ISRG Journal of Arts, Humanities and Social Sciences (ISRGJAHSS)
ISRG PUBLISHERS
Abbreviated Key Title: ISRG J Arts Humanit Soc Sci
ISSN 2583-7672 (Online)
Journal homepage: https://isrgpublishers.com/isrgjahss
Volume -1 Issue-1V (July-August) 2023
Frequency: Bimonthly

Shakespearean Discourse and the Evolution of Law.

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| **Received:** 15.08.2023 | **Accepted:** 19.08.2023 | **Published:** 28.08.2023

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Abstract

The reawakening of literariness and rediscovery of individual capacity in Europe, during Renaissance period, gave birth to legal, political or social, philosophical and economic "aggression" to the establishment, which helped to emasculate the construct of royal Europe and opened up a global exploration to new lands and cultures. These transformed the human culture by unveiling innovative flowering of Latin and vernacular literature which helped to shape the modern law. It was associated significantly with literature and arts of the ancient classics which were made available to the common people; it was seen as the rebirth of Roman and Greek classics which presented the idea that life has to be lived for its multifaceted development and fullest enjoyment. Epistemology overshadowed the philosophy of the period, which went on to usher in evolutionary ideas. And people were overwhelmed with the desire for love of freedom and beauty, humanism and openness of mind. These excited the spirit of adventure and reformation which culminated in the discovery of a sense of new life that considered the personality traits of an autonomous individual as meaningful, against the pre-eminence of the clergy and ecclesiastical determination of morality. This consciousness was nourished by the pervading philosophy of life of classics; emancipation from medieval philosophy. That was the highpoint of the divorce between the Church and state, so Canon Law and Roman Law were separated. The period produced bounty harvest of notable scholars who had made significant contributions to the development of human thoughts and living. This treatise engages the reader on the Shakespeare's dexterous application of law and its development which is evident in its manifestation in his works. The relationship between law, Shakespeare and literature foreshadowed the New Historicism and more current laws and literary works, in relation to presentism and contemporary Nigerian legal discourse, are in lockstep with the Shakespearean scholarship.

Keywords: *Shakespearean discourse, renaissance, evolution of law, legal structure*

Introduction

Literary awakeness is the precursor of the scholastic rediscovery of individual capacity that pervaded in Europe, during the period of Renaissance. This period opened up a floodgate of scholastic consciousness and literary awareness; of man realizing his essence, by understanding the *ecosocial* environment and reality, and how to subdue and control them. It was for the existential betterment for the real time and the future, which was reinforced by sustained and aggressive reconstruction of legal, political, philosophical, economic and social reforms, by breaking loose from the imprisonment of orthodoxy and establishment. This period stimulated the melting away of the crest of discontent, thus ushered in social trust and elevation of individual capacity or initiative. In fact, it was a flowering period which foreshadowed the future, that impetus to recon structure their social construction from the stereotype confinement of the "diminishing" medieval philosophy.

However, Renaissance did not jettison the medieval ideals, rather "it is best conceived as a broad, but sometimes diffuse, cultural renewal that affected the ideas, perceptions and mentalities particularly of the upper classes and learned elite" (Bluberg, xiii) that was used to structure the larger narrative of Western history. This renewal brought great economic and social changes that vented a new kind of society and intellectual consciousness, which stimulated to a sustained and ever evolving flowering of art and scholastic culture that pervaded in Europe.

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Philosophy of Renaissance

Renaissance brought fundamental changes across the length and breadth of Western societies, these range from legal, literary, religious, political, anthropological and historical. It oversaw the disintegration of Christendom and the emergence of sovereign states which made the Catholic Church lose much of its time-honoured authority. This engendered proliferation of new protestant churches and other Christian sects (Hankins, 338). This religious independence and advocacies stimulated social consciousness that expressed the need for tolerance and freedom of expression. Consequently, the ideals and practice of education were also influenced by the new face of the current of transformational evolution. Thus, humanism arose to interrogate the hegemonic structure of the scholastic culture, which transformed the Christian culture to a major reappraisal of its attitude towards the pagan culture of Graeco- Roman antiquity. So, there was elevation absolutism and republicanism which evolved into different lore of political thoughts. The re-orientation of Renaissance made Europeans to observe and analyse human nature differently from the traditional prism, such like the universe and the natural sequence of reality. So, everything was observed from the lens of rationalism; this made science to be less interested in contemplating nature, rather it was more interested in controlling it. A new world was springing aggressively that was propelled by the social elemental forces, unknown then to the Western learned traditions, it was receptacle full of discoveries of varied societies, Flora and Fauna Hankins relates that information explosion stoke the current intellectual harvest through:

The invention, printing –the information revolution of the fifteen century –altered fundamentally the conditions under which knowledge –workers operated, making possible the collection, collation and analysis of information in ways and on a scale hitherto unimaginable. The sheer volume of view information and the variety of perspectives on offer, the religious quarrels of the time, not to mention the seductive power of ancient thinkers like Cicero and SextusEmpiricus, inevitably led to a resurgence of skeptism and fideism , and *paripassu* to a new concern with method and the reliability of knowledge (338-339).

In fact, accordingly, Renaissance foregrounded intellectualism as an extraordinarily well-stocked workshop for individualistic discovery of their latent potentialities.

Renaissance as a Concept

It is a period assumed as a rebirth that triggered the present sociocultural Europe; in its intellectual and cultural life. The intellectuals and the artists of the period as a continuum of progress and achievement which they contrasted with the preceding period: Middle Ages. These groups of people believe that Renaissance has inquiring and innovative spirit as against Middle Ages. This assumption engendered tripartite periods in the division of Western history; they include antiquity, the Middle Ages and the modern world (Bleiberg, xiv). This period enlivened great awareness of modern individualism, humanism and human initiative/ creativity, which sprouted its bud in Italy. Consequently, the absence of absolute monarch energized the values of individual powers, achievement and capacity to be explored and exploited for personal and common goal. Thus, a conceptualized society that emphasized on human intellectual capacity and creativity as against the recognition of status and rank was born. Burckharelf celebrated the growth of individualism and its positive development on western civilization and history. This innovative human development helped to remove the common veil. The veil that was knitted with faith, illusion and informed prepossession which compelled the world and history to beclouded in strange lives. And that "Man was conscious of himself only as a member of a race, people, party, family, or cooperation –only through some general category" (129). That is why John Donne's poem emphasized inclusivity, "No man is an island, entire of itself , every man is a piece of the continent , a part of the main," that in so far as one is a member of one's group; one is a member of all. That poem foreshadowed *globalism*.

This veil started to diminish for the first time in Italy, because there was a conscious detachment from the orthodoxy thereby necessitating an unprejudiced consideration and treatment of the state and of all conceivable thoughts at that time became possible to achieve. People can assess almost everything, especially those that were exclusively reserved for the nobles or the privileged groups. Moreover, at corresponding emphasis during that time, man subjectively became a spiritual individual and was consciously aware of such. All these were as a result of political circumstances of the period. So, Italy became a sworm of individuality, and the spell laid upon human personality melted away and a thousand figures meet each other freely, in its special form, dress or shape. Moreover, it would not have been possible for Dante's poem in other countries of Europe, if they were still under the siege of spell of race. Though, the pervading wealth of individuality which he set forth his poem made the national herald of that period. This individualism triggered "this unfolding of the treasures of human nature in literature and arts –this many-sided representation and criticism" (Burckhard, 129-130). There was highest level of individuality which compelled people to know their inward resources of their being, which is their nature, passing or permanent. This enhanced their enjoyment of life which was concentrated by the drive to achieve optimal satisfaction from power and influence. With the enjoyment of freedom and power, individuality was given a higher energy. Cosmopolitanism grew up to itself, to a high stage of individualism. There was obvious response of this philosophy in "all Europe produced but one Shakespeare and the such a mind is the rarest of Heaven's gifts" (Burkhardt, 316). He was one of the greatest playwrights that flourished in Europe, during the Renaissance.

However, Renaissance individualism did not glide into fertilization of human thought without the darker side of its development. Its growth stirred the ember of secularity which opened the floodgate of intense egotism and even atheism across Europe:

Since Burchhardt time, schorlarship has often assessed the validity of his model, and while certain features of his pictures have survived, many have been rejected as projections of his discontent with his own age onto the very different circumstances of Renaissance (Soergel xiv).

The philosophy of Renaissance intellectuals is seen by few scholars as being characterized as secular or somewhat connected to the growth of atheism in nineteenth century. They equally appreciated the fact that Renaissance represented an intriguing confluence of medieval and Renaissance innovative elements. And thus, acceded to the fact that this period was coloured with outstanding artistic, literary and intellectual productivity; "they have also demonstrated that these forces were at work within the

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constraints of a society that was often conservative and highly traditional in nature" (Soergel xiv).

Law and the Time

Scientific revolution is one of the hallmarks of Renaissance, which brought about new sciences that introduced revolutionary ideas that interrogated and explained the exception less regularities of universal scope, that is, natural law. Renaissance was not excited in theory of natural law, so it contributed little or nothing to its development. It was because humanists were overindulged in stoic philosophy and its great orator, Cicero and the philosophical ideas of the Roman law which has detached itself from the grip of the Canon law, so, the autonomous individual escaped from the clerical pre-eminence and determination/adjudgementof morality by the church (Van Dyck, 1). The freedom emphasised the "places of man of the world, of the man of secular learning, and of the artist and the poet, who set themselves up as of their own right beside, not against, the secular clergy and the learned monk" (Rommen 89). The great sceptic of the concept of Natural law, Machiavelli, was the first to advocate the separation of ethics and politics, and also, political science bereft of value-judgements. He advanced his idea by showing interest in the means, in the intrigues of gaining and maintaining in itself morally indifferent power, which he believed to be the meaning of politics (Rommen, 89),

Natural law faded away through corrosive criticism that easily produced a type of cynical relativism which is integral principle in the philosophy of law as positivism. However, natural law is enshrined in the hearts of men, so it cannot be easily washed away. Rommen insisted that corrosive criticism was responsible in the decomposition of the idea of natural law, especially in the minds of the legal practitioners and the intellectuals, before it 'graduated' into the minds of so-called common man, which thus whittled down the common moral values "and indubitable convictions of what is justice, which finally leads to the assertion that the Bill of Knights is a propagandist track of the Bourgeois mind to fool the Proletariat" (92).

Reformers sustained gradual decline of the idea of Natural law by relegating it to the background, because of the contradiction that existed between it and the theology of the time, "in the doctrines of the state and law, and use of the Bible and what they conceive the positive Divine law in the Bible as the basis of their political, juridicial and moral doctrine" (Rommen, 97). So, it faded away as a result of Bible criticism and overwhelming influence of deistic rationalism, the disappearance of Divine law as revealed law and in morality. Thus, law remained only relativist positivism. Positivism produced what Leo xiii called Modern Law, which separated itself from the Divine Law and strayed away from the Natural and Christian law. Rommen stresses the interrelatedness of these laws, "Yet the links which, according to the theory of participation of all laws, bind human law to the Natural, and this is to the Eternal law, may never be broken without penalty" (97).

The philosophy of law of Suarex was based on that of St. Thomas Aquinas, but not that it cannot be adjudged as his original creative development, if it is being evaluated based on its amplitude, profundity and comprehensiveness. According to Copleston, he was a *straddler* between the medieval philosophy of law as portrayed by Thornism and prevailing current legal conditions of his time, "In light of those condition, he elaborated legal philosophy and in connection therewith a political theory which in scope and completeness went beyond anything attained in the Middle Ages and which exercised a profound influence" (380). However, Suarex defined law in the first place as, taken from Aquinas, a certain rule and measure, according to which one is induced to act or is restrained from acting'. After his interrogation of this definition, he found it to be too broad. Because, the definition did not account for the obligation and no distinction was drawn between law and counsel. As a result, he gave his definition (law), "as common just and stable precept, which has been sufficiently promulgated". (Copleston, 381). He states further that Suarex saw law as it exists in legislator, as an act that is just and upright which bends the interior to the performance of a particular act, which must be couched for a given society/group. And as such, natural law only relates to the community of mankind, while human law is drawn or enacted to reflect the assumed perfect security (381).

Suarex elaborated further, according to Copleston, that one thing that is integral about the nature of law is 'common good', which is its philosophy. This has to be seen in light of the actual subject-matter of the law, not as it relates to the subjective intentions of the legislator; that which is a personal constituent. This is quite important to law because it prescribes what is just, which means that it should prescribe acts that can be justly be performed by those the law affects. Thus, it implies "that a law which is unjust or unrighteous is not, properly speaking, a law at all, and it possess no binding force" (381). He, therefore, affirms the fact that, truly a law that is unrighteous cannot be adhered to licitly. But, in some cases, if there is doubt in the righteousness of the law, the presumption will prevail in favour of the law. Copleston declares that:

Suarex observes that in order for law to be, just three conditions must be observed. First, it must be enacted, as already mentioned for the common good, not for private advantage. Secondly, it must be enacted for those in regard to whom the legislator has authority to legislate, that is, for those who are his subjects. Thirdly, law must not proportion burdens unequally, in an inequitable manner (381-382).

Literature in the Law

Literary imagination or thinking does beneficial functions to the many categories of contemporary public life; this is the function of the nexus of law-and-literature schorlarship. In contrast, according to Murphy, law and economics are controlled by empirical facts and logic of beaurocratic rationality and utilitarian calculus; but literature expresses a counter discourse that compels one to empathise to one another thereby, extending the limit of our morals and consciousness, and "emphasizing the importance of effect and imagination in the making of a just, humane, and democratic society" (53). To that effect, Nussbaum affirms that the basic principles of economic utilitarianism and cost benefit analysis, which have been used in many facets of policy-making for public life, are usually recommended as normative for others and therefore, they are dehumanizing. She, therefore, asserts the importance of public life that accounts for the kind "of feeling and imagining called into being through the involvement in the reading of literary texts" (3). The effect of this kind of imagining and feeling stimulates the emotional awareness of other people's experience which may be quite different from us, thus "deepening awareness of human suffering "(Murphy, 53).

Nussbaum emphasizes the views of law-and-literature scholars who argue the importance of literature to legal thought. Thus,

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many critics have arraigned the polarization of law and literature which this argument implies, "arguing that this type of argument assumes an imagination of the literary as an unproblematic locus of sympathy and virtue over against a conception of law as a soulless body of rules and proscriptions"(Murphy, 34). However, Peters argues that effects of these assumptions are anything but interdisciplinary, so, in the studies of law and literature, she contends that the "sought to break down disciplinary boundaries, but through the imaginary projection by each discipline of the other's difference, (they) exaggerated the boundaries (they) sought to dissolve" (499).

Analysis on recent work in literary and rhetorical studies shows "that the lessons of the previous decades' new historicists and cultural materialist approaches to literature," which recommended that literary texts must be drawn in line with the contemporary social institutions and norms, have not been abandoned, though in several ways they have been modified, to account for "the specific institutional histories in question" (Sheen and Hutson, 2). Similarly, Goodrich argues that the law in particular is an institution which has the tendency to envisage its language as univocal and authoritative, which avoids the "semantic implications of its own institutionalization, communicative forms" and specialized lexicon (176). So, the examination of the semantic implications of the common law's institutional and communicative forms as it affects the production of literature requires both the analysis of "the rhetorical performativity of the law as discourse and institution , and being aware of the specific historical developments that shaped the law's rhetorical possibilities, and its possible relationships with literary discourse" (Sheen and Hutson, 2). Consequently, Renaissance new historicism and cultural materialism are inclined to the holding firm to the basic Foucauldian approach to the juridicial and confessional issues, when the cultural layers of literary texts are analysed. Work of this sort represented here is by contrast assumes certain links between the languages and literary subjectivity and procedural structures of the English common law (Langbein, 37). So, Sheen and Hutson aver:

That the languages and procedural structures of the common law should find their way into literary representations of subjectivity and agency in the sixteenth and seventeenth centuries in England is surprisingly, given how closely identified were the cultural spaces of both legal and literary writing. Among the authors discussed in this collection, at least studied at the Inns of Court , but every one of that six either had an interest in poetic and dramatic writing, or actually wrote poetry and drama (3).

Shakespearean Discourse Particularities

Many scholars have engaged in the discourse of Shakespeare, especially in the recent time, to show a graphic historical outline of how his works particularly, the plays, influenced in form and content, such like the "stage conventions and conditions of production, by current doctrines of science, philosophy and physiology" (Joseph, 1). She argues that "such historical studies help to illuminate the modern readers certain plays of Shakespeare which recovered the current theory of composition that enters into the very form and texture of the Shakespeare's plays and was the common idea of his time, should likewise be of value"(3).

The matchless power, richness, and vitality of Shakespeare's language was a result of his ingenious application of language in his phraseology, which contributed to the linguistic norms of his time, thus elevated to an alarming degree that produced the spirit of free creativity, "and in part to the theory of composition then prevailing. It is this last which accounts for those characteristics of Shakespeare's language which differentiate it most from the language of today, not so much in the words themselves as in their collocation" (Joseph, 3). She affirms that the difference in the habits of thought and in the methods of developing the thought brought about a proportionate difference in their experiences, which was practically as a function of the Renaissance theory of competition, stimulated by the scholarly antiquity, "was permeated with formal logic and rhetoric, while ours is not"(3).

However, reading a text implies the meeting of the minds, but when the minds are separated by over 400 years of discursive change, there are bounds to have some problems in the interpretativeness of the discourse juxtaposing the present. Sometimes, the difficulties are obvious for example, we may encounter a word and we may not have the idea of its meaning, or its meaning is hidden, or because it is *homographically* the same with another, we may think we know its meaning. These types of word/s are called "false friends". They constitute a lot problem, especially to non-native speakers or learners. They are the major sources of errors or constitute interpretative difficulties in Shakespeare's discourse .In *As You Like It* (1.2.233), "The Duke is humorous", that is, what Le Beau said about Duke Fredrick, this left one to wonder why such comical individual should treat Orlando so nastily. But, we realized that the word 'humorous' means moody, capricious, temperamental, in this context, so the discourse began to make sense (Crystal, 1).

The discrepancy that exists in our language and that of Shakespeare's intuitions about language affects all aspects of language. There are false friends (faux amis) in all; grammar and pronunciation, even in the way characters talk to one another. All these are considered as creative peculiarities in his discourse, if we want to appreciate his language. Shakespeare consciously developed a sense of norms that are particular about him, which he used to form his own linguistic creativity within the context of the language of his period. As it is poet, he declared that a poet has to master the norms of his language before he would be able to bend and break them. This is what Shakespeare exploited in his discourse (vocabulary, spelling, pronunciation and phraseology). In this except below, several lexical differences can be observed, in the discourse between Romeo and Juliet, in *Romeo and Juliet*, though the understanding of the text does not pose much problem:

Juliet: What O'clock tomorrow
Shall I send thee?
Romeo: By the hour of nine
Juliet: I will not fail; 'tis twenty year till then.
I have forgot why I did call back.
Romeo: Let me stand here till thou remember it.
Juliet: I shall forget, to have thee still stand there,
Remembering how I love your company,
Romeo: And I'll still stay, to have thee still forget,
Forgetting any other home but this
Juliet: 'Tis almost morning. I would have thee-
(2.1.212-21)

In this text, there are two recurring lexical items, *thou/thee/thy/* and '*tis*; they are still in use today. But, *'tis'* is rarely used especially in writing, it is still common in modern English colloquialism. Moreover, in regional and religious situations, '*thou'* forms still used. Similarly, these phrases: *what o'clock* and *by the hour of*

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time, they are slightly old-fashioned, but they can be easily be interpreted. In fact, modern intuition would understand this conversation without any special aid.

Crystal has produced a number of studies in order to create more awareness about Shakespeare's influence in disseminating and introducing new lexical terms in English and even at reconstructing historical pronunciation. He further declares that "about 1,700 plausible Shakespearean inventions- words like *anthropophagirian, assassination, disproperty, incardinate ,insultment, irregulous, outswear and uncurse* –and about half of them stayed in the language" (6). Crystal developed the helpful step that helps in familiarizing the general reader with Shakespearean graphology (44). Though, linguistics and literary studies are district academic disciplines, but they have close partners lately; new branches of historical language study have emerged, such as historical sociolinguistics and historical pragmatics. These historical language studies emerged with advanced methodological sophistication. They have accumulated historical corpora of early modern English discourse in different categories that potentially make available and very sizeable base for Shakespeare's language (Terttu and Raumolin-Bramberg, 43; Fitzmaurice and Taavitsainen, 78)

However, Kinney observes that new tools, technologies and competencies developed to help bridge the distance from Shakespeare's language, but contrarily increase the distance by anaesthetizing us to important kind of difference, or they make us short-sighted about the difference. So:
Many of the newer tools are constructed out of, or enabled by, the sedimented layers of language change intervening between Shakespeare's language and our own, changes that make our various linguistic cultures and language-games radically different from those of Shakespeare and his age. In general terms, what stands between us are the advancing stages of standardization (under way in the Shakespeare's time.), the codification of English in dictionaries and grammars, the precriptivism associated with the eighteenth-century's construction of consistency as correctiveness, and media changes over time (242).

Hope, similarly, argued that they are accustomed to historicizing Shakspeare in all aspects save language. Kinney asserts that this is as a result of the New Historicism that was developed to serve as an alternative to the current "modes of language study and tend to construct language and history as opposites". And also, it is consequent upon the complex situation that comes up, when the flux of language is both the medium, the object and of the discourse. He further avers that his experience with Shakespeare's texts, in the bid to interprete his language compelled him to acquire background information of the cultural scene of language as a critical part of the historical context (242). From hermeneutical stance, this cannot be achieved without the conscious recognition and accommodation of the separate horizons that shape our own linguistic understanding and that are outlined in the text. Let us exemplify this in Shakespeare's comedy, *The Merry Wives of Windsor*. This comedy is a good place for the process, especially if it is applied to a comparison and accommodation of what Kinney calls *misconception sequences* in the play, between us and the play. In the interpretation of play, he outlines four parts: the summary of how the Windsor community negotiates language change, the instances of Mistress Quickly's resourceful meaning-making in the extended miscomprehension sequence of the Latin lesson, the details on how the interconnectedness of orality and literacy in Shakespeare's era helps to influence language use and lexical coinage, with Quickly as the *go-between*, finally, the interest of Shakespeare in language change is identified with miscomprehension sequences across media or *speaking in print* (Kinney, 243). Somewhat from the foregoing, there is a better foretaste or understanding of what we may call Shakespeare's discourse.

Shakespeare and the Evolution of Law

The works of Shakespeare help to *bend*, reproduce and remodel present or contemporary ideas of the established law, either common or civil, its shadowy reflection in mores, moral and political thought. Shakespeare introduced several kinds of cues that helped in the development of law; in *Henry VI Part 2*, the famous battle cry of Dick the Butcher, *The first thing we do , lets kill all the lawyers*, exhorts to attend to the law's discriminations of class and rank. Moreso, in *The Merchant of Venice*, during the trial of Shylock, it compels one to evaluate the English concepts of equity; and also in *Measure for Measure*, the weird magistracy of Angelo occasions one to find reasons to critique law's literalism , its reliance on the letter Shakespeare's theatre, like the law courts, was used as the centre for ''trial and testing, and law, like theatre, relied on narratives that posited and analysed conceptions of motive, character, intention and origin'' (Cunningham and Jordan 1).

These legal and literary discourses, both complex and complimentary, stood on the established as well as emerging principles of social organization. Shakespeare theatre refused to sever legal from other political and social practices, thus, it represented law in competition with other establishments in settling matters of gender, class, and power and authority of the different offices in the kingdom. The oratory and the rhetoric of the stage became integral parts of law discourses, which were used to seek to convince the judge and jury by using the arts of persuasion. Characteristically, the dramatic persona inhabited a multi-vocal world, which was rich with noises that gave delight and hurt not. The world created by legal discourses was overwhelmed comparatively with the "conflict and dissonance, by agreement and harmony. Statutes are contradicted by proclamations, which in turn are contradicted by judge of individual cases , who in turn may be contradicted by a jury resisting a judge's view" (Jordan and Cunningham 1). So, they argue that within itself (the law) and in relation to other discourses, even the theatrical, that the "early modern English law was vitally contentious and constantly evolving" (2).

Literary criticism on law in relation to Shakespeare's discourse has represented, in the first instance, those features of Stuart and Tudorlife that were influenced by the law in one way or the other; and they can be seen clearly illustrated in the plays. Researches have been conducted on the terms and conditions on how the "English subjects experienced contracts, dealt with rights to property, undertook to understand the priviledges and constraints of marriage, and perhaps most conspicuously, obeyed the power the sovereign have (sic) recognized their representation in the plays" (Jordan and Cunningham 2). And also, the plays introduced several new lexical items and lexico-semantic extentions for the enrichment of legal discourse. If law is multi-vocal, same it is for Shakespeare.

Some of his plays, *Measure for Measure* and the *Merchant of Venice*, attracted certain attention for their engagements and

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contributions to law. In *Measure for Measure*, Shakespeare presents a certain Duke seeking to strengthen lapsed laws. But despite nature of his deputy, Angelo, who creates a lot of new legal problems, which involve slander, sexual betrayal and injustice. This 'problem play' has a problem which lies in the unpredictability of the law, "a force offered as at once the source of and solution to Vienna's problem'' (Lemon 559). Similarly, *The Merchant of Venice* reveals that the same proportion legal problems, such as criminality, contract and citizenship posed by both plays. So, Shakespeare draws our attention, particularly on the legal ins and outs of marriage. He poses moral and legal questions: What responsibility do husband and wife have to each other? At what point is a union legally binding? In what manner do previous attachment, either friend or lovers, affect connubial relations? These questions are explore in *Measure for Measure* and *The Merchant of Venice* via multiplex "triangles of affection and aversion, where Antonio, Bassanio and Portia go to court with Shylock, the same as Isabella, Mariana and the Duke legally contend with Angelo" (Lemon, 559).

In these two famously legal plays, Shakespeare reiteratively engages the issues of marriage, but not limited to them, there a range of texts, such like *The Taming of the Shrew*, through his sonnets and *The Rape of Lucrece to Cymbeline* (Sokol and Sokol 440). At this time of shifting conceptions of marriage and evolving legal opportunities for women, Shakespeare delineated the problem in which the union of men and women faces; and law of marriage is one out of all forms of law in Shakespeare's works or discourse. His legal intuition in his works nearly affects all facets of law. "A host of critics probe the relationship between particular forms of law and specific plays, from Roman law to constitutional law, from *Coriolanus* to *The Tempest"* (Hutson, 314). In essence, Shakespeare depicts particular legal codes -- on equity, property and contract –and equally on general legal principles/philosophy; that is the question his plays ask: is the nature of subjectivity and citizenship and how does the law understand human action and intention (Ingram 221)?

The interaction between the configuration of law and that of literature is repeatedly explored in Shakespeare's plays, as characters argue, affirm and determine the legal propositions, familiar or strange to their audiences. It should be a tedious task to explore all the Shakerpeare's legal practices and philosophies, instead one illustration represents that of succession which may be used to stipulate the range and the effect of his legal interests. Lemon observes the long geneological explication on the legality of Henry V's, in *Henry V* (1.2.33-95), claim to France by Archbishop of Canterbury, where she outlines the argument about the Salic law; that in French tradition, the kingship may never be ascended through lineage of woman. And audience may not have heard or known about the Salic law. This happens in the plays, so *Henry V* instructs its audience on the legal principles and practices. Thus, Eggert asserts that the play is "profoundly concerned with Salic law which implies that an English King might legitimately claim political power without having derived any of that power from a woman" (523).

In Shakespeare's plays, foreign or strange legal principles are matter for political debates with immediate contemporary relevance. With the influence of the discourse of Canterbury on Salic law, Shakspeare brings to fore the issue of succession, which had been a crucial and prohibited topic in 1599. Moreover, not only *Henry V* is the Shakespeare's drama that addresses the issue of succession, *Macbeth* discusses it equally. In *Macbeth*, Shakespeare refers to discuss Scottish and English practices of succession; "he involves the ancient Gaelic model of tanistry, even as he also depicts, in Duncan, a king who follows primogeniture by monitoring his son as his successor (Norbook, 74).

In the description of law, spanning from contract to property law to constitution, and from marriage to succession, Shakespeare's dramas capture the main legal challenges and discourse of the period. The plays contributed greatly to the audiences, especially during that period of immense legal change, both early modern and modern-- grappling with legal issues. The dexterity of Shakespeare to wade through this change and his prominence in the legal change cannot be overemphasized. The period especially the early modern witnessed the transformation of the English law, for instance "the rise of the jury and concepts of probability, the rise of the common law, a shift in attitudes towards human volition and action, and emergence of a culture of fact" (Lemon, 562). Shakespeare's dramas enlighten the modern readers, and also the early modern audiences, even during the challenges and changes, on the manifold mores and principles of the in literature.

Eurafranised Legal Structure

There was no clear outline of boundaries of pre-colonial geographies, cultural identities and statehoods, before British imposed and recalibrated repeatedly during the colonial regime. In fact, multiplex nature of the different nation-states was a perennial challenge which British experienced in trying to maintain and establich during the colonial rule, and in turn become the primary nightmare to the stability of Nigeria, after independence. This legal framework for British colonization, unarguably helped to shape the multiplex diversity "as much as it is by the varied and at times conflicting axis of colonial administration in the region'' (Bartex 4). Thus, this formal legal entity, by the British colonial administration, was hoisted for administrative ease and consequent upon that, Western/British law was foisted on the region or the entity. That created the eventual "conflicting aims'' in the region; it was a depiction of strangeness in the psyche of the uninterested recipient –the region.

The rhetoric of benign civilization found its way into the discourse of colonial administration in Nigeria. The exact effect of this civilizing influence was made manifest in the revision and general tinkering, during the colonial governance, were the geographical boundaries of the regions and protectorates that made up Nigeria. Appreciating the paradigm "shift in rhetoric from one of the commercial interests to governance is crucial to understanding how the law was conceptualized imaginatively in the first half of the twentieth century, up to and beyond independence in 1960'' (Bartex, 17). She argues that "this imaginative apprehension of the law in Nigeria would emerge as much from fiction as from the practical responses of lawmakers and law enforcers'' (17). Therefore, the law was not solely meant to protect the colonial commercial interests or to ensure that not they were enslaved by Western African populations. Rather, the law was meant to negotiate change within and those populations. In the discourse about colonial governance, that change became totemic, which was eventually a lexicalized civilization. The word, according Bartex, later became justified as a tremendous legal freedom and creativity for the colonial administration (17).

At, the dawn of independence, Nigeria adopted the legal structures that were depicted by the colonial regime. So, on that premise

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''English' law which had been in practice during the colonial administration , in the coastal towns both British and Nigerian lawyers at the end of the nineteeth century , continued to be preminent in the post-independent Nigerian legal system.

Conclusion

To have a sound society, there must be some measure of equality which everybody must be subjected to. Therefore, some precepts have to be set aside to guide and guard the social structures, in order to secure and implement orderliness. So, when the political market is equalized, the sense of 'belongingnesss is fertilized. This engenders collective responsibility where every individual person sees himself as a constructive member of the social group, where public morality governs the legal and social discourse. The primordial establishments or institutes should be dynamic, to accommodate the constantly evolving society.

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