

## John Donne and the Law: Recontextualizing the *Satyres*

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Gregory Kneidel, *John Donne and Early Modern Legal Culture: The End of Equity in the Satyres*, Medieval and Renaissance Literary Studies, Pittsburgh, PA: Duquesne University Press, 2015. 255 pp.

Gregory Kneidel's award-winning *John Donne and Early Modern Legal Culture: The End of Equity in the Satyres* is something of a "thing of beauty." Published in 2015, two years before Duquesne University Press decided to turn off the tap, the volume may seem to some a sad reminder of the growingly fragile state of many university presses in the humanities. Yet, "spite of despondence," Kneidel's book remains a "joy forever" and "its loveliness increases" for whoever follows, from cover to cover, his account of the poet's perambulations through the intricate early modern geography of legal London and his analysis of the complex institutional fabric of the evolving English law system in the years when Donne was a student at the Inns of Court and then secretary to Lord Egerton.

As Kneidel notes in his introduction, Donne's "highly regarded but difficult" formal satires have been largely understudied (2). Only one other monograph, Thomas Hester's *Kinde Pity and Brave Scorn: John Donne's "Satyres,"*<sup>1</sup> had previously been devoted to this small, dense corpus—though other worthwhile, stimulating shorter studies and articles have charted classical allusions in the *Satyres* and shed light on some of the important religious and political implications of this group

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<sup>1</sup>Durham, NC: Duke University Press, 1982.

of poems (such as the questions of recusancy and conscience). Kneidel's fresh study provides a companion piece of sorts to the Variorum edition of the *Satyres*,<sup>2</sup> for which he uncoincidentally served as one of the contributing editors. He builds his highly informed analysis on the final revised version of the *Satyres* as established by this edition. His paratactic—and at first slightly disconcerting—titles to his five chapters (“Law, Desire, Closure: Satyre 1”; “Land, Feudalism, Lawyers: Satyre 2”; “Fear, Consent, Fathers: Satyre 3”; “Access, Information, Courts: Satyre 4”; “Office, Administration, Justice: Satyre 5”) emphasize various dimensions of his systematized legal reading of all five satires as an authorial sequence.

Kneidel's earlier work, in particular his chapter on Donne's “Formal Verse Satire” for the *Oxford Handbook of John Donne*,<sup>3</sup> gave a useful and refined account of Donne's respective more classical debts to Horace, Juvenal and Persius. It situated Donne within a generation of “angry young men” turning to verse satire within the competitive London literary *milieu* of the 1590s, one tainted by the generalized disillusionment with the aging queen's end of reign. In his *John Donne and Early Modern Legal Culture*, Kneidel downplays the Juvenalian and Persian coarseness of Donne's style and reasserts instead the likenesses between Donne and Horace's modes of self-irony, as well as their shared concern with “the social or political hazards” of desire (37). He proposes a much more focused reading of the five satires, unpicking their engagement with pinpointed legal debates that have been largely overlooked, and demonstrates how the five poems bear witness to the “institutional context of the secularization of early modern English law” (27). The double aim of the book is to expand “in unexpected ways” the scope of “the already robust field of literature and legal studies” and establish the “synergy between equity and satire” (22), thereby challenging the notion that satire broaches only what stands outside the law. In his introduction, Kneidel takes a cue from Peter Goodrich, for whom satire in fact “reinforces law,” or at least bolsters the conscience of the need for more justice. It does so by

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<sup>2</sup>Bloomington, IN: Indiana University Press, 2016. See the review of this volume by Theresa M. DiPasquale on pp. 295–304 of this volume.

<sup>3</sup>“The Formal Verse Satire,” in *The Oxford Handbook of John Donne*, edited by Dennis Flynn, M. Thomas Hester, and Jeanne Shami (Oxford: Oxford University Press, 2011), pp. 122–33.

positing an “outside of the law” and attracting attention to the fragility of the law in the face of what Goodrich suggestively calls “the theatre of probabilities,” an expression that quite neatly reflects the bristling painting Donne’s garrulous satiric persona gives us of the legal underworld of early modern England.

Kneidel’s central argument is that Donne responds to the vicissitudes justice encounters in the variety of human experience, desire and imagination, by upholding his faith in a certain transcendence of equity that was not only being questioned at the time but seriously jeopardized by its dilution in what would eventually develop into the Anglo-American common-law tradition. In this context, satire as a literary form enables Donne to get to grips with the law and reassert the necessity for equity. Satire is “deploy[ed]” as an “anti-epic” force against the shortcomings of a growingly bureaucratic practice of the law in “the interest of equity” (24). Kneidel’s greatest achievement lies perhaps less in this broad argument, however, than in his outstandingly careful legal contextualizations.

The introduction gives a foretaste of this when Kneidel convincingly argues that the figure of Coscus in the second satire is not a mere “stock figure of abuse” but represents Edward Coke, “whose rivalry” with “Thomas Egerton was already blossoming” at the time when Donne penned the poem, denouncing “the empty language of medieval feudalism to [unfairly] acquire estates and enrich the crown at the expense, of among others, Catholic families like Donne’s” (21). The sharpness of Kneidel’s recontextualizations increases chapter after chapter.

The first one, “Law, Desire, Closure: Satyre 1,” takes the reader only half way towards the contention that Donne stands as a proponent of equity. “Satyre 1” is explored as a transitional piece “that prepares us for the fuller, more conscious and idiosyncratic inquiry into the lawfulness of desire, ethics and imagination” in the later satires (52). Moving beyond the divide between “classicizing or ethical” readings of the poem and more exclusively Christian readings, Kneidel argues for a reading that blends both Horatian civility and Augustinian law (41). He contends that the psychomachic narrative of “Satyre 1” externalizes, in the form of the humorist’s and poet’s conversation while walking the streets of London, the traditional Christian debate between body and soul to better throw into relief

how the law was progressively coming to “reject *its* historical bond to both the body and the spirit” in the process of its secularization (27). He astutely shows how the poem problematizes the tension between two different legal approaches to the validity of verbal contracts: the Roman *ius commune* tradition, which asserted that there was no contractual obligation in such cases, and Roman canon law, which relied on the opposite moral stance (lying is a sin—the naked word must be true and is legally binding). The latter position had, since the 13<sup>th</sup> century on, contributed to the extension of the Church’s jurisdiction over verbal contracts and oaths. By stripping the body in the erotic narrative of the satire and reproving the association the humorist makes between bareness and lust (ll. 37–48), Donne in fact coherently sides with the “canon tradition’s bare pacts” (32). Much of the insight of the first chapter stems from Kneidel’s willingness to question, along with Goodrich, the exaggerated association in literary criticism of the Inns of Court with a culture of “rowdy permissiveness” (this is something the recent in-depth study of archival material by the French historian Oliver Spina has also brought to light).<sup>4</sup> Indeed, the humorist contravenes the intended progress from body to spirit promoted by the institution of the law (including the Inns of Court) and its “bonds of homosociality” in coaxing the poet to follow him out of the enclosed space of legal institution into leaky places of ill-repute. However, according to Kneidel, Donne’s suggestion is that it is by denying the ethical importance of the body and its humors that the rising common law tradition becomes misleading. At the end of the poem, the impotent humorist embodies and enacts this dangerous repression of desire and of the imagination from the body of the law. The slightly convoluted trajectory of Kneidel’s demonstration in this first chapter, which follows the tortuous trajectory of the speaker in “Satyre 1,” is not always followed with ease, but is nonetheless (or all the more?) persuasive.

In the second chapter, “Land, Feudalism, Lawyers,” devoted to “Satyre 2,” the idea that Donne’s anxieties lie with the rising, false conception that the law can become “rational, centralized, and autonomous” by “repressing its own genealogical origins” is brought

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<sup>4</sup>Olivier Spina, *Une ville en scènes. Pouvoirs et spectacles à Londres sous les Tudor (1525–1603)* (Paris: Garnier Classiques, 2013).

out with more clarity as Kneidel chameleonly adapts to the poet's own growing focus (54). Chapter two is particularly illuminating, not only for the student of Donne's satires, but for any early modernist interested in grasping the multiple implications of the legal notion of "use"—"a corruption of *ad opus*, for the benefit of," we are reminded (55). The chapter works through the subtleties of property and inheritance laws, inviting the reader beyond more rudimentary knowledge on primogeniture (which has been a recurring focus in literary criticism ever since Louis Adrian Montrose published his work on brotherhood in *As You Like It*)<sup>5</sup> to a much fuller appreciation of the rights of estate owners in the early modern period. More particularly, Kneidel shows how "Satyre 2" is Donne's response to topical controversies on the question of uses, which had been seriously restricted by the 1536 Statute of Uses, forced through Parliament by Henry VIII. Edward Coke (i.e. Cocus), he argues, is the main target: as a lawyer, he instrumentalized for his personal enrichment legal niches still available within a transitional legal framework that sought to "disambiguate[e] *feodum* from *haereditas*" (61). Building on the Crown's feudal nostalgia while pretending to supersede it, Egerton's opponent inflected the interpretation of the Statute of Uses to make it fit the growing prevalence of common law legislation in the 1590s, driving to their loss "dissolute heirs and desperate settlors" (70), especially Catholics. This section of the book contains stimulating discussions of the Chudleigh case, a probable source of inspiration for "Satyre 2," as well as an account of tensions between Francis Bacon and Coke. Though Kneidel insists that his reading offers an alternate interpretation of "Satyre 2," his conclusions in fact provide further legal support to understanding the deep religious concerns in the poem addressed by former criticism.

In the third chapter, Kneidel turns to "Fear, Consent, Fathers" in "Satyre 3." Here, his aim is to show that "Donne appeals to principles from England's unsettled marriage law in order to justify the independence of his consenting will from the undue influence of both his Catholic heritage and his Protestant state" (86). Carrying the discussion of chapter 2 into new territory, Kneidel suggests that

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<sup>5</sup>"'The Place of a Brother' in *As You Like It*: Social Process and Comic Form," *Shakespeare Quarterly* 32.1 (1981): 28–54.

Donne's third satire seeks to dissociate *virtus* from *hereditas*. It examines juristic debates on fear and its problematic power to coerce consent *contra bonos mores*. Donne uses the poem to explore a series of more or less convincing, alternate pathways towards "uncoerced legal consent in the absence of paternal authority," whether this be in the quest for the "right Church" or for the "right girl." Kneidel draws into his discussion captivating material, such as Alberico Gentili's *Disputationum de nuptiis* (1600), to suggest that, ultimately, Donne "crafts" a legal "private self" in opposition to an "merely obedient 'public self,'" paradoxically using "precepts developed in medieval canon law" (110). The poem stands as a testimony to the gradual absorption by the secularized common-law tradition of these precepts, and the emergence of a liberal political theory based on individual consent.

Kneidel moves on, in "Access, Information, Courts," to propose an innovative reading of the poet's visit to "Court" (*Sat4*, l. 8) in the fourth satire. Whereas criticism usually embeds this visit in the context of Elizabeth's court or the "political netherworld of recusant Catholicism and Jesuit espionage," Kneidel astutely argues that the satirical persona's imagined destination is actually a royal court of law near Westminster Hall: "The pressing issue of the poem is not who had access to Elizabeth's person in her privy chamber, but who had access to her justice in her royal courts" (115). Once more, Kneidel's (re)contextualizations reach a high level of precision when he identifies Donne's version of the Horatian Pest of Satire 1.9 as the early modern *qui tam* informer, a mixture of today's "public prosecutor" and "industry whistle-blower" (117), in the person of the irksome "thing" who accosts the poet early on in the satire. Common, local courts increasingly relied upon such private citizens who took it upon themselves to suggest to court officials information worthy of being investigated. Once the charge was laid, the informer was allowed to withdraw from the judicial process without any legal responsibilities. Moreover, a portion of the fine that was paid by the offending party as a punishment was given to the informer, whether or not he had personally incurred harm. The power of such informers extended, in the 1590s, to the "supposedly more neutral courts in Westminster where the power of English law was becoming increasingly centralized" (119). The possibility of suing in these central courts

gave informers additional leverage to coax supposed offenders into agreeing to amicable settlements, or, in the words of Donne's satire, to "bring" the supposed offender "to pay'a fine to scape his torturing" (*Sat*4, l. 142). The Star Chamber, presided over by Thomas Egerton, sought to limit the abuses of informers. However, while the strange "thing"'s blackmailing is evocative of the informers that are known to have regularly congregated around the Westminster area where the narrative of the satire is set, Donne's poetic persona is also shown to become growingly aware "that his standing in the Elizabethan law courts" is not much more secure than that of corrupt informers with whom, as a satirist, he would have traditionally been identified. Thus his final attempt to redeem himself and his plea for his own *libellos* to become canonical and impute "to his satire a kind of formal or procedural validity" that may help to supersede the "unregulated accessibility of Westminster courts" (138–39).

The fifth and final chapter of *John Donne and Early Modern Culture*, entitled "Office, Administration, Justice," focuses on an opposite legal problem: "the courts' quasi-sacred inaccessibility" (139). Here, as already suggested by Dennis Flynn in his 2001 "Donne's Most Daring *Satyre*,"<sup>6</sup> it is Donne himself who becomes a whistleblower in a "diatribe against judicial bribery" and the "interference of courtiers and court politics in the administration of justice" (142). The latter are satirized as "Angels" or messengers that can enforce a legal system as they see fit, for better or for worse. Kneidel connects his analysis of Donne's ambivalent attitude towards the secularization of judicial bureaucracy in this last satire to Giorgio Agamben's exploration of *oikonomia*, or an immanent ordering principle made to reflect the transcendence of government. Donne's last satire, addressed both to Egerton and Elizabeth I, testifies to the poet's heightened conscience that even as Egerton and himself devoted themselves to the orderly government of the noble "household" of justice, they also personally profited from it. Donne's attack in "Satyre 5" of the "Mills which grind" the selfsame wind that makes them turn (*Sat*5, ll. 22–23) may once more be connected to specific historical actors, according to Kneidel. He turns to a controversy that pitted the abusive William Mill, Star Chamber clerk, against two other court officers, over a

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<sup>6</sup>*JDJ* 20 (2001): 107–39.

question of fees in the 1590s. He shows Elizabeth I, “opt[ing] out her role as the ‘good husewife’ of England” by ordering Egerton to let Mill be. Donne’s disillusioned suggestion, in Kneidel’s view, is that “sovereignty and economy,” i.e., the administration of the law, “do not so much mysteriously combine as mundanely consume each other” (155) and that the “residual sacred quality” (159) of the law inherited from the “Roman law of corporate ownership and liability” (154) is perverted.

Though one may have wished that Kneidel returned to his initial suggestion that “equity” demands “satire” as a form to round off his study in a more sustained conclusion, the book is admirable in the way it charts with unprecedented detail the judiciary contexts of the *Satyres*, yielding at every page incisive and insightful readings of Donne’s most difficult set of poems. Kneidel’s readings are perhaps less opposed to former religious and ethical or classicist approaches than he contends. But it is true that the beauty of his work resides in the way he elucidates so many factual references that had remained hitherto obscure. The solid jurisprudential material he gathers brilliantly complements previous readings, such as Hester’s, Annabel Patterson’s,<sup>7</sup> or Richard Strier’s.<sup>8</sup> Kneidel’s work is both efficiently recapitulative in relation to the body of past analyses it draws upon to move forward and novel in the nature of the material it broaches. To that extent, his shrewd recontextualizations emulate Donne’s own voice: they bring to the forefront the ambivalence of a poet and thinker who was at once a conservative at heart in his nostalgia for a lost transcendence and unity, and a spirit bent on the need to recover unity through legal reform. *John Donne and Early Modern Legal Culture* is also a model of its kind in showcasing the enduring importance of highly specialized historicist approaches and their power to reclaim some of the buried implications of early modern literature.

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<sup>7</sup>“Satirical Writing: Donne in Shadows,” in *The Cambridge Companion to John Donne*, ed. Achsah Guibbory (Cambridge: Cambridge University Press, 2006), pp. 117–31.

<sup>8</sup>“Radical Donne: ‘Satire III.’” *ELH* 60 (1993): 283–322.