

The course of law:
the legal system in
the merchant of
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William Shakespeare includes a Duke to represent the utmost authority figure in many of his plays. In *The Comedy of Errors* and *The Merchant of Venice*, both Dukes hold complete control—or, at least, what they perceive to be complete control—over their respective regions. Shakespeare uses these two characters to show how “authority” is oftentimes an illusion, and that, ultimately, everyone, including the Dukes, are impotent to the law. While the Dukes enforce and ostensibly create the law, they are still subject to its rigid rules. Shakespeare presents the legal system as static and fundamental to society: a Duke neglecting to enforce the law would “Much impeach the justice of his state,” causing pandemonium to ensue (*Merchant III, 3, 29*). Although the Dukes often do not agree with it—for moral, social, and legal reasons—they “cannot deny the course of law” (*Merchant III, 3, 26*). To this end, Shakespeare shows his audience that even the highest authority figures are not above the law.

Solinus, the Duke of Ephesus, spends the majority of *The Comedy of Errors* reluctant to carry out the law. After Egeon recounts his life story, Solinus swells with pity, declaring: Now trust me, were it not against our laws— Which princes, would they, may not disannul— Against my crown, my oath, my dignity, My soul should sue as advocate for thee (*Comedy I, 1, 142-145*).

Even though Solinus desperately wants to pardon Egeon, he cannot risk breaking the law and setting a precedent for future Syracusians who travel to Ephesus. From a moral standpoint, Solinus knows that freeing Egeon is the just action, which is why punishing the old man is such a hardship on the Duke. Solinus displays his strong set of ethics when he permits Egeon to live until sundown, allowing for the possibility of someone paying his ransom at

the last minute. Going further, when Solinus is walking Egeon to the execution site, he calls out to his people, “ Yet once again proclaim it publicly,/If any friend will pay the sum for him,/He shall not die; so much we tender him” (Comedy V, 1, 131-133). Shakespeare makes it clear that Solinus does not want to go through with the execution—so clear, in fact, that it is arguably his defining characteristic—illustrating the idea that even if a Duke abhors a law on a moral level, he still must enforce it.

The Duke of Venice also grapples with the concept of morality when enforcing his laws. Instead of internally struggling with meting out the law, however, the Duke of Venice projects his ethical standards onto other people. After Shylock demands a pound of Antonio’s flesh, the Duke says, “ How shalt thou hope for mercy, rendering none?” (Merchant IV, 1, 88). In turn, Shylock points out the hypocrisy of the Duke, saying “ You have among you many a purchased slave,/Which—like your asses and your dogs and mules—/You use in abject and in slavish parts/Because you bought them” (Merchant IV, 1, 90-93). Shylock’s critique stretches beyond this one incident: the Duke enforces the law without complaint when it favors him, but once one of his friends is in danger, he starts rhapsodizing about morality. This suggests that the Duke is not so much concerned with morality than protecting the people he associates with. The first half of act IV, scene one—where it seems inevitable that Shylock will kill Antonio—demonstrates the Duke’s powerlessness in the face of the law. Just the fact that the Duke, a noted anti-Semite, asks Shylock for mercy shows how desperate he is to help Antonio.

Social status also bleeds into both Dukes' enforcement of the law. In Act V, scene 1 of Comedy, Solinus will not even entertain Adriana's claim that the Abbess committed a crime. Solinus relies on his preconceived notions of Abbesses—that they are women of religion, and thus entirely incapable of wrongdoing—to judge Adriana's assertion. He declares, " She is a virtuous and reverend lady./It cannot be that she hath done thee wrong" (Comedy V, 1, 135-136). Immediately thereafter, Solinus reveals his predilection for Antipholus of Ephesus, saying to Adriana:

Long since they husband served me in my wars, And I to thee engaged a prince's word, When though didst make him master of thy bed, To do him all the grace and good I could. (Comedy V, 1, 162-165)

Solinus does eventually pardon Egeon, but not until it is revealed that Egeon is Antipholus of Ephesus's father. More importantly, Antiphons of Ephesus offers to pay Egon's ransom. Even without Solinus's kindness—which, again, evidences his affinity for Antiphons of Ephesus and his social biases—Egeon would have been set free with his son's money. In this regard, Solinus is not breaking the law, he is merely helping out a friend. The Duke of Venice uses similar logic when meting out Shylock's punishment for attempting to murder Antonio. Although the state of Venice is entitled to half of Shylock's estate, the Duke shows mercy and willingly reduces the penalty to a smaller fine. This favor is arguably more beneficial to Antonio, though, than it is to Shylock. The Duke essentially allows Antonio to choose Shylock's punishment. After Antonio insists that Shylock " presently become a a Christian" and " record a gift/Here unto his son Lorenzo and his daughter,"

the Duke immediately agrees, saying, " He shall do this, or else I do
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recant/The pardon that I late pronouncèd here” (Merchant IV, 1, 382-385; Merchant IV, 1, 386-387). This shows how the Duke—so long as he is in accordance with the law—will show preferential treatment to his friends. This further emphasizes his powerlessness with, and lack of knowledge of, the law.

Going further, Shakespeare suggests that the two Dukes are fairly poor at carrying out their duties. Although Solinus claims that he is “ not partial to infringe our laws,” he allows Egeon to live for the remainder of the day (Comedy I, 1, 3-4). This circumnavigation of the law is exacerbated by the fact that Egeon does not object to his death sentence. Indeed, he seems comforted by the inevitability of death, saying, “ Proceed, Solinus, to procure my fall,/And by the doom of death end woes and all” (Comedy I, 1, 1-2). Solinus reveals his distaste for the law easily, and his motivation for delaying the execution is entirely internal. He lets subjective opinion rule in what should otherwise be an objective decision.

The Duke of Venice is more than just poor at carrying out his duties—he is flat out inept. The Duke only has a vague understanding of the law, even though he enforces it. After trying—and failing—to appeal to Shylock’s humanity, the Duke acquiesces and reluctantly admits defeat, ready to say goodbye to Antonio. Portia’s shrewdness is the only reason that Antonio is spared from Shylock’s knife. She manages to uphold the contract while still 1, preserving Antonio’s life—a feat that the Duke could not accomplish—saying, “ Prepare thee to cut off the flesh./She thou no blood, nor cut thou less nor more/But just a pound of flesh” (Merchant IV, 1, 322-324). She also has a familiarity with arcane Venetian laws. This further reinforces the idea <https://assignbuster.com/the-course-of-law-the-legal-system-in-the-merchant-of-venice-and-the-comedy-of-erros/>

that the Duke's authority is an illusion. The most powerful person in *The Merchant of Venice* is not the Duke, but Portia, because she is the only character who thinks like a lawyer. To this end, Shakespeare is suggesting that knowledge begets power. Even the most unassuming character in the play—an heiress, for example—can command the most authority in the room.

Solinus and the Duke of Venice are ostensibly the two most powerful characters in their respective plays, but, in actuality, they are at the mercy of the law, just like everyone else. They do not rule over their domains, the law does. Shakespeare depicts these two Dukes as useless, hollow authority figures, showing that power is rooted in more than just status.