

## Shakespeare's Mimetic Existentialism: How the Human and Inhuman are One and the Same

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In the late 1580's, English dramatists began to shift the rhetoric of dramatic narrative to mimic the radical developments in popular legal culture. Before the late sixteenth century, the legal system and dramatic rhetoric were seen as separate areas of study, requiring different methods to persuade the audience of a magistrate versus the audience of a playhouse. However, by the early seventeenth century the pervasive legal techniques within the system of English Common law were being employed by playwrights as indispensable developmental tools to create commercially successful public plays. The use of suspicion, evidence, judicial narratives, cultural criticism through mimetic interpretation of dramatic performances, and consistent doubt on the validity of the signs and indications individuals use to base judgements, were not only pervasive within the legal system, but were becoming ubiquitous in dramatic interpretations and subsequently, the social framework of English life. I argue that while some subscribe to the notion that Shakespeare's plays use the aforementioned tools to construct social commentaries veiled by the status quo, Shakespeare also applies these legal tenets to create a new form of dramatic expression. He mixes various legal and social tools and theories to satirize the concept that these tools can be used objectively. He enters proto-Lockean theory through deconstructing the use of terms. Shakespeare brings to the table the philosophical idea from John Locke's *Essay Concerning Human Understanding*, that "words, in their primary or immediate signification, stand for nothing but the ideas in the mind of him that uses them."

In works including *Othello*, *Measure for Measure*, and *The Merchant of Venice*, Shakespeare demonstrates that while many characters use evidence to determine how to judge an individual, the evidence used is irrational and superficial. They are simply using a word as a placeholder to justify their or another group's actions as different and therefore not wrong. Two positions that seem to be in opposition are the same, as their elements constantly overlap. For Shakespeare, when one character accused another of having a particular trait due to a particular physical or mental characteristic, it is so defies logic it should be viewed as satire. Many of Shakespeare's plays argue that every person has so many complexes and overlapping characteristics that are objectively and subjectively viewed that it is absurd to argue that a single label, term, or word can concretely define a concept or individual.

The value of courtroom-like situations to Shakespeare can be especially useful. A courtroom is a space where one uses evidence that a position is the correct one and that the opposing individual should be punished because their position is unreasoned. However, as on the street corner or in a

mansion picking caskets, the evidence the individual uses to try and win the argument is many times framed in a way that is only beneficial to them. Many of Shakespeare's plays subversively argue that the characters in a courtroom or in street-corner debates fashion their arguments to follow the accepted view defined by the group in power to gain favor. In this sense, there is no right or wrong, there is only how the group in power twists and assigns a perceived negative behavior or characteristic to oppress another group, even though the group in power possesses those same behavioral capabilities. To understand how Shakespeare's plays go beyond simply recognizing and using the legal and social tools to construct dramatic rhetoric to satirizing their use, the tools must be placed into historical and social context.

After the Protestant Reformation, rather than lay confession and penance as the solution to wipe the devil's gathering of sin, English society shifts to the use of evidence. It required the individual to prove resolve of sins as charged through proof of actual evidence they were innocent or had already served the requisite punishment. The sacramental drama of the past could never be evidential, as it simply involves a priest absolving the person of their charged sins, even if the person had not committed the charged offense or had not been punished. This concept of innocence through presenting evidence and not through simply absolving was still very much present in the English Common Law. It was the basis in the late sixteenth century rhetoric curriculum of various schools, academies, and philosophy circles. A monumental text illustrating various techniques that help navigate through the social discourse of the time is Cicero's *De inventione*. The text focuses on finding the appropriate argument, topics, and various figures of speech properly and quickly to successfully dominate a specific find of oration or persuasive discourse. Many playwrights in the sixteenth century read *De inventione* and other similar works. The works showed examples of how to write dialogue that was both intriguing and persuasive for the audience, even if the actor was not extremely talented. However, it is also critical to mention that texts such as *De inventione* were rooted in and primarily concerned with judicial oratory. These books were specifically designed by their authors to teach lawyers or proto-attorneys to linguistically craft compelling arguments proving the innocence or guilt of a defendant. While learning the elementary aspects of grammar, oration, and language composition through works like Cicero's, many sixteenth century playwrights and writers inevitably adopted and crafted arguments and dialogue through the search for proof and evidence. This began a paradigm shift that led to many members of the playwright's circle to question the legal and social doctrines of the church-influenced government.

A modern example of a group in power that attempts to use so-called evidence to justify persecuting a particular group was the NYPD's program of wide-range surveillance programs in the wake

of September 11th and the subsequent arguments to justify the localized investigation of one group. After the attacks on the World Trade Center, New York City began to conduct a secret program that singled out organizations and businesses for surveillance that were affiliated with Islam. There were allegations that the NYPD had informants or undercover officers in nearly every business, house of worship, or school in New York City that had connections to Islam. In addition, the program also intentionally targeted Muslims by using ethnicity as a proxy for faith. However, the program deliberately chose to exclude people and establishments with such ancestries of interest if those individuals or businesses were not openly affiliated with Muslim-related activities. While there was no evidence of terrorism or related activities with any of the Muslims under surveillance, the city and the police argued that the surveillance had been necessary to protect national security in the wake of an apparent religiously motivated attack. The attackers of the World Trade Center, however, did not commit those atrocities because of their religious faith, but because they were radicalized into thinking that the United States was the source of the world's evil. Through the lens of Shakespeare's plays, the NYPD's argument that if an individual is a part of the Islamic religion, they are capable of terrorism. Conversely, if an individual is a Christian, they are not capable of terrorism is not a rational argument. As all humans have the same capabilities, to state that one cannot express certain characteristics because they are part of a certain religion is a logical fallacy. Shakespeare, however, is masterful at masking this commentary within his plays, especially within the trial scenes of *The Merchant of Venice* and *Measure for Measure*.

In *The Merchant of Venice*, Shakespeare takes great care in hiding his commentary on the dangers of presenting flawed or biased evidence. This is also true of any group in power who employs legal and social hierarchies to oppress individuals who not only possess the same characteristics as their oppressors, but in many ways display the redeemable human qualities their oppressors claim to have and preserve. For example, In Scene I of Act 4, Shylock justifies his desire to kill Antonio with the nonsensical phrase, "Some men there are love not a gaping pig, some that are med if they behold a cat" (4. 1.46-47). He then follows up with: So, can I give no reason, nor I will not, / More than a lodged hate and a certain loathing / I bear Antonio. [4. 1. 58-60] While Shakespeare used Shylock's ambiguous reasoning to kill Antonio as a method for the Christian audience to relate to Antonio's plight and loath Shylock, the two men are in fact indistinguishable as characters within the play. While Shylock is supposed to be the recognizable, villainous, and cold-hearted Jew in this act, Shakespeare uses a form of literary doubling to connect Antonio and Shylock throughout the play. The doubling of both characters is shown through the way they each use money and family. It is important to note that Antonio starts the play off unable to make his money grow because he does not collect interest. Further, he has no wife,

child, or family member and therefore emerges from the beginning as an impotent character, unable to breed both money and offspring. Shylock, however, can make his money breed through interest. He can produce offspring through a daughter in Jessica. However, Antonio convinces him to forgive interest on the bond that is central to the story. Then Shylock later accuses Antonio of allowing Jessica to elope. Through this lens, it is natural for Shylock to dislike Antonio. Antonio has Shylock castrated, so he no longer procreate. In addition, he can no longer charge interest due to his conversion to Christianity. The conversion adds further irony to the situation as now there is no distinction between the two impotent men. The now destroyed and castrated Shylock mirrors the lonely and melancholy Antonio at the start of the play. Even Portia adds to the sense of doubling when she arrives in the court during the trial and asks, "Which is the merchant here, and which the Jew?" [4. 1. 169] Interestingly enough, this very scene is why many readers and spectators of the play become confused. At this moment it seems that the play's title, *The Merchant of Venice* is referring to Shylock, even though the merchant is Antonio. Portia's question may be a reference to the notion that Portia is likened to lady justice in that lady justice is blind to favorites. However, during the play's first run in the Elizabethan era, Shylock's character would be in makeup and distinctively dressed. He would be in a costume that the audience and characters would recognize as stereotypical Jewish attire. While Shakespeare parallels Shylock and Antonio, making them the same, it is Antonio who wins the day because of his Christianity and his status as a Venetian citizen instead of a foreigner.

In Act 4, Portia reads off a Venetian rule that states that Shylock's bond does not give him permission to shed Antonio's blood. This is due to a law that states if any Venetian's blood is shed, half of the offender's goods and lands will be confiscated by the state. Shylock, realizing that he cannot cut Antonio without making him bleed, agrees to take the money Antonio owes him instead. However, Portia is inexplicably able to only allow Shylock to take the pound of flesh, even though Shylock has a valid contract for the money. Also, Portia speaks to the fact that Shylock could show mercy and take the money instead. Consequently, Shylock is in an inconvenient situation. He has no option but to withdraw the contract. Portia does not stop there. She states that if any foreigner tries to kill a Venetian, he will lose half of his property to his victim and have his life placed in the hands of the duke. Not only is Shylock Jewish, but he is also a foreigner, which places him at a severe disadvantage within the legal system. Shakespeare shows that while Portia may cite actual precedent, Shylock's contract is completely ignored. The laws cited within the system doom Shylock no matter what he does. Even though Shylock and Antonio are similar in their life situation that even Portia cannot recognize the two apart, Antonio is still guaranteed to half of Shylock's wealth. Although he was saved at the last second, if the legal

precedent were simply brought up earlier, he would have not been in any real danger due to his religion and citizenship. Shakespeare shows that even though the new English view promotes objective evidence judging an individual for who they are rather than a priest absolving the closeted sins of a confessor, the system has not changed at all, even though the individuals are now in a courtroom instead of a church. The duke decides whether to forgive Shylock, who is now a Christian, for a sin that was just the simple and legal attempted completion of a contract through a transfer of money. Even though English society deems the new evidence-based interactions as a step up from simply relying on religious officials to decide their fate, Shakespeare shows that both systems still rely on subjective and flawed structures based almost entirely on who those in power deem to be undesirables.

Shakespeare's portrayal of the law and of the trial system in the play *Measure for Measure* is in an even more critical tone than *The Merchant of Venice*. In the latter, Shylock has no real rights and is persecuted for being greedy and unprincipled despite those around him attempting to gain wealth through swindling wealthy young women and poor investors. Shylock is spared by a Duke who never intended to kill him and, until Portia intervenes, would allow Shylock's contract to be fulfilled through a public killing. While some rules of law are ignored and others are unfair to some individuals, in *Measure for Measure*, Shakespeare depicts and deconstructs the practice of using evidence to objectively prove and absolve someone of sin. Many laws in the region's legal system are not only ignored by both the duke and the population, but Angelo also uses his power and the abandoned laws to force others to bend to his personal will. Also, the duke simply abandons his post out of laziness, plots to take credit if Angelo fixes the region, and will swoop in, take back power and be a hero to the people. The legal system is simply used by those in power for their own devices. They are not subject to the rules and believe themselves to be above the law and have the authority to change it as they please. The brothel law is a good example of how Lockean theory begins to influence Shakespeare's characters. While the law, though abandoned, forbade brothels outside of the city, the brothels inside of the city are renamed and backed by rich investors who simply use their money and influence to circumvent the law. According to book three of the Lockean theory *The Limits of Human Understanding*, there is both a real essence of a substance and a nominal essence of a substance. The theory relates to the connection between language and knowledge. Shakespeare has a similar understanding of this connection and places certain phrases, words, and concepts through a legal and social framework. According to Locke, physical substances are atoms and things made from atoms. For example, we have no real experience of the specific atomic structure of a horse or a table. We know and understand horses and tables by their secondary qualities such as texture, color, and primary qualities such as shape, its motion, and its

extension. So, since the real essence, which is the atomic constitution of the specific item, is unusable to the individual, the word horse itself cannot get its meaning from that real essence. Instead, the general word signifies the complex of ideas we have decided as a society, as an individual, or as a community, are that specific thing. We get these ideas from our experiences. Locke calls such a general idea that picks out a sort (object or concept), the nominal essence of that sort. In *Measure for Measure* Shakespeare's use of brothels is a close parallel to Locke's understanding that while one group can assign a nominal essence to a substance or sort, another group can assign a different nominal essence to the same sort. What that nominal essence is depends not only on the experiences of the group or individual, but also on the purpose the group wants to use the substance or sort. While both the rich and poor citizens in *Measure for Measure* use brothels for presumably the same reason, and a brothel just outside compared to one just within the city are similar in their general appearance and function, the rich deem the brothels within the city as having a different function and therefore having a different nominal essence than the brothels outside of the city. While this could be from a difference in experiences, it could also be that the rich know that the poor are less able to travel into and use the city brothels. Consequently, the rich change the nominal essence of the city brothels. They bankroll them making them higher-class establishments and therefore a different sort or substance that differentiates them from the brothels outside the city walls.

Like Christians and Jews, throughout history each group attempts to distance itself from the other to become a different nominal essence and gain power over the group now deemed by the majority as a foreign entity, despite Jews and Christians sharing the same characteristics and capabilities. There is only one difference between the brothels outside the city and those inside the city as well as between the Venetian Jews and Venetian Christians - one group gained a foothold through claiming to be a different entity by changing their nominal essence. As soon as that group can distance itself and gain power, it can warp the legal and social system to differentiate between distinct groups, even though their daily actions are the same. While the English Common Law theory of evidence through justification at a trial may appear to be a better system, Shakespeare was keenly aware of the flaws that come with such a system. Evidence can only be as useful as to the court it is presented and the jury to which it is presented. Shylock or a poor brothel owner from outside the city may have had good evidence that justifies a binding contract or that the law was abandoned; however, they are not within the group controlling the law's nominal essence. They are therefore disadvantaged at the trial. Shakespeare satirizes this imbalance within the system. He uses the space of a trial as the ultimate irony. While a trial is the gold standard for objectively settling irrational issues from the real world through

evidence-based claims, the disadvantaged parties do not lose because their evidence was subjective and based simply on an absolving priest. They lost because the system was never in their favor. In Shakespeare's *Henry V*, Henry's wager with Williams appears fair when Williams bets that the King would rather fight to the death than surrender himself. However, Henry dupes Williams and places him in a lose-lose scenario. Even if Henry were to surrender, he would not have to honor the wager because Williams is not aware that Henry is king. Henry also knows that he would be spared on the battlefield despite the outcome. While Shakespeare veiled his criticisms over the dubious "morally high ground" characters who prevail using evidence and objective reasoning, his plots actively attempt to expose a system that, while may appear evidence based, remains cruel and corruptible.