As you law it... the wordplay inspired by the play As You Like It gives a clear access key to Shakespearean law, yet it is digging an abyss beneath its certainties at the same time. As Leiboff notes in her contribution to this volume, a series of previously unseen questions are immediately heard: can law be liked, what is law like, what [sic] is like law? And furthermore: a law for all seasons? A law for each one? Justice on this side of the Pyrenees, injustice on the other? The present collection delivers a rich harvest of the ambiguities which characterise the Shakespearean theatre of the law.

The modern critic, fascinated by this multifaceted kaleidoscope, agrees at least on one point: Shakespeare is elusive. A.D. Nuttall does not hesitate to maintain that on all the essential questions he presents we will never know his definitive point of view.¹ It is as if his mind is never at peace: he scarcely develops one point of view to then contradict it in the next scene. Therefore, we can easily find quotations for and against any given thesis on legal or political problems of some importance. This is disconcerting, without a doubt; yet at least, as J. B White points out, the world is embraced in all its aspects, and the first advantage of this is that we will suspend our hasty judgments and take time to consider the whole scene, beyond the soliloquy and then also beyond the whole play and even the work in its entirety.² It is the world and its humanity which Shakespeare makes a spectacle of, and taking only one character or one quote would be like taking the wrong end of a telescope. This ambiguity requires an active and interpretative engagement from the reader – and that is a second benefit. Everyone, in their own time, is led to choose who to support, and soon encounters cruel contradictions in the Shakespearean Hall of Mirrors: if he believed, for example, in the superiority of Christian mercy over formal justice, the story which follows soon instils doubt on the soundness of his interpretation. The perplexity renews our curiosity, reopens the interpretation game and refines our judgement.

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And, when the game is interrupted, and the reader finally decides in favour of this or that conclusion, Shakespeare will be, once again, the lucid revelator and the acid test, to the clashing ideologies of his time.

It remains to be seen whether one can ask one’s self where this genius of doublespeak, this consummate art of ambiguity comes from. There are three reasons for this, ranked here in order of importance. In certain instances, at least, doublespeak acts simply as a prudent political reflex at a time when censorship was not a theoretical threat, and when taking a position, notably a religious one, could easily send authors to the Tower of London. We remember, in this regard, the persecution which some of Shakespeare’s friends and close relations suffered from being suspected of keeping to Catholic practices. In the Catholic world, secrets were a second nature and, from this point of view, it was very shrewd to convince the poet of this or that allegiance. However, this first reason is put forward here only hypothetically.

A second, clearly more solid, reason is found in the critical spirit of the poet. As a witness to the violent ideological, social, political, dynastic controversies of his time, with their cortege of violence, betrayal and cowardice, Shakespeare took a critical distance, and not only for prudent strategic motives. He learned to discern the reality behind the deceptive game of appearances, he knew how to decode the most edifying or flattering remarks and, in doing so, he educates his audience, playing the role of “teacher” of the people, that who teaches men the game of “passions at the foundation cities”.

Finally, and this third motive is really decisive, ambiguity is a theatre resource par excellence, and Shakespeare is a master in this art. As he is fascinated by themes of duality, of twinship (how many twins are in this work!), of brotherhood (real and false brothers, real and false friends), he also becomes a virtuoso of the false bottoms of all the theses defended by his characters. And if the double fails, it is the hero who doubles himself, and carries these flaws and contradictions within himself: Hamlet is the model for this, but the theme of divided heroes spans across his works. It is no coincidence that the image of “two bodies of the law” haunts his work: the truth of the monarch lies in the gap between the two, as it probably does in each of us, complex enough, human enough, to recognise “oneself as another” (soi-même comme un autre”).

Shakespeare does not expose these double-sided truths; he performs them in theatrical performance, he implements them, demonstrating by action and thus bringing them to life in its complexity, but also its incessant metamorphosis. Moreover, it is this ambiguity, which Shakespeare does not ignore for an instant, that equally characterises his audience. He rejoices in allowing two truths to be heard at the same time: “we can say each time that he puts pen to paper, he
writes two plays in one” comments René Girard.³ In the stalls, he serves the audience an intrigue which seems to consolidate all his prejudices; but for those who develop a finer ear, he distills a music which, like the charms of *A Midsummer Night’s Dream*, will soon dissolve these heavy certainties. Hamlet says as much to the comedians that come to play at Elsinore: “though it make the unskilful / laugh, cannot but make the judicious grieve; the / censure of which one must in your allowance / o’erweigh a whole theatre of others” (3.2.26–29).⁴

It will be these ambiguities, double dealings, deceptions, transformations, metamorphoses and shifting of all kinds which I propose to follow in the remainder of this brief introduction. To make an exhaustive list, or claiming to say the definitive meaning would be an exercise in vanity, like drying the sea – *Shakespeare, the ocean man*, Hugo said; at least, I can attempt to raise several themes from the contributions which follow, at the same time proposing several hypotheses as to the functions they fulfil. *King John*, one of Shakespeare’s first plays, here analysed by D. Carpi, brings us to the Hall of Mirrors: we are shown all the aspects of an authority led astray, at the same time as speech invalidates itself in the labyrinths of lies and falsehoods. A throne contested between rival powers, alliances which are made and unmade in the will of interests, a people assisting in the play of this comedy of power and determining themselves by the will of success of one or another, of bastards defying the legitimate order of the world... all these ingredients of political theatre are already there, based on the shift in meaning and the disqualification of words, which denounces a chasm between the said and the unsaid. Constance – well named – denounces this corruption of words which expresses the duplicity of souls and the denaturation of authority: “Faith itself to hollow falsehood change” (3.1.21); all is counterfeit, all is nothing but false money, from the moment the Prince who issues money in his own image makes a trade of his speech and his high office. When there is nothing any longer to make it possible to distinguish right from wrong, rhetorical tricks quickly take away convictions and values in a significant shift that is as frightening as it is corrupting. As D. Carpi notes, from that point on, a gulf grows wider between signifying and signified royal authority; the two bodies of the king are broken, as will often be the case thereafter – the sacred and time-

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³ René Girard, *Shakespeare. Les feux de l’envie*, trans. B. Vincent (Paris: Grasset, 1990), 13. In Girard’s opinion, all first readings are sacrificial, while critical readings are mimetic (each of them able to decode the logics of the scapegoat.)

⁴ And a little lower down: “And let those that play your clowns speak no more than is set down for them; for there be of them that will themselves laugh, to set on some quantity of barren spectators to laugh too; though, in the mean time, some necessary question of the play be then to be considered” (3.2.39–44).
less (the signified) is no longer found rooted in living kings (the signifying), which destroys power, and, above all, sells off its transcendence in a business of influence which will soon carry them away.

The body – the human body (embryo, child, adult, corpse), the political body, the double body of the king – is a subject par excellence of the double dealing of ambiguity. Richard III, the monstrous King who illustrates all of the political malfunctions of his time, is the subject of two penetrating studies here, one by C. Battisti and one by S. Fiorato. We know that disability is a social construction, and that each culture develops a different interpretation of it, depending on the place that it intends to reserve for these physical variations within itself. The Elizabethan Renaissance thought of this difference in terms of deformation and monstrosity, which it gladly made shows of on temporary fairground stages. Richard, misshapen and hunchbacked, does not make a mystery of his monstrosity. But in exhibiting it as a challenge to the world, he understands how to twist the astonishment that he arouses to his own profit. He hams up his claimed monstrosity, distorts it, and makes a trophy of it, which will be embellished by ten or twenty tailors and which will be reflected in mirrors that he calls for throughout the play. This deformed natural body which he plays upon, then operates as the instrument of his approbation of the political body that he covets, explains C. Battisti. He, the circus freak, the exception that we fear and are fascinated by, will be the in-action symbol of a Great Britain destined to be in a state of exception. The permanent malfunction of the institutions – the usurping of the throne, assassination carried out as a ruling behaviour, rape passed on as a genealogical law, can openly be read as a spectacularisation of royal monstrosity. In this way, Richard will automatically self-fashion himself through his rhetoric ability and his total lack of scruples, as if he had to take vengeance on the whole world. S. Fiorato has fascinating words to say on the role which the unhappy Queen Anne plays in this story. Seduced right in the middle of the funeral procession for her husband, killed on the orders of Richard himself, she becomes, in defending her body, the instrument of this monstrous design. Through her, Richard fashions himself the royal genealogy which was denied to him. In spite of herself, she will uncover a second Ricardian body, monstrous counterfeit of regular genealogy and legitimate authority. Anticipating the manner of national rape which she will soon be subject to, she curses Richard’s offspring in advance: “If ever he have a child, abortive be it” (1.2.21).

The figure of the other, l’autre, whose most common expression is the stranger, represents an ambiguous favoured theme in Shakespeare’s works. And with it, the thorny question of treatment that us, les mêmes, that is to say the dominants, will reserve to him. One may well think of Othello, of course, but above all of The Merchant of Venice which is the subject of two sharp studies here. H.
Antor rightly points out that, far from reducing the play to an antisemitic manifesto, as one often does, we are in the presence of a problem play: comedy for the Venetian clan, tragedy for the Shylock the Jew. While it is true that the play does not lack in antisemitic clichés (the Jew as cannibal, the Jew as rabid dog, the Jew as the figure of the Devil), we also remember the magnificent soliloquy in which the ostracised money lender reminds the arrogant Venetians (who invented the term *ghetto*) of the shared humanity of Christians and Jew. All of them have a nose, eyes and ears and all of them are tempted to avenge the offence that was made to them. But this, as we well know, will not render justice to the money lender – Venice will know how to turn this gamble to its advantage and will oppose this creditor who claims to hold on to the letter of his bond, and the absurdity of the logic of his literalism: the pound of flesh, yes, but not a drop of blood. The victors will even return the weight of the debt against the unhappy money lender, robbing him of his goods and forcing him into a conversion which annihilates his racial difference. Moreover, he has the luxury of a lesson in equity taught by Portia under false identity who, cloaked with the generosity of Christian mercy, is faced by the legal threat of the avaricious Jew. We can see what a corrupting role ambiguity plays here, as everything sounds false in this lesson of equity: from the disguising of Portia (who passes herself off as the spokesperson for a wise juris consult) to the legal vengeance of Antonio, the glorious ship-owner who, with the blessing of the *doge*, destroys the very identity of his adversary by using the pseudo-literality of the interpretation given to the famous clause in the bond. Equity becomes corrupted in this sham trial, against a playful and triumphant Venice which sometimes allows itself to enjoy the thrill of loss, before the party resumes at Belmont and Shylock returns to his ghetto.

But the lesson is not forgotten, and it is J. Gaakeer’s merit to follows its distant but still virulent echoes in German legal doctrine of the end of the nineteenth century. All starts with a footnote in R. Ihering’s major work *The Struggle for Law* (1872): the great legal theoretician, who purports a law free of formal constraints and open to social interests, evokes the character of Shylock (alongside that of M. Kohlhaas, Von Kleist’s rebel in the eponymous story) as a subject whose rights have been violated and who, in claiming his own law, fights for the integrity of the Law. Ihering makes it very clear that in his eyes the penal clause was null and void, as it contravenes good moral standards; but, he adds, as its validity is recognised by all, it was unjust to deprive Shylock of his profit. “Chicanery” he adds “remains chicanery, even while it uses the name of humanity”. The controversy was widespread and a number of authors were against the tolerant and courageous reading given by Ihering. According to them, a certain Josef Kohler congratulates Portia, a creative judge (?) *[sic]*, who, with good reason, does not hesitate to redress a bad law when necessary. By claiming to be-
long to the “free law” movement, Kohler thus aims at enhancing the judge’s initiatives in a text (1883) whose anti-Semitic hints proclaim the drift to come. But the debate between justice and equity, its ambiguity and double dealing, will undoubtedly never cease, and neither will the tensions between the Self and the Other. Even at the end of the twentieth century, the controversy reappeared in the production of two major current American “law and literature” authors: Richard Weisberg and Richard Posner.

*Measure for Measure*, here studied by F. Ost and alluded to by F. Sgubbi, is another *problem play* applied this time to penal law and therefore to the treatment of crime. Games of law and justice take the dramatic form of the sanction (sometimes capital), itself confronted by two alternatives, as radical as they are opposing: private vengeance or forgiveness. At the same time, the figure of the other becomes here one of evil and a criminal – a delinquent who, Shakespeare suggests to the advantage of a new ambiguity, could well be a part of the subject itself; if “I, at least sometimes, am an other,” is one not also sometimes a little criminal? It is the masterful lesson that the Duke of an imaginary Vienna will inflict; for a time, he steps away from power to the benefit of the (too) virtuous Angelo (who plays the angel...– who will not rest until he has restored capital punishment for the crime of fornication. But while he, abusing his own power, proposes “the abhorrent market” to the sister of the first victim of this edict (her virtue for the salvation of her brother), the duplicity of the character, soon confused by the Duke, appears in front of everyone’s eyes. But the lesson is general; in the meantime we shall have understood that desire subverts the law, and, above all, that the law is made for the most rigorous (Isabella, the cold novice who, when courted, does not depart from this truth). Also, wisdom recommends applying the law in moderation – and, above all, penal law. The measure of the law, subject of the play, is regulated more by forgiveness than by vengeance – the affair is not solely inspired by comedy, but more by a life logic which ends up dragging everything right into the cold bitterness of death. An enormous burst of laughter and a domino of marriages is the moral of this story, which reminds us that in order to throw the first stone, one must have never sinned. Here, we see the game of ambiguity, omnipresent in the play, whose multiple disguises, substitutions and double-dealings exerts an essential heuristic function: it invites the spectator to take the place of the other, which, all considered, is the basis of an ethical position and, according to H. Arendt, the first condition in the operation of judgement.

The study, as referenced as it is profound, that P. Raffield gives to *The Comedy of Errors* confirms this lesson, with a radicalness that borders on metaphysics. It is impossible to summarise this play based on confusion, and whose first performance, during a memorable evening of revelry at Gray’s Inn on the
28th December 1594, turned the telling of this story about several pairs of twins who are lost and found into a general mayhem. And yet: migrants whose boat sinks in the Mediterranean, who finally are found in Ephesus, a town dedicated to business and profit which does not hesitate in throwing them back into the sea – is that not immediately reminiscent of something else? A father of an exiled migrant family, powerless in this hostile environment, who only has a few hours to gather the total ransom which would allow him to escape the death penalty – does that say nothing to us? History repeating itself: Cain and Abel, the enemy brothers dedicated by fate to two different destinies are here Antipholus of Ephesus and his twin brother Antipholus of Syracuse. Will history repeat itself, with its share of exclusions and murders? Here ambiguity is pushed to the extreme – “gémellité oblige”: we can discuss reversibility and transitivity at the same time. And yet what is exchanged between these two twins whom life has separated to the point of setting one against the other? Shakespeare again poses the question “if” – and if it were you? If you were the immigrant seeking asylum, where would you wish to rest your head? Once again the talisman operates: the benevolent duke will pay the father’s ransom, and Syracuse’s son will fall into the arms of Ephesus’s brother. Metaphysics, should I say? Without a doubt, as soon as we know – didn’t we notice? – these brothers are called Antipholus, literally the opposite of a friend. One, the lost brother, looking for his identity, lost in a foreign land. The other brother full of hatred, carrier of discord and withdrawn into himself. Like the two divided pieces of the sun-bolon. Divided, then eventually reunited. As the chain of gold that Antipholus is looking for for his wife, so the social link is renewed. Brotherhood restored the invisible link that assures agreement between cities, and which Plato said was more essential than the law, which is only the result of it. Once again, life and the symbolic energy that supports it are revealed to be the strongest.

The fact remains that ambiguity does not always have a positive connotation. Sometimes, quite simply, it conveys the inevitable uncertainty of real historical changes: certain forms are therefore consigned to the pages of history, while others bear new uncertain beginnings. The passage from the Republic to the Empire in Rome is an example of this; Shakespearean times, marked by the collapse of the codes of honour from the Middle Ages (the degree), the rise of absolute monarchy, simultaneous with the progress of bourgeois individualism and puritan “rigourism,” are another. The play, Julius Caesar, commented on here by C. Pelloso, illustrates this painful transition effectively. Pelloso asks the following question: ultimately, do Brutus and the conspirators operate as vulgar murderers (“butchers”, as Shakespeare would say) or virtuous sacrificers? The questions must be dealt with according to the Roman concept of ius sacrum – and the author notes that in view of this ancient right, whoever was guilty of sacrilege be-
came *proprietas deorum*, there was nothing more that anyone could do for them, and those who lay a hand on that *homo* became *sacer* (literally separated from the community, property of the Gods), benefitting from total impunity. Hence the question: did Caesar fall under the blame of accusation *sacer esto?* Could he have, in flouting the institutions of the Republic, offended the Gods (*adfectatio regni* crime). Doubtless, he refused the crown that was offered to him but, by gathering all the powers to his person, in crossing the invisible border, as Lord Protector of the city (the *pomerium* – here the Rubicon) did he not attempt a serious attack on the institutions? The conspirators sincerely believed so, and considered themselves necessary sacrificers. The Roman Senate put an end to the matter differently, in granting an official funeral to Caesar and treating the conspirators as murderers – while according them impunity, however. This clumsy compromise reflects the limits of ambiguity: far from being meaningful, it expresses the limits of the dialectic and the pure and simple wreckage of a certain form of social bond.

Many other aspects of ambiguity receive an original perspective in this present volume. G. Ben-Nun, specialist in diplomatic history, takes advantage of the play *Henry V*, which, as we know, relates the sombre negotiations between the French and English courts regarding English lands in France (a recurring theme in Shakespeare’s historical plays) to underline how the rights of the people (law of nations), so close to brute force, lend themselves to clever manipulation, while the affairs of State only prosper under the shadow of secrecy. These are the famous *arcana imperii* – the state secrets, the perfume of suffering, which surround the abject works of power veiled in smoke. Shakespeare could not fail to be sensitive to it, surely he knew about the proliferation of spies under Elizabeth and the mystical incantations of royalty on the Divine Right Kings under James I. When at the service of absolute power, ambiguity ceases to function and no longer reveals anything.

On the other hand, G. Watt endeavours to do justice, with an attentive ear, to the thousand effects of meanings suggested by the vocalisation of Shakespearean poetry. Before it was a read text, this poetry was recited and heard – the finest ears perceiving there several strategies, including that of *fractional inference*, both concealing and revealing a central word which illuminates a whole scene with its meaning. A practitioner of law would be wrong to neglect these tricks of the trade – is not the law first and foremost an attentive listening to voices who try to make themselves heard in court? In the French language, is the sitting of the court not referred to as the “*audience*” [hearing]? And is the most fundamental principle of law in action not that of the right to a fair hearing: *audi et alteram partem*?
We shall conclude this very brief evocation of the rich contents of this volume, by mentioning the contribution that M. Leiboff gives to *A Midsummer Night’s Dream*, the most ambiguous of all the plays in the corpus. The author returns to our starting point: as you like/law it, and engages in a vigorous plea in favour of ambiguity, here envisaged under its imaginative and socially emancipatory side. In her line of fire: all the conservative dogmatisms and withdrawals, like those which finally shatter in the *Dream*. Going back to Chancellor Bacon, contemporary of Shakespeare, the author proceeds to an attentive rereading of *Novum Organon* (1620) and there discovers a new critique in the regulation of theatrical idols. In a very Platonian vein, Bacon shreds the distortions of reality and dressing-ups of reality produced by theatrical tricks – those, he writes, lead to ‘*sciences as one would*’. But, as he wrote this in Latin, others translate it as ‘*sciences as you like it*’. This, then, is the nature of the offence: imagination leads to departure from truth. We know where this doctrine led the Chancellor in his function as a lawyer: to the punctilious attachment to the letter of the law, firmly assured in his analytic formalism. Didn’t Bacon write, seventeen years earlier “it is not good to stay too long in the theatre,” inviting his readers to go “to the judicial place or palace of the mind”? M. Leiboff explains that Bacon’s lesson was only too well understood by Australian officials and government lawyers of the regime, with things starting to move in the 1980s. Imagination is liberated progressively, political discourse is emancipated from the motherland, while the islanders rediscovered the aborigines who had preceded them on the land, as well as the historical injustices that they were victim to. Therefore, in liberating all the virtues created by an imaginative thought, indexed by the *as you like/law it*, Australian judges were authorised to rewrite history in view of liberating the future – these are the famous *Mabo* High Court decisions (1988 and 1992), known worldwide, which finally gave identity and justice to the natives. In this “Australian Night’s Dream,” the law renews itself with the force of theatrical imagination. Yes, another world is possible, said Shakespeare, and it is up to you – as you like it.