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**THE INTERDISCIPLINARY GENRE OF LAW AND LITERATURE  
AND SHAKESPEARE WITH HIS REFERENCE TO LAW**- Debadrita Basu<sup>1</sup>**ABSTRACT**

A new trend emerged during the 1970's which marked the emergence of the correlative relationship between law and literature. Although there still exists a strong relationship between the strong headed opinionated law and the very conservative courses of literature.

Shakespeare through his various plays shows his interactive between law and literature. In Merchant of Venice he points out the human rights exploitations and discriminations and oppressions of the jews. He talks about many kinds of law like Salie law, Chattel, Dowar, Indenture. In the play Merchant of Venice Skylock is shown as a villain but the turtle is that he is a tragic hero. In measure for measure Shakespeare focuses on law which should be enforced with rigidity.

In Henry v, the king was in a dilemma and he asks whether he should attack France and in Richard II Shakespeare deals with the inheritance to property. The entire crux of the system states that literature helps the legal fraternity to carry out their process of felicitation of justice.

**SHAKESPEARE AND LAW**

During the 1970's a new trend emerged and that trend was the emergence of the coordinative relationship between law and literature, which gave birth to a new genre of education and research. It had a huge impact on the study and practice of law. There is moreso a strong debate going on that is there really any relationship between the strong headed opinionated experimentation sides or branches of law and the very conservative courses of literature which never voiced a very strong opinion on law or justice. Nevertheless, this particular

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debate still carries on. The combination of the two extreme forms of genres aims at the collaboration to fill up the gaps and the lacunas which are normally kept blank by the legal narratives. Law provides a certain ideas and narratives to law, when law does not know how to deal in certain cases.

William Shakespeare in most of his greatest works dramas inferences to laws. In cases of “Lawyerly language”, he was always open to discussions. Not only did he praised all attorneys and judicial officers, he had a great love for all kinds of legal terms. Edmond Melone writes, “His knowledge and application right be acquired by the not merely such as might be acquired by the casual observation of even his all comprehending mind: the appearance of technical skill; and he is so fond of displaying it on all discussions, that there is, I think some ground for supposing that he was early initiated in at last the forms of law.

Sir Caranville George Greenwood Writes that during 1959, that Lord Camplove had published a book entitled a book entitled,

“Shakespeare’s legal acquirements, in which he contended that Shakespeare had a deep knowledge of law. He was also amazed at the poets forensic allusions and the brilliancy with which their introduction is given.

### **RELATION BETWEEN LAW AND LITERATURE**

The relation between law and literature has two values and notions. Firstly whether law should be read in fully isolated sphere or it should be read with the other social sciences genre so that it provides its dignity, worth and meaning and secondly understanding legal issues as they are explored in legal texts or getting the meaning of legal terms with literary explanations

James Boyle is quiet fascinated that the only function of literature is to provide footnotes, headnotes and explanations to legal terms. That's all the purpose of English language to law. Proponents like Richard Weisberg and Robert Weisberg believed that the only work of English language was to provide insight into the judges mind and studied the nature of law. white and Ronald Dworkin maintains the relationship between law and literature as interpretation is the only way to discover written laws

After reading novels like Pickwick papers we can easily understand the relationship between law and literature. justice krishna Iyer ,Wendell Holmes lord Denning, with their literary

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knowledge have reached to the highest merits . Critically literature helps lawyers to study , articulate, and express themselves better. Finally certain independent branches of law and literature can never be unidentified like copyright

Walter Scott, Dostoevsky, Kafka, in India some of the writers like Tagore, Ishwar Chandra Vidyasagar, Bankim achandra chattopadhyay, D.l Deshpande, Ram krishna Paramahamsa ,Mani Shankar Mukherjee have all blended the combination of law and literature

The interaction which makes law and literature so bonded is their interplay. Nothing could be more interesting or deadly than a courtroom trial. An enemy against an enemy, building up of tensions, all these are irresistibly the creations of dramatic literary mind. There are many other historical cases all around the world where the interdisciplinary genre of law and literature have been taken into account. Many universities like Oxford, Harvard, Yale are giving importance to the interdisciplinary genre between law and literature

Speaking historically, law and literature have been tied hands together since time immemorial. From the ages of Greeks and Romans rhetoric writing and speaking was always practised in courts but it was stopped later on. As literature became much more concerned with human emotions, law became obsessed with the social security and order. Law had a very important source from legal fiction. A non Roman citizen demanded citizenship on the basis of fictional law and this kind of law was developed by the Romans to extend the Roman law to the non citizens. The courts of exchequer and twelve tables also took recourse to legal fiction. Legal presumptions are often interconnections between law and literature and legal presumptions follows rules of law and are deemed to be signed

Religion seems to be a valid ground also for the admixture of law and literature. The oratorical skills of Quran might sound astonishing at times but Qurans verses read out holy and divine laws. The dramatic style presented in the verses help the people to remember the legal values imparted by Prophet at various hymns and suras . Coupled beautifully with literature Qurans laws covers family , marriage, dower , business, education, sexual biasness, economic growth, politics, everything

Teaching of legal writing with better skills and statutory interpretations , presentation of cases before the bench shows an impression of class of literature on law. Law and administrative

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effects have also been shown on normal lives, which have quite often been shown as literary writings just to express the legal and human rights exploitations of persons

Shakespeare, Dickens, Camus, all of the important writers of those times were highly influenced and manipulated by the legal systems of those times and they understood the importance of law both at personal and societal level. They wanted to show in their novel that how the writers were influenced by law and how law was influenced by literature as well. The outsider novel written by Albert Camus and Jibito o Mrito written by Rabindranath Tagore in India both at the same time talked about the administrative malpractices and how the police set up, the judicial set up, the legal system, the middle men how they used to extort people and damage their basic human rights

Kafka's trial and Rabindranath Tagore's Gora never seems to identify for no reason Joseph K awakens and Gora from the play gets arrested and they are arrested lacking proper grounds of suspicion, lack of proper investigation, arresting for a proper time and even lack to self defence and lack of proper legal aid is shown in the novels. Even Dickens' Bleak House calls for his immense knowledge in legal property and he mocks the lengthy chancery system

Law and literature combines and can produce great results. Literature has a capacity of studying human minds and desires, hence if it gets combined with law, the rule of law can understand human life in a better way and can create a democratic form of judiciary where people can actually express their exploitations and views which can further help in creating a just and a fair society. Literature expresses human general will and hence it can create more legal actions which are close to human nature. By interpreting and applying hugely literary contextual terms legal decisions can be reached out to people more effectively. Expression and self defence can be understood more clearly through the help of literature. Special cases needs reduction of nepotism which can be only achieved through good knowledge of literature. One also views as a lawyer possessing great qualities of law but also great literary skills, who can express himself in very fine words, his pleadings, his presentation of evidence, his taking of cross examination, his petitions shall be of extreme high class. Law is an extremely dynamic subject. Different writers have brought into forte the different lacunas in the practice of the noble profession and law has been able to make up for the losses. Even in the minds of the judges the literary interpretations have created huge impression and they have used their discretionary powers time to time. Literature in the modern times talks about

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modern warfare, missile explosion, heinous types of psychological crimes and on various types of crime ideologies.

### **TYPES OF LAWS BY SHAKESPEARE IN HIS VARIOUS WORKS**

- (a) “Salic Law”:- Sometimes Shakespeare specially in Henry IV, used the word Salic Law which can be shown as an illustration of Shakespeare’s usage of legal terminologies. But if Shakespeare is charged with the usage of Salic law so if many of the historians as you can mainly exemplify law by quoting many historical facts and draining many exemplifications. Some of the stalwarths belonging to this category are Edmund Spencer Michael Drayton, Christopher Marlowe.
- (b) “Chattel”:- While celebrating Cardinal Wolsey’s surrendering of his estate and writing a passage on his downfall Chattel is the word referred to his property by the “Holinshed”<sup>(6)</sup>. It was argued that Chattels promoted more of legal use, but sometimes it was said that it used less legal sense as it was made more for than general public.
- (c) “Dower”:- Dower in law generally means what a woman receives from the husband’s property after his death.

Dowry on the other hand specially in Indian laws means the mone bridegroom gets during the marriage. But according to Brune Shakespeare has used the word Dower for dowry many a times.

“Demise”:- The word demise denotes lease or transfer of a will, but it cannot be said clearly figuratively as dignity, prestige, honor are not tangible items that could be transferred to others easily.

Indenture: - “In Indenture was as original document cut into irregular or indented pattern along the cut on each of the pages was the identical wording of a legal agreement between two parties”. Rejoining the ges along the cut verified the authenticity and conditions of the agreement if a dispute arose about the content of the agreement. Dower man says that Shakespeare wrongfully uses this line as, “If a king bid a man to be a villain, he is bound by the indenture of his outh to be one”.

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Shakespeare never had to take a formal teaching of the practice of law nor he had to perform any research on the proceedings of law. He just gained a fair.

### **SOME IMPORTANT PLAYS OF SHAKESPEARE WHERE HE HAS COMBINED LAW WITH LITERATURE**

The Merchant of Venice serves for the entire legal fraternity. Law sometimes serves as a force implicated by the society which helps in the construction of rules, punishments and duties. The entire play is favored with the qualities of biasness, nepotism and injustice and the end result is dominated with an excellent deliverance of justice. The play vehemently portrays how the play portrays how injustice and discrimination and injustice are provided to the marginalized sections of the society. The superior classes in this play who due to their royal and luxurious pedigree rule the entire world even the judicial system. The Jewish class is shown in this play to be often discriminated by the affluent Christian community. One of the most discriminated persons in this play appears to be Shylock and to route him.

“I hate him for he is a Christian, but more for that in low simplicity He lends out money gratis and brings downer”.

Antonio here openly insults Shylock and that is openly reprimanded by law. Shylock has no protection of law and Shakespeare in those days only understood the laws of defamation. During those days the Jews were treated like animals and chattels. Shylock is defamed everytime under the eyes of law with absolutely with no recourse to law. Shylock lacked freedom and leadership under the eyes of law and had little freedom regarding to social movement. Shylock's vengeance was not only a result of Antonio's insult but an outburst of the entire human rights exploitations of the Jews in the entire Europe. In extreme pain Shylock utters his immortal speech :-

“A Christian is, if you prick us, do we not bleed?

If you tickle us, do we not laugh, if you poison us, do we not die ? and if you wrong us shall we not

revenge ? If we are like you in the rest we will ”.

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The play Merchant of Venice indicates the basic oppression against all Jews and not just a case of default loan repayment. It's a strange case of pure vengeance. Antonio in this play represents the Christian conservation system whereas Shylock is a protagonist of the anguished, penalized, discriminated, minorities. The Christians are the ones who breach the law and even uphold it. The Jews on the other hand are often presented and are always devoid of justice.

The play concentrates on a bond which is settled between a Christian merchant Antonio and a Jewish money lender Shylock who swears to exert a pound of flesh from Antonio if he fails to repay the loan. The judges were also unable to free Antonio. At this point Portia, Bassanio's friend who is dressed as a male lawyer enters the courtroom and tells Shylock that he can take out flesh but whether dropping a single drop of blood Shylock understood that it was physically impossible for him to do so, so he asks for the repayment of his loan and Portia stops Shylock.

As far as women's rights are concerned Merchant of Venice focuses on the point that women population must face oppression and discrimination. In those era silence was treated to be the biggest virtue. Merchant of Venice clearly establishes its prejudice towards unmarried, older and outspoken women. All these characters were clearly highly in the central female protagonist Portia. Even Bassanio who is a lover of Portia describes her just as a ticket to fortune as she is a rich heiress and she never speaks about her qualities and talents. The endless struggles and the exploitations of human rights of Jewish woman is very well shown through the character of Jessica, a Jewish woman. Contrarily unlike the Christians point of view Shylock never laments the loss of his daughter Jessica.

In the play Portia's speech on justice illustrates that the points of legal reasoning should ponder on more valuable points than abstract reasoning. The unequal status quo is clearly drafted in the play where the rich and the ubercool class usually gets their way and the poor and the challenged are always at their mercy. As it is already mentioned in the play that just before the trial Antonio speaks with Solanio who suggests that Solanio would never demand Antonio to pay the bond. Justice became a tool of operation working on a system of economic insecurity. As the object of justice ultimately aims at utilitarian happiness and common peace, it works hard for the happiness of all. But somehow while Rule of Law while aims at establishing universal happiness, the tools of justice provides biasness, discrimination and oppression and lacunas of justice.

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The Measure for Measure Shakespeare considers enforcement of law with mercy or fearlessness. In order to leave his duties to be taken care of Angelo he leaves. But he returns dressed as someone else. But after taking power Angelo couldnot fulfill his responsibilities and he bended down to crime

In Henry V, also shows the laws of battle as it is advised to attack French government. Shakespearian dramas as it were shown in King Johand also in I Richard II Shakespeare deals with the issues of inheritance of property and wealth. In Romeo and Juliet Shakespeare deals with two forms of secular law which had earned him a lot of respect and dignity.

### CONCLUSION

As far as Shakespeare's lesson's for humanity is concerned, it may summarized in the words- "Literature is needed to humaise lawyers – I will call this the "moral uplift" theme of the law – and literature movement ”.

But with this qoute the legal practitioners and law would lose their dignity. Instead the truth is that taking recourse to any literature it is possible to understand what is happening in a world of biased judicial and administrative system where the superior social and economic class completely rules the inferior class. The Christian sees everything normal when a jew like Shylock is forced to become a Christian from a jew. Another form of unjust law shown in the merchant of Venice is that when a woman marries a man, her entire property gets converted to her husband.

The play focuses on the extreme right between the uber cool rich class who are Christians and the poor class who are the Jews, who are neglected always prosecuted and discriminated and humiliated. The 'Merchant of Venice' highlights the extreme biasness shown by Shakespeare to one category of persons which is still evident in our country. Even the legal practitioners in the play distorts and condemns the jenes.

The play highlights the issue of minority rights, long before United Nations had preconceived and had propagated the Minority Rights. Just as mercy is pleaded in the courtroom, similarly Shakespeare in the play through the character of Portia also pleads for mercy, and Portia's speech of mercy is quiet immortal. Although in the play it is shown that poetic justice has been provided, and Shylock has been projected as a villain, but the truth is Shylock has been

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always tortured by the Christians, he has always been humiliated and actually he is the tragic hero.

The play here states that law enforces the manifestation of justice and that the justice in this play can only be enforced by biased and unlawful means which is always suppressed and decided by the status of the parties in a particular case.

The law literature correlation in this Shakespeare novel shares that there is clear manipulation on the part of Antonio and even Bassanio. Law is highly manipulated by the upper classes of the society. The poorer and the marginalized sections of the society are at the mercy of the so called higher classes, the manipulators. In the play when Solanio states that duke shall not state Antonio to pay the bond, Antonio says and these are the following lines quoted by Antonio -

“The Duke cannot deny the course of law  
For the commodity that strangers have  
With us in Venice, if it be denied,  
Will much impeach the justice of his state;  
Since that the trade and profit of the city  
Consistent of all nations”.

Antonio finally understands that under the venetian society relaxing his bond is not possible as that would result into pardoning of all bonds and that would result into high level of economic insecurity. That would mean that law could be used as an instrument of injustice rather than a provider of justice.

Even when Bassanio tries to manipulate the law, he states –

“And I beseech you,  
Wrist once the law to your authority;  
To do great right, do a little wrong”.

These immortal quotations prove that how the people belonging to the upper stratas of the society tries to manipulate law. For all the oppressions and discriminations Shylock states to Antonio -

“I hate him for he is a Christian,  
But more for that in low implicity

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He lends out money gratis and bring down  
The rate of usance here with us in Venice  
If I can catch him once upon the hip  
I will feed fat the ancient grudge I bear him  
He hates our sacred nation, and he rails,  
Even there where merchants most do  
Congregate,  
On me, my bargain'd my well-won thrift  
Which he calls interest. Cursed be my tribe,  
If I forgive him ”.

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