflect on an impulse and decide whether they have reason to act on it. In fact, many comic characters are defined by the way they act on impulse. To be humoral is to be irrational in just this way (another point addressed in Chapter Four).

But many comic characters are not presented this way, and many characters, even those we might see as irrational, do not present themselves that way. Most characters offer arguments to explain why their actions are justified. In doing so, they present themselves as rational and ask others to take them as rational. In reciprocating a culprit's action, a revenger does just that. She takes the culprit's reason as a rational reason for action and takes the culprit himself as a rational agent. Taking revenge in comedy is socially constructive in part because it is founded on the assumption that the culprit is just like you. Reciprocating his action is a way of respecting and

even reaffirming the rationality and equality you share.³³⁴

Now, we may not believe that the reasons characters offer are their “real” reasons or that they “really” care about rational justification at all. But the indisputable fact that they offer reasons shows that they do care about *appearing* to be rationally justified. They have a reason for appearing to have reasons. Why is this? The answer is that the way we engage in argument gives others crucial information about us, information that determines whether or not they can keep us as members of their society.

Aristotelian philosopher Alasdair MacIntyre supports the view that social deliberation is the best mode of ethical inquiry.³³⁵ But if we are to deliberate together, we must abide by certain rules. I cannot speak my mind to you, nor can you to me, if we fear the other will harm us if we disagree. A “precondition of rationality in shared enquiry is mutual commitment to precepts that forbid us to endanger gratuitously each other’s life, liberty, or property.”³³⁶ I may not have a “real” commitment to rationality, but my signaling such a commitment signals my commitment to its preconditions — the agreement not to harm you. This agreement is truly the minimum

³³⁴ This expression of respect is why fights in comedy have a peculiar way of making combatants friends and why combatants’ insisting on fairness tends to produce comedy. In *The Quiet Man* (dir. John Ford, 1952), Sean Thornton fights Squire Danaher after the Squire refuses to give his sister, Kate, her dowry upon her marriage to Thornton. They pause their epic boxing battle so that they and their followers can all drink together at the local pub before resuming the fight; no one throws a punch in the pub. The sacred rules of “time out” are also observed in *Pineapple Express* (dir. David Gordon Green, 2008). Saul and Dale beat up Red, who has ratted them out to a dangerous drug lord. As Saul jumps up and down on Red’s chest, Red cries, “Ow ow ow ow, time out.” “Time out!” Dale informs Saul; Saul stops his jumping. “Time in!” Red then shouts, and the fight resumes. In *In Bruges*, the boss Harry arrives to finish off Ray. They reach a standoff in Ray’s bed and breakfast. To avoid drawing his landlady into the fight, Ray tells Harry, “I’m going to go back to my room, jump into the canal and see if I can swim to the other side and escape.” “Do you completely promise to jump into the canal? I don’t wanna run out there and come back in ten minutes and find you fucking hiding in a cupboard.” Ray promises. Harry wants to kill Ray, but he respects his promise: “Okay. On a count of ‘One, two, three, go.’ Okay?” says Harry. “Okay,” says Ray. There is a pause. “What, who says it?” says Ray. “You say it.” They will not fight until they have established the rules.

³³⁵ We should always ... treat solitary deliberation as peculiarly liable to error”: Alasdair MacIntyre, “Intractable Moral Disagreements,” in *Intractable Disputes About the Natural Law : Alasdair Macintyre and Critics*, ed. Lawrence Cunningham (Notre Dame: University of Notre Dame Press, 2009), 16.

³³⁶ *Ibid.*, 23.

condition for human flourishing. Comedy, as I will discuss in Chapters Three and Four, presents biological goods as the precondition of all other goods. We can always become more rational, more virtuous, later, as long as we stay alive now. Society, therefore, can admit only those members who agree not to threaten these biological goods. Respecting the goods of rationality — offering reasons for my actions — signals my respect for those other goods. This is why even imperfect or specious reasons still carry great social significance.

One view of ethical action, offered by Christine Korsgaard and Thomas Nagel, is that it is action whose reasons are equally acceptable to all rational agents.³³⁷ An action is perfectly justified if it is justified from every point of view. An action is minimally justified if it is justified from at least *one* point of view. Comedy, concerned with minimum conditions, requires only this minimum justification. In the comedy *White Christmas* (dir. Michael Curtiz, 1954), benevolent schemer Phil Davis is intent on finding a nice girl for his reluctant partner, Bob Wallace. Phil arranges a double-date with some chorus girls, but Bob tells Phil that they have to go out instead with Betty and Judy, sisters of a less-than-attractive army friend. Phil demands, “Give me one reason, one good reason, why we should spend our last two hours in Florida looking at the sisters of Freckle-Face Haynes, the dog-faced boy.” Bob says, “Let’s just say we’re doing it for a pal in the Army.” Phil responds, “Well, it’s not good, but it’s a reason.”³³⁸

In comedy, you don’t need a good reason; you just need a reason. Simply offering a reason signals a minimal respect for others as fellow rational agents — which signals a more basic respect for them as fellow biological animals. Your respect for others’ basic biological

³³⁷ See Korsgaard, *The Sources of Normativity*, Korsgaard’s Lecture 4, “The origin of value and the scope of obligation,” and Nagel’s reply in Lecture 7, “Universality and the reflective self,” and his extended account in Thomas Nagel, *The View from Nowhere*, ed. John Rawls (New York: Oxford University Press, 1986).

³³⁸ Screenplay by Norman Krasna, Norman Panama, and Melvin Frank, accessed via http://www.springfieldspringfield.co.uk/movie_script.php?movie=white-christmas.

goods is society's minimum condition for including you in society.

If virtuous action has reasons valid for everyone, vicious action offers no reasons to anyone. The vicious agent fails "to see why the justifiability of his or her actions to us should be of any importance." This failure matters because it "affect[s] the range of relationships we can have with that person."³³⁹ Korsgaard writes, "[Y]our whole sense that another for you is a person, someone with whom you can interact in characteristically human ways, seems to depend on her having a certain complement of the moral virtues — at least enough honesty and integrity that you are neither a tool in her hands nor she in yours."³⁴⁰ If I am to form a relationship with you, I must trust that you have a minimum respect for my goods. If you offer no reasons for your actions, I have no reason for my trust. But if you require that your act be justified from at least *one* point of view, I can trust you not to perform the most socially destructive actions, the ones that are indefensible from *every* point of view. Offering a reason, even a specious reason, tells the community that you have met the minimum condition for being included in it.

In comedy, the question is not whether an action is fully justified — i.e., justified from every point of view. The question is whether the action is *justifiable* — justified from at least *one* point of view. This minimum level of justification signals a minimum level of respect for others. Society requires this minimum respect in order to remain intact, and individuals require intact societies in order to flourish. Comedy's concern for minimum conditions of human flourishing means that its ethical questions are questions of justification. The decisive ethical line is drawn, not between actions that are perfect and actions that are imperfect, or between virtuous actions and merely continent ones, but between actions that have at least one justification and actions

³³⁹ Scanlon, *What We Owe to Each Other*, 159.

³⁴⁰ Korsgaard, *The Sources of Normativity*, 11.

that have no justification — between the justifiable and the unjustifiable. This divide is what distinguishes those persons the community can afford to include from those persons it cannot. I return to the issue of justification in Chapter Five, which also addresses the question, posed by *Mad World*, of how comic endings and ethics are shaped by accident and luck.

Chapter Three

End-based Ethics, or, To Procure their Good for Them³⁴¹

In the action comedy *Central Intelligence* (dir. Rawson Marshall Thurber, 2016), the hero Bob Stone hides from pursuing CIA operatives by posing briefly as a marriage counselor for his friend Calvin and Calvin's wife Maggie. Later, as Calvin and Bob are flying to Boston to bust a terrorist gang, Bob announces casually that the helicopter has run out of fuel and that they are going to crash. "Really quickly," he says to Calvin, "What's the one thing you wish you'd done in your life?" Calvin's first answer is, "Not get in a plane with a guy who didn't check the godd***ed fuel!" "No, something that's real," Bob insists. "What's the one thing you regret not doing for you?" As the helicopter keeps plummeting, Calvin finally shrieks, "Not being a father! I regret not being a father!" Just as casually, Bob levels the helicopter and says, "That wasn't so hard, right?" "Did you just fake this whole thing?" Calvin demands. "I just thought that maybe a facing-your-own-death situation might help motivate you to clarify some of your goals in life," says Bob.³⁴²

Early modern comedy is filled with benevolent deceivers like Bob Stone. Characters constantly deceive others for the other's own good. John Marston's *The Dutch Courtesan* (c. 1604) is representative. Malhereux is consumed with desire for the courtesan Franceschina. Franceschina hates Freevill for dumping her and will only sleep with Malhereux if he kills Freevill. Freevill suggests Malhereux "kill" him in a duel; he will fake his own death and go into

³⁴¹ I thank Chris Crosbie, Daniel Derrin, Julia Lupton, Suzanne Smith, and Emmy Waldman for advance reading and feedback on versions of this chapter.

³⁴² Screenplay by Ike Barinholtz, David Stassen, and Rawson Marshall Thurber, accessed via http://www.springfieldspringfield.co.uk/movie_script.php?movie=central-intelligence.

hiding. Malhereux may then enjoy Franceschina and, if arrested for killing Freevill, fetch him from his hiding place. Freevill's actual plan, however, is to disguise himself so that Malhereux cannot find him. When Franceschina turns Malhereux in for murder, he cannot prove his innocence and winds up on the gallows. With his last words he repents of his lust for her. Freevill then steps forward to reveal that this was his aim all along.

Many comic characters deploy similar plots. They deceive other characters to maneuver them towards certain outcomes without their consent. This deception and coercion (deprivation of consent) seem *prima facie* unethical. I argue, however, that these plots are, in fact, ethically justifiable according to a standard we could call "end-based ethics." When Freevill defends himself, Malhereux accepts his actions as justified because "a friend / Should weigh no action, but the action's end" (5.3.63-66).³⁴³ In comedy, an action is justifiable if it achieves a good end.

Deception seems another prime candidate for arguably unethical action. Dishonesty and dissimulation were condemned in the early modern period by both classical and Christian theorists. Cicero writes in *De Officiis*, "[I]njuries may be done two ways ... by force, or by guile ... both in truth are very unfit for man, yet guile deserveth the greater hatred."³⁴⁴ Sir Thomas Elyot affirms and expands on the sentiment:

But whereas the said Tulli saith, that injury, which is contrary to Justice, is done by two means, that is to say, either by violence or by fraud, fraud seemeth to be properly of the fox, violence or force of the lion, the one and the other be far from the nature of man, but fraud is worthy most to be hated ... Like as the physicians call those diseases most perilous against whom is found no preservative, & once entered, be seldom or never recovered: Semblably those injuries be most to be feared, against the which can be made no resistance, and being taken, with great difficulty or never they can be redressed.³⁴⁵

³⁴³ John Marston, *The Dutch Courtesan*, ed. Martin L. Wine (Lincoln: University of Nebraska Press, 1965). All quotations are from this edition.

³⁴⁴ Cicero, *Three Bokes of Duties to Marcus His Sonne*, Book I, "But whereas iniuries may bee ..."

³⁴⁵ Elyot, *The Boke Named the Governour*, Book III, Ch. 4.

The kind of open violence practiced on Falstaff, say, may be condemnable, but threats concealed by guile and deceit are much more so. Victims cannot defend themselves from a threat they cannot detect, and so skilled deceivers can pose a particular threat to societies.

But besides its damaging effects, deception is also, on many views, an evil in itself. Contemporary readings are often highly critical of comedy for depriving characters, especially female characters, of consent.³⁴⁶ This criticism operates by a standard we could call “autonomy-based ethics.” This view, strongly influenced by Kant and widespread in contemporary liberal societies,³⁴⁷ defines humanity by our “capacity to determine ends through rational choice.”³⁴⁸ It affirms the right of each person to choose what is good for her and to pursue it. We expect others to respect our choices and so accept the obligation to respect theirs. To act ethically is to respect another’s autonomous choices. No act can be ethical that imposes on someone without her consent.³⁴⁹ This makes deception and coercion, according to autonomy-based ethics,

³⁴⁶ We see criticism leveled at coercion and subjugation of women in feminist criticism of *The Taming of the Shrew*: “For romantic comedy to “work” normatively in *Shrew*'s concluding scene and allow the audience the happy ending it demands, the cost is, simply put, the construction of a woman's speech that must unspeak its own resistance and reconstitute female subjectivity into the self-abnegating rhetoric of Kate's famous disquisition on obedience”: Lynda Boose, “Scolding Brides and Bridling Scolds: Taming the Woman's Unruly Member,” *Shakespeare Quarterly* 42, no. 2 (1991), 170. For similar readings of *Much Ado About Nothing*, see M. D. Friedman, “Hush'd on Purpose to Grace Harmony’: Wives and Silence in *Much Ado About Nothing*,” *Theatre Journal* 42, no. 3 (1990), and Stephen Greenblatt, “On the Edge of Slander” (Review of *Much Ado About Nothing*, Dir. Joss Whedon), *The New York Review of Books* September 26, 2013.

³⁴⁷ See Christine M. Korsgaard, “The Right to Lie: Kant on Dealing with Evil,” *Philosophy & Public Affairs* 15, no. 4 (1986); Korsgaard, *The Sources of Normativity* (Cambridge: Cambridge University Press, 1996); Julia Reinhard Lupton, *Thinking with Shakespeare : Essays on Politics and Life* (Chicago: University of Chicago Press, 2011), 97ff.; *Perpetual Peace : Essays on Kant's Cosmopolitan Ideal*, ed. James Bohman and Matthias Lutz-Bachmann (Cambridge: MIT Press, 1997).

³⁴⁸ Korsgaard, “The Right to Lie: Kant on Dealing with Evil,” 330. See also Christine Korsgaard, “Fellow Creatures: Kantian Ethics and Our Duties to Animals,” *Tanner Lectures on Human Values* 24 (2004). I am indebted to Korsgaard’s accounts throughout this chapter.

³⁴⁹ Seminal works on consent include Hanna Pitkin, “Obligation and Consent,” *American Political Science Review* 59, no. 4 (1965); Carole Pateman, “Women and Consent,” *Political Theory* 8, no. 2 (1980); David Archard, *Sexual Consent* (Boulder: Westview Press, 1998); Peter Westen, *The Logic of Consent : The Diversity and Deceptiveness of Consent as a Defense to Criminal Conduct* (Burlington: Ashgate Publishing Co., 2004). I am indebted to the

unjustifiable.³⁵⁰

When comic characters deceive or coerce other characters, however, they do not appeal to the standards of autonomy-based ethics. They appeal to end-based ethics. In *A New Way to Pay Old Debts* (Philip Massinger, 1625),³⁵¹ Sir Giles unjustly forbids his daughter Margaret to marry the man she loves. Lord Lovell pretends to love Margaret as a ruse to help her elope with her beloved. Because the villainous Sir Giles also unjustly withholds money from his nephew, Wellborn, Lady Allworth feigns interest in the impoverished Wellborn so that Sir Giles will give him money in hope of future favors. When Lady Allworth discovers Lord Lovell's plan, she asks why he practices this "dissimulation." Lovell asks why she has come out of widow's mourning so suddenly to throw favors on Wellborn. She responds, "I am innocent here, and on my life I swear / My ends are good." Lovell's defense is the same: "On my soul so are mine."³⁵²

In *The Roaring Girl* (Thomas Dekker and Thomas Middleton, 1611), Sebastian's father blocks his marriage to Mary by demanding too large a dowry. Sebastian pretends to love Moll, the notorious cross-dressing "roaring girl," so that his father, alarmed, will let him marry Mary. He acknowledges that the plan is a "crooked way" but assures Mary, "Though wildly in a labyrinth I go, / My end is to meet thee" (Scene 1, 110, 98-99). Helena in *All's Well That Ends Well* sums up the logic of end-based ethics in lines from which the play has its title: "All's well that ends well; still the fine's the crown. / Whate'er the course, the end is the renown" (4.4.35-

bibliography found in the chapter on *All's Well that Ends Well* in Lupton, *Thinking with Shakespeare : Essays on Politics and Life*.

³⁵⁰ For a discussion of the utilitarian/consequentialist position on lying as compared to the autonomy-based ethics/deontological position, see "Truthfulness and lies: what is the problem and what can we learn from Mill?" and "Truthfulness and lies: what can we learn from Kant?" in Alasdair C. MacIntyre, *Ethics and Politics : Selected Essays, Volume 2* (Cambridge: Cambridge University Press, 2006).

³⁵¹ I have followed the date given by *The Cambridge History of Early Modern English Literature*, .

³⁵² Philip Massinger, *A New Way to Pay Old Debts*, EEBO STC (2nd ed.) / 17639 ed. (1633).

36).

Benevolent deceivers constantly make this claim that a good end justifies a “crooked” or seemingly unethical means. In this chapter, I focus on plots that obtain a good end *for* the person deceived, where “end” is understood in the Aristotelian sense, described in the Introduction, as a *telos* toward which a creature is directed by its nature or form.³⁵³ In *The Honest Whore II* (Thomas Dekker, c. 1605), Orlando’s daughter, Bellafront, is plagued by her spendthrift husband, Matheo, who encourages her to resume prostitution to gain him more money. Orlando contrives to have Matheo arrested for theft and threatened with the gallows so that he will convert from his dissolute way of life. Orlando declares, “as shafts by piecing are made strong, / So shall thy life be straightened by this wrong.”³⁵⁴ The beneficial end for the person coerced justifies the coercion.

In Chapter Two, I claimed that socially contingent ethics prioritizes justification. Human communities demand that actions be justifiable for at least one reason or from at least one point of view. These communities are composed of rational agents, capable of asking and giving reasons. Autonomy-based ethics also emphasizes humans as rational, and according to this ethical schema, deception and coercion are not justified. But we might accept an end-based justification in comedy when we demand autonomy-based justifications in other contexts

³⁵³ End-based ethics is a species of consequentialism, the view that “normative properties depend only on consequences” of one’s actions, “as opposed to the circumstances or the intrinsic nature of the act or anything that happens before the act.” What makes it distinctive is 1) that actions are justified not by just any kind of consequence but specifically by the obtaining of ends in the Aristotelian sense: the *teloi* that belong by nature to a creature of a given species form, and 2) that the justification for the act considers primarily the beneficial consequences for the person acted upon, rather than, say, the potential consequences for society if others were to repeat the same kind of act. Rule utilitarians, who hold that “the moral rightness of an act depend[s] on the consequences of a rule,” might object to deception and coercion on the grounds that, although they might produce beneficial results for the deceived in this particular case, there would be a net loss to society if our rules permitted deception and coercion in general. All quotations in this footnote taken from Walter Sinnott-Armstrong, “Consequentialism,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta.

³⁵⁴ Dekker, *The Second Part of the Honest Whore*.

because comedy defines humanity differently. Comedy conventionally figures humans, not just as rational, but as rational *animals*. Animal embodiment is often represented in comedy, not as the only aspect of human life, but as the most significant aspect. Justification in comedy turns on ends rather than on autonomy because of what it means to be an animal.

As embodied animals, humans depend on goods like life, health, and freedom from pain (and of course, at a species level, reproduction). We could call these “natural goods”: they are good for an animal by virtue of its nature, whether or not it chooses or consents to them. The “end” in “end-based ethics” refers both to this natural good or *telos* of the animal and to the *aim* of a plot designed to secure that good. Bodily passions can limit a human’s rational ability to recognize his natural goods. In that case, others must plot to secure those goods for him. Animal nature means both that we can fail to recognize our own good and that others can secure it for us, even without our consent.

Benevolent deceivers justify themselves first by showing that the deception procures an end for the deceived. They appeal to end-based ethics. But they further justify their appeal to end-based ethics by appeal to necessity and to retrospective consent. Deception is unethical partly because it deprives the person of consent. But the action’s end, as the person’s natural good, is something to which he would have consented, if he had been rational at the time. The deceiver further justifies himself by claiming that the deceived, when he recovers his reason and recognizes the end as good, will consent *retrospectively* to the deception that procured it. Natural goods are necessary for animal well-being, so that any rational human will therefore consent to them, if humans are primarily animals — that is, if humans’ defining traits are animal traits, and if their well-being as animals determines their well-being overall. I argue that deception and coercion in comedy are justifiable by the standards of end-based ethics, but that this justification

depends on the comic convention of figuring humans as being primarily animals.

I make this argument by taking *The Dutch Courtesan* as a case study. Freevill can justify deceiving and coercing Malhereux by the standard of end-based ethics, and this is the right standard to adopt because the play figures Malhereux as a “beast” who cannot recognize his own ends. Vandome in Chapman’s *Monsieur D’Olive* (c. 1605) is also a benevolent deceiver who undertakes a similar plot. Both Vandome and Freevill claim that deception is necessary for the good of the deceived, and in both plays, the deceived does retrospectively consent to it.

Comedy’s treatment of deception and coercion gives us crucial new information about the genre’s search for the minimum conditions of human flourishing. Benevolent deception aims to benefit individuals and further their ends even without their knowledge and consent. Law, on the Aristotelian view, has the same aim. Where people do not consent to obey the norms promoting the common good, the law coerces them into doing so. This coercion, often figured as medicinal, both protects society and benefits the individual by making it possible for him to remain in it. What society requires to remain intact is not virtue but only virtuous *behavior*.

The claim advanced in plays like *The Dutch Courtesan* and *Monsieur D’Olive* is that coercion is not only a viable means but also a necessary means of obtaining good ends for animals who cannot obtain their own, and these two facts make coercion a justified means. The structure of Shakespeare’s *All’s Well That Ends Well* (c. 1605) indirectly supports this claim by way of contrast. Bertram is deceived and coerced into being Helena’s husband. We feel uncertain whether these actions are justified because the play makes it unclear whether humans are primarily animals and their goods primarily natural ones. This argument offers a new, more powerful way of accounting for critical contention over *All’s Well* by showing how the play enacts a conventional comic plot of deception but withholds the conventional justification.

I conclude by showing the implications of this study for comedy more generally: that comedy depends on ethics. Benevolent deceivers claim that an action is justified if it secures a good end. But if their action fails to secure a good end, its justification also fails; their arguably unethical act becomes flatly unethical. And where we, the audience, find that characters' actions throughout the play lack ethical justification, it becomes much more difficult for us to accept the play's ending as a happy one. Only when the characters enjoy their own ends can audiences enjoy a comic ending.

The Dutch Courtesan and Humans as Animals

Many Renaissance comedies famously figure human characters as animals — Ben Jonson's *Volpone* (c. 1606), Shakespeare's *The Taming of the Shrew* (c. 1592).³⁵⁵ But if the comic convention of human as animal is a familiar one, recent work in animal studies sheds new light shed on its significance.³⁵⁶ Animal studies analyzes the categories we use to define the human and the animal. The work is significant for ethics because, by shifting the features that might define a human, it also shifts which features are ethically relevant. In particular, it shifts

³⁵⁵ We might think also of Ursula the pig-woman partially figured as a pig in Jonson's *Bartholomew Fair*, Falstaff as a deer in Shakespeare's *The Merry Wives of Windsor*, and, of course, Bottom figured as an ass.

³⁵⁶ Key works in early modern animal studies include Keith Thomas, *Man and the Natural World : A History of the Modern Sensibility* (New York: Pantheon Books, 1983); Erica Fudge, *Perceiving Animals : Humans and Beasts in Early Modern English Culture* (New York: St. Martin's Press, 2000); Edward I. Berry, *Shakespeare and the Hunt : A Cultural and Social Study* (Cambridge: Cambridge University Press, 2001); Bruce Thomas Boehrer, *Shakespeare among the Animals : Nature and Society in the Drama of Early Modern England* (New York: Palgrave, 2002); Gabriel Egan, *Green Shakespeare : From Ecopolitics to Ecocriticism* (New York: Routledge, 2006); Fudge, *Brutal Reasoning : Animals, Rationality, and Humanity in Early Modern England*; Bruce Thomas Boehrer, *Animal Characters : Nonhuman Beings in Early Modern Literature* (Philadelphia: University of Pennsylvania Press, 2010); *Ecocritical Shakespeare*, ed. Lynne Bruckner; Daniel Brayton (Burlington, VT: Ashgate, 2011); Robert N. Watson, *Back to Nature - the Green and the Real in the Late Renaissance* (Philadelphia: University of Pennsylvania, 2006); Karen Raber, *Animal Bodies, Renaissance Culture* (Philadelphia: University of Pennsylvania Press, 2013); Laurie Shannon, *The Accommodated Animal: Cosmopolity in Shakespearean Locales* (Chicago: University of Chicago Press, 2013). Special issues on early modern literature and animal studies include *Shakespeare Studies* (41), 2013, and *Spenser Studies* (30), 2015. For an overview of animal studies in relation to Shakespeare, see Karen Raber, "Shakespeare and Animal Studies," *Literature Compass* 12, no. 6 (2015).

emphasis from reason to sentience.

Moderns tend to define humans in opposition to animals. The feature that defines humans is the feature that distinguishes them: the capacity for reason. Defining humans by their rationality creates a dichotomy between beings as minds and beings as bodies. Autonomy-based ethics, prioritizing consent, follows this view that reason — the ability to judge and choose — is fundamental to what it means to be human *rather* than animal.³⁵⁷ The dichotomous divide between humans and animals came about, however, in the eighteenth century. Prior to this, the “dominant model” came from “Aristotle’s *De anima*, which postulated ... [that] human beings were on a continuum with nonhuman animals.”³⁵⁸ For early modern theorists, humans were not opposed to animals; humans *were* animals. Reason was a defining human property. Thomas Wilson’s representative definition gave man as a “living creature endued with reason.” But another essential property was the body. Wilson adds that “man is made of body, and soul ... no man saith the soul is the very man ... man himself is compact of body and mind.”³⁵⁹ Early modern theorists conceived of human and nonhuman animals on a continuum, since all were partly defined by their animal body.³⁶⁰

The human-animal continuum emphasis shifts what it means to be a human, a shift

³⁵⁷ Korsgaard discusses a long-standing “legal bifurcation” (629) between persons and property and notes that Kant proposes rationality as a criterion for persons: “rational beings are called persons because their nature already marks them out as an end in itself, that is, as something that may not be used merely as a means” (quoted 631); Christine M. Korsgaard, “Kantian Ethics, Animals, and the Law,” *Oxford Journal of Legal Studies* 33, no. 4 (2013).

³⁵⁸ Ayesha Ramachandran; Melissa E. Sanchez, “Spenser and ‘the Human’: An Introduction,” *Spenser Studies* 30 (2015), accessed via ProQuest. See also Elizabeth D. Harvey; Susan Zimmerman, “Introduction,” *Shakespeare Studies* 41 (2013).

³⁵⁹ Wilson, *The Rule of Reason, Conteynyng the Arte of Logique, Set Forth in Englishe*, “The vse and commodite, which we hau[...] by these fiue commune wordes called otherwise Predicables,” “Of the whole and the partes.” Compare to Aristotle, *De Anima* II.1

³⁶⁰ See Fudge, *Brutal Reasoning : Animals, Rationality, and Humanity in Early Modern England*, “Becoming Human,” on the role of reason and embodiment in early modern definitions of the human.

captured in Dekker's *The Honest Whore II*. In this play, the young nobleman Hippolito distresses his father by falling for Bellafront, a converted prostitute. Bellafront's father Orlando decides to help her resist Hippolito's advances. Both fathers articulate their distress by figuring humans as animals. Hippolito's father laments, "the Harlot does undo him, / She has ... Turned him into a beast, his reason's lost." Orlando urges himself to help his daughter by saying, "Shall a silly bird pick her own breast to nourish her young ones, and can a father see his child starve? ... The Pelican does it, and shall not I?" The first figuration defines humans by their *reason*. The second defines them by sentience and *dependence*.

Both human and nonhuman animals give birth to sentient offspring and care for them. Cicero notes that "coming together for engendering's sake, and a certain tenderness over them that be engendered, is a common thing to all living creatures."³⁶¹ This tender care, "common to beasts and men,"³⁶² consists in securing the offspring's goods. What is crucial is that these are natural goods, things like health that are good for the animal whether or not it consents to them, simply because of its embodied, sentient nature.³⁶³ Montaigne refers to a pig on a ship during a storm who was calmer than the humans: "[H]e is unafraid in the presence of death, but if you beat him he will squeal and wiggle."³⁶⁴ The pig's good is to remain alive and unharmed. He is calm because he does not realize that his good is in danger. Being an animal means it is possible to have goods without consenting to them; it also means it is possible not to be able to recognize or secure those goods for yourself. In those cases, you depend on others to secure those goods for

³⁶¹ Marcus Tullius Cicero, *De Officiis* trans. Nicholas Grimalde, EEBO STC (2nd ed.) / 5281 ed. (London 1556), Book 1, " ... a certayn tendernesse ouer the[m] ... "

³⁶² Grimalde's note: "[Note: Things co~lmo~ to beas[...] and men.]"

³⁶³ See Korsgaard, "Kantian Ethics, Animals, and the Law", 642-643.

³⁶⁴ Quoted in Fudge, *Brutal Reasoning : Animals, Rationality, and Humanity in Early Modern England*, 78.

you.

Animal nature makes it sometimes impossible for a person to secure a good for herself. But it also makes it possible for someone else to secure it *for* her. As we saw in Chapters One and Two, comedy figures all humans as members of the same biological animal species, sharing the same nature. This makes it possible to practice what T.E. Irwin calls “metaphysical altruism.” On the Aristotelian account, “a person’s good is determined by his function and essence, by the sort of being he essentially is.”³⁶⁵ If humans have any sort of determinate nature, they also have goods determined by that nature, or natural goods. Practicing metaphysical altruism is caring for a human by securing her natural goods. The reason I can know what your goods are is that we all share the same animal nature. Your goods are the same as *my* goods.

Animal embodiment means both that humans may be incapable of recognizing what is good for themselves and that they may be capable of recognizing what is good for others. If you cannot perceive your own good but I can, then ethical treatment consists in securing, not your consent, but your care. The shift in definition from reason to sentience (an animal is an embodied creature that can sense and feel) generates a shift in ethical standards from autonomy to outcome. Richard Hooker illustrates this shift:

Where understanding therefore needeth, in those things Reason is the director of man’s Will by discovering in action what is good. For the Laws of well-doing are the dictates of right Reason. Children, which are not as yet come unto those years whereat they may have ... right Reason to guide themselves, have for their guide the Reason that guideth other men, which are tutors over them to seek and to procure their good for them. (I.7.4)

We still have ethical obligations to beings without reason. The standard shifts, however, from consent to care, and what counts as care is determined by the animal’s natural good — by ends. The same ethical shift occurs in comedy because comedy conventionally represents

³⁶⁵ Irwin, *Aristotle's First Principles*, 391.

humans as animals, defined by sentience rather than reason. The deceived is figured as sentient but not (for now) reasonable. Others may deceive him to procure the good he cannot procure for himself. Freevill justifies his deceptive plot by end-based ethics. In disguising himself where Malhereux could not find him, he deceives his friend and lets him suffer arrest, imprisonment, and near-execution. But he carries out this plan with the intention of helping his friend recover the safety and sanity that were threatened by his obsession with Franceschina.

When Malhereux has shown himself to be cured of that obsession, Freevill steps forward and says, “Sir, your pardon; with my this defense ... to force you from the truer danger, / I wrought the feigned” (5.3.35-43). Freevill deceived him only in order to help him. Malhereux accepts this defense because he admits that he was not able to help himself, since “The beast of man, loose blood, distemper’d us” (5.3.66). His animal nature limited his reason so that he could not recognize or procure his own good. Freevill was then justified in procuring it for him, even without his consent. The scene plays out as the formally happy ending to a comedy, not because comedy is unconcerned with justification, but because Freevill is concerned to justify himself and succeeds.

We can explain more fully why the convention of human as animal justifies deception and coercion by asking what makes these wrong. Autonomy-based ethics takes deception and coercion to be wrong partly because they disable what, on this view, is our defining human trait: our capacity for free, rational agency. Autonomy-based ethics prioritizes our right to (rationally) choose our own ends. When I lie to someone, however, she cannot choose whether to consent to my end because she does not know what it is. It does not matter that my lie aims at some good. If my end “is one that others cannot choose — not because of what they want, but because they are

not in a position to choose — it cannot, as the end of that action, be good.”³⁶⁶ I cannot lie to someone for her own good because her good lies in choosing her good. This is why “coercion and deception are the most fundamental forms of wrongdoing to others.”³⁶⁷

What makes lying *always* wrong, however, is the assumption that other conditions always hold. In particular, this view assumes that humans are always rational. We treat another human with respect by treating him “as if he were using his reason and as far as possible as if he were using it well ... This is not because, as a matter of fact, he probably does have good reasons. Rather, this attitude is something that we owe to him, something that is his right.”³⁶⁸ Humans are to be treated *as if* they were always reasonable.

But early modern theorists, emphasizing continuities between human and animal, also emphasized distinctions between human and human: between those who have reason and those who do not. On their view, humans begin life like nonhuman animals, unable to exercise reason, and must be taught to judge and choose. If someone never learns to govern himself through reason and is governed instead by bodily appetites, he remains indistinguishable from nonhuman animals. Reason is not the only quality essential to humans, but it is unique to them. This is the sense in which the “being called human, by failing to use its rational part, risks losing its humanity.”³⁶⁹ The human-animal continuum, by closing the gap between human and nonhuman animals, opens the gap between more and less rational humans. Because humans are so similar to other animals and must work to acquire their specific difference, humans who fail at this work

³⁶⁶ Christine M. Korsgaard, "The Right to Lie: Kant on Dealing with Evil," *Philosophy & Public Affairs* 15, no. 4 (1986), 334.

³⁶⁷ *Ibid.*, 333.

³⁶⁸ *Ibid.*, 335.

³⁶⁹ Fudge, *Brutal Reasoning : Animals, Rationality, and Humanity in Early Modern England*, 35.

can, in some sense, “fail to *be* human.”³⁷⁰ As Cicero puts it, “some there be not men in deed, but in name.”³⁷¹ Fudge notes that these failures “are almost always figured as a descent to the level of the animal.”³⁷² The loss of specifically human qualities is represented through animal imagery.

This is precisely how *The Dutch Courtesan* depicts Malhereux. He is driven, as he once accused Freevill of being, by animal “heat and sensual appetite” (1.185) to do things his reason rejects. He cannot help it: “Soul, I must love her! Destiny is weak / To my affection” (1.2.138-39). His subjection to desire makes him resemble a beast — so much that he envies *other* beasts. After contracting his passion for Francheschina, he reflects on his state:

[H]ark, how the free-borne birds
Carol their unaffected passions ...
No faint dissemblings; no custom makes them blush,
No shame afflicts their name. O you happy beasts
In whom an inborn heat is not held sin,
How far transcend you wretched, wretched man,
Whom national custom, tyrannous respects
Of slavish order, fetters, lames his power,
Calling that sin in us, which in all things else
Is Nature’s highest virtue! (2.1.64-78)

His envy of other beasts indicates how he has become like them. Malhereux wishes he could satisfy like other animals the “inborn heat” that all animals possess and only humans punish. He concludes, “O accursed reason / How many eyes hast thou to see thy shame, / And yet how blind once to prevent defame!” (2.1.86-88). The human-animal continuum means that reason can lose the power to control appetite without losing the power to condemn it, and this makes his experience of his humanity peculiarly painful. Freevill asks him, “Cannot thy virtue, having space to think / And fortify her weakened powers with reason ... curb thy low appetite /

³⁷⁰ Ibid., 48.

³⁷¹ Cicero, *Three Bokes of Duties to Marcus His Sonne*, Book I, “... in dede, but in name.”

³⁷² Fudge, *Brutal Reasoning : Animals, Rationality, and Humanity in Early Modern England*, 35.

And sensual fury?” (4.2.7-12). Malhereux replies that it cannot. As he has said, “I do malign my creation that I am subject to passion” (3.1.241). To be a creature, an animal, he claims, is to be limited by the body.

For early modern theorists, the human was essentially soul and body. Their rational soul was “immaterial and immortal.”³⁷³ But in addition to their distinctive rational soul, humans also possessed, like all animals, a body and passions that were much more strongly material in nature. Wilson’s commonplace definition of the human as “compact of body and mind” is an Aristotelian one. Aristotle emphasized that the human soul, as a form that actualizes matter, is not itself material — “the soul is not a body but requires a body” (*De Anima* 414a20-21) — and that the intellect, “that by which the soul thinks and supposes,” is immaterial insofar as it cannot be “mixed with the body” (429a23-23).³⁷⁴ But Aristotle also emphasized how emotions or passions, which also involve desires and appetites, involve movements of the body: “all the affections of the soul — emotion, gentleness, fear, pity, confidence, and, further, joy, loving, and hating — would seem to require a body, since whenever we have them the body is affected in some way ... clearly affections are forms that involve matter” (403a15-25). In the early modern period, likewise, “[t]he body and its emotions were understood to be functionally inseparable.”³⁷⁵

Early modern theorists understood mind and body as inextricably linked.³⁷⁶ Even while

³⁷³ Ibid., 11. Fudge summarizes the early modern account of the human soul in this way: “The rational soul, unlike the vegetative or sensitive soul, has no physical organ. Whereas the workings of the sensitive soul could be traced between the heart and the brain—the heart for passions, the brain for the perception of objects—the rational soul is immaterial and immortal” (11).

³⁷⁴ All citations from *De Anima* are from Aristotle, *Aristotle : Selections*, ed. Terence Irwin and Gail Fine (Indianapolis: Hackett Publishing Company, 1995), unless otherwise noted.

³⁷⁵ Gail Kern Paster, “The tragic subject and its passions,” in *The Cambridge Companion to Shakespearean Tragedy*, ed. Claire McEachern, 2nd ed. (Cambridge: Cambridge University Press, 2002), 153.

³⁷⁶ See Gail Kern Paster, *The Body Embarrassed : Drama and the Disciplines of Shame in Early Modern England* (Ithaca: Cornell University Press, 1993); Michael Carl Schoenfeldt, *Bodies and Selves in Early Modern England : Physiology and Inwardness in Spenser, Shakespeare, Herbert, and Milton* (Cambridge: Cambridge University Press,

assenting to the claims of Aristotelian philosophy and Christian theology that the human has immaterial elements, they also emphasized how material elements could affect the immaterial. The “overwhelming influence of the humors and passions on the soul”³⁷⁷ rendered “mental and emotional health ... largely dependent on the health of the body.”³⁷⁸ In his treatise on *The Passions of the Mind*, Thomas Wright analogizes understanding to our sense of sight, noting how a physical cause may impede both:

As the faculty of our eyes, being pure and bright, it laboreth nothing to deprehend the least moaths, but if an evil humour descend from the head, or some darkeness fall upon the eyes, a dim cloud is cast ... which permitteth them not to see, even gross blocks: So it befalleth to the soul, when every inordinate affection is purged that might offend her, she seeth all things convenient most aptly, but being troubled with many affections, all that virtue she leeseth.³⁷⁹

Certain passions could “cloud the judgement, corrupt the will, and seduce the reason.”³⁸⁰

This is how Malhereux thinks of his own state: “Soul, I must love her! Destiny is weak / To my affection” (1.2.138-39). When Freevill argues that he should not surrender to these appetites, Malhereux agrees, “’Tis true, but truth seems folly in madness’ spectacles. / I am not now myself, no man” (4.2.28-29). The reason he is “no man” is that material forces affect him to the exclusion of immaterial reason: “I am no whit myself ... raging lust my fate all strong doth

1999); *Reading the Early Modern Passions : Essays in the Cultural History of Emotion*, ed. Gail Kern Paster, Katherine Rowe, and Mary Floyd-Wilson (Philadelphia: University of Pennsylvania Press, 2004); Gail Kern Paster, *Humoring the Body : Emotions and the Shakespearean Stage* (Chicago: University of Chicago Press, 2004); *Embodiment and Environment in Early Modern Drama and Performance*, ed. Mary Floyd-Wilson and Garret A. Sullivan (Evanston: Northwestern University Press, 2006); Christopher Tilmouth, *Passion's Triumph over Reason : A History of the Moral Imagination from Spenser to Rochester* (Oxford: Oxford University Press, 2007).

³⁷⁷ Paster, *Humoring the Body : Emotions and the Shakespearean Stage*, 104.

³⁷⁸ Schoenfeldt, *Bodies and Selves in Early Modern England : Physiology and Inwardness in Spenser, Shakespeare, Herbert, and Milton*, 23.

³⁷⁹ Thomas Wright, *The Passions of the Minde in Generall*, STC (2nd ed.) / 26040 ed. (1604), Book II, Ch. 1.

³⁸⁰ Gail Kern Paster, “The tragic subject and its passions,” in *The Cambridge Companion to Shakespearean Tragedy*, 154.

move” (2.2.97-98, emphasis mine).

If humans are animals, limited by their bodies and attendant passions, what is the proper response to this condition? For even if we agree that human animals exist on a continuum with non-human animals, we may disagree over what we ought to do about it. For many early modern theorists, this continuity was something to be regretted and opposed. Humans must suppress their bodily passions by means of their rational soul if they are to be truly human.³⁸¹ This is the attitude we find in Malhereux, who loathes his creaturely being. But comedy tends to take a different attitude. Sometimes it asks that human animality be celebrated; at the very least, it always ought to be accepted. This is Freevill’s attitude. He acknowledges that he, too, is moved by his body: “I lov’d [Franceschina] with my heart until my soul showed me the imperfection of my body ... But faith, dost thou not somewhat excuse my sometimes incontinency with her enforcive beauties?” (1.2.89-95).

Humans cannot always freely choose their actions. Their nature means they can be “enforced” by passion. But humans can choose to blame their nature or to excuse and accept it. Malhereux harshly condemns all appetites, including his own. Freevill, by contrast, believes passions are part of human nature, just as reason is, and so should be accepted.³⁸² It is significant that Freevill is able to drop Franceschina with relative ease and happily marry the noblewoman Beatrice. The stark contrast between Freevill and Malhereux, who experiences himself as passion’s slave, suggests that humans are most likely to be overpowered by their animal nature if

³⁸¹ As Fudge summarizes, “it is ... in this immaterial essence [of the rational soul] that the human can be found: the rational soul is where the passions can, and should, be controlled; where the lustful urges of the body are judged; and where the will overrides desire in order to produce the self-controlled and truly human human”: Fudge, *Brutal Reasoning : Animals, Rationality, and Humanity in Early Modern England*, 11.

³⁸² Compare Aristotle: “But the nonrational feelings seem to be no less human, with result that actions resulting from spirit and appetite are no less the actions of human beings” (*EN* 1111a34-b1). See also Tilmouth, *Passion's Triumph over Reason : A History of the Moral Imagination from Spenser to Rochester*.

they try to deny or reject it. As Freevill says, “Of all the fools that would all man out-thrust, / He that ’gainst nature would seem wise is worst” (1.2.160-61).

If the play recommends that humans accept animal nature as part of *their* nature, this has significant consequences for deception. According to autonomy-based ethics, deception is wrong in part because it treats the deceived like a physical object. A free choice must be guided only by the person’s (immaterial) reason. Events in the physical world are determined by laws of cause and effect; humans enjoy the dignity standing outside those causal chains, thanks to their capacity for autonomous choice. When I lie, however, I seek to determine your choices so they are not really choices at all. I try to manipulate your reason “like a machine,” trying to “determine what levers to pull to get the desired results from you.”³⁸³ Deception is unjustifiable because it treats the deceived like a material object, to be moved by forces acting upon it.

On the human-animal continuum, however, humans *are* material objects. That is, material forces can act upon them and move them. In spite of their capacity for rationality, they do not have total freedom of self-determination. This is simply a reality of human embodiment that caretakers must take into account. When Malhereux declares that he is “no man” because he cannot respond to immaterial reason, Freevill realizes he can only help him by using material force. Freevill pretends to agree to the plan of the duel, but after Malhereux exits, Freevill says,

Now repentance, the fool’s *whip*, seize thee!
Nay, if there be no means I’ll be thy friend,
But not thy vice’s; and with greatest *sense*
I’ll *force* thee *feel* thy errors to the worst.
The vildest of dangers thou shalt sink into. (4.2.31-35, emphasis mine)

The rhetoric is thoroughly material. Malhereux’s shift on the human-animal continuum shifts Freevill’s response. If reason is powerless, you appeal to sensation. When someone cannot

³⁸³ Korsgaard, "The Right to Lie: Kant on Dealing with Evil", 334.

cognize his errors, you have to make him *feel* them. This means replacing persuasion with deception.

Freevill lies to Malhereux about their plan. He says that after he “dies” in the duel, he will hide where Malhereux can find him. Instead, he disguises himself so that when Franceschina has Malhereux arrested, Malhereux cannot find Freevill and clear his name, and so he is sentenced to death for murder. Freevill makes Malhereux feel his errors by inducing a terror that drives out his lust. He asks, “[I]s this virtue in me? No, not pure; / Nothing extremely best with us endures” (4.2.39). Ethical purity does not succeed with humans because humans are not pure. They are mixed of immaterial and material, minds and bodies, and the solutions to their problems must likewise be mixed or they will not work: “No use in simple purities ... Nor precise virtues ever purely good / Holds useful size with temper of weak blood” (4.2.41-45). If Malhereux’s “blood” disables his reason so that he cannot consent to his own good, then the ethical standard shifts from autonomy to ends: “Then let my course be borne, though with side wind, / The end being good, the means are well assign’d” (4.2.46-47). The good end justifies the impure means when humans are impure. If humans are animals, we may act without their consent to “procure their good for them.”

Monsieur D’Olive and Humans as Ailing

Critics point out the dangers of end-based ethics. The logic of “It’s for your own good” is a common ideological mask for colonialism and other forms of oppression.³⁸⁴ Bernard Williams notes that “The notion that people may have ‘real interests’ different from the interests they think

³⁸⁴ For early modern arguments in favor of colonialism, for example, based on the claim that native peoples were akin to animals in not being governed by reason, see Fudge, *Brutal Reasoning : Animals, Rationality, and Humanity in Early Modern England*, 50-58.

they have” generates well-founded suspicion, “since an appeal to people’s real interests is often deployed as a reason for coercing them contrary to their ‘apparent’ (that is to say, perceived) interests.”³⁸⁵ If appeals to end-based ethics are not to be mere masks for coercion, characters must not only show that they meet the standards of end-based ethics; they must also show why it is justifiable to appeal to those standards in the first place. What they do is introduce conditions that, when in place, justify the transition from autonomy-based ethics to end-based ethics. Convention offers justification, not only by end-based ethics but *of* end-based ethics. The first condition is that the means must be figured as *necessary* to the good outcome.

In *The Honest Whore II*, Orlando’s concocted charge of theft lands Matheo on the gallows. Like Freevill (and Bob Stone), his hope is that the threat of death will help scare his friend straight. Once he is satisfied that it has, he reveals the plot and drops the charges. He agrees to make Matheo heir on the condition of his honest living. The Duke overseeing the case declares, “Then hear, Matheo: all your woes are stayed / By your good Father-in-law: all your Ills / Are clear purged from you by his working pills.” Freevill figured his strategy as a material one, the application of a certain kind of force. The Duke more particularly figures it as a *medical* one.

The figuration of deception as a cure is part of its conditions of justification. The first condition of appeal to end-based ethics is that the arguably unethical means must be *necessary* to achieve the good end. There is no more purely ethical means that could have achieved it. This justification appears most often in the context of medicine. Because health is a natural good, it is possible to procure it by nonconsensual means. It becomes necessary to procure it by those

³⁸⁵ Bernard Williams, *Ethics and the Limits of Philosophy*, ed. John Rawls (Cambridge: Harvard University Press, 1985), 40.

means when the patient is incapable of reasoned consent. And it is always desirable to procure it, even by nonconsensual means, because health is a such an essential animal good. All of these factors make it justifiable to cure someone even in the absence of consent, above all when their refusal to consent to a cure is part of the disease that needs curing. This is the situation we find in George Chapman's *Monsieur D'Olive*.

Monsieur D'Olive opens with two characters who have essentially embraced death over life. The Countess is so offended by her husband's jealous suspicion that she imprisons herself in her room to sleep days, stay up nights, and be "Murdered ... living" and "entombed ... quick."³⁸⁶ The Earl St. Anne is so devastated by his wife's death that he shuts himself up in a tower with her body "so long unburied, as meaning one grave should entomb himself and her together." Vandome, counselor to the Countess and friend to the Earl, sees their actions not as noble acts of devotion but as perverse rejections of an animal's most essential natural goods — life and health. The cause can only be a disease of the animal body — humoral imbalance. The Earl's "settled melancholy" and "deep griefs" are a "kind of false sluggish (and rotting sweetness,) / Mixed with an humour where all things in life, / Lie drowned in sour, wretched, and horrid thoughts." Vandome rebukes the Countess that her "perfect judgement should be drowned in humour."

The immaterial faculty of judgment in the Countess and the Earl is "drowned" in material humors, making them unable to recognize their own good — life. The remedy, then, cannot rely on their judgment. The problem is bodily and needs a bodily cure. Vandome advises the Earl that his condition would "be best eased with some other object: / For the affections of the mind drawn forth / In many currents, are not so impulsive / In any one ... as all force being unite, increaseth / So being dispersed, it grows less sharp, and ceaseth." Vandome figures the mind as a

³⁸⁶ George Chapman, *Monsieur D'olive*, EEBO STC (2nd ed.) / 4983 ed. (1606).

material object, like a river, governed by the laws that apply to all material “force.” A second object would lessen the passion aroused by the first and thus “Like sick men mending, you shall find recure.”

The Earl, like Malhereux, rejects his friend’s attempts to persuade him rationally to cure himself. He will not consent to Vandome’s cure. But this refusal of consent is what tells us that the Earl must be incapable of reasoned consent at all. When comedy figures humans as primarily animals, it figures their primary good as life. No one could reasonably refuse to maintain his life. So anyone who does, must have lost his use of reason. Withholding consent to life tells us that this character is incapable of consent, due to some bodily illness. When his disease makes him incapable of consent, it is necessary to cure him without his consent.

Vandome cures the Earl much as Freevill cures Malhereux — through “feign[ing].” He tells St. Anne that he, Vandome, is in love with Euryone, sister of the Earl’s deceased wife, and asks the Earl to help woo her on his behalf. In fact, Euryone has asked Vandome to help woo the Earl for her, as she is in love with him. The Earl agrees and leaves his tower and his wife’s body to speak with Euryone. Then he, like Malhereux, after declaiming desire, falls in love himself with his friend’s beloved. He suffers some internal conflict at betraying his friend but ultimately decides to pursue Euryone for himself. Vandome then reveals that this was his plan all along: “I did dissemble love t’Euryone / To make you happy in her dear affection.”

Vandome likewise uses deception to lure the Countess out of her self-immurement. He tells the Countess that her husband, in her absence, has sought romantic satisfaction elsewhere. Euryone, her companion, is infuriated and ventures to the court to denounce the Count publicly; the Countess breaks her vow of self-enclosure to stop Euryone from shaming him: “I’ll abroad, though with another aim / Not to procure, but to prevent his shame.” When they arrive, Vandome

reveals his plot: “[D]o you see your Lord yonder? I have made him happy by training you forth.”

Vandome figures the Earl’s and the Countess’s self-enclosure as physical illnesses with physical cures. The Earl’s newfound passion for Euryone will cure his passion for his deceased wife because, according to humor theory, “[O]ne heat (all know) doth drive out another, / One passion doth expel another still.” His plot to cure the Countess’s humor is to “use a feigned device / To kindle fury in her frozen Breast, / That rage may fire out grief, and so restore her / To her most sociable self again.” The feigning is the application of a medicinal cure. This changes not only the justification for his deceit but our understanding of what exactly deceit might mean. Ordinarily, words function as intelligible signs, used to convey thoughts from one mind to another. When we lie, we intentionally use words to signify something other than what we know in our minds to be true. But Vandome is not using words as intelligible signs; he is using them as material force. “In a word, all I said was but a train to draw you from your vow ... all was but a shoeing-horn to draw you hither.”

What matters now is not what words signify to minds but what they cause to bodies. As Malhereux says, “Truth seems madness in madmen’s spectacles.” When the patient’s mind is no longer capable of grasping the intelligible signification of words, deceivers are justified in using words, not as signs, but as force. Just before he tells St. Anne the lie about his loving Euryone, Vandome urges him to “[R]emember all the reasons / And arguments I used at first to you, / To draw you from your hurtful passions: / And there withal, admit one further cause, / Drawn from my love, and all the powers I have.” Once reasonable speech has failed, Vandome turns to deceptive speech. He offers the same defense of his plot on the Countess. He tells the Duke that these ladies “Could never be importuned from their vows / By prayer, or th’earnest suites of any friends, / Now hearing false report ... Did that which no friend else could win her to, / And brake

her long kept vow with her repair.” Again, rational means were tried first. Their failure revealed that the patients needed, not a rational argument, but a physical cure. When a person cannot recognize his own good, other characters first appeal to him through rational persuasion. Only when this strategy fails do they resort to deception. The act becomes justified once it becomes necessary. Freevill makes this same defense after he reveals his plot to Malhereux:

Sir, your pardon; with my this defense,
Do not forget protested violence
Of your low affections; no requests,
No arguments of reason, no known danger.
No assured wicked bloodiness,
Could draw your heart from this damnation.
... Therefore, to force you from the truer danger,
I wrought the feigned. (5.3.35-43)

Freevill used the “force” of “feigned” danger only after “arguments of reason” have failed. Characters do not justify their seemingly unethical means merely by pointing to the good end. They also show that better means have been tried and have failed. Coercion is further justified when *only* coercion could have obtained the good end.

This may look at first like a simple case of justification by the lesser of two evils. Aquinas in his *Summa Theologiae* describes how “the physician of the body restores the sick man to health, if possible, without cutting off a limb, but, if this be unavoidable, cuts off a limb which is least indispensable, in order to preserve the life of the whole body” (II-II.33.7).³⁸⁷ Once it is necessary to cut off a limb, it is justifiable — it is a lesser evil than losing the whole body. But the medical context makes the justification stronger and more sophisticated, for several reasons.

³⁸⁷ Thomas Aquinas, *Summa Theologiae (a New English Translation)*, trans. Alfred J. Freddoso (2016), accessed via <http://www3.nd.edu/~afreddos/summa-translation/TOC.htm>. All citations from the *Summa* are from this edition except where otherwise noted.

First of all, the medical case is a paradigmatic instance of seemingly unethical action practiced on someone for his own good. Amputation is “for the life, health or capacity-to-function of the individual human being who suffers it. The lesser evil for that human being’s physical condition ... is chosen for the sake of the greater good of that human being’s life or condition ... the evil and the good concern the bodily condition of the single human individual.”³⁸⁸

But, as Williams notes, just because something may be someone’s good does not necessarily justify taking any and all means to procure it for that person: “It may be in Robinson’s real interests to stop drinking, but that does not instantly give anyone the right to stop him.”³⁸⁹ What justifies the use of force in a medical context — where force is understood as acting without consent — is the kind of good that health is. When humans are figured primarily as animals, life is figured as their primary good.³⁹⁰ We are justified in assuming that no one could reasonably choose to lose it.

This is why doctors may administer care in certain contexts without the patient’s express consent.³⁹¹ Ordinarily, “patients have the right to determine if and when they want medical care

³⁸⁸ G. Anscombe, "Medalist's Address: Action, Intention and 'Double Effect'," *Proceedings of the American Catholic Philosophical Association* 56 (1982), 19.

³⁸⁹ Williams, *Ethics and the Limits of Philosophy*, 41.

³⁹⁰ The ultimate goal is, of course, to restore the person’s life at every level, including her full capacity for rational thought and choice. But that goal will never be reached if we allow their lower-level life functions (such as nutrition) to cease. We must maintain “vegetable life,” so to speak, if we are to have a hope of restoring human life. (On the distinction between the vegetable, animal, and human soul, see Aristotle, *De Anima* II.2-4.) In the Conclusion to Chapter Four, I discuss the way that comedy prioritizes lower-level material and bodily needs as part of its quest for the minimum conditions of human flourishing.

³⁹¹ We see this justification at work in medical ethics. See, for example, Jessica Thomas and Gregory Moore, "Medical-Legal Issues in the Agitated Patient: Cases and Caveats," *The Western Journal of Emergency Medicine* 14, no. 5 (2013), 560. For an account of the patient’s rights and limitations regarding consent, see Paul Weindling, *Nazi Medicine and the Nuremberg Trials : From Medical War Crimes to Informed Consent* (New York: Palgrave Macmillan, 2004) and Terrance C. McConnell, *Inalienable Rights : The Limits of Consent in Medicine and the Law* (New York: Oxford University Press, 2000). Lupton notes that in *All’s Well*, Helena does not and may not

and what care they desire” and are “entitled to make decisions about their healthcare if they are deemed competent.”³⁹² With a competent patient, a doctor must obtain informed consent before administering treatment. However, “an incompetent adult patient who is incapacitated by physical or mental illness and is unable to understand the nature and consequences of his or her actions cannot give valid consent to proposed treatment.” If the doctor proceeds with treatment in this case, does he act justifiably? In certain circumstances, the law has declared that he does: “The law usually presumes patient consent in an emergency. Courts have supported EP [emergency physician] actions, without consent, when the purpose was to preserve the patient’s life or health. Courts assume that a reasonable, competent adult would want to be healthy.”³⁹³

Doctors must seek consent first; but if consent is unattainable, they are justified in proceeding without it, because of this assumption that life and health are most basic natural goods and ones that no one could reasonably refuse.³⁹⁴ Comedy upholds this assumption that bodily well-being is a primary good by presenting humans primarily as embodied animals. No person could reasonably reject life and health. If someone does so, he is incapacitated by disease and incompetent to consent. And when the disease consists precisely in the inability to offer reasoned consent, the cure must be obtained without it.

administer her cure to the king without his consent (Lupton, *Thinking with Shakespeare : Essays on Politics and Life*, 108-9).

³⁹² Thomas and Moore, "Medical-Legal Issues in the Agitated Patient: Cases and Caveats", 559, 560.

³⁹³ *Ibid.*, 560.

³⁹⁴ A litmus case here, as in many ethical puzzles, is death: what happens when someone apparently in full control of their capacities knowingly and deliberately wishes to choose death? We do not find this situation in Shakespeare’s comedies, but we find it frequently in his tragedies. The characters who commit suicide deny, implicitly or explicitly, the assumption just stated that life and health are the most important goods. They hold goods like dignity or preservation of one’s self-image to be of greater value; it would be worth sacrificing one life’s life if the sacrifice secured these goods. I touch on this issue briefly in the Conclusion of Chapter Four when I discuss Parolles in *All’s Well that Ends Well*.

Doctors justify their administering treatment without consent if they can show that “(1) an emergency existed, (2) there was an inability to get consent, and (3) the treatment was for the patient’s benefit.”³⁹⁵ Benevolent deceivers offer the same justification for deception and coercion. The strongest way of showing (2) and (3) is by figuring the problem as an incapacitating medical problem and the solution as a beneficial medical cure. Early modern theorists offered the same arguments to justify the force of law. These arguments relating to medicine, force, and justification tell us more about the minimum standard that comedy sets for virtue.

The analogy between the politician and the doctor is an old one going back to Plato and Aristotle. Many early modern theorists judge the two professions by the same standards. The doctor uses no more — though no less — than the minimum amount of harm or force necessary to achieve a good end for the patient’s own sake, where the end is good for the patient whether he consents to it or not. A good ruler will do the same. Discussing “chiding,” Cicero notes that “Chiding also many times comes in place, as necessary,” but it must follow two conditions. We must “not to do those things, as irefull: but as physicians do come to searing, & cutting: so let us seldom, & unwillingly fall to such manner of rebuking: and not at all, unless it be of necessity, when there will be found none other remedy.” That “bitterness, which chiding hath in it, must be declared, to be used for his sake, who is chidden.”³⁹⁶ The force must be for the good of the patient himself, and it must be no more than is necessary.

Saint German, in his *Doctor and Student*, also explains punishment in terms of medicine:

³⁹⁵ Thomas and Moore, "Medical-Legal Issues in the Agitated Patient: Cases and Caveats", 560.

³⁹⁶ Cicero, *Three Bokes of Duties to Marcus His Sonne*, Book I, “Chyding also manie times ... bytltneresse, which chyding hath in it ...”

“[E]vil men fear to offend for fear of pain. Therefore it was necessary that diverse pains should be ordained for diverse offences / as Physicians ordain divers remedies for several diseases. And such pains be ordained by the makers of laws after the necessity of the time / and after the disposition of the people.”³⁹⁷ Thomas Wilson in his *Rule of Reason* writes that “for evil manners of themselves, are not the occasion of good laws, but the godly mind of good Magistrates is the very chief cause ... as the disease, is not the cause of healing, but rather the Physician, and his Medicines, and man’s nature, which resisteth the poison of sickness is the very cause.”³⁹⁸

What is especially significant about the medical metaphor is that its use usually accompanies a particular mode of ethical justification. Sometimes this is justification by the lesser of two evils. Justus Lipsius in his *Six Books of Politics* (1594) uses the same analogy of amputation to justify the force of legal punishment: “Severity is to be used in respect of the common wealth ... We know that it is better to cut off the finger, then to let the gangrene gain the arm.”³⁹⁹ Richard Hooker in his *Laws* discusses two ways of discerning goodness, one by its causes, the other by its “signs and tokens”: The

former of these is the most sure and infallible way, but so hard that all shun it ... As therefore physicians are many times forced to leave such methods of curing as themselves know to be the fittest, and being overruled by their patients’ impatiency are fain to try the best they can, in taking that way of cure which the cured will yield unto; in like sort, considering how the case doth stand with this present age full of tongue and weak of brain, behold we yield to the stream thereof. (I.8.2)

When the best is not available, a good ruler or a good teacher, like a good physician, will try the best he can.

³⁹⁷ Saint German, *The Fyrst Dialogue [Betwyxte a Doctour of Diuinite and a Student]*, Chapter 4.

³⁹⁸ Wilson, *The Rule of Reason, Conteynyng the Arte of Logique, Set Forth in Englishe*, “Of an Argument, called Syllogismus Expositorius.”

³⁹⁹ Justus Lipsius, *Sixe Bookes of Politickes or Ciuill Doctrine*, EEBO STC (2nd ed.) / 15701 ed. (1594), Book Four, Chapter 9. All quotations are from this edition.

Still more significantly, the medical metaphor appears when the theorist discusses justification by end-based ethics. When Cicero discusses conduct in war, he says,

[T]his we must take heed of, that we put not ourselves in danger, without cause: for there can be nothing foolisher, than so [to] do. Wherefore in adventuring dangers, the guise of the physicians is [to] be followed: who do lightly cure the lightly diseased: but to [sore?] sicknesses they be driven to minister dangerous, & doubtful medicines. Therefore in a calm to wish a [sore?] tempest, it is a mad man's part: but to make shift in a tempest, by all manner means, it is a wiseman's property: & so much the more, if ye attain more good, when the thing is past, than harm, when it was in doubt.⁴⁰⁰

In medicine, a doctor determines the proper course of treatment by asking, Given this degree of danger, what is the *least* amount of force I must apply in order to achieve a cure? The constraints of “no more than is necessary” and “for the patient's benefit” both have reference to an outcome: no more than is necessary to achieve a good outcome for the patient. To invoke the medical metaphor is usually to appeal to outcomes as the standard. Here, Cicero claims, your actions will appear all the wiser if you eventually obtain an outcome that is better than your means were harmful. Justus Lipsius applies this standard and this metaphor in discussing exactly the action that comedy considers: deception.

Justus Lipsius considers the question of whether princes ought to be allowed to lie. It may be very dangerous for the commonwealth, as Cicero and Elyot suggest, to have many practiced deceivers running around; but it can be very beneficial when the commonwealth's ruler practices deceit for the sake of the commonwealth. He suggests that “a false tale, if it be done for the common safety is not to be disallowed.” He acknowledges that “the truth is better then falsehood,” much as Freevill acknowledges that his deceit is not pure virtue, but goes on,

but by use, the excellency and dignity of the one and the other, is discerned ... Thou must needs allow these things, if thou enter into consideration of humane prudence. And why not? They are referred to the profit of the common wealth, which easily draweth and draineth to itself, all the venom of vice that is therein.

⁴⁰⁰ Cicero, *Three Bokes of Duties to Marcus His Sonne*, Book I, “... that we put not our selue in daunger ...”

In justifying deceit, he appeals to the standards of end-based ethics. When a lie achieves enough good, it is drained of the venom of vice. What justifies his appeal to end-based ethics is his analogy of the process to medicine: “And as in the application of medicines, they do with approbation, mingle venomous drugs for the good of the patient, so these things do seem profitable as it were a medicine.”⁴⁰¹

The metaphor of justice and governance as medicine implies a certain system of ethics based on a certain vision of the person. A ruler will use no more force — of violence or deception — than is necessary to achieve a good outcome for those in his charge. But force can be necessary because the humans in his charge have an ineliminable animal aspect to them. In fact, says Aristotle, force is necessary more often than not: “ordinary people obey force rather than argument; and they obey penalties rather than what is noble.” Someone like this, “whose desire is for pleasure, needs to be punished by means of pain, like a beast of burden” (*EN* 1180a4, 11). As embodied animals, humans sometimes respond only to the force of punishment — just as a person whose disease disables her reason responds only to the force of medicine.

Given this fact about human nature, Aristotle recommends that legislators proceed in the same order as do benevolent deceivers: “That is why some think that legislators should, on the one hand, exhort and encourage people toward virtue for the sake of what is noble (on the supposition that those who have been decently guided in the formation of habits will listen), and, on the other hand, impose punishments and sanctions on those who disobey and are not naturally well disposed, while entirely expelling those who are incurable” (*EN* 1180a4-8). Appeals to reason (and to spirit informed by reason) should be tried first; if that fails, we may attempt to

⁴⁰¹ All quotations in this paragraph are taken from Lipsius, *Sixte Bookes of Politickes or Ciuil Doctrine*, Book Four, Chapter 14.

cure the disobedient by force; if that fails, we may expel from the community those who are incurable. This order of operations tells us something about the minimum conditions of human flourishing in comedy.

At the conclusion of Chapter Two, I suggested that what comedy cares most about is the properties of states rather than persons. Justice matters more as a state of affairs than as a virtue. End-based ethics, and the analogy of law and justice as medicine, suggest likewise that, while human social life might aim at perfecting its citizens in virtue, what it requires is not virtue *per se*, but continence. In *Ethics* II.4, Aristotle distinguishes between virtuous actions and virtuous persons. He explains, “Actions are said to be just and temperate, then, when they are the sort that a just or a temperate person would do, whereas a just or temperate person is not the one who does these actions but the one who, in addition, does them in the way a just or temperate person does them”; that is, “if he does them knowingly; second, if he deliberately chooses them and deliberately chooses them because of themselves; and third, if he does them from a stable and unchangeable state” (*EN* 1105b4-8, 1105a30-33).

A person who does the right action in the right way is the virtuous person; a person who merely does the right action is a continent person. In defining virtue, Aristotle rejects the idea that virtue is merely “control of nonrational impulses by rational desire” but acknowledges that this view “is closest to being right” because continence produces the *outcomes* that are closest to the outcomes of virtue.⁴⁰² A just person will obey the laws from his desire to do what is just. A continent person will obey the laws because his desire to do what is unjust is overruled by his desire to avoid punishment — but he will obey the laws. A city aims to habituate its citizens into

⁴⁰² Aristotle, *Nicomachean Ethics*, ed. Terence Irwin, 2nd ed. (Indianapolis: Hackett Publishing Company, 1999), “Introduction,” xviii.

persons of the first kind. But the city can survive so long as it has persons of the second.

Aristotle notes in the *Politics* that it is agreement in “perception of the good and the bad, the just and the unjust ... that makes a household and a city” (1253a17-18). A city is complete when its citizens come to common consent about justice and injustice; this is the aim of habituation and of socially-contingent ethics. But this is the city’s perfection, not its precondition: “a city is not a community of location, nor one either for the sake of preventing mutual injustice or for the sake of exchange. On the contrary, while these must be present if indeed there is to be a city, when all of them are present it is still not yet a city” (1280b28-32). The minimum conditions for a society include the prevention of mutual injustice. And this aim can be accomplished not only by the more advanced step of making all citizens virtuous but by the more moderate and more achievable step of making them continent.

In *Thank You, Jeeves*, Bertie Wooster is grateful when the formidable J. Washburn Stoker forbids his misconceived marriage to Stoker’s daughter Pauline. He is less grateful when he decides to kiss Pauline in order to light a jealous fire under her reticent suitor and their embrace is witnessed by her irate father. Bertie is afraid that Stoker may find self-expression in physical violence, but it goes no farther than a dirty look. Bertie reflects, “Say what you like about civilization, it comes in dashed handy in a crisis like this. It may be a purely artificial code that keeps a father from hoofing his daughter’s kisser when they are fellow guests at a house, but at this moment I felt that I could do with all the purely artificial codes that were going.”⁴⁰³

Society does not care how artificial the codes are; what matters is that they keep society going. This is the view comedy advances, and it is supported by the medical analogy. Aristotle compares the politician who makes laws to improve the soul, to doctors who administer

⁴⁰³ P.G. Wodehouse, *Thank You, Jeeves* (New York: W.W. Norton & Co., 2013), 49.

treatment to improve the body.⁴⁰⁴ A politician “is someone who rules a city using, in the best case, his knowledge of politics (X 9 1180 b 23–31), and, in the less than the best case, some approximation to it, much as a doctor is someone who treats the sick using his knowledge of the craft of medicine.”⁴⁰⁵ The medical justification for end-based ethics — that force is justified when it is a necessary means to an essential outcome — gives us a clearer picture of the minimum conditions for human flourishing. In the cases here considered, a deceived person derives natural goods from his deception. For him to maintain a minimum level of health, it is not necessary that he cognize what his goods are or consent to receiving them; it is enough that he receive them.

Society is in a similar position with respect to its citizens. For a society to maintain a minimum level of health, its citizen need not cognize what makes the laws good or choose to follow them for the sake of their goodness; it is enough that they follow them. The minimum condition for human flourishing, then, is not virtue. It is virtuous *behavior*.

Retrospective consent

The first condition for end-based ethics is that the unethical act must be a necessary means to an essential outcome. This condition is satisfied by the comic convention of figuring the problem as a medical problem. Bernard Williams brings up the case of the despairing adolescent Susan, in which we intervene not only to prevent her suicide but to “cure” her of her desire for it: “Susan’s lack of a desire to live, her disbelief in a better future, is itself part of the

⁴⁰⁴ Compare *EN* I.13, X.9 and *Politics* III.14.

⁴⁰⁵ Aristotle, *Nicomachean Ethics*, Reeve’s n. 124.

condition that will be cured ... The inability to see what is in her interest is itself a symptom.”⁴⁰⁶

Life and health are such essential natural goods that it is assumed that no human could reasonably refuse consent to them. The deceiving “doctor” is justified in restoring his patient’s life and health without his consent above all when the disease consists precisely in the refusal of these goods.

But Williams also asks how we *know* that something is in someone’s real interest and that his inability to see this counts as a disease. *The Dutch Courtesan* leaves us confident that the end is good for Malhereux. Freevill is concerned for his friend, not because he has appetites, but because he is obsessed with a woman who wants to murder him and almost leads him to become a murderer himself. On the gallows, he is finally able to overcome this obsession. The play’s end restores his safety, sanity, and relationships, while Freevill’s marriage reaffirms the goodness of sexual desire. But the defense “It’s for your own good” — commonly co-opted by oppressive ideologies and regimes — may expose us to endings that are not so obviously good.⁴⁰⁷ In order to appeal to end-based ethics, or someone’s “real interest,” we must show, Williams claims, that he lacks some capacity “of that kind that is to be expected in human beings, as part of their effective functioning. It is this last element, the normative conception of human functioning, that invited the terms ‘cure’ and ‘symptom’ in the description of the attempted suicide.”⁴⁰⁸

A person’s non-cognizance or non-consent regarding a certain outcome may be figured as a disease only if that outcome is an essential natural good such that ordinary humans cannot function without it. If we claim that Susan’s attempted suicide works against an essential natural

⁴⁰⁶ Williams, *Ethics and the Limits of Philosophy*, 42.

⁴⁰⁷ See Fudge, *Brutal Reasoning : Animals, Rationality, and Humanity in Early Modern England*, 50-58, and Williams, *Ethics and the Limits of Philosophy*, 40.

⁴⁰⁸ *Ethics and the Limits of Philosophy*, 43.

good and “take steps to keep Susan alive, then it seems that we act in her real interest, an interest that, if we are right, she *may well acknowledge* in (say) six months’ time.”⁴⁰⁹ Williams’ link between real interests and acknowledgment takes us from the first condition for end-based ethics to the second condition. By claiming that his deception was a necessary response to a medical illness, the deceiver claims that the illness made the deception necessary, because it made the patient unable to recognize or consent to his own good. In other words, if the patient had not been ill, he *would* have consented to receive that good. The deceiver claims that the outcome is a natural good such that the person involved *would have* consented to it, if only his reason had understood the situation correctly. Of course, if his justification is to hold, he has to get this right. Fortunately, most comedies make it easy for us to be sure that he does.

Richard Hooker notes that the law of reason is approved “by all,” but this does not mean that “every particular man” knows it. Rather, it means that “no man can reject it as unreasonable and unjust” (I.8.9). The claims of reason are universal not because everyone *does* consent to them but because everyone *would* consent to them if he could grasp them. The benevolent deceiver makes a similar argument. He may procure an end without consent if the deceived has lost his reason, but he claims the deceived *would* consent to this end if he were reasonable. Comic conventions prove the deceiver right. Many comedies end by depicting retrospective consent. When the good end has been procured and the deceived has recovered his reason, he is grateful for the deceit. In *Monsieur D’Olive*, Vandome deceives St Anne in order to help bring him out of a suicidal melancholy and lead him to a happy marriage. After Vandome reveals the trick, St. Anne tells him, “How Nobly hath your love deluded me / How justly have you been unjust to me? / Let me embrace the Oracle of my good, / The Author and the Patron of my life.”

⁴⁰⁹ Ibid., 42, emphasis mine.

He is so grateful for the good brought about by the deception that he essentially permits the deceit. He retrospectively consents to having been “deluded.” Malhereux offers the same retrospective consent:

I am myself. How long was't ere I could
Persuade my passion to grow calm to you!
Rich sense makes good bad language, and a friend
Should weigh no action, but the action's end.
I am now worthy yours, when, before,
The beast of man, loose blood, distempered us. (5.3.61-67)

When the deceived is no longer deluded by the “beast of man,” he sees that the deceiver’s end, or goal, was his own end, or good, and then consents to the deception. Deceivers can be confident that the deceived will retrospectively consent to the end because it is a natural good: an end for his animal nature. Comic endings are filled with natural goods. Combatants reconcile; couples marry; characters renew their grip on life, health, and pleasure. These are goods no rational human could refuse — if that human is primarily an animal.

Characters in comedy justify their arguably unethical acts by appealing to end-based ethics. It is justifiable to deceive and coerce someone if these acts secure a good end and if the deceived retrospectively consents to this end when he recognizes its goodness. These conditions generally hold, thanks to comic convention. Comedy figures humans as animals who may fail to recognize and consent to their own good. Their friends are justified in procuring their good for them, even without their consent, especially since they know they will consent in the end. Benevolent deceivers succeed in justifying their actions, but these justifications depend on the conventions of comedy. I now support this claim by considering a negative example. *All's Well that Ends Well* undermines the justification for end-based ethics by undermining the conventions of comedy.

***All's Well That Ends Well* and humans as agents**

All's Well That Ends Well is labeled as a comedy in the First Folio, and in many ways the label fits. The conclusion has the formal features of a happy ending. Characters coerce their way towards this end and justify themselves, as comic plotters usually do, by appealing to end-based ethics. But today we read the play not as a comedy but as a “problem play.”⁴¹⁰ Part of what makes the play problematic, I argue, is that it leaves us uncertain whether the title’s proposition is true. It is unclear whether the end justifies the apparently unethical means in this play, because it is unclear whether Bertram consents to the end. The play thus helps us grasp the conditions necessary to justify end-based ethics by showing what results when those conditions do *not* hold.

All's Well That Ends Well, like *The Dutch Courtesan*, accomplishes its formally happy ending through deceit and coercion. In return for healing the King, Helena asks for his ward Bertram as her husband. Bertram yields to the King’s command to marry Helena in ceremony but refuses to consummate the marriage with a “detested wife” (2.3.279), telling her that until she gives birth to his child, he will never be her husband. He flees to the wars in Florence, where he attempts to seduce the maiden Diana. Helena has Diana arrange a tryst with Bertram and takes Diana’s place. The “bed trick” allows her to consummate the marriage with the unwitting Bertram and to fulfill the conditions he set to win him back.

Like other comic plotters, Helena justifies the deception and coercion exerted on Bertram by the good end they are meant to procure. She assures Diana “All’s well that ends well; still the

⁴¹⁰ On the play’s critical reception, see introductory materials in, for example, William Shakespeare, *All's Well That Ends Well*, ed. Susan Snyder (Oxford: Oxford University Press, 1993); *All's Well That Ends Well*, ed. Russell A. Fraser (Cambridge: Cambridge University Press, 2003); *All's Well, That Ends Well : New Critical Essays*, ed. Gary F. Waller (New York: Routledge, 2007). Key works on Shakespeare’s problem plays include Wheeler, *Shakespeare's Development and the Problem Comedies : Turn and Counter-Turn*; Frye, *The Myth of Deliverance : Reflections on Shakespeare's Problem Comedies*; Neely, *Broken Nuptials in Shakespeare's Plays*; McCandless, *Gender and Performance in Shakespeare's Problem Comedies*; Clark, *Rhetorical Readings, Dark Comedies, and Shakespeare's Problem Plays*.

fine's the crown. / Whate'er the course, the end is the renown"; "All's well that ends well yet, / Though time seem so adverse and means unfit" (4.4.35-6; 5.1.25-6). But unlike his counterparts in other comedies, Bertram does not shower his deceivers with gratitude for his deception. When he returns from Florence, the King arrests him on suspicion of having murdered the missing Helena. Helena reveals herself, however, and tells Bertram that she has fulfilled his conditions: she is pregnant with his child. Bertram's response is carefully qualified: "If she, my liege, can make me know this clearly, / I'll love her dearly, ever, ever dearly" (5.3.309-10). His consent to the marriage is conditional; we never know whether this condition is fulfilled.

All's Well violates comic convention by separating goodness and consent. It has the formal features of a good or desirable end but denies us the typical retrospective consent to that end. Bertram's withheld consent to his marriage leaves us uncertain whether Helena and the others are justified in coercing him into it. In this way, the play clarifies the role of consent in justification. Benevolent deceivers claim the deceived *would* consent to the end if he understood its goodness. End-based ethics is justified if goodness implies consent. What *All's Well* suggests is that end-based ethics is valid *only* under that condition. If a person refuses to consent to certain ends, regardless of their "goodness," then it might be unjustifiable to procure such ends for him.

All's Well has been called a "problem play" since the late 1800s.⁴¹¹ It has also been labeled "Shakespeare's anatomy of consent."⁴¹² The play's problems arise partly because of its questions surrounding consent. Does Bertram consent to his marriage with Helena? And what difference does the answer make? We could read *All's Well* as we read *The Dutch Courtesan*.

⁴¹¹ The label was proposed by F.S. Boas in 1896 in *Shakespeare and His Predecessors* and applied also to *Troilus and Cressida*, *Hamlet*, and *Measure for Measure*: *All's Well That Ends Well*. See Snyder, "Introduction," 16, in William Shakespeare, *All's Well That Ends Well*, ed. Susan Snyder (Oxford: Oxford University Press, 1993).

⁴¹² Lupton, *Thinking with Shakespeare: Essays on Politics and Life*, 97.

Someone has been deceived for his own good. When he realizes this, he *will* retrospectively consent to the end and to the deception — he just hasn't realized it yet. Most characters in *All's Well* adopt this view. They see Helena "as good in herself and as good for Bertram, if only he would value her properly."⁴¹³ When Bertram tells the King, "I cannot love her, nor will strive to do't," the King insists, "Thou wrong'st thyself if thou shouldst strive to choose ... Obey our will, which travails in thy good" (2.3.143, 144-56). Bertram should let someone else choose his good because he would choose it wrongly. After Bertram abandons Helena, his mother has her servant write "To this unworthy husband of his wife. / Let every word weigh heavy of her worth / That he does weigh too light" (3.4.30-32). Bertram rejects Helena only because he does not grasp her goodness.

The claim that a person misunderstands his own good is, as we have seen, a common comic justification. So is the claim that his misunderstanding has a physical cause. The Countess pleads with the King to pardon Bertram's behavior as "Natural rebellion, done i'th'blade of youth, / When oil and fire, too strong for reason's force, / O'erbears it, and burns on" (5.3.6-8). His reason has been overpowered by his bodily nature. Until he recovers it, others will use their reason to procure his good for him. When Diana arranges the tryst with Bertram, he tells her, "A heaven on earth I have won by wooing thee." After he exits, she responds, "For which, live long to thank both heaven and me. / You may so in the end" (4.2.66-8). In other words, "You'll thank me later." He will retrospectively consent to the end and the means, the marriage and the bed-trick, because he will realize this was his good all along. On this reading, Helena and the others successfully justify their actions by the standards of end-based ethics. This view is supported by Bertram's own account to the King in the final scene. He only rejected Helena because

⁴¹³ Shakespeare, *All's Well That Ends Well*, Snyder, "Introduction," 36-37.

Contempt his scornful perspective did lend me,
Which warped the line of every other favor,
Scorned a fair colour, or expressed it stolen ...
... Thence it came
That she whom all men praised, and whom myself
Since I have lost have loved, was in mine eye
The dust that did offend it. (5.3.48-54)

He, too, explains his rejection of Helena as a mistake with a quasi-material cause, distorted vision — the kind of mistake embodied animals are always at risk of making.⁴¹⁴ Now he sees her worth, and with that insight comes love. He may not have consented to his marriage at first, but he seems to consent now, and his consent is no less valid for being delayed. As Lupton notes, “[C]onsent can suffer jet lag, leaping ahead or falling behind itself”; the others may be justified in coercing Bertram based on the way the play figures “the peculiar futurity of consent.”⁴¹⁵ If goodness does not imply consent, perhaps it is enough if goodness *will* imply consent.

What undermines this reading, however, is the fact that Bertram affirms Helena’s worth and his love when he still thinks his worthy wife is dead. Once she returns, his affirmation is less affirmative. His final lines leave it unclear whether he consents to this end and so whether Helena is justified in procuring it. Now, an alternative reading would explain Bertram’s non-consent by saying it was not truly a good end. Justification by end-based ethics depends on the end. If marrying Helena is not a good end for him, then there is no mystery as to why Bertram denies Helena his consent and why Helena is denied justification.

Either of these readings would place *All’s Well* comfortably in line with other comedies

⁴¹⁴ Karl Elze reads the play “as a companion piece to *The Taming of the Shrew*: Bertram, like Kate, is a wayward animal being tamed into his social role. As she is likened to a falcon in training, so he is a colt being broken”: Shakespeare, *All’s Well That Ends Well*, Snyder, “Introduction,” 29. The reading is found in Karl Elze, *Essays on Shakespeare*, ed. L. Dora Schmitz (London: Macmillan and Co., 1874).

⁴¹⁵ Lupton, *Thinking with Shakespeare : Essays on Politics and Life*, 127, 98.

as they present the logic of end-based ethics. Coercion is justified by a good end that implies consent. If the end is bad, there is neither justification nor consent. The play challenges this logic, however, because it goes out of its way *both* to present a good end *and* to withhold consent. It ends like most romantic comedies do — with new life, reunions, “resurrection” of the dead, and marriage to (we are told) a good woman. But it also emphasizes that Bertram does not consent to having this good end thrust upon him. In this play, goodness does not imply consent.

All's Well thus forces the question, as other comedies do not, of whether its title is true: can we accept end-based ethics, and under what conditions?⁴¹⁶ Can an apparently good end justify a coercive means when the person coerced consents neither to the end nor the means? Perhaps, when the goods at stake are natural ones. But are there other kinds of goods?

Internal and external goods

In claiming that the deception will ultimately procure the deceived’s retrospective consent, the deceiver’s logic is that goodness generates consent. When natural goods are at stake, any reasonable person will consent to them upon recognizing their goodness. This is the justification for appealing to end-based ethics. Autonomy-based ethics reverses the order of explanation. On this view, goodness does not generate consent. Rather, consent generates goodness. A person’s having chosen that end is integral to what makes that end good.⁴¹⁷ Some ends only become good when they are chosen by the agent as her own. We could call these goods “chosen goods.” Bertram claims that romantic relationships are a chosen good. During

⁴¹⁶ See Shakespeare, *All's Well That Ends Well*, Snyder, “Introduction,” 49-52, and William Shakespeare, *All's Well That Ends Well*, ed. Russell A. Fraser (Cambridge: Cambridge University Press, 2003), Alexander Leggatt, “Introduction,” 41.

⁴¹⁷ See Korsgaard, “Kantian Ethics, Animals, and the Law”, for an account of this position.

their interview, Diana reminds him of the duty he owes to his wife. He objects,

I prithee do not strive against my vows:
I was compelled to her, but I love thee
By love's own sweet constraint and will for ever
Do thee all rights of service. (4.2.14-17)

Helena, he claims, has no rights to him because he never consented to marry her; he was “compelled to her.” A marriage cannot be evaluated by the objective worth of the other person. For this kind of good, Bertram implies, the standard must be, not ends, but autonomy. A marriage can be made good only by both partners’ consent.⁴¹⁸ It is not a natural good but a chosen good.

This discussion of natural and chosen goods relates to a distinction Bernard Williams draws between internal and external reasons. An agent has an internal reason to X if he has some desire that X-ing will satisfy. If it is true to say that the agent has a reason to X even when he has *no* desire that X will satisfy, then he has an external reason to X. It might seem that chosen goods map onto internal reasons and natural goods onto external reasons. According to benevolent deceivers, persons deceived have a reason to obtain life and health even if they have no desire to do so.

However, the full model of internal reasons complicates this picture. Williams notes that an agent may “come to see that he has reason to do something which he did not see he had reason to do at all ... In his unaided deliberative reason, or encouraged by the persuasions of others, he may come to have some more concrete sense of what would be involved, and lose his desire for [X], just as, positively, the imagination can create new possibilities and new

⁴¹⁸ This position had strong political and ecclesiastical support in the early modern period: see Lupton, *Thinking with Shakespeare : Essays on Politics and Life*, 119-121.

desires.”⁴¹⁹ When the deceived offers retrospective consent to the outcome, what he reveals is that he actually did have an internal reason to desire that outcome all along. The benevolent deceiver gains strong justification for deceiving that person to achieve a certain outcome when the person claims he had internal reasons to desire that outcome. But the convention of retrospective justification puts off the more difficult question of whether the deceiver would have been justified if all he could claim were *external* reasons for the outcome. Would he still be justified if the person never consented to the outcome at all? Would the outcome still be good for the person even if the person never cognized or consented to it as good?

The means-end justification relies on the claim that the patient would desire this good, in some possible cognitive state. In this way, comedy does not require us to decide whether or not there can be purely external reasons for action — goods that count as good even when the agent has no desire for them — because it portrays all its goods, even the non-intentional ones, as providing internal reasons. *All's Well That Ends Well* is an ethically challenging comedy because it forces us to make the decision. Does an action require some form of consent, however tacit or hypothetical, in order to be justified? Must an object satisfy some desire, however hypothetical or unrecognized, in order to be good?

By withholding Bertram’s consent, the play makes an unconventional separation of consent and goodness. In this way, it forces us to ask whether justification can proceed without consent even by the standards of end-based ethics. If we find Helena to be justified, we might say yes. Or we might say that even end-based ethics depends on consent, but indirectly: we may appeal to end-based ethics if and *only* if goodness implies consent. This second view makes

⁴¹⁹ “Internal and external reasons,” in Bernard Williams, *Moral Luck : Philosophical Papers, 1973-1980*, ed. John Rawls (Cambridge: Cambridge University Press, 1981), 104-5.

sense of the discomfort we feel at the play's end. Goodness implies consent only for natural goods. If another kind of good is at stake — if consent is required to make it good — then ends cannot be our ethical standard.⁴²⁰

In *Dependent Rational Animals*, Alasdair MacIntyre notes that modern ethics rightly emphasizes “individual autonomy” and “independent choices,” but finds that these views often neglect the fact that human identity is “bodily and therefore animal identity,” involving “vulnerabilities and afflictions” and “consequent dependences.”⁴²¹ Comedy generally picks out these animal features — embodiment, limitation, dependence — as the ethically decisive aspects of human identity. *All's Well* departs from that comic convention by focusing attention on other aspects of the human: autonomy and choice. We could see Bertram's rejection of Helena as a uniquely human form of perversity, a refusal to recognize goodness even in its plainest form. But in someone who refuses to have his consent *compelled* by even the most “objective” or “natural” good, we can also see (obliquely) a uniquely human form of freedom: freedom of choice. In “Helena's choice of Bertram, Bertram's choice of Parolles, and Bertram's rejection of Helena there is the same pattern of perverse but recognizable psychology: the need to make at whatever cost to common sense or general approval, a decision that is stubbornly one's own.”⁴²²

All's Well departs from comic convention by dividing goodness from consent and by setting human animality in tension with human agency. These features also undermine the justification for end-based ethics. Snyder says of the title's ambiguous maxim, “[T]he plot can

⁴²⁰ David Foley McCandless, “Helena's Bed-Trick: Gender and Performance in *All's Well That Ends Well*,” *Shakespeare Quarterly* 45, no. 4 (1994) offers a consent-based critique of the play, calling the bed-trick “a type of rape, in which Helena coerces Bertram into having sex with her against his will” (450).

⁴²¹ Alasdair C. MacIntyre, *Dependent Rational Animals : Why Human Beings Need the Virtues* (Chicago: Open Court, 1999), 8.

⁴²² Alexander Leggatt, “Introduction,” in Shakespeare, *All's Well That Ends Well.*, ed. Fraser, 26.

come out ‘well’ in an external way analogous to the possession of goods and health without resolving more complex issues of psyche and society.”⁴²³ Natural goods can come at the cost of chosen goods. In that case, ends may be the wrong ethical standard. Of course, in dramatizing his characters’ complex psyches, Shakespeare was departing both from his source material and from contemporary comic convention.⁴²⁴ *All’s Well That Ends Well* shows us that end-based ethics may be justifiable, but that we lose this justification as we lose the conventions of comedy.

Above, I cited Bertram’s discussion with Diana to explain why marriage might be a chosen good, not a natural one, and so why Helena and the others may not be justified in coercing him into it. Now, we have no reason to believe that Bertram himself is doing any serious soul-searching. He does not reject Helena because he wants to commit to Diana. We may feel that goodness fails to generate consent only because Bertram’s nature is too perverse to recognize his own good, not because the end is not a good end for him. The play might not be staging a breakdown of natural goods and the end-based ethics that depends on them. It may simply stage an unusual degree of blindness about those goods. But simply by staging this unconventional recalcitrance, the play forces us at least to ask what constitutes a good and what constitutes a justification.

There may be valid logic to Bertram’s claim, even if he has no real commitment to that logic. His implied position, that marriage is a chosen good, had considerable ecclesiastical and political support in the early modern period.⁴²⁵ It also has support in comedy. If a common trope of romance (reversed in *All’s Well*) is a woman’s accepting the man proffered to her, a common

⁴²³ *All’s Well That Ends Well*, Snyder, “Introduction,” 50-51.

⁴²⁴ See Alexander Leggatt, in *All’s Well That Ends Well*, ed. Fraser, “Introduction,” 2, and *All’s Well That Ends Well*, ed. Snyder, “Introduction,” 10.

⁴²⁵ See Lupton, *Thinking with Shakespeare : Essays on Politics and Life*, 119-121.

trope of comedy is a woman's energetically rejecting him — even when, as in *A Midsummer Night's Dream*, we can see little reason for the rejection. What makes a comic hero the right partner is usually not his objective goodness but the fact that the heroine chooses him. In *Measure for Measure* (c. 1603), when the Duke tells Mariana he will “buy [her] a better husband” than Angelo, she responds, “I crave no other nor no better man” (5.1.428-29). Marriage is a chosen good.

We may still feel uncomfortable with Mariana's chosen marriage. But we are even less comfortable with Isabella's unchosen one. Famously, this other “problem play” ends with the Duke's proffering marriage to Isabella, a nun in training, and Isabella's saying nothing: “I have a motion much imports your good, / Where to if you'll a willing ear incline, / What's mine is yours, and what is yours is mine” (5.1.538-40). These lines leave it unclear whether marriage is a natural or a chosen good. To say it “imports your good,” implies this is an end for her, a natural good that no rational animal could reject (he may not be the only man to take this view of his offer of marriage). But he goes on, “*if* you'll a willing ear incline.” As with Bertram, we have an “if” that is never answered. Isabella does not speak, so we never know if she hears his offer willingly. Their withheld consent is what makes us uncomfortable with the plays' endings.

Our discomfort implies a sympathy with Bertram's position, if not with Bertram himself. We may not mind natural goods being imposed without someone's consent if their goodness implies that he will consent eventually. But this may not be the case for marriage, if consent is required to make it a good at all. When that consent is denied, so is the goodness, and so is the justification for procuring it. Bertram with his *If* and Isabella with her silence suspend consent. They also seem, by the same stroke, to suspend the comedy. By making their comic genre so problematic, these plays tell us something vital about it: that comedy depends on ethics.

Conclusion

I have argued that benevolent deceivers justify arguably unethical acts by appealing to end-based ethics and that, thanks to comic conventions, their justifications succeed. Many conventional readings of comedy, however, have no concept of successful justification. As noted in the Introduction, critics often find that the arguably unethical acts in comedy are just that — unethical — because they see comedy as either amoral or immoral. Comedy is unconcerned with ethical justification, or it actively subverts it. Both views neglect the deceivers' constant attempts to justify their actions.⁴²⁶ Just as dozens of comic characters construct plots like Freevill's, they also construct similar arguments to show why these plots are justified. If we fail to see how comedies pursue justification, it is harder to see how they *depend* on it. But in fact, comedies must end justly if they are to end happily.

All's Well That Ends Well departs from comic convention by withholding retrospective consent to an apparently good outcome. But it also departs from convention in a simpler and more drastic way. The happy ending does not seem happy. These two violations of convention are related. The play's happy ending is uncertain because it is uncertain whether the characters were justified in procuring it. Deceivers claim that their actions are justified if they "end well" — that is, if they procure a good end for the animals involved. If they do, then the comedy itself ends well — that is, ends happily. Sometimes, however, the end may be a natural good (life, health, freedom from pain, a restored place in a social group) that comes at the cost of a chosen

⁴²⁶ Some contemporary criticism offers serious treatment of comic ethics in relation to humor, laughter, and ridicule: see, for example, Jane Kingsley-Smith, "Aristotelian Shame and Christian Mortification in *Love's Labours Lost*," in *Shakespeare and Renaissance Ethics*, ; Daniel Derrin, "The Humorous Unseemly: Value, Contradiction, and Consistency in the Comic Politics of Shakespeare's *a Midsummer Night's Dream*," *Shakespeare* 11, no. 4 (2015). I focus here on forms of ethical argumentation and justification, but the subject-position of the ridiculed is often the position of the deceived.

good (romantic love, self-expression, devotion to a cause outside the group). In that case, it is less clear that deception and coercion are justified. They might procure an end for certain humans insofar as they are animals but thwart their ends insofar as they are, say, a Jewish father or an aspiring nun.

The Merchant of Venice (c. 1506), *Measure for Measure*, and *Much Ado About Nothing* (1598) have all been called problem plays in part because we are unsure whether Shylock, Isabel, and Hero obtain their ends.⁴²⁷ It is easy to tell when a natural good is good for an animal. But with chosen goods, like marriage or religious life, only the agent herself can tell you whether something is good *for her*. That is why retrospective consent matters so much. The deceiver is justified in procuring this good only if the deceived makes it good by consenting to it. Justification requires she take the ending as *her* end. Critical history suggests that we also require justification to take the ending as our end — to see it as satisfying the goals of a comedy.

We might read *All's Well* as a comedy if we feel the characters have justifiably procured a natural good for Bertram and he simply cannot recognize it. But if we feel that a character has been unjustifiably coerced into certain natural goods at the cost of more significant chosen goods, we seem unable to take the ending as a happy one. *Measure* and *All's Well* are called comedies in the First Folio, but we call them problem plays because we have a problem seeing their endings as comic. Perhaps we can call them “suspended comedies.” By suspending consent, Bertram and Isabella suspend assurance that they have achieved an end. Our response to the play then becomes conditional, just like theirs. *If* the coercion obtained them their ends, then it is justified. And if it is justified, we can accept the end it procures as happy. In other words, the conclusion must be an end for the character in order to be the end for a comedy. Comedy can

⁴²⁷ See Salinger, *Shakespeare and the Traditions of Comedy*, 301 ff.

have an end only when the character does — even if he does not recognize it as an end.

Whether or not we accept a play's ending as happy seems to depend on whether we accept it as justified. Far from being essentially amoral or immoral, then, comedy depends on ethics for its most defining effect. Feminist criticism and criticism of the problem plays show most clearly that when we find the means to the end to be unjustifiable, we cannot find those ends happy. Why, then, do we tend to think of comedy as indifferent or resistant to justification? It may be because its ethics are different from ours. We tend to notice comedy's attempts at justification when the standard implied is one more familiar to us — one based on consent — and when those attempts fail.⁴²⁸ What this argument reveals is that there are more kinds of ethical standards than we may tend to think, applicable in different kinds of contexts.

Lupton writes that *All's Well* invites us to consider how “consent always involves ... planes other than that of conscious deliberation.”⁴²⁹ The *prima facie* objection to coercion is that it disables this kind of deliberated consent. But we find other modes of consent to be valid in other contexts. Many legal obligations depend on the notion of tacit consent.⁴³⁰ The law permits a doctor to treat a patient without his consent in certain cases, as when the patient is (like

⁴²⁸ In the context of the contemporary university, for example, consent can sometimes be the most authoritative or the only standard of justification. See the special report in *The Chronicle of Higher Education*, “Read More About ‘Yes Means Yes,’” May 17, 2016. Lupton cites Hanna Pitkin, “Obligation and Consent,” *American Political Science Review* 59, no. 4 (1965) and Carole Pateman, “Women and Consent,” *Political Theory* 8, no. 2 (1980) as landmark works in feminist theories of consent.

⁴²⁹ Lupton, *Thinking with Shakespeare : Essays on Politics and Life*, 127.

⁴³⁰ DUI laws, for example, depend for their enforcement on the notion of implied consent (Cheryl F. Hiemstra, “Keeping DUI Implied Consent Laws Implied.(Driving under the Influence),” *Willamette Law Review* 48, no. 4 (2012). See A. John Simmons, *Moral Principles and Political Obligations* (Princeton: Princeton University Press, 1979) for a critique of consent theory and Margaret Gilbert, *A Theory of Political Obligation : Membership, Commitment, and the Bonds of Society* (Oxford: Oxford University Press, 2006) for a defense. Lupton cites Holly Brewer, *By Birth or Consent : Children, Law, and the Anglo-American Revolution in Authority* (Chapel Hill: University of North Carolina Press, 2005) and Victoria Ann Kahn, *Wayward Contracts : The Crisis of Political Obligation in England, 1640-1674* (Princeton: Princeton University Press, 2004) as key studies of political and sexual consent in the seventeenth century.

Malhereux) incapable of reasoned consent. The law “usually presumes patient consent in an emergency” because it treats health as Freevill treats his friend’s sanity and safety, as a natural good implying consent: “Courts assume that a reasonable, competent adult would want to be healthy.”⁴³¹

Health is a natural good for humans because of our embodied sentient nature. Some theorists argue that we have moral obligations to animals on the same basis. What is ethically relevant is not reason but sentience. They say with Jeremy Bentham, “The question is not, can [animals] reason? ... but, can they suffer?”⁴³² By showing how animals share the same ethically relevant features as humans, these theorists seek to create an “expanding circle” of rights-bearers,⁴³³ requiring that we recognize, not only moral agents, but “moral patients.”⁴³⁴ Moral patients have interests and so have moral rights, though they lack the rationality to be moral agents. We respect their rights not by obtaining their consent but by securing their ends.⁴³⁵

⁴³¹ Thomas and Moore, "Medical-Legal Issues in the Agitated Patient: Cases and Caveats", 560.

⁴³² See Fudge, *Brutal Reasoning : Animals, Rationality, and Humanity in Early Modern England*, “Feeling Transformations,” 74 ff., for an early modern expression of this view and Shannon, *The Accommodated Animal: Cosmopolity in Shakespearean Locales*, “Creatures and Cosmopolitans: Before the ‘Animal,’” for a contemporary expression of this view that cites Bentham (3).

⁴³³ See Peter Singer, *The Expanding Circle : Ethics, Evolution, and Moral Progress*, 1st ed. (Princeton: Princeton University Press, 2011). The seminal work on animals and ethics was Singer’s *Animal Liberation : A New Ethics for Our Treatment of Animals* (New York: Random House, 1975). Other important contemporary works include Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 1983); *Animal Rights : Current Debates and New Directions*, ed. Cass R. Sunstein and Martha Craven Nussbaum (Oxford: Oxford University Press, 2004); Lori Gruen, *Ethics and Animals : An Introduction* (Cambridge: Cambridge University Press, 2011); *The Ethics of Killing Animals*, ed. Tatjana Višak and Robert Garner (Oxford: Oxford University Press, 2016). I am indebted to Christine M. Korsgaard for this bibliography.

⁴³⁴ See Mark Rowlands, *Can Animals Be Moral?* (New York: Oxford University Press, 2012), “Moral Agents, Patients, and Subjects.”

⁴³⁵ See Christine M. Korsgaard, “Interacting with Ethics: A Kantian Account,” in Tom L. Beauchamp and R. G. Frey, *The Oxford Handbook of Animal Ethics* (Oxford: Oxford University Press, 2011). See Peter Sandøe, Clare Palmer, “For Their Own Good” in *The Ethics of Captivity*, ed. Lori Gruen (Oxford: Oxford University Press, 2014) for a consideration of end-based ethics in relation to pets and Cass R. Sunstein, “Can animals sue?” *Animal Rights : Current Debates and New Directions*, for a consideration of the legal rights of animals.

Law, medicine, and animal ethics all invoke implied consent. We see retrospective consent invoked by the ethics of childcare. Many contemporary theorists hold, like Hooker, that caretakers of children have the right and duty to procure their good for them. For Virginia Held, a mothering person (who can be male or female) “respects an ethics of care as well as the right to liberty and equality.”⁴³⁶ Here we return to the image of the pelican, piercing its breast to feed its young. Animals care for their offspring by procuring their natural goods, with tenderness, but without consent. The difference is that the human child may consent one day. A caregiver “chooses for the child in the person of the adult whom the child is not yet but will eventually be.”⁴³⁷ She cares for a child not simply in the absence but in the anticipation of consent. When the fully-grown child reflects on the care she has received, she may offer her retrospective consent.

Retrospective consent provides comic plots with their justification. It also provides comedy with its plots. What blocks the action in a comedy is less often a character’s malice than his mistakes, about his own good or others’. The comic arc is most complete, not just when characters obtain their happy end, but when they realize how and why they are happy.

⁴³⁶ Catharine R. Stimpson, “Foreword,” in Virginia Held, *Feminist Morality : Transforming Culture, Society, and Politics* (Chicago: University of Chicago Press, 1993), viii.

⁴³⁷ David Archard, *Children: Rights and Childhood*, 2nd ed. (New York: Routledge, 2004), 53, cited in Lupton, *Thinking with Shakespeare : Essays on Politics and Life*, 101.

Chapter Four

Pragmatism, or, *Believe She Will Be Constant*

In Season 4, Episode 9 of the TV series *Gilmore Girls*, Lorelei Gilmore accompanies her parents, Richard and Emily, to the Harvard-Yale game, where they encounter Pennilynn Lott, the woman Richard once planned to marry. When Lorelei insists, against her mother's strict orders, on engaging Pennilynn in conversation, Emily finds out that Pennilynn knows things about their family life that she could not have known unless someone had told her. Richard confesses that he did tell her — at a lunch he did not tell Emily about. He further admits that he has had lunch once yearly with Pennilynn for thirty-nine years without telling Emily. When he departs, Emily rounds on Lorelei: "I asked you over and over to please refrain from talking to her ... But no, you had to push it, and now look what's happened! Are you happy?" Lorelei, astounded, asks, "Are you seriously blaming me for this?"⁴³⁸ We might be astounded, too. Surely the fault lies with Richard for carrying on the lunch affair, not with Lorelei for accidentally bringing it to light.

Renaissance comedies pose a similar puzzle. Critical narratives commonly tell us that comedy's happy ending is constituted by marriage. In tragedies, (perceived) infidelity can precipitate the tragic crisis. And yet, at the satiric end of the comic spectrum, we find many comedies in which men and women threaten or actually indulge in extramarital affairs without being punished. In fact, the unfaithful partner is pardoned, while the jealous partner is rebuked

⁴³⁸ Written by Amy Sherman-Palladino, accessed via <http://crazy-internet-people.com/site/gilmoregirls/pages/s4/s4s/74.html>. All quotations from the episode are from this source.

and ridiculed.⁴³⁹ If infidelity is such a threat and marriage such a good, why do these satiric comedies not only pardon infidelity but punish those who reveal it or object to it?

This is the puzzle of infidelity. The answer to this puzzle is suggested by Emily's response to Lorelei: "I wouldn't have known! If you hadn't talked to her, I wouldn't have known, and everything would have been fine!" The early modern comedies in which we find the puzzle of infidelity tend to adopt a particular kind of ethics, one that evaluates actions based on their effects. Someone's action cannot adversely affect me if I do not know that it has happened. This view — that ethics depends on effects — is derived partly from the conventions of satiric comedy that represent the world as material.

In the Introduction, I described Renaissance comedy as existing on a spectrum with satire at one end and romance at the other. The comedies at the center of the spectrum tend to balance soul and body, form and matter, rational agency and animality. In this way, they create a dialectic between elements of romance and satire. Romance emphasizes the more immaterial elements of soul and form. Satire emphasizes the more material elements of body and animality. We can see this trend at work by mapping (in the mode of 2 Corinthians 3:6) the spiritual/material dichotomy onto a dichotomy of figurative/literal meaning.

In the romance-quest film *Brave* (dir. Brenda Chapman, Mark Andrews, 2012), the heroine Merida, furious with her mother, turns her into a bear and learns that the only way to restore her is to "mend the bond." Merida's mother had woven a tapestry depicting them side by side. Merida has torn a gash in the tapestry between the two figures and takes the directive to mean that she must mend the tapestry. When she has stitched up the gash and finds her mother

⁴³⁹ See Leggatt, *Citizen Comedy in the Age of Shakespeare*, "Comedy of intrigue: adultery," for a discussion of the range of responses to adultery found in Renaissance comedy.

still in her ursine state, she weeps out her apologies and her love. *This* turns out to be what changes her mother back. The literal interpretation is superseded by a figurative one. The “mending” referred to a transformation, not in the cloth, but in her heart.

In the satiric TV series *Arrested Development*, we see just the opposite. The Bluth family has its assets frozen after the father, George Bluth, is arrested for criminal financial activity. He tells his cash-strapped son Michael, “There’s always money in the banana stand” — the shack where generations of Bluth boys have sold frozen bananas on the beach. Michael takes this to mean that the banana stand can continue to be a source of income. Rebellious against his enforced labor in the banana stand in his youth, he sets the banana stand on fire and enjoys the cathartic blaze. When Michael brags to George about having burned down the stand, George tells him that there was \$250,000 in cash in the walls of the banana stand. When Michael says, “Why didn’t you tell me?” George shouts at him, “How much clearer can I say, THERE’S ALWAYS MONEY IN THE BANANA STAND!”⁴⁴⁰ In satire, the most literal meaning is the right one.

Comedy tends to balance the spiritual and the material. Romance and satire tend to give priority to one or the other. In romance, we find spiritual rarefaction; what seemed to be material is revealed to be spiritual. In satire, we find material reduction: what seemed to be spiritual is revealed to be material. These differences in ontology (what the world is made of) are related to differences in ethics. The spiritual world of romance conventionally identifies humans with their souls; the material world of satire, with their bodies. What is best for humans to do in each world depends, then, on whether it furthers the interests of the soul or of the body. In satiric comedy, the most relevant considerations for ethics are material effects on material beings.

⁴⁴⁰ *Arrested Development*, Season One, Episode Two, “Top Banana,” written by Mitchell Hurwitz and John Levenstein, accessed via http://arresteddevelopment.wikia.com/wiki/Transcript_of_Top_Banana.

In the previous chapter, I argued that comedy presents end-based ethics. What is ethical is what furthers a creature's end. What counts as an end is determined by the creature's natural goods, his nature. According to Aristotelian anthropology, the source of a creature's nature is its form, the organization of its material body that gives it certain capacities, needs, and ends. But satire presents a world of matter without form. Humans are figured as accidental, contingent groupings of matter without any essential nature. This also means they have no essential goods. Nothing promotes their natural *telos*. To say something is "good" can only mean that it has pleasurable effects. What a person experiences as pleasurable, however, depends entirely on his contingent material makeup — and in satire, different persons are represented as having vastly different material makeups. If a person happens to be constituted such that some state of affairs brings him pleasure, then that state becomes a good for him. What is good or bad depends on what has good or bad effects. This ethics, which evaluates actions based on their consequences, is pragmatic. As comedy's world becomes more material, its ethics becomes more pragmatic.⁴⁴¹

I make this case first by reviewing Renaissance theories of materialism and satire and the relationship between the two. I show how ethical justifications in satiric comedy assume a primarily material world and invoke a primarily pragmatic ethics. I then show how satire's materialist conventions and pragmatic ethics help explain the genre's puzzles of infidelity. In *The Importance of Being Earnest*, Lady Bracknell tells Jack Worthing, "I have always been of opinion that a man who desires to get married should know either everything or nothing. Which do you know?"⁴⁴² Satiric comedy takes both answers to be equally productive. It represents

⁴⁴¹ In calling the ethics of satire "pragmatic," I am not referring to the philosophical school of pragmatism popularized by Charles Pierce, William James, and John Dewey. I use the term in a less technical sense to refer to the emphasis on effects and outcomes (what can be achieved in practice), an emphasis found in the ethical systems of utilitarianism and consequentialism.

⁴⁴² Oscar Wilde, *The Importance of Being Earnest and Other Plays* (New York: Random House, 2003), Act One.

infidelity as acceptable in two cases: either we know everything about it, or we know nothing about it.

The material nature of the satiric world suggests that infidelity is inevitable. In the comedies in which we find the puzzles of infidelity, humans are represented as incapable of completely overcoming their faults or resisting their appetites. In that case, we cannot expect anyone to be perfectly faithful. And if we do not expect it, we will not be pained by having our expectation go unfulfilled. The cuckold can prevent knowledge of his spouse's infidelity from affecting him painfully by adjusting what he desires. If he cannot adjust his desires, the other solution is to prevent the knowledge. If he does not allow himself to know that his partner is unfaithful, then her infidelity has no bad effects on him. We find these materialist conventions and these pragmatic justifications in George Chapman's *All Fools* (1604) and *The Widow's Tears* (c. 1605), Thomas Middleton's *A Chaste Maid in Cheapside* (1613), Thomas Dekker and John Webster's *Northward Ho!* (1605), and Ben Jonson, George Chapman, and John Marston's *Eastward Ho!* (c. 1605). In a world where reality is material, what has no material effects might as well not be real. If the victim is unaffected by the crime, there is no crime.

Matter without form

The Aristotelian metaphysics common in early modern England was hylomorphic: it analyzed beings as combinations of matter and form. All creatures had substantial forms, or souls, that organized their matter into the animated body of a living creature. Living beings are primary substances, the basic ontological units.⁴⁴³ Aristotle's, however, was not the only metaphysics available. Another view, inherited from ancient writers such as Democritus,

⁴⁴³ S. Marc Cohen, "Substances," in *A Companion to Aristotle*, 197ff.

Epicurus, and Lucretius, posited that the world was composed not of form and matter but of matter and void. The basic ontological units were not substances but atoms — the indivisible, smallest units of matter that move together into accidental and temporary arrangements before splitting and rearranging again. All that exists is matter in motion. This view is materialist, in that it considers the world to be made solely of matter, with no spiritual or immaterial entities. It is mechanistic in that it considers all events to be generated solely by material causes. No final, teleological, or self-determining causality is exerted by divine will, human will, or natural *teloi*.

Studies of Renaissance materialism have proliferated in recent decades, covering ancient sources, their early modern revival,⁴⁴⁴ the explicit materialist philosophies of figures like Milton and Hobbes,⁴⁴⁵ and the influence of materialism on writers like Spenser, Donne, and Burton.⁴⁴⁶ Other early seventeenth-century writers also engaged heavily with materialism but less through the new mechanist philosophy than through longstanding literary conventions: the conventions of satire.

Satire in English Renaissance literature derived from medieval and from classical

⁴⁴⁴ See, for example, E. J. Dijksterhuis, *The Mechanization of the World Picture* (Oxford: Clarendon Press, 1961); Robert H. Kargon, *Atomism in England from Hariot to Newton* (Oxford: Clarendon Press, 1966); Reid Barbour, *English Epicures and Stoics : Ancient Legacies in Early Stuart Culture* (Amherst: University of Massachusetts Press, 1998); Jonathan Goldberg, *The Seeds of Things : Theorizing Sexuality and Materiality in Renaissance Representations* (New York: Fordham University Press, 2009); Stephen Greenblatt, *The Swerve : How the World Became Modern* (New York: W.W. Norton, 2011); Gerard Passannante, *Lucretian Renaissance : Philology and the Afterlife of Tradition* (Chicago: University of Chicago Press, 2011); *Lucretius and the Early Modern*, ed. David Norbrook, S. J. Harrison, and Philip R. Hardie (Oxford: Oxford University Press, 2016).

⁴⁴⁵ See Stephen M. Fallon, *Milton among the Philosophers : Poetry and Materialism in Seventeenth-Century England* (Ithaca: Cornell University Press, 1991); John Rogers, *The Matter of Revolution : Science, Poetry, and Politics in the Age of Milton* (Ithaca: Cornell University Press, 1996); Tilmouth, *Passion's Triumph over Reason : A History of the Moral Imagination from Spenser to Rochester*, "The Restoration Ethos of Libertinism"; Nicholas Dungey, "Thomas Hobbes's Materialism, Language, and the Possibility of Politics," *The Review of Politics* 70, no. 2 (2008).

⁴⁴⁶ See Passannante, *Lucretian Renaissance : Philology and the Afterlife of Tradition*; Stephanie Shirilan, *Robert Burton and the Transformative Powers of Melancholy* (Farnham: Ashgate Publishing Limited, 2015).

traditions.⁴⁴⁷ The plain-spoken peasant, familiar from William Langland's *Piers Plowman*, was influential in English satire from the late fourteenth century. This figure called on a corrupt society to return to fundamental Christian ideals and drew authority from his "[s]imple piety, humility, honest poverty."⁴⁴⁸ The plowman had descendants in later Renaissance literature, such as Spenser's Colin Clout, but later Renaissance satirists increasingly found models in such classical authors as Seneca, Martial, Juvenal, and Horace. Verse satire gained immense popularity in the late 1590s, especially at the Inns of Court, through authors like John Marston, George Gascoigne, Joseph Hall, and John Donne. In 1599, the Bishops of Canterbury and London issued a ban on all poetic and prose satire, and satire found a new outlet in drama.⁴⁴⁹ Comedy became less mythological, festive, and romantic at the turn of the century and became instead more urban, aggressive, and satiric, aiming pointed criticisms at social types and practices of early modern London.

Satire represents the world as material. The substance of the satiric scene is "Gross,

⁴⁴⁷ See "Background of Renaissance Satire" in Alvin B. Kernan, *The Cankered Muse: Satire of the English Renaissance* (New Haven: Yale University Press, 1959); James S. Baumlin, "Generic Contexts of Elizabethan Satire: Rhetoric, Poetic Theory, and Imitation" in *Renaissance Genres: Essays on Theory, History, and Interpretation*, ; Anne Lake Prescott, "The evolution of Tudor verse satire," in *The Cambridge Companion to English Literature, 1500-1600*, ed. Arthur F. Kinney (Cambridge: Cambridge University Press, 2000); Ejner J. Jensen, "Verse Satire in the English Renaissance" in *A Companion to Satire*, ed. Ruben Quintero (Malden: Blackwell Publishers, 2007); "Satire" in Julie Sanders, *The Cambridge Introductory to Early Modern Drama, 1576-1642* (Cambridge: Cambridge University Press, 2014).

⁴⁴⁸ *The Cankered Muse: Satire of the English Renaissance*, 42. See "Native English Satire: The Mask of the Plowman," 40ff., for more on this figure.

⁴⁴⁹ "City comedy" is often equated with satiric comedy; for critical treatments of city comedy, see Knights, *Drama & Society in the Age of Jonson*; Gibbons, *Jacobean City Comedy: A Study of Satiric Plays by Jonson, Marston, and Middleton*; Levin, *The Multiple Plot in English Renaissance Drama*; Leggatt, *Citizen Comedy in the Age of Shakespeare*; Gibbons, *Jacobean City Comedy*; Paster, *The Idea of the City in the Age of Shakespeare*; Griswold, *Renaissance Revolts: City Comedy and Revenge Tragedy in the London Theatre, 1576-1980*; Leinwand, *The City Staged: Jacobean Comedy, 1603-1613*; Twynning, *London Dispossessed: Literature and Social Space in the Early Modern City*; Martin, *Between Theater and Philosophy: Skepticism in the Major City Comedies of Ben Jonson and Thomas Middleton*; Plotting *Early Modern London: New Essays on Jacobean City Comedy*, ; Easterling, *Parsing the City: Jonson, Middleton, Dekker, and City Comedy's London as Language*.

sodden, rotting matter ... and any trace of the beautiful or the spiritual is always in danger of being destroyed by the weight of this mere ‘stuff.’”⁴⁵⁰ In particular, satire represents humans as matter without form, through conventions like interchangeability, predictability, and divisibility.

In Chapter One, I introduced the comic convention of “democratic leveling.” Comedy presents its characters as fundamentally similar through devices like parallelism and symmetry. In satiric comedy, characters are not merely symmetric but *interchangeable*. In Thomas Heywood’s *Fair Maid of the Exchange* (c. 1602), two brothers, Ferdinand and Anthony, each love Phyllis. In one scene, the third brother, Frank, overhears Ferdinand confess his love; in the next scene, he overhears Anthony do the same. Finally, Frank overhears Anthony overhear Ferdinand. Ferdinand confesses, “I have a brother rival in my love / I have a brother hates me for my love; / I have a brother vows to win my love; / That brother too, he hath incensed my love.” Anthony responds, in an aside, “I am that brother rival in his love, / I am that brother hates him for his love: / Not his but mine, and I will have that love.” The two converse and part, Ferdinand murmuring, “Yet for I fear my brother Anthony, / I’ll step aside and stand a while unseen,” and Anthony likewise, “So, he is gone, I scarcely trust him neither.”⁴⁵¹

The parallelism, symmetry, and repetition reinforce the idea that the brothers are, for all practical purposes, as interchangeable as atoms. If we adopt this view, we mind less when Frank gulls them both and wins Phyllis for himself. There seems to be no reason for her to pick either Ferdinand or Antony, since there is no function one could perform that could not also be fulfilled by the other.

Interchangeability is a quality that belongs to material objects, like mass-produced

⁴⁵⁰ Kernan, *The Cankered Muse: Satire of the English Renaissance*, 11.

⁴⁵¹ Heywood, *The Fayre Mayde of the Exchange*.

machine parts. Characters are figured as mechanical in being figured as predictable. In George Chapman's *A Humorous Day's Mirth* (1597), the plotting figure Lemot shows how mechanistic others are by predicting their speech. He tells a friend "to shew thee how brittle their wits be, I will speak to them severally, and I will tell thee before what they shall answer me ... Whatsoever I say to Monsieur Rowle, he shall say, O sir, you may see an ill weed grows apace."⁴⁵² Sure enough, Rowle's response to Lemot is, "O sir, you may see an ill weed grows apace." Cordatus in Jonson's *Every Man Out of His Humour* (1599) tells Mitis that Orange is "nothing but salutation, and 'O God, sir!'" (3.1.45).⁴⁵³ When Orange appears, the first thing we hear is "O God, sir!" (3.1.55). Their predictability makes these characters not just material but mechanical. Like a machine, they are determined to a single action. While rational creatures can choose to respond to the same conditions in different ways, a machine responds to the same cause always with the same effect.

Humans are also represented as material when they are figured as divisible. For Aristotle, living creatures are distinguished from machines (artifacts) in having a substantial form that makes them essentially unified. The whole precedes and defines the parts. The form organizes the matter of the creature's body into organs, which are defined by their role in sustaining the whole creature. The parts bear an intrinsic relation to the whole and cannot exist independently of it. A human hand is only a human hand because it belongs to a living human who uses it.⁴⁵⁴ Machines, by contrast, are divisible into parts. Unlike animals, machines begin as separate parts.

⁴⁵² George Chapman, *A Pleasant Comedy Entituled: An Humerous Dayes Myrth*, EEBO STC (2nd ed.) / 4987 ed. (1599).

⁴⁵³ Ben Jonson, *Every Man out of His Humour*, ed. Helen Ostovich (New York: Palgrave, 2001). All quotations are from this edition.

⁴⁵⁴ See Aristotle, *Physics*, Book I, Chapter 1.

These parts are only unified when human makers impose a form upon them, and if that form is removed — if the machine is dismantled — the parts remain. An engine is still an engine even if you take it out of the car. A machine is divisible into parts.

Satiric comedy presents characters as machines rather than as humans by figuring them as divisible into parts. Subtle in Jonson's *The Alchemist* (1610) laughs at one gallant because "He looks in that deep ruff like a head in a platter, / Served in by a short cloak upon two trestels!" (4.3.25-26). In *The Old Law* (Thomas Middleton and William Rowley, c. 1619), Eugenia says of her vain husband,

I'm sure his head and beard as he has ordered it
Looks not past fifty now; he'll bring't to forty
Within these four days, for nine times an hour, at least,
He takes a black lead comb and kembs it over.
Three quarters of his beard is under fifty;
There's but a little tuft of fourscore left,
All of one side, which will be black by Monday. (3.2.36-42)⁴⁵⁵

Her husband's (younger) beard is divided from his (older) body; the beard is divided into the three-quarters under fifty and the quarter over eighty. What divides him into parts is his use of artificial coloring. In Jonson's *Epicoene* (c. 1610), Otter divides a whole woman into her artificial parts: "All her Teeth were made i'the Black-Friars: both her eye-brows i'the Strand, and her Hair in [Silver]-street ... She takes herself asunder still when she goes to bed, into some twenty Boxes; and about next day noon is put together again, like a great German Clock."⁴⁵⁶ Otter explicitly figures this artificial woman as a machine. If humans are divisible into parts, they are machines rather than living creatures. They are not matter organized by a form but merely

⁴⁵⁵ Thomas Middleton and William Rowley, *An/The Old Law*, in Middleton, *Thomas Middleton : The Collected Works*, ed. Gary Taylor et al.

⁴⁵⁶ Ben Jonson, *Epicoene, or the Silent Woman*, EEBO STC (2nd ed.) / 14763 ed. (1620).

assemblages of material parts. Mercury in Jonson's *Cynthia's Revels* (c. 1600), satirizing the character Amorphous, passes a judgment that applies to many of satire's characters: "One so made out of the mixture and shreds of forms, that himself is truly deformed."⁴⁵⁷

These conventions — interchangeability, predictability, and divisibility — represent human beings as essentially material. The most important such convention, however, is probably humor. Chapman, Dekker, Middleton, and especially Jonson represent many characters as humoral: possessed by a single, dominant *idée fixe* whose origin is bodily dysfunction (overproduction of a bodily fluid, or humor). We find an explicit definition in *Every Man Out of His Humour*:

That whatsoe'er hath fluxure and humidity,
As wanting power to contain itself,
Is *humour*. So in every human body,
The choler, melancholy, phlegm, and blood,
By reason that they flow continually
In some one part and are not continent,
Receive the name of humours. Now thus far
It may by metaphor apply itself
Unto the general disposition;
As when some one peculiar quality
Doth so possess a man, that it doth draw
All his affects, his spirits, and his powers
In their confluxions all to run one way ... ("Induction," 94-106)

A humoral human is essentially matter without form. While form organizes matter into a particular structure, a humoral character is unorganized and unbounded, leaving his actions free to flow always in that same direction where his material makeup happens to incline. Thomas Wright writes, "Passions & sense are *determined* to one thing, and as soon as they perceive their object, sense presently receives it, and the passions love or hate it: but reason, after she perceiveth her object, she stands in deliberation, whether it be convenient she should accept it, or

⁴⁵⁷ Ben Jonson, *The Fountaine of Selfe-Love. Or Cynthia's Revels*, EEBO STC (2nd ed.) / 14773 ed. (1601).

refuse it.”⁴⁵⁸ As discussed in Chapter Two, reason means that humans do not act simply on impulse. When some object presents itself to us as a reason for action, we do not simply act. We decide whether we can *endorse* that action by reflecting on whether it would promote our ends. The rational human soul is what makes it possible, as Wright says, to deliberate, to act freely rather than automatically.⁴⁵⁹ Conversely, humoral characters who act automatically do not behave as humans. They lack the capacity for reflection and deliberate action because they lack a human soul or lack the ability to use it. Humoral satire assumes a dominant materialism in its characters.

Satiric theory also assumes materialism in its audience. Elizabethan theories of satire, drawing on Donatus, took the origin of the genre to lie in the “satyr plays” of ancient Greece, in which actors wearing satyrs’ masks savagely attacked the vices of individual persons. George Puttenham explains that the poets “who intended to tax the common abuses and vice of the people in rough and bitter speeches, and their invectives were called *Satyres*, and themselves *Satyrical*. Such were *Lucilius*, *Iuuenall* and *Persius* among the Latines, & with us he that wrote the book called *Piers plowman*.”⁴⁶⁰ Elizabethans explained the roughness of satiric language partly in terms of its speaker: “[S]ince satire was thought of as being spoken by rough, crude, wanton satyrs, it followed that the style and meter should be appropriate to these

⁴⁵⁸ Wright, *The Passions of the Minde in Generall*, Book I, Chapter 2, emphasis mine. While the passions are not bodily fluids as humors are, there is an essential material element to them. Thomas Aquinas, for example, in his commentary on Aristotle’s *De Anima*, 408a34-b31, notes that activities like joy and sorrow “are movements not of the soul alone, but of soul and body together. Yet they are from the soul; for example, when the soul thinks that anything is worthy of anger, the animal organ called the heart is disturbed and the blood gets heated around it” (Thomas Aquinas, *Commentary on Aristotle’s De Anima*, ed. Joseph Kenny (html edition), trans. Kenelm Foster and Sylvester Humphries (New Haven: Yale University Press, 1951), Book One, Chapter IV, Commentary: Lectio 10, §150, accessed via <http://dhspriony.org/thomas/DeAnima.htm#110L>). See also *Summa Theologiae* I-II.22, “The Subject of the Passions of the Soul.”

⁴⁵⁹ For further elaboration on the role of incentives in animal and human (non-rational and rational) action, see Korsgaard, *Self-Constitution : Agency, Identity, and Integrity*, Chapters 5-6.

⁴⁶⁰ George Puttenham, *The Arte of English Poesie* STC (2nd ed.) / 20519.5 ed. (London 1589), Chapter XI.

creatures.”⁴⁶¹

But the “rough and bitter” speeches were a matter not only of decorum but of necessity. The satirist must exercise force in his speech if he assumes an audience that is responsive to nothing but force. As we saw in Chapter Three, when someone no longer responds to (immaterial) reason, you must use (material) force. The satirist’s force is language, which he uses not as a material signifier of immaterial ideas but as a material instrument in itself.

That force is sometimes figured as medicine. In Shakespeare’s *As You Like It* (1599), Jacques pledges to “Cleanse the foul body of the infected world, / If they will patiently receive my medicine” (2.7.60-61). The satiric presenter Asper in *Every Man Out of His Humour* disdains those who reject his invectives as none but “a sort of fools, so sick in taste / That they condemn all physic of the mind” (“Induction,” 130-31). In Jonson’s *Poetaster* (1601), Horace cures two subpar poets, Crispinus and Fannius, of their slanderous satires by giving them purgative pills. The matter they vomit up consists of words. Crispinus chokes, “O — retrograde — reciprocal — incubus!” “Retrograde, reciprocal, and incubus, are come up,” Horace calmly informs Caesar. To complete the cure, Virgil prescribes a “strict and wholesome diet” of words. The poets are to “take / Each morning, of old Cato’s Principles ... that walk upon, / Till it be well digested.”⁴⁶² This kind of satire aims, like the revenges and deceptions discussed in previous chapters, at reformation.

Sometimes, on the other hand, the force of language is simply violence. Satire was described as “[b]iting, aggressive, corrosive, excoriating, scornful, scourging, whipping,

⁴⁶¹ Kernan, *The Cankered Muse: Satire of the English Renaissance*, 58.

⁴⁶² Ben Jonson, *Poetaster or the Arraignment* EEBO STC (2nd ed.) / 14781 ed. (1602).

drubbing, abrasive.”⁴⁶³ Asper is as much a public whipper as a doctor: “[W]ith an armèd and resolvèd hand / I’ll strip the ragged follies of the time / Naked as at their birth ... and with a whip of steel / Print wounding lashes in their iron ribs” (“Induction,” 14-18). Mauortius in Marston’s *Histriomastix* (c. 1601-2) criticizes a satirist, “[Y]ou can make / A stabbing Satire ... And think you carry just Ramnusia’s whip / To lash the patient.”⁴⁶⁴ Language is felt on the body. This mode of satire assumes materialism in the audience. Its influence is not that of persuasive arguments upon a rational mind but of painful blows upon an irrational body, irrational because there is nothing *but* the body.

Altogether, these features of satire create a tension in the genre. On the one hand, satire is predicated on the assumption that its critique may do some good. The satirist “tries to sway us toward an ideal ... [He] seeks improvement or reformation.”⁴⁶⁵ Sidney notes that “the Satiric ... sportingly never leaveth till he make a man laugh at folly, and at length ashamed to laugh at himself, which he cannot avoid, without avoiding the folly.”⁴⁶⁶ The satirist leaves off when he has accomplished his goal of changing his audience.

On the other hand, the genre’s tendency towards materialism poses a difficulty for this goal. It is hard to reform a creature that has no form. The more materialist satire becomes, the more it seems to deny that humans can reflect on and correct their behavior. A human who is chiefly material will lack, like humor, power to contain himself. He cannot direct himself to a different end but flows “all to run one way.” In fact, lacking the capacity for reflection, he cannot

⁴⁶³ “Satire” in Julie Sanders, *The Cambridge Introduction to Early Modern Drama, 1576-1642* (Cambridge: Cambridge University Press, 2014), 156.

⁴⁶⁴ John Marston, *Histrion-Mastix: or, the Player Whipt* EEBO STC (2nd ed.) / 13529 ed. (1610).

⁴⁶⁵ *A Companion to Satire*, 3.

⁴⁶⁶ Sir Philip Sidney, *A Defence of Poetry*, in *English Renaissance Literary Criticism*, 362.

actually direct himself to an end at all. He simply inclines with his inclinations.⁴⁶⁷ If a person lacks a human form, he lacks the reason and the will required to appreciate the satirist's standard and change his behavior to uphold it.

Furthermore, materialism makes it less clear how the satirist's standards are derived. On Aristotle's view, "a living thing is a thing with a special kind of form, a self-maintaining form. It is designed so as to maintain and reproduce itself, that is to say, to maintain and reproduce its own form. So it is its own end; its telos or function is just to be — and to continue being — what it is."⁴⁶⁸ What is good for an animal derives from its form. Humans share ethical standards because they share a common form. If satire seeks to move us toward a higher standard, it is essential that "the satirist and the reader share a perception of that standard."⁴⁶⁹ But if the satire emphasizes a lack of human form among its characters, there is nothing to supply that standard. How can satire ask its audience to uphold new standards if we have no forms to give rise to standards, and no power to overcome material determinism and adapt to those standards?

⁴⁶⁷ This lack of direction towards an end is often represented in early modern satire by materialist human's unbounded pursuit of money. Money, Aristotle notes in the *Politics*, is not an end in itself; it is only a means to an end, and therefore the pursuit of money should be limited. The "things that further the end are not unlimited (for the end is the limit of all of them)," and this is why the "sort of craft of wealth acquisition that is a part of household management ... does have a limit. For this [unlimited wealth] is not the function of household management. That is why, in one way it appears to be necessary for all wealth to have a limit" (1257b26-31). But some people mistakenly think that they "should either preserve the substantial amount money they have or increase it without limit. The cause, though, of their being so disposed is that what they take seriously is living, not living well. And since their appetite for living is unlimited, they also have an appetite for an unlimited amount of what is productive of it" (1257b39-1258a1). Satire, too, presents characters who have no sense of what it means to live well, of what constitutes a real human end, and who have only unlimited appetite. Their pursuit of money is just as unbounded as the humors that govern them. For treatments of satiric comedy in relation to money and the marketplace, see Mortenson, "The Economics of Joy in the Shoemakers' Holiday"; Venuti, "Transformations of City Comedy: A Symptomatic Reading"; Agnew, *Worlds Apart: The Market and the Theater in Anglo-American Thought, 1550-1750*; Lorna Hutson, "The Displacement of the Market in Jacobean City Comedy," *lond j* 14, no. 1 (1989); Katharine Eisaman Maus, "Satiric and Ideal Economies in the Jonsonian Imagination," *English Literary Renaissance* 19, no. 1 (1989); Bruster, *Drama and the Market in the Age of Shakespeare*; Lars Engle, *Shakespearean Pragmatism: Market of His Time* (Chicago: University of Chicago, 1993).

⁴⁶⁸ Korsgaard, *Self-Constitution: Agency, Identity, and Integrity*, 93.

⁴⁶⁹ *A Companion to Satire*, 3.

Different modes of satire treat the problem in different ways.

Satiric comedy, like comedy in general, exists on a spectrum. At one end, we find works that chastise human folly while maintaining a firm sense of the standards by which folly is chastised and a firm belief that humans are capable of overcoming those follies. Jane Austen's novels and some of Ben Jonson's plays fall into this category. Theirs is the kind of satire that represents itself as medicinal. Humans are sick but not incurable, and satire can help cure them. This is because humans are not thoroughly material, only in danger of *becoming* so. We have a human form, but it is possible to lose the use of it to varying degrees. We saw in Chapter Three how it is possible to go from a rational human to an irrational, nonhuman animal because humans and animals exist on a continuum. Materialism, too, exists on a continuum. Failing to use one's rational soul risks losing one's human form and degenerating, not into an animal, but into a mere heap of matter.⁴⁷⁰ Jonson's plays frequently present this sort of world.⁴⁷¹ We see certain characters becoming "inert matter, without form, purpose or identity" and humanity "dissolving and reducing itself to mechanism, or to pure matter."⁴⁷² Plays like Jonson's *Cynthia's Revels* or *Poetaster* feature one character or a small group of characters who are qualified to pass judgment on society because they have retained their rational form while others have deformed into mechanical bodies.⁴⁷³ Jonson aims his message at that group (also, he generally implies, a

⁴⁷⁰ On the Aristotelian view, "to be an object, to be unified, and to be teleologically organized, are one and the same thing. Teleological organization is what unifies what would otherwise be a mere heap of matter into a particular object of a particular kind": *Self-Constitution : Agency, Identity, and Integrity*, 28.

⁴⁷¹ George Rowe offers a similar reading of Middleton's comedies dramatizing "incoherent monstrosity" that "perfectly mirrors the disorder which Middleton ... saw in the world around him": George E. Rowe, *Thomas Middleton & the New Comedy Tradition* (Lincoln: University of Nebraska Press, 1979), 22. Rowe's work explores that way Middleton disrupts the ordinarily stable, unified, teleological form of New Comedy.

⁴⁷² Leggatt, *Ben Jonson, His Vision and His Art*, 45, 53. See his chapter "Jonson and the Dead Sea of Life" for a full reading of Jonson's materialist imagery.

⁴⁷³ Cf. Maus, *Ben Jonson and the Roman Frame of Mind*: "Again and again the Roman moralists divide humanity into two groups: the depraved majority against an elite class of wise and virtuous men" (131); in the same vein, "In

small one) of audience members who are not so deformed. This mode of satire condemns those who are so gross as to fall below the satirist's standard.

At the other end of the satiric spectrum, however, we find an alternative representation of the world and an alternative mode of satiric critique. Here, it is not that people are in danger of losing their rational souls. Rather, there is no perfectly rational soul to begin with. No one is exempt from the pressures of matter and the body, and judgment is passed on those who think they can rise above their bodies, or who demand that others rise above theirs. This satire condemns not those who fall below the high standards of Jonsonian presenters but those delusional enough to believe that anyone, themselves included, can reach such standards.

I claimed in Chapter One that comedy figures humans as essentially imperfect. Satiric comedy goes farther. Its characters may be *incorrigibly* imperfect. Aristotle claims that humans have a natural inclination towards the good, but humans without rational souls lack the capacity to recognize "good" or determine themselves to pursue it. If materialism is not merely possible but permanent, we cannot expect humans to behave in any way other than what their material nature determines. They may not be capable of resisting their appetites or even recognizing why they should — and satire might not think that they should. Rather than asking humans to change their behavior, it recommends the more achievable goal of changing our responses to human behavior. If this is the goal, we get a radically new idea of ethics.

Nature, not norms; effects, not ends

the comical satires, Jonson's trials punish or expel not merely a single recalcitrant scapegoat, but most of the characters in the play. The final, healthy community in the early plays is a tiny one — Crites, Arete, and Cynthia in *Cynthia's Revels*, Horace, Virgil, and Augustus in *Poetaster*. The true courtiers close ranks against the false ones, the true poets against the poetasters" (132).

In Chapter Two, I argued that socially contingent ethics are constrained by the nature of society's members. The goal of ethics is to promote human flourishing, and what counts as flourishing is determined by human nature, as given by the human form. In a hylomorphic world of matter and form, nature is normative. But there is another way of understanding nature, and it leads to a different kinds of ethics.

Aristotle also describes nature as what is usual, what happens “always or for the most part.”⁴⁷⁴ But “usual” can have two senses. It can refer to “frequent regularities” or to “normal regularities.”⁴⁷⁵ Some regular behaviors are normative or normal in that they correspond to what promotes creatures' well-being (which is why creatures regularly perform them). It would be usual and natural, in this sense, for birds to lay eggs and for chicks to hatch from them, even if some poison in the environment made all eggshells become so thin that no chicks ever actually hatched from them. Normal regularities of this kind are given by scientific knowledge of a creature's form and essence. Frequent regularities, by contrast, are given by empirical observation of whatever behavior happens most often in the environment. Whatever is most frequent is natural. Nature, in this sense, is neutral rather than normative. In a world of matter without form, it is the only sense of nature we have.

In George Chapman's *May Day* (c. 1604), Ludovico plots to bring the bashful Aurelio to his beloved Aurelia's bedroom. He has what might seem to be a crisis of conscience, worrying if his action is “Panderism.” But he concludes, “[S]it at rest with me then reputation and

⁴⁷⁴ “...whenever this happens always or for the most part, it is neither incidental nor by fortune. But among natural things, things happen always in the same way, unless something interferes”: Aristotle, *Physics*, trans. Joe Sachs (New Brunswick and London: Rutgers University Press, 2004), 199b23-25. All citations from the *Physics* are from this edition unless otherwise noted.

⁴⁷⁵ T.H. Irwin, “Ethics as an Inexact Science,” in *Moral Particularism*, ed. Brad Hooker and Margaret Olivia Little (Oxford: Oxford University Press, 2000), 106 ff.

conscience, fall asleep with the world.”⁴⁷⁶ What eases his mind is not philosophical contemplation of the human *telos* but empirical observation of the world and human behavior: “[S]ome are borne to riches, others to verses, some to be bachelors, others to be cuckolds, some to get crowns, and others to spend ’em, some to get children, and others to keep ’em.” The frequencies he observes tell him that people simply fall into these categories, in a way more due to chance or fortune than to merit or normative nature. Some cheat; others are cheated; and Ludovico draws no ethical distinction among these actions: “[A]ll this is but idleness.” No action is inherently worse or better than any other. Actions are morally neutral, or *premorale*.⁴⁷⁷ This view of action, which frequently plays a role in the puzzle of infidelity, is an important part of consequentialism.⁴⁷⁸

Consequentialist ethical theories measure actions by their consequences or effects. The most important consideration for ethics is whether a certain state of affairs promotes the well-being of those involved. Only effects have ethical value as ends to be promoted. We call actions “good” or “right” if they bring about good effects. In John Stuart Mill’s words, “[A]ctions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness.”⁴⁷⁹ Actions are premoral. They are not good or bad in themselves but only insofar

⁴⁷⁶ George Chapman, *May-Day a Witty Comedie*, EEBO STC (2nd ed.) / 4980 ed. (1611).

⁴⁷⁷ On the concept of premoral action, see Anscombe, "Medalist's Address: Action, Intention and 'Double Effect'", and Don S. Browning, *A Fundamental Practical Theology : Descriptive and Strategic Proposals* (Minneapolis: Fortress Press, 1991), "Kantianism versus Utilitarianism," 99ff.

⁴⁷⁸ For an introduction to utilitarianism, see Robert Shaver, "Utilitarianism: Bentham and Rashdall," and Henry R. West, "J.S. Mill," in *The Oxford Handbook of the History of Ethics*, ed. Roger Crisp (Oxford: Oxford University Press, 2013); Walter Sinnott-Armstrong, "Consequentialism," in *Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta.

⁴⁷⁹ John Stuart Mill, *Utilitarianism*, 4th ed. (London: Longmans, Green, Reader, and Dyer, 1871), 9-10, accessed via <https://books.google.com/books?id=Ju4oAAAAYAAJ&pg=PP4#v=onepage&q&f=false>. Mill is a utilitarian. Utilitarianism is a variety of consequentialism, one that holds that we ought to measure actions by their consequences, and that the relevant consequence to consider is the overall utility promoted by the action.

as they promote good or bad effects. The root of “pragmatic” is *praxis*, the Greek for “act.” The ethics of pragmatism, which is chiefly found in satire, is concerned with the effects that our actions can accomplish in practice.

In Chapter Three, we examined end-based ethics, which is also a kind of consequentialism. Actions are justified by the outcome or effect the agent seeks to bring about. The pragmatic ethics we find in satire differs from end-based ethics, however, in several key ways. First, it differs in how it measures a “good effect.” End-based ethics relies entirely on the idea of natural ends supplied by a normative nature. What is good for a creature is what is good for its nature, what promotes its well-being by promoting the conservation of its natural form. With pragmatic ethics, goodness is measured differently. Effects are measured not by form but by matter. Where creatures are primarily material, a good effect is primarily a sensible pleasure; a bad one, sensible pain.⁴⁸⁰

In *The Passions of the Mind*, Thomas Wright explains that “Three sorts of actions proceed from men’s souls, some are internal and immaterial, as the acts of our wits and wills; others be mere external and material, as the acts of our senses ... others stand betwixt these two extremes.” These last are called “Passions” because “when these affections are stirring in our

⁴⁸⁰ Utilitarians differ in how utility for happiness is to be measured. Bentham put forward this view that “Nature has placed mankind under the governance of two sovereign masters, *pain*, and *pleasure*. It is for them alone to point out what we ought to do, as well as to determine what we shall do” (Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (Library of Economics and Liberty, 1907), accessed via <http://www.econlib.org/library/Bentham/bnthPML1.html>, Chapter 1, §1). This view is shared by some (though by no means all) contemporary utilitarians such as Peter Singer. The notion that pleasure and pain are basic moral categories was relevant to the argument advanced in Chapter Three, that the minimum qualification to be a subject of moral concern was the capacity for pain. Any being capable of suffering has interests (namely, an interest in not suffering) and so may be a moral patient if not a moral agent: see Singer, *Animal Liberation : A New Ethics for Our Treatment of Animals*, Chapter One. See Sinnott-Armstrong, “Consequentialism.” for an elaboration of the varieties of consequentialism. These varieties are less relevant for the present argument; conceptions of happiness will be taken up in the Conclusion.

minds, they alter the humours of our bodies, causing some passion or alteration in them.”⁴⁸¹

Where characters are primarily bodies, their experience in the world chiefly involves sense (impressions of the material world) or passion (motions of their material bodies). The primary effects are material ones. It is in this case that happiness will consist, as Mill says, in “pleasure, and the absence of pain.”⁴⁸²

With end-based ethics, goodness is measured according to the species, and the individual can benefit from his natural, species-related goods without even knowing that he possesses them. With pragmatic ethics, what is good is not what tends to promote flourishing for this species, but what actually does produce positive material effects for this particular individual, and those effects are vitally connected to what he knows. He may lack what we would consider a natural human good, but so long as he does not know or *feel* the lack, pragmatic ethics considers him to be no worse off.

End-based ethics is willing to put the patient through considerable pain in the hope that he will realize where his true (natural) good lies. Pragmatic ethics says that the patient has his good so long as he is not in pain. And whether something produces pleasure or pain depends entirely on the contingent material makeup and circumstances of the individual concerned. The passions of delight, distress, etc., are represented primarily as functions of the body, and what delights or nourishes one person is noxious to another and vice versa. Unlike the comedies we saw in Chapter Three, which emphasize the animal nature that all humans have in common, satiric comedies emphasize the idiosyncratic humors peculiar to individual persons.

What makes an effect good or bad is not whether it preserves a creature’s form or

⁴⁸¹ Wright, *The Passions of the Minde in Generall*, Book I, Chapter 2.

⁴⁸² Mill, *Utilitarianism*, 10.

promotes its natural *telos*, but whether this particular creature perceives it as good or bad, pleasurable or painful. This is true even of what Aristotle takes to be the most natural human *telos*: *eudaemonia*. Mill also writes, “No reason can be given why the general happiness is desirable, except that each person, so far as he believes it to be attainable, desires his own happiness.”⁴⁸³ It is simply a frequent regularity that we desire happiness. We cannot give a reason based in our nature as to why happiness is good in itself. It becomes a good insofar as it satisfies a desire we happen to have. And desires, unlike the natural goods described above, can vary widely from person to person.

Furthermore, our desires are also affected and constrained by what we believe we can attain. Mill writes, “[I]f no happiness is to be had at all by human beings, the attainment of it cannot be the end of morality, or of any rational conduct.” The happiness that “philosophers taught that ... is the end of life” includes “moments of [rapture], in an existence made up of few and transitory pains, many and various pleasures ... and having as the foundation of the whole, *not to expect more from life than it is capable of bestowing*.”⁴⁸⁴ In many satiric comedies, expectation turns out to play a significant role in effective pursuit of happiness and consequently in ethics.

A primary source of pleasure is the satisfaction of desires. The best effect would be the maximal satisfaction of desire. But this effect can be achieved in two ways. One is to take one’s existing desires and satisfy them. But if one desires what cannot be attained, the way to secure the best outcome is to change one’s desires. Critics sometimes speak of comedy’s happy ending as adjusting the world of fact to the world of desire. Romantic comedies or tragicomedies like

⁴⁸³ *Ibid.*, 53.

⁴⁸⁴ *Ibid.*, 18, emphasis mine.

The Winter's Tale fit this description. But in satiric comedy, the happy ending is more reliably achieved by taking the opposite tack: by adjusting the world of desire to the world of fact. If we aim at what we cannot attain, our desire will be frustrated, and our actions will produce more pain than pleasure — which makes them the wrong actions. What we cannot accomplish, we should not adopt as an end. As Welborne says in *A New Way to Pay Old Debts* (Philip Massinger, 1625), “[W]here impossibilities are apparent, / ’Tis indiscretion to nourish hopes.”⁴⁸⁵

If, on the other hand, we aim at what we can expect to attain, then our actions will be more likely to produce a net effect of pleasure, and these actions will be the right ones. This is why nature matters for satiric comedy: not primarily because nature sets ends, but because nature constrains effects. Nature determines what is and is not possible to achieve; and so what ends will produce pleasure or frustration; and so what does and does not make sense for us to aim at. By empirical observation of frequent regularities, we learn what we *can* do, and this information helps us determine what we *should* do. Understanding satire as pragmatic helps us untangle some of the genre’s ethical puzzles, especially around infidelity.

After Othello has accused her of infidelity, Desdemona asks her maid, Emilia, if she thinks “there be women do abuse their husbands / In such gross kind.” Emilia replies, “There be some such, no question” (*Othello* 4.3.58-59). Desdemona might be seeking information but certainly not guidance. When Desdemona asks Emilia if she would do such a thing for the whole world, Emilia replies that she would, and so would many others: “as many to th’ vantage as would store the world they played for” (4.3.79-80). But after the discussion, Desdemona’s view is still what she expressed before: “Beshrew me, if I would do such a wrong / For the whole world” (4.3.72-73). It makes no difference to Desdemona what other women do. However many

⁴⁸⁵ Massinger, *A New Way to Pay Old Debts*.

women she did or did not observe abusing their husbands, the fact would have no ethical relevance for her own behavior. For characters in satiric comedy, what others do can make all the difference. George Chapman's *All Fools* offers a useful test case. The characters offer a pragmatic ethics that measures actions by their material effects, in part because they figure the world as material.

The subplot of *All Fools* features Cornelio, a humorously jealous husband who threatens to divorce his wife, Gazetta, when he suspects her of having an affair. The Page tries to dissuade him by explaining that fidelity is unreasonable to expect. The cuckold's horns, he says, are

irrevitable, for were they not irrevitable, then might either properness of person secure a man, or wisdom prevent 'em; or greatness exempt, or riches redeem them, but present experience hath taught vs, that in this case, all these stand in no stead: for we see the properest men take part of them, the best wits cannot avoid them.⁴⁸⁶

The Page begins by observing frequent regularities. "Present experience" shows that men *cannot* keep wives from wandering. From this empirical observation, he draws an ethical conclusion, that Cornelio *ought* not condemn his wife for wandering:

Gazetta, you said, is unchaste, disloyal ... Alas, is it her fault? is she not a woman· did she not suck it (as others of her sex do) from her mother's breast? and will you condemn that, as her fault, which is her Nature? Alas, sir, you must consider, a woman is an unfinished Creature, delivered hastily to the world, before Nature had set to that which should have made them perfect.

The Page's ethical conclusions draw on ontological premises. He assumes that nature is neutral rather than normative and primarily material. He begins by entertaining Cornelio's claim that Gazetta is at fault: "Gazetta, you said, is unchaste." But from there he challenges the claim that this is *her* fault. He claims that Gazetta's tendency to wander "is her nature." "Nature" does not have a normative sense here (as an end that creatures *ought* to pursue) but only the sense of a

⁴⁸⁶ George Chapman, *All Fools*, EEBO STC (2nd ed.) / 4963 ed. (1605).

frequent regularity (whatever creatures *do* usually do). If a woman usually commits faults, those faults belong to her nature, and her nature comes from the matter she draws “from her mother’s breast.” His ethical conclusion is that if a fault belongs to someone’s nature, we cannot fault her for it. In *Northward Ho!*, Kate makes a similar argument. Her husband should not fault her for her affair because

wisemen should deal by their wives as the sale of ordinance ... if it break the first discharge the workman is at the loss of it, if the second the Merchant, & the workman jointly, if the third the Merchant, so in our case, if a woman prove false the first year, turn her upon her father’s neck, if the second, turn her home to her father but allow her a portion, but if she should pure metal two year & fly to several pieces, in the third, repair the ruins of her honesty at your charges, for the best piece of ordinance, may be cracked in the casting, and for women to have cracks ... alas they are borne to them.⁴⁸⁷

She figures women as material, arguing that if even the “best piece” of matter may be cracked, we should not blame women for being likewise flawed.

Now, these arguments might seem driven more by shallow misogyny than deep philosophical materialism. Cornelio’s laying undue blame on one woman is bad enough. The Page then heaps the same blame on *all* women. Not only are all women bad, they cannot possibly be better, for they were born before “Nature had set to that which should have made them perfect.” But it is precisely because the faults belong to all women that we should not actually call them faults at all. They are natural, which means they are ethically neutral.

The Page goes on, “As to her unquietness (which some have rudely term’d shrewishness), though the fault be in her, yet the cause is in you. What so calm as the sea of its own nature? ... yet if a blast of wind do but cross it, not so turbulent & violent an element in the world.” He figures her actions as premoral. Others *assign* her behavior an ethical status by “term[ing]” it “shrewishness,” but, in itself, it has no ethical status as either good or bad, any

⁴⁸⁷ Webster, *North-Ward Hoe*.

more than we can call the sea inherently good or bad. It becomes good or bad only in its effects. But the effects it has are determined by external forces. Women are not just material; they are unbounded, liquid, humoral matter. Like water, they do not choose what they do but move as they are moved. It is the outside force, the “blast of wind,” that causes the bad effects. Women only become “violent” by being crossed. We can eliminate the bad effects, however, if we eliminate the cause: “[I]f the breath of their husbands’ mouths once cross their wills, nothing more tempestuous,” but “if they may ... enjoy their wills, no quieter creatures under heaven.”

After lamenting women’s natural imperfection, the Page implies here that it does not make sense to apply the term “imperfect” because it implies a standard of perfection — some normative natural form that women are meant to attain and that they should be blamed for failing to attain. But women have no such natural form any more than water has a natural shape. Their behavior is, in itself, ethically neutral. Imperfection is a term that men apply to that behavior when they do not like the effect it has on them. But if men would just respond to women differently, those effects might be different, too. The Page uses the claims about women’s inherent flaws ultimately to argue that it is the man who is at fault: “the cause is in you.” Women cannot help their material makeup, but men *can* help the way they respond to them. If Cornelio would cease his jealous control over Gazetta, they could at least achieve a peaceful life together.

Pragmatic ethics is concerned with what we can accomplish in action. What we should do depends on what will produce the best effects. And we learn, through empirical observation of frequent regularities, that the best effects are not to be found by attempting to change people’s natures. Comic revengers, as we saw in Chapter Two, often aim to reform the culprit, but they assume improvement is possible because they assume the culprit has a rational human form just as they do. The more materialist satiric comedy becomes, the more it suggests that we cannot

improve behavior. What we can improve is how we react to it. And in fact, by changing our response, we change the ethical nature of the behavior. If actions take on ethical status from their effects, and if our responses can neutralize an action's bad effects, the action ceases to be bad. In satiric comedy, the most urgent ethical issue is not infidelity but our *response* to infidelity. This is the key to resolving the puzzle of infidelity. The reason satiric comedies recommend two opposite responses with equal enthusiasm — knowing everything or knowing nothing — is that these responses produce the best effects.

Know everything or know nothing

In satiric comedy, what you know about other cuckolds changes how you feel about being one yourself. In *Westward Ho!* (Thomas Dekker and John Webster, 1604), the merchant Justiniano believes his wife has given in to the Earl's seductive advances. He determines to tell his wife that he has gone away and then disguise himself while he plans what to do. In his deliberations, he muses, "[T]hey say for one Cuckold to know that his friend is in the like headache, and to give him counsel, is as if there were two partners, the one to be arrested, the other to bail him."⁴⁸⁸ It is less painful to be a cuckold if you discover your pain is shared by others — or by everyone.

This comfort is partly a sense of social solidarity, or at least a preservation against social loss. As critics have pointed out in connection with *Much Ado About Nothing*, extramarital affairs in the early modern period were perceived as social interactions between men as much as between men and women. To steal a man's wife was an assault on that man's social status. Yet if every wife gets stolen at some point, the honors remain even.

⁴⁸⁸ Thomas Dekker, *West-Ward Hoe*, EEBO STC (2nd ed.) / 6540 ed. (1607).

But the comfort of company also lies in its ability to alter expectations. When characters have enough experience with the world that they know not to expect fidelity, they are not disappointed when they do not find it. In *The Honest Whore I* (Thomas Dekker and Thomas Middleton, 1604), Mattheo is tricked into marrying the prostitute Bellafront after she renounces her profession. Initially distressed, he reminds himself that the “Cuckold’s stamp goes currant in all Nations. Some men have horns given them at their creations.”⁴⁸⁹ Given that frequent regularity, he reasons, “If I be one of those, why so: it’s better / To take a common wench, and make her good, / Than one that simpers and at first, will scarce / Be tempted forth over the threshold door, / Yet in one [seven night?] ... turns arrant whore.” He reconciles himself to marrying a converted courtesan on the thought that, since one expects women to be sexually loose at some point in their careers, it is better that they get their affairs out of the way before marriage rather than after.

In *The Roaring Girl* (Thomas Dekker and Thomas Middleton, 1611), Master Gallipot’s response to his wife’s perceived infidelity is also colored by his expectations. She becomes ill, and he worries that the cause is that she is “sick in conscience” for having cuckolded him. He reassures her, “I’ll wink at all faults, Prue; ‘las that’s no more / Than what some neighbors near thee have done before” (Scene 6, 116, 120-21).⁴⁹⁰ He is not troubled at lacking what he never expected to have. Bellamont offers consolation on the same grounds in *Northward Ho!*. Greenfield is tricked into offering his wife to Mayberry, who has plotted revenge on Greenfield for attempting to seduce his, Mayberry’s, wife. Bellamont comforts Greenfield: “[B]etter men

⁴⁸⁹ Thomas Dekker and Thomas Middleton, *The Honest Whore with, the Humours of the Patient Man, and the Longing Wife*, EEBO STC (2nd ed.) / 6501 ed. (1604).

⁴⁹⁰ Thomas Middleton and Thomas Dekker, *The Roaring Girl*, in Middleton, *Thomas Middleton : The Collected Works*, ed. Gary Taylor et al. All citations are from this edition.

have done it ... we have precedents for't, hie you to London: what is more Catholic i'the City then for husbands daily for to forgive, the nightly sins of their bedfellows?"⁴⁹¹

The language of forgiveness might lead us to think that the characters are operating on a Christian ethic of forgiveness, or at least on a socially contingent ethic of justice: accepting in others what we accept in ourselves. But the attitude is also more radical than that. In *Westward Ho!*, three wives teach their husbands a lesson by pretending to run away for a night with three town gallants. One husband reasons, "Well ... All wives love clipping, there's no fault in mine." The reason to pardon fault may be that, if the fault is frequent, it ceases to be a fault. In a material world, actions become good or bad only by virtue of their effects. When characters discover a fault to be frequent, they learn to expect it. This expectation mitigates the action's painful effects and so renders the action no longer bad.

This is why satire recommends knowing everything as a response to infidelity: we won't mind one person's doing it if we know that everyone does it. It is not simply that our knowledge helps us forgive the fault. Rather, knowing that everyone commits a fault can effectually render it no longer a fault.⁴⁹² It is telling that Mozart's satiric comedy of infidelity is entitled *Così Fan Tutte* (Thus Do They All).

The opera opens with two young lovers insisting that their beloveds could never, ever betray them. Their friend Don Alfonso is skeptical. "My hair is already grey," he says. "I speak

⁴⁹¹ Webster, *North-Ward Hoe*.

⁴⁹² What distinguishes the satiric ethic, which acknowledges that everyone is flawed from the Christian ethic, which acknowledges that everyone is a sinner, is that, for the Christian, there exists an external, transcendent source both of ethical standards and of grace that enables humans (sometimes) to meet those standards. A materialist world has neither. I discussed in Chapter Two the ways in which comedy is a secular genre and derives ethics from the needs of human nature and of society. As comedy becomes increasingly materialist, it no longer even has human nature as a source of ethical standards. Standards become contingent on the effects of certain behavior upon human bodies and passions, and there is no divine grace available to help humans avoid or achieve certain behaviors.

with authority.”⁴⁹³ He has made his empirical observation of the world and seen its frequent regularities. He knows that women cannot help being unfaithful, and that this is because they are material beings: “flesh and blood and bone like us.” The lovers are irate, however, that Alfonso would doubt the faith of their beloveds, and they insist on putting the women to the test. They pretend to leave town with the militia and then disguise themselves and attempt to seduce the two women. When the women give in, the young men are outraged. They want to punish them, strangle them. Don Alfonso offers counsel: “Everyone blames women, but I forgive them / If they change their love / A thousand times a day; / Some call it a sin, others a habit, / But I say it’s a necessity of their heart.” The two women could not help doing what they did, because no one woman could. It is “necessity” for them, their nature. He orders the young men, “Repeat with me: Women are all the same!” They all say together, “Così fan tutte!”

Learning this lesson — that their beloveds are no better but also no worse than other women — the men are able to accept the women as they must inevitably be, and this acceptance will make them all ultimately happier. When the men reveal themselves to the women, the women accuse Don Alfonso of having tricked them. He laughs, “I deceived you, but my deception / Undeceived your lovers, / Who henceforth will be wiser,” now they know not to expect what they cannot attain. The final chorus goes, “Happy is the man who looks / At everything on the right side ... What always makes another weep / Will be for him a cause of mirth / And amid the tempests of this world / He will find sweet peace.” We can achieve peace and happiness in the world once we have learned everything about it — in particular, that thus does everyone.

⁴⁹³ Wolfgang Amadeus Mozart, *Così Fan Tutte* (1790), libretto by Lorenzo Da Ponte, English translation accessed via Opera Folio at http://www.operafolio.com/libretto.asp?n=Cosi_fan_tutte&language=UK. All citations are from this edition.

Don Alfonso, like other satiric figures, claims that a fault when frequent ceases to be a fault. Women's "change" in love goes from being "sin" to "habit" to "necessity," and when it becomes necessity, it stops being a sin. But his argument goes still further. He does not fault the women for their infidelity. Rather, he faults the men for faulting them: "The lover who finds that he's been deceived / Should blame not others / But his own mistake." The "mistake" could refer to two things. It could be the expectation that his partner would not deceive him. A wise man, familiar with the frequent regularities of the world, would not have expected fidelity and would not have been hurt when his expectation was disappointed.

The mistake could also refer, however, to the lover's determination to find out that he has been deceived. In the first scene, Alfonso insists that the women will betray their lovers but also that the lovers ought not "trouble with proof." It is "folly / To try to discover / The wrong which will make us wretched / When we've found it!" Like the Page's defense of Gazetta, the play seems to begin with a casual misogyny. Don't fool yourself that she is special. All women do it. But also like the Page, Alfonso turns this position ultimately into a critique of the men who expect perfection from others without considering what cruelty or folly may be in themselves.

Testing for infidelity can lead to wretchedness and misery on both sides. But the mere act of infidelity does not, in itself, make anyone wretched or have any harmful effects while no one insists on finding it out. Justiniano, concerned that he has been cuckolded, reasons, "[W]hy should a man be such an ass to play the antic for his wife's appetite? Imagine that I, or any other great man have on a velvet Night-cap, and put case that this night-cap be too little for my ears or forehead, can any man tell me where my Night-cap wrings me, except I be such an ass to proclaim it?"⁴⁹⁴ If infidelity is painful when others know about it, the solution is to keep them

⁴⁹⁴ Dekker, *West-Ward Hoe*.

from knowing. If infidelity is painful when you know about it, the solution is to keep yourself from knowing.

Satiric comedy is ethically puzzling because infidelity is not punished, but objections to infidelity are. Plays like *Merry Wives* and *Othello* condemn jealousy but because it is unjustified. In satiric comedy, jealousy frequently is justified, and yet it is still condemned. The reason is that satire does not care which beliefs are justified so much as which beliefs are useful. The priority of utility over truth is manifested in how satire rejects — as Alfonso tries to reject — the testing plot.

The testing plot is a staple of romance. A character (usually a man) puts his lover through arduous trials to see if she will prove constant. We find the testing plot in the romance tale of patient Grisselda, retold in Chaucer's "The Clerk's Tale" and dramatized in 1559 and 1600. The beloved is usually virtuous enough to pass the test and is, in fact, improved by it, because virtue is not virtue until it is actualized. Lemot, the plotting figure in Chapman's *A Humorous Day's Mirth* (1597), tells the jealous Count that he should allow Lemot to test his wife because "We ought to prove one another's constancy." To believe you are virtuous when you have not been tested and to "flatter yourself by affection of spirit, when it is not perfectly tried, is sin." The wife readily agrees: "[W]e must pass to perfection through all temptation."

The argument seems to follow Milton's view in *Areopagitica*: "I cannot praise a fugitive and cloistered virtue, unexercised and unbreathed, that never sallies out and sees her adversary, but slinks out of the race."⁴⁹⁵ Virtue that is merely potential is not actual virtue. Satiric comedy, however, is concerned less with achieving praise than with avoiding blame. If romance declares

⁴⁹⁵ John Milton, *The Essential Prose of John Milton*, ed. John Rumrich William Kerrigan, and Stephen M. Fallon (New York: Random House, Inc., 2013), 187.

that unactualized virtue is not really virtue, satiric comedy declares that unactualized vice is not really vice. It does not matter whether you *would* fail the test. It only matters that you don't — even if only because you have never been tested. So long as the vice is never actualized in the material world, it can have no bad material effects, and so it cannot be bad. Moll in *The Roaring Girl* declares that it is “impossible to know what woman is thoroughly honest, because she's ne'er thoroughly tried” (Scene 3, 331-33). It is impossible to know which women are honest because, before they are tried, potentially honest and potentially dishonest women look alike. There is no difference in the effect they have on the world, and so, from satire's point of view, there is no difference in their ethical status. If, as on Milton's view, merely potential virtue is no better than potential vice, then potential vice is no also *worse* than potential virtue — and if potential virtue is not to be had, merely potential vice is a preferable goal.

Milton writes, “[W]e bring not innocence into the world, we bring impurity much rather: that which purifies us is trial.”⁴⁹⁶ Satiric comedy would agree with him on the first claim but not the second. The Count is initially furious with Lemot's proposition to test his wife, but he reasons, “[T]o court and prove her you may bear my lord, for perfect things are not the worse for trial.” He is correct: perfect things are not worse for trial. And impure things may be made better. But with incorrigibly imperfect creatures, trial will not purify them but crack them worse than they are already cracked. The best action, then, is to keep potential vice merely potential.

Don Alfonso and other satiric characters suggest that knowing everything is the solution to the problem of infidelity. If we can learn not to mind the action, it ceases to have bad effects and so ceases to be a fault. But for this solution to work, it must be possible for us not to mind — and humans may have little control over what they do and feel. I noted above that, on the early

⁴⁹⁶ Ibid., 187.

modern view, the body can overwhelm the reason and cause the person to act in ways he does not choose. The more material humans become, the more they are determined by the physical, humoral compositions they happen to have. Their emotional reactions, likewise, are the operation of material passions they do not control. Some characters may feel comfort knowing that their partner's infidelity is just everyone's infidelity. Others may not. If you cannot cope with the knowledge of your partner's infidelity, the solution is not to allow yourself to know it. If your partner might fail the test, don't set the test. If knowing everything doesn't work, try knowing nothing.

Two Maides of More-Clacke (Robert Armin, c. 1608) and Chapman's *The Widow's Tears* are critiques of the testing plot. In both, a husband fakes his own death to see if his wife will remarry. In *The Widow's Tears*, Tharsalio makes his brother, Lysander, doubt his wife's constancy as a personal act of revenge. But his argument against testing, however disingenuous, is telling. There may have been chaste women, Tharsalio concedes, "when the metal was purer then in these degenerate days; of later years, much of that coin hath been counterfeit, and besides so cracked and worn with use, that they are grown light, and indeed fit for nothing, but to be turn'd over in play."⁴⁹⁷ Women are essentially material, and that material is essentially flawed. Trial is risky because fragile matter, when sorely tested, degenerates into something worse: "[I]f it be once rais'd, the earth is too weak to bear so weighty an accident, it cannot be conjured down again, without an earth-quake."

Basing his argument on this material vision, he urges his brother not to set a test: "Did you never hear of Acteon? ... Curiosity was his death. He could not be content to adore Diana in her Temple, but he must needs dog her to her retir'd pleasures, and see her in her nakedness. Do

⁴⁹⁷ George Chapman, *The Widdowes Teares a Comedie*, EEBO STC (2nd ed.) / 4994 ed. (1612).

you enjoy the sole privilege of your wife's bed? [H]ave you no ... mystical Adonis to front you there?" Lysander replies, "I think none: I know not." Tharsalio goes on, "Know not still Brother. Ignorance and credulity are your sole means to obtain that blessing ... therefore believe she will be constant." The "blessing" is avoiding the pain it would cause him to know his wife was unfaithful. In a world of incorrigibly imperfect matter, that blessing cannot be obtained by her actually remaining unfaithful. It can only be obtained by avoiding the knowledge that she is unfaithful. Knowing nothing solves the problem of infidelity by preventing its bad effects.

The Page in *All Fools* argues that Cornelio should not be jealous because in a material world where women naturally wander, jealousy does no good. The play's last line instructs, "Live merrily together and agree, / Horns cannot be kept off with jealousy." Our goal should not be to improve the behavior but to improve our response to it, to find a way to "live merrily together." Gostanzo has a suggestion for how Cornelio can do this:

I knew your Father; He was a wise Gentleman ... As for your Mother, she was wise ... and she was honest enough too: But yet by your leave she would tickle Dob now and then ... your Father knew it well enough, and would he do as you do think you? set Rascals to undermine her ... ? No, when he saw t'was but her humour (for his own quietness' sake) he made a Back-door to his house for convenience, got a Bell to his fore door, and had an odd fashion in ringing, by which she and her Maid knew him; and would stand talking to his next neighbour to prolong time, that all things might be rid cleanly out a the way before he came, for the credit of his Wife: This was wisdom now, for a man's own quiet.

Again, actions are figured both as premoral and as material. It was "but her humour." Actions only take on ethical status through their effects: credit or shame, quiet or strife. The good right action is the one that disables the bad effects and enables the good ones. By hiding his wife's affairs from himself, the husband preserves her credit and his quiet. An affair that goes unseen is "rid cleanly out a way." "Cleanly" means "completely," but it also connotes what is

pure or acceptable. So long as the act is unseen, it has no bad effects and so ceases to be bad.⁴⁹⁸ A fault can cease to be a fault if we see it everywhere or if we see it nowhere. Self-deception counts as “wisdom” because wisdom in this world means knowing not what it is true but what is useful. This pragmatic view also explains why jealousy is such a fault.

In *Eastward Ho!*, Sir Petronel Flash convinces Winifred, young wife of the old usurer Security, to sail away with him to Virginia. When Security discovers she is missing, he is wildly upset, thinking he has “landed at Cuckolds Haven.”⁴⁹⁹ Then Flash’s boat is wrecked as he is sailing down the Thames. Winifred is rescued, but she tells her rescuer that she is frightened for her reputation. He comforts her, “That power that preserved you from death: can likewise defend you from infamy, howsoever you deserve it.” Again, the husband’s suspicions are justified. She might “deserve” infamy in the sense that she did do what he thinks she has done. But the play punishes him and not her. Winifred meets Security searching for her and tells him that she was in bed all the time, where he would have found her if he had not rushed out in his haste to suspect her. He is ashamed: “Villain, and Monster that I was, how have I abused thee, I was suddenly gone indeed! for my sudden jealousy transferred me. I will say no more but this dear wife I suspected thee.” “Did you suspect me?” she asks, shocked. “Talk not of it I beseech thee, I am ashamed to imagine it; I will home, I will home, and every morning on my knees ask thee [heartily?] forgiveness,” her husband pleads. She graciously acquiesces.

In other plays, too, infidelity seems to deserve the punishment, and jealousy ends up getting it. In *A Humorous Day’s Mirth*, the Count ends up pleading, “[D]ear wife pardon this and

⁴⁹⁸ An obvious exception would seem to be murder. The person who is killed quickly and painlessly never feels an effect but still seems to lose a crucial good. The issue of killing is addressed in the conclusion of this chapter.

⁴⁹⁹ George Chapman Ben Jonson, & John Marston, *Eastward Hoe*, EEBO STC (2nd ed.) / 4971 ed. (1605).

I will never be suspicious more” — after his wife has done her very best to earn those suspicions. In *The Widow’s Tears*, Lysander ignores his brother Tharsalio’s advice, fakes his own death, disguises himself as a soldier, and attempts to seduce his own wife, Cynthia, to test her vow never to remarry. Cynthia does not recognize him and gives in almost at once. Tharsalio warns her later, however, that the soldier is Lysander setting a test, a test she has failed. Thus forewarned, she calls him out before he can reveal himself: “[T]ransform’d monster; / Who to assure himself of what he knew, / Hath lost the shape of man?” She pretends to have known it was he all along, and Lysander, believing her, confesses to Tharsalio, “[T]his jealous frenzy has borne me headlong to ruin.” *The Widow’s Tears* ends without ever revealing Cynthia’s violation of her vow or punishing her for it. Lysander must seek her forgiveness rather than the other way around.

The reason satire pardons infidelity and punishes jealousy is that no action becomes a fault until it produces bad effects. Infidelity in itself, however, need not produce bad effects. If it goes unknown, it produces no effects at all. Jealousy brings those bad effects into being. When she reveals to Lysander that she knows him, Cynthia taunts, “Run affrighted with the noise / Of that harsh sounding horn thyself hast blown.” The cuckold’s horn is an invisible one. Simply to cuckold a man is not in itself a fault, because it does not let him know he has been cuckolded. The Page insists to Cornelio, “[F]or your Cuckold, what is it but a mere fiction? ... I could never see one.” Just as Moll can see no visible difference between honest and dishonest women, “[N]either could I ever find any sensible difference betwixt a Cuckold and a Christian creature.”

In a material world, sensible differences are the only ones that matter. No one knows the horn is there until the inquisitive cuckold insists on sounding it. As the cause of the sea’s violence is the wind’s blast, the cuckold causes his own misery by sounding his own horn. In

Two Maids, James also fakes his own death to see whether his wife will remarry. Like Cynthia, she takes another man. When James rebukes her, she rebukes him right back: “Bawd to your own misdeed, / Three quarters guilty of this accident, / That might & would not stop the hazard.”⁵⁰⁰

When men “test our weakness,” women, she says, are powerless to keep from failing. But he did have the power not to issue the test, and so the fault lies with him, not with her.

Pragmatic ethics cares about what can be achieved in practice. What cannot be achieved is keeping one’s partner faithful. What can be achieved is minimizing the harmful effects of her wandering. By seeking a good that is not available, jealousy sacrifices goods that are available — peace, quiet, living merrily together. This means that jealousy does not simply aggravate the fault; it brings the fault into being. In *May Day*, Innocentio challenges Giouenelli because he “crossed me over the cocks-comb . . . And that openly, or else it would never have grieved me.” If a man could only keep from opening up his wife’s actions, they would never grieve him. If he knew nothing of her fault, it would have no material effect, and so, for practical purposes, it would not exist.

In *Gilmore Girls*, Lorelei challenges Emily’s wish that she hadn’t known about Richard’s lunches with Pennilynn: “So you’d rather just be in denial about things?” Emily sticks to her position: “If you hadn’t talked to her, I wouldn’t have known, and everything would have been fine!” In satiric comedy, this route is the right one. The value of a belief, like the value of anything else, depends on its effects. If a false belief that no fault exists prevents the bad effects that a true belief would cause, then the false belief is preferable. In *A Humorous Day’s Mirth*, when the Countess fails Lemot’s test, Lemot urges her to say to her husband, “I have despised all: thanks my God, good husband, I do love thee in the Lord,” so that he “will think all this you

⁵⁰⁰ Robert Armin, *The History of the Two Maids of More-Clacke*, EEBO STC (2nd ed.) / 773 ed. (1609).

have done, was but to show thou could'st govern the world." When Lysander, too, is led to believe that his wife has not failed the test, Tharsalio recommends, "Brother, let your lips compound the strife, / And think you have the only constant wife." The word "think" both confirms and denies that what he thinks is true. In satiric comedy, it doesn't matter. In a material world, all that matters are material effects.

We find these satiric conventions closely linked with pragmatic conclusions in Thomas Middleton's *A Chaste Maid in Cheapside*. This play features two men who are cuckolded. One is Allwit. He is married with a family, but the children are those of Sir Walter Whorehound. Allwit, however, far from hating his cuckold, "Blesse[s] the right worshipful the good founder's life ... thank[s] him" (1.2.15)⁵⁰¹ This is because Sir Walter "not only keep my Wife, but [he] keeps me, and all my Family." Thanks to Sir Walter, he says,

I walk out in a morning; come to breakfast,
Find excellent cheer, a good fire in winter;
Look in my coal-house about midsummer eve,
That's full, five or six chaldron new laid up;
Look in my back yard, I shall find a steeple
Made up with Kentish faggots ...
... I see these things, but like a happy Man,
I pay for none at all. (1.2.23-40)

Allwit's reaction to his arrangement with Sir Walter makes sense only in a world where evil depends on effects. Allwit suffers no pain from his cuckoldry; therefore, to him, it is not an evil. In fact, given the material benefits of Sir Walter's patronage, it becomes a positive good. Allwit shows us not only that, in this world, actions are judged by their effects, but that the effects an action may have depend not on properties of the action but on the properties of our makeup.

⁵⁰¹ Thomas Middleton, *A Chaste Maid in Cheapside*, in Middleton, *Thomas Middleton : The Collected Works*, ed. Gary Taylor et al. All citations are from this edition.

Mill notes that humans have a tendency to value things like money and fame “which if [they] were not a means to anything else, would be and remain indifferent, but which by association with what [they are] a means to, comes to be desired for [themselves], and that too with the utmost intensity.”⁵⁰² Like Pavlov’s dogs, conditioned to salivate at the sound of a bell, human minds come to desire that which they associate with “the satisfaction of our primitive desires.”⁵⁰³ But according to this mechanical model of the mind, our associations and thus our desires can be manipulated in just about any direction. Allwit associates his cuckoldry with good fires and full coal houses, and so he comes to desire his own cuckolding. Likewise, humoral characters can set their hearts on anything at all: quarreling, or silence, or new oaths. The desire has nothing to do with intrinsic qualities of the object or its relation to intrinsic needs of the human. It is simply their humor. What makes something good is contingent entirely on the material makeup the human happens to have.

Allwit is, of course, ironically named. The play does not celebrate him as a clever hero for outwitting the system. It presents his life as meaner and less desirable than those of the other couples in the play — Moll and Touchwood Junior, Touchwood Senior and his wife, Sir Oliver and Lady Kix. These couples are affectionate, and the play presents their affection as genuine and admirable. It is all the more telling, then, that infidelity is not necessarily a threat, even for these marriages that far exceed Allwit’s. What counts as good is still what has good effects. If a false belief produces the best effects, the false belief is the best option. In this play, Middleton shows us how “delusion is as much the cement of society as it is the source of comedy.”⁵⁰⁴

⁵⁰² Mill, *Utilitarianism*, 55.

⁵⁰³ *Ibid.*, 56.

⁵⁰⁴ Altieri, "Against Moralizing Jacobean Comedy: Middleton's *Chaste Maid*", 176. *Magic in the Moonlight* (dir. Woody Allen, 2014) features a woman who pretends to be a medium and passes “messages” to wealthy patrons from their dead relatives, including the message (which she is fully confident is false) that the deceased husband was

Sir Oliver cannot beget children. Touchwood cannot help begetting them; he has to separate temporarily from his wife because he is so fertile that his every sexual act produces a child, and the couple cannot afford any more. The play turns each man's problem into the other's solution. Touchwood goes to Sir Oliver pretending to be a doctor with a special "physic" to help the couple have children. Sir Oliver is given a vial of almond milk, but Lady Kix is told that she must take her medicine lying down. Sure enough, after her appointment with Touchwood, Lady Kix conceives. Her husband declares, "Ho, wmy wife's quickened; I am a man for ever!" (5.3.1). Rejoicing, he tells Touchwood that he is "so endeared to thee for my wife's fruitfulness" that Touchwood and his wife can live together again; Sir Oliver will support them and any other children they may have. "Be not afraid to go to your business roundly; / Get children, and I'll keep them" (5.4.75, 79-80).

The last sentence is truer than he knows, and he is better off for not knowing it. Sir Oliver and Touchwood are both happy at having secured what they most want — the pleasure of living with a spouse they love and raising children they desire. It does not matter that Sir Oliver's child is not his own; he derives just as much pleasure from believing it is. When he does not know the child is Touchwood's, the fact does him no harm, and the child brings him great joy. In a material world where ethics depends on effects, this means Touchwood's action should not be punished, but rewarded — and this is how the play concludes. In satiric comedy, a true, helpful belief is better than a false, harmful one, and where true, helpful beliefs are available, it is better to know everything. But if the true belief would be harmful, it is preferable to know nothing. If

never unfaithful to her wife. The wife, a silly but benevolent woman, is overjoyed to hear this. Stanley, a hardhead realist and cynic, is fooled temporarily by the medium and outraged later when he learns about her manipulations. She fires back, "You were much happier when you let some lies into your life, Stanley." "We can't go around deluding ourselves," he says. "But we must," she insists. "If we're to get through life." Screenplay by Woody Allen, accessed via http://www.springfieldspringfield.co.uk/movie_script.php?movie=magic-in-the-moonlight.

we do not know about a fault, it does not affect us. And if it does not affect us, it effectively does not exist. If we possibly can, it is best to keep it this way.

Altieri writes of *A Chaste Maid* that the “material happiness of Lady Kix’s pregnancy and Sir Walter’s defeat is *enough* for the end of a comedy. No one needs legitimacy; we only need a baby, and the fertile Tuchwood sees to that.”⁵⁰⁵ Once again, we see how comedy satisfices. What is good is what is good enough. And in satiric comedy, where the best action is the one that produces the best effects, what is least bad itself becomes good.

In *The Roaring Girl*, Sebastian’s father, Alexander, opposes his son’s marriage to Mary. Sebastian pretends to love the cross-dressing roaring girl Moll so that his father will welcome Mary rather than risk Moll. Sounding very much like Freevill, Sebastian justifies his plot by saying that he can only achieve his goals “[b]y opposite policies, courses indirect,” for “[p]lain dealing in this world takes no effect” (Scene 4, 201-2). His pragmatic plot judges actions by effects. It succeeds because it leads Alexander to prioritize “least bad” over “best.” Goshawk tells Alexander that Sebastian may be just feigning love for Moll to clear his way to Mary, but Alexander does not care: “Whate’er she be, she has my blessing ... H’as pleased me now, marrying not this, / Through a whole world he could not choose amiss” (Scene 11, 108-12). As long as we avoid the worst, everything else is good enough.

In *The Honest Whore I*, Candido’s wife does all she can to provoke him out of his almost excessive good humor, including stealing his senator’s gown. Candido’s response is to weigh the fine for appearing without his gown (forty crusados) against the cost of cutting up a carpet to fashion a gown (four). He cuts up the carpet cheerfully: “Out of two evils he’s accounted wise, / That can pick out the least ... Thus have I chosen the lesser evil yet, / Preserv’d my patience,

⁵⁰⁵ Ibid., 182, emphasis mine.

foiled her desperate wit.” His “wisdom” is the same as Cornelio’s father’s: obtain the best thing you *can* obtain. Embracing the lesser of two evils is another way in which comedy aims at the minimum conditions of human flourishing. Satiric comedy, with its materialism, helps us understand why the greater of two evils is nearly always the evil that touches the body.

Conclusion

I began this chapter with the puzzle of infidelity in early modern satiric comedy: why is the unfaithful partner pardoned while the (apparently justifiably) jealous partner is punished? I argue that the answer lies in the genre’s materialist conventions. The more satire emphasizes the material nature of human beings, the more it adopts an ethics of pragmatism. On this view, whether an action is good or bad depends on whether it has good or bad effects, where those effects are understood as sensible pleasure or pain for the parties involved.

The question then arises — *which* parties? In Chapter Three, deception and coercion were justified by the good ends they procured for the person deceived. In the case of infidelity, the benefits are split. Keeping your partner in the dark about your affairs benefits you as well as him. But in many satiric comedies, we accept deceptions that benefit the deceiver alone. *Love’s Pilgrimage* (John Fletcher, c. 1616) opens at an inn whose keepers have few customers and little cash. A mysterious guest arrives who, desiring privacy, pays handsomely to have the inn’s one room to himself. A second traveler arrives, however, who is also willing to pay a large sum for a bed. The innkeeper, unwilling to turn down the money, lies to the first guest and tells him that a “Gentleman from the Justice” has arrived and that they are ordered to lodge him at the King’s command. The second traveler is admitted to the room (and pays the innkeeper an extra sum).

Meanwhile, the inn’s impoverished stablehands joke about stealing goods off the

travelers' horses to sell: "[H]e had four shoes / And good ones when he came: 'tis a strange wonder / With standing still he should cast three."⁵⁰⁶ They, like the innkeepers, do what they have to do for cash. They have a sense that what they are doing is not quite right ("The devil's in this trade: truth never knew it"), but the solution is "steal but a little longer ... and we'll repent together. / It will not be above two days." They will renounce thieving — after thieving has gotten them what they need.

These characters are family to a well-established comic type, the picaresque. The "picaresque world is a natural system in which humans are one of the animal species." The picaresque has "little regard for distant idealisms" because his chief concern is to "adapt himself to his circumstances in the interest of his own survival."⁵⁰⁷ Our response to the picaresque, as to most of our ethical puzzles, depends on what we take humans to be. I have claimed that satire takes humans to be material. But satire also suggests that, even if humans are matter and form, matter comes *first*. Aristotle may be correct that humans are bodies and souls, but in comedy, the body still has priority.

In his famous 1943 paper, "A Theory of Human Motivation," A.H. Maslow proposes a hierarchy of human needs. At the top of the pyramid are goods like love, honor, fulfillment of potential, and, one critic suggests, devotion to a cause beyond the self.⁵⁰⁸ At the bottom are physiological needs, what the body requires to survive. Maslow's central claim is that humans are motivated to achieve higher-level goods only when lower-level needs are met:

⁵⁰⁶ *Love's Pilgrimage* in Francis Beaumont and John Fletcher, *Comedies and Tragedies*, EEBO Wing / B1581 ed. (1647).

⁵⁰⁷ Joseph W. Meeker, *The Comedy of Survival: Literary Ecology and a Play Ethic*, 3rd ed. (Tucson: University of Arizona Press, 1997), 64-65. See "The Pastoral and the Picaresque" for further elaboration.

⁵⁰⁸ Mark E. Koltko-Rivera, "Rediscovering the Later Version of Maslow's Hierarchy of Needs: Self-Transcendence and Opportunities for Theory, Research, and Unification," *Review of General Psychology* 10, no. 4 (2006).

Undoubtedly these physiological needs are the most pre-potent of all needs ... in the human being who is missing everything in life in an extreme fashion, it is most likely that the major motivation would be the physiological needs rather than any others. A person who is lacking food, safety, love, and esteem would most probably hunger for food more strongly than for anything else.⁵⁰⁹

Comedy depicts characters who behave in precisely this way. They recognize the existence of other, higher kinds of goods in the world. They just happen not to take these as reasons for action — at least, not until they are fed. When the innkeeper accepts his bribe, the second guest tells him, “’Twill buy a hen; and wine / Sir, for tomorrow.” As the innkeepers discuss how to trick the visitors into paying for their poor fare, the stablehand remarks, “A hungry time, sir,” and the bailiff replies, “We that live like mice / On other’s meat, must watch when we can get it.” If characters live like mice — if humans are an animal species — material needs come first. As the picaro Aladdin puts it, “Gotta eat to live, gotta steal to eat” (dir. Ron Clements, John Musker, 1992). Bertie Wooster, also on the run from the law, explains, “One prefers, of course, on all occasions to be stainless and above reproach, but, failing that, the next best thing is unquestionably to have got rid of the body.”⁵¹⁰

Now, we are sometimes told that the reason we indulgently approve the picaro is that we identify with him. We share his human needs. But those bodily needs have priority only when Maslow’s hierarchy applies. For some humans, it does not. For comic characters, body has priority over the soul, but romance characters flip this hierarchy on its head; for them, the soul has priority over the body. We have only to look at Don Quixote and Sancho Panza, Tom Jones and Partridge, Prince Tamino and Papageno — or the martyrs and the shoemakers of *A*

⁵⁰⁹ A. Maslow, "A Theory of Human Motivation," *Psychological Review* 50 (1943), 373, accessed via <http://psychclassics.yorku.ca/Maslow/motivation.htm>.

⁵¹⁰ *Joy in the Morning* in P.G. Wodehouse, *Just Enough Jeeves* (New York: W.W. Norton & Company Ltd., 2010), 223.

Shoemaker, A Gentleman — to see that humans can be figured in these two opposing ways. Nor does our sympathy lie always with the eaters. In the world of romance, moral prohibitions are often given in terms of appetite. When Edmund accepts Turkish Delight from the White Witch, when Persephone eats pomegranate seeds in the Underworld, when Eve eats the apple, the stories represent these moments as the tragic sacrifice of a far greater good for a far meaner one, and we respond less with sympathy than with scorn or pity.

One reason we feel so ambivalent about Cressida's abandoning Troilus for Diomedes is that the language of *Troilus and Cressida* (William Shakespeare, c. 1602) invokes both romantic and satiric standards.⁵¹¹ Troilus calls on the "bonds of heaven" (5.2.156) in lamenting Cressida's infidelity. When Thersites sees Paris fighting Menelaus, another victim of infidelity, he cries, "The cuckold and the cuckold-maker are at it. Now, bull! Now, dog!" (5.8.1-2). Like Ludovico, he sees all actions as ethically equivalent, because he sees humans as animals. Whether we should praise Cressida for protecting her life or blame her for violating her oath depends on whether we take humans to be bodies or souls. Troilus, like other cuckolds, tries to protect himself from the knowledge that his partner is unfaithful by saying that the woman he saw with Diomedes was not Cressida: "If souls guide vows, if vows are sanctimony, / If sanctimony be the gods' delight, / If there be rule in unity itself, / This is not she" (5.2.139-42). As with *All's Well*, we are left with an "if" that suspends the play's genre. *If* there are unified souls and gods to make them, then we are in the world of romance, and the soul has priority. But if not, we remain in a material world where women "must err" (5.2.111), and the body must come first.

The goal of ethics may be to promote human flourishing, but what counts as flourishing

⁵¹¹ For a discussion of how the contemporary vogue for satire influenced Shakespeare's and Jonson's writing of comedy, see McDonald, *Shakespeare & Jonson, Jonson & Shakespeare*, "Unstable Forms."

depends on what we take humans to be. Korsgaard notes that our sense of moral obligation is deeply related to our identities, our sense of who we are. If we feel that the right thing to do is to sacrifice our lives, this can only be because “the only thing that could be as bad or worse than death is something that for us amounts to death — not being ourselves anymore.”⁵¹² Even if our main goal is to avoid death, this may be death of the body or death of the soul. The Maslovian hierarchy carries ethical weight only if we take humans to be bodies first and souls second.

In *All's Well That Ends Well* (c. 1605), Bertram's fellow soldiers tell him that his friend Parolles is a coward and a liar who would betray him at a moment's notice. Bertram, like a jealous husband, wants this claim tested. They send Parolles to recover their drum from the enemy and then capture Parolles while they are disguised as those enemies. They tell him that they will spare his life if he informs on his company, and he responds at once, “O, let me live! / And all the secrets of our camp I'll show” (4.1.79-80). After he has spilled every secret, they unmask, mock him, and abandon him. Alone, Parolles reflects,

If my heart were great,
'Twould burst at this. Captain I'll be no more,
But I will eat, and drink, and sleep as soft
As captain shall. Simply the thing I am
Shall make me live. (4.3.313-17)

If he had identified himself with his soul, with a practical conception of his identity as a soldier, then failing the test would have been the death of that identity and so the death of himself.

But that is not how he conceives of himself. “The thing I am” — what he is first and foremost — is a living body, an animal whose most urgent needs are food and drink and sleep. And as long as he can still satisfy those needs, he can remain alive. The body comes first. We can always repair our souls later, as long as we retain our bodies now. This is the same reasoning

⁵¹² Korsgaard, *The Sources of Normativity*, 18.

that lies behind habituation. We aim first to keep the person in our community by making sure that his behavior meets the minimum social requirements. As long as we attend to his external actions now, we can always attend to his internal virtue later. Comedy accepts a hierarchy of human goods and needs, and it demands that we attend to the most urgent needs first. This is another significant way in which comedy concerns itself with the minimum conditions for human flourishing.

Now, we might want to say that Parolles' behavior is understandable but not ethical. Ethics has reference to a community. Revenge, coercion, and deception, as I have described them, either promote good or minimize harm for other individuals. How can flagrant self-serving count as ethical? In the *Summa Theologiae*, Thomas Aquinas suggests an answer. He asks whether "it is lawful to steal in a case of necessity" (II-II.66.7). We saw above that coercion is justified in case of necessity. When a person's natural good is urgently threatened and he cannot consent to our help, we may help him without his consent. But in that case, the person harmed is also the person who benefits. We may deprive him of his own, less urgent goods in order to supply him with his own, more urgent goods. But with theft, the owner who has his property stolen is not the same person who benefits. Aquinas responds that, in the case of the thief's necessity, the property ceases to be the owner's:

Now according to the natural order established by Divine Providence, inferior things are ordained for the purpose of succoring man's needs by their means. Wherefore the division and appropriation of things which are based on human law, do not preclude the fact that man's needs have to be remedied by means of these very things. Hence whatever certain people have in superabundance is due, by natural law, to the purpose of succoring the poor. ... It is not theft, properly speaking, to take secretly and use another's property in a case of extreme need: because that which he takes for the support of his life becomes his own property by reason of that need. (ST II.66.7)⁵¹³

⁵¹³ Thomas Aquinas, *Summa Theologiae*, trans. Fathers of the English Dominican Province, Second and Revised ed. (1920), accessed via New Advent at <http://www.newadvent.org/summa/>.

Aquinas assumes a Maslovian hierarchy of needs. “Superabundance” is defined as property that exceeds the basic requirements for animal life.⁵¹⁴ Theft becomes justifiable if this hierarchy is valid, if humans are first and foremost bodies. In that case, if I need your property to survive, your property becomes *my* property because the body’s needs have priority. This is a comic view. The premise of Joseph Meeker’s tellingly-named *The Comedy of Survival* is that comedy “grows from the biological circumstances of life. It is unconcerned with cultural systems of morality ... Comedy is careless of goodness, truth, beauty, heroism, and all such abstract values people often claim to live by. Its main concern is to affirm the human capacity for survival and to celebrate the continuity of life itself, despite all moralities.”⁵¹⁵ I have argued that comedy *is* concerned with ethics, but that the first priority of comic ethics is continuity of life. More recognizably “ethical” constraints kick in when our biological life is weighed against someone else’s biological life.

In the action comedy *Get Hard* (dir. Etan Cohen, 2015), James is indicted for white-collar crimes and sentenced to a maximum-security prison. Terrified for his survival, he turns to Darnell, a tough (he thinks) ex-felon, for prison survival bootcamp. James attempts to do all kinds of things we ordinarily don’t praise (level racial slurs at Darnell to win the protection of a white supremacist prison gang; master fellatio) so that he can stay alive in prison. Then another gang offers to protect him in prison if he agrees to join that gang. To become a member, he must go out on the street and shoot someone. For a moment, he looks at the gun. In the next shot, we see him jumping into the car with Darnell, shocked and terrified that he almost killed someone.

⁵¹⁴ John Finnis, *Aquinas : Moral, Political, and Legal Theory* (Oxford: Oxford University Press, 1998), Chapter VI, “Distribution, Exchange, and Recompense.” He describes Aquinas’s hierarchy of goods of absolute necessity, goods of relative necessity, and “superflua,” 191.

⁵¹⁵ Meeker, *The Comedy of Survival : Literary Ecology and a Play Ethic*, 15-16.

Priority justifies deception, theft, and the sacrifice of higher level goods like sexual propriety. It does *not* justify killing. You may steal in case of need, because property is a less urgent human good than life. But the urgency of your own life gives you no justification for taking an innocent person's life, *her* own most urgent good.⁵¹⁶ This is why comedy can extend sympathy to all kinds of survival-directed crimes but stops sharply at murder.⁵¹⁷

It also stops at robbing the poor to feed the rich. I have focused in this chapter on lighter satiric comedies that aim to reconcile deceivers. But Jacobean city comedy is also known for its darkness, its depiction of just how corrupt its imperfect people can be and of the punishments they deserve. Villains like Quomodo in *Michaelmas Term* (Thomas Middleton, c. 1604) and Sir Giles Overreach in *A New Way to Pay Old Debts* coldly calculate how they may trick those who are innocent, poor, and powerless out of their land and money to increase their own already great wealth.⁵¹⁸ They deprive others of their most urgent needs in order to increase their own superabundance, and so they are punished with bankruptcy, social expulsion, and insanity, because they have violated the ethical hierarchy of comedy.

I have claimed that this hierarchy of need is part of what makes comedy secular. Comedy prioritizes bodies above souls. But the other part of Aquinas's justification for theft depends on something not at all secular. On his view, human community is not formed by social contract but by divine providence. Because God has ordained the goods of the earth to *all* members of the

⁵¹⁶ At least when these are not in direct competition. Aquinas notes that it is lawful to kill another in self-defense. Where the choice is between your life *or* someone else's, it is not unethical to prefer to your own life, and killing the aggravating party is not considered murder so long as the force used did not exceed what was necessary (*ST* II.64.7).

⁵¹⁷ *Priority* does not justify murder in comedy. *Reciprocity* sometimes does. Some comedies do, of course, do involve killing, but generally, you may only kill someone who has already, by killing others, consented to have the same done to himself. *A Gentleman's Guide to Love and Murder*, *The Interview*, and *In Bruges* all involve complex structures of reciprocity in justifying murder.

⁵¹⁸ See Leggatt, *Introduction to English Renaissance Comedy*, "Middleton, *Michaelmas Term*," for a reading of Middleton's play.

community for the sake of the common good, a human with less than enough may justly take from a human with more.⁵¹⁹ What is just is no longer simply what one can justify to the community but what is just according to the community's creator. Ethics now has a transcendent ground.

So far, the answers to our ethical puzzles have turned on earthly features of comedy: ethics as socially contingent, humans as animals, humans as material. In the final chapter, we will look at plays that reach away from the earthly and material and move toward the spiritual. This shift in ontology creates an ethical puzzle. I have claimed that pragmatic ethics is concerned solely with effects, but that pragmatism depends on materialism for its validity. Why, then, do we find characters basing their ethical arguments entirely on effects, or outcomes, in the spiritual world of romantic comedy? This question brings us to the problem of moral luck.

⁵¹⁹ See Eleonore Stump, *Aquinas* (London; New York: Routledge, 2003), Chapter 10, "A Representative Moral Virtue: Justice," for a full account of this position.

Chapter Five

Moral Luck

In Jane Austen's *Emma*, Emma learns that the attractive and flirtatious Frank Churchill has been secretly engaged for months to the demure Jane Fairfax. Mrs. Weston, wife to Frank's father and former governess to Emma, hoped that Emma would form an attachment to Frank and is afraid of the pain this news might cause her. Emma is eager to reassure Mrs. Weston that, in fact, she never cared for Frank in that way. Mrs. Weston is relieved. But then Emma bursts out (in a film rendition of the scene), "Although how could he have come here and treated me in this fashion? It is cruel, truly cruel!" "Yes, dear, but I thought you said you felt nothing for him," Mrs. Weston gently prompts. Emma shoots back, quick as a flash, "Yes, but he did not know that."⁵²⁰

Emma's friend Mr. Knightley, when he learns what has transpired, reflects on Frank's situation: "Every thing turns out for his good ... His friends are eager to promote his happiness. — He had used every body ill — and they are all delighted to forgive him." Frank Churchill "is, indeed, the favourite of fortune."⁵²¹ From Austen back to Plautus, "fortune" has been integral to plot lines of comedy. Frank Churchill benefits here from a particular kind of fortune — one that also plays a significant role in many early modern romantic comedies.

In *Much Ado About Nothing* (William Shakespeare, 1598), Claudio also uses everybody ill. Although Don John has already lied to him, he allows Don John to excite his suspicions

⁵²⁰ *Emma* (dir. Douglas McGrath, 1996). Screenplay by Douglas McGrath, accessed via http://www.script-orama.com/movie_scripts/e/emma-script-transcript-jane-austen.html.

⁵²¹ Jane Austen, *Emma*, ed. James Kinsley (Oxford: Oxford University Press, 2008), 336.

against Hero, his betrothed. When Don John arranges for his henchman Boracio to court Hero's servant in Hero's window and for Claudio to witness it, Claudio falls into the trap. Believing Hero to be unfaithful, he chooses to expose and disgrace her publicly at their wedding ceremony. Hero swoons. Claudio departs. Hero's father, Leonato, tells Claudio that his slander killed her, and Claudio's fellow soldier Benedick issues him a challenge. Later, Don John's plot is exposed, Hero is revealed to be alive, and Leonato and Hero are happy to welcome Claudio as, respectively, son-in-law and husband.

Claudio risked serious harm to Hero's social and physical well-being. He is forgiven so readily at the play's end because the harm he risked did not ultimately come about. Benedick tells him, "I did think to have beaten thee. But in that thou art like to be my kinsman, live unbruised, and love my cousin" (5.4.108-9). Claudio escapes punishment because Hero turns out to be alive. The luck that benefits Claudio, and many other characters in early modern drama, is moral luck.

Thomas Nagel explains moral luck this way: "Where a significant aspect of what someone does depends on factors beyond his control, yet we continue to treat him in that respect as an object of moral judgment, it can be called moral luck."⁵²² He notes, for example, that "there is a morally significant difference between reckless driving and manslaughter. But whether a reckless driver hits a pedestrian depends on the presence of the pedestrian at the point where [the driver] recklessly passes a red light."⁵²³ Both drivers are equally culpable in the sense that they

⁵²² Thomas Nagel, *Mortal Questions*, ed. John Rawls (Cambridge: Cambridge University Press, 1979), 25. B. A. O. Williams and T. Nagel, "Moral Luck," *Proceedings of the Aristotelian Society, Supplementary Volumes* 50 (1976) and Williams, *Moral Luck: Philosophical Papers, 1973-1980* are the seminal texts in the discussion of moral luck. *Moral Luck*, ed. Daniel Statman (Albany: State University of New York, 1993) provides a collection of important essays on the topic.

⁵²³ Nagel, *Mortal Questions*, 26.

are equally reckless. It is simply luck that one driver does not encounter a pedestrian and so does not kill anyone. Luck makes a difference, not to what he intends or what he risks, but to “what he does.”⁵²⁴

The puzzle involved in moral luck is this. It seems clear that our moral evaluation of an agent should depend not on accidents but on what is intrinsic to the agent. In Chapter Three, I introduced the Kantian idea of autonomy-based ethics: what is ethical to do to another depends on what she consents to. Her autonomy is the salient factor. This is also true in evaluation. The same tradition of thought says that we should base our moral judgment of the agent only on those things she can control. And the only thing she can truly control is her will. Moral evaluation should be based on the intention behind the action, not on the outcome that follows after it. Kant is famous for advancing this claim, but Aristotle, Aristotle’s follower Thomas Aquinas, and the early modern theorists who read them also discuss intention as an important factor in moral evaluation.⁵²⁵ As R.S. White writes, “English law ... moved gradually towards a scrutiny of *mens rea*, the state of mind of the alleged criminal, seeking to know whether the intention in sound mind was to commit the crime or whether the actions were carried out negligently, ignorantly, accidentally, recklessly, or in self-defense.”⁵²⁶

In the case of Frank and Claudio, however, the community’s response seems not to be based on the intention. The culprit intends to harm, or at least risks harming, someone else. But, thanks to accidents beyond his control, that harm never comes about. The outcome is fortunate,

⁵²⁴ Williams and Nagel, "Moral Luck", 146.

⁵²⁵ See Aristotle, “voluntary [actions] that are praised and blamed, while the involuntary ones elicit sympathetic consideration” (*EN* 1109b30-31), and Aquinas, “it is only in the case of voluntary acts that goodness or badness brings with it the character of praise or blame” (*ST* II.I.21.2).

⁵²⁶ White, *Natural Law in English Renaissance Literature*, 52.

both in that it is beneficial and in that it comes about by chance. The community does not punish the culprit for his harmful intentions. Instead, they pardon him (i.e., fail to punish him) on the grounds that no harm was ultimately done. When a play contains this structure, a response based on a fortunate outcome, I refer to it as an episode of moral luck. To resolve the puzzle of moral luck, to understand why comedies permit it, we need to understand exactly what it means in these comedies for something to be fortunate or lucky.

Episodes of moral luck occur in many early modern romantic comedies. These episodes create a puzzle, first, because moral luck seems to violate both our own intuitions and early modern theories of moral evaluation; second, because moral luck seems to violate the aims of comedy. I claimed in Chapter Two that the justification for *tu quoque* plots is that the community requires its members to adhere to certain norms if the community is to flourish. Most of the characters targeted by revenge plots are figures like Claudio. They attempt to cause a certain harm but do not succeed. Nevertheless, the community sees fit to punish them, because even the attempt at harm sets a dangerous precedent that might result in real harm later. Why, then, would comic communities pardon culprits whose attempted actions seem both to reveal their own condemnable intentions and to set a dangerous precedent for the community? I argue that the answer to this puzzle turns on these same concerns of what the community requires to flourish.

Episodes of moral luck occur chiefly in plays at the romance end of the comic spectrum. These include romantic comedies in the narrower sense of “comedies of love” that focus on a couple’s movement toward marriage, as well as “festive comedies,” tragicomedies, and those plays we call “romances.”⁵²⁷ (When I use the term “romantic comedies” in this chapter, I use it in

⁵²⁷ For an overview of the various kinds of romantic comedy, see Doran, *Endeavors of Art : A Study of Form in Elizabethan Drama*; Barber, *Shakespeare's Festive Comedy: A Study of Dramatic Rorm and Its Relation to Social Custom*; Salinger, *Shakespeare and the Traditions of Comedy*; Leggatt, *Shakespeare's Comedy of Love*; Lee Bliss, “Pastiche, burlesque, tragicomedy,” and Brian Gibbons, “Romance and the heroic play,” in *The Cambridge*

a broad sense intended to encompass all these possibilities.) Where satire figures the world as essentially material, romance, by contrast, figures the world as essentially spiritual. The ultimate causes of events are not material, but final. Characters figure the world as directed towards certain ends, sometimes by nature, sometimes by the supernatural power that directs nature. This transcendent power works on humans, subjecting them to “chance” events. But it also works *in* humans, changing their desires and intentions. The difference between the would-be culprit who is punished and the would-be culprit who is pardoned is (often) that the pardoned culprit repents. He ultimately regrets what he attempted to do. His repentance guarantees that he will never attempt such harm again — if, that is, the repentance is genuine. The community credit his repentance because they believe repentance is possible in a world constructed like theirs.

Critics point out the improbability of the radical conversions that close comedies. They certainly are improbable if we consider the human character alone. The transformations become more credible if there exists some force external to the human that can act on him internally. In romantic comedies, characters posit the existence of such a force.

I introduced above the notions of chance, luck, and fortune. Chance outcomes may be

Companion to English Renaissance Drama, ; William C. Carroll, “Romantic Comedies,” Reginald Foakes, “Romances,” and Paul Edmondson, “Comical and Tragical,” in *Shakespeare : An Oxford Guide*, ; Janette Dillon, “Shakespeare’s tragicomedies” in *The New Cambridge Companion to Shakespeare*, . For the purposes of this discussion, I do not draw a distinction between romance and tragicomedy. Lee Bliss notes that “The characteristic tragicomic vision may derive largely from prose romance, but the successful and influential form discovered with *Philaster* results from re-examining and reworking theatrical practice” (“Pastiche, burlesque, tragicomedy,” in *The Cambridge Companion to English Renaissance Drama*, 241). Tragicomedy refers to a genre that belongs more specifically to drama, while romance can refer more loosely to drama, prose, or poetry, but they tend to share certain plot events, motifs, character types, and “vision.” That vision I describe here as a transcendent one, an assumption that a spiritual world exists beyond the human world and operates on it. Bliss’s discussion links Beaumont and Fletcher’s tragicomedies to the plays we consider Shakespeare’s romances, suggesting that “Shakespearean tragicomedy accepts the premises of romance and reasserts that order in idealized form”; in “*Philaster* and *A King and No King* the gods and miraculous landscapes of earlier plays disappear; in *Cymbeline* the gods are immanent and guarantee a final stability and harmony” (247). Like tragicomedy and romance, romantic comedy focuses on the “personal significance of romantic love” (246), and within that context often invoke the transcendent world; the crises of romantic comedy, however, tend to be less drastic than those of tragicomedy or romance.

thought of, not as the intended goal of any single agent's action, but as the result of multiple agents' actions coinciding in unforeseen and unintended ways (hence "coincidence"). "Fortune" can refer broadly to chance, luck, coincidence, and accident. Fortune can also refer more specifically to an agent who causes such chance events. Fortune as the "semi-mythical, semi-allegorical goddess of hellenistic Greece and of republican and imperial Rome lived on as Dame Fortune in the poetry of the Middle Ages and the sixteenth century."⁵²⁸ Chance reversals, changes from bad to good or good to bad that beset human life while lying outside human control, were frequently ascribed to Fortune.⁵²⁹

Chance can play a role in all kinds of comedy, including the most farcical and satiric. But fortune, in its multiple meanings, plays an especially constitutive role in romantic comedy.⁵³⁰ Romantic comedy has its antecedents in classical and Christian romance and in classical New Comedy. In all of these forms, key plot events occur due to chance or accident rather than human intention. Sometimes these events were ascribed to Fortune; sometimes to a further divine agent whose instrument Fortune is. Apparent instances of fortune were really the providential workings of the Christian God.⁵³¹ In the cases of moral luck described in this chapter, the community reads

⁵²⁸ Salinger, *Shakespeare and the Traditions of Comedy*, 130.

⁵²⁹ For a discussion of early modern English notions of Fortune in connection with Shakespeare's work, see Ellen Marie Caldwell, "Opportunistic Portia as Fortuna in Shakespeare's Merchant of Venice," *SEL Studies in English Literature 1500-1900* 54, no. 2 (2014).

⁵³⁰ "Since its Greek beginnings, New Comedy especially depended on the tension between chance and human ingenuity": Richard F. Hardin, "The Renaissance of Plautine Comedy and the Varieties of Luck in Shakespeare and Other Plotters," *Mediterranean Studies* 16 (2007), 143. Hardin also cites Doran: "[It] is only in a few plots ... that the intriguer carries things to a conclusion without the help of good fortune ... The element of the fortuitous must be kept in mind, for it is the aspect of New Comedy that romantic comedy naturally chose to make use of" (Doran, *Endeavors of Art: A Study of Form in Elizabethan Drama*, 153). See also Salinger, *Shakespeare and the Traditions of Comedy*, Chapter Four, "Fortune in Classical Comedy," Miola, *Shakespeare and Classical Comedy: The Influence of Plautus and Terence*, Chapter Five, "New Comedic Romance," and Hardin, "The Renaissance of Plautine Comedy and the Varieties of Luck in Shakespeare and Other Plotters".

⁵³¹ Salinger notes that writers of "Christianised romances state or imply that the buffetings of Fortune are really the hidden trials of Providence" (Salinger, *Shakespeare and the Traditions of Comedy*, 64). He notes that this connection between Fortune and providence was readily available from Boethius's influential *Consolation of*

the beneficent outcomes not as “luck” at all but as acts of providence. If providence is at work in the world, then it is possible that it is at work in the culprit himself. The power that thwarted the culprit’s attempted harm with external accidents can alter the culprit’s internal state so that he will not attempt such harm again. And since the point of punishment is to prevent future harms, repentance makes punishment unnecessary. But if the culprit’s repentance is the reason that the community pardons him, why do they explain their decision in terms of the outcome? This is where the conditions of romance meet the needs of comedy.

Justice in comedy is principally concerned with the common good. This means it is *not* principally concerned with the state of any person’s soul, except insofar as that state is relevant to how that person might affect the common good. As I have argued, an essential part of a community’s flourishing is the rule of law. People must not only be treated fairly but *know* that they will be treated fairly. To achieve this, the law must be predictable and transparent. Decisions must apply to the whole community, and their reasons must be accessible to the community. The state of someone’s soul is something the human community simply cannot know. When culprits are afforded moral luck, the community have belief in their repentance; they do not, however, have evidence of it. Repentance is visible only to God. What is visible to that community is the outcome. When communities justify the culprit’s pardon on the basis of the fortunate outcome, the outcome is not the real reason for the pardon. It is the *justification*. I discussed in Chapter Two the importance of justification in comedy. Moral luck, with its arguments based on outcomes and its justifications according to the “letter of the law,” balances the transcendent conditions of romance with the human needs of comedy.

Philosophy. For a discussion of early modern English views on the relation between Fortune and God, see Allyna E. Ward, "Fortune Laughs and Proudly Hovers: Fortune and Providence in the Tudor Tradition," *The Yearbook of English Studies* 39, no. 1/2 (2009).

To make this argument, I frame key concepts in terms drawn not only from Aristotle but also from Thomas Aquinas. Much as romance adopts many structures from comedy but situates them in a newly spiritualized world, Aquinas adopts much of Aristotle's philosophical framework but situates it within the creation and direction of the Christian God. When characters take themselves to be living in the world as described by Aquinas, and Christianity more generally, their understanding of this world's conditions changes what they require, ethically, of each other. The justice insisted on by comedy, for instance, is transformed into the justice of reciprocal forgiveness as prescribed by the Lord's Prayer. A change in generic conventions creates a change in structures of justification and explains why communities are willing to afford culprits moral luck. We see these changes at work in Thomas Heywood's *How a Man May Choose a Good Wife from a Bad* (c. 1602), Robert Greene's *James IV* (c. 1590), John Marston's *Jack Drum's Entertainment* (1600), and William Shakespeare's *Measure for Measure* (c. 1603).

The common good

Thomas Heywood's *How a Man May Choose a Good Wife from a Bad* represents the romantic as opposed to the satiric mode of city comedy, with its graver tone, higher stakes, and clearer moral.⁵³² Arthur, a thoughtless and selfish young man, marries a woman who is a paragon of virtue. But he becomes infatuated with Mary, so he buys poison to get rid of his wife. He administers the poison, lays his wife in a tomb, and takes up with Mary. When he confesses the deed to Mary, she turns him in to the authorities. Arthur confesses the crime again in court and is about to be sentenced to death when Mistress Arthur herself turns up. The poison was,

⁵³² See Leggatt, *Citizen Comedy in the Age of Shakespeare*, "The prodigal," for discussion of the prodigal motif found in this play.

unbeknownst to Arthur, a sleeping potion. With her arrival, Arthur is saved.

Arthur's is a classic case of moral luck. The community's response is not based on his intention to commit the crime but on his accidental failure. Mistress Arthur offers this argument for his release: "This man is condemned for poisoning of his wife, / His poisoned wife yet lives, and I am she: / And therefore justly I release his bands ... Murder there cannot be where none is killed."⁵³³ She argues that Arthur should not be condemned for poisoning her, because she was never actually poisoned. And Arthur is, indeed, released. But why? It was only by accident that Arthur gave her sleeping potion rather than poison. Why does Mistress Arthur make the accidental outcome the decisive feature of the case, and why does the community accept her argument?

We find the same puzzle in Robert Greene's *James IV*. King James, like Arthur, attempts to murder his virtuous wife, Dorothea, so that he can take another lover. Dorothea's father comes to Scotland to make war on James in revenge for her death. Just before the battle, however, Dorothea reveals herself to them. Like Arthur's, James's plot failed: she was rescued, not killed. Dorothea, her father, and the Scottish lords welcome James back into their good graces. The fact that his murderous plot failed was, from James's perspective, an accident. And yet this accidental beneficent outcome is made the grounds of his defense. Dorothea's father had declared, "[N]o meanes of peace shall e're be found, / Except I have my daughter or thy head" (5.6.83-84). Dorothea enjoins, "Now keep thy promise: Dorothea lives ... And since, you kings, your warres began by me, / Since I am [safe returned], surcease your fight" (5.6.164-66). James should be safe simply because Dorothea is.

⁵³³ Thomas Heywood, *A Pleasant Conceited Comedie, Wherein Is Shewed, How a Man May Chuse a Good Wife from a Bad*, EEBO STC (2nd ed.) / 5594 ed. (1602).

This defense is all the more puzzling because there seems to be a better reason to pardon the men: both Arthur and James repent. Arthur encounters his wife before his trial and, not recognizing her, confesses to her his pain and remorse: “[N]ow too late he doth repent her sin, / Ready to perish in his own despair, / Having no means but death to rid his care ... she is dead, and for her death, / The spuage of either eye, / Shall weep red tears till every vain is dry.” “Why weep you friend, your rainy drops keep / Repentance wipes away the drops of sin ... Bids him be of good comfort, not despair. / Her soul’s appeased with her repentant tears.”

Similarly, when Dorothea reveals herself, James breaks down: “Or did I thinke submission were enough, / Or sighes might make an entrance to [thy] soule ... You heavens can tell how glad I would submit: / You heavens can say, how firmly I would sigh” (5.6.170-74). He implores, “[P]ardon, courteous Queen, my great misdeed; / And, for assurance of mine after life, / I take religious vowes before my God, / To honour thee for [father], her for wife” (5.6.201-204). James vows never to harm his wife again. Arthur, similarly, enjoins all men to follow him and learn to “choose / A good wife from a bad.” This repentance would seem a valid reason not to punish them, because penitence achieves the same purpose that punishment is meant to achieve: it protects the common good.

Justice in comedy aims to achieve the minimum conditions for human flourishing. This means, as I argued in Chapter Three, that the primary concern of justice is not to create virtue *per se* but to create virtuous behavior. It treats vice in the same way. Its primary aim is not to punish vice *per se* but to inhibit vice’s destructive effects. This is how the function of human law was understood by Renaissance theorists, as well as by one of their primary sources.

Thomas Aquinas’s work was an important source for theories of law and justice in the

English Renaissance.⁵³⁴ He was one of Aristotle’s most important commentators, chiefly because he synthesized many of Aristotle’s concepts, frameworks, and methods with the methods and content of Christian theology.⁵³⁵ Aquinas’s writings in the *Summa Theologica* on topics like metaphysics, physics, anthropology, ethics, and politics are significantly similar to what we find in his commentaries explicating Aristotle’s works. Aquinas’s world has much in common with Aristotle’s world. The most significant difference is what lies behind the world as its origin and before it as its end — the Christian God. This is also the key difference, for purposes of our discussion here, between romance and comedy.

Discussing law, Aquinas says the Old Law and the New Law have the “same end,” that “men should submit to God,” but while the New Law is a “law of perfection,” the Old Law addresses those who “do not yet have the habit of a virtue.” These are people whose will “does not abstain from sin absolutely speaking” but who “refrain[] from sinning out of a fear of punishment.” For this reason, “the Old Law is said to ‘restrain the hand and not the mind’” (*ST I-*

⁵³⁴ In Schmitt, *John Case and Aristotelianism in Renaissance England*, Schmitt finds that there was “clearly a revival of interest in the writings of several medieval philosophers and theologians during the late sixteenth century ... parallel to and simultaneous with the renewed vigour of Aristotelianism in England ... in the last quarter of the century” (64), including at Cambridge and Oxford, and scholars trace the “importance of the direct influence of the medieval tradition on such diverse aspects of seventeenth-century British intellectual life as political and scientific thought” (66). For a brief account of Aquinas’s reception and role in the early modern period, see David Lines, “Humanist and scholastic ethics” in *The Cambridge Companion to Renaissance Philosophy*, and “Aquinas” in *The Spenser Encyclopedia*. For studies showing Aquinas’s influence on concepts of natural law and equity in medieval and early modern England, see Bonnie Dorrick Kent, *Virtues of the Will : The Transformation of Ethics in the Late Thirteenth Century* (Washington, D.C.1995); White, *Natural Law in English Renaissance Literature*; Mark Fortier, *The Culture of Equity in Early Modern England* (Aldershot: Ashgate, 2005); Dennis R. Klinck, *Conscience, Equity and the Court of Chancery in Early Modern England* (Farnham: Ashgate, 2010). For Aquinas’s influence on Richard Hooker in particular, see Peter Munz, *The Place of Hooker in the History of Thought* (London: Routledge & Paul, 1952); Nigel Voak, *Richard Hooker and Reformed Theology : A Study of Reason, Will, and Grace* (Oxford: Oxford University Press, 2003); A.S. McGrade, “Classical, patristic, and medieval sources,” in *A Companion to Richard Hooker*, ed. W. J. Torrance Kirby (Leiden and Boston: Brill 2008).

⁵³⁵ For more on their relationship, see Joseph Owens, “Aristotle and Aquinas,” in *The Cambridge Companion to Aquinas*, ed. Norman Kretzmann and Eleonore Stump (Cambridge: Cambridge University Press, 1993) and James Doig, “Aquinas and Aristotle,” in *The Oxford Handbook of Aquinas*, ed. Brian Davies and Eleonore Stump (Oxford: Oxford University Press, 2012).

II.107.1).⁵³⁶ William Lambarde makes a similar distinction between two kinds of peace. “Inward peace” is “Peace of Conscience,” whereby men are right with God. An “outward peace,” by contrast, “hath respect to other men.” Outward peace has a minimal goal: “only an abstinence from actual force and offer of violence.” Lambarde asserts that the “law of our Realm ... is altogether occupied about these outward Peace.” The “law of God ... respecteth the mind & conscience, although the laws of men do look but to the body, hands, and weapons.” Its aim is “not an uniting of minds, but a restraining of hands.”⁵³⁷

Like the Old Law, human law looks to the hand and not to the mind. Law in comedy has the same concern because comedy, like human law, is concerned with the *minimum requirements* for human flourishing. Aquinas writes that human law is necessary to “restrain [community members] from evil through force and fear, so that ... ceasing to do evil, they might at least leave others to a peaceful life” (*ST* I-II.95.1). This minimum requirement is one reason that Aquinas finds that human law should not attempt to “suppress all vices.” The only vices prohibited should be the “more serious ones, which it is possible for the greater part of the multitude to abstain from — especially those vices which are harmful to others and without the prohibition of which human society could not be conserved” (I-II.96.2).

The purpose of human law is not to outlaw all vices, but only those that human nature is equal to avoiding and that would make human social life impossible. Richard Hooker, following Aquinas, writes, “Laws politic [are] ordained for *external order*”; even “presuming man to be in regard of his depraved mind little better than a wild beast, [laws] do accordingly provide

⁵³⁶ All quotations from Aquinas, *Summa Theologiae (a New English Translation)*, accessed via <http://www3.nd.edu/~afreddos/summa-translation/TOC.htm>, except where otherwise noted.

⁵³⁷ All quotations from Lambarde in this paragraph are taken from William Lambarde, *Eirenarcha: Or of the Office of the Iustices of Peace*, STC (2nd ed.) / 15163 ed. (1581), Book I, Chapter 2.

notwithstanding so to frame his *outward actions*, that they be no hindrance unto the common good for which societies are instituted” (I.10.1, emphasis mine). With law in place, the community can include even highly imperfect members and still remain intact.

In English political theory, as in comedy, the purpose of law is to direct “outward actions” for the “common good.” This means that law deviates in particular ways from what we think of as morality. As noted, both early modern and contemporary theorists find intention to be a crucial, sometimes a decisive factor in moral evaluation. David Enoch sets up the puzzle of moral luck this way:

(1) Someone who attempts to commit a murder and fails is ... just as morally blameworthy as someone who succeeds in committing a murder. (2) Criminal punishment should be proportionate to the moral blameworthiness of the offender for having committed the crime. (3) Therefore, attempted murderers and murderers should be equally punished (when all other things are equal).⁵³⁸

The puzzle of moral luck is that (3) does not come true. Attempted murderers are pardoned where successful murderers would be punished. The puzzle is generated by the assumption underlying (1): that the attempt, the intention, makes the relevant difference in our judgment. Aquinas and Hooker offer a telling example that explains why this intuitive connection between intention and evaluation does not necessarily hold in legal judgments.

Asking whether ignorance diminishes sin, Aquinas replies that it usually does. Because “sin is voluntary, ignorance can diminish a sin to the extent that it diminishes voluntariness” (*ST* I-II.76.4). But when considering the ignorance that results from drunkenness, he says that this ignorance, or lack of intention, might *increase* blame — not in terms of moral judgment, but of legal culpability. Aquinas cites an “ordinance ... that drunkards should be punished more severely if they struck someone — thus focusing not on the leniency that drunkards should have

⁵³⁸ David Enoch, "Moral Luck and the Law," *Philosophy Compass* 5 (2010), 42.

more of, but instead on the public welfare, since more drunk men do injury than sober men” (I-II.76.4). Hooker likewise discusses a law

that he which being overcome with drink did then strike any man, should suffer punishment double as much as if he had done the same being sober. No man could ever have thought this reasonable, that had intended thereby only to punish ... according to the gravity of the fact: for who knoweth not that harm advisedly done is naturally less pardonable, and therefore worthy of the sharper punishment? But ... it was for their public good where such disorder was grown to frame a positive law for remedy thereof accordingly. (I.10.9)

The law is not concerned with intentions *per se* but with the “public good.” Intention is relevant chiefly as a predictor of how a person may harm the public good in the future. When *lack* of intention (as with a drunkard who is unaware of his actions) makes someone’s crimes more likely and more severe, the law punishes according to the crime and not the intention, because this strategy is most likely to protect the common good. (A harsher punishment for drunken crimes discourages drunkenness.) Legal justice is “direct[ed] to the common good” and “extends chiefly to other virtues in the point of their external operations, in so far, to wit, as ‘the law commands us to perform the actions of a courageous person’” (ST II-II.58.9).⁵³⁹ What legal justice judges is actions, not intentions.⁵⁴⁰ The law responds to *what* people do — not why.

This means that the purpose of legal punishment is not primarily to discern or to reflect how morally blameworthy the culprit is. Rather, the purpose of punishment is to restrain vicious people through “fear of punishment” so that “ceasing to do evil, they might at least leave others

⁵³⁹ Aquinas, *Summa Theologiae*, trans. Fathers of the English Dominican Province, accessed via <http://www.newadvent.org/summa/>.

⁵⁴⁰ Daniel Dennett offers a useful discussion of intention, responsibility, and voluntariness in relation to legal systems and their rationale in D. C. Dennett, *Elbow Room : The Varieties of Free Will Worth Wanting* (Cambridge: MIT Press, 1984), “Why Do We Want Free Will?” He writes, “By somewhat arbitrarily holding people responsible for their actions, and making sure they realize they will be held responsible, we constrain the risk-taking in the design (and redesign) of their characters within tolerable bounds” (165).

to a peaceful life” (*ST I-II.95.1*).⁵⁴¹ In the case of Arthur, James, and other beneficiaries of moral luck, the community does not punish them because it believes that the purpose of punishment has already been served. They welcome the culprits back into the community, apparently with full confidence that they will cause no future harm. They can be safely included in the community, and so they should be. This is the best outcome for the culprits and for the comic community, whose goal — as argued in Chapter One — is to include as many people as possible.

But why should the community believe the culprit will cause no further harm? The culprit’s repentance is part of the answer, but only part. The larger answer has to do with what the community take to be the conditions of their world. They believe that the fortunate outcome (the crime’s failure) is non-intentional but also non-*accidental*.

In Ben Jonson’s *Epicoene* (c. 1610), the plotting figure of True-wit initially dissuades the humorous Morose, his friend Dauphine’s uncle, from marrying Epicoene. True-wit thinks he has done Dauphine a favor, but Dauphine says he himself arranged the marriage in exchange for “ample conditions” from the lady. Now, he tells True-wit, “all my hopes are utterly miscarried by this unlucky accident.” Morose then suspects, however, that it was Dauphine who attempted

⁵⁴¹ Of course, intention is often relevant to this goal of discouraging crime and protecting the common good, and so the law often distinguishes crimes based on the intention behind them. William Lambarde distinguishes between manslaughter and murder, for instance, on the basis of intention. Manslaughter is “wilfull killing without any malice forethoughte off” while murder has “that wilful manner of slaying wt malice prepense.” If there is no intent to kill whatsoever, there is no felony: “If a mad man or a natural foole, or a lunatic in the time of his lunacie, or a child ye apparantly hath no knowledge of good nor evil, do kill a man, this is no felonious acte, nor any thing forfeited by it ... for they cannot be said to haue any understanding will. But if upon examination it fall out, ye they knew what they did, & ye it was ill, the seemeth it to be otherwise”: Lambarde, *Eirenarcha: Or of the Office of the Iustices of Peace*, Book I, Chapter 21. The premeditated crime might be a greater threat to the public good. It might also strike us as being more morally culpable than a blow struck in anger; and while the law’s primary purpose is not to evaluate moral blameworthiness, it cannot afford to ignore completely the public’s intuitive sense of moral guilt and desert. Were it to do so, punishments would be perceived, probably rightly, as disproportionate to crimes and the laws perceived as unfair. In this case, the law would lose the legitimacy it needs to exert its authority properly. If the law exists to promote justice for the sake of the common good, it cannot achieve its goal by acting unjustly itself. The point is that it is the promotion of the common good that is the law’s intrinsic and primary goal — *not* the evaluation of persons’ internal states.

to disrupt his marriage and, to spite him, determines to marry instantly. Dauphine, learning the news, cries that it is “Excellent! beyond our expectation!”⁵⁴²

This seems another incident of moral luck in which a fortunate outcome gets a culprit off the hook. Dauphine does ask, “[S]weet Truewit, forgive me.” But True-wit denies it was an accident. “Beyond our expectation! By this light, I knew it would be thus.” He deserves credit because he intended this outcome. Clerimont challenges him, “Wilt thou ascribe that to merit now, was mere fortune?” True-wit counters, “Fortune! mere providence. Fortune had not a finger in’t. I saw it must necessarily in nature fall out so: my genius is never false to me in these things.” Clerimont will have none of it: “Away, thou strange justifier of thyself, to be wiser than thou wert, by the event!” The problem of moral luck is the way that the “event” or positive outcome becomes a “justifier” of the culprit. To pardon the culprit on the strength of the “event,” the fortunate outcome, is to treat as his “merit” what seems to be “mere fortune.” But the problem changes depending on how we understand fortune, nature, and the other term introduced: providence.

As noted above, chance plays a vital role in comic plots, especially in more romantic comedies. For Aristotle, a chance event is one that occurs “neither ... out of necessity and always, nor ... for the most part,” but rather “come[s] about incidentally” and which is also “for the sake of something” (*Physics* 196b12-24).⁵⁴³ An event comes about “incidentally” if it is not a *per se* or natural effect of its cause. Causes produce their natural effects “always or for the most part,” while incidental effects happen only rarely. An event is “for the sake of something” if it

⁵⁴² Jonson, *Epicoene, or the Silent Woman*.

⁵⁴³ All translations are from Aristotle, *Physics*, trans. Sachs, unless otherwise noted.

“actually confers some benefit.”⁵⁴⁴ What we call good luck is a chance event, an effect that is not normally associated with a given cause and that produces some good outcome.

The important thing that Aristotle’s account reveals is that chance events are “chance” *only from one perspective*.⁵⁴⁵ Lindsay Judson notes how a chance event may come about.⁵⁴⁶ Some event E1 may incidentally combine with E2 (that is, they are not normally combined), and their combination produces E3. E3 may be an incidental effect with respect to E1, in that E3 does not normally result from E1. But what if, wherever E1 and E2 do happen to be combined, E3 does normally follow as a *per se* effect? From the perspective of E1 alone, E3 looks like a chance event. But if we begin by saying, “Assume we already have a combination of E1 and E2,” then E3 looks like a natural event, an effect that normally follows from this cause. Whether E3 counts as a chance event or not depends on our perspective.

The puzzle of outcome-based ethics is that communities base their responses on what seems to be a chance event. Without knowing it, one man buys a sleeping potion instead of poison. Without knowing it, another man takes that sleeping potion and, believing it to be poison, administers it to his wife – but because it is harmless, the woman is not killed. From the perspective of any one human agent within this chain of events, the outcome is a chance event. But the community do not consider it solely from this perspective. They consider the incidental causes in combination with some other causes such that the result is no longer an incidental but a

⁵⁴⁴ Lindsay Judson, “Chance and ‘Always or for the Most Part’,” in *Aristotle's Physics : A Collection of Essays*, ed. Lindsay Judson (Oxford: Clarendon Press, 1991), 77.

⁵⁴⁵ Aristotle denies that events can have *only* incidental causes: “there are things that come about from fortune: they come about incidentally, and fortune is an incidental cause, but of nothing is it the cause simply” (*Physics* 197a13-14). Every effect has some *per se* cause such that the effect naturally follows when the cause is in place.

⁵⁴⁶ Lindsay Judson, “Chance and ‘Always or for the Most Part’,” in *Aristotle's Physics : A Collection of Essays*, 79 ff.

per se effect of that combination. They consider human actions in combination with other causal powers, such as nature. And, because they assume a certain view of how nature works, they are able to reinterpret what appear to be chance events as being natural.

Nature's arrow

In Chapter Two, I discussed how *A Mad World, My Masters* (Thomas Middleton, 1605) achieves a state of equilibrium that is accepted as justice, even though no single human agent intended to bring about that particular state of affairs. But although this outcome is non-intentional, the characters frame it as also being non-accidental. When Follywit realizes that he has unknowingly married a courtesan — that he has let a quean gull him as he gulled others — his response is, “Is’t come about? Tricks are repaid I see” (5.2.305). Sir Bounteous expresses a similar sentiment in the play’s last lines: “Come, gentlemen, to th’ feast, let not time waste. / We have pleased our ear, now let us please our taste. / Who lives by cunning, mark it, his fates cast: / When he has gulled all, then is himself the last (5.2.313-16). The last pair of lines is offered as a grounds for the first. The community will feast rather than administer punishments, because the justice required by comedy — justice as a state of equilibrium — has been secured. The grammatical form of the lines tells us how they think it was secured.

Michael Thompson explains that we can better understand concepts like “life-form” by reflecting on the “forms of judgment” we apply to them. “[N]atural-historical judgments” have the form of “a general judgment”: they bring many diverse examples into a unity by expressing what they have in common.⁵⁴⁷ This form tells us that “species or life-form is just a certain kind of

⁵⁴⁷ Michael Thompson, *Life and Action : Elementary Structures of Practice and Practical Thought* (Cambridge: Harvard University Press, 2008), 20-21.

kind — the sort of thing to be the subject of a general judgment.”⁵⁴⁸ When we encounter judgments like “The bobcat mates in the spring,” their generalized form tells us that we are dealing with a natural kind. Such judgments, in early modern logic, carried particular kinds of truth value.

In *The Rule of Reason*, a representative summary of Aristotelian and scholastic logic,⁵⁴⁹ Thomas Wilson explains that true propositions fall into two categories: they are “either necessary, or else such as may be either true, or false, called in Latin *fortuitae* or *contingentes*.” The “necessary Propositions, are assuredly true, and known so to be either by nature, or else by experience.” Necessarily true propositions include ones like these: “A man is a living creature, endowed with reason, apt to laugh ... Fire is hot.” The necessarily true propositions have the form of Thompson’s natural-historical judgments, general judgments about natural kinds. They are necessarily true because they concern “inward places,” or internal predicates, such as definition, kind, and property, that necessarily hold true of the being in question at all times and places because they are “in the substance, or nature of the thing.”⁵⁵⁰

What is crucial about Follywit’s and Sir Bounteous’s statements is that they also take the form of natural-historical judgments. In “tricks are repaid” and “Who lives by cunning mark it, his fates cast, / When he has gulled all, then is himself the last,” the subject is a general category (tricks, those who live by cunning), and the predicate is a property that, as the present tense implies, is intrinsic and so always attached to the subject. The judgments frame the outcome as a

⁵⁴⁸ Ibid., 48.

⁵⁴⁹ The text was published in six editions between 1551 and 1584, The popularity of the text, and the popular form of its presentation, suggests that this mode of logic was commonplace for sixteenth-century students and writers.

⁵⁵⁰ Wilson, *The Rule of Reason, Conteynyng the Arte of Logique, Set Forth in Englishe*, “A single P[r]oposition, is thre waies [divided],” “The diuision of the places,” “Of the difinicion.”

natural kind. Just as a kind cannot be separated from its properties, this kind of cause cannot be separated from this kind of effect. That is why general judgments are also “judgments of exemplification.”⁵⁵¹ Any one instance of a guller being gulled exemplifies a natural property of gullers; that gullers will be gulled is true not contingently, but necessarily.

True-wit reinterpreted an event of “mere fortune” as predictable by saying, “I saw it must necessarily in nature fall out so.” When characters express the fortunate outcome in the form of a natural judgment, they likewise reinterpret it as something that must necessarily come about by nature.⁵⁵² In, for example, *Englishmen for My Money* (William Haughton, 1598), when the father realizes that all four of his daughters have eluded his schemes for their marriage, he declares, “Is it even so; why then I see that still, / Do what we can, women will have their will.”⁵⁵³ Re-writing the accidental as the natural is crucial to how the community responds to the culprit. Deciding whether he needs to be punished means deciding whether punishment is necessary to keep that culprit from harming the community in the future. But if this protective work is accomplished by nature, it need not be accomplished by punishment. Punishment becomes less necessary the more nature is seen as teleological.

In Chapter Four, I touched briefly on the claims of philosophical materialism: that the

⁵⁵¹ Thompson, *Life and Action : Elementary Structures of Practice and Practical Thought*, 21

⁵⁵² In Rowley, *A Merrie and Pleasant Comedy: Never before Printed, Called a Shoo-Maker a Gentleman*, the emperor Maximilian is angry that his daughter has married, as he thinks, a shoemaker. It turns out that the boy is the son of his enemy, the King of Britain, who has successfully eluded his capture. Maximilian responds, “Whom Heaven would save from danger, ne’re can fall. / My blessing compass both.” In *The Merry Deuill of Edmonton*, STC (2nd ed.) / 7493 ed. (1608), Fabian counsels the defeated father, “No law can curb the lovers’ rash attempt / Years in resisting this are sadly spent: / Smile then upon your daughter and kind son.” And Sir Arthur replies, “Well tis in vaine to crosse the prouidence: / Deere Sonne, I take thee vp into my hart. / Rise daughter, this is a kind fathers part.” Ford in *The Merry Wives of Windsor* tells the Pages, when they see that Anne has thwarted their plans for her marriage, tells them “Stand not amazed. Here is no remedy. / In love, the heavens themselves do guide the state” (5.5.207-8).

⁵⁵³ William Haughton, *English-Men for My Money: Or, a Pleasant Comedy, Called, a Woman Will Haue Her Will*, EEBO STC (2nd ed.) / 12931 ed. (1616).

only causes operative in the world are material causes. Aristotelian-Thomistic natural philosophy figures the world differently. Events have material, efficient, formal, and final causes. The final cause refers to “something’s being for the sake of a goal,” or *telos*, where that *telos* “causes an activity to occur.”⁵⁵⁴ Final causes figure clearly in the intentional actions of agents: “Every craft and ... likewise every action and decision, seems to aim at some good” (*EN* 1094a).⁵⁵⁵ But final causes also figure in natural events. For Aristotle, it is an axiom that nature “does nothing pointlessly and always acts to achieve the best.”⁵⁵⁶ In other words, nature is teleological.

On Aristotle’s view, nature involves both regularity and goals. Natural processes “are essentially composed” of stages that are “for the sake of a goal,” and they will “*always reach[]* the relevant goal in favourable circumstances.”⁵⁵⁷ If nature is defined both by goal-directed processes and by what happens “always or for the most part,” then the circumstances must (almost) always be favorable; the goal must (almost) always be accomplished. This is the optimistic ontology that we find also in romantic comedy. It is not the optimism satirized by *Candide*. In that world, the line of explanation goes, “It happened — therefore it must be best.” The key ontological premise of romantic comedy is, “It is best — *therefore it must happen.*”

⁵⁵⁴ David Charles, “Teleological Causation,” in *The Oxford Handbook of Aristotle*, 227. Aristotle introduces the idea of the final cause in *Physics* II.3: “And in still another way it is meant as the end. This is that for the sake of which, as health is of walking around. Why is he walking around? We say ‘in order to be healthy,’ and in so saying think we have completely given the cause. Causes also are as many things as come between the mover of something else and the end, as, of health, fasting or purging or drugs or instruments. For all these are for the sake of the end” (194b32-195a2).

⁵⁵⁵ Aristotle, *Nicomachean Ethics*, trans. Terence Irwin (Indianapolis: Hackett Publishing Company, 1985).

⁵⁵⁶ *IA* 2 704b15-17, *Nicomachean Ethics*, Reeve’s n. 176. Aristotle relies on this premise in his explanations of natural events: why, for example, the heavenly bodies move as they do. “If nature always produces the best among the things that admit of being otherwise”, and if forward circular motion is more estimable, then the primary heavens must enact, and cause, forward circular motion (*Cael.* II 4 288a2, quoted in C. D. C. Reeve, *Action, Contemplation, and Happiness : An Essay on Aristotle* (Cambridge: Harvard University Press, 2012), 11). Aquinas says likewise that “we see among natural things that what is better occurs either always or for the most part” (*ST* I.103.1).

⁵⁵⁷ David Charles, “Teleological Causation in the *Physics*,” in *Aristotle’s Physics : A Collection of Essays*, 117.

What is best is guaranteed to happen (almost) always, thanks to the world's natural teleology of the world. This teleological quality of nature is captured by the word Aristotle uses to describe an agent's orientation towards his goal: "aims."⁵⁵⁸ In this world, both agents and natural processes are directed towards a target as an archer aims his arrow. To live in Aristotle's world is to live in a world where things characteristically succeed in hitting their target.

The Merchant of Venice (William Shakespeare, c. 1596), listed in the Folio as a comedy, is dominated by imagery of risk. But Bassanio supports his plea to Antonio to "hazard" more money on his ventures by claiming that there is less risk involved than may seem. He makes this claim using the image of an arrow:

In my school-days, when I had lost one shaft,
I shot his fellow of the self-same flight
The self-same way with more advised watch,
To find the other forth, and by adventuring both
I oft found both ...
... if you please
To shoot another arrow that self way
Which you did shoot the first, I do not doubt,
As I will watch the aim, or to find both
Or bring your latter hazard back again

⁵⁵⁸ Aristotle employs the metaphor explicitly at *EN* 1094a23: "Hence regarding our life as well, won't knowing the good have great influence and — like archers with a target — won't be better able to hit what we should?" When I asked whether the verb that Aristotle uses for "aim" in the first line of the *Ethics* derives from archery, C.D.C. Reeve explained in personal correspondence, "The verb is *zetein* ('seek') doesn't come from archery but *stochazesthai* ('aim') *tugchanein* ('hit') do — or are naturally at home there. *Telos* (end, goal) goes with *zetein*; *skopos* (target) goes with *tugchanein* and *stochazesthai*. So at 1094a23-24 we have *skopos* and *tugchanein*." The archery valence, Reeve explained, is "not always operative, I'd say, but always appropriate." The arrow was a common metaphor for teleological or end-directed action. John Wilkinson's translation of the *Ethics* begins, "Every art, every doctrine, every operation and every election ... seemeth to require something to be good ... Good is that which every thing desireth. According unto diverse arts, divers intentions ... Although they be many Arts or crafts, every one hath his final intention" (John Wilkinson, *The Ethiques of Aristotle ... Now Newly Tra[n]slated into English*, STC (2nd ed.) / 754 ed. (1547), "Of Artes. The first Chapter"). "Intention" is Wilkinson's word for Aristotle's *telos* — the goal or end of an action, craft, or agent. Aristotle uses the metaphor of the arrow in describing the *telos* of human life: "If, then, there is some end of things doable in action that we wish for because of itself, and the others because of it, and we do not choose everything because of something else...it is clear that this will be the good — that is, the best good. Hence regarding our life as well, won't knowing the good have great influence and — like archers with a target — won't we be better able to hit what we should?" (*EN* 1094a18-24). Since the *Ethics* is devoted to an understanding of what allows for individual human flourishing, one of its tasks is to uncover this target. Wilkinson, too, uses the arrow metaphor for his "intention": "As a man that shooteth at his prick for his mark: So every craft hath his final intent which doth set forth the work" ("Of Artes. The first Chapter").

And thankfully rest debtor for the first. (1.1.140-52)

Bassanio's logic is not unlike that of end-based ethics. You may do what would ordinarily be a harm if you are highly confident the harm will achieve a beneficial end. Similarly, you may ask a friend to take on risk if you are highly confident that the risk will pay off.

Bassanio says he “do[es] not doubt” that he will succeed. By adventuring both, he *oft* found both. The risk is not actually a risk. Now, Bassanio might not himself have strong grounds for making this claim, and Antonio has reason to be skeptical of it. Many of the ventures of which he was so confident later go on to fail.⁵⁵⁹ But this general claim—that what appears to be a risk is not actually a risk—is one that comedy consistently justifies (a point I address in the next chapter).

Comedy has an almost irresistible internal pressure towards success (and it is only rarely obtained in such a troublesome way as in *Merchant*). Ventures succeed, the best outcome comes about, the arrow hits the target. Characters use the arrow metaphor to describe the outcomes for which they hope and work. “Aim” is a common early modern term for a goal or intention, which is a figurative use of a term derived from archery.⁵⁶⁰ When Helena assures the King in *All's Well That Ends Well* (c. 1605) that she really can cure his seemingly incurable disease, she assures him, “I am not an impostor that proclaim / Myself against the level of mine aim” (2.1.153-54). The metaphor helps explain why characters' aims so often succeed.

Hooker, like Aristotle, claims as an “axiom[] in philosophy” that “the works of nature do always aim at that which cannot be bettered” (I.5.2). He distinguishes natural from voluntary agents, however, saying that “those things are termed most properly natural agents, which keep

⁵⁵⁹ For an excellent discussion of risk in *The Merchant of Venice* in relation to moral luck, see Engle, *Shakespearean Pragmatism : Market of His Time*, “Money and Moral Luck in *The Merchant of Venice*.”

⁵⁶⁰ OED, 1a., “An object aimed at; a mark, a target. In early use freq. in figurative context, with allusion to archery.”

the law of their kind unwittingly, as the heavens and elements of the world, which can do no otherwise than they do” (I.3.2). A natural agent does not intend or aim consciously at its end. Rather, it is aimed *at* its end as an arrow is aimed at a target.⁵⁶¹ Aquinas says likewise that “we see among natural things that what is better occurs either always or for the most part,” but that these natural things “act or ... [are] moved for the sake of an end in the sense that they are acted upon or directed to their end by another, in the way that an arrow moves toward the target because it is directed by the archer, who has a cognition of the end even though the arrow does not” (*ST* I.103.1).

In comedy, nature’s arrow is so reliably directed that it hits the target even when those firing it are playing as blind archers. In *Much Ado About Nothing*, Don Pedro, Claudio, Leonato, and Hero scheme to bring Beatrice and Benedick into a “mountain of affection” by letting each overhear that the other is in love with him or her. “If we can do this,” Don Pedro says, “Cupid is no longer an archer: his glory shall be ours, for we are the only love-gods” (2.1.323, 340-41). Ultimately Beatrice and Benedick do prove to be highly compatible — but Emma would say of their friends, “Yes, but they did not know that.” Don Pedro and the others could not have been sure that the pair would unite in great affection. Their match-making plot risked great unhappiness for both parties. This risk is what makes Stephen Greenblatt describe the plot as “cruel.”⁵⁶² But because Beatrice and Benedick turn out to have a compatibility and affection

⁵⁶¹ Thomas Wilson makes the same distinction between natural and voluntary agents. Some causes “by nature bring things to pass, some by advisement, and by a fore purposed choice. Things work by nature (and that necessarily) which lack knowledge to choose this, or that, & have no judgement, to discern things.” These natural agents do not “choose” their direction but move with the direction imparted to them: “In like manner bullets of lead, shot out of a gun, an arrow out of a bow, a stone out of a sling: all these fly not into the air, by their own power or might, but by force, & violence of him that casteth them” (Wilson, *The Rule of Reason, Conteynyng the Arte of Logique, Set Forth in Englishe*, “The [definition] of a very cause”).

⁵⁶² Greenblatt, “On the Edge of Slander (Review of *Much Ado About Nothing*, Dir. Joss Whedon).”

beyond what their friends could have predicted or created, this cruelty is not something for which the friends are ultimately called to account.

In this sense, the matchmakers benefit from moral luck much as Claudio does. The successful match is not something they could have predicted, just as Claudio's eventual reunion with Hero is not his plan — or anyone else's. After Claudio denounces Hero, the Friar lays out a plan to reconcile them. If they say that Hero is dead, then Claudio's love will be rekindled, and he will "wish he had not so accusèd her. / No, though he thought his accusation true" (4.1.230-31). As a caveat, the Friar adds, "But if all aim but this be leveled false" (4.1.235), then Hero's "death" will permit her a quiet religious life free from her scandal. He describes his plan as a missile leveled and aimed at a target. But the plan does not hit its mark. Claudio shows no signs of repentance when he learns of Hero's death. The reconciliation does occur, but only because the watch happen to overhear Boracio confess his role in Don John's plot. This stroke of luck is what enables Claudio's reconciliation with Hero and her family. The arrows end up hitting their targets, but not thanks to the archers. Another of the Friar's words, however, indicates why we should expect exactly this result.

When the Friar lays out his plan, he urges Leonato, "[D]oubt not but success / Will fashion the event in better shape / Than I can lay it down in likelihood" (4.1.232-34).⁵⁶³

"Success" can refer simply to "That which happens in the sequel; the termination (favourable or

⁵⁶³ "Event" is the word used for outcome, but not simply in the sense of the end the agent intended for his action. Rather, it is often used for the *effects* of that action, something the agent hoped to cause by that action, including further effects than he necessarily foresaw. When Clermont chastises True-wit for being "wiser than thou wert, by the event," True-wit responds, "Event! by this light, thou shalt never persuade me, but I foresaw it as well as the stars themselves." The "event" is *distinguished* from the agent's own end, what he intended and foresaw as the outcome of his action. The event is separated from the action as a further effect of that action, one not necessarily predictable. In Massinger, *A New Way to Pay Old Debts*, when Lady Allwroth says, "My ends are good," Lovell replies, "On my soul so are mine ... but leaue both to the euent." The Friar trusts that the outcome he *cannot* foresee or intend will arrive in even "better shape" than the end he can foresee "in likelihood." And what will bring this good event about it is "success."

otherwise) of affairs” (OED 1.a). But the Friar’s belief that it will terminate in “better shape” conflates this neutral meaning with a more evaluative sense: “The prosperous achievement of something attempted; the attainment of an object according to one’s desire” (OED 3.a). He is confident, in other words, that success leads to success. A given chain of events naturally leads to a desirable outcome.

This result is a defining feature of comic plots, especially in romantic comedy. Even when humans aim badly, nature’s arrow still hits the target. Hero says that if their matchmaking succeeds, “then loving goes by haps. / Some Cupid kills with arrows, some with traps” (3.1.105-6). “Hap” can mean more neutrally “Absence of design or intent in relation to a particular event; fortuitousness ... chance or fortune” (OED 4), and this is the root of the word “happen.” But “hap” can mean more specifically good fortune, good luck; success, prosperity” (OED 1), as in the word “happy.” In comedies, the happy ending is just what happens (to happen). Williams and others frequently connect the phenomenon of moral luck with tragedy, in which the unintentional and the accidental can lay unbearable blame at the agent’s door.⁵⁶⁴ But in comedy, the luck is nearly all good luck.

In comedy, the genre defined by its happy ending, characters do not always find it necessary to punish culprits, because they believe that nature operates in this teleological manner.⁵⁶⁵ In comedies that are less romantic, characters do plot to punish culprits by turning

⁵⁶⁴ “One’s history as an agent is a web in which anything that is the product of the will is surrounded and held up and partly formed by things that are not ... if one attaches importance to the sense of what one is in terms of what one has done and what in the world one is responsible for, one must accept much that makes its claim on that sense solely in virtue of its being actual” (29-30); Williams says that this acceptance is “central to tragedy,” and cites the example of Oedipus in Sophocles’ tragic cycle (30); Williams, *Moral Luck : Philosophical Papers, 1973-1980*.

⁵⁶⁵ In addition to the “aiming” metaphor drawn from archery, nature is also described with the metaphor of “bias.” *Bias* is a term derived from the game of bowls, referring to the “construction or form of the bowl imparting an oblique motion, the oblique line in which it runs, and the kind of impetus given to cause it to run obliquely” (OED B.2.a.). Something has a bias if it has a built-in inclination to follow a certain course. Teleological nature has a bias in the sense that it has a built-in inclination toward certain ends. Sir Philip Sidney explicitly links bias, nature, and comedy, when he explains that “laughter almost ever cometh of things most disproportioned to ourselves and

their own plots against them in *tu quoque* style. Sometimes they invoke the arrow metaphor. In *Cynthia's Revels* (Ben Jonson, c. 1600), Criticus plans to foil his enemies' malice against him. If they miss their "aim," then "Their Envy's like an Arrow shot upright, / That in the fall endangers their own heads."⁵⁶⁶ In *Northward Ho* (Thomas Dekker and John Webster, 1605), Mayberry humiliates the men who tried to humiliate him and gloats, "[T]his curse is on all lechers thrown, / They give horns and at last, horns are their own."⁵⁶⁷ Again, these statements take the form of natural-historical judgments. When culprits attempt to harm others, it happens naturally and necessarily that the harm redounds on them. The counter-plotters refer to the arrow's natural movement to explain why their punitive plots succeed. But in more romantic comedy, the arrow's natural movement is used to explain why no such punishment is necessary.

In the cases of moral luck, the beneficent outcome might seem to be just that — luck. But the characters frame it as one typical instance of a larger, permanent pattern. If nature is teleologically directed, then this kind of fortunate outcome is precisely what will happen always or for the most part. The purpose of punishment is to prevent harm to the common good. But if nature thwarts that harm, not incidentally but consistently, that purpose is already served.

I noted in Chapter Three that the minimum conditions for human flourishing do not require virtue, just virtuous behavior. Now we see that the bar may be set lower still. We do not

nature," and also that we "laugh sometimes to find a matter quite mistaken and go down the hill against the bias" (*A Defence of Poetry* in *English Renaissance Literary Criticism*, 383-84). If we laugh at things that go against nature and against the bias, this suggests that nature itself has a bias. We find this image notably in *Twelfth Night*. When Viola reveals herself for the first time as a maid, Sebastian gently clarifies the events to Olivia: "So comes it, lady, you have been mistook. / But Nature to her bias drew in that" (5.1.249-50).

⁵⁶⁶ Jonson, *The Fountaine of Selfe-Love. Or Cynthia's Revels*.

⁵⁶⁷ Webster, *North-Ward Hoe*. We find another example in *Michaelmas Term*, when Shortyard attempts to win Easie's favor by telling him how he cheated the villainous Quomodo out of his lands to make them over to Easier. Easie has him arrested and Shortyard laments, "This is the fruit of craft. / Like him that shoots up high, looks for the shaft, / And finds it in his forehead, so does hit / The arrow of our fate. Wit destroys wit" (5.1.42-45) (Thomas Middleton, *Michaelmas Term*, in Middleton, *Thomas Middleton : The Collected Works*, ed. Gary Taylor et al.).

always need virtuous behavior. We just need vicious behavior not to succeed. The community do not require that people's character or even their behavior guarantee the common good. They only require that *something* guarantee it. In their overt justifications for pardoning culprits and in their more covert imagery, characters treat nature as just such a guarantor.

Another question arises. What guarantees nature? The answer is related to the answer to the problem raised above: why we should believe that culprits are capable of repentance. We have discussed how and why, in comedy, the human community aims to secure the common good. What romance adds to comedy is something beyond this earthly community.

Nature's archer

Thomas Aquinas, following Aristotle, claims that "among natural things that what is better occurs either always or for the most part." But how can natural things move reliably toward an end if they have "no cognition of an end"? Aquinas responds that this teleological movement "would not happen if natural things were not directed by some sort of providence toward the good as an end ... Hence, the fixed order of things itself clearly demonstrates the governance of the world" (*ST I.103.1*). The governor of the natural world is figured as the archer who aims the arrow. Natural things are

directed to their end by another, in the way that an arrow moves toward the target because it is directed by the archer, who has a cognition of the end even though the arrow does not. Hence, just as the arrow's motion to a determinate end clearly demonstrates that the arrow is directed by someone who knows the end, so too the fixed course of natural things that lack cognition clearly demonstrates that the world is governed according to some plan ... just as the necessity of violence in the arrow's motion demonstrates that an archer is directing the arrow, so the natural necessity that belongs to creatures displays the governance of divine providence. (*ST I.103.1*)

Aristotle gives as an example of a chance event an individual gathering contributions, who happens to meet someone in the market who can give him a contribution. He "would have

come for the sake of collecting money, if he had known; but he came not for the sake of this, but it happened to him incidentally to go and do this” (*Physics* 196b32-37). Aquinas uses a similar example, but he uses it to show how a “chance” event may be seen as natural or necessary if viewed from a different perspective:

[I]f two servants of the same master are sent by him to the same place, without either knowing about the other, then the meeting of the two servants is (a) a chance occurrence ... insofar as it is related to the servants themselves, since it occurs outside the intention of either of them, but is (b) intended per se and not a chance occurrence insofar as it is related to their master, who preordained the meeting. (I.116.1)

When he asks, “Are all things subject to God’s providence?” Aquinas considers the objection that “Nothing that is provided for is fortuitous.” Since we seem to see fortuitous events all the time, it would seem they are not “preordained.” Aquinas explains, “[I]nsofar as a given effect escapes the ordering of some particular cause, it is called a chance effect or fortuitous effect with respect to that particular cause. However, with respect to the universal cause ... it is said to be provided for” (I.22.2). From the natural or human perspective, an event may be appear to be chance. From a providential perspective, it is planned.

In Chapter Two, I described comedy as a secular genre, one that considers only the earthly human community. As comedy moves more towards romance, this is less and less true.

This genre posits a transcendent world that exists beyond and guides the earthly world.⁵⁶⁸

Characters invoke providence as an explanation of chance events, re-interpreting them from a

⁵⁶⁸ The distinction between the earthly and the transcendent, the natural and the supernatural, is complex and highly varied according the definitions that any given thinker assigns these terms. For our purposes here, the distinction between a purely natural generic world and a supernatural one is that the latter dramatizes the intervention of forces and agents that exist apart from or transcend creaturely life on earth (providence, deities, the Christian God), either explicitly or implicitly through events that can only be explained by such intervention. Character frequently invoke these forces in explaining or justifying actions or events and, crucially, the action of the play supports their claims. In a natural generic world, these features are absent. It makes no assumptions about what exists apart from or transcends earthly life, and no such assumptions are required to explain the plot’s events. For these purposes, “natural” and “earthly” are used interchangeably, as are “spiritual,” “supernatural,” and “transcendent.”

different perspective so that the accidental becomes the natural and the natural, the intentional. Fortune, “seemingly hostile and capricious, acts at the end in concert with the latent powers of Nature and obeys a hidden Providence.”⁵⁶⁹ And characters read fortunate outcomes in this way as part of a pattern, a divine ordering that renders these outcomes no longer “mere fortune.” The pattern of the plot tends to confirm this reading. In this way, the conventions of romance make a significant difference in the justification for moral luck.

John Marston’s romantic comedy *Jack Drum’s Entertainment* offers two instances of moral luck. One person attempts murder; the other commits adultery. Accidents direct both crimes toward fortunate outcomes, and neither culprit is punished. The reason the community base their response on these good outcomes is connected with their belief in providence.

Brabant Junior decides to assassinate his friend Planet after he comes to believe (erroneously) that Planet has attempted to steal his beloved. He gives his servant a pistol and commands him to go and shoot Planet. Brabant hears the pistol go off and thinks Planet is dead. Just as he is confessing the murder to the company, Planet walks on stage. The servant thought Brabant was “mad” to command him to kill Planet, so he discharged his pistol into the air instead. No one condemns Brabant. Instead, Planet says that he will make the company “smile / When I discourse how much my friend hath err’d,” and Sir Edward replies, “I will dissolve and melt my soul to night, / In influent laughter. Come my jocund spirit / Presageth some unhoped-

⁵⁶⁹ Salinger, *Shakespeare and the Traditions of Comedy*, 30. For an account of beliefs concerning providence in early modern England, see Alexandra Walsham, *Providence in Early Modern England* (Oxford: Oxford University Press, 1999). For readings of individual plays in terms of providence, see, for example, Arthur Kirsch, "The Integrity of 'Measure for Measure'," *Shakespeare Survey* 28 (1975); Maurice Hunt, "Malvolio, Viola, and the Question of Instrumentality: Defining Providence in 'Twelfth Night'," *Studies in Philology* 90, no. 3 (1993); Robert S. Miola, "New Comedy in All's Well That Ends Well," *Renaissance Quarterly* 46, no. 1 (1993); Maurice Hunt, "Syncretistic Religion in Shakespeare's Late Romances," *South Central Review* 28, no. 2 (2011).

for happiness.”⁵⁷⁰

Why is Brabant’s attempt at murder passed over so swiftly? It has to do with what Sir Edward calls “unhoped-for happiness.” The fortunate outcome in Brabant’s case was both unhoped for, in the sense of being unintended and unexpected, and it was also happy. As an isolated event, it might seem like chance. But the play offers a *pattern* of unhoped-for happiness. Sir Edward’s presaging proves correct. He believes his daughter Katherine to be dead. When Mamon, a jealous rival, discovered that she loved Pasquil instead, he poisoned her and drove Pasquil mad. Pasquil, too, is now believed dead. But then, like Planet, Katherine suddenly turns up alive. She tells them:

Once more the gracious heavens have renewed
My wasted hopes, once more a blessed chance
Hath fetched again my spirit from the sownd
And languishing despair of happiness.
A skillful Beldame with the juice of herbs
Hath cured my face, and killed the venoms power,
And now if Pasquil live and love me still,
Heaven is bounteous to poor Katherine.

She invokes providence as the real cause of her fortunate survival. The “gracious heavens” that renewed her are the real sources of the “blessed chance” that rescued her from despair. She claims that if Pasquil, too, has survived, then that similar effect will be the result of a similar cause. Pasquil provides further evidence of heaven’s operation, not just because he returns alive, but because of how the company cures his madness.

In satiric comedies, the body overwhelms the soul. Material forces govern immaterial qualities like reason and virtue. In romantic comedies, it is the other way around. Humors do not drown the soul: the soul cures humors. The characters predict that music will cure Pasquil

⁵⁷⁰ John Marston, *Jacke Drums Entertainment: Or the Comedie of Pasquill and Katherine* EEBO STC (2nd ed.) / 7243 ed. (1601).

because its “sweet agreement” with the soul’s “symphonies” will “correct[] vain humours” and restore the order originally imparted to the soul by “heaven’s hand.” The fact that their prediction comes true helps confirm their belief that heaven’s hand is at work in their world, just as Katherine’s improbable cure provides evidence that “Heaven is bounteous.”

This belief in providence helps explain the community’s response to crimes. The company tell Pasquil that Mamon has also run mad and is now kept in Bedlam. Pasquil exclaims, “Oh sacred heavens, how just is thy revenge?” There is no need for Pasquil to seek revenge on Mamon or for the community to punish him because he has already been punished, apparently by “heaven’s hand.” The purpose of punishment is served. The common good is safe from his plots. But crucially, that protection is not afforded by accident. The regularity of “blessed chance,” or fortunate outcomes, convinces the characters that these events are not chance at all but the result of a pattern. And if it is a pattern, it will continue. The community is not protected only for now. The regular operation of providence guarantees that it will also be protected in the future.

In *How a Man May Choose*, Mistress Arthur bases her official arguments on the fortunate outcome. But she does not actually believe the outcome to be fortune at all. After declaring, “Murder there cannot be where none is killed,” she turns to her father and says, “[N]ow joy in your daughter’s life, / Whom heaven hath still kept to be Arthurs wife.” He responds, “[W]elcome, daughter now I see, / God by his power hath preserved thee.” Katherine’s father responds in the same way to her return: “O pardon me thou dread omnipotence, / I thought thou could’st not thus have blessed me.” The patterns of romantic plots — the way that “chance” events reward good actions, spare good people, and punish evil ones — suggest that, in this world of this genre, heaven’s omnipotent power reliably and predictably guides events to their just conclusion.

This view of providence underlies another case of moral luck in *Jack Drum*. Brabant Senior is a pompous and self-assured figure (probably a caricature of Ben Jonson) who enjoys tormenting the foreigner Monsieur John because he speaks broken English. He decides to tell Monsieur that his, Brabant's, wife is a courtesan and sends Monsieur to her so that he will be humiliated when she rebuffs him. When Planet hears this plan, he sighs to himself, "The wicked jest be turned on his own head, / Pray God he may be kindly Cuckolded." In plays like *Northward Ho!*, this outcome — the guller gulled — would come about through some character's intentionally devising a *tu quoque* plot. A similar outcome happens in *Jack Drum*, too, but not because anyone intends it.

Brabant Senior never bothers to tell his wife about this plan. When Monsieur approaches her, he is so charming and courteous that she does not wish to resist him. When Monsieur gleefully thanks him for procuring "de most delicat plumpe vench," Brabant realizes, astonished, that he has been made a cuckold, and Planet turns on him:

Why doest thou not well deserve to be thus used?
Why should'st thou take felicity to gull
Good honest souls, and in thy arrogance
And glorious ostentation of thy wit,
Think God infused all perfection
Into thy soul alone, and made the rest
For thee to laugh at? Now you Censurer
Be the ridiculous subject of our mirth.
Why Fool, the power of Creation
Is still Omnipotent, and there's no man that breathes
So valiant, learned, witty, or so wise,
But it can equal him out of the same mold
Wherein the first was form'd. Then leave proud scorn,
And honest self-made Cuckold, wear the horn.

Planet suggests that this humiliating outcome is a just punishment for someone who takes delight in humiliating others. What he does not suggest is that Madame Brabant be punished. She did not know her husband's plans. She did not sleep with Monsieur with the intention of justly

punishing Brabant. But because the outcome happened to be just, it does not seem to occur to anyone to punish her for helping (accidentally) to bring it about. In this sense, she enjoys moral luck. But Planet's rebuke suggests, again, that it is more than luck. He refers to the "omnipotent" power of Creation, using the same word Sir Edward used to describe the power that "blessed" him. If this is a just outcome, then all-powerful providence could have brought it about. And if providence were the moving force behind Madame Brabant's beneficial act, ensuring that "a defect in one thing works to the good of some other thing" (*ST* I.22.2), then providence may be also expected to keep her from such acts when they would be harmful. She poses no danger to the common good.

The reason for withholding punishment goes still farther, however. In Jonson's comical satires, ridiculous figures like Monsieur John are always ridiculed. In the world of satire, humanity is divided between the enlightened and the unenlightened, between those who possess a rational soul and those who do not. This difference between human and human is held as justification for the one to ridicule the other. Romance, however, by introducing a world beyond the human, makes the gap between one human's merit and another's negligibly small in comparison to the infinitely great gap between all humans and God. All humans look essentially equal, drawn from "the same mold," when compared to the "power of Creation."

I argued in Chapters One and Two that comedy figures humans as essentially equal, and that revenge plots help preserve that equality. If the culprit would not wish something inflicted on himself, he cannot expect to be allowed to inflict it on another. Equality holds between the standard that one applies to others and the standard that one must uphold oneself. But romance adds another sort of equality. Seen in relation to their creator, all humans fall equally and radically short of the divine standards. Their sinfulness includes not only their actions, but, as the

Sermon on the Mount teaches, their thoughts, intentions, and desires.

Now, humans cannot, according to Christian doctrine, atone for these sins on their own; they require pardon. But the fact that all humans are equally in need of mercy places mercy in an economy of justice. If the culprit would not wish mercy denied to him, he cannot deny it to others. This equitable structure is captured in the Lord's Prayer: "And forgiue vs our debts, as we forgiue our debtors" (Matthew 6:12). Portia makes this idea explicit in speaking to Shylock: "[I]n the course of justice, none of us / Should see salvation. We do pray for mercy, / And that same prayer doth teach us all to render / The deeds of mercy" (4.1.197-200). It is significant that the people who advocate for the would-be culprits — Mistress Arthur, Dorothea, Isabella — are the same people those culprits tried to harm. Their advocacy is a dramatic form of forgiveness.⁵⁷¹ They have forgiven the culprit rather than seeking revenge or punishment, and what they do in their roles as Christians, they ask that their society also do in its role as judge.⁵⁷²

In comedy, justice recognizes human equality and promotes human well-being. When comedy shifts towards romance, justice consists partly in equal allocations of mercy. Mistress Arthur tells her penitent husband, "Nay shun me not, be not asham'd at all, / To heaven not me,

⁵⁷¹ For readings of romantic comedy in relation to Christian forgiveness, see Hunter, *Shakespeare and the Comedy of Forgiveness*; Friedman, "The World Must Be Peopled": *Shakespeare's Comedies of Forgiveness*; Beckwith, *Shakespeare and the Grammar of Forgiveness*.

⁵⁷² The victim's forgiveness of the offender could have important legal as well as religious implications. Sir Thomas Smith writes that the "prince useth also to dispence with lawes made, whereas equitie requireth a moderation to be had, and with pains for transgression of lawes, where the pain of the lawe is applyed only to the prince. But where the forfeit ... is part to the prince, the other part to the declaratory ... there the prince doth dispence for his own part only. Where the criminal action is intended by inquisition (that maner is called with us at the prince's suit) the prince giveth absolution or pardon: yet with a clause ... that no man obiect against the offender. Whereby notwithstanding that he hath the prince's pardon if the person offended will take uon him the accusation (which in our language is called the appeale) in cases where it lieth, the prince's pardon doth not serve the offender" (Smith, *De Republica Anglorum: The Maner of Gouvernement or Policie of the Realme of England*, Book II, Chapter 3). In certain cases, an offender could not be pardoned if the victim of the offense objected to the pardon. It is highly significant from a legal point of view as well as a Christian point of view that, in the plays considered here, the culprits' pardons are recommended by the victims themselves.

for grace and pardon fall.” She refigures his crime as a debt to heaven, not to her, which makes more sense if she is also heaven’s debtor. In *The Wise Woman of Hoxton* (Thomas Heywood, c. 1623), Chartley also betrays his betrothed, Luce, and breaks down when his infidelity is revealed: “when to all your judgements I see me past grace, do[...] lay hold of Grace ... I see all my imperfections, at which my conscience doth more blush inwardly, then my face outwardly.”⁵⁷³ Luce tells him, “I am your wife, blush not at your folly man, perhaps I have more in me, then you expect from me.” Comedy, concerned with the common good, attends chiefly to external actions. Romance turns attention to what is “in” people. The generic conventions of romance posit that humans have souls and also that these souls can be changed.

Repentance is, at least in some theologies, an important step in a person’s being able to receive mercy and forgiveness for sins. It is also an important social guarantee that a culprit will not repeat his crimes. Sudden conversions, like Oliver’s and the Duke’s in *As You Like It* (William Shakespeare, c. 1600), can seem more convenient than credible. (They become even more suspect, as we will see, if the culprit may suspect that a “conversion” will help stave off punishment.) The community can give credence to an apparent conversion only if they believe real conversions are possible — and they are, in a world where providence is at work.

Aquinas explains that “things that are effected incidentally,” or by chance, “are traced back to that preordaining cause which is divine providence.” This is true not only in “natural matters” but in “human affairs,” for “only God is able to affect the will” (*ST* I.116.1). The power that arranges external events to prevent the culprit’s crime from succeeding is the same power — the *only* power — that can move the culprit internally so that he will never attempt the crime again. Divine omnipotence can move the human will to repent.

⁵⁷³ Thomas Heywood, *The Wise-Woman of Hogsdon a Comedie.*, EEBO STC (2nd ed.) / 13370 ed. (1638).

When Brabant Junior hears the pistol go off and thinks his servant has killed Planet, he says, “The Act of gory murder is perform’d / Have mercy heaven: oh my soul is rent.” The genre that posits a human soul also posits a power capable of altering that soul. When the other characters arrive on the scene, they see Brabant about to stab himself. He tells them, “I have infring’d the laws of God and Man, / In sheading of my Planet’s guiltless blood” and orders them not to interfere with his “just vengeance” upon himself. If this repentance for the crime is sincere, it removes the need to punish him in order to prevent such future crimes. And the very fact that his crime does not succeed provides evidence that his repentance is sincere. The fortunate outcome suggest that providence is at work in the world, externally and internally. If that is the case, repentance is both possible and probable. And if that is the case, the community can afford the repentant culprit moral luck.

But a final question must be answered. If repentance is the key factor in the culprit’s pardon, why do the community not just say so? Why do they still talk as if it is the outcome?

Justification and intention

In Chapter One, I argued that justice in comedy is a minimum condition for flourishing because it enables humans to live together. The law allows people to predict with confidence that if someone harms them, or if they harm others, the community will punish that crime. But if the law is to perform this function, it is not enough that it act justly. It must be *seen and known* to act justly. In a just legal system, outcomes ought to be fair (punishments ought to be proportionate to crimes), processes ought to be transparent, and both ought to be predictable.⁵⁷⁴ No matter how

⁵⁷⁴ See Maxeiner, "Some Realism About Legal Certainty in the Globalization of the Rule of Law", for a contemporary discussion of this concept, which has been respected by the United States Constitution since the passage of the 8th Amendment, which prohibits excessive bail and fines as well as “cruel and unusual punishment,” and the 14th Amendment, which prohibits the deprivation of life, liberty, or property without due process of the law.

fair the laws are, the authority of the legal system will be undermined if officials enforce, or are perceived as enforcing, laws in an inconsistent and thus an unpredictable way.

Aquinas explains, “[I]t is better for all things to be regulated by law than ... the decision of judges” because “lawmakers make judgments that apply to all cases ... and are future-oriented” (*ST I-II.95.1*). Legal procedures best guarantee the future good of the community. Without such standardized procedures, each new defendant faces the less predictable decisions of a judge. No matter how just these decisions are, they might be perceived as purely personal opinion and so lose their legitimacy in the public’s eye. If the authority of law is diminished, so are its benefits. If the law is to secure the common good for all future members of the community, then its decisions must not only be just; they must be *justifiable*.

This requirement, as Majeske explains, creates the major challenge for equity. As Aristotle explains, equity, or “decency,” is “just” but

not what is just according to the law but, rather, a rectification of what is legally just ... It is not better than what is unconditionally just, however, but only better than the sort [legal justice] that, because it pronounces universally, makes an error. And this is the very nature of what is decent — a rectification of law insofar as it is deficient because of its universality. (*EN 1037b10-26*)

On the one hand, if a decision is not unconditionally just but only legally just, its imperfect justice will violate the public’s “innate sense of fairness” and undermine the law’s authority.⁵⁷⁵ On the other hand, if it is too much emphasized that the equitable decision is

Christine A. Varney, "Procedural Fairness" (paper presented at the 13th Annual Competition Conference of the International Bar Association, Fiesole, Italy, September 12, 2009), accessed via <https://www.justice.gov/atr/file/519876/download>, summarizes: “Regardless of the substantive outcome of a government investigation, it is important that parties involved know that the process used to reach that outcome was fair. The two concerns — substance and process — go hand in hand. Complaints about process lead to concern that substantive results are flawed, whereas a fair, predictable, and transparent process bolsters the legitimacy of the substantive outcome” (1).

⁵⁷⁵ Majeske, *Equity in English Renaissance Literature : Thomas More and Edmund Spenser*, 47.

necessitated by the law's deficiency, this, too, will undermine the authority of law.

Equity, then, should not be used like a pardon, which is issued by a single person to override the law after its verdict has been passed. Equity's task is to "help[] preserve the authority of the laws by correcting, or rather concealing their defective nature."⁵⁷⁶ Ideally, the legislator would render an equitable decision that accounts for the case's particular circumstances while making it appear that this decision was simply the result of the normal, predictable application of the law. I suggest that this is the intention behind moments of moral luck.

Measure for Measure, like the other problem play *All's Well that Ends Well*, has structural elements of romance or tragicomedy.⁵⁷⁷ John Fletcher explains that a tragicomedy "wants deaths, which is enough to make it no tragedy; yet brings some near it, which is enough to make it no comedy."⁵⁷⁸ Both plays rely on comic means, including a bed trick, to bring about a formal comic ending (marriages instead of deaths), but the threat of death hangs over their beginnings. In *Measure for Measure*, Claudio begets a child with his betrothed, Juliet, and falls subject to a law punishing fornication with death. Isabella, Claudio's sister, pleads with the strict deputy, Angelo, to commute Claudio's sentence. Like Portia, she appeals to the justice embedded in mercy. Since all humans fall equally short of divine standards, they ought to show others the mercy they require themselves:

Why, all the souls that were, were forfeit once,

⁵⁷⁶ Ibid., 47.

⁵⁷⁷ For an argument for reading *Measure for Measure* as participating in the genre of tragicomedy or romance, see Darryl J. Gless, *Measure for Measure, the Law, and the Convent* (Princeton: Princeton University Press, 1979) and, in a different sense, Robert N. Watson, "False Immortality in 'Measure for Measure': Comic Means, Tragic Ends," *Shakespeare Quarterly* 41, no. 4 (1990). Miola, "New Comedy in *All's Well That Ends Well*" offers a similar reading of *All's Well that Ends Well*.

⁵⁷⁸ Preface to *The Faithful Shepherdess* (c. 1610) in *English Renaissance Literary Criticism*, 503.

And He that might the vantage best have took
Found out the remedy. How would you be
If He, which is the top of judgment, should
But judge you as you are? Oh, think on that,
And mercy then will breathe within your lips ... (2.2.74-78)

Angelo replies, "It is the law, not I condemn your brother" (2.2.81). In upholding this particular law so rigorously, Angelo comes across as strict, self-satisfied, and unsympathetic. But in his general arguments for the rule of law, he shows a compelling, future-oriented concern for the common good. Law, he says, "Looks in a glass that shows what future evils ... so in progress to be hatched and born, / Are now to have no successive degrees, / But ere they live to end" (2.2.96-99). When Isabella begs him to "show some pity," Angelo rebuts,

I show it most of all when I show justice,
For then I pity those I do not know
Which a dismissed offence would after gall,
And do him right that answering one foul wrong,
Lives not to act another. (2.2.100-105)

The law's emphasis on equality means that every case sets a precedent for future cases. If one offense is "dismissed," this creates the expectation that similar offenses will be similarly dismissed in the future. In *How a Man May Choose*, Arthur confesses to Mary that he poisoned his first wife, and she tells him that she will turn him in because "thou'lt poison me as thou hast poisoned her." To dismiss one murder invites another. When Escalus suggests that Angelo pardon Claudio because he too might have slipped in similar circumstances, Angelo says that justice means punishing both crimes, not pardoning both: "When I, that censure him, do so offend, / Let mine own judgment pattern out my death, / And nothing come in partial" (2.1.29-31).

Angelo's resolution to pattern out his death is tested later when he (as he thinks) both slips like Claudio and orders Claudio's death. He promises Isabella that he will release Claudio if

she sleeps with him. After the assignation, he orders Claudio's execution anyway. The Duke, disguised, is aware of everything. When he reveals himself, he charges Angelo with rape and murder, "double violation / Of sacred chastity and of promise-breach, / Thereon dependent for [Claudio's] life," and sentences him to death on the play's titular *tu quoque* principle that "Like doth quit like" (5.1.407-9, 414). But Isabella steps in with a famously complex speech in his defense:

Look, if it please you, on this man condemned
As if my brother lived. I partly think
A due sincerity governed his deeds
Till he did look on me. Since it is so,
Let him not die. My brother had but justice,
In that he did the thing for which he died.
For Angelo, his act did not o'ertake his bad intent,
And must be buried but as an intent
That perished by the way. Thoughts are no subjects,
Intent but merely thoughts. (5.1.447-56)

In answering the charge of murder (when she believes Claudio to be dead), Isabella appeals to Angelo's intention, his "due sincerity." But in answering the charge of rape, she emphasizes outcomes instead. Angelo did attempt to seduce her against her will, but, unbeknownst to him, his sometime-fiancée Marianna took Isabella's place at the assignation. True, he had "bad intent," but his "act" never actually accomplished what he intended. Just as there cannot be murder where there is none killed, there cannot be violation where there is none violated. He never "did the thing" and so should not be punished for it. In basing her argument on the outcome and not the intent, Isabella affords another would-be culprit moral luck.

Critics sometimes read this moment in terms of Isabella's own personal conversion toward mercy and charity. The sincerity of her forgiveness is evidenced by the apparent insincerity of her claims. If "her argument is weak," full of "garbled logic and legal loopholes,"

it is because she is offering, as noted above, “radical Christian forgiveness.”⁵⁷⁹ But in fact, her claims have a strong basis in English legal theory. In the sixteenth century, the question arose as to whether legal decisions could be made on the basis of a person’s intentions or internal state. The answer ultimately reached was no. According to David Harris Sacks, “Ancient doubts about the accessibility of the conscience to public scrutiny ... only deepened in the Reformation era.”⁵⁸⁰ Richard Hooker writes that men have “authority over one another in external actions,” but when it comes to what “man’s heart and conscience doth in good or evil,” he who “discerneth and judgeth the very secrets of all hearts ... is the only rewarder and revenger of all such actions ... For which cause, the Roman laws ... requiring offices of inward affection which the eye of man cannot reach unto, threaten the *neglecters of them* with none but divine punishment” (I.9.2).

Thoughts truly are not subjects — not of human rulers. The “conscience of the defendant could not be directly interrogated by anyone but God.”⁵⁸¹ In Aquinas’s terms, “man is able to make law with respect to those things which he is in a position to make judgments about.

However, human judgments cannot encompass interior movements, which are hidden, but can

⁵⁷⁹ Stacy Magedanz, “Public Justice and Private Mercy in Measure for Measure,” *SEL Studies in English Literature 1500-1900* 44, no. 2 (2004), 325. Marcia Riefer, ““Instruments of Some More Mightier Member”: The Constriction of Female Power in Measure for Measure,” *Shakespeare Quarterly* 35, no. 2 (1984) also denigrates the speech: “Not only the laws of logic, but the concept of justice is twisted here” (167). I am indebted to Chris Crosbie for the bibliography on *Measure for Measure* here and below and for his insights on the role of intention in *Measure for Measure*.

⁵⁸⁰ David Harris Sacks, “The Promise and the Contract in Early Modern England: Slade’s Case in Perspective,” in *Rhetoric and Law in Early Modern Europe*, 39. In the Introduction, Kahn and Hutson write, “Following St. Augustine’s *De libero arbitrio*, St. German argues that it is right that temporal laws leave certain wrongs unpunished, for God’s eternal law punishes these in the internal forum of conscience ... The offenses encouraged by the toleration of informal contracts are, of course, breaches of faith and nonpayment of debts; St. German contests the right of the church courts to adjudicate these, on the basis that they have no privilege access to the ‘inward intente of the hert.’ ... The enormous influence of *Doctor and Student*, as well as St. German’s role in the Henrician reformation, worked to ensure that his arguments took effect in legal practice” (ibid., 7).

⁵⁸¹ David Harris Sacks, “The Promise and the Contract in Early Modern England: Slade’s Case in Perspective,” in ibid. 39.

encompass only exterior acts, which are observable” (*ST I-II.91.4*).⁵⁸² English law ultimately adopted this Thomistic position. The “inner wishes, desires, and intentions of the parties” were deemed “beyond the capacity of any mortal to know”; instead, “human law could only judge outward signs.”⁵⁸³ Even as English law moved to scrutinize the criminal’s *mens rea*, White notes, it “never accepted that there can be a crime without an action.”⁵⁸⁴ And *mens rea* itself, as Luke Wilson has convincingly shown, is a legal fiction more than legal knowledge. The criminal’s intention must be retrospectively constructed following the action it is said to precede, because only the action can give outward signs, or evidence, that the earlier, internal action ever took place.⁵⁸⁵

Evidence plays a crucial role in ensuring that legal decisions are made through fair, standardized processes. In this role, evidence can sometimes open up a gap between what is just

⁵⁸² Christopher Saint German follows Aquinas exactly in his list of reasons why divine law is necessary in addition to human law, one of which is “man may onely make a lawe of suche thynges as he may Iuge vpon / & the Iugement of man may nat be of inwarde thynges / but onely of outwarde thynges” (Saint German, *The Fyrst Dialogue [Betwyxte a Doctour of Diuinite and a Student]*, Chapter 3, “Of the lawe of god”). Sacks cites this passage in “The Promise and the Contract in Early Modern England: Slade’s Case in Perspective,” *Rhetoric and Law in Early Modern Europe*, 38, and claims that *Doctor and Student* was a key text in bringing English law to adopt this view that human law was restricted to outward things only.

⁵⁸³ Sacks, *Rhetoric and Law in Early Modern Europe*, 39, 40-41.

⁵⁸⁴ White, *Natural Law in English Renaissance Literature*, 52. Craig Bernthal, “Staging Justice: James I and the Trial Scenes of “Measure for Measure,”” *Studies in English Literature, 1500-1900* 32, no. 2 (1992) argues that Isabella validly draws on this principle, which was recognized in English law in Shakespeare’s time, that “[a]ct and intention must *both* be proved to establish a crime” (258). Sir Thomas Smith notes in *De Republica* that “Attempting to impoison a man, or laying await to kill a man, though he wound him daungerously, yet if death followe not, is no fellony by the lawe of Englande, for the Prince hath lost no man, and life ought to be giuen we say, but for life only” (Book II, Chapter 24). Lambarde, *Eirenarcha: Or of the Office of the Iustices of Peace* notes that “But this is a general learning in al cases of Murder or Manslaughter, ye the party hurt, must be dead in fruth before it be in iudgement of Lawe faken to be either of those offences [manslaughter or murder]: for Voluntas at this day is not construed for the déede it self, as in time past it hath bin put in use” (Book I, Chapter 21). English law, as it stood in Lambarde’s day, agreed with Mistress Arthur that “murder there cannot be where there is none killed.”

⁵⁸⁵ Luke Wilson, *Theaters of Intention : Drama and the Law in Early Modern England* (Stanford: Stanford University Press, 2000), 38. On this view, as Kahn and Hutson, summarize, the “anteriority of the intention is a retrospectively constructed fiction, a probable account of an interior state offered in explanation for a sequence of events” (*Rhetoric and Law in Early Modern Europe*, Introduction, 6).

and what is justifiable. In the United States, the exclusionary rule states that evidence obtained in a manner that violated the defendant's constitutional rights may be deemed inadmissible in a court of law.⁵⁸⁶ A ruling based on inadmissible evidence might be just (it might rule "guilty" when the defendant is actually guilty), but because it violates legal procedures, it is not justifiable. That is, the court cannot ask the public to accept it. To be justified, legal decisions must be based on evidence to which the public can legitimately claim access.

In the cases described above, repentance does seem to be the deciding factor in which would-be culprits are punished and which are not. In *James IV*, James's plan to have his wife killed is encouraged and abetted by his villainous counselor Auteukin. James is not punished. For Auteukin, however, the Scottish lords declare, "Let him have Martiall lawe, and straight be hangd" (5.6.230). Both James and Auteukin attempted to murder an innocent woman; James repents and Auteukin did not. But there is a problem in making repentance the legal grounds for pardon.

In *The Blind Beggar of Bethnal Green* (John Day and Henry Chettle, 1600), the villainous Sir Robert Westward engineers a plot to overthrow the Duke of Momford. When injured in a fight, he seems to have a conversion of heart and confesses his plot to the blind beggar tending him (who is Momford in disguise): "Oh Father I had need to rend my heart / In sunder, with true sorrows hourly sighs, / For I have done a deed more impious / Than ever entered in the heart of man." Later, however, Robert repents of his repentance: "A plague of this blind slave ... And on my tongue a mischief, that reveal'd / Our purpose in the plot of

⁵⁸⁶ "Exclusionary Rule," in *Legal Information Institute* (Cornell University Law School). Accessed via https://www.law.cornell.edu/wex/exclusionary_rule.

Momford's fall.”⁵⁸⁷

Robert's conversion is insincere. His internal state is unchanged. But his external behavior — his plaintive words, his sighs — would be virtually indistinguishable from that of someone whose repentance is sincere. A discerning judge might have a reliable sense of which persons to believe. But even then, the judge cannot be absolutely certain. Crediting someone's conversion requires, as Paulina says, that you awake your faith” (*The Winter's Tale*, 5.3.95).

In the Christian context, placing faith in another person, as with forgiving them, can be a commendable and at times even an obligatory act.⁵⁸⁸ But faith alone cannot be a ground of legal action. A court's decisions cannot be based solely on the judge's faith or conviction or beliefs concerning the defendant. Decisions must be based on evidence — what can be seen (*ex*, out; *videre*, to see). Decisions made to the public and for the public must have grounds that are visible to the public. And it is only external signs that are publicly visible. If the external signs of sincere repentance are indistinguishable from those of insincere repentance, there could be no *legal* grounds for granting pardon to one “penitent” criminal and withholding it from another. An obvious problem with this system would be that criminals like Sir Robert could commit crimes with impunity by performing a “conversion” after the fact. But a subtler and deeper problem would be the human community's pretending to knowledge of things it cannot know.

When the Duke reveals himself, Angelo says, “I should be guiltier than my guiltiness / To think I can be undiscernible / When I perceive your grace like power divine / Hath looked upon my passes” (5.1.369-72). The Duke, with his secretive, beneficent plots, is often read as a

⁵⁸⁷ John Day, *The Blind-Beggar of Bednal-Green with the Merry Humor of Tom Strowd the Norfolk Yeoman*, EEBO Wing / D464 ed. (1659).

⁵⁸⁸ See *ST II-II.60.2-4*. Aquinas supports the view that “doubts should be interpreted for the best”: “unless we have evident indications of a person's wickedness, we ought to deem him good, by interpreting for the best whatever is doubtful about him” (Aquinas, *Summa Theologiae*, accessed via <http://www.newadvent.org/summa/>, II-II.60.3).

figure of providence.⁵⁸⁹ But it is *only* the true “power divine” that can discern the guiltiness of hearts. As a human arbiter of human law, the Duke has no such power. Consequently, he has no right to base legal judgments on his judgment of Angelo’s heart. Angelo seem to be repentant — “I am sorry that such sorrow I procure, / And so deep sticks it in my penitent heart / That I crave death more willingly than mercy” (5.1.478-80) — and the Duke does ultimately offer him mercy. But he pardons only Angelo when Claudio is revealed to be alive, and it is Claudio’s life that justifies the pardon. “If he be like your brother,” the Duke tells Isabella after Claudio is unmasked, “for his sake / Is he pardoned” (5.1.494-95). The ground of the pardon is not Angelo’s “due sincerity” or “penitent heart” but the “act” he ultimately, though accidentally, committed: a non-murder.

When Escalus claimed that Angelo, too, would have slipped in Claudio’s position, Angelo rejected the unverifiable counter-factual as illegitimate grounds for a legal ruling: “The jury passing on the prisoner's life / May in the sworn twelve have a thief or two / Guiltier than him they try. What’s open made to justice, / That justice seizes” (2.1.19-22). The state of someone’s soul — what he *would* do if tested — is not “open” or knowable to the human community. As I noted in Chapter Two, intentions are private. What is knowable to the public are outward signs: actions, outcomes. Outcomes are visible and verifiable. Conscience is not.

I discussed in Chapter One the way that judges in comedy enact justice by making use only of these resources that are available to the human community. We find this same feature in cases of moral luck. The judge cannot publicly justify pardoning a culprit if the pardon is openly

⁵⁸⁹ See Kirsch, "The Integrity of 'Measure for Measure'" and Gless, *Measure for Measure, the Law, and the Convent*. Cynthia Lewis, "'Dark Deeds Darkly Answered': Duke Vincentio and Judgment in Measure for Measure," *Shakespeare Quarterly* 34, no. 3 (1983) offers an alternative, highly critical reading of the Duke as a manipulative, anti-comic figure.

based on factors, like a contrite conscience, that are inaccessible to the public. He can, however, justifiably declare that he cannot punish a crime that never took place.

Fortunate outcomes may not fit our sense of relevant criteria for moral evaluation. What they do fit is the formal criteria for admissible evidence in a court of law. The puzzle of moral luck is why an accidental good outcome should be made the reason for a response. The outcome is not, in fact, the reason. It is the *justification*.

The letter of the law

An objection arises. Is it not apparent, in spite of the official appeal to the outcome, that the real reason for the pardon is the culprit's (unverified) repentance? Does this also undermine the validity of the legal process by suggesting some hypocrisy at work, a discrepancy between what is said and what is meant? The answer returns us to the function of law in comedy.

In contrasting romance and satire, I analogized them to the spirit and the letter. The trial scene in *The Merchant of Venice* is often read as a dramatization of their conflict. Shylock upholds the letter of the law, standing in for the Jewish people bound to the Old Law. Portia appeals to him to transcend the letter of the law and to replace justice with mercy in accordance with the New Law of Christianity.⁵⁹⁰ Portia's resolution of the case (Shylock may take a pound of flesh but not a drop of blood) may seem to betray this ideal, since it is based firmly on the letter of the law. Shylock's trial, for reasons touched on in the conclusion to Chapter Three, is problematic. But simply relying on the letter of law need not be.

⁵⁹⁰ See, for example, John Colley, "Launcelot, Jacob, and Esau: Old and New Law in "the Merchant of Venice", " *The Yearbook of English Studies* 10 (1980); Lewalski, "Biblical Allusion and Allegory in "the Merchant of Venice""; White, *Natural Law in English Renaissance Literature*. John Denvir claims that in *Merchant*, as in *Measure for Measure*, "the spirit of legality is vanquished by mercy" (Denvir, "William Shakespeare and the Jurisprudence of Comedy", 834).

In cases of moral luck, the advocates appeal, in some sense, to the letter of the law. By focusing solely on the fortunate outcome and ignoring the criminal intention, they also seem to ignore the intention behind the law. Surely the spirit of the law against murder is violated by attempted murder. The Christian ethos invoked by romance states this clearly: “Yee haue heard ... Thou shalt not kill: and, Whosoeuer shall kill, shalbe in danger of the iudgement. But I say vnto you, that whosoeuer is angry with his brother without a cause, shall be in danger of the Iudgement” (Matthew 5:21-22). But in comedy, characters frequently use the letter of the law as *opposed* to the spirit to achieve a just and satisfying resolution.

In Philip Massinger’s *A New Way to Pay Old Debts* (1625), the villainous Sir Giles Overreach tries to marry off his daughter Margaret to Lord Lovell when she is really in love with Allworth. Allworth, posing as Lovell’s servant, asks Overreach for his warrant for Margaret’s marriage. Overreach thinks the warrant is for her marriage to Lovell. But Allworth persuades him to write the words “this gentleman” on the warrant rather than to write Lovell’s name. The clergyman marries Margaret to “this gentleman” — that is, the one bearing the warrant: Allworth. Similar examples are found in *All Fools* (Chapman, 1604), *A Trick to Catch the Old One* (Thomas Middleton, c. 1605) and *Every Man In His Humour* (Jonson, 1598),⁵⁹¹ as well as in

⁵⁹¹ In George Chapman’s *All Fools*, Valerio “confesses” to his father Gostanzo that he has married without Gostanzo’s permission. This is just what he has actually done. But Gostanzo thinks he is making a pretend confession and so pretends to make a pardon: “I have a father’s heart, come join your hands, / Still keepe thy vows, and live together still.” Valerio asks, “speake you this in earnest?” His father, still pretending, pretends to be earnest: “I by heaven.” Later, when Gostanzo is irate to discover that Valerio has actually married, Rinaldo reminds him, “He did confess his fault upon his knees / You pardoned it, and swore ’twas from your heart.” In Thomas Middleton, *A Trick to Catch the Old-One*, EEBO STC (2nd ed.) / 17896 ed. (1608), Witgood and his former mistress spread the rumor that the mistress is a wealthy widow, and the avaricious Hoard comes to woo her. She protests to Hoard, “I promise you I have nothing sir.” He chuckles, “Well said, widow, well said, thy Love is all I seek,” as though they are both in on a joke. Later, when Hoard has married her and discovers she is a penniless courtesan, she reminds him, “Nor did I ever boast of lands unto you, / Money or goods: I tooke a plainer course: / And told you true I’de nothing, / If error were committed twas by you.” Hoard is irate but accepts the marriage.

modern works.⁵⁹² A plotter appeals to the letter of the law, or to a literal interpretation of a set of words, to justify some action that violates the spirit or intention behind the words. We could explain this move by saying that it is the only way the plotter could get what he wants from his victim. But characters appeal to the letter of the law even when an appeal to the spirit would produce the same result.

In the comic-parodic classic *The Princess Bride* (dir. Rob Reiner, 1987), we are informed in no uncertain terms that what Wesley and Buttercup have is true love. The evil Humperdinck captures Wesley, and Buttercup agrees to marry Humperdinck in order to save Wesley from death. Wesley and his friends return to disrupt the marriage ceremony and defeat Humperdinck. Buttercup, however, tells Wesley in distress that she is married. Now, it seems clear that the spirit of the law would invalidate her marriage to Humperdinck. Buttercup tells Wesley that she didn't *want* to be married, and, as we discussed in Chapter Three, consent is essential to a valid marriage. Buttercup was undoubtedly coerced. But Wesley doesn't ask, "Did you intend to be married?" He asks, "Did you say, 'I do?'" Buttercup says she did not. "Then you're not married — if you didn't say it, you didn't do it."⁵⁹³ He appeals to a legal technicality — to the letter of

⁵⁹² To return to *Lincoln*: at the film's conclusion, the passage of the 13th Amendment is threatened by the rumor that Southern senators are on their way to Washington to negotiate a peace. Senators wishing to ratify the amendment for the sake of ending the war will not vote for it if the peace commission really is on its way. Senator Wood angrily demands to know from the President, "Are there Confederate commissioners in the Capitol?" When Mr. Ashley conveys this demand to the President, Lincoln asks, "This is precisely what Mr. Wood wishes me to respond to? Word for word? This is precisely the assurance that he demands of me?" He writes back, "So far as I know, there are no peace commissioners in the city nor are there likely to be." This is true — according to the letter of the law. There are peace commissioners close at hand, but Lincoln has kept them on a riverboat just outside the city. The lawyer's characteristic carefulness generates some (uncharacteristic) comic delight here. Screenplay accessed via <http://www.imsdb.com/scripts/Lincoln.html>. We can also look back to our picaro Aladdin, who, learning that the genie is all-powerful and will grant him three wishes, disputes the first claim: "I don't know, Abu — he probably can't even get us out of this cave. Looks like we're gonna have to find a way out of here." The genie, incensed, whisks them out of the cave to prove that he can. When he tells Aladdin that he has used up one of his three wishes, Aladdin disagrees: "Ah, no — I never actually wished to get out of the cave. You did that on your own." The genie concedes him the victory. Screenplay by Ron Clements, John Musker, Ted Elliott, Terry Rossio, accessed via <http://www.fpx.de/fp/Disney/Scripts/Aladdin.txt>.

⁵⁹³ Screenplay by William Goldman, accessed via <http://www.imsdb.com/scripts/Princess-Bride,-The.html>.

the law. (A similar example is found in the 1935 comedy *Top Hat*.⁵⁹⁴)

If an appeal to the spirit would provide the same result with a stronger justification, why do characters still appeal to the letter? And in cases of trickery, in which the spirit is patently violated, why do the plotters bother to justify themselves at all? It seems clear to everyone that a trick has been played and that the argument appealing to the letter of the law is a specious one. Why bother with a fiction that everyone knows is a fiction?

I said in Chapter Two that a minimum condition for membership in society is that your actions must be justified from at least one point of view. This is what the plotters accomplish by contriving to abide by the letter of the law. Their justifications may not respect the intention of the law or of the other party. What they do respect is the form of the law itself. Discussing *The Merchant of Venice*, R.S. White explains that Shylock upholds “positive law itself. Once enacted, the ‘reason’ behind it no longer matters beside the ‘letter’ of the law, and personal intentions are not just distracting, but may also fog the issues of justice and destroy the concept of law itself.”⁵⁹⁵ The concept of law is a system that is “consistent and reliable in its operations.”⁵⁹⁶

White, like many other critics of comedy, ends up praising natural law over positive law and the spirit over the letter. But it is these features specific to positive law that allow it to serve

⁵⁹⁴ In *Top Hat* (dir. Mark Sancrich, 1935), Dale Tremont grows increasingly attached to Jerry Travers, but, mistakenly believing Jerry to be her friend’s husband, Horatio, she agrees to marry Alberto, for whom she does not really care. Dale learns the truth only after she has gone through the marriage ceremony with Alberto, which she then regrets. The film could have arranged Dale’s final union with Jerry by appealing to “autonomy-based ethics.” She did not give *fully informed* consent to the marriage with Alberto. If she had known the truth, she would not have done it. However, the film does not pursue this route. Instead, it is revealed that the priest who performed the ceremony was actually Horatio’s butler in disguise. Since he was not authorized to marry them, the marriage is not legally valid, and Dale is free to marry Jerry instead.

⁵⁹⁵ White, *Natural Law in English Renaissance Literature*, 164.

⁵⁹⁶ *Ibid.*, 163.

the common good in Venice and in human communities more generally. The law's consistency and reliability "command the trust of all parties," and this trust is the minimum condition for commercial and social relationships.⁵⁹⁷

The same good is at stake in appeals to the letter. Comic plotters restrict themselves to plots that can be justified by the letter of the law because this minimal form of justification enables them to meet the minimum conditions required for relationship. On Aquinas and Hooker's view, the purpose of law is to prevent the most egregious crimes, the ones that make it impossible for people to live together. The same purpose is served by requiring that community members be able to justify their actions from at least one point of view. If you take pains to abide by this requirement, you signal that you are not willing to commit the most egregious crimes, i.e., those that cannot be justified from *any* point of view. In other words, you signal that you meet the minimum conditions for social life. The plotters' actions may not be perfectly just, but they have *justification*. And this means that the community can afford to include them in it.

A New Way to Pay Old Debts makes the difference clear. The play involves two plots against Sir Giles Overreach. It is absolutely clear that Overreach is a villain who deserves to be overthrown. But one plot is permitted and another is punished, because one plot has a minimum justification and the other does not. One trick is the wedding license described above. But Overreach is also tricked when he loses his claim to the noble Wellborn's lands because the text on the deeds mysteriously disappears. Overreach's embittered servant, Marall, erased the text so that Overreach would have to surrender the land. Afterwards, Marall asks Wellborn, "Was it not a rare trick / (And it please your Worship) to make the deed nothing?"⁵⁹⁸ He expects praise and a

⁵⁹⁷ Ibid., 163.

⁵⁹⁸ Massinger, *A New Way to Pay Old Debts*.

job as Welborn's steward. Welborn, however, excoriates him: "You are a Rascal ... look not for reward, / Or favour from me, I will shun thy sight / As I would do a basilisk's."

Marall's trick, unlike the trick of the license, has no legal justification at all, not even by the letter. It is simply outright fraud. He might feel himself personally justified in tricking an unjust master, but the trick signals no respect for the norms of the community. This is why Wellborn dismisses him: "[H]e that dares be false / To a master, though unjust, will ne're be true / To any other." Someone willing to commit one unjustified act would be willing to commit more — including acts that make social life impossible. (Marall's trick would, for example, be the death of commerce.)

If social life requires that people justify their actions, we might ask why it should be *this* form of justification. In most comedies, the people tricked deserve to be tricked; the people who win deserve to win. We could justify the trick by appealing to poetic justice, to natural law, or to the spirit of the law, saying that it serves true justice by matching merit and reward. But the argument from merit appeals to something the law cannot access: the state of a person's soul. If the community accepts justification by the letter of the law, it receives no less than it needs; but it also asks no more than it can rightly require. The community needs to know that the public good will not be threatened, but it cannot have certain knowledge of who is privately good and who is not. In cases of moral luck, the community believe the culprit has repented. But they cannot prove it — and the law does not say you can pardon someone simply on the basis of beliefs. It does, however, say that you cannot punish someone for committing a crime if that crime was never committed. By focusing on the outcome, by appealing to the letter of the law, the community find legal justification for the pardon.

In romantic comedy, we see communities working to secure their human needs in the

awareness of transcendence. Characters figure their world as teleologically guided by a divine power. This power makes repentance possible; it also makes it necessary to respond to repentance with mercy, since humans must show to others the mercy they need themselves. But the requirements generated by this spiritual world must be balanced against the needs of the earthly one. Human communities must still ensure the protection of life and property and must do so within the limits of a legal process that respects the limits of human knowledge. Affording moral luck is one way of achieving this balance. It contrives to satisfy the requirements of both mercy and justice, and, in fact, enhances the quality of the mercy by figuring it as justice.

Conclusion

In the children's book *Comet in Moominland*, young Moomintroll and his friends stop at a little store and are delighted with the treats they find for themselves (except for Snufkin, who wants trousers but dislikes the selection). Then the old lady who owns the store rings up their bill (20 and 3/4 pence), and they suddenly realize that they have no money: "[T]he Snork and his sister looked at each other in horror. Not one of them had a single penny!" The lady gives a little cough and says, "Well, now, my children ... There are the old trousers that Snufkin didn't want; they are worth exactly 20 pence, so you see one cancels out the other, and you don't really owe me anything at all."⁵⁹⁹

It is kind of the lady to let the children keep their treats. But why doesn't she simply say, "Take them as gifts"? Why does she introduce the specious logic of Snufkin's having store credit for trousers he never bought? One reason is pragmatic. Giving one gift sets a precedent for others. If she makes the transaction appear an ordinary economic one, she reserves her right to

⁵⁹⁹ Tove Jansson, *Comet in Moominland*, trans. Elizabeth Portch (New York: Farrar Staus Giroux, 2010), 106-107.

demand payment in the future — just as, if a court gives pardons only in cases of failed crimes, it reserves its right to punish successful crimes in the future. But there is another, less pragmatic reason. It is generous to give a gift. It is even more generous to conceal the fact that it is a gift.

In the television series *Downton Abbey*, the perpetually unlucky Mr. Mosley is in urgent need of forty pounds to pay a debt, but his pride will not permit him to accept handouts. Mr. Bates asks Mr. Mosley to sign a card for a mutual friend and then uses that signature to forge Mosley’s signature on another document: a “receipt” dated years ago stating that Mosley had lent Bates forty pounds. Bates gives Mosley the forty pounds, and Mosley accepts the money not as a charitable gift but as the just payment of a debt. In this way, he retains both his credit and his dignity.⁶⁰⁰

The defendant enjoys a similar generosity in episodes of moral luck. He and the public both know the evil he attempted. To make the pardon an act of mercy is to highlight the community’s generosity in contrast with the culprit’s shame. But to figure the pardon as an act of justice is to highlight the parties’ equality as parties under the law. According to the law, the defendant has a right to a certain response; following the law, the community respect his right. Pascal wrote in his *Pensées* that “God has established prayer” in part to “communicate to His creatures the dignity of causality.”⁶⁰¹ Moral luck communicates the dignity of merit. The pardon is not an act of charity. It is something the defendant is owed. This is a highly relevant point given the religious context of early modern drama.

Pre- and post-Reformation Christianity emphasized that humans fall radically short of the

⁶⁰⁰ Season Four, premier episode, 2014.

⁶⁰¹ Blaise Pascal, *Pensees*, trans. W.F. Trotter (Mineola, New York: Dover Publications, Inc., 2003) section 513, page 140.

standards set by the transcendent deity. What distinguished Protestantism was its insistence that humans can contribute nothing meritorious to their own salvation and that there is no sense in which God could “owe” grace or mercy or favor to any human, for any reason. Prior to the Reformation, there was another way of understanding the human relationship to God. Aspects of this relationship are dramatized in the fifteenth-century poem *Piers Plowman*.

In this poem, Truth offers Piers a pardon that establishes conditions for salvation: “Do wel and have wel ... Do yvel and have yvel.”⁶⁰² No human could fulfill these conditions on his own, since all sin and “Do yvel.” But Piers is later given another pardon, this one reading “*Redde quod debes*,”⁶⁰³ that establishes a pact whereby, if humans confess their sins and make some reparations for their debts, then God will extend the possibility of forgiveness and salvation.⁶⁰⁴ The poem acknowledges that humans “are unable *condignly* to merit reward from God through works without grace,” but it shows how they can “merit reward from God conditionally, or *congruently*, by acting within the terms of a pact made between God and humans out of God’s generosity.”⁶⁰⁵ It is generous of God to make the pact. However, once it is made, respecting the pact is not an act of mercy but of justice. The pact creates a “statuted, positive law,” a “legal mechanism,” such that humans, even if they cannot earn salvation, may be owed it.⁶⁰⁶

⁶⁰² William Langland, *The Vision of Piers Plowman* (London and New York: J.M. Dent and E.P Dutton, 1978), VII.112-113. All citations are from this edition.

⁶⁰³ *Ibid.*, XIX.188.

⁶⁰⁴ Simpson explains that the pardon functions as “a bail, a temporary release from prison. Humans can only make this permanent by themselves attempting to pay God back for sins whose debt they are able to pay” (James Simpson, *Piers Plowman: An Introduction*, 2nd revised ed. (Exeter: Exeter University Press, 2007), 191). In *Piers Plowman*, Christ’s victory over the devil in securing the power to liberate human souls from Hell is “essentially a legal [triumph], not one of sheer strength, nor of pure guile ... He, too, argues that Lucifer has gained possession of mankind through guileful treason, and that He, Christ, has simply repaid him in kind according to the ‘tooth for a tooth’ principle of the Old Law” (*ibid.*, 189).

⁶⁰⁵ *Ibid.*, 76.

⁶⁰⁶ Simpson, *Reform and Cultural Revolution*, vol. II: 1350-1547 (Oxford: Oxford University Press, 2002), 354-5.

Many critics of comedy discuss the ways in which repentance, mercy, and forgiveness restore and enhance relationships.⁶⁰⁷ But to emphasize the total goodness on one side and the total depravity on the other risks creating an unbridgeable gap between the two parties. Some critics argue that this is just what Protestantism did.⁶⁰⁸ Legal mechanisms, by contrast, can reduce gaps. I began this work by arguing that justice in comedy recognizes equality. But by creating a space where both parties must respect each others' claims, justice systems can also *create* equality.

In the Gospel of Matthew, Christ describes heaven to his disciples by using a parable about a vineyard owner who hires laborers early in the day for "the standard wage." At the middle and then at the end of the day, he hires more laborers and gives them, too, a full day's pay. When the first workers complain that they received no more than those who joined last, he responds, "Friend[s], I am not treating you unfairly. Didn't you agree with me to work for the standard wage? ... Or are you envious because I am generous?" By employing an economic structure, the parable reconfigures generosity as fairness. The late workers are not simply given a gift. They are paid "the standard wage."⁶⁰⁹

Romantic comedy employs legal structures to the same effect. The transactions of moral luck attempt to balance romance with comedy, the non-accidental with the non-intentional,

⁶⁰⁷ See, for example, Nevill Coghill, "The Basis of Shakespearean Comedy: A Study in Medieval Affinities," *Essays and Studies* 3 (1950); Matthews, *Character and Symbol in Shakespeare's Plays: A Study of Certain Christian and Pre-Christian Elements in Their Structure and Imagery*; Hunter, *Shakespeare and the Comedy of Forgiveness*; Friedman, "The World Must Be Peopled": *Shakespeare's Comedies of Forgiveness*; Beckwith, *Shakespeare and the Grammar of Forgiveness*.

⁶⁰⁸ For the seminal account of this argument, see John Stachniewski, *The Persecutory Imagination: English Puritanism and the Literature of Religious Despair* (Oxford: Clarendon Press, 1991). James Simpson, "Grace Abounding: Evangelical Centralization and the End of Piers Plowman," *Yearbook of Langland Studies* 14 (2000) contrasts this new Protestant experience of God with the more accessible channels of grace in *Piers Plowman*.

⁶⁰⁹ Matthew 20:2-15, translation from *Net Bible*, (Biblical Studies Press, L.L.C, 1996-2016).

mercy with justice, gift with merit, to secure the best outcome for individual persons and for the community. It is an open question whether these attempts succeed. Many critics argue, for example, that in *Measure for Measure*, they fail.⁶¹⁰ If moral luck and other legal transactions are able in any play to secure a happy ending, it can only be because the ending is happy in the other sense — it is partly the result of luck. In the Conclusion, I address what it means, in light of moral luck and our other ethical puzzles, to call an ending “happy.”

I will also address what puzzles teach us about ethical evaluation in literature. Leo Salingar writes that “Shakespeare’s comic and romantic improbabilities do imply a belief, a general attitude towards the world.” They imply that humans “cannot make their happiness unaided, but depend on that for society, and on something beyond human society as well, on Nature or Fortune or Providence.”⁶¹¹ This “general attitude towards the world” is derived partly from individual events in that world as they seem to form a pattern. Once derived, that general attitude guides the community’s response to individual events in turn, based on the kinds of events that they expect to occur in this kind of world. If this process sounds familiar to us, it should. It also describes the hermeneutic circle of readerly interpretation, and the way that genres guide our own responses to texts.

⁶¹⁰ For overviews of critical disagreement about *Measure for Measure* and the degree to which it achieves resolution, see Lewis, ““Dark Deeds Darkly Answered”: Duke Vincentio and Judgment in *Measure for Measure*”. Eric Spencer, for example, strongly rejects the view that the play successfully joins public and private morality or moderates justice and mercy through equity: “*Measure for Measure* exposes rather than resolves the problem of how a Christian ruler can rule when magistrates cannot punish without hypocrisy, the scales of justice can never adequately balance, but humans must try to balance them anyway” (Eric V. Spencer, “Scaling the Deputy: Equity and Mercy in *Measure for Measure*,” *Philosophy and Literature* 36, no. 1 (2012), 181), and Watson finds that “we can hardly deny the inadequacies of resolution of *Measure for Measure*, the darkness it fails to dispel” (Watson, “False Immortality in “*Measure for Measure*”: Comic Means, Tragic Ends”, 417).

⁶¹¹ Salingar, *Shakespeare and the Traditions of Comedy*, 22.

Conclusion

In one episode of the TV series *Modern Family*, the grandfather, Jay Pritchett, is distraught when a bad storm prevents him from leaving the house. A Navy friend of his has just died, and it is the tradition of their unit that each time a fellow Navy friend dies, the others gather at the nearest Irish pub to drink a toast to his memory at exactly seven p.m. A few minutes before seven, Jay sits disconsolate in his garage. Phil, his son-in-law, finds him there, and Jay explains his crisis to him. Phil takes two tin cups from their camping gear and pours shots of whiskey from a pocket flask. He unearths a shamrock from a box of forgotten holiday decorations and puts the shamrock and a cup in front of Jay. At seven p.m., they both silently raise their cups. Has Jay failed or succeeded in achieving his goal? Does this count as a happy ending for him?

I have claimed that ethical evaluation in comedy depends on the genre's conventions. The foremost convention in comedy, of course, is that of the happy ending. After examining ethical puzzles in comedy, we can ask what they have taught us about the key question comedy raises: what constitutes human flourishing? If you have the minimum conditions for flourishing in place, have you achieved happiness, or only prepared yourself to achieve happiness? What does it mean to have a happy ending?

In Chapter Five, I introduced Aquinas's distinction between the New Law and the Old Law. In both cases, "law is ordered toward the common good" (*ST I-II.91.5*). Comedy focuses on getting the Old Law in place, so to speak — the law that governs the hand (rather than the heart) — so that humans will refrain from violence against one another and be able to live peacefully together. But this law is part of comedy's concern with the minimum conditions for human flourishing. Neither law nor comedy encapsulates, in itself, all that we need for an ideally

flourishing life. They only provide what we need *first*. Aquinas's explanation of the relationship between the Old Law and the New Law helps us understand why:

Now there are two ways in which things can be distinct from one another. First, they are distinct in the sense of being altogether diverse in species, e.g., a horse and an ox. Second, they are distinct in the sense that the one is perfect and the other imperfect within the same species, e.g., a man and a boy. It is in this latter sense that the divine law is divided into the Old Law and the New Law. Hence, in Galatians 3:24-25, the Apostle compares the status of the Old Law to the status of a child under the tutelage of a pedagogue, while he compares the status of the New Law to a full-grown man who is no longer under the tutelage of a pedagogue. (ST I-II.91.4)

Humans begin their lives as children. Humans are, in Alasdair MacIntyre's phrase, "dependent rational animals."⁶¹² To mature into adults, fully grown with full use of their capacities, they require help from others — teachers, parents, friends, and others who procure their good for them. There is a dependency structure to human life that creates a certain structure among human goods.

In Chapter Three, we looked at the way in which less mature humans depend on help from more mature humans; in particular, they depend on their help to obtain natural goods, goods required by their biological nature, such as food and safety. I contrasted these natural goods with chosen goods, which must be willed by the agent before they can do her good. We could draw a similar contrast between "goods of the body" and "goods of the soul." In Chapter Four, I showed how comedy assumes a hierarchy of goods, with natural or bodily goods having priority over chosen goods. Satiric comedy tends to focus only on goods of the body. But even theorists like Aquinas and Hooker, who emphasize a wide range of human goods, both earthly and heavenly, acknowledge a dependency structure among these goods.

⁶¹² MacIntyre, *Dependent Rational Animals : Why Human Beings Need the Virtues*.

Hooker, like the theorists mentioned in Chapter One, notes how humans are naturally social in part because they naturally depend on one another, “as we are not by ourselves sufficient to furnish ourselves with competent store of things needful for such a life as our nature doth desire ... therefore to supply those defects and imperfections which are in us living single and solely by ourselves, we are naturally induced to seek communion and fellowship with others” (I.10.2).⁶¹³ And those goods that we depend on others to supply — things “needful for such a life as our nature doth desire” — are themselves the goods on which all other goods depend. Hooker is very clear. Goods of the soul depend on goods of the body:

The Apostle in exhorting men to contentment although they have in this world no more than very bare food and raiment, giveth us thereby to understand that those are even the lowest of things necessary; that if we should be stripped of all those things without which we might possibly be, yet these must be left; that destitution in these is such an impediment, as till it be removed suffereth not the mind of man to admit any other care. For this cause, first God assigned Adam maintenance of life, and then appointed him a law to observe ...

True it is, that the kingdom of God must be the first thing in our purposes and desires. But inasmuch as righteous life presupposeth life; inasmuch as to live virtuously it is impossible except we live; therefore the first impediment, which naturally we endeavor to remove, is penury and want of things without which we cannot live. Unto life many implements are necessary; moe, if we seek (as all men naturally do) such a life as hath in it joy, comfort, delight, and pleasure. (I.10.2)

We cannot live well unless we are alive. Goods of the body have to come before goods of the soul. (Hooker, in claiming that destitution is “such an impediment, as till it be removed suffereth not the mind of man to admit any other care,” anticipates Maslow’s account of human motivation.)

⁶¹³ Hooker notes that we depend on others for goods of the soul as well as goods of the body: “Although therefore riches be a thing which every man wisheth, yet no man of judgment can esteem it better to be rich, than wise, virtuous, and religious. If we be both or either of these, it is not because we are so born. For into the world we come as empty of the one as of the other, as naked in mind as we are in body. Both which necessities of man had at the first no other helps and supplies than only domestical” (I.10.2)

It is hardly surprising that a genre like satiric comedy, which figures humans as nothing *but* bodies, would prioritize goods of the body. But why does Hooker, who affirms that humans are both body and soul and that their “perfection” lies in “proceeding in the knowledge of truth, and by growing in the exercise of virtue” (I.5.3), still give priority to bodily goods? Hooker’s answer points us toward what is — I believe — a key to understanding what a happy ending means in comedy. “All men desire to lead in this world a happy life,” Hooker says. “That life is led most happily, wherein all virtue is exercised without impediment or let” (I.10.2).

Comic plots do not necessarily produce happiness. What they do is clear away “impediments” or obstacles to happiness. At the end of a comedy, especially the satiric-leaning comedies of early modern England, we do not see people who have achieved perfectly flourishing lives. We see people who have secured more of the conditions necessary for flourishing. Among scholars of Aristotle, there is an ongoing discussion as to whether the kinds of goods secured by comedy are only a means to an end, or whether they themselves are part of the end. If you adopt the second view — if you think that to have the potential for happiness is already to participate in it — you have learned to think as comedy thinks. From these conditions, you expect that happiness will come. And it is this expectation that is really the most fundamental convention of comedy: not that we possess the happy ending, but that we *expect* it.

Happiness and the conditions of the possibility of happiness

In the *Ethics*, Aristotle introduces a category similar to what I have been calling natural goods or bodily goods. Commentators generally term the category “external goods.” It is a longstanding critical puzzle what role external goods play in human happiness. On the one hand, Aristotle, like Hooker, locates happiness in the highest-functioning operation of our definitive

human capacities: reason, and the excellent activity in accord with reason that is virtue.

According to one understanding of Aristotle, then, “Active understanding in accord with theoretical wisdom, moreover, as our function brought to completion in accord with the best and most complete virtue, is the best kind of happiness, provided it extends through a complete life.”⁶¹⁴ On the other hand, Aristotle acknowledges that happiness

apparently needs external goods to be added, as we said, since it is impossible or not easy to do noble actions without supplies. For just as we perform many actions by means of instruments, we perform many by means of friends, wealth, and political power. Then again there are some whose deprivation disfigures blessedness, such as good breeding, good children, and noble looks. (EN 1099a31-b2)

Because “happiness does seem to need this sort of prosperity to be added,” he adds that this leads some to “identify good luck with happiness and others to identify virtue with happiness” (1099b7-8). So does happiness lie in external goods, which are often contingent on fortune, or in goods internal to the will and the mind? To be happy, must we be lucky?

To clarify this question, commentators sometimes distinguish between an *instrumental* means and a *component* means: “an instrumental means is separate from the end, and causally contributes to it, so that the end is its effect, whereas a component means is a part of the end and not separate from it. Hence components of an end are means to it and are chosen for its sake, but are parts and not merely instrumental means.”⁶¹⁵ A similar distinction is drawn between a *source* and a *condition*: “A source of happiness differs from a condition of happiness in that it is an activity which when performed necessarily produces happiness in the individual, whereas the presence of a condition of happiness does not produce happiness in the individual, but enables

⁶¹⁴ Aristotle, *Nicomachean Ethics*, Reeve, “Introduction,” liii. Aristotle claims that “happiness is what is best, noblest, and most pleasant” (EN 1099a24).

⁶¹⁵ T.E. Irwin, “Conceptions of Happiness in the *Nicomachean Ethics*,” in *The Oxford Handbook of Aristotle*, 510.

the source to produce happiness.”⁶¹⁶ The question is whether external goods are conditions of happiness or actually sources of happiness.

It might seem that external goods are merely instrumental means, or conditions, of happiness. This seems to be Hooker’s account: we aim to live virtuously, and this is why we procure the means to live. These means are valued for what they enable, not for themselves. But there are other goods that Aristotle labels “external goods” whose status is much less clear:

Then again there are some [external goods/supplies/means] whose deprivation disfigures blessedness, such as good breeding, good children, and noble looks. For we scarcely have the stamp of happiness if we are extremely ugly in appearance, ill-bred, living a solitary life, or childless, and have it even less, presumably, if our children or friends are totally bad or were good but have died. Just as we said, then, happiness does seem to need this sort of prosperity to be added. (EN 1099b1-5)

Are these goods “merely” instruments towards an end? Do we value education, friends, and children for what they enable, or for what they are? These questions are highly relevant for comedy, because Aristotle’s “external goods” are the goods it tends to obtain. We saw in Chapters Three and Four how characters seek natural goods like life, physical and mental health, protection from violence, satisfaction of sexual desire, and (emphatically) food. But we saw in Chapters One, Two, and Five that they also seek goods like spouses, children, parents, friends, reunion with family, reconciliation with enemies, and a place in a social group. Commentators are uncertain about the status of these goods in relation to human happiness. But when theorists of comedy say that comedies have a happy ending, they also are not quite certain what they mean by “happy.”

There is significant variation among the terms theorists use to describe the ending of a comedy. Thomas Heywood’s account was commonplace in early modern England: “[I]n

⁶¹⁶ John Dudley, *Aristotle's Concept of Chance : Accidents, Cause, Necessity, and Determinism* (Albany: State University of New York Press, 2012), 203.

comedies *turbulenta prima, tranquilla ultima*; in tragedies, *tranquilla prima, turbulenta ultima*: comedies begin in trouble and end in peace; tragedies begin in calms and end in tempest.”⁶¹⁷

Heywood takes his definition from Donatus. Julius Caesar Scaliger, an influential early modern literary theorist, writes, “Comedy is a dramatic poem, which is filled with intrigue, full of action, happy in its outcome, and written in a popular style.”⁶¹⁸ (“*Comoediam igitur sic definiamus nos, poema dramaticum, negotiotum, exitu laetum, stylo populari.*”⁶¹⁹) We could compare these to another influential account of comedy, from Dante in his letter to Can Grande della Scala:

And from this it is clear that the present work is to be described as a comedy. For if we consider the subject-matter, at the beginning it is horrible and foul, as being *Hell*; but at the close it is happy, desirable, and pleasing, as being *Paradise*.

(*Et per hoc patet quod Comedia dicitur presens opus. Nam si ad materiam respiciamus, a principio horribilis et fetida est, quia Infernus, in fine prospera, desiderabilis et grata, quia Paradisus.*)⁶²⁰

The terms offered here are related but not the same. Heywood’s reference to tranquility and peace reminds us of the external order that the Old Law is meant to secure; Dante’s *prospera* (*prosperus*), which can mean “according to hope, as desired, favorable, fortunate, prosperous,”⁶²¹ seems related to the external goods of wealth and supplies referred to by Aristotle and that we require good luck to obtain. These terms seem to refer to the state of affairs at the end of a

⁶¹⁷ “A Defence of Drama” in *English Renaissance Literary Criticism*, 493.

⁶¹⁸ *Poetics in Dramatic Theory and Criticism: Greeks to Grotowski*, 139.

⁶¹⁹ Julius Caesar Scaliger, *Poetics Libri Septem* (Santandrea, 1594), Chapter V, “*Comoedia et Tragoedia*,” 27, accessed via <https://books.google.com/books?id=ryI8AAAACAAJ>.

⁶²⁰ Dante, “Epistole,” ed. Ermenegildo Pistelli, trans. Paget Toynbee., *Testo critico della Societa' Dantesca Italiana* (Florence: Societa' Dantesca Italiana, 1960), <http://etcweb.princeton.edu/dante/pdp/epistolae.html>, XIII, 1-90, “To the munificent and most victoroius Lord, the Lord Can Grande della Scala.” Accessed via the Princeton Dante Project.

⁶²¹ All definitions of Latin terms are derived from Charlton T. Lewis, *An Elementary Latin Dictionary*, accessed via the Latin Word Study Tool at <http://www.perseus.tufts.edu/hopper/>.

comedy: the goods that it secures. Dante's other terms, *desiderabilis et grata (gratus)*, which can mean, respectively, "wanted, desirable," and "beloved, dear, acceptable, pleasing," seem to refer to the characters' or audiences' emotions in connection with these states of affairs. Scaliger describes the outcome as *laetum (laetus)*, which can mean "joyful, cheerful, glad ... happy." What is the relationship among these terms? In particular, what is the relationship between peace, civil order, prosperity, and good fortune on the one hand, and happiness on the other? Are these goods components of happiness? Or are they merely its conditions?⁶²² To answer this question, we need to decide what we mean by happiness.

Scholars of Aristotle are divided into two camps about Aristotle's idea of happiness. On the view of inclusion, external goods are sources or component means of happiness. They directly contribute to happiness in their own right. On the view of exclusion, they are conditions or instrumental means; they contribute only indirectly, as means to other goods.⁶²³ Aquinas draws a similar distinction between two kinds of human good. The law, as we have discussed, exists to promote the common good, but there are different kinds of common good. The first is a "sensible and earthly good," promoted by the Old Law. The second is an "intelligible and heavenly good," promoted by the New Law (*ST I-II.91.5*). Augustine draws a similar distinction in *City of God* between peace with God and peace among men:

Peace between man and God is the well-ordered obedience of faith to eternal law. Peace between man and man is well-ordered concord. Domestic peace is the well-ordered concord between those of the family who rule and those who obey. Civil peace is a

⁶²² This question was raised to me by William Junker in personal correspondence; my discussion throughout of the conditions of happiness is indebted to Junker's raising this question. Junker also referred me to the passage in Augustine cited below.

⁶²³ Thomas Roche, "Happiness and the external goods," in *The Cambridge Companion to Aristotle's Nicomachean Ethics*, ed. Ronald M. Polansky (Cambridge: Cambridge University Press, 2014), 38.

similar concord among the citizens. The peace of the celestial city is the perfectly ordered and harmonious enjoyment of God, and of one another in God.⁶²⁴

([P]ax hominis mortalis et Dei ordinata in fide sub aeterna lege oboedientia, pax hominum ordinata concordia, pax domus ordinata imperandi atque oboediendi concordia cohabitantium, pax civitatis ordinata imperandi atque oboediendi concordia civium, pax caelestis civitatis ordinatissima et concordissima societas fruendi Deo et invicem in Deo, pax omnium rerum tranquillitas ordinis.⁶²⁵)

What humans achieve when they are at peace with one another is *concordia*, concord.

What humans achieve when they are at peace with God is enjoyment or delight (*fruendi*, from *fruor*, to “enjoy, delight in”). Civil peace is a good but is not itself happiness, because humans have their end in another world beyond human society, and it is only there where they find true joy.

If we adopted a binary division between earthly goods and heavenly goods, and identified human happiness with the achievement of heavenly goods, then comedy, with its biological and social goods, would provide only instrumental means to happiness. But comedy resists this binary division in favor of an alternative account of the relationships among human goods, similar to the relationship Aquinas finds between the Old Law and the New Law:

Now, there are two ways in which things can be distinct from one another. First, they are distinct in the sense of being altogether diverse in species, e.g., a horse and an ox. Second, they are distinct in the sense that the one is perfect and the other imperfect within the same species, e.g., a man and a boy. It is in this latter sense that the divine law is divided into the Old Law and the New Law. (ST I-II.91.5)

What divides the Old Law, which seeks earthly concord, and the New Law, which seeks heavenly delight, is a question of growth. One is the earlier, less complete version of the other.

⁶²⁴ Augustine, *City of God*, ed. Philip Schaff, trans. Marcus Dods, vol. 2, Nicene and Post-Nicene Fathers, First Series (Buffalo: Christian Literature Publishing Co., 1887), Book XIX, Chapter XIII. Revised and edited for New Advent by Kevin Knight, accessed via New Advent at <http://www.newadvent.org/fathers/120119.htm>.

⁶²⁵ Augustine, *City of God, Books 18.36-20*, trans. William Chase Greene, vol. VI, Loeb Classical Library (Cambridge: Harvard University Press, 1960), Book XIX, §XIII, 174, accessed via https://www.loebclassics.com/view/augustine-city_god_pagans/1957/pb_LCL416.175.xml.

The same is true for goods in comedy. Comedy presents a wide range of human goods, external and internal, natural and chosen, but it presents them along a single spectrum as stages within the same species or kind. To have an earlier good is already to have all future goods *in potential*.

Hooker presents a similar account. Humans, he notes,

seek a triple perfection: first a sensual, consisting in those things which very life itself requireth either as necessary supplements, or as beauties and ornaments thereof; then an intellectual, consisting in those things which none underneath man is either capable of or acquainted with; lastly a spiritual and divine, consisting in those things whereunto we tend by supernatural means here, but cannot here attain unto them. (I.11.4)

Though these goods are not identical with each other, we cannot draw hard divisions among them because they are “linked and as it were chained one to another; we labour to eat, and we eat to live, and we live to do good, and the good which we do is as seed sown with reference to a future harvest” (I.11.1).

The varieties of human goods are inextricably “linked” for Aquinas and Hooker, and what links them is *expectation*. Not every boy grows into a man, but this growth is what we anticipate. We do good “with reference to a future harvest,” not knowing whether our efforts will yield fruit but expecting that they will. Expectation also plays a key role in Aristotle’s account of happiness. Aristotle claims that the human good is not just activity in accord with virtue, but this activity done over “a complete life”:

What, then, prevents us from calling happy the person who is active in accord with complete virtue and is adequately supplied with external goods not for some random period of time but in a complete life? Or must we add that he will continue living like that and will die accordingly, since the future is obscure to us and we suppose happiness to be an end and complete in every way? If so, we shall call “blessed” those living people who have and will continue to have the things we mentioned — blessed, though, in the way human beings are. (EN 1101a12-21)

For a human life to be happy, it must involve virtuous activity over a sustained period of time. But Roche points out that this account “does not require certainty of the person’s continued

good fortune” in order to call him happy at the present time. It only requires that the virtuous person be “not presently suffering, or clearly headed for, grave misfortune.”⁶²⁶ This is true for the same reason that we can call children happy even though they cannot actually engage in the virtuous activity that constitutes happiness: “Children who are said to be blessed are being called blessed because of their prospects, since for happiness there must be, as we said, both complete virtue and a complete life” (*EN* 1000a2-3). What “justifies our continued application of the term ‘happy’” is our “reasonable expectation of the child’s future.”⁶²⁷ We do not need to know that someone’s life will go well in order to call her happy now; we only need to be able to expect it.

This expectation is what counts, in comedy, as a “happy ending.” The protagonists at the end are in the position of Aristotle’s child (very often they are young people themselves). The comic plot has not secured them complete happiness. What it has secured is our “reasonable expectation” that this happiness will come. This expectation is secured when the minimum conditions for flourishing are secured as well.

The romantic comedy *About Time* (dir. Richard Curtis, 2013) ends with a series of snapshots from what the protagonist describes as an “ordinary life.” His bumbling, undateable coworker eats lunch by himself on park bench and enjoys a laugh over his book. His misanthropic, alcoholic friend walks the street in his bathrobe, lobs a piece of trash over his shoulder, lands it in a garbage can, and dances a little victory dance. A nurse makes her coworkers laugh. A girl shoots a basket and scores. A secretary interrupts a tiresome phone call to take a sensual bite of a chocolate éclair. The protagonist drops his daughter off at school, and

⁶²⁶ Thomas Roche, “Happiness and the external goods,” in *The Cambridge Companion to Aristotle's Nicomachean Ethics*, 58.

⁶²⁷ Thomas Roche, “Happiness and the external goods,” in *ibid.*, 58-59.

she turns around to wave before she goes in. By juxtaposing these scenes in a montage, underscored with the same background music, the film presents them as being all on par in a certain way. Each of these goods, however trivial, is a part of the larger good of a life well lived.

Comedy in general presents its goods as having this synecdochic relationship to human flourishing. To have a part is already to participate in the whole. Comedy supports the internalist, not the externalist, view of external goods because enjoyment of our natural, bodily goods both anticipates and participates in our good overall. The prediction and the participation are closely linked.

I have discussed how comedy investigates the minimum conditions for human flourishing. Many comedies secure those conditions by getting rid of what Hooker calls an “impediment or let” to a virtuous, flourishing life. Justice (along with revenge and deception) helps eliminate the fear, distrust, and jealousy that impede human relationships (Chapters One, Two, and Four). Friendly coercion helps characters overcome the obsessions that threaten their mental and physical health (Chapter Three), while a pardon for a would-be culprit circumvents the threat of death and gives him a chance to live a reformed life (Chapter Five). When these threats are out of the way, characters have not necessarily achieved happiness. They have achieved what Aristotle calls “prospects” or “potential” for happiness.⁶²⁸ Why, then, do we call this a happy ending and not a potentially happy ending? Because we expect this potential to be realized.

At the conclusion of Chapter Three, I discussed how Bertram and Isabella each leave their consent in suspense and with it, our understanding of whether the ending counts as a good

⁶²⁸ Roche gives the translation of *EN* 1000a2 as “on account of the potential he has” (“Happiness and the external goods,” in *ibid.*, 58).

for them. But in one sense, the plays' endings are no different from other comic endings. We hardly ever have absolute certainty that the characters' lives will go well. What distinguishes these problem plays from other comedies is that they make this positive outcome seem much less probable. It is this factor — probability — that really defines the genre of comedy. Less important than the happy ending is the *probability* of a happy ending.

Expectations

We think of the happy ending as the defining convention of comedy. But according to Renaissance genre, the happy ending was not a feature unique to comedy. Romance, tragicomedy, even tragedy could feature happy endings. What distinguishes comedy is that the audience *expects* the happy ending. Aristotle in the *Poetics* writes that the pity and fear characteristic of tragedy may be aroused by “things [that] appear terrifying,” but that there are three ways in which a tragic poet can deploy such events: a character may do something terrible on purpose; he may do it out of ignorance; or “someone on the point of doing some irreparable harm” can “discover this before doing it” (1453b14-34). He cites the example of Merope in the *Crestphontes* who “is on the point of killing her son, and does not kill him but discovers who he is” (1454a7). The play remains a tragedy, despite its beneficent outcome, because of the pity and fear aroused by the *expectation* of disaster.

Renaissance theorists follow Aristotle's account on this point. In his *Discourse on Comedies and Tragedies* (1543), Cinthio notes that one kind of tragedy “has a happy ending” in that the characters “escape the dangers and deaths which arouse our horror and compassion,” but the play still “does not lack terror-filled events and compassionate responses.”⁶²⁹ Pity and fear

⁶²⁹ *Dramatic Theory and Criticism: Greeks to Grotowski*, 125.

persist because “the spectators are in a suspended state between horror and compassion until the end, which, because it turns out to be happy, leaves them all consoled. This suspense must be managed by the poet ... making the spectator feel that the end is coming but leaving him uncertain as to the outcome.”⁶³⁰

The tragedy with the happy ending is significantly similar in this respect — disaster barely averted — to the new Renaissance genre of tragicomedy. Giovanni Battista Guarini, a pioneering author and defender of tragicomedy,⁶³¹ claims in his *Compendium of Tragicomic Poetry* (1599) that tragicomedy represents “serious actions,” tragic material with potentially devastating consequences, but ultimately “eliminat[es] the terror” through a “happy reversal”; tragicomedy is “potentially but not actually tragic.”⁶³² John Fletcher makes a similar point in his Preface to *The Faithful Shepherdess* (c. 1610). The play is called a tragicomedy “not ... in respect of mirth and killing, but in respect it wants death, which is enough to make it no tragedy; yet brings some near it, which is enough to make it no comedy.”⁶³³ It is the possibility of tragedy that marks off tragicomedy from comedy. The stakes are high, and the outcome is uncertain. Characters are brought near death, and we do not know whether they will be saved or not.

In comedy, by contrast, the threats are minimal, and we are certain that they will be averted. Comedy, Guarini says, presents “faults deemed worthy of laughter, jokes, games, and intrigues which are small in consequence, short in time, and end happily.”⁶³⁴ In his commentary

⁶³⁰ Ibid., 127.

⁶³¹ For Guarini’s influence in England, see G. K. Hunter, “Italian Tragicomedy on the English Stage,” *Renaissance Drama* 6 (1973).

⁶³² *Dramatic Theory and Criticism: Greeks to Grotowski*, 152-3.

⁶³³ *English Renaissance Literary Criticism*, 503.

⁶³⁴ *Dramatic Theory and Criticism: Greeks to Grotowski*, 152.

on the *Poetics* (1570), Castelvetro says similarly that “the sadness of comedy consists in and restricts itself to the reception by oneself, or by loved ones, of some disgrace or moderate shame, or in slight damage to property, or in unrequited love, etc.,” while the threats in tragedy consist of “death or of a sorrowful life, or of the loss of a crown.”⁶³⁵ In general, Italian theorists follow Aristotle’s claim that comic characters are “ridiculous,” with a “deformity that is painless and not destructive” (*Poetics* 1449a32-4).

In the *Philebus*, however, Socrates notes that characters are ridiculous only so long as they are not destructive: “Those who are both deluded and weak, unable to avenge themselves when laughed at, may rightly be described as ridiculous, but those who can retaliate might more properly be called ‘formidable’ and ‘hateful.’”⁶³⁶ Dangers in comedy would not seem so minor if there were a possibility that they might actually come to pass. Robert Ornstein notes that the “possibility of disaster is inherent in the romantic vision of life,” but that in comedy, the “irrepressible humor of a clown, the confidence of a heroine, or the touch of absurdity in a would-be villain shapes the expectations that the worst will not happen.”⁶³⁷ It is our confident expectation that the play will end well, even more than the limited scope of the possible dangers, that defines what we experience as a comedy.

In the Introduction, I discussed how communication depends on a shared code between the author and the reader. A reader recognizes that a new work is a certain kind of work, and his understanding of that kind determines how he interprets the new work. This means that expectation plays a powerful role in interpretation. As E.D. Hirsch writes, “expectations are

⁶³⁵ *Ibid.*, 147.

⁶³⁶ *Theories of Comedy*, 7.

⁶³⁷ Robert Ornstein, *Shakespeare's Comedies : From Roman Farce to Romantic Mystery* (Newark; University of Delaware Press; London; Associated University Presses, 1986), 22, 21.

always necessary to understanding, because only by virtue of them can the interpreter make sense of the words he experiences along the way. He entertains the notion that ‘this is a certain type of meaning,’ and his notion of the meaning as a whole grounds and helps determine his understanding of details.”⁶³⁸ It is expectation that makes genre so crucial to interpretation.

We tend to think of genre in relation to the texts that participate in it. Texts share certain features or family resemblances, and these similarities are what group them together in a genre. But genre is more properly understood in relation to the audience. A genre “defines a set of expectations which guide our engagement with texts.”⁶³⁹ Hans Robert Jauss explains how our expectations influence the ways in which we make sense of a text:

A literary work, even when it appears to be new, does not present itself as something absolutely new in an informational vacuum, but predisposes its audience to a very specific kind of reception by announcements, overt and covert signals, familiar characteristics, or implicit allusions. It awakens memories of that which was already read, brings the reader to a specific emotional attitude, and with its beginning arouses expectations for the ‘middle and end,’ which can then be maintained intact or altered, reoriented, or even fulfilled ironically in the course of the reading according to specific rules of the genre or type of text ... The new text evokes for the reader (listener) the horizon of expectations and rules familiar from earlier texts, which are then varied, corrected, altered, or even just reproduced.⁶⁴⁰

A text leads the reader to a certain meaning by the expectations it evokes, the code or codes it suggests as most relevant for interpretation. In this way, “[g]enre guides interpretation because it ... specifies which types of meaning are relevant and appropriate in a particular context, and so makes certain senses of an utterance more probable, in the circumstances, than others.”⁶⁴¹ The way in which genre constrains meaning is particularly relevant for ethical

⁶³⁸ Hirsch, *Validity in Interpretation*, 72.

⁶³⁹ Frow, *Genre*, 104.

⁶⁴⁰ Jauss, *Toward an Aesthetic of Reception*, 23.

⁶⁴¹ Frow, *Genre*, 101.

interpretation of action. We might find the “same” action in different stories — revenge in *Hamlet* and in *The Merry Wives of Windsor* — but the meaning it holds for us will depend on the code we use to interpret it. This is especially true with a feature that is itself defined by notions of expectation and probability: risk.

I claimed in Chapter Three that coercion is justified by retrospective consent. If someone is later glad that you coerced him as you did, then your actions are ethically praiseworthy rather than blameworthy. There is a similar way in which future outcomes justify the affordance of moral luck. The community believe they can pardon a (penitent) would-be culprit because they expect the community’s future to go well. They do not believe the culprit will do any further harm. But in their discussions of moral luck, Thomas Nagel and Bernard Williams deny that the successful outcome of an action is always enough to justify the action. Williams points out that trustees, for example, may not gamble with monies entrusted, and that “success itself will not remove, or start to remove, that objection.”⁶⁴² Certain acts are “so risky, that no results can make them right.”⁶⁴³

In Chapter Five, I distinguished between two key factors at work in ethical evaluation: intention, what the agent intended to make happen; and outcome, what actually did happen. But in their discussion of risk, Nagel and Williams introduce a third factor: what was *likely* to happen. Asking how we could legitimately base moral assessment on outcomes, Nagel says, “[I]t seems rational to subtract the effects of occurrences subsequent to the choice, that were merely *possible* at the time, and concentrate moral assessment on the actual decision in light of the

⁶⁴² Williams, *Moral Luck : Philosophical Papers, 1973-1980*, 32.

⁶⁴³ Nagel, *Mortal Questions*, 31.

probabilities.”⁶⁴⁴ Williams says likewise that an agent’s deliberative processes can be morally justified, “whatever its actual outcome,” based in part on “the rational assessment of probabilities.”⁶⁴⁵ To judge an agent’s action, we have to consider not only what he intended and what he accomplished, but what he believed he was likely to accomplish. And here, genre has great relevance for ethical evaluation. The individual text determines what actually happens in this particular story. But it is the text’s genre that determines what is *likely* to happen.

Characters take their decisions as justified or unjustified based on expectations they have about their world and the way things are likely to go. Similarly, audience members take these decisions as justified or unjustified based on expectations derived from their knowledge of genre. Characters derive their expectations from their understanding of nature, with its statistical and normative frequencies, or from their understanding of the operations of providence; audiences derive their expectations from their understanding of genre. Genre demarcates the sets of outcomes that are probable in this kind of story. This is especially important for plots that seem to involve risk — plots like Don Pedro’s match-making scheme. Nagel gives the example of someone who “introduce[s] two people in an attempt at match-making” to say that such a person “takes his life, or his moral position, into his hands, because how things turn out determines what he has done.”⁶⁴⁶

In real life, there is a real chance that things will turn out badly. But in the relentlessly teleological world of comedy, arrows always or for the most part hit the right target. To aim at a good end, no matter how outrageous the means, is not really risky at all — or rather, we will not

⁶⁴⁴ Ibid., 31, emphasis added.

⁶⁴⁵ Williams, *Moral Luck : Philosophical Papers, 1973-1980*, 31.

⁶⁴⁶ Nagel, *Mortal Questions*, 29-30.

interpret it as risky. Thanks to the expectations evoked by the genre, we consider it highly probable that characters will achieve their ends. This changes how we evaluate the means. I claimed in Chapter Three that whether a particular outcome counts as happy depends partly on whether the actions leading up to it were justified. But whether a particular action is justified depends also on the outcome it is *likely* to produce. If we do not condemn the plots of comedy as we would condemn a trustee's gambling (even successfully) with money entrusted, I think that this has to be because we were confident that these plots would succeed. What providence is to the characters of romance, genre is to us: a guarantor of success. As trustee, we could never possess such a guarantor. But as readers, we can, and this changes how we judge.

Expectation plays a pivotal role in our ethical evaluations of comedy and in our assessment of its happy endings. As the expectation of success helped justify the means to the end, our expectation that the success will continue is what allows us to read the end as happy. What comic endings present, strictly speaking, is less often complete happiness than the conditions for happiness. When we see those conditions in place and the impediments removed, we expect that the protagonists will enjoy complete happiness in the future we do not see.

To close, I want to ask more about what "complete happiness" might mean. The minimum conditions for flourishing are those at the bottom of the hierarchy of goods introduced in Chapter Four — the goods all humans require by virtue of their biological needs. But once those goods are in place, other factors come into play. What counts as complete happiness for a certain person will depend not just on the animal nature she shares with all other humans but on her mind, will, heart, and other elements that are hers alone. This is a key way in which comedy can innovate and surprise — even while remaining conventional.

Shallow and deep conventions, and new ways of being new

I have attempted to show the fundamental importance of genre and convention to our ways of reading and interpreting. I have to address, then, the fact that “generic” and “conventional” tend to be terms of denigration. Critics apply them to works to indicate their opinion that these works have no original thought or insights, that they merely imitate other authors, that they do not challenge readers, and (the implication is) must not have challenged the artist, either. Anyone can follow a formula. Anyone can copy a convention. I think we need to draw a distinction between two types of convention — what I will call “shallow” and “deep.”

Shallow conventions include things like objects or events. Examples would be a marriage in a comedy or an enchanted ring in a romance. It is true that it is very easy to include a shallow convention in your work. You only have to write the words: “They marry.” But a deep convention is an experience. It is the *effect* of those objects or events upon the audience. It is a shallow convention of tragedy that it includes death; it is a deep convention of tragedy that we experience pity and fear. And, however easy it may be to include a death, that experience is not easy to create at all. A poor writer attempting to induce pity and fear is just as likely to induce laughter instead. It takes a great deal of work, skill, and understanding to achieve a deep convention successfully — to make an audience think and feel, for example, that the ending of your comedy truly is happy, desirable, and pleasing.

Contemporary critics tend to value comedies that fail to achieve this deep convention, so long as they perceive this failure as deliberate. They take as more serious and more interesting the “problem plays” like *Measure for Measure* or *The Merchant of Venice* that thwart our expectations, that reveal the inability of comedy to offer viable solutions to real-life problems. This art is perceived as original and valuable to the extent that it thwarts conventions. I claimed

in Chapter Three that the way in which Shakespeare constructs problem plays like *All's Well That Ends Well* is to give us the form of comedy without the experience — in other words, the shallow convention without the deep convention. We have the marriage but not the happy ending. But that is not the only way of doing something new and revelatory with the genre of comedy. You can also give the deep conventions without the shallow conventions.

In the film *Frozen* (dir. Chris Buck and Jennifer Lee, 2013), Princess Elsa has the power to create magical ice, snow, and winter, but she accidentally uses her powers to freeze her sister Anna's heart. We learn that Anna will freeze solid unless "an act of true love" saves her. When we learn that the heroic Olaf is in love with the increasingly helpless Anna, we expect Olaf's kiss, as per convention, to be the act that breaks the spell. Anna is using her last bit of human strength to run to Olaf when she sees the villainous Hans advancing on Elsa. Anna turns around and runs to block his sword. She freezes at the moment before the sword strikes her defiantly upraised hand; the sword shatters on her frozen arm. Elsa embraces Anna in tears. Anna becomes human again. Elsa says, "You sacrificed yourself for me?" Anna replies, "I love you."⁶⁴⁷

On the one hand, the ending is entirely conventional. Elsa thaws the kingdom and returns it from winter to spring, the season Northrop Frye identifies with comedy. The rightful ruler is restored to the throne; the villains are punished; the helpful servant (in this case, a talking snowman) is rewarded. But we achieve this deep convention of the happy ending by turning the shallow conventions on their heads. *Frozen* initially appears to follow the lead of films like *Sleeping Beauty* and *Snow White*, which were also inspired by a fairy tales and also require an act of true love to rescue a princess from an immobilizing spell. But in the latter two, that act is a

⁶⁴⁷ Screenplay by Jennifer Lee, accessed via [http://www.imsdb.com/scripts/Frozen-\(Disney\).html](http://www.imsdb.com/scripts/Frozen-(Disney).html). All citations are from this source.

kiss from a heroically active male bestowed upon a passive female. In *Frozen*, the act of love Anna required turned out to be *from* her, not for her. The heroism was her own. And the love was not for a romantic partner but for her sister. The film ends happily, as we expected. But what happiness *means* is not what we expected at all.

Criticism of Shakespearean comedy emphasizes the way in which the plots must construct heterosexual relationships by breaking homosocial bonds. *As You Like It* and *A Midsummer Night's Dream* evoke strong sisterly relationships between their female characters, as *Much Ado About Nothing* and *The Two Gentleman of Verona* evoke strong relationships among males. These relationships must be broken if the comedy is to achieve the heterosexual marriages that form, after all, the necessary trajectory of comedy towards its happy ending.

What the subsequent history of comedy helps reveal is that critics have mistaken a shallow convention for a deep convention. Comedies can also achieve happy endings by creating or restoring homosocial bonds. The comedy *I Love You, Man* (dir. John Hamberg, 2009) throws us off by showing a proposal and acceptance not at the ending but in the very first scene. If this romantic comedy isn't about finding love, what is it about? Finding same-sex friendship. When his new fiancée, Zooey, asks him who will be his best man at their wedding, Peter realizes that his relationship with Zooey is the only significant one he has — he doesn't have any close male friends. The film reaches resolution for us only when, at the wedding, Peter is joined up at the altar with Zooey by his new male best friend, Sydney.

The important thing to realize is that these endings are a surprise for the characters themselves as much as for the audience. Anna, like us, expected her happy ending to lie in romantic love. Early in the movie, she falls for the duplicitous Hans and sings with him, "I've been searching my whole life to find my own place ... But with you, I found my place." She

does find true love — but the most important love in her life at this moment turns out not to be a man. Billy Mack, the aging rockstar in *Love Actually* (dir. Richard Curtis, 2003), has a similar experience. After finally achieving the musical comeback he always wanted, complete with victory party at Elton John’s and many scantily-clad woman in attendance, he leaves the party because he wants to hang out with his best friend — his manager: “It’s a terrible mistake, Chubs, but you turn out to be the f___ing love of my life.”⁶⁴⁸

Comedies are not all about wish-fulfillment. Sometimes they are about how we wish for the wrong things. They don’t always give us what we want. Instead, they give us what we need. Jane Austen’s novels often make this move. Their heroines and heroes achieve the desired happy ending of the marriage plot, but only after they have learned a lesson — often painful — about what is and is not desirable. Frye claims that “the final society reached by comedy is the one that the audience has recognized all along to be the proper and desirable state of affairs.”⁶⁴⁹ But in fact, we don’t always recognize it. Sometimes we have to learn, along with the characters, what the proper and desirable state of affairs really is. Comedies can be surprising and revelatory even while maintaining the conventional happy ending, because they can achieve this ending by teaching characters and audiences something new about what it means to be happy.

The comedy of old age

Frye’s seasonal schema of genres associates comedy with spring and thus with youth, and tragedy with autumn and thus with old age. Comedies give us young couples, marriage, young

⁶⁴⁸ Screenplay by Richard Curtis, accessed via www.bridge-online.cz/wp-content/uploads/2016/09/love_actually_script.doc.

⁶⁴⁹ Frye, *Anatomy of Criticism*, 164.

life and new life; tragic characters often find themselves at life's close. When we introduce these genres to our students, we often tell them that comedy ends in marriage, tragedy ends in death. A particularly revelatory type of comedy is one that breaks this most vital of shallow conventions: the idea that comedies cannot contain death. We could call this type "the comedy of old age."

The comedies of Shakespeare's late career feature older protagonists. There are still young couples, but the focus shifts to their parents, to their attempts at reconciliation with friends, with family, and with themselves. In one such comedy, *The Tempest* (William Shakespeare, c. 1611), the aging Prospero is one of those protagonists who changes his mind about what his desired ending is. He begins by wanting revenge on his brother and his brother's aides who stole his dukedom. He thinks that he is about to achieve his goal at the moment when "mine enemies are all knit up / In their distractions. They now are in my power" (3.3.90-91). But by the end, he desires reconciliation rather than revenge. He requires his dukedom back from his brother but he forgives him, and ends with the hope of seeing his daughter, Miranda, marry Ferdinand: "And thence retire me to my Milan, where / Every third thought shall be my grave" (5.1.313). We often take this reference to death as casting a pall over what is otherwise meant to be a happy ending. But if we return to Aristotle's discussion, we see that death actually plays an important role in our evaluation of a human's happiness:

[F]or happiness there must be, as we said, both complete virtue and a complete life. For many reversals of fortune and all sorts of lucky accidents occur in life, and the most prosperous may meet with great disasters in old age — just as is said of Priam in the story of the events at Troy. And no one counts someone happy who has suffered strokes of luck like that and dies in a wretched way. Are we then to count no other human being happy either, as long as he is still living but — in accord with Solon's advice — must we see the end? (EN 1100a3-11).

I claimed above that we take comic endings as happy, not because we know the characters' lives will go well, but because we expect they will go well. But we are not certain

that they will not encounter misfortune and devastation at some point in their lives. The only way we could be certain would be if we followed their lives up right until the end. Many comedies, focusing on young protagonists, never give us a chance to do this. But certain comedies do.⁶⁵⁰

Antony and Cleopatra (c. 1606) is classified as a tragedy in the First Folio, and it has much in common with Shakespeare's other tragedies — a Roman who falls from political power, two lovers who commit suicide. But it also has something significant in common with comedy. One critic writes, "By being absolute for death, Cleopatra and her Antony become absolute in death and achieve the eternal embrace and the acme of worldly fame, their two motivating ideals."⁶⁵¹ If we call children happy because they have potential for happiness that we expect them to actualize, then we may equally call older persons happy who have actualized that potential. Yes, the characters die. So will all humans. This does not mean that no human life is happy. The question is whether death comes at the end of a "complete life" — one in which we achieved our motivating ideals or *teloi*. For Cleopatra, it seems that it does. She is old enough to have learned what she wants and, in death, to have found the means to achieve it.

Florence Foster Jenkins (dir. Stephen Frears, 2016) won the awards for Best Comedy from AARP Annual Movies for Grownups Awards and from the St. Louis Gateway Film Critics Association, Best Actor and Best Actress in a Comedy from the Critics' Choice Awards, and Best Motion Picture: Musical or Comedy from the Golden Globes.⁶⁵² But this film does end with the protagonist's death. The heiress Florence Foster Jenkins is a devoted patron of music in New York City in the 1940s and an aspiring singer herself. Her determination is in no way hampered

⁶⁵⁰ Other comedies of old age include *Beginners* (dir. Mike Mills, 2010) and *The Last Word* (dir. Mark Pellington, 2017).

⁶⁵¹ J. L. Simmons, "The Comic Pattern and Vision in Antony and Cleopatra," *ELH* 36, no. 3 (1969), 493.

⁶⁵² [https://en.wikipedia.org/wiki/Florence_Foster_Jenkins_\(film\)](https://en.wikipedia.org/wiki/Florence_Foster_Jenkins_(film)).

by the fact that she is a terrible singer. Her husband, St. Clair Bayfield, devotes himself to making sure that Florence never learns this. Florence gives her concert at Carnegie Hall for an audience of U.S. soldiers. The raucous laughter that initially erupts is suppressed by a show of friendship and fondness for Florence, and the audience tells her, “Sing, Florence!” As she enthusiastically obliges, an important musical critic storms out. Bayfield follows him. The conversation that follows focuses our attention on a question raised in this project: maximizing versus satisficing.

The critic explodes, “I have never seen such a pathetic, vainglorious display of egotism in my life.” Bayfield counters, “Isn’t the truth that a lot of hurt people are having some fun?” “Music is important. It should not be mocked,” the critic insists.⁶⁵³ The critic is a maximizer about music. We should aim for and accept only the best. Anything less is not just a lesser benefit; it is an outright harm. Bayfield asks why it cannot be counted as a good thing that the concert, awful as it is, brings some happiness to some people, including Florence herself. Comedy, I have claimed, asks us to satisfice. We accept its outcomes when we aim for, not quite what is good, but what is good enough. But *Florence* goes beyond simply asking us to satisfice, because its ending forces us to ask — maximizing or satisficing about what? By what standard are we measuring “the best”?

Florence has lived miraculously into her 70s, despite having contracted syphilis from her first husband at age seventeen. Shortly after the concert (perhaps partly in reaction to the critic’s harsh review), Florence succumbs to the illness. Reflecting on her life from her deathbed, she chuckles to Bayfield, “People may say I couldn’t sing. But no one can say I didn’t sing.” Does

⁶⁵³ Screenplay by Nicholas Martin, accessed via http://www.springfieldspringfield.co.uk/movie_script.php?movie=florence-foster-jenkins. All citations are from this source.

her death turn the film from a comedy into a tragedy? Or does it actually secure its state as a comedy? We see now that she lived a “complete life.” She did not die before achieving her goals for her life, which included, not necessarily singing well, but singing.

Quartet (dir. Dustin Hoffman, 2012) is another comedy of old age. It is set at a home for retired musicians who are preparing for their annual gala concert featuring the music of Verdi. Jean Horton, an old friend of three residents, arrives at the home, but she refuses to participate in the concert because she (unlike Florence) was a great singer once but is no longer. “You must understand. I was someone once. I thought I was someone now. I can't insult the memory of who I was ... My gift deserted me.” “It deserts us all, Jean,” her friend Reggie gently reminds her. “What’s it matter now what anyone says or thinks? You might even enjoy it.” “Are you telling me to go out and smell the roses?” Jean asks querulously. “No, I'm telling you to sing.” Not sing well, but sing. Her friend Wilf puts it less delicately: “Just f___ing do it!”⁶⁵⁴

Quartet and *Florence* both end with operatic music. Florence remembers herself performing on stage; Jean and her friends are just about to perform in the Verdi gala. But the voices we hear singing in the films’ soundtracks are not those of the actors playing Florence, Jean, and the rest. They are, frankly, a lot better. But it isn’t clear just what these voices are intended to mean to us. Are these exquisite voices the voices the characters wish they had, and would be happier if they did have? Or does the perfection of this music simply represent what their own music represents to them, a life-defining goal once set and now complete — which is, after all, what “perfect” means?

⁶⁵⁴ Screenplay by Ronald Harwood, accessed via http://www.springfieldspringfield.co.uk/movie_script.php?movie=quartet.

The comedy of old age, unlike most comedies, actually dramatizes a complete life — that is, both a life that is concluded and a life that has reached its goal. That goal may not have been grand or heroic, but the person has reached it. In this sense, she is a maximizer. She achieved the very best possible, but according to a standard she set for herself. This happiness is not the happiness of unlimited but as of yet unrealized potential that attends young couples once the obstacles are cleared away. It is instead the happiness of something delimited but definite, actually achieved. And neither death nor its shadow need turn that into a tragedy.

The early modern comedies considered in this project chiefly end, not with happiness, but with the conditions for happiness. The plot has gotten out of the way all of the things that have blocked the characters' potential for happiness. The same things tend to block happiness for most humans: the threat of death, or illness, or imprisonment; obsessions with false goods; the fear, suspicion, and distrust that make human relationships impossible. Unhappy humans, if you will, are all alike. But once those impediments are removed, every human being may be happy in his or her own way.

“Flourishing” and “excellent activity in accordance with virtue” are pretty vague terms. What they turn out to mean is different for different persons, who have different positions, abilities, and desires. If comedy has a lesson for us, it is not necessarily what happiness is (though often it shows us what it is not), but how we should measure it. Someone else's life is not your life. Someone else's *telos* may not be your *telos*. What is yours? It may be restoring a factory owner's solvency so he can continue employing his men and improving his relations with them;⁶⁵⁵ it may be, after years as a successful businessman, helping a young woman run her own

⁶⁵⁵ The unconventional twist to the conventional marriage-plot ending in Elizabeth Gaskell's *North and South* (1855).

successful company.⁶⁵⁶ It may be enjoying a decadent birthday party of your own⁶⁵⁷ or providing a decadent feast for others.⁶⁵⁸ It may be falling in love, marrying, and having children; it may be falling out of love,⁶⁵⁹ enjoying independent celibacy,⁶⁶⁰ or adopting someone else's unwanted child.⁶⁶¹ If you can discern and complete that goal, your life may not be great by the standards set by anyone else. But it quite possibly may, in its own way, be perfect.

⁶⁵⁶ *The Intern* (dir. Nancy Meyers, 2015).

⁶⁵⁷ Armande is the aging landlady of the chocolate-maker Vianne in *Chocolat*. She prefers to live a shorter, more enjoyable life than a duller, prolonged one, and she partakes freely of Vianne's chocolates despite the fact that she is diabetic. She asks Vianne to throw her a birthday party, where the whole town gathers, including her estranged grandson. She dies shortly afterwards, having "show[n] the bastards we're ready to go down dancing" (Screenplay by Robert Nelson Jacobs, accessed via http://www.script-o-rama.com/movie_scripts/c/chocolat-script-transcript-johnny-depp.html). She is played, of course, by Judi Dench.

⁶⁵⁸ Babette in *Babette's Feast* (dir. Gabriel Axel, 1987) wins a lottery of 10,000 francs and spends it all providing a magnificent meal to the inhabitants of a small town in Denmark whose rigid piety has never allowed them to experience any such pleasure before.

⁶⁵⁹ Iris in *The Holiday* (dir. Nancy Meyers, 2006) finds happiness when she finally overcomes her desperate crush on the selfish and manipulative Jasper.

⁶⁶⁰ Moll in *The Roaring Girl* (Dekker and Middleton, c. 1607).

⁶⁶¹ Nellie adopts Ryan's son Drake after Ryan abandons him in the final episode of the TV series *The Office* ("Finale," May 16, 2013).

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