

A TRIAL READING OF ROBERT BROWNING'S THE RING AND THE BOOK

by

SUSAN C. HINES

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Department of English

The University of British Columbia
2075 Wesbrook Place
Vancouver, Canada
V6T 1W5

Date: 10 April 1989

ABSTRACT

The following study focuses on the allegorical import of the trial in Robert Browning's long poem, *The Ring and the Book*; borrowing from various theories in phenomenological and rhetorical criticism and from recent legal research in jury dynamics, it develops the idea that a reader's autonomous response to this particular text may be a deceptive illusion. Like jury members, Browning's audience is asked to determine the truth of a specific incident and to deliberate on the guilt or innocence of the monologists who appear before them. However, prone to the rhetoric of inconsequential hearsay, highly emotional testimony and persuasive legal exposition, readers are inclined to make the same errors of perception as jurors who tend to judge persons by their performances rather than by the evidence presented.

In a discussion that moves from the rhetorical effects of Browning's legal metaphor to the philosophical ramifications of the authority by which literary and legal interpretations are canonized, this essay highlights the aesthetic and ethical similarities between the work of the poet, the lawmaker, and the reader. That agents involved in producing this story--the poet, the lawyers, and *The Ring and the Book's* many readers--must rationalize the facts of the case and piece together information so that the story-line is logical and coherent, is both a reconstructive and a recreative activity; for where the facts themselves provide few answers, where gaps appear in the text, the onus is on the interpreter to "fill out" the narrative. So, all judgment is, in effect, the result of a highly tenuous process which is hardly clear cut. By emphasizing the burden of judgment in his poem, Browning succeeds at making his readers only too aware of their potential misjudgments. And, by forcing his audience into the position of a jury, he demonstrates how any trial may well be a mis-trial.

TABLE OF CONTENTS

Abstract	ii
Introduction: Browning's Legal Metaphor	1
Part One: The Frame	
The Ring and the Book and The Book and the Ring	9
Part Two: Discovery and Hearsay	
Half-Rome, Other Half-Rome, Tertium Quid	22
Part Three: Testimony and Evidence	
Count Guido Franceschini, Giuseppe Caponsacchi, Pompilia	30
Part Four: The Law	
Hyacinthus de Archangelis and Johnnes-Baptista Bottinius	49
Part Five: Judgment and Appeal	
The Pope and Guido	58
Works Consulted	74

A DEDICATION

For
Robert Browning
1812-1889

Yet, something dead may get to live again....

The Ring and the Book, 1.729.

INTRODUCTION: BROWNING'S LEGAL METAPHOR

When Robert Browning published his final volume of *The Ring and the Book* in 1869, he enjoyed instant success. Not only had he made a substantial and unique contribution to the poetical genre, but he had supplied his public with a fascinating addition to what had been a rapidly-growing sub-genre in the late nineteenth century: the Victorian crime drama. Despite the poem's lofty religious and philosophical dimensions, much of *The Ring and the Book's* immediate popularity hinged upon the common British reader's unprecedented fascination with court proceedings and criminal behavior. In an age of sensationalized violence, where "homicide first became institutionalized as a popular entertainment" (Altick 10), Browning's poem distinguishes itself from other literary treatments of case history, such as Bulwer-Lytton's *Pelham*, Wilkie Collins's *The Moonstone*, and Dickens's Newgate novels in that it does more than simply reference or re-tell the story of a crime.¹ In fact, the narrative strategy of *The Ring and the Book* in which the crucial events of the Franceschini trial are related via a series of multiple-perspective dramatic monologues has, perhaps, more in common with the modern works of Kafka and Capote than with any writing produced in the Victorian period.² The limited narrative perspective of *The Trial* and the exploration of criminality in *In Cold Blood* are reminiscent of Browning, who contrives

¹ A number of Victorian writers, including Henry James, Elizabeth Gaskell, and Oscar Wilde, are heavily indebted to the real-life annals of crime. Bulwer-Lytton may not have created a Tom Thornton were it not for the notorious cut-throat and thief, John Thurtell (1817). The 1860 trial of Constance Kent, who was accused of murdering her four-year-old step-brother, became essential to the plotting of Collins's *The Moonstone*. Dickens manipulated the newspaper headlines extensively; a few examples include the hanging of Courvoisier (1840), the murderous valet of Lord William Russell, who appears in *Barnaby Rudge* and the 1849 murder of Patrick O'Conner by Maria Manning, which has parallels in *Bleak House*. See Richard Altick's *Victorian Studies in Scarlet* (New York: W.W. Norton & Company, 1970).

² Jorge Luis Borges asserts in his essay "Kafka and His Precursors" that "Browning fortells Kafka's work" (201). See *Labyrinths* (Ed. Donald A. Yates and James E. Irby. Trans. J.E. Irby. New York: New Directions, 1964) p.199-201.

his poem in such a manner that the criminal trial *is* the story, a tale which actively includes its readership in a kind of ratiocinative pursuit--a tale not reported but experienced.

Because the twelve-part structure of *The Ring and the Book* is strikingly similar to that of a criminal proceeding, readers, who are ushered through Guido's preliminary hearing and indictment in book I, the discoveries and hearsay generated by the Romans in books II through IV, the defendant's plea in book V, the testimonies of Pompilia and Caponsacchi in books VI and VII, the lawyer's summations in books VIII and IX, the Pope's judgment in book X, and, finally, Guido's confession and appeal in book XI, find themselves subjected to the same intellectual tribulations--to the same kind of dual-natured trial--that jurors encounter. In both the objective legal sense and the subjective emotional sense, Browning's audience is forced out of the ordinarily comfortable and obscure shadows of readerland and into the jury box, where audience members endure the trial of judging and, in the case of Count Guido Franceschini, of affirming the execution of a fellow human being. Indeed, beyond the gory subject matter of the story itself, the triple murder-mutilation of an entire family by its newest, newly-wed member, lies something more personally disturbing, something beyond the objective scope of a murder-trial scenario commonly sensationalized by the news media. Instead, readers are projected into Browning's material, serving reluctantly in this poem as one might reluctantly serve on any long-term jury panel. For *The Ring and the Book* demands attention to detail and concentration throughout its 21,116-line reading that presses relentlessly toward a person's individual judgment. "See it for yourselves," encourages the poet-persona of book I (l.1364);³ and, of course, this is how most people want to see. Inevitably, readers prefer to make their own

³ All quotations from *The Ring and the Book* have been taken from the Yale edition (Ed. Richard Altick. New Haven: Yale University Press, 1971).

interpretive decisions.

However, the poem's success depends as much on one's ability to make certain ethical judgments as it does on one's ability to make certain aesthetic judgments; thus, an audience must learn to adapt its interpretive skills to match not only the demands of poetic fiction but also those made by an actual legal proceeding. Even though the poet's primary concern is undoubtedly the artistic dimension of his work (that "Art may tell a truth/ Obliquely" [12.855-56]), it is a mistake to ignore the energy Browning invests in the problematic legal issues acknowledged throughout his text. For these issues, whether explicitly stated or alluded to, are mentioned not by chance but, instead, signify a more deliberate, creative plan. From beginning to end, legal imagery dominates the text. The backdrop of law suits and divorce proceedings, the courtroom and prison-cell settings, the Latin spoken by the two lawyers suggests a dramatic progression as well as a legal one; every event, every monologue, falls into place neatly in Aristotelian fashion--classical dramatic structure is achieved down to the final climactic moment of law, the execution of Guido and his companions.

It is difficult to miss the inherently dramatic nature of this or any other case, for a trial's potential outcome can be as tragic as anything on the literary scale. The court becomes the medium, the real-life genre, by which the wonders and the horrors of human activity are revealed. And of this Browning was well aware.⁴ In book I, after all, it is the "old yellow book"--the collection of seventeenth-century letters,

⁴ The success of *The Ring and the Book* undoubtedly encouraged Browning to write *Red-Cotton Night-Cap Country*, a later and lesser-known poem based on the 1872 civil trial in which the last will and testament of a Frenchman, Antonio Mellerio (renamed Miranda in Browning's poem), is contested by his heirs. Mellerio, who was suspected of suicide, left all of his worldly possessions, not to his family, but to the Convent of la Delivrande in Normandy. Mark Siegchrist's *Rough in Brutal Print* (Columbus, Ohio: Ohio State University Press, 1981) translates the legal documents from the French.

affidavits, and attestations upon which this poem is based--that contests the popular "Ring" image for an equal position in the poem (befitting the first monologue's title: "The Ring and the Book"). Yet the "Book" has managed a somewhat spurious past in interpretation. Having been equated with the banal, the "pure crude fact[s]" (1.86) of a real-life murder case, it therefore fails to achieve equal critical attention, and represents--at least for numerous Browning scholars--the antithesis of poetic fiction. It is the "Ring" that operates at the figurative level, the all-too-trusted poet-persona explains:

Gold as it was, is, shall be evermore:
 Prime nature with added artistry--
 No carat lost, and you have gained a ring.
 What of it? 'Tis a symbol, say;
 A thing's sign: now for the signified.

Do you see this square old yellow Book...? (1.28-33)

But has Browning in fact recast the historical square into the fictional round? A traditional interpretation of the ring metaphor would certainly suggest as much. When the poet fuses "[f]ancy with fact" (1.464), when "the artificer melts wax/ With honey" (1.18-19), the metallurgical analogy implies that the ringmaker-poet has combined and tempered two distinctly different (pure) metals--"gold [fact]/ With gold's alloy [fancy]"⁵ (1.19-20)--to form a ring, a poem. However, one of the pure crude facts of this much belabored figure tends to be conveniently overlooked. That is gold--especially in its crude or raw form--is rarely pure. The metal, which is formed between the grains of other rocks, does not maintain its form unless it is tainted. Subsequently, readers tend to miss the subtle, indirect analogy upon which Browning draws. Like gold ore, the Old Yellow Book is also an amalgam. The facts of the

⁵ The actual alloy in the ringmaking procedure is copper.

legal pamphlets are hardly pure in that they represent little more than the interpretive endeavors of various court representatives whose arguments, at times, border on mere speculation--fancy. And, despite its actual, historical referent outside of the poem, the legal sourcework which is "see[n]" in book I cannot be seen (in the sense that it cannot be read by the poet-persona's audience). "Give it me back!" he says: "The thing's restorative/ I' the touch and sight" (1.89-90). Of course, the "Book" does not go out on loan because it, too, is symbolic; and, the trial it relates can only--with Browning's help--be imagined. Thus the legal pamphlets are no more "signified" than the ring itself. So, it is a mistake to gloss the "Book" as simply some historical vestige, as every image, every allusion to this figure, plays an integral part in another elaborate--albeit ignored--metaphor in *The Ring and the Book*.

Whereas the ring metaphor deals with aesthetic concepts and attempts to describe the creative artist's activity--his "imitative craft" (1.3)⁶--Browning's legal metaphor deals with the ethical concerns of the poem and underscores the important role of the audience. For it is up to the individual reader--as the poet makes clear throughout his text--to be a capable interpreter and a good judge. Compelled to deal with niggling questions of perspective which are ethically--as well as aesthetically--significant, readers need to consider the legal ramifications of this poem more carefully. Is a trial, for instance, sensationalized by the public and the press a fair trial? Should torture be used to force a confession? Is the act of murder justifiable in the name of honor? Does capital punishment suffice to be a punishment at all? Can the average person--the average reader--apprehend this case (or any other) in a moral and objective fashion in order to judge its litigants fairly?

⁶ For a more extensive discussion of Browning's ring metaphor see Paul A. Cundiff's *Browning's Ring Metaphor and Truth* (New Jersey: Scarecrow Press, 1972).

While these questions are hardly the standard literary or critical questions which scholars have asked themselves in the rich one-hundred-twenty-year history of interpretation of *The Ring and the Book*, they allow for a fresh examination of the text, augmenting the overall artistic appreciation of the poem. For Browning, in choosing a trial structure as his method of meaning, makes certain legal issues key to understanding the plight of his monologists. Although law has served as the brunt of abuse throughout much of the piece (and in several analyses of the poem), it is, as this essay will attempt to demonstrate, as central to the text as the well-known ring metaphor; for law's effective purpose is also metaphorical in that legal history, like literary criticism, is essentially the history of interpreting authority. And, without a doubt, the difficulty of reading *The Ring and the Book* stems from that very issue. Can an authoritative version of this poem be obtained? Who is telling the truth in this text? Who is not? And why?

Of course, such questions are more easily asked than answered, for the authority in Browning's text shifts and is superseded on a continual basis. And, if the legal metaphor is read correctly, one may find that no true answers exist *per se*, as the disparity between the facts of the case and a person's understanding of the facts is often so incalculably great that any conclusions one might reach seem pitifully invalid beneath the ever-looming cloud of reasonable doubt--a cloud not dispelled by but conceived by Browning, who hopes to teach his audience at least "one lesson hence" (12.832):

This lesson, that human speech is naught,
Our human testimony false, our fame
And human estimation words and wind. (12.834-36)

At the close of a book-length poem which contains precisely that--human testimonies,

opinions, confessions, and judgments--such a statement supplies an exasperating impetus. For Browning appears to have undercut his own project, subsequently forcing his audience into the precarious situation of a Bishop Blougram, wherein readers are left to straddle the chasm of belief and unbelief on "the dangerous edge of things" (line 395),⁷ increasingly hesitant, unsure of their convictions and of their ability to see the "whole truth" (l.117).

"The poem is not...simply about Pompilia, Caponsacchi, and Guido," admits Mary Rose Sullivan, "but about the differing ways in which people interpret reality..." (xi). "It is a reworking of the Apollonian principle," reasons William Buckler,

that the most dependable way to an understanding of the truth of one's world is an understanding of the truth of oneself, terms like objective and subjective being stripped of the content they are customarily assumed to possess.... And this, I suggest, is also the way *The Ring and the Book* works and what, ultimately, it means. The poet offers it to us as a course in critical-creative reading, and that is its basic poetic function. (24)

What Sullivan and Buckler hint at but never quite fully develop in their respective books is, essentially, what this essay endeavors to explore: some of the various critical-creative effects of *The Ring and the Book*. Focusing on the poem's trial allegory, this discussion explores the means by which interpretations of the text are enabled. That is, it attempts to describe both *The Ring and the Book's* self-interpreting nature and the adept ability of the poet to supply his audience with a very specific reading strategy.

In a detailed analysis of the legal metaphor's rhetorical and philosophical ambit, it becomes apparent how Browning "rounds [his] ring" (l.1389), so to speak, by way

⁷ Additional quotations from the Browning canon have been taken from the two-volume Yale edition, *The Poems* (Ed. John Pettigrew. New Haven: Yale University Press, 1981).

of poetic manipulation. Though he has called upon his readers to ascertain the mysterious "mean[ing], beyond the facts" (12.862) of this case, he does not always set up the best conditions for responsible, individual decision-making. Borrowing from various theories in phenomenological and rhetorical criticism and from recent legal research in jury dynamics, this study will develop the idea that a reader's autonomous response to a given text may be a deceptive illusion, a ruse of reading. Like jury members, readers of *The Ring and the Book* are asked to determine the truth of a specific incident and to deliberate on the guilt or innocence of the monologists who appear before them. But prone to the rhetoric of inconsequential hearsay, highly emotional testimony, and persuasive legal exposition, they are inclined to make the same errors of perception as jurors who tend to judge persons by their performances rather than by the evidence presented.

PART ONE: THE FRAME

THE RING AND THE BOOK AND THE BOOK AND THE RING

O' the Trial, reconstruct its shape august...
-- the Poet⁸

In book I of Browning's trial-poem, readers are obliged to perform a task which requires that they both fully apprehend the narrator's legal discovery and that they evaluate and judge the personages of the case compendium which he "resuscitates" (1.719) from the past: "You know the tale already," he says of the murder story, "I may ask/ Rather than think to tell you.../ how you hold concerning this and that" (1.377-81). "[W]as it right or wrong or both" (1.388)? "What say you to the right or wrong of that" (1.392)? To level these kinds of questions at his auditors, who, for all practical purposes, function as stand-ins for Browning's readers at the outset of this piece, long before any "resuscitate[d]" character has had the opportunity to voice an opinion, generates a curious effect. The poet-persona's demands are uncomfortable ones which suggest some grave responsibility, upsetting not only a person's sense of autonomy with respect to the text but the way in which he or she might ordinarily read, be it megalomaniacal-interpretive, conscientious, free-wheeling, or simply slipshod.

The speaker's method, in fact, resembles a technique popular among lawyers who forewarn their listeners to keep alert, as they will be required to assimilate a large body of information. Fully realizing the needs of his audience, who, like jury members, feel somewhat uncomfortable in their newly-found role and, perhaps, doubt their ability to be critical interpreters, Browning invents a lead voice for the text--one which speaks first and last--resounding not as the bully-poet's but as the work's

⁸ *The Ring and the Book*, 1.1164.

trusted facilitator. But, while most attorney-types do respectfully approach their juries, one must keep in mind that they also seek an advantage over them and that they must clear the ground to create an avenue for their message. Lawyers are keenly aware that individuals, when forced to feel acutely their own sense of doubt, generally trust persuasive or majority-rule argument above their own heart-felt opinions.⁹ The persuasive method of the attorneys mirrors Browning's. The poet-persona encourages readers to identify with him as a fellow reader who has previously perused the legal texts. His judgment appears to be trustworthy because he admits to having an authoritative, objective opinion. Indeed, his monologue strongly suggests that he *is* Browning, the author of *The Ring and the Book*.¹⁰ But what readers seldom realize is how craftily this poet goes about being and doing exactly the opposite of what he claims to be and do. Although his voice is obviously that of "a nineteenth-century poet who, some four years previously, has discovered an old quarto volume containing documents of a seventeenth-century Italian murder trial" (Sullivan 3) and that he articulates a poem entitled "The Ring and the Book" based on that trial, he may or may not represent the actual Robert Browning. Like the figure of the ringmaker, the poet-persona is also a master forger, who usurps an authoritative status by masquerading as the historical author. And, though he encourages a free reading¹¹ and appears to share openly his legal discovery--"Examine it yourselves!" (l.38) he

⁹ Sonya Hamlin's book, *What Makes Juries Listen?* (New York: Harcourt Brace Jovanovich, 1985), provides a communication theorist's look at the expectations of jury members; she asserts that people want leaders; see especially p.110-115. In Seymour Wishman's recent study of juries he notes that attorneys and judges profoundly affect verdict returns; see *Anatomy of a Jury* (New York: Times Books, 1986) p.143-45.

¹⁰ Many critics of *The Ring and the Book* make this assumption. In *The Poetry of Experience*, Robert Langbaum argues that "Browning...speaks in his own voice in [b]ooks I and XI" (135).

¹¹ In the sense that readers are "freed from the tyranny of the text and given the central role in the production of meaning." See Stanley Fish's *Is There a Text in this Class?* (Cambridge: Harvard University Press, 1980) p.7.

says--this poet proceeds to examine the case-text for his audience, thus modifying their individual judgment.

He is far from even-handed when he describes Guido at the outset as "that madest man!" (1.618) and compares the Count and his accomplices to a pack of wolves (1.620-30); the words linger with an audience, coloring their perspective throughout the remainder of the text. Thus Browning's seventeenth-century portrait of Italian life, which is unequivocally framed by his embellishment of the facts, complements the artwork but also averts the gaze of its viewer:¹²

Do you see this square old yellow Book, I toss
I' the air, and catch again, and twirl about
By the crumpled vellum covers,--pure crude fact
Secreted from a man's life when hearts beat hard,
And brains, high-blooded, ticked two centuries since? (1.33-37)

The point is, the poet's auditors cannot "see" this book. What they do see is merely a show of acrobatics, the sight of which prompts one of the Florentine listeners to wonder if there is a "Book" at all. "And don't you deal in poetry," he asks suspiciously, "make-believe,/ And the white lies it sounds like" (1.455-56)? To which the poet responds with waggish ambiguity: "Yes and No" (1.457)!

Not until Browning's death in 1889 were people at last able to see the *real* legal pamphlets relating the Franceschini trial. And, though reaching the eyes of students and professors at Balliol College, Oxford almost immediately, it was not until

¹² In her pioneer critique of *The Ring and the Book*, Julia Wedgwood writes in a letter to Browning: "[I]t seems to me that a somewhat slight picture has been put into an elaborately carved frame which represents the same subject under a rather different point of view. I look at the [p]icture and see a certain incident; I look at the frame and I see the same incident treated in a more ambitious style and with much greater detail. The result is that one hesitates to look at it." See *Robert Browning and Julia Wedgwood: A Friendship as Revealed by Their Letters* (Ed. Richard Curle. New York: Frederick Stokes Company, 1937) p.170.

1911 that English translations were widely circulated in order to benefit the general public. What later became the Old Yellow Book is quite a different book from Browning's. While the poet is meticulous with regard to the facts of the case, the names, the places, and the dates,¹³ he rearranges and omits in his verse several of the important documents, significantly altering the manner in which some crucial arguments are related in the original texts. The compilation, which had been assembled by a lawyer in Florence, Francesco Cencini, begins (as is the Italian fashion) with the stated position of the defense. The first three pamphlets justify Guido's actions and advocate his acquittal. "Great indeed is this crime," admits the historical procurator of the poor, Giacinto Archangelis, "but very greatly to be pitied also, and most worthy of excuse" (Hodell 12). Making extensive use of precedents from the Bible and from Roman law which extend as far back as the classical period, Archangelis clarifies the accepted punishment for adulterous wives under the common (or unwritten) law of his state. Leviticus is quite clear on the subject wherein the "adulterer and the adulteress shall be put to death" (20:10). Under the Code of Romulus, Archangelis cites that a "man and his relatives may kill as they wish a wife convicted of adultery" (Hodell 12). Considering the period, the verdict of the Court of Rome in 1698 (which is representative of a people entrenched in the traditions of a patriarchal society) remains an anomaly. The arguments of Archangelis and his advocate Desiderio Spretus

¹³ Browning is meticulous but certainly not slavish; of course he alters the facts for poetic effect. For example, he has Caponsacchi rescue Pompilia from the Franceschini estate on April 23rd (officially St. George's Day) rather than on the actual 29th. But that Pompilia testifies and dies on January 6th (the Epiphany) is hardly Browning's doing; indeed, much of *The Ring and the Book's* poetic design must be attributed to some greater Author, that inexplicable Designer whose "Hand," comments Browning, "Always above my shoulder, pushed me" to discover the lost transcript of the Franceschini trial (l.40-41). For a chronological list of the events of the Franceschini case, see *The Old Yellow Book* (Hodell) p.288.

would have been both logical and convincing to the public on hand at this time.¹⁴ In fact, the persuasive eloquence of the historical Archangelis has an untimely rationalist appeal. As Judge J.M. Gest concedes at the close of his translation-study of the Old Yellow Book: "Upon all the facts as thus developed, it seems quite clearly established that Pompilia was guilty of adultery with Caponsacchi" (610).

But Browning's poem begins quite differently. While book I does bring to life the old legal documents, it also renders them somewhat dubious, for the poet-persona works to undermine the facts of the case; while tossing to the wind information contained in several old legal pamphlets (1.33-34), he launches an abstruse yet persuasive argument for the prosecution. As several critics of the poem have noted, Guido "appear[s] to be prejudged by Browning" (Honan 205). The rhetorical effect is patent: those who are at first uneasy about the poet-persona's rapid overview of the case are at last reassured by his capitulation that the villain, Franceschini, in fact "determined, dared and did/ This deed just as he purposed point by point" (1.801-02). What the defense council in the Franceschini trial identified as a crime of passion in the first fifty pages of the Old Yellow Book is artistically undone in the poem's introductory monologue where premeditated murder appears to be the strong assumption.

This strangely nomadic nineteenth-century poet, who spends his afternoons

¹⁴ Italian law in the seventeenth century was harsh on crimes against the family order: "[T]he punishment of an adulteress," writes Carlo Calisses in *A History of Italian Law* (Trans. Layton B. Register. Boston: Little, Brown & Co., 1928), "was very severe and, as in early Roman law, was entrusted to the husband, who had a right to conjugal fidelity, not only in his own but also in the interest of the family which he represented.... Rothar's laws do not speak of the husband's duties in this regard, though they give the widest power of private vengeance against the wife and her accomplice.... It was adultery to leave the marital home to hunt a new husband and so death was the penalty" (330).

poking around old Italian junk shops thus manipulates his audience's response. While he makes his grand entrance as the friendly purveyor of the facts whose chatty curiosity seems to have gotten the better of him, he is nevertheless a perdurable, decisive individual who can, with striking simultaneity, mandate his readers' judgments while thrusting his own verdict upon them. Like a veritable wolf in sheep's clothing, he only allows his audience to graze on the green facts of the case so that he can (as he does in book XII) isolate his weaker readers for the kill, that is prove to them how they misinterpret when led astray. This "Robert Browning," says Adam Potkay, "has much more in common with the character of Guido than critics have recognized" (153). Like the central villain of the poem, the identity of the poet-persona is also subject to abrupt, opposing shifts. He "does not present us with unequivocal portraits of his characters but rather presents and re-presents characters according to his own shifting interpretations" (Potkay 153). Proverbially, there is some truth to the story but no reliability in the telling of it. Indeed, quite often the language of the poet-persona resembles Guido's "voluble rhetoric" (11.174); both speakers attempt to capture their listeners' attention and to influence their audiences' understanding of the narrative. Evident in book V, the Count's sole motive for speaking is to win the sympathy of the court; while in the process of defending his "irregular deed" (5.90), Guido, who has little respect for the law or his judges, obsequiously addresses the "reverend Court" (5.1) and artfully redirects questions to the Roman tribunal so that he appears to have faith in the integrity of his adjudicators when, in fact, his only faith rests in his ability to con his audience. Echoing book I, Franceschini asks confidently: "And who finds fault here, say the tale be true?" (5.860),¹⁵ "Is the case complete?" he continues: "Do your eyes here see with mine"

¹⁵ The poet-persona in book I asks his audience: "Lovers of live truth, found ye false my tale" (1.697)?

(5.1064)? As he fully expects his auditors to "see" with him in book V, the poet-persona of book I also assumes that his audience will share his viewpoint and accept what Catherine Lewis has called "the phenomenological reality of his experience" (169). So, having already framed the poem as it were with his golden, meticulously-molded versecraft, Browning is inclined to frame his readers, too--a highly "malleable" (1.702) group. By mixing "[f]ancy with fact" (1.464) and by thrusting his audience, his historical "British Public" (1.410) and his many future readers, into the arena of his reconstructed trial, he tempers the way in which they might otherwise have viewed the *actual* case. But, then, ten monologues later, he interjects that his point of view, his voice, is simply another addition to the chorus; in book XII, the poet-persona curiously admits that his version of the truth is no more or less authoritative than any other speaker's. Subsequently, the potential for errors in judgment cannot be dismissed nor will this narrator dismiss it. "There," he asks sardonically, "would you disbelieve stern History,/ Trust rather to the babble of a bard" (12.805)?

Because the success of *The Ring and the Book* requires a certain commitment to each of the characters involved, the speaker in book I has no choice but to remain in a state of authorial flux. He knows the truth but, in his profession, he is obligated to speak for everyone; to re-create fully each historical personage, he must represent them--all of them--to the best of his ability. The mystique of the poet's dual-nature and his dedication to something called poetry is indeed analogous to that of the lawyer and his devotion to law. Depending on the rhetorical and interpretive skills of the agent, both professions have as much potential for revealing truth as they do for concealing it. Since the ancient times of Plato's republican "black list" attitudes have remained quite ambivalent. Lawyers are those highly-educated, scrupulous men

and women in whom people invest their trust and with whom they earnestly consult before signing a last will and testament. But they are also shysters who snatch up clients' paychecks, perpetuate scandal, and wreak havoc in government institutions. Likewise, poets have a similar social position; they are wise, respected figures who can be counted on to please or instruct. Yet they trick, shock, confuse, panic, and frustrate.

Despite these less savory aspects of his noble profession, the poet-persona gains the reader's trust because he seems intent on revealing the truth. He ventures to make the unknown knowable, the mysteries of the Francechini trial and his poem explicit. He presents his audience with the facts and, fulfilling his role as a conventional nineteenth-century English poet, does precisely what is expected of him. He introduces his audience to the subject matter, consults his muse, then embarks upon telling his twelve-part, presumably epic tale. But this is where all conventions cease: the poet's story has already been neatly narrated by the end of book I, his muse, reminiscent of some half-baked Christmas turkey ("half-angel and half-bird" [1.1391]), turns out to be as dead as Elizabeth Barrett, and the storyteller himself has--well--vanished for the time being. Always quick to leave the scene of any crime, the poet doesn't embark at all; he disappears ("I disappeared; the book grew all in all" [1.687]). His epic de-constructs itself in its prime, turning from a single narrative format to several dramatic monologues; he skillfully summarizes the case, while sounding his official last word on the incident at the poem's very outset. Thus readers know the entire story by the end of the first book; they know who lives and who dies, who is innocent and who is guilty, who tells the truth and who lies.

But do they? After being ushered through the trial of monologues, the truth begins to drift and, in the midst of so much chatter, seems unattainable. "God is

true/ And every man a liar" (12.600), concludes Pompilia's apologist Don Celestino,

--that who trusts
To human testimony for a fact
Gets this sole fact--himself is proved a fool.... (12.601-03)

But on Celestino's sour note, readers truly begin their deliberation. For they must review what has been "said and done" and arrive, however foolishly, at a verdict, a decision--as the poet has instructed--that requires the careful scrutiny of each monologist's account of the crucial events leading to the murders of Pompilia and of her foster parents, the Comparini.

But what kind of decision-makers are readers? And how does Browning go about directing--or misdirecting--their thinking? Are they, for instance, less inclined to consider the various implications of this text because it is a work of fiction? Or are they more inclined to judge responsibly because this fiction is based on the facts of a real-life, flesh-and-blood seventeenth-century murder trial? "Is fiction which makes fact alive, fact too" (1.705)? Of course, the kinds of responses that arise are inextricably linked to the situation in which readers perceive themselves. So, whether or not one's reading style is primarily "efferent" or "aesthetic" becomes rather meaningful, for *The Ring and the Book* is one of the very few poems in the English language which consciously urges its readers to strike a balance between the rational pursuit of absorbing facts and constructing cause-and-effect relationships and the emotional pursuit of "feeling out" the situation, achieving an intuitive understanding of the events.¹⁶

Indeed, someone who is likely to view *The Ring and the Book* as an aesthetic piece

¹⁶ Louise Rosenblatt distinguishes between "efferent" and "aesthetic" reading in *The Reader, the Text, the Poem* (Carbondale: Southern Illinois University Press, 1978). She describes the efferent reader as one who focuses "on theoretical implications or on the relations between phenomena" (32-33), whereas the aesthetic reader "fixes his attention on the actual experience he is living through" (27).

only--as poetic fiction--is also likely to be in full agreement with the poet's charges against Guido by the end of book I because his limited experience of the trial is thus relayed to an audience by the limited view of only one narrative perspective. However, this tendency toward conviction may also stem from the knowledge that the defendant's fate--the acquittal or execution of Guido Franceschini--is not really decided upon by readers, despite Browning's accentuation that they render the "ultimate/Judgment" (l.1220-21). The poem is, after all, a work of art and therefore unreal.

The results of a well-known jury study performed in the United States in the early seventies in fact bear out this kind of response pattern to actual and hypothetical adjudication. In order to analyze the ways in which jurors arrive at verdicts, the U.S. District Court of Northern Illinois engaged in a comparative study of jury members, what they later deemed real and experimental juries.¹⁷ Both groups would sit the same case and hear the same testimonies and legal summations but only the former group would make its decision with the fore-knowledge that it would dramatically affect someone else's life. While the experimental jurors were more likely to convict, the real jurors were more likely to acquit. Indeed, the real jurors realized the burden of their position and arrived at a decision via a more introspective mode of thinking. After all, they would have to live with the consequences of their resolution. Invariably, these real jurors participate in a trial in a manner similar to the way in which readers, who willfully suspend their disbelief and are inclined to read Browning's poem as a personal ethical challenge, participate in the text. Such a person, reading efferently and aesthetically, will be obliged to re-think several of the issues--both legal and moral--that become problematic throughout the piece. For,

¹⁷ See Hans Zeisel's and Shari Diamond's "The Jury Selection in the Mitchell-Stans Conspiracy Trial" in the *American Bar Foundation Research Journal* 1 (1976): p.168n.

indeed, the entire system of jurisprudence, as it stands today, as it stood in the nineteenth century, and as it stood in the seventeenth century, is on trial in *The Ring and the Book*. Perhaps no more pervasive a concern appears in this text than that of justice and the unfortunate warping of justice when it is pursued through law, that is when it is pursued through *any* unquestioned authoritative system.

The numerous times law is denounced throughout the course of the poem, as an "[e]laborate display of pipe and wheel" (1.1111), "a machine from which, to please the mob" (4.15), a "game" (11.116), would seem to indicate Browning's antipathy toward the courts. Yet he allows his "epic" to unfold in the same manner as might any criminal proceeding, adhering to the various facts of the Franceschini case with remarkable historical accuracy:

--the trial
Itself, to all intents, being then as now
Here in the book.... (1.152-54)

The technique, however, is not uncharacteristic of Browning; history has always been his forte and crime, his pet passion. *The Ring and the Book* resembles several of the poet's other works, especially those where organized religion is attacked and religious figures, such as the jealous monk of "The Soliloquy of the Spanish Cloister" and the fleshy bishop of "The Bishop Orders His Tomb," demonstrate in their monologues the dangers of practicing hallowed ceremony out of the sheer inertia of custom. The two lawyers, Archangelis and Bottinius, are similarly caricatured to reveal corruption in the legal ranks. It is unimportant to either attorney to get at the truth, for their task is simply to perpetuate the adversary system, to use any means possible in which to win their respective cases. But Browning is no more an anarchist than he is an atheist. While he attempts to expose the deleterious elements in both the judiciary and the

church, his poetry calls for a reconsideration of these institutions which subsequently helps readers to reunite them with their original purpose. The religious man's job is to know God. The man of law's aim is to discover the truth. In book I, the poet-persona purports, with a subtle religiosity and a certain judiciousness, the utmost importance of understanding a person's motives in order to make valid judgments about his or her actions. The tying together of the two--action and motive--is, in effect, the denouement of any trial.

But, as in all trials, readers will be bombarded with heavy interference: erroneous witnesses, scandalous hearsay, testimony fraught with emotional distortions, legal rhetoric, and, quite often, judicial intervention. For better or for worse, the interceding information and instruction will affect the way in which audiences interpret data and the way in which they will come to understand the motives of those whom they judge. But is the influence of the system necessarily unjust? While the austere authority of a judge or an attorney in a criminal proceeding is apt to make some jurors nervous and, perhaps, too self-conscious to be very observant, some people would be lost without them. Indeed, without the legal directives administered by law experts, many jurors are liable to misjudge. For even with these directives intact, misjudgments abound. Statistics from the Chicago Jury Project, which gathered data on verdicts in the fifties and sixties, discovered that out of over thirty-five hundred trials in the U.S., judges were convinced that in "25% of [the] cases the jury *got it wrong*." (Kerr 23). The age of automatically assuming that the truth can be discovered by a group of average, randomly-selected persons is, perhaps, coming to an end. The belief that ordinary people make good judges and that they can regularly judge in a moral and objective fashion is presently seen as a fallacious one. The decline in the number of jury trials in England in this century and the growing criticisms of law

philosophers in countries such as Australia and the United States, speaks for itself.¹⁸

Like the modern courts, Browning also had a healthy mistrust of his audience's interpretive capabilities. It is, after all, the same "British Public" he addresses in *The Ring and the Book* that found his earlier poetry to be incomprehensible and morbid. Upon the reception of *Sordello*, so the story goes, Tennyson claimed that he understood only the first and last lines of the piece and thought them untrue. Browning's early narrative poem begins: "Who will, may hear Sordello's story told" (1.1) and ends: "Who would has heard Sordello's story told" (6.886).¹⁹ Indeed, Browning provides Tennyson-types with a kind of interpretation fail-safe; by aiding those readers needy of the will-to-hear with his poet-persona's self-interpretation of the text in book I, he meets those conventional expectations of "good" literature in his own unconventional manner. His verse-summary presents both lucid information and persuasive argument; but his role, ironically enough, befits (and should be trusted to the extent that one might trust) any attorney. Such is the challenge of the trial. Though it has been and still is an acceptable methodology for pursuing the truth, and though it is the methodology by which *The Ring and the Book* operates, legal methodology which must, on occasion, be checked or questioned. Like Browning's well-meaning poet-persona, the law, though it readily points out corruption or injustice, is often blind to its own biases and inequitable practices.

¹⁸ The philosophy of law appears to be moving in the same direction as literary philosophy; that is, students and professors of law are also beginning to question the rationale behind many of their primary assumptions. That the jury system promotes equity and serves justice is merely one of those assumptions but is especially telling, for at the heart of the trend lies pervasive skepticism, "reasonable doubting" that has put the average individual's ability to interpret information into question. For a record of several of the misjudgments made by juries in Australian courts and a convincing argument against the intelligence of the average human being, see John F. Kerr's *A Presumption of Wisdom* (North Ryde: Angus & Robertson Publishers, 1987).

¹⁹ Consult Donald Thomas's *Robert Browning: A Life Within A Life* (London: Weidenfeld and Nicolson, 1982) p.76.

PART TWO: DISCOVERY AND HEARSAY
HALF-ROME, OTHER HALF-ROME, TERTIUM QUID

Nay, edge in an authoritative word
Between this rabble's-brabble of dolts and fools
Who make up reasonless unreasoning Rome.
-- Tertium Quid²⁰

Following Browning's quirky "authorized" version of his Roman murder story, it seems perfectly reasonable to wonder why the poet persists with the less credible books II, III, and IV. While Half-Rome, Other Half-Rome, and Tertium Quid do include additional information about the case, they do not however reveal any facts so germane that the monologist of book I fails to mention them. Instead of attempting to discern the objective truth, the Romans focus on those particular aspects of the case which can easily be manipulated to suit their own indulgent needs. That the speaker for Half-Rome happens to be a misogynist who suspects his wife of committing adultery with his auditor's cousin obviously has some bearing on his sympathetic apology for Guido and his highly emotional argument in favor of *honoris causa*. Similarly, the ensuing voices of Other Half-Rome and Tertium Quid succumb to their own personal feelings while simultaneously judging the litigants (or in Tertium Quid's case, judging the judges of the litigants) involved in this extremely complex case. Browning makes it clear that these three bystanders, each a representative of the Roman citizenry's divided sentiments, are prejudiced interpreters quite incapable of recognizing their own prejudices. Can these narrators then, so blind to their own faults, be considered the trustworthy observers of some other party's errors? And, if not, what is the part that they play in *The Ring and the Book*?

Like the lawyers of books VIII and IX, the Roman citizens of books II, III,

²⁰ *The Ring and the Book*, 4.9-11.

and IV are secondary characters but remain crucial to the trial structure of *The Ring and the Book*; the next step following the preliminary hearing and the indictment in a criminal proceeding is, after all, the pre-trial process of discovery, wherein information about the case is exchanged and made public by representatives of the prosecution and the defense. The Romans are thus responsible for introducing many of the sad and sordid details of the Franceschini-Comparini marriage and for anticipating several of the arguments (both pro and con) which are to appear later in the poem. Yet, the effect of their inclusion surpasses that of mere structural completion; while these monologues certainly fulfill a requisite for organic unity, they also work to undermine the whole notion of authority in the poem. Contributing to the stability of form, their presence diminishes the stability of content, however. The three-parts Rome illustrate the subjective, untrustworthy nature of Browning's characters so emphatically that readers subsequently begin to doubt the motives of each monologist in *The Ring and the Book*, of Robert Browning himself, and, finally, of his or her own motives for reading and understanding the various events presented as such.

Reading the Romans is thus a pre-trial (a trial preceding a trial) in every sense of the word, for their monologues make an audience painfully aware of its capacity for rendering a biased judgment, if not by example alone, by the fairly consistent language of blindness which appears throughout the narratives. Half-Rome who is, ironically enough, more concerned with "stat[ing] facts" (2.1214) than any other speaker in the poem ("I'll tell you like a book," he says [2.4]), frequently interrupts his own discourse with the prodding phrase "do you see?" (2.598, 2.17); convinced of the Comparini family's treachery, he asks (notably in the third-person plural): "What, are we blind? How can we fail to see/ This crowd of miseries make the man a mark" (2.1479-80). Mocking Pietro's gullibility, he comments: "Even the blind can see

a providence here" (2.87). Out of sheer--and, perhaps, misguided--reverence for the facts, Half-Rome's vision, which is indisputably acute, nevertheless begins to blur because of his highly suspicious nature. His narrow focus and his over-reliance on the facts hinder his ability to judge the litigants in a commonsensical fashion. Half Rome confines himself to the facts and the laws. As a result, his speech tends to be self-parodic, as he gives away his own corrupt nature with remarkably hypocritical lines: "God knows I'll not prejudge the case--/ Grievances thus distorted, magnified/ Coloured by quarrel into calumny,--" (2.680-82). Yet from the very outset of his monologue, from the very beginning of his rational, primarily efferent reading of the case, he defends Guido's deed with righteous indignation.

Less righteous in his commentary but also less rigorous is Other Half-Rome, a speaker given to "fancy fit[s]" (1.887) of arbitrary decision-making. As the poet-persona of book I indicates, this monologist, who sees life through a rather rosy-colored lens, is inclined to choose sides capriciously, following his heart rather than his head. His intuitive decisions about the litigant's motives in the Franceschini case are generally poorly reasoned. As the poet-persona notes in book I:

Next, from Rome's other half, the opposite feel
 For truth with a like swerve, like unsuccess,--
 Or if success, by no more skill but luck:
 This time, through rather siding with a wife,
 However the fancy-fit inclined that way,
 Than with the husband. One wears drab, one, pink;
 Who wears pink, ask him 'Which shall win the race,
 Of coupled runners like as egg and egg?'
 '--Why, if I must choose, he with the pink scarf.'
 Doubtless for some such reason choice fell here. (l. 882-92)

This "reason" is of course made obvious in book III, in which Other Half-Rome, who has just come from Pompilia's hospital room at Santa Anna's, refuses to see the ugly facts leading up to Guido's crimes only to "[s]ee the girl" (3.205). A young

bachelor (unlike his contemporary Half-Rome), this character falls prey to his own sympathy and pity, a mindset suggested by the narrative itself; delivering more of a soliloquy than a monologue, Other Half-Rome seems to be enamored of his own private vision of Pompilia, his "saint and martyr both" (l.909); rarely addressing his auditor, he appears to lose himself in thought.²¹ Yet he does not lose his audience, as Other Half-Rome's voice attracts a reader's attention. Where his argument is lacking in rigor it certainly gains in eloquence. Whereas Half-Rome proves the better detective, Other Half-Rome confirms that he is the superior rhetorician. However, as scrupulosity and cynicism work to undermine the speaker's position in book II, the speaker's lofty oratory in book III turns out to be his undoing, as well. Both men thus remain simultaneously persuasive and unconvincing. While one's rational, well-founded argument comes too close to mere rationalizing, the other's romantic sentimentality approaches a kind of Shelleian truth.²²

How one might negotiate the rational and the emotional is no doubt part of the "lesson" (l.2.833) Browning hopes to teach his reading public. As the first two Roman monologists illustrate antithetically, a responsible judgment relies on both the "pure crude fact[s]" (l.86) of the case and the individual observer's sixth sense or intuitive sense of the truth. Though the concepts would seem to be mutually exclusive,

²¹ C.Stephen Finley notes that Other Half-Rome addresses his auditor directly only three times throughout the course of his monologue. Compared to the other monologists in *The Ring and the Book*, this is a relatively small number. But where Finley has determined that the near-soliloquy gives credence to his narrator's reliability, I find the narrative solipsistic, cut off from the objective truth, and therefore less reliable. See Finley's "Robert Browning's 'The Other Half Rome': A 'Fancy-Fit' or Not?" in the *Browning Institute Studies* 11 (1983): 127-48.

²² According to Shelley, truth *can* be expressed poetically: "A poem is the very image of life expressed in its eternal truth.... A story of particular facts is as a mirror which obscures and distorts that which should be beautiful: poetry is a mirror which makes beautiful that which is distorted." See "A Defense of Poetry" in *The Selected Poetry and Prose of Shelley* (Ed. Harold Bloom. New York: New American Library, 1966) p.422.

a reconciliation is nevertheless essential before one might enjoy, say, the sagacity of a Pope Innocent XII--or even the keen intelligence of a Robert Browning III. To accurately judge someone's guilt or innocence, an observer must be able to see *beyond* the evidence presented and *through* the performances rendered. The task is frighteningly difficult; as the three-parts Rome demonstrate, the most inept judges will cast their votes, quickly, carelessly, while those persons better equipped to decide, such as the aristocratic, well-educated Tertium Quid (and, to an extent, the Pope of book X), will often resist or delay judgment and, sometimes, refuse to return a verdict all together.

Interestingly, Tertium Quid--that third something in *The Ring and the Book*--addresses his speech to those authorities (ecclesiastical and secular) who, in their positions, make judgments of some consequence on a regular basis. His speech, unlike Half-Rome and Other Half-Rome, does not confirm the guilt or the innocence of either Guido or Pompilia but rather highlights the inherent problems of judgment itself. His virulent attack upon the opinions of the Roman plebeians (referred to by Tertium Quid as the "mob" [4.15]) who gossip about their verdicts in the streets is in fact no less scathing than the sardonic comments he makes to his auditors, who, in their unnerving half-attention, seem to miss the biting significance of this speaker's jesting. Tertium Quid, who like Guido, holds both church and court in grave contempt, only mocks respect for his audience with his repetitive and obsequious oozings: "Excellency" (4.1, 49, 68, 165, 258, 542, 632, 1113, 1442, 1632), "Highness" (4.1, 49, 238, 632, 1113, 1442, 1634), "Eminence" (4.55, 1485), "Marquis" (4.57), "Prince" (4.307, 546, 715, 739, 916), "Cardinal" (4.411, 414, 470, 1414, 1609, 1610, 1611). But for all his cocky humor and derogatory scoffs, he nevertheless poses several fascinating ideas about interpretation; by putting into question the "authoritative word"

(4.9), by warning his auditors that only "fools are sure" (4.869) of their decisions, he heightens a reader's awareness of the textual evidence and the means by which that evidence can be misinterpreted.

Prompted by this poem to create a hierarchy of authority--to find the truth and thus the purveyor of the truth--readers begin to hone their interpretive skills by way of the "sample-speech[es]" (1.941) of the three-parts Rome. With the pitfalls of observation and understanding now splayed before them, Browning's audience becomes aware of some of the arbitrary criteria upon which judgments are founded. Because the Romans convey information closely linked to the sum total of their individual attitudes, readers learn that each speaker's situation in life seriously distorts the truth. But how is the information about this case received by these speakers? Can the facts be as unreliable as the narrators?

Like the poet-persona of book I (not to mention the actual historical poet), the three-parts Rome derive their information about this case from second-hand sources. Drawn to the Franceschini trial for its shocking subject matter, its lurid character, and its moral and philosophical challenges, each monologist--thus far--bases his opinion not on any first-hand knowledge of the events but on the reports of several (usually unnamed) intermediaries. If Browning does successfully pattern the structure of his poem after a trial, then these speakers' attestations should be stricken from the record on the grounds of hearsay, wherein evidence proceeds not from what has been actually witnessed but from the mere repetition of what others have said. Such information is inherently suspect, of course, because no cross-examination can ensue, as the speaker's epistemological tactics do not lead to the source of the facts but to yet another purveyor; because the informant is essentially unlocatable, the validity of the information cannot be confirmed.

The plight of the Romans, in fact, underscores the precarious situation of *The Ring and the Book* itself, which is--although based upon historical fact--removed (akin to Plato's ideal and actual truths) several times from reality. The sourcebook that the poet-persona of book I mistakenly refers to as "absolutely truth/ Fanciless fact, the documents indeed" (1.143-44) is nothing more than a compilation of several legal interpretations. That the poet-persona's referent, which does in fact exist outside the text as the Old Yellow Book, has been previously recast into an actual poem wherein "the poet's moods," as Kenneth Burke once wrote, "dictate the selection of details and thus individuate themselves into a specific work" (51), makes any interpretation of *The Ring and the Book* highly problematic. Indeed, the challenge of learning the truth by way of this text can be an overwhelming one.

Because of traditionally absolutist notions about truth, readers may assume at first that only one character in the poem can ascertain or espouse it. However, once the trial-like structure of the piece is realized, the burden begins to shift. As the onus of discovering truth lies with its jury in a court of law, the onus of discovering truth lies with its audience in *The Ring and the Book*; the term has a plural dimension, a relative potentiality, rather than a fixed meaning. Though obviously meant as an insult, Tertium Quid's quip at the outset of his monologue that "Law's a machine from which, to please the mob" (4.15) resonates with a certain candor. By all means, in an adversary legal system the parts played by litigants, witnesses, attorneys, and judges, are merely parts, a method which provides the real judges, that is the jurors, with the information they will need to make an intelligent decision about the guilt or innocence of those on trial. It is a mistake, a misguided act of faith, to assume that a poem--a piece of writing--can contain some inherent truth. As the poet-persona points out in book XII: "Art *may* tell a truth/ Obliquely" (12.855-56,

emphasis mine). And, because such truth is contingent upon its listener, it is subsequently transformed into that listener's subjective truth.

What Browning seems to be suggesting in his poem, especially in his depiction of the three-parts Rome, is that even agreement between large groups of people can potentially reflect a simple misunderstanding or misinterpretation. The Romans, who no doubt affected the outcome of the actual Franceschini trial, are guilty of perpetuating what the poet-persona calls a "plague of squint" (l.879), a series of misreadings that is neither completely true nor completely false. Despite the ground rules for hearsay, their voices are heard and profoundly affect the way in which readers of *The Ring and the Book* will view the testimony to come, long before they can isolate the corrupted aspects of the information contained in these monologues. While hearsay in a court of law can be retracted from the official record, it cannot be retracted from that unofficial record of the mind. When Browning structures his poem so that the Romans speak before Guido, Pompilia, and Caponsacchi, he illustrates the difficult position of those called upon to judge; leaving readers to wrestle with their pre-conceived notions about the poem's main characters as they meet them monologue by monologue, he more than depicts the nature of a trial but inflicts the angst with which every juror has been forced to contend.

PART THREE: TESTIMONY AND EVIDENCE

COUNT GUIDO FRANCESCHINI, GIUSEPPE CAPONSACCHI, POMPILIA

Judges, there is the law, and this beside,
The testimony: Look to it!
--Dominus Hyacinthus de Archangelis²³

Like the monologues of the three-parts Rome, the monologues of Guido, Caponsacchi, and Pompilia might also be considered an independent yet interactive unit, a compelling composite of testimony which adds to and re-states the arguments of the defense and the prosecution. In this section of the poem, however, the voices differ significantly; they do not perpetuate mere hearsay, for the monologues belong to the principle players: an angry and frustrated Aretine nobleman, a banished, indignant priest, and a young, dying Roman girl. Navigating the complicated avenues of time and space--from the memory of an anonymous nineteenth-century English poet, to the rumors of three unnamed seventeenth-century Roman gossipmongers, to the official statements of the entangled party itself--Browning has, at last, escorted his readers to what would appear to be the poem's focal point: the scene of the crimes, the trials, the executions, the Rome where Guido, Caponsacchi, and Pompilia recount their versions of the successive events leading up to the murders.

The obvious temporal and spatial shifts which take place in the poem, as well as the general shifts in perspective (that is, from the observers' viewpoints to those of the observed), indicate an arrival of sorts, which Browning all but articulates verbatim. Yet this heuristic adventure is rather an awkward one, for "the reader," as Harold Bloom once remarked, "rides through the Browning country with the poet always bouncing along at his side compulsively overinterpreting everything" (1). Indeed, the

²³ *The Ring and the Book*, 8.843-44.

poet's idiosyncratic habits--his penchant for pointing out the obvious, the road signs, the various landscapes--should stir a person's suspicious nature; after all, to discuss the obvious is one of the better ways to conceal other machinations of the mind.

But an audience tends to see exactly what it is told to see; easily guided, it fully believes the directives which are commonly mistaken for Browning's in book I. Meanwhile, *The Ring and the Book* unfolds precisely as planned. Or, at least, it seems to. Because the poem is about perception and mis-perception, its "appearance of openly sharing truth about artistic and moral creativity is the bait to trap an unwary public that confidently accepts poetic images at face value" (Dupras 27). Indeed, Browning dupes the acritical observer in the same way that the poet-persona of book I does. By calling attention to himself as the authority figure, he directs his audience (as a director manipulates his actors on the stage) to adhere to his interpretation of the events and to perform the text in a specified manner. Subsequently, the author does a great deal of thinking for his audience, which can be limiting unless readers contest or resist the authorial regime, which means, in the case of *The Ring and the Book*, contesting and resisting those self-made authority figures, like the playful mock-poet of book I:

So much for Rome and rumour smoke comes first:
Once the smoke risen untroubled, we descry
Clearlier what tongues of flame may spire and spit
To eye and ear, each with appropriate tinge
According to its food, pure and impure.
The actors, no mere rumours of the act,
Intervene. (l.943-49)

The overture of voices experienced thus far which excite anticipation for "the trial/Itself" (l.152), the higher drama of testimony, has failed to deliver its audience, that is the poet does not usher his readers closer to the truth; their rendezvous with the

truth, assured at the poem's outset, does not occur and will, throughout the course of the testimonial monologues, suffer still other postponements.

Despite the poet-persona's biased sentiments, Browning's central books (books V, VI, and VII) afford his audience a group of narratives that are no more authoritative than any of the other monologues in the poem; in fact, in the stricter sense of the word, the monologues of Guido, Caponsacchi, and Pompilia might be considered *less* authoritative because they are simply not as definitive in scope as the three-parts Rome, who, in their more objective positions, can relate the Roman murder story with greater attention to the combined motives of the persons involved. That books V, VI, and VII are more intriguing and, perhaps, more artful than their predecessors is due in part to the poem's rhetorical scheme. The first four books of *The Ring and the Book* promote the ensuing monologues the way an advertisement sells its product: the narratives reveal--and conceal--enough information to interest readers. Certainly, curiosity is an underlying principle of human nature: what is talked about excites interest and what is interesting merits further investigation. Yet readers are quickly palled by the testimonies of the principle speakers when they discover that their expectations about truth remain just that--expectations. One need go no further than Guido's opening statement in book V ("I want my head/ To save my neck" [5.7-8]) to realize that no definitive truth exists in any of these narratives and that a character's account of the events in question is inevitably flawed because of the discrepancy that exists between the truth (what actually happened) and the truth as recalled by a witness (what actually happened at the time it is remembered).²⁴

²⁴ "Memory is so subjective," says Edmund Blair Bolles, "that two people can sit side by side through an event and produce widely differing accounts of what happened. Everybody sometimes finds himself arguing with another person about what both of them saw. People interpret events, and they remember their interpretation rather than some more objective account." See *Remembering and Forgetting* (New York: Walker and Company, 1988) p.66.

Learning to reconcile the conflicting information is a problem with which all readers must contend, as literature itself is a recollective, re-creative art.

Thus memory and interpretive ability become paramount considerations; for *The Ring and the Book* is, after all, a *res gestae* in literary form, which in legal terminology means the "things done" or "the happening" in which all of the evidence presented is screened for admissibility. But, because the distinctions that must be made between real evidence (an evidence of fact) and those of testimony (an evidence of opinion) are so often scanted, readers and jurors alike do not always make the best decisions about what should or should not be considered.²⁵ This test of competence weighs heavily upon Browning's doubly-burdened audience. Because the text is both poem and trial, two distinct reading strategies are essential. "To read a text as literature," says Jonathan Culler, "is not to make one's mind a *tabula rasa* and approach it without preconceptions; one must bring to it an implicit understanding of the operations of literary discourse which tells one what to look for" (102). Indeed, Culler's advice with respect to the aesthetic reading of a text carries over into the ethical realm of the trial. Because readers of *The Ring and the Book* must also approach the text as a criminal proceeding, they must also demonstrate a knowledge of the law and of the legal profession.

They must learn to realize that in each of the poem's testimonial monologues, the truth is thwarted because the speakers' competence presents serious difficulties. Guido, Caponsacchi, and Pompilia augment an audience's doubt and suspicion because

²⁵ In *A Presumption of Wisdom*, Kerr cites numerous civil and criminal cases where real evidence is ignored by jurors because they simply are not aware of what is important. While some panels were swayed by pre-trial publicity, others were thwarted by the technical jargon of too many expert opinions; some tended to disregard the facts when testimony seemed more convincing; and still more suffered from poor listening habits and from faulty memories.

they demonstrate signs of extreme duress during their monologues. As physical or mental crises tend to affect testimony, readers are obliged to question consciously each narrative in terms of the monologist's reliability. Consequently, they find themselves in what was once the poet's role, undertaking the task of lawyer, examining and cross-examining the witnesses involved. A powerful dialogue is thus initiated, a kind of mutual manipulation of asking and of dodging questions. While Browning's characters solicit their audience for answers, readers pose questions in return.²⁶ Of course, Guido and Caponsacchi are prompted by their judge-auditors in a court of law, but even Pompilia, whose situation differs radically (she does not testify in court but in hospital under the good-natured scrutiny of physicians and priests), demonstrates a striking similarity to the verbal pattern of court testimony in her monologue. As the Augustinian monk, Fra Celestino, urges the dying girl to "remember more!" (7.627) because he "need[s] the cruelty exposed" (7.629), his role as confessor takes on a judicial air; for judgment appears to be a prerequisite for absolution in Pompilia's case: "Other men's faults," he says, "may help me to find your own" (7.628). As well, it is Celestino who relays the testimony of Pompilia to Judge Tommati and the Roman tribunal for examination.

Because of the positions held by the auditors in these three books, it seems quite natural that each narrative answers the legal system's standard procedural questions. Beginning with the familiar "Will you please state your name for the record?" each monologist's reply conforms to the predictable inquiries of the court.²⁷

²⁶ For instance: "What was the Comparini's position in life before the advent of Pompilia: were they poor or well off, contented or dissatisfied?" "Was Pompilia's letter to Paolo a forgery?" "What interpretation should be made of the fact that the court found Pompilia and Caponsacchi guilty of adultery yet mitigated their punishment?" For an extensive, though hardly exhaustive, list see Altick and Louck's *Browning's Roman Murder Story* (Chicago: University of Chicago Press, 1968) p.16-17.

²⁷ In *The Ring and the Book* the titles of the individual monologues do, for the record, state the names of each witness: "Count Guido Franceschini," "Giuseppe

And, although the naming procedure might be considered a mundane aspect of legal routine, it is quite effective in *The Ring and the Book* because names identify the persons who testify. Courts require names because what is "said and done" must originate from some definite source; people must be held responsible for what they say. Unlike the four previous monologues which are issued by detached and unnamed persons, Guido, Caponsacchi, and Pompilia offer authorized statements; hence, they automatically brandish better credentials and are taken more seriously. But more important, in direct examination the naming process leads into an in-depth personal history of the witness, which will, to a certain degree, credit or discredit the speaker. At the opening of book VII, one might even imagine Pompilia on the witness stand rather than in her hospital bed, as she begins her narrative:

I am just seventeen years and five months old,
 And, if I lived one day more, three full weeks;
 'T is writ so in the church's register,
 Lorenzo in Lucina, all my names
 At length, so many names for one poor child,
 --Francesca Camilla Vittoria Angela
 Pompilia Comparini.... (7.1-7)

Like Pompilia, each monologist then proceeds with his or her own abridged but intricate autobiography, and does so with particular focus upon the matters related to the crimes at issue. After the brief personal background, witnesses then tell their respective stories (another familiar phrase in law: "Please tell us everything you know about the affair"), and are, at this time, presumed to tell the truth, the whole truth, and nothing but the Truth--all in good faith.

Redressing the stories thus related is what Browning's fictional auditors do in part and what Browning's *real* auditor-reader-jurors must do. In their own minds they

²⁷(cont'd) Caponsacchi," and "Pompilia."

perform as lawyers upon both examination and cross-examination; they redefine the story, scrutinize the testimony for additional evidence, and then test the witnesses' "credibility, knowledge, or version of the story by pointing out inconsistencies" (Hamlin 221). But upon this realization of task, Browning's legal metaphor begins to take an ironic--even self-effacing--turn. For the more conscientiously readers probe into the witnesses' testimonies, the more aware they become of the fallacies inherent in each speaker's monologue, for factors such as "intense pain, or shock, or a strong emotion" says John Munkman in his book *The Technique of Advocacy*, "prevent the senses from operating in a natural way, and may produce pictures or sounds which are distorted, or totally imaginary" (21). Not only does duress become a strong factor in discrediting the testimony of certain witnesses in this text, but it also comes into play when discrediting the legal system itself, for the law in this poem is essentially responsible for the "pain," "shock," and "strong emotions" which these three speakers demonstrate. Indeed, it is the legal administrators who facilitate the distortions of the truth in this case. While law claims to be the transcendent clarifier, it actually advances the fictitious elements within the poem. And, to the extent that distortions occur, no other character in *The Ring and the Book* is more imaginatively opportunistic than Browning's most verbal monologist: Count Guido Franceschini, who, artist-like, distorts his facts with fictions, initiating the actual trial with his plea, a fascinating combination of guilty, not guilty, and *nolo contendere*.

When Guido stands before the "reverend Court" (5.1) in book V, he has already donned the disguise which presumably conceals his truer, "wolfish" nature. This, of course, is one of *The Ring and the Book's* most widely accepted interpretations; scholars ranging from Cook to Buckler have all readily acknowledged that the voice of

the murderer in book V is not quite the same voice that speaks in book XI.²⁸ The reasons posited for this abrupt shift in what can at least be called Guido's outward personality are, however, numerous and varying. One of the more interesting turns in the on-going debate has taken place only recently. The question of whether or not Guido *intentionally* conceals the character he reveals later in the poem has spurred on scholars such as Doane, Gridley, Langbaum, Lewis, Sullivan, and Yetman--a group of critics who, unlike the generation of commentators before them, are inclined to ignore the shocking and morally reprehensible dimension of Guido's deed in order to explore his character in greater depth. Despite their occasional philosophical disagreements, they nevertheless make it quite clear that the popular--and reductive--Guido labels, such as "mere brute" (Wedgwood 170) or "the devil incarnate" (Altick and Loucks 52) hardly facilitate a reader's understanding of the speaker's motives.

In an article by Michael Yetman, Guido's schemes are interpreted as being artistic, deserving, as Yetman concedes, "our respect and attention...because of the premeditation and the literary resourcefulness with which he creates his fiction" (1093). Franceschini thus takes on the characteristics of the prototypical existentialist; he is responsible for his own deliberate acts, for he is his "own controlled creation" (1094). However, in a later essay, Catherine Lewis presents a different perspective. Taking Yetman's idea a step further, she suggests that Guido is in fact quite unaware of his actions because of the fictions and self-fictions manifested by his personality. Relying

²⁸ Cook feels that Guido hides much of his personality in book V. He abandons the "diplomacy" with which he makes his plea and, in another voice in book XI, makes his "frantic appeal" (*A Commentary Upon Browning's The Ring and The Book* [London: Oxford University Press] p.234-35). Buckler calls Guido a "character-in-motion" (253)--always changing but always the same. See *Poetry and Truth in Robert Browning's The Ring and the Book* (New York: New York University Press, 1985).

heavily on the psychological and criminological publications of Karen Horney and Andrew Ruotolo,²⁹ she argues that the self-fictionalizing instinct which Yetman admires is hardly existential but is, instead, purely a reactive, animal instinct. Confabulation, she stresses, becomes the method in which Guido effectively copes with the numerous disappointments and blows to his self-esteem which he has sustained throughout his rather sad and shabby life. He is "motivated," says Lewis, "by understandable human *needs*, the conflict and frustration of which have *made* him what he is" (176, emphasis mine).

While more liberal critics of Guido have no doubt advanced a reader's understanding of the Count's complex character, they have, like countless other Browning scholars, overlooked one of the more immediate crises which might have precipitated this speaker's tendency toward fictionalizing. That the "arch-villain" (as Park Honan calls him) of *The Ring and the Book* has been tortured prior to his testimony seems to be one of the most blatantly overlooked facts in all of Browning criticism. Yet the references to Guido's torture are quite obvious throughout the poem, and especially so in book V. Whether or not most readers tacitly believe Honan's argument that Guido's objective in mentioning his experience with the rack "is to elicit the Court's compassion and so to increase the effectiveness of his argument" (303), is moot. What is striking, is that the physical duress of the speaker is not considered more seriously among critics with respect to his testimony. Is it possible that many readers view Guido's torture as a kind of just dessert?³⁰ Such feelings are,

²⁹ Lewis works with Horney's notion of the "idealized self," which provides a methodology for dealing with Guido's fictions and the meaning of those fictions with respect to his personality. See her *Neurosis and Human Growth* (New York: Norton, 1970) p.23. Ruotolo's work provides a similar methodological structure; see his "Neurotic Pride and Homicide" in the *American Journal of Psychoanalysis* 35 (1975): 14.

³⁰ In her book, *Wild Justice: The Evolution of Revenge* (New York: Harper & Row, 1983), Susan Jacoby makes several perceptive connections between justice and vengeance.

by all means, understandable considering the crimes of which Franceschini is doubtlessly guilty. But such feelings are also--at least in theory--no less tyrannical than the criminal's decision to use, say, his Genoese dagger for the purpose of mutilating prior to eradicating the Comparini family. The weapon, which was considered contraband by the Italians, is characterized by a triangular blade with jagged edges.³¹ The "hook-teeth" (2.148), which would ensure maximum pain, cut the flesh in such a way that the victim's wounds would not heal, thus allowing the ill-fated to die slowly--as is Pompilia's case--to bleed to death.

While, certainly, Guido's references to his injured "shoulder-blade" (5.16), his wrenched "omoplat" (5.118) may be interpreted as a rhetorical strategy, readers seriously underestimate the painful effects of torture and its consequences upon the sufferer's testimony. Although it is unlikely that the average twentieth-century audience--or even the poet's "British Public" (1.410) in the late nineteenth century--would be familiar with the kinds of corporeal punishments which were inflicted upon defendants prior to their hearings in the seventeenth century, one can be sure that Browning--amateur historian of the obscure and the grotesque--would be well aware of the process, and was probably especially knowledgeable of the gory details of the rack. Not only was this the kind of information which struck the poet's fancy, but Browning lived in a country where the sovereign leadership was renowned for its use of torture. During the time in which he and Elizabeth resided in Florence, some of the more monstrous details of the police brutality condoned by the Neapolitan

³⁰(cont'd) A "just desserts" philosophy is one in which revenge appears to be justified. "Retribution *per se*," says Jacoby, "is an integral component of just as well as unjust legal systems. Legalized revenge, however repellent it sounds, is not an accusation but a fact" (115).

³¹ According to Francesco Gambi, the procurator general of the Fisc, Guido had used "prohibited arms" to carry out his murders. The Genoese dagger was illegal to own or to manufacture as stated in the Constitution of Alexander VIII. See the Old Yellow Book (Hodell), p.69-70.

government were being leaked to the British Press.³² According to the Italian nationalist, Felice Orsini (who died on the scaffold following his attempted assassination of Napoleon III), the rack or *cavaletto* was employed regularly by the Austrians who had invaded Lombardy in the eighteen-fifties (Ruthven 162). Browning's sympathy for the independence movement in Italy could only have made such a practice seem all the more repulsive.

So why is Guido the recipient of so little sympathy in book V? If, as Robert Langbaum has suggested over the years, readers were more attentive or simply more open-minded, they might indeed find some place in their hearts for this character--and *should*, he contends, as a sympathetic reading is one's "entry into the poem" (78). By establishing such a "relation" a reader gets the "facts from within" (78). But is Langbaum correct? While an audience can certainly sympathize with Guido's position, mustering sympathy for the man himself is a request which borders on the perverse. A reader must judge the speaker much in the same manner that a juror must judge a defendant; whether or not the juror (or the reader) feels sympathy for the person is--in theory--irrelevant, and is, perhaps, doubly irrelevant in book V where Guido neither wants nor asks for his audience's consolation. In his arrogant certainty that the court will believe that it was his adulterous wife, Pompilia, who had committed the more heinous crime, Guido makes light of his present situation; that his testimony is being offered under the duress subsequent to torture is artfully dissembled. For the Count, contrary to the claims of Honan (and many others), tries to direct attention *away* from this unfortunate proceeding, as torture is an embarrassment to his noble position. He says, irritated:

³² *The Morning Post* published a series of articles on the uses and abuses of torture which occurred in Italy during the late forties and fifties. See Malise Ruthven's *Torture: The Grand Conspiracy* (London: Weidenfeld and Nicolson, 1978) p.160.

Law is Law.
Noblemen were exempt, the vulgar thought,
From racking.... (5.11-13)

And he is right to point out this infraction of the Roman-canon law, which did not, as a rule, subject its gentry to corporeal inquisition. Indeed, to be tortured was a desecration of the Franceschini name and heritage, another blow to Guido's already injured honor; consequently, his monologue attempts to conceal the indignity, rather than to exploit it to its full advantage. In modern Western European law, of course, Guido's mistreatment would have warranted his immediate release (and might have won him acquittal on the same grounds in the seventeenth century had the issue been pursued intelligently by his defense council).³³ But, Guido, in his prideful arrogance, hopes to appear as "the easy-natured Count before this Court" (5.45). So he claims his pain is minimal; he tells his auditors he was "quick to faint" (5.18) and then, ludicrously, reassures the tribunal that he found his experience "almost an agreeable change" (5.34). Early on, he transforms reality, as both Yetman and Lewis concede, but he does so primarily out of the duress and fear of torture, of death and of the social ramifications which these incidents might have upon his noble standing.

Browning's comment is subtle but substantial, calling attention yet again to the inadequacies of the legal system, as well as to the average individual's rather apathetic acceptance of despotism when authorized by the law. In fact, Guido's situation is almost a parody of this notion because he is the victim of his own apathetic beliefs. A tyrant and a staunch supporter of the moral and ethical codes circumscribed by his government, he falls prey to the very punitive action he advocates--torture and capital punishment. In a certain sense, Guido's situation parallels Pompilia's, for she is also

³³ Desiderio Spreti presents a poor argument in the *Old Yellow Book* (Hodell), see p.34.

subjected to torture and killed in the name of the law for her alleged adulterous affair. Comparisons can be drawn between Guido and Caponsacchi, as well; the young priest is yet another character who has been unjustly punished; his banishment from Rome and Arezzo under the suspicion of adultery has, to say the least, ruined his career. Notably, Caponsacchi's monologue also addresses the court directly and, in many ways, resembles Guido's in both theme and execution.

Like Franceschini, Caponsacchi testifies under extreme duress, as well; he has only just discovered that Pompilia, the woman he thought he had rescued ("I thought I had saved her" [6.1591]), was "butchered" (6.42) by her husband but two days before and, at the very moment of his testimony, lies on her deathbed. The news takes its toll on the incredulous young priest, who, echoing Guido's situation, scoffs:

I cannot bring myself to quite believe
This is a place you torture people in:
What if this your intelligence were just
A subtlety, an honest wile to work
On a man at unawares? (6.1595-99)

Of course, Caponsacchi is right to mistrust the court, for compounding his suspicions and frustrations is the fact that he must testify before the same tribunal which, less than a year ago, banished him to Civita Vecchia, Pompilia to a nunnery, and judged in Guido's favor, awarding Franceschini both the moral and financial claims he made against the Comparini household. Called back now to testify on Pompilia's behalf, this priest, who was laughed at for what these judges thought was a comical domestic affair, launches a fiery denunciation of their judgment which risks contempt. "I talk impertinently" (6.207), "Laugh at your jurisdiction" (6.1623) he says, for his monologue not only damns Guido as Pompilia's murderer but damns the legal system as a negligent and culpable party.

I have done with being judged.
 I stand here guiltless in thought, word and deed,
 To the point that I apprise you, --in contempt
 For all misapprehending ignorance.... (6.1860-63)

Like Guido in book V, Caponsacchi also sees himself as the Court's intellectual superior; taking the upperhand, he tells another tale in which his faith in and respect for the law had detrimental consequences. "I gave place/ To you," he exclaims:

and let the law reign paramount:
 I left Pompilia to your watch and ward,
 And now you point me--there and thus she lies! (6.102-4)

But, unlike Guido, Caponsacchi calls for a reinterpretation of the law; by putting into question Rome's system of jurisprudence, he challenges the secular and ecclesiastical authorities to respond, as does the Pope in his monologue. Whereas Guido is quite content to believe that legal authority is supreme in its powers, that "God breathes, not speaks, his verdicts, felt not heard,/ Passed on successively to each court" (5.1770-71), Caponsacchi contests the moral objectivity of these "human jurists" (5.1776) and the very wisdom at the heart of their decisions.

In no other monologue in *The Ring and the Book* is law's involvement in this case so decidedly taken to task. The priest's step is an important one, for, in a court of law, people rarely suspect the system of injustice, but suspect only certain actors which the system readily points out to them. "But you were the law and the gospel," Caponsacchi rails at his audience, "You blind guides who must needs lead eyes that see" (6.1781-85). His observations are indeed portents for readers at large, who also misread the text and misjudge. Mistakes are inevitable, and part of being a good judge--and a good reader--is realizing this inevitability.³⁴ Such is the challenge

³⁴ As Caponsacchi says to his auditors: "That's all we may expect of man, this side/ The grave: his good is--knowing he is bad" (6.142-43).

Browning offers his public by way of his legal metaphor. Indeed, reading is no more a passive, sedentary act than jury duty, because meaning, like truth, must be pursued, chased, created, re-created. One of the optimistic aspect of Browning's poem is that errors in judgment can be recognized and overcome. While failed vision is the tragedy of *The Ring and the Book*, it is also its seed of triumph. As with the Pope, who recognizes his own erring potential, the judges addressed by Caponsacchi also become aware of their previous mistakes:

Why, there's a judge weeping! Did not I say
 You were good and true at the bottom? You see the truth--
 I am glad I helped you.... (6.1885-87)

Thus, Caponsacchi's auditors begin to see the facts more clearly, especially the fact that justice, while it is pursued through law, is hardly the same thing; law rarely equals and, often times, perverts justice.

There is, perhaps, no more dramatic example of the perversion of law than Pompilia Comparini, who, in her attempt to live by the letter of the law (like Guido and Caponsacchi), suffers, by far, the greatest injustice. Living according to the traditions of the time, she is forced to remain in the Franceschini house for four years with an abusive husband and his sadistic family. Her role, as circumscribed by the Roman-canon law, is to serve her husband as she would serve God; to submit to his wishes, is, according to biblical wisdom, to submit to His wishes. So the young, naive Pompilia adheres to the religious and secular mandates, despite her repulsion for Guido, who is, as she meekly protests:

--old
 And nothing like so tall as I myself,
 Hook-nosed and yellow in a bush of a beard.... (7.394-96)

will, of course, in the misogynistic culture in which she lives, is not a consideration. Thus, crimes against the state (not to mention humanity) are condoned as long as rape and assault take place within the privacy of the husband's home. In the year in which the final volume of *The Ring and the Book* was being published, John Stuart Mill's treatise, *The Subjection of Women*, had made precisely the same point about such legal constriction in the nineteenth century. "[A] female slave," says Mill in one of his often quoted passages:

has (in Christian countries) an admitted right, and is considered under a moral obligation, to refuse her master the last familiarity. Not so the wife: however brutal a tyrant she may unfortunately be chained to--though she may know that he hates her, though it may be his daily pleasure to torture her, and though she may feel it impossible not to loathe him--he can claim from her and enforce the lowest degradation of a human being, that of being made the instrument of an animal function contrary to her inclinations. (285)

Indeed, Browning and Mill are timely writers, for very little has changed along these lines; wife rape in the Western world, if it is not already legally sanctioned--as in countries such as Mexico, and certain states in the U.S. and Australia, is dealt with with milder penalties than would be in the case of extramarital rape.³⁵ "A child at marriage: I was left alone," says Pompilia:

For weeks, I told you, lived my child-life still
Even at Arezzo, when I woke and found
First...but I need not think of that again--
Over and ended! Try to take the sense
Of what I signify, if it must be so. (7.736-40)

The horrific image of the aged, predatory, "hawk-nosed" (7.443) Guido Franceschini lying in bed next to her is doubtlessly an image better left to the recesses of the

³⁵ See Diana E.H. Russell's *Rape in Marriage* (New York: Macmillan Publishing Co, Inc., 1982) p.333-54 and p.375-81.

subconscious. Pompilia's desire to forget her relationship with a husband who could, and would "twist her neck!" (5.710) and "with the vulgarist household implement,/ Calmly and quietly cut off, clean thro' the bone,/ But one joint of...[her] finger" (5.952-54), is understandable. The natural desire of any victim of violent crime and, especially, victims of rape, is to forget the incident, for when the incident is not forgotten but brought to trial, they--especially women victims--are all too often considered the guilty party, the instigators of the crime, and are, because of this bit of patriarchal wisdom, as much on trial as the criminal. Such is the case when Pompilia shyly approaches the Archbishop of Arezzo with her burden. With the miserable and terrified young girl before him, he can only verify her guilt and send her back to her life of abuse and mistreatment:

...the Archbishop smiled,
 Inquiring into privacies of life,
 --Said I was blameable--(he stands for God)
 Nowised entitled to exemption there.
 I obeyed, --as surely had obeyed
 Were the injunction 'Since your husband bids,
 Swallow the burning coal he proffers you!' (7.724-30)

At best, a smile was the only recognition that Pompilia was to receive in either her secular or ecclesiastical last resorts. To the men of law, her situation was a mockery; the church and the Roman authorities are clear on the subject. Pompilia was *supposed* to submit herself to her husband. As Saint Paul says in First Corinthians:

The head of the woman is the man. [A] man indeed ought not to cover his head, forasmuch as he is the image and glory of God: but the woman is the glory of man. For the man is not of the woman; but the woman is of the man. Neither was the man created for the woman; but the woman for the man. (11:7-9)

In response to the misogyny of Paul, Ann Brady boldly comments in her book on

Pompilia that the last line of this passage "could be used, unaltered, as a statement of editorial policy for a pornographic publication" (37).

Pompilia, Caponsacchi, and even Guido, are right to find law, especially ecclesiastical law, in part responsible for their plights, for, indeed, law is the real antagonist in the poem. The legal principles which *The Ring and the Book* highlights are clearly inequitable, yet, inequity is what Browning has intentionally thrust his reader-jurors into. By forcing his audience to become a party to this trial, to become part of the system, he makes individuals see for themselves how tenuous and unfair the legal system can be; because the poet allows readers to experience first hand how hasty, unthinking adjudication can warp legal authority, he also makes clear that law itself is not to blame because the people who make and interpret law are culpable; unfortunately, rules are not made in a cultural vacuum, but reflect the biases of the tradition from which they emerge.

PART FOUR: THE LAW

HYACINTHUS DE ARCHANGELIS AND JOHNNES-BAPTISTA BOTTINIUS

If law were dubious still whose word to take...?
-- Other Half-Rome³⁶

To include the lengthy monologues of the two lawyers in his *magnum opus* was doubtlessly one of Browning's riskier creative decisions. Of the twelve sections which make up *The Ring and the Book*, books VIII and IX have been the most consistently ignored and, perhaps, the least understood. In the Victorian period, critics tended to dismiss the lawyers' allocution as a mere lull in the poet's artistic vibrancy--as the place in the masterpiece where Browning "nods for a moment."³⁷ Unfortunately, the legacies of nineteenth-century reviewers such as Leslie Stephen and Stopford Brooke have discouraged readers from taking the legal summations of Archangelis and Bottinius more seriously.³⁸ Even in recent criticism, scholars are inclined to read the legal episodes as little more than "comic relief" or "satire."³⁹ While, admittedly, the lawyers are self-lamprooning characters and do provide what William Devane has called a "necessary" (333) interlude between the powerful

³⁶ *The Ring and the Book*, 3.735.

³⁷ Horace. "The Art of Poetry." Trans. E.C. Wickham. *Critical Theory Since Plato* (Ed. Hazard Adams. New York: Harcourt Brace Jovanovich, 1971) p.73.

³⁸ According to A.K. Cook, Sir Leslie Stephen "could find no sufficient defense for their insertion." Stopford Brooke remarks, "they are scarcely the poet's work." See *A Commentary Upon Browning's the Ring and the Book* (London: Oxford University Press, 1920) p.160-61.

³⁹ Wylie Sypher describes the lawyers' monologues as "comic relief" in his introduction to the Norton Library edition of *The Ring and the Book* (New York, 1961), p.ix. William Buckler employs the words in his full-scale study of the poem, as well; see *Poetry and Truth in Robert Browning's The Ring and the Book* (New York: New York University Press, 1985) p.187. Robert Langbaum comments that the lawyers "are included only to be satirized" in *The Poetry of Experience* (New York: W.W. Norton and Company, 1957) p.118. And Philip Drew insists that "[b]ooks VIII and IX can be best read as satire"; see his "A Note on the Lawyers" in *Victorian Poetry* 6 (1968): 297.

monologues of Pompilia and the Pope, these are nevertheless superfluous functions.

To appreciate Browning's artistry, readers should know better than to settle upon the obvious, for they can hardly afford to laugh or rest for too long. At the level of the legal metaphor, Archangelis and Bottinius highlight some of *The Ring and the Book's* most important themes and in fact contribute to the poem's suspense by amplification of the inequities of the legal system previously demonstrated in the monologues of Guido, Caponsacchi, and Pompilia; they undermine not only the authority of secular law but force Browning's readers to reconsider the process of adjudication in any form, thus attenuating the Pope's judgment in book X. Indeed, there is nothing funny at all about these characters when they are read with a certain critical self-awareness. For the reader's function in *The Ring and the Book* is not all together unlike that of Archangelis and Bottinius. The interpretive endeavor of the lawyer and that of Browning's readership is, essentially, to rationalize the facts of the case, to piece together the fragments of the story so that it follows in some logical, coherent fashion. The undertaking is both reconstructive and creative, for where the facts themselves provide few answers--where gaps appear in the text--the onus is on the interpreter to fill out the poem. "Explaining matters, not denying them" (8.315)⁴⁰ is the aim of critical reading, which, so it happens, is an important skill central to the art of advocacy. Whether or not readers of *The Ring and the Book* want to admit it, the poem forces them to become steadfast advocates for certain characters within the text and, subsequently, to manipulate arguments in favor of the personalities with whom they side. The appearance of truth or the validity of a particular position

⁴⁰ Browning comments in a letter to Julia Wedgwood (8 March 1968): "I think you are in the wrong about the proper treatment of facts--I don't say, as to my treatment of them. They want explaining, not altering." See *Robert Browning and Julia Wedgwood: A Friendship as Revealed by Their Letters* (Ed. Richard Curle. New York: Frederick A. Stokes Company, 1937) p.183.

depends greatly upon how effortlessly certain arguments can be manipulated. Rhetoric is, after all, the art of persuasion; and both Archangelis and Bottinius are candid about their manipulative strategies. The lawyers conjure Aristotle, Cicero, and Quintilian with the masterly bravado of epic poets invoking their muses. Subsequently, their monologues represent more of a semantic exercise than a philosophical debate, wherein terms such as *truth*, *innocence*, *honor*, and *justice* are utilized primarily for effect. Neither attorney delves into the nature of the language he employs. The words *right* and *wrong*, for instance, though evoked thirty-one times between the two, mean nothing but are exploited for their cherished import. "Concede he had the right to kill his wife" (8.1316), argues Archangelis on Guido's behalf. "Concede we there was reason in his wrong" (9.328), rebuts Bottinius. No word emerges as sacrosanct in the legal summations--not even law. Like the other abstract nouns in books VIII and IX, law surfaces as a painfully empty signifier, taking on varying characteristics at the whim of each of the advocates' pleas. Says Archangelis: "And in this case, if circumstances assist,/ We'll garnish law with idiom" (8.154-55).

Browning demonstrates how malleable language really is and how utterly subjective decision-making can be, as the lawyers make use of the same key words, facts, and phrases to entirely different ends. The law, as readers soon discover by way of the attorneys' display, is hardly an absolute concept but an ambiguous creature not without its literary parallels. In fact, Bottinius' apostrophe "O Law" (9.1133, 1155) re-emphasizes the term's abstract quality, that is its figurative presence despite its literal absence. The figure of speech, often found in the invocation of epic poems, is appropriate to Bottinius' monologue, for in the beginning there was the Word, which when translated into the word happened to carry over much of the symbolic force of God's authority. Lawmakers and writers alike have, throughout history, taken advantage

of just such a creative force in their endeavors. As Browning's poetic precursor, Percy Bysshe Shelley, proclaimed in his "Defense": "Poets are the unacknowledged legislators of the world" (448). Indeed, Archangelis makes similar claims, closing the gaps between the two professions: "Unluckily, law quite absorbs a man,/ Or else I think I too had poetized" (8.150-51).

Although Browning obviously pokes fun at the whimsical, domesticated Archangelis as well as his counterpart, the contemplative, money-mongering Bottinius, he is also making some astute connections between the interpretive tasks of the lawyer, the reader, and the poet. The wild rhetoric of books VIII and IX underscores and makes apparent the fact that law, like literature, is authorized, not by God, but by generations of interpreters who tailor the Word to suit their individual needs. Canons, both literary and legal, are borne out of necessity, and provide a rich history of commentary, which is, essentially, little more than a subtle balance of factual information and speculative fictioneering. The lawyers' monologues do not represent a system of discourse which is antithetical to poetry any more than the "Book"--the legal pamphlets upon which *The Ring and the Book* is based--signifies the "pure crude fact[s]" of the case. Archangelis and Bottinius are not included in this text--despite the arguments of several apologetic Browning scholars--to "provide historical completeness" (Drew 297) but are included to highlight the very nature of creative fiction and to perpetuate the poem's artificiality. They do not impose the real world upon Browning's readership, after all, but their own fictional ones.⁴¹ Both in literature and in real life, these servants of the court tend to be highly accomplished storytellers, for they articulate their interpretations of the events in question as reality, indirectly masking their enterprise. As Wolfgang Iser describes, "the literary text is a

⁴¹ See Wayne Booth's *Rhetoric of Fiction* (Chicago: University of Chicago Press, 1961) p.119-120.

mixture of reality and fictions, and as such it brings about an interaction between the given and the imagined" (204). Like the poet-persona of book I, the lawyers mix "with truth, motions" which make the case's "inertness malleolable" (1.701-02), and, like Browning's ringmaker figure--a metaphor for the poet himself--they mold the rough work of art to fit the individual wearer. Archangelis craftily devises a story to justify Guido's deeds, while Bottinius fits Pompilia with his rationale. Yet each speaker works with the same alloy, the linguistic medium--the "manageable mass" (1.21) with which the poet also "rounds...[his] ring" (1.1389).

At the very point where Browning appears to supply his audience with what Altick and Loucks have called a "mere glibness or cleverness in logical disputation" (183), he is in fact exposing the fundamentals of his artistic craftsmanship. For, indeed, rhetoric is at the very heart and soul of Browning's poetry.⁴² Hidden behind the fatuous masks, behind the self-effacing humor of the two lawyers, lurks the oblique truth of *The Ring and the Book*: the poem *is* rhetoric and thus attempts to utilize its audience in the same fashion that any attorney might utilize the court's jury panel. Language is manipulated for effect, to ameliorate its speakers' motives; performance becomes all-important, while facts and evidence are thrown to the wind. In fact, the

⁴² Harold Bloom stresses a rhetorical analysis of Browning's poetry in "Reading Browning." "To read Browning well," he says, "we need to cope with his poetry's heightened rhetorical self-awareness, its constant consciousness that it is rhetoric, a personal system of tropes, as well as a persuasive rhetoric, an art that must play at transcendence. Browning is read very badly when that apparent and deeply moving transcendence is too easily accepted, as Browning in his social or public self tended to accept it. But Browning teaches his more strenuous readers not only the Sublime necessities of defense against his poem's self-interpretations, but also a healthy suspicion that poet and reader alike are rhetorical systems of many selves, rather than any single or separate self. Here I think is the true center in reading Browning. The problems of rhetoric--of our being incapable of knowing what is literal and what is figurative where all, in a sense, is figurative--and of psychology--is there a self that is not trope or an effect of verbal persuasion?--begin to be seen as one dilemma." See *Robert Browning* (Ed. Harold Bloom and Adrienne Munich. New Jersey: Prentice-Hall, 1979) p.2.

prosecuting attorney, Bottinius, is infamous for waxing lyrical even when he does so at Pompilia's expense. Unfortunately, she has, as he claims, left "a lawyer nothing to excuse,/ Reason away and show his skill about" (9.1439-40). So, instead of allowing the facts to speak for themselves, the Fisc turns what is supposed to be the state's prosecution of Guido into his own gallant defense of Pompilia. But, of course, before he can defend the dying girl, before he can "dare the epic plunge" (9.217), he must first denigrate her obvious innocence so that his task appears to be as difficult as his "antagonist" (9.1268), Archangelis'. Like his portly and poetry-loving adversary, Bottinius elevates his professional role to new heights, appointing himself as his client's savior, a kind of poet-lawyer-priest; he declares "A great theme" (9.191) and hopes that his "strength be adequate" (9.191) for the task.

Such histrionics are reminiscent of the poet-persona's invocation toward the end of book I, where he "yearn[s]/ For all hope, all sustainment, all reward" (1.1411-12). The burden of telling the story of the Roman murder is a weighty one, acknowledged by way of epic language. Both attorneys compare their legal practice to the artistic practice of the poet. However, the notion is invariably milked for its irony by most critics of *The Ring and the Book*. In between the divergent reactions to the two monologues, between Robert Langbaum's understanding of books VIII and IX (that "they are included only to be satirized" [118]) and the extra-literary vindication of Judge John Marshall Gest (that "these men were experienced and zealous lawyers, whose conduct of the case, in the performance of their official duties, merited the highest praise" [15]), lies a more elaborate purpose.

The relationship between literature and law in *The Ring and the Book* suggests a correspondence between poet and lawyer as well as between reader and lawyer. However, Browning scholars have consistently avoided the connection. Whether or not

they do so out of contempt for the legal profession or in defense of the work of the poet, they tend to justify their own biases with the author's sardonic self-interpretation. "I hate the lawyers," Browning writes Julia Wedgwood on 1 February 1869, "and confess to tasting something of the satisfaction, as I emphasize their buffoonery" (Curle 164). However, when the context of the poet's reply is considered, it seems to have been little more than a defensive retort in response to what must have been a niggling (though very perceptive) comment made by Wedgwood a week before. "It is your lending so much of yourself to your contemptible characters," she writes Browning on 20 January 1869, "makes me so hate them. I cannot endure to hear your voice in those Advocates' pleadings" (Curle 159). What Wedgwood objected to was, of course, the idea of the poet-lawyer, an idea which has been either rejected or omitted in the poem's rich interpretive history because Browning's claim has been privileged above all others and is, on the surface, quite convincing. Archangelis and Bottinius are, after all, but perfunctory servants of the court who do what they do with the moral detachment of hired guns; they are paid to manipulate the truth in the name of both economic and professional gain. Social issues become legal ones; the private affairs and the personal tragedies of others are made a spectacle in an arena where intuitive spontaneity is often usurped by rational calculation. Archangelis' defense of Guido in the name of *honoris causa* serves as the text's most immediate example. Although the attorney acknowledges the *mala in se* attributes of murder, he nevertheless justifies--or attempts to justify--Guido's crime by way of various legal precedents which either excuse the husband for putting to death an adulterous wife or which rationalize all treatment and mistreatment of wives, as does the chattel doctrine in the Code of Romulus.⁴³

⁴³ See Dionysius of Halicarnassus' *The Roman Antiquities* (Trans. E. Cory. Cambridge: Harvard University Press, 1927) p.381.

But poets must rationalize, too. For the purpose of achieving a very deliberate, trial-like effect, Browning subjected *The Ring and the Book* to several revisions, wherein he transformed domestic violence into a poetic representation in which ethical issues are downplayed by his personal sense of aesthetic craftsmanship (allowing Guido the last word, one monologue more than the other monologues, serves as case and point). But, of course, the writer's job is to tell the story; the burden of judgment is left to his public. The theory is similar to that of the adversary legal system wherein lawyers, "it is assumed, are not to be concerned with the final truth and justice of the matter, which is the direct concern of the judge and jury" (Riley 86).

Yet to represent is to advocate, to persuade an audience to accept some interpretation. When Browning takes "the artistic way to prove" (12.837) his point, he does so for "the glory and good of Art" (12.838). That his poem generates a substantial revenue and that it advances him in his artistic career are secondary considerations. Still the poet's entrenchment in this aesthetic ideal is not so different from those lawyers who practice law for the sake of law. Although Bottinius admits in the last line of his monologue that his efforts will reap some financial reward--"Still, it pays" (9.1577) he says of law--he is also concerned with giving a good performance. He does not make a case by jotting down "what rushed to his head" (9.1574) but realizes that he must "prune and pare and print" (9.1575) his work for a particular effect. Archangelis is also interested in making a living but he too demonstrates a nobler love for his craft. "Commend me to home-joy, the family board,/ Alter and hearth!" he says:

These, with a brisk career,
A source of honest profit and good fame,
Just so much work as keeps the brain from rust,
Just so much play as lets the heart expand,
Honouring God and serving man, -- I say,

These are reality, and all else, -- fluff... (8. 51-57)

Not entirely without good nature, Bottinius and Archangelis highlight the precarious plight of the artist who is also a rhetorician, praised for his eloquence but damned, at times, for the amoral practice of his art, which inflames the passions and distorts the truth. Of course, Browning knows the truth of the story but refrains--in the name of Art--from being very explicit about it; by opting to tell his tale via several multi-perspective monologues, he invites readers to be misled, to confuse the truth with lies, fact with fancy, the literal with the figurative.

The lawyers are, perhaps, best read as analogues of the author's and of the reader's roles. By reminding readers of the rhetorical nature of this poem and by demonstrating how author and reader alike endeavor to persuade and self-persuade throughout the text, they teach an audience to acknowledge the linguistic--rhetorical--limitations of the poem but, at the same time, force them to "exceed...[their] grasp" ("Andrea del Sarto" line 97) with respect to the artwork, so to speak. For the lawyers prepare Browning's readership indirectly, as the philosophical dimension of the poem is not clearly discerned until the linguistic horizon appears; their relative simplicity actually foreshadows the the poem's most complex monologues to come--that of the Pope in book X and of Guido in book XI.

PART FIVE: JUDGMENT AND APPEAL

THE POPE AND GUIDO

All till the very end is trial in life....
-- The Pope⁴⁴

The monologues of the Pope and Guido embody two of the most important processes in all of legal procedure, that of the court's judgment and that of the defendant's appeal. Yet more significant than the morphological recapitulation of the legal metaphor, is the fact that both monologues provide the poem's first strong, viable definitions of law. Unlike the lawyers' arguments of books VIII and IX, the arguments put forth in books X and XI subscribe to certain disparate but unshakable philosophical beliefs; whereas Archangelis and Bottinius share a relativist world view and find at least professional fulfillment in perpetuating ambiguous legal prescriptions, Innocent's and Guido's convictions clash, as their definitions of law signify "something changeless at the heart" (11.2392). The moral-philosophical debate between these two characters is especially meaningful with respect to the legal implications of the poem, because they couch their arguments in the same philosophical tenets which have always been at the root of much legislative controversy. The age-old contention, hinted at throughout the poem (particularly in the passages on Molinism),⁴⁵ between free will and determinism makes its most forceful and its most perplexing appearance in the

⁴⁴ *The Ring and the Book*, 10.1303.

⁴⁵ *The Ring and the Book* sustains over thirty references to this religious doctrine. While many of the references are attributed to the theology of Miguel de Molinos (1627-96), the Spanish theologian who died in prison for his heretical belief that "man's soul, maintained always in a state of perfect inaction can and should be receptive only to the promptings of God, without the intermediation of dogma or ritual" (Altick, *The Ring and the Book*, p.634), several passages in the poem may also refer to Luis de Molina (1535-1600), a Jesuit priest who, according to Helen Loschky, attempted to reconcile God's omniscience with man's freedom of will in his religious doctrine. See Loschky's "Free Will Versus Determinism in *The Ring and the Book*." *Victorian Poetry* 6.3-4 (1968): 333-52.

final major statements of *The Ring and the Book*.

When the Pope condemns Guido for his crimes and when Guido, in turn, condemns the society which prosecutes him, both characters reveal via their judgments a fervent and utterly self-affirmed belief system. While Innocent adheres to the Christian tradition wherein law sees fit to punish the offender under the pretext that the offender acts upon his own God-given free will, Guido's hedonist credo--"Get pleasure, 'scape pain" (11.768)--makes it impossible for him to recognize his transgression, as he confesses to the Abate and the Cardinal prior to his execution: "I recognized no law I could not see" (11.2387). In fact, Franceschini's complete absence of guilt or remorse ultimately raises questions about whether or not the punitive action taken against him by the Roman government and by the Pope is actually just. Can a person who does not comprehend the reasons for his punishment really be punished? Or is such legal action merely state-approved torture? By juxtaposing the Pope's judgment and Guido's final word on the subject of his condemnation, Browning encourages a revisionary reading of the poem which, when Guido's appeal is taken seriously, redresses both traditional notions of justice and theories of criminality. "Let me turn wolf," says the murderer,

be whole, and sate, for once,--
Wallow in what is now a wolfishness
Coerced too much by the humanity
That's half of me as well! Grow out of man,
Glut the wolf-nature,--what remains but grow
Into the man again, be man indeed
And all man? Do I ring the changes right?
Deformed, transformed, reformed, informed, conformed! (11.2054-61)

The ideologic brand of such verse, which is scattered liberally throughout Guido's monologues, and especially throughout book XI, establishes this character's plight so aggressively that it, at times, reads like an ultra-condensed *Leviathan*, complete in both

tone and idea. Because Guido is truly a body in motion⁴⁶ who represents man's aversion to the secular and ecclesiastical order in the world, Browning's readership may become increasingly wary of the legal system employed in the seventeenth century (as did Hobbes), for it utilizes a body of law which, much like today's legal system, is derived not from any systematic study of human nature but from the ancient ideals of Christian theology.

In book X the Pope quite naturally presupposes the concept of free will when he confirms the Roman court's judgment to have Count Franceschini beheaded; he views the Count as a man of "solid intellect: [who has] the wit to seek/ Wisdom to choose" (10.403-4).⁴⁷ However, his description is merely speculative, for Innocent never actually meets with Guido in the poem nor does he express the desire to do so. That he confirms the execution of a fellow human being on the basis of the court's transcripts alone highlights his personal faith in his authoritative position. "Therefore this filthy rags of speech," Innocent says of the legal documents,

⁴⁶ In a variation of Hobbes' terminology, William Buckler describes Guido as a "character-in-motion." See *Poetry and Truth in Robert Browning's The Ring and the Book* (New York: New York University Press, 1985) p.253.

⁴⁷ The "classical" approach to punishment, that is, the belief that criminal activity is intentional on the part of the individual who executes the crime, was challenged fervently by Italian criminologists in the late eighteenth century. They reasoned, as Hobbes did two-hundred years earlier, that crime is natural and predetermined. In *The Ring and the Book*, Browning suggests this possibility also: "Crime will not fail to flare up from men's hearts/ While hearts are men's and so born criminal" (3.99-100). It is important to note the ramifications of "classical" punishment, whether or not one favors or abhors such action. To punish an offender on the condition that the offender knowingly violates a rule is to blame the criminal for his violent act (as opposed to certain biological or environmental conditions beyond his control). This makes punishment, which is usually based upon some presumptive moral/legal codes, extremely cut and dried. But the law is fraught with judgment errors which stem from the philosophical premise of free will. Early systems of punishment tended to be socially immoral and extreme. It wasn't until the mid-eighteenth century, for instance, that judicial thinking began to change to the point that juvenile offenders, the physically- and mentally-ill, and the criminally insane were held to be non-culpable persons and were selectively removed from the general prison inmate population. For more information see Orlando F. Lewis's *The Development of American Prisons and Prison Customs* (Montclair, New Jersey: Patterson Smith, 1967) p. 323-47.

this coil
 Of statement, comment, query and response,
 Tatters all too contaminate for use,
 Have no renewing: He, the Truth, is, too,
 The Word. (10.372-76)

The Pope's decision to condemn Guido is, without a doubt, founded solidly upon his belief in God; the legal pamphlets are, in a sense, useless criteria. Whether or not the secular law *should* acquit Guido on the basis of precedent is of no consequence to Innocent, who represents a thinker at the supreme heights of judiciary wisdom ("I am bound," he says of himself, "the solitary judge,/ To weigh the worth, decide upon the plea" [10.193-4]). His moral sensibility is indeed ahead of its time. Like Caponsacchi and Pompilia, the Pope is also an "experimentalist/ In the new order of things" (10.1909-10), for he is willing to challenge the canonized injustices of the seventeenth-century legal system as he has challenged the traditions of the Catholic Church. Rejecting the popular medieval idea of papal infallibility, he fully admits that "Mankind is ignorant, a man am I" (10.257). Yet Innocent's will is not paralyzed by this realization, for he accepts his position and his responsibility as Pope and therefore does not hesitate to act

In God's name! Once more on this earth of God's
 While twilight lasts and time wherein to work,
 I take His staff with my uncertain hand,
 And stay my six and fourscore years, my due
 Labour and sorrow, on His judgment-seat,
 And forthwith think, speak, act, in place of Him--
 The Pope for Christ. (10.162-68)

But even more importantly, Innocent takes on the moral responsibility of judging Guido because he believes that the choice between good and evil is humanly possible. "[H]ow should I dare die," he asks himself, "this man let live" (10.2133)? For, certainly, anything less than his signature on Guido's death warrant and his final

command to carry the warrant "forthwith to the Governor!" (10.2134) would undermine the logic of his religious ideology.

The Pope's uncanny intuition, as well as his keen intelligence, sets his decision to sentence Guido apart from the other Christian characters in the poem. While Innocent hopes that Guido will, in his dying moments, experience spiritual regeneration, so that he might "see, one instant, and be saved" (10.2127), his authorization of the execution has certain pragmatic ramifications, as well. Opting for the Count's ultimate incapacitation is a functional remedy which adds an interesting humanitarian dimension to the Pope's character. He astutely evaluates his decision to have Guido beheaded as one not only profoundly directed by God but as one required in the name of humanity. "That in this case the spirit of culture speaks," he confesses, "Civilisation is imperative" (10.2017). Caponsacchi rightfully acknowledges that in Rome there is "a strange Pope....a priest who thinks" (7.478). Aligning himself with some of the most brilliant thinkers of the seventeenth and the nineteenth century, Pope Innocent rises to the position of Browning's supreme humanist. Like a John Locke, a John Stuart Mill or an Oliver Wendell Holmes, the Pope sees himself as a judiciary safeguarding the freedom of the individual by ejecting tyrants like Guido from a society of Pompilias and Caponsacchis.

Yet these "new generations" (10.668) of Christians, as the Pope calls them, are in fact opposed to the solution of capital punishment, even in Guido's case. Because the strength of Pompilia's faith enables her to visualize the potential for grace in every human being, including her despot husband, she insists that a man, even in the darker shadow of God, might repent; her steadfast belief in rehabilitation thus makes it possible for her to plead for the murderer's life. "Let Guido," she says, "touch the shadow and be healed" (7.1722). Caponsacchi however leans more toward the

retributive edge; for, Guido's punishment, in his mind, can only be effective if the murderer is forced to endure the consequences of his crime for every day of his ephemeral existence. "Let us go away," he suggests,

--leave Guido all alone
 Back on the world again...
 Not to die so much as slide out of life,
 Pushed by the general horror and common hate
 Lower, lower.... (6.1909-13)

But, unlike the Pope, Pompilia and Caponsacchi know Guido and understand him quite differently. He is more of an animal than a man in their views, predisposed to kill (the word "predestined" appears early on in Franceschini's first monologue [5.126]). Likewise, Hobbes would view Guido's position as form of misanthropy made manifest, and would consider it a very common human state wherein the individual's concept of good and evil, right and wrong, vanishes completely. "During the time men live without a common Power [God, government] to keep them all in awe," he explains, "they are in that condition which is called Warre" (185). Where scrupulosity is lacking, laws are useless and punishment meaningless.

Are the laws of the Western world (derived primarily from Christian theological sources) applicable in Franceschini's case? Is the Pope's notion of a social contract meaningful to Guido? If he is both atheist and anarchist, he is--theoretically--withdrawn from the rule-making world; unable to comprehend rules, he never enters into the sphere of a religious or social contract. Therefore Guido can neither appreciate nor understand the logic upon which the Pope's punishment is founded, for his notion of law differs significantly. Franceschini resists the spirituality which the Pope advocates as progress and, instead, gives in to that animal he feels so strongly within him, that wolf that lives contentedly at the mercy of his own being;

forced into situations beyond his control, Guido exists at the whim of his biology and environment.

Such a positivist viewpoint indeed generates several plausible defenses for the accused, for the laws which constrain and, finally, condemn this character may not be applicable in his case. Browning makes it quite obvious to his readers that only when Guido finds himself compelled to adhere to such laws--to rid the world of an adulterous wife, to marry and to continue his family line, to allow the judicial system to solve his problems--does he become something less than human. Conformed. Deformed. And, only under the constraints of these laws does his life gradually appear to be the nightmarish but normal existence Hobbes describes as "solitary, poore, nasty, brutish, and short" (186). But Browning's poem concentrates on the determined, atheistic, "rough-raw" (1.966) man, not necessarily to jar his readership's understanding of his own belief in a God of love and man's unconditional free will, but to discover and to explain through his study the confines of a man so plighted.

Indeed, the Pope's dictate, to "recognise and arbitrate" (10.1260) may be too simplistic and prescriptive a reading strategy, as readers learn by book XI that "arbitration" delays itself via "recognition" in *The Ring and the Book*. Franceschini's second monologue confounds the adjudication process, making the entire Italian imbroglio immensely troubling. For the Count, like the other monologists in the poem, pleads for his right to live according to his own laws, to "turn wolf, be whole, and sate, for once" (11.2054). Yet most readers ignore his reasoning or consider it mere palliation, for Guido is presumed to be a man who, like all other men, enjoys his freedom of choice and thus maintains responsibility for his actions. But, if this is truly so, how it is possible to pity his character? Why does the Pope pray for his salvation? How can Pompilia and Caponsacchi see fit to let him go on existing?

Answers to some of these questions arise when Browning's philosophical universe is understood as one which does not set up polar opposites. His philosophy is not free will *versus* determinism but free will *and* determinism. Where there is no absolute authority, opposition is less likely to occur. Thus, the divine law and the natural law defined by Innocent and Guido can co-exist. Browning's poem functions as a kind of crucible, wherein polar opposites melt and are fused into something curiously different. Free will is, perhaps, best understood as an outgrowth of determinism, the former being a more highly evolved state of the latter; they inter-exist along the philosophical continuum. Readers can feel pity for Guido because his evolution has somehow been impeded.

In an earlier poem entitled "Caliban Upon Setebos; or Natural Theology in the Island," Browning establishes a precursor to Guido.⁴⁸ Although the pre-evolved Caliban's plight differs from the Count's, his psychological and theological beliefs are remarkably similar. But readers can sympathize with Caliban (whereas they can only pity Guido) because his moral and spiritual growth is inevitable; he has not yet made that important evolutionary leap into a world of religion and regulation and choice; his temporal primitiveness inhibits such a vision.⁴⁹ He is thus somewhat less terrible in the civilized reader's assessment, for his limitations can be appreciated easily. Caliban represents that primordial state, which positivists of the nineteenth century considered the genuine and immutable position of mankind. Given only to his observations, the boundaries of human sight, Caliban personifies natural existence, without metaphysical

⁴⁸ *Dramatis Personae*, 1864.

⁴⁹ Guido's theoretical plight mirrors Caliban's physical one. Guido describes himself as "born fish with gill and fin/ Fit for the deep sea, now left to flap bare-backed/ In slush and sand" (5.172-74). The opening lines of "Caliban Upon Setebos" depict a similar primeval image: "Will sprawl, now that the heat of day is best, / Flat on his belly in the pit's much mire,/ With elbows wide first clenched to prop his chin/...while he kicks both feet in the cool slush" (lines 1-4).

speculation, without Christian theology. Like Guido, his spirituality is stunted; he "looks up" but "perceives he cannot soar" ("Caliban Upon Setebos" line 144). So, if readers begin to understand Guido as Hobbes might have, as a man removed from societal context, as a veritable wild man (like Caliban), then the nature of his character begins to make some sense:

I have gone inside my soul
 And shut its door behind me: 't is your torch
 Makes the place dark,--the darkness let alone
 Grows tolerable twilight,--one may grope
 And get to guess at length and breadth and depth.
 What is this fact I feel persuaded of--
 This something like a foothold in the sea,
 Although Saint Peter's bark scuds, billow-bourne
 Leaves me to founder where it flung me first? (11.2289-97)

The "blaze" (10.2121) of bright, white light which represents the spirituality of the civilized world in the Pope's monologue, exists only as an intolerable and unnatural source of pain for Guido. His a-scrupulous state of mind combined with his physical and intellectual isolation in prison sets the stage for a grand display of atavistic behavior, the literal and uncontrollable de-evolution of man.⁵⁰ Separated from his cumbersome society and its cumbersome laws, he finds solace only in natural theology. For Guido the so-called enlightened world of God no longer exists. And, suddenly, this "fact" he feels "persuaded of"--but cannot quite understand himself--dawns upon

⁵⁰ Cesare Lombroso, who coined the term atavism for criminology, describes the criminal as an "atavistic being, a relic of a vanished race.... Atavism, the reversion to a former state, is the first feeble indication of the reaction opposed by nature to the perturbing causes which seek to alter her delicate mechanism.... The dog left to run wild in the forest will in a few generations revert to the type of his original wolf-like progenitor.... This tendency to alter under special conditions is common to human beings, in whom hunger, syphilis, trauma, and still more frequently, morbid conditions inherited from insane, criminal, or diseased progenitors, or the abuse of nerve poisons, such as alcohol, tobacco, or morphine, cause various alterations." See Gina Lombroso-Ferrero's *Criminal Man, According to the Classifications of Cesare Lombroso* (Montclair, New Jersey: Patterson Smith, 1972) p.135-36.

Browning's readers. Franceschini is a human anachronism who appears to have been, by some unusual twist of fate, catapulted into the future, far ahead into the courtly world of 1698, completely unequipped to understand or to endure it.

The idea, as fantastic as it sounds, is by no means original to Browning. In 1855 an Italian medical student who lived and worked in various townships near Genoa (about 120 miles from the Browning home in Florence), began to publish a series of articles on the criminally insane, suggesting precisely this phenomenon. The student, Cesare Lombroso, now known as the "father of modern criminology" was, even then, beginning to influence scholarly thinking in Northern Italy. His positivist approach shed new light on certain disciplines, such as biology, psychiatry, and anthropology. Despite his comprehensive, inter-disciplinary work, though, Lombroso never took his eyes from the human being. As a criminologist, as a doctor, and as a psychologist his premise was always the same: "the patient, and not the disease, should be the focus of investigation" (Wolfgang 237).⁵¹ Because much of Guido's character matches Lombroso's criminal criteria, it seems possible that the criminologist's work, in this case, influenced Browning.⁵² In book I, for example, the poet-persona

⁵¹ Much of Lombroso's work, such as his articles "On the Insanity of Cardano" (1855) and "Cretinism Research in Lombardy" (1859), appeared in the Italian medical journal, *Gazzetta Medica Italiana Lombarda*, which circulated throughout Northern Italy. The articles were compressed into book form in 1876; see Lombroso's *L'Uomo Delinquente* for an in-depth encyclopedia of criminal types, fraught with people who resemble--both physically and psychologically--so many of Browning's darker personalities--characters in poems such as "My Last Duchess," "Caliban Upon Setebos," "Fra Lippo Lippi," "The Laboratory," and "Porphyria's Lover"--who are cunning, pre-evolved, decadent, murderous, and insane.

⁵² Browning proved to be an avid reader of scientific and theoretical treatises. Among the texts in his private library, such as Althaus' *Function of the Brain*, Montagu's *Thoughts on the Conduct of Understanding*, Locke's *An Essay Concerning Human Understanding*, was a title called *Philosophical Letters Upon Physiognomies* by Jacques Perneti, which would suggest that the poet was interested in man's psychological status as it related to his physiological make-up. Consult the *Browning Collections: A Reconstruction With Other Memorabilia* (Winfield, Kansas: Wedgewood Press, 1984). See auction listings A53, A1632, A1468, and A1836.

carefully describes Guido's outstanding physical features, as if he were verbally sculpting from some pre-existing model. His villain is "A beaked-nosed bushy-bearded black-haired lord,/ Lean, pallid, low of stature yet robust,/ Fifty years old" (1.782-84). This description does not appear in the *Old Yellow Book* but is constructed purely on the basis of the poet's imagination. Indeed, Browning's depiction of Guido mirrors the criminogenic characteristics of Lombroso's subjects. The nose, Lombroso explains, "is frequently twisted, up-turned or of a flattened, negroid character in thieves; in murderers, on the contrary, it is often aquiline like the beak of a bird of prey" (Lombroso-Ferrero 15). Certainly, this image of the "beaked-nosed" murdering-type is common enough but the same idea echoes in some of Browning's more subtle assertions, as well. When *Half-Rome* considers Guido's testimony which implies that he was drugged and robbed by Pompilia, for instance, he makes a curious statement, employing his auditor to "notice if her nose were sharp or blunt" (2.915). Murderer or thief? As Lombroso notes: "Dark hair prevails especially in murderers.... Both gray hair and baldness are rare and when found make their appearance later in life than in the case of normal individuals" (Lombroso-Ferrero 18). Indeed, Guido's physical features are, by Lombroso's hypothesis, unmistakably an outward sign of inner depravity.

Also important to the shaping of Guido's character was the explosion of ideas in the areas of natural history, heredity, and evolution in the nineteenth century. Works such as Darwin's *Origin of Species* (1859), Morel's *Treatise on Degeneracy* (1857), Huxley's *Man's Place in Nature* (1863), and Maudsley's *Physiology and Pathology of Mind* (1867) undoubtedly influenced Browning's creative instincts. Lombroso's theory that heredity is the "principal organic cause of criminal tendencies" (137) is suggested throughout book XI. That moral and physical degeneration can be

traced back to an entire family or clan, in which the genetic and environmental influences of the progenitors, points to Guido's family as a driving, criminogenic force. In *The Ring and the Book*, the Pope breaks into a speech (nearly out of character) wherein he contemptuously refers to the immediate Franceschini family as a pack of wild dogs. Donna Beatrice is the canine-mother, "the gaunt gray nightmare.../The hag that gave these three abortions birth" (10.910-11). Her sons, Guido, Paolo, and Girolamo are respectively identified with the wolf, the fox, and the coyote (10.891-900). Perhaps Guido's final admission/appeal to Cardinal Acciaiuoli and Abate Pachiaticchi that "[he] was just stark mad" (11.2240) has some deeper meaning. That the Count's claims he is "innocent" (11.2274) merits a reader's close attention, for his true innocence depends thoroughly upon his true amorality. There can be no guilt, after all, without moral feeling; and Guido feels nothing.

Such amorality is explicit in the Old Yellow Book, while it is only subtly asserted in *The Ring and the Book*. In one of the document's more intriguing sections a deposition taken from a Franceschini family servant, Angelica Battista (on 24 June 1694), appears. A one-time resident of the Franceschini estate, she attests to the "ill-treatment" (Hodell 53) of Pietro, Violante, and Pompilia Comparini by her employers. Her term "ill-treatment" tends to be a euphemistic summary of the facts; for the picture she relates--an extremely bizarre one--refers to a kind of physical and mental treatment which was administered by the host's family. Her description of the Comparini's situation, in turn, provides some additional information about the amoral aspect of Guido's character, as well as about the perverse dynamic of the Franceschini family.

They are an inordinately violent people, according to the servant's testimony--violent to the extent that cruel behavior approaches normalcy for them. She

reveals a spate of curious and sadistic tricks (akin to a number of those macabre games out of Edgar Allen Poe) which the Franceschini played on the Comparini. They were locked in and out of the house at whim, withheld such essentials as food and coal, refused all privacy, and became the objects of repeated physical threats. The Franceschini family, almost a classical portrait out of Lombroso, is twisted and excessive:

Pietro spoke up and asked the Signori Franceschini to keep me [the servant, Angelica Battista] in their good graces for eight or ten days more, for if he wished to return to Rome with Signora Violante he would take me with them.... To this, none of the Franceschini replied; but Signor Guido rose from the table and, approaching me, gave me two very good licks. The others then came up. While he was doing this, the Canon, his brother, also gave me some kicks, and his mother struck me and told me to leave at once.... And all the Franceschini with one accord said to Signora Violante: "You get out with her, too." And they called her "slut," and other insulting names, so that Signora Violante went to her room to put on her wraps. The Canon drew a sword and ran after her into the room and shut the door. I, fearing that he would inflict some wounds upon Signora Violante, ran to enter the room and found that the Canon had locked himself within.... (Hodell 51)

Battista describes more than an after-dinner spat. Yet the actual incidentals she reports are, comparatively, soft-core, because in her deposition she also alludes to one rape and two attempted murders which probably took place during her brief employment at the estate (Hodell 49-53).

As the rank of the eight-hundred-year-old Franceschini name grows increasingly pungent, Lombroso's interests become more compelling, because his study of passion, like Browning's, advocates understanding above fear. To rise above the confusion fear promotes requires more than the ability to interpret intuitively; powers of objective reasoning must come into play. To understand Guido as an "altered" (Lombroso-Ferrero 136) human being--transformed by some very common element in

nature, perhaps a diseased genetic-code, perhaps morbid environmental conditions--diminishes fear. When readers stop shaking long enough to infer and to rationalize, they might recognize Guido not as evil but as pre-evolved. He isn't immoral but amoral. He doesn't *choose* to murder but kills on instinct. He appeals to his audiences' logical sensibilities: "Name me, a primitive religionist--/ As should the aboriginary be," he says, "I boast myself, Etruscan, Aretine" (11.1917-19). Such a boast places him right around eight-hundred B.C., a very good self-estimation. As Guido subscribes to the pre-Christian ideals of the ancient peoples of the Mediterranean, he openly supports his own argument.

As the "relic of a vanished race" (Lombroso-Ferrero 135), his actions prove more instinctual than horrible; he is not unbalanced but is extremely consistent. His conniving voice in book V is perfectly appropriate, as the survival principle motivates his character; he employs his innate and stealthy wit, quite naturally, to defend himself against his threatened existence. To question the moral implications of Guido's behavior (his hating, killing, cheating) is simply futile, because metaphysical concepts, such as God, love, and truth, baffle his mentality completely. "Why should you master natural caprice?" (11.1437) Guido asks. That "God said so" or "for society's sake" are inadequate replies for someone who cannot see beyond the limitations of his own hedonism. Consequently, his final moment of life indicates nothing more than his consistent adherence to his personal credo.

Do n't open! Hold me from them! I am yours,
I am the Granduke's--no, I am the Pope's!
Abate,--Cardinal,--Christ,--Maria,--God, ...
Pompilia, will you let them murder me? (11.2422-25)

"The Passions that encline men to Peace," Hobbes explains, "are Feare of Death" (188). The controversial outburst at the end of Guido's second monologue is both

logical and in character; his words fail to connote either moral revelation or evil subterfuge. Thus, the arguments about whether or not this criminal can be redeemed in the Christian context or is irredeemable loses its critical momentum, for Guido is pre-Christian and does not willfully choose to act but reacts.⁵³ As might any fearful dog, he crouches and whimpers instinctually.

Browning's profile of Guido's world view aptly concludes *The Ring and the Book*. His powerful determinist perspective not only forces readers to question the legal system's philosophical grounding but compels them to self-scrutiny. Indeed, the poem challenges ethical orthodoxy with the same fervour with which it contests aesthetic or poetical conventions. While the poem-as-poem mocks its epic precursors and highlights some of the traditional limitations of the genre with its rough, innovative versification and its seemingly inappropriate subject matter, the poem-as-trial exposes the inequitable judicial system of which it has deliberately made its readership a part. Disturbed by the moral implications of becoming jurors within a corrupt legal system, audience members must wrestle with their own beliefs as well as with the shaping force that tradition has had on those beliefs. For Browning is an uncanny and timely poet; his antipathy for any authority that limits the freedom and the potential growth of the human being is certainly much more than a Victorian concern. By exposing the injustices of the seventeenth century--misogyny, and ecclesiastical and aristocratic privileging--the poet exposes the injustices that have been, and still are, deeply entrenched in the social fabric of Western culture.

Yet, despite his vision, Browning, as self-conscious stylist, is well aware of his own limitations as poet and as moralist. His depiction of the Pope and Guido is

⁵³ "Redemption" is Robert Langbaum's term. For an intriguing contrary opinion, see his "Is Guido Saved? The Meaning of Browning's Conclusion to *The Ring and the Book*." *Victorian Poetry* 10 (1972): 289-305.

exemplary because he suggests alternatives to those authorized beliefs explored throughout the poem. Does the divine law of God truly allow man the freedom of choice in this world as the Pope concedes? Or is such choice merely illusory, limited by the natural law which drives a man like Guido to embrace wholeheartedly his baser, animal instincts? The text itself provides only an oblique answer. Like a compatibalist philosopher or a radical Molinist, Browning promotes both sides of the issue. The person who is able to render a verdict in a trial will always be affected by the rhetorical constraints of the court. Similarly, the reader's autonomous response is limited by the confines of Browning's poetry. Like the law court, *The Ring and the Book* provides a structure which mitigates a person's individual judgment but nevertheless manipulates the way in which the adjudicator will view the truth. Like the ring metaphor, Browning's legal metaphor has also come full circle; and, as it falls back on itself, it promotes an endless cycle of interpretation. Just when readers begin to apprehend the nature of the trial allegory, they are compelled, after acknowledging the coercive effects of this text, to seek a mis-trial, to review, once again, the guilt and the innocence of the parties involved in the murder and to determine, once again, the the indeterminable, the truth of what actually happened on that cold Christmas in 1697, and why.

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