

Law in Literature

Legal Themes in Drama



“ONE OF THE MOST HIGHLY REGARDED COLLECTIONS IN THE FIELD.”

—John Jay Osborn, Jr., Author of *The Paper Chase*

Edited by

Elizabeth Villiers Gemmette

LAW IN LITERATURE
Legal Themes in Drama

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Preface

Law in Literature: Legal Themes in Drama brings together eight plays which can be used to supplement and enhance the materials in *Law in Literature: Legal Themes in Novellas* and *Law in Literature: Legal Themes in American Stories:1842-1917*. A companion volume to these three anthologies is *Law in Literature: An Annotated Bibliography of Law-Related Works*. The intended audience for all four of these books includes students of the law, students of literature, lawyers and others participating in the legal profession, and the lay public.

To compile an anthology comprised of American stories involved some decision-making as to what pieces should be chosen to illustrate particular topics, but the more difficult task was to find just the right stories to fit into the rubrics which were created for the presentation of legal themes throughout the book. Making choices for this anthology, and for the novella anthology, was different in several ways. First of all, the longer length of plays and novellas necessitated the selection of fewer pieces—in this volume eight plays and in the novella volume eight novellas. Although *Law in Literature: Legal Themes in American Stories:1842-1917* does include three novellas, the added thirteen short stories allowed for the inclusion of twenty stories in that anthology.

Drama is an art form which found fertile ground with the ancient Greeks and, therefore, the anthologist faces difficult choices when choosing dramatic works for inclusion in an anthology. Which period should be covered? Which writers should be included? Which of their works should be included?

Obviously, the first criterion in the selection of those plays was that they all be law-related, but this did not help to limit or shorten the time period from which to select texts because even the plays of the ancient Greeks exhibit man's early fascination with legal topics. In selecting from the Greek plays, space constrains permitted the inclusion of only *The Eumenides* by Aeschylus and *Antigone* by Sophocles. Although these are the two Greek plays chosen most often to be taught by law and literature professors, there are other works which it was difficult to omit—Aeschylus's *Agamemnon* and *The Choephoroi*, which together with *The Eumenides* comprise the trilogy known as the *Oresteia*; Sophocles' *Oedipus the King* and *Oedipus at Colonus*, which together with *Antigone* form the trilogy about Oedipus and his children; Aristophanes' *Lysistrata* and *The Wasps*—the former showing women successfully attaining peace, and the latter satirizing the Greek legal system; and Euripides' *Alcestis* and *Medea*, more plays addressing the role of women in Greek society.

The next period to produce a plethora of plays is marked by the Elizabethan and Jacobean periods, most notably the works of William

Shakespeare. Again, the difficulty lay not in finding suitable works for inclusion in this anthology but in deciding what to omit. The most obvious choices for inclusion in this anthology were *The Merchant of Venice* and *Measure for Measure*, but what about *Hamlet*, *Henry IV*, *Henry V*, and *Henry VII*, *Julius Caesar*, *King John*, *King Lear*, *Macbeth*, *Othello*, *Richard II*, and *Richard III*, to name a few. Readers are encouraged to explore these and other plays by Shakespeare for their rich legal themes.

Space constraints allowed the inclusion of only two English plays written in the 17th and 18th centuries. To say that the two plays selected—Massinger's *The Fatal Dowry*, and Lillo's *The London Merchant or The History of George Barnwell*—were chosen for the quality of the works and for the rich selection of legal themes that they afford the reader is to leave the most difficult question unanswered—what again was omitted? There were many other important British plays written and produced during the 16th, 17th, 18th, and 19th century: Robert Greene's *London and England* dealing with usury and his *James the Fourth* in which a lawyer is blamed for civil ills; Middleton's *The Phoenix* depicting Tangle, "an old, crafty client, who, by the puzzle of suits and shifting courts, has more tricks and starting-holes than the dizzy pates of fifteen attorneys"; Massinger's *The Old Law*; Jonson's *The Fox*; Shirley's *Honoraria* and *Mammon*; works by Beaumont and Fletcher, Wycherly, Congreve, and Knowles. From Knowles comes the hint that it is time to move on. As a character in his *The Love Chase* proclaims to a lawyer:

How many words you take to tell few things!

Again, again say over what, said once,

Methinks were told enough.

Turning to modern times, we see that the 20th century is replete with one-act plays which work in fine contrast to the other plays in this anthology as they illustrate how briefly and succinctly a theme can be dealt with both on the written page and in a live theater. They also provide an opportunity for short classroom productions or dramatic readings which are more manageable than presentations of the longer plays included in this collection. Once again, the choices were endless, but Susan Glaspell's *Trifles* and Lou Rivers' *This Piece of Land* were chosen for their important legal themes.

Law in Literature

Legal Themes in Drama

MAN'S FASCINATION WITH STORY-TELLING and with the law is nowhere more apparent than in the plays which are representative of any place or time in history. This anthology commences with the Greek plays *The Eumenides* by Aeschylus and *Antigone* by Sophocles, plays which give us a glimpse of Greek thoughts on justice and which offer insight into their contemplation of obedience to Divine and positive laws. These plays are followed by Shakespeare's *The Merchant of Venice* and *Measure for Measure*, plays dealing with British concepts of justice. Massinger's *The Fatal Dowry* and Lillo's *The London Merchant* then provide a later look at English notions of crime and its causes. Finally Susan Gaspell's *Trifles* and Lou Rivers' *This Piece of Land* show 20th century America dealing with notions of equality and discrimination. Each play is followed by short comments and questions raised by the reading of these plays.

ABOUT THE EDITOR

Elizabeth holds a BS in Psychology from Union College, a DA in English from SUNYA, and a JD from Albany Law School. She has been a practicing attorney, an educator, and a published author. Her books on law and literature have been used as texts in both undergraduate and graduate schools. Her articles on psychology, law, literature, law/health, and law and literature have been published in legal, literary, and psychological journals.

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