

SHAKESPEARE AND THE LAW

I. INTRODUCTION

Sir Walter Scott:

“A lawyer without history or literature is a mechanic, a mere working mason; if he possesses some knowledge of these, he may venture to call himself an architect.” [*Guy Mannering*, ch. 37 (1815)].

Shakespeare one gets acquainted with without knowing how. It is a part of an Englishman’s constitution. No doubt one is familiar with Shakespeare in a degree, from one’s earliest years. His celebrated passages are quoted by every body; they are in half the books we open and we *all* talk Shakespeare, use his similes, and describe with his descriptions. [Jane Austen, *Mansfield Park*, 1814].

H.L. Mencken: “After all, all he did was string together a lot of old, well-known quotations.”

“Out, damned spot!” [*Macbeth*, Act IV, sc. 1]

“The undiscover’d country from whose bourn / No traveller returns.” [*Hamlet*, Act III, sc. 1]

“Misery acquaints a man with strange bedfellows.” [*The Tempest*, Act II, sc. ii.]

There is a tide in the affairs of men.
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows and in miseries.
On such a full sea are we now afloat,
And we must take the current when it serves,
Or lose our ventures.

– [*Julius Caesar*, Act IV, sc. iii, 218–224]

II. LAWYERS AS SUBJECTS

Go with me to a notary; seal me there
Your single bond, and in a merry sport
If you repay me not on such a day,
In such a place, such sum or sums as are
Expressed in the condition, let the forfeit
Be nominated for an equal pound
Of your fair flesh, to be cut off and taken

In what part of your body it pleaseth me.
– [*Merchant of Venice*, Act I, sc. iii.]
“Asimov’s Guide to Shakespeare” (Avenel 1970)

If thou tak’st more
Or less than a just pound, be it so much
As makes it light or heavy in the substance
Or the division of the twentieth part
Of one poor scruple, nay, if the scale do turn
But in the estimation of a hair,
Thou diest, and all thy goods are confiscate.
– [*Merchant of Venice*, Act IV, sc. i.]

Sly v. Sly, 100 Nev. 236, 679 P.2d 1260 (1984); *Verheyden v. Verheyden*, 104 Nev. 342, 757 P.2d 1328 (1988).

“With lawyers in the vacation; for they sleep between term and term, and then they perceive not how Time moves.”
– *As You Like It*, Act III, sc. ii.

“Marry, sir, they have committed false report; moreover, they have spoken untruths; secondarily, they are slanders; sixth and lastly, they have belied a lady; thirdly, they have verified unjust things; and to conclude, they are lying knaves.”
Much Ado About Nothing, Act V, sc. i.

A fool in good clothes, and something like thee. ‘Tis a spirit; sometime’t appears like a lord, sometime like a lawyer, sometime like a philosopher . . .
Timon of Athens, Act II, sc. ii.

Crack the lawyer’s voice
That he may never more false title plead,
Nor sound his quilllets shrilly.
Timon of Athens, Act IV, sc. ii.

“O’er lawyers’ fingers, who straight dream on fees;”
Romeo and Juliet, Act I, sc. iv.

KENT: This is nothing, fool.
FOOL. Then ‘tis like the breath of an unfee’d lawyer – you gave me nothing for’t.
King Lear, Act I, sc. iv.

III. LAWYERS AS METAPHORS

Be the attorney of my love to her;
Plead what I will be, not what I have been.
– *Richard III*, Act IV, sc. iiiii.

Not changing heart with habit, I am still
Attorney'd at your service.
– *Measure for Measure*, Act V, sc. i.

But when the heart's attorney once is mute,
The client breaks, as desperate in his suit.
Venus and Adonis.

Why should calamity be full of words?
Windy attorneys to their clients' woes.
Richard III, Act IV, sc. iv.

Why may not that be the skull of a lawyer? Where be his quiddets now, his quilletts, his cases, his tenures, and his tricks? Why does he suffer this rude knave, now, to knock him about the sconce with a dirty shovel, and will not tell him of his action of battery? Humph! This fellow might be in's time a buyer of land, with his statutes, his recognizances, his fines, his double vouchers, his recoveries. Is this the fine of his fines, and the recovery of his recoveries, to have his fine pate full of fine dirt? Will his vouchers vouch him no more of his purchases, and double ones, too, than the length and breadth of a pair of indentures? The very conveyance of his lands will hardly lie in this box; and must the inheritor himself have no more?
– [*Hamlet*, Act V, sc. i].

As fit as ten groats is for the hand of an attorney.
– *All's Well That Ends Well*, Act II, sc. ii.

“The first thing we do, let's kill all the lawyers.”
2 Henry VI, Act IV, sc. ii.

IV. SHAKESPEAREAN REFERENCES TO CONTINUING LEGAL ISSUES

“How now, my lord, why do you keep alone,
Of sorriest fancies your companions making,

Using those thoughts which should indeed have died
With them they think on? Things without all remedy
Should be without regard: what's done, is done."
– *Macbeth* Act III, sc. ii.

“Nothing emboldens sin so much as mercy.”
Timon of Athens, Act II, sc. ii.

“For thy solicitor shall rather die
Than give thy cause away.”
Othello, Act III, sc. iii.

“Delays have dangerous ends.”
1 *Henry VI*, Act III, sc. ii.

“do as adversaries do in law,
Strive mightily, but eat and drink as friends.”
The Taming Of The Shrew, Act I, sc. ii.

“To do a great right, do a little wrong.”
Merchant of Venice, Act IV, sc. i.

“Good name in man and woman, dear my lord,
Is the immediate jewel of their souls;
Who steals my purse steals trash; 'tis something, nothing;
'Twas mine, 'tis his, and has been slave to thousands;
But he that filches from me my good name
Robs me of that which not enriches him,
And makes me poor indeed.”
Othello, Act III, sc. iii.

“[P]ity is the virtue of the law,
And non but tyrants use it cruelly.
It pleases time and fortune to lie heavy
Upon a friend of mine, who, in hot blood,
Hath stepp'd into the law, which is past depth
To those that, without heed, do plunge into it.”
Timon of Athens, Act III, sc. v.

“Help, master, help; here's a fish hangs in the net, like poor man's right in the law:
it will hardly come out.”
Pericles of Tyre, Act II, sc. ii.

“O curse of marriage that we can call these delicate creatures ours and not their appetites!”

Othello, Act III, sc. iii.

“Many a good hanging prevents a bad marriage”

Twelfth Night, Act I, sc. i.

V. SHAKESPEAREAN INSULTS

1. “Good reasons must, of force, give place to better.”
Julius Caesar [Brutus to Cassius], Act IV, sc. iii.
2. “[He] speaks an infinite deal of nothing, more than any man in all Venice. His reasons are as two grains of wheat hid in two bushels of chaff: you shall seek all day ere you find them; and when you have them, they are not worth the search.”
Merchant of Venice, Act I, sc. i.
3. “She speaks, yet she says nothing.”
Romeo and Juliet, Act II, sc. ii.
4. “His words are a very fantastical banquet – just so many strange dishes.”
Much Ado About Nothing, Act II, sc. iii.
5. “I find the ass in compound with the major part of your syllables.”
Coriolanus, Act II, sc. i.
6. “I am well acquainted with your manner of wrenching the true cause the false way.”
Henry IV, Part 2, Act II, sc. 1.
7. “This is the silliest stuff that ever I heard.”
A Midsummer Night’s Dream, Act V, sc. i.
8. “Her beauty and her brain go not together.”
Cymbeline, Act I, sc. ii.
9. “Well said: that was laid on with a trowel.”
As You Like It, Act I, sc. ii.
10. “a tale told by an idiot, full of sound and fury, signifying nothing.”

Macbeth, Act V, sc. v.

“With the help of a surgeon he might yet recover, and prove an ass.”
A Midsummer Night’s Dream, Act V, sc. i.

“Harp not on that string.”
Richard III, Act IV, sc. iv.

“The lady doth protest too much, methinks.”
Hamlet, Act III, sc. ii.

11. “Brevity is the soul of wit.”
Hamlet (Polonius, to King and Queen), Act II, sc. ii.

12. “He draweth out the thread of his verbosity finer than the staple of his argument.”
Love’s Labour Lost, Act V, sc. i.

13. “Look, he’s winding up the watch of his wit; by and by it will strike.”
The Tempest, Act II, sc. i.

14. “She does abuse to our ears.”
All’s Well That Ends Well, Act V, sc. iii.

15. “More of your conversation would infect my brain!”
Coriolanus, Act II, sc. i.

16. “I wonder that you will still be talking. Nobody marks you.”
Much Ado About Nothing, Act I, sc. i.

“Here will be an old abusing of God’s patience and the King’s English.”
The Merry Wives of Windsor, Act I, sc. iv.

“The better part of valour is discretion.”
I Henry IV, Act V, sc. v.

“We cannot call her winds and waters sighs and tears; they are greater storms and tempests than almanacs can report.”
Antony and Cleopatra, Act I, sc. ii.

“Though [he] is not naturally honest, [he] is so sometimes by chance.”
The Winter’s Tale, Act IV, sc. iv.

“Blow, blow, thou winter wind,
Thou art not so unkind
As man’s ingratitude.”
As You Like It, Act II, sc. vii.

“[M]en may construe things after their own fashion,
Clean from the purpose of the things themselves.”
Julius Caesar, Act I, sc. iii.

“I will not excuse you, you shall not be excused, excuses shall not be admitted, there
is no excuse shall serve, you shall not be excused.”
Henry IV, Part II, Act V, sc. 1.

“I do desire that we may be better strangers.”
As You Like It, Act III, sc. ii.

“Direct they feet where thou and I henceforth may never meet.”
Twelfth Night, Act V, sc. i.

“Out of my sight! thou dost infect my eyes.”
Richard III, Act I, sc. ii.

“I shall cut out your tongue!”
“‘Tis no matter, I shall speak as much wit as thou afterwards.”
Troilus and Cressida, Act II, sc. i.

“Well roared, lion!”
A Midsummer Night’s Dream, Act V, sc. i.

“The Devil can cite Scripture for his purpose.”
Merchant of Venice, Act I, sc. iii.

“The prince of darkness is a gentleman.”
King Lear, Act III, sc. iv.

17. “Would thou wert clean enough to spit upon!”
Timon of Athens, Act IV, sc. 3.

18. “[You are a] mountain of mad flesh!”
Comedy of Errors, Act IV, sc. iv.

19. “Sell when you can, you are not for all markets.”
As You Like It, Act III, sc. v.

20. “He has not so much brain as ear-wax.”
Troilus and Cressida, Act V, sc. i.
21. “[You] crusty botch of nature!”
Troilus and Cressida, Act V, sc. i.
22. “[You are] the idol of idiot-worshippers.”
Troilus and Cressida, Act V, sc. i.
23. “Away, thou issue of a mangy dog!
[Choler] does kill me that thou art alive;
I swoon to see thee.”
Timon of Athens, Act IV, sc. iii.
24. “His face is the worst thing about him.”
Measure for Measure, Act II, sc. i.
25. “The tartness of his face sours ripe grapes.”
Coriolanus, Act V, sc. iv.
26. “It is certain that when he makes water his urine is congealed ice.”
Measure for Measure, Act III, sc. ii.
27. “You are not worth another word, else I’d call you knave.”
All's Well that Ends Well, Act II, sc. iii.
28. “There’s no more faith in thee than in a stewed prune.”
Henry IV, Act III, sc. iii.
29. “There is no more mercy in him than there is milk in a male tiger.”
Coriolanus, Act V, sc. iv.
30. “Dissembling harlot, thou art false in all!”
The Comedy of Errors, Act IV, sc. iv.
31. “I can never see him but I am heart-burned an hour after.”
Much Ado About Nothing, Act II, sc. i.
32. “They lie deadly that tell you you have good faces.”
Coriolanus, Act II, sc. i.
33. “Thou hast the most unsavoury similes.”
1 Henry IV, Act I, sc. ii.

34. “Your abilities are too infant-like for doing much alone.”
Coriolanus, Act II, sc. i.
35. “[You] remorseless, treacherous, lecherous, kindless villain!”
Hamlet, Act II, sc. ii.
36. “While she is here, a man may live as quiet in hell as in a sanctuary, and people sin upon purpose, because they would go thither.”
Much Ado About Nothing, Act. II, sc. 1.
37. “Never hung poison on a fouler toad.”
Richard III, Act I, sc. ii.
38. “Thou hast no more brain than I have in mine elbows.”
Troilus and Cressida, Act II, sc. i.
39. “She is spherical, like a globe. I could make out countries in her”
The Comedy of Errors, Act III, sc. ii.
40. “[H]orseback-breaker . . . huge hill of flesh!”
2 Henry IV, Act II, sc. iv.
41. “What a disgrace it is to me to remember thy name.”
2 Henry IV, Act II, sc. ii.
42. “I’ll beat thee, but I should infect my hands.”
Timon of Athens, Act IV, sc. iii.
43. “Your bum is the greatest thing about you, so that, in the beastliest sense, you are Pompey the Great.”
Measure for Measure, Act II, sc. i.
44. “Thou shouldst not have been old ‘til thou hadst been wise.”
King Lear, Act I, sc. v.
45. “[You are] deformed, crooked, old and sere, ill faced, worse bodied, shapeless everywhere, vicious, ungentle, foolish, blunt, unkind, stigmatical in making, worse in mind.”
Comedy of Errors, Act IV, sc. ii.
46. “[You are] a knave; a rascal; an eater of broken meats; a base, proud, shallow, beggarly, three-suited, hundred-pound, filthy, worsted-stocking knave; a lily-livered, action-taking knave, a whoreson, glass-gazing, super-serviceable

finical rogue; one-trunk-inheriting slave; one that wouldst be a bawd, in way of good service, and art nothing but the composition of a knave, beggar, coward, pandar, and the son and heir of a mongrel bitch: one whom I will beat into clamorous whining, if thou deniest the least syllable of thy addition.”

King Lear, Act II, sc. ii.

VI. CONCLUSION

If we shadows have offended,
Think but this, and all is mended,
That you have but slumber'd here
While these visions did appear.

.....

Give me your hands, if we be friends,
And Robin shall restore amends.

[*A Midsummer Night's Dream*, Act V, epilog.]

APPENDIX

(Shakespeare in Your Pleadings)

“The web of our life is of a mingled yarn, good and ill together: our virtues would be proud, if our faults whipt them not, and our crimes would despair, if they were not cherish'd by our virtues.”

– *All's Well That Ends Well*, Act IV, sc. iii.

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