


JUSTICE AND SUBJECTIVITY IN MEASURE BY MEASURE: BRIEF REFLECTIONS ON LAW AND LITERATURE

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ABSTRACT

The article explores the complexities between justice, power, and subjectivity in Shakespeare's work, with a focus on *Measure for Measure*. The analysis connects Shakespearean themes to philosophical and legal traditions emerging in early modernity, particularly in tensions over authority and social order. The play intertwines with the views of Hobbes, Machiavelli, and Sir Edward Coke, who debate the role of law and central authority. Seventeenth-century England, in transition between feudalism and absolutism, provides the backdrop for this reflection. Hobbes, in *Leviathan*, advocated a strong central government, while Coke upheld the primacy of the Common Law and judicial control over Parliament. This judicial restraint is reflected in the moral and legal conflict of *Measure for Measure*, where the intersections between right and subjectivity emerge vividly. Shakespeare, although he does not present a partisan position, articulates dilemmas that echo as concerns of modernity about the use of force and the flexibility of the law, opening the door to interpretations about the role of judges and the manipulation of laws in favor of private interests. These debates are deepened by the Shakespearean reading of themes such as honor, virtue, and the tension between freedom and order, linking the work to an ongoing dialogue between literature, law, and politics.

Keywords: Shakespeare. *Measure for Measure*. Justice. Hobbes. Subjectivity.

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INTRODUCTION

In the interdisciplinary field of Law & Literature, few works are as complete for analysis as William Shakespeare's *Measure for Measure*. Embodying moral, legal, and political dilemmas that defy the conventions of both its time and present, this play, first performed in 1603, offers fertile ground for reflections on justice, subjectivity, and the application of the law. This article intends to examine how this work reflects and critiques fundamental concepts of positive law and legal hermeneutics, in addition to exploring their multiple layers of meaning from the perspective of contemporary law.

The choice of this play within the Shakespearean canon is justified by its ability to stage, with remarkable depth, issues central to the theory of law. A vast scholarly literature devoted to the work, including the studies of Wilbur Dunkel, John W. Dickinson, Harold Skulsky, and Kenji Yoshino, demonstrates its continued relevance to legal debates. In the Brazilian context, despite a theoretical deficit compared to other academic traditions, the work still offers valuable insights for understanding the relations between law and literature. The interdisciplinary approach adopted by this article seeks to deepen the analysis of these connections, positioning *Measure by Measure* as a key piece for the study of the relations between justice and subjectivity.

Kenji Yoshino's contribution is particularly central to this study, as he highlights the relevance of the legal issues presented in the play. Yoshino relates *Measure by Measure* to remarkable moments of the confirmation hearings of judges at the Supreme Court of the United States, such as the case of Sonia Sotomayor, in 2009. He argues that the play represents three models of judgment—that of empathy, that of legal rigor, and that of the middle way—which continue to guide contemporary debates about the role of judges. Shakespeare, according to Yoshino, anticipated the discussion about the balance between empathy and the strict application of the law, demonstrating that no society should be governed by extremes, but rather by a thoughtful and balanced approach.

This article begins with a historical and political contextualization of the Jacobin period, highlighting how the proposals of English society influenced Shakespeare's theatrical production. Next, we analyze the main characters of the play: Angelo, Isabella, and the Duke, exploring how the work personifies debates about justice and morality. Through a detailed analysis of the dialogues and actions in the plot, we illustrate the tension between positive law and legal hermeneutics, showing how Shakespeare deals with subjectivity in the application of the law and the complexity of judicial decisions.

We connect this analysis to the legal theory of the time, referencing Thomas Hobbes' *Leviathan* and discussing Sir Edward Coke and Francis Bacon's contrasting views on judicial authority. Thus, this study intends to offer a new perspective on *Measure for Measure*, revealing its relevance not only to the historical context in which it was written, but also to current legal and literary debates.

Finally, we remind the reader that he may perceive a subtle variation in the style and form of expression throughout the text, as a result of the collaborative construction carried out by the three authors. This diversity is not the result of chance, but a deliberate choice that reflects respect for the uniqueness of each voice, enriching the academic dialogue.

THE CHOICE OF WORK IN THE SHAKESPEAREAN CANON

In the dialogical context between "Law & Literature", as we think, we will hardly find a more appropriate work than *Measure for Measure*, it is enough to remember the vast amount of texts already written for this purpose, without forgetting that, in the Brazilian case, one can speak of some deficit from the theoretical point of view, when compared to research developed in academic squares of other traditions, without this meaning disgrace or a more serious problem (TRINDADE; BERNSTIS, 2017).

Citemos, pois, os importantes trabalhos de Wilbur Dunkel ("Law and Equity in 'Measure for Measure'"), John W. Dickinson ("Renaissance Equity and 'Measure for Measure'"), Harold Skulsky ("Pain, Law, and Conscience in *Measure for Measure*"), Margaret Scott ("Our City's Institutions": Some Further Reflections on the Marriage Contracts in *Measure for Measure*"), John C. Higgins ("Justice, Mercy, and Dialectical Genres in 'Measure for Measure' and 'Promos and Cassandra'"), Hanns Sachs ("The Measure in 'Measure for Measure'"), Paul N. Siegel ("Measure for Measure: The Significance of the Title"), Marvin Rosenberg ("Shakespeare's Fantastic Trick: 'Measure for Measure'"), M. Lindsay Kaplan ("Slander for Slander in 'Measure for Measure'"), dentre vários outros (p. ex.: HERITAGE, 1994; DINIZ, 2000; YOSHINO, 2012, NEVES, 2013, STRECK, 2020, etc.).

All are fabulously written texts, although one of the most current and contemporary is that of Kenji Yoshino, when he alluded, in the summer of 2009, to the moment when the confirmation hearings of the then candidate for justice of the US Supreme Court, Sonia Sotomayor, took place, when he recalled 2 (two) "key events" that marked that type of legal experience, seasoned with the ghostly presence of the Bard.

The first of these events occurred in 1987, when one of the candidates, Robert Bork, an archetypal judge of the American legal extreme right, inspired by the wicked judge of the English colonies, James Fitzjames Stephen (POSNER, 1995, p. 259-270), who happened to be Virginia Woolf's uncle, on whom a powerful Shakespearean influence weighed (GARBER, 2023, p. 42), became known for "having fun" by committing "sincericide", being rejected (PÁDUA; GUEDES, 2015).

The second, when the so-called "Ginsburg Rule" was coined, hatched in 1992, when the then nominee, Ruth Bader Ginsburg, became known for having mentioned that she did not plan to provide in her hearing in the US Senate "any hint, prediction, or preview" of her possible legal opinions in the Supreme Court, influencing all the other "post-Bork" nominees (YOSHINO, 2012, p. 66).

At that later moment (2009), related to the confirmation of the choice of the then candidate Sonia Sotomayor, Kenji Yoshino observed that "the confirmation hearings provide an opportunity for us to reflect on the role of the judge", thus highlighting the false controversy triggered by a phrase pronounced by then-President Barack Obama, who stated that he sought "the quality of 'empathy' in the appointment of judges" (YOSHINO, 2012, p. 67).

That was enough, according to Kenji Yoshino, to explode a political discussion, because Senator Jeff Sessions, the most senior Republican on the Senate Judiciary Committee, ended up characterizing "the empathy standard as a dangerous deviation from the rule of law", because according to him, "empathy for some, has always been a prejudice against others", this is where Yoshino's subtle criticism resides, for whom it was extremely worrying, on the other hand, not the "criterion of empathy", but the fact that "many people behaved as if we were having this concern for the first time" (YOSHINO, 2012, p. 68).

Yoshino recalled that this theme has remained current for many centuries, if not millennia, since it is fully known that we "go through three conceptions of judgment: one that values empathy too much, leading to the erosion of the Rule of Law; the one who errs in the opposite direction, asking for "rigorous construction" on the "letter of the law"; and, finally, that model that realizes that judging is much more complex than any of the extremes could indicate", landing his reflections exactly in the hard-hitting work "Measure for Measure" (YOSHINO, 2012, p. 68).

By the way, and in the said context, Yoshino continued: "Measure for Measure presents these three models, brilliantly reproducing the three meanings of the title. The first

meaning of "Measure for Measure" would be the Christian model, coming from the Sermon on the Mount" (YOSHINO, 2012, p. 69).

In turn, a second sense of "Measure for Measure" would be the ethics of commensurability present in the Old Testament, in which punishment is "adjusted" (being, proportional) to the measure of the crime, according to the talionic law, explored both in "Titus Andronicus" and in "The Merchant of Venice", also present in the famous passage of the Exodus: "And if any harm happens, you will give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, blow for blow", that is, a retributive principle that is located at the opposite extreme of the Duke's conception of forgiveness, and it is important to remember that Angelo defends this in the play (YOSHINO, 2012, p. 69).

Finally, a final sense of "Measure for Measure" would be the "pagan" sense, existing since antiquity, that is, a sense of judging "with measure", guided by Aristotelian temperance (or by the Archimedean halfway), a scale of justice that leads to less conclusive results than the other two, requiring more action of human action and discretion, represented by Escalus, the wise elder counselor whose name means "scale" (YOSHINO, 2012, p. 69).

The reading of the Shakespearean text will demonstrate, further, the correctness of the third model - the middle way, or the middle way - as the best, demonstrating that no sane person would want to live in a society governed only by empathy or the letter of the law, demonstrating, as always, that Shakespeare arrived first and about how his vision drawn in this play should inform contemporary dialogues about judgment, instructing us to eliminate extreme positions from the beginning, since we are never dealing only with "empathy" or the "rule of law", but with competing values that must be honored (YOSHINO, 2012, p. 69).

With this, Yoshino clarifies the worrying impoverishment of the discussion before the U.S. Senate on the subject of the predicates required of a candidate for Justice of the U.S. Supreme Court, since William Shakespeare would have issued a "literary and legal opinion", or legal opinion in literary form, to guide us through the safe construction of the need to scrutinize the candidates for the high position of Supreme Court Justice from the elements contained in "Measure by Measure", despite being a subject of gigantic obviousness, but it has been said that many times the obvious also needs to be said.

HISTORICAL AND POLITICAL CONTEXT OF THE JACOBITE ERA

The play *Measure for Measure*, written by William Shakespeare and performed before James's court in 1604, aroused a variety of reactions in his audience at the time. Although it was admired by many, it faced resistance from some sections of the nobility, reflecting the political and social tensions of early seventeenth-century England. Also called "Dark comedy", the work deals with forgiveness and justice, challenging traditional conventions by confronting ethical and legal dilemmas that continue to have resonance in contemporary society. It is, therefore, completely current.

James was a firm believer in the doctrine of the divine right of kings, which held that royal authority was conferred directly by God, making the king accountable only to Him. This context is relevant to understanding the play, which explores the delegation of power and judicial authority in a critical and multifaceted way.

The work is permeated by the king's political propaganda, and Shakespeare used his plays as a means of conveying Jacobite ideas, often reflecting the monarch's concerns and priorities. This connection between contemporary politics and Shakespeare's theater makes *Measure for Measure* a particularly rich play for analysis through the lens of judicial restraint and legal hermeneutics.

CHARACTERS AND MORAL RIGIDITY: AN ANALYSIS OF ÂNGELO AND ISABELA.

Angelo and Isabela, the central characters of the play, are characterized by an almost inhuman moral rigidity. Angelo is inflexible in the application of the law, adhering strictly to positive law, but his rigidity masks a personal hypocrisy and an uncontrollable desire that leads to morally questionable decisions (SHAKESPEARE, 1604). Isabela, on the other hand, is uncompromising in her virtue, refusing to compromise her principles, even to save her brother's life.

This rigidity of both characters raises fundamental questions about justice and law enforcement. Angelo represents the danger of a literal and inflexible interpretation of the law, while Isabela exemplifies the need to temper justice with mercy and understanding of human complexities.

The piece criticizes judicial subjectivity, where the application of the law can be distorted by the judge's personal interpretation. Angelo uses the law to serve his own interests, illustrating how judicial authority can be abused when there is no control over subjectivity. Isabela, in criticizing this practice, highlights the need for a legal hermeneutic

that balances the interpretation of the law with principles of justice and equity (SHAKESPEARE, 1604).

INTERPRETATION OF THE LAW AND JUDICIAL SUBJECTIVITY

Throughout the play, it is possible to recognize a variety of legal concepts and institutes, some of which already existed at the time of the writing of the work by William Shakespeare, while others were anticipated by the author and later recognized by the legal universe. On each page, we are led to reflections on the law, its interpretations and implications.

A striking example of this reflection occurs when Angelo, acting as vice-duke, condemns Claudius to death for violating an antiquated law on premarital relations. This decision demonstrates Angelo's strict and inflexible interpretation of the law, without considering individual circumstances or the justice of the case. This highlights judicial subjectivity, showing how the interpretation of the law can be influenced by the judge's personal opinions and interests, instead of following principles of equity and justice, for example, as Chaïm Perelman admits when he deals in his work *Ethics and Law*, with the antinomies of justice and equity (PERELMAN, pp. 33-41)

Additionally, the interaction between the characters reflects the tensions between law enforcement and the need for mercy and understanding. Isabela, when confronting Angelo about his decision to execute Claudius, questions the morality of his interpretation of the law, emphasizing the importance of considering the context and human consequences of his actions. This exchange of dialogue highlights the complexities of interpreting the law and the need for a balance between legal justice and moral justice, because "an act is formally just if it observes a rule that states that it treats in a certain way all beings of a certain category. (...) the rule itself is not subject to any moral criterion; the only condition it must meet is of a purely logical nature," which the case did not have.

POSITIVE LAW VERSUS HERMENEUTICS: TENSIONS IN THE APPLICATION OF THE LAW

The metaphor of Hermes, the messenger demigod between gods and mortals, is applicable to the judge's role in interpreting the law. Just as Hermes transmits the messages of the gods, judges interpret and apply the law based on their own understanding, inevitably introducing elements of subjectivity. The play questions the extent

to which judges are qualified to exercise this interpretative authority and what mechanisms can be used to control this subjectivity (WARD, 1995).

Measure for Measure explores the tension between positive law - written law - and subjective interpretation. Isabela's speech about how the law can be manipulated by personal whims is a visible criticism of legal positivism, where the literal application of the law can be distorted to serve private interests. This critique is relevant to the contemporary understanding of law and justice, where hermeneutics plays an important role in the interpretation and application of laws.

Although there are more sophisticated contemporary reflections on the various models of "Positivism", such as Exclusive Positivism; Inclusive Positivism; non-analytical epistemological positivism; Analytical Epistemological Positivism; Presumptive Positivism, etc. (STRECK, 2020, p. 161; STRECK; ORTIZ MATOS, 2014, p. 136), the fact is that Shakespeare provides an excellent reflection on legal positivism in the text of Measure for Measure, since the play reflects the tensions on the nature and limits of judicial authority, showing how the strict application of written law can lead to injustices when it is not tempered by a humane and equitable understanding. This reflection is fundamental to the theory of judicial decision, which debates the powers and limits of judges in the interpretation and application of the law (GREENBLATT, 1988).

It is possible to perceive the reflection on the purpose of punishment when Claudio's conviction is justified as a way of educating the society of Vienna, as a means of punishing conducts contrary to the law and of repaying the harm caused. The following passages are quoted.

ANGELO: The law was not dead; She slept:
Wouldn't all these have sinned
If the first to violate the statute had answered for his acts [...]
(SHAKESPEARE, 1995, p. 87)

ANGELO: It is in doing justice that I show it,
I have pity on those I don't know,
Whom impunity would offend [...]
(SHAKESPEARE, 1995, p. 87)

The abuse of power is dealt with when Angelo protects himself by the position of Duke so as not to be accused or punished for the crime that had condemned Claudio, using

the law in his favor and protection, manipulating it in favor of his own interests. Angelo's speech, in the face of the threat of denunciation made by Isabela, is an example of this:

ANGELO: My name is clean, my life austere,
My voice against yours, the public office,
They will weigh so much against the accusation
That you, suffocated in what you say,
It will smell like slander [...]
But you can say as much as you want:
Lying I weigh more than your truth.
(SHAKESPEARE, 1604)

As we will see below, Hobbes, in *Leviathan*, argues that the fear of chaos leads individuals to submit to absolute power, reflecting Angelo's conflict in which the weight of his authority can stifle individual truth. Machiavelli, for his part, explores how political cunning and pragmatics can be employed to maintain power and control justice, a perspective that echoes in Angelo's manipulation to protect his position and apparent morality. Together, these authors create a framework where judicial modernity is shaped by a complex interplay between power, morality, and effectiveness. Shakespeare, Hobbes, and Machiavelli show that justice is not only a matter of objective truth, but also a field where power and perception dynamics shape judicial practice.

MODERNITY AND JUDICIAL RESTRAINT: A DIALOGUE BETWEEN SHAKESPEARE, HOBBS AND MACHIAVELLI

By the early seventeenth century, England was in transition, with emerging modernity bringing new ideas about governance and justice. Sir Edward Coke and Francis Bacon were at the center of debates over judicial authority and control of the acts of Parliament. While Coke defended the primacy of the Common Law and the possibility of judicial control over parliamentary acts, Bacon emphasized the royal prerogative and the need for a strong central power (PELTONEN, 1996; REIS, 2001).

During this period, England experienced a series of conflicts and political transformations that culminated in the English Civil War (1642-1651). The conflict essentially pitted the defenders of the king's authority against the partisans of Parliament. The tension between the need for a strong central power and traditional rights and freedoms was a central theme in the legal and political debate of the time (SHARPE, 1992).

The figure of the judge, as well as the role of the judicial system, began to be increasingly contested and analyzed. Sir Edward Coke, in particular, is remembered for his staunch defence of the common law and his belief that judges had a duty to interpret and, if necessary, challenge acts of Parliament that were contrary to the principles of the Common Law. This position can be seen in the famous case of *Dr. Bonham*, where Coke argued that the courts could overrule parliamentary laws that were contrary to the common law (COKE, 1608; BOYER, 2003).

In contrast, Francis Bacon, with a more pragmatic and utilitarian outlook, advocated for a strong monarchical power, capable of imposing order and progress on a society that he saw as potentially chaotic without an effective central government. Bacon saw the centralization of power as a necessary means for the modernization and stabilization of the kingdom (BACON, 1620; ZAGORIN, 1998).

Thomas Hobbes's *Leviathan*, published in 1651, deeply reflects the conflicts and emerging ideas of the time of Sir Edward Coke and Francis Bacon. Written during the English Civil War, *Leviathan* argues that without a strong central government, society would fall into a state of nature characterized by a "Bellum omnium contra omnes"—a war of all against all (HOBBS, 1651).

Hobbes argued that the only way to avoid the chaos and violence inherent in the state of nature is through a social contract in which individuals renounce certain rights in exchange for security and order provided by an absolute sovereign. This view converges significantly with Francis Bacon's perspective on the need for a strong centralized power to ensure stability and progress (BACON, 1620, SKINNER, 1996).

The notion of judicial restraint, debated by Coke and Bacon, is intrinsically linked to Hobbes's ideas about authority and power. While Hobbes saw the need for an absolute sovereign to prevent disorder, Coke believed in the importance of a robust judicial system to control and limit excesses of power, even those coming from Parliament or the monarch (GASKIN, 1996).

Thus, the discussion of judicial restraint in England at the beginning of the seventeenth century, as well as the work *Leviathan*, are manifestations of the tensions between the desire for freedom and the need for order. Hobbes, Bacon and Coke, each in their own way, contributed to the development of the legal and political thought that would shape the emerging modernity (SHAPIRO, 1992).

The way in which many of these ideas were received by the American constitutional model, in fact, would give life to several theoretical and political conflicts, as can be read from the clash between the federalists and the anti-federalists, and their visions smuggled into the constituent model in the Publius x Brutus debate (ACKERMAN, 2004, p. 1085), without forgetting, by the way, the seminal memories of a "Machiavellian Moment", as described by J. G. A Pocock, in which this author inventoried some Roman and Florentine tradition in the construction of the main ideas and problems of an "Anglicization of the republic" and "Americanization of virtue" Machiavellian (POCOCK, 1975, p. 401), in a work full of Shakespearean influences, as it could not be otherwise, and from which we draw the following observations, which go back to the texts of "Troilus and Cressida" (Ulysses), "Henry V" and "Coriolanus":

"The heritage of civic humanism was such that the failure of citizenship compelled the intellect to confront the image of a disordered universe as surely as the failure of "order and status" did Shakespearean and Neoplatonic philosophies encourage the thought that the only return to order would be through the union of the intellect with the cosmos. a dramatic restoration of the unity of the intelligible world" (POCOCK, 1975, p. 102).

At a later point, he mentions:

"The feudal ethos of honor-centered route, along with fidelity, and the literature of chivalric ethics harbor many attempts to align it with Christian morals; there is a persistent ambiguity in the words of Henry V, from Shakespeare: "if it be a sin to covet honor I am the most sinful of existing souls". The problem of civilizing the warrior ethos was not a new theme in European thought. We must be careful, however, to assign a feudal code of values to the Florentine aristocracy; the *ottimati* with whom Guicciardini identified were merchants, bankers, and jurists—not to mention politicians—and it is not clear how great an impact chivalric ethics had on them." (POCOCK, 1975, p. 133).

And also:

"Theory is cyclical and presupposes a closed system, because it is not transcended, in the human and moral world; the neo-Stoic connotations recall the 'aeternitas mundi' of the heterodox Aristotelians. Machiavelli arrives at this both through his abandonment of the dimension of grace and through his decision to consider virtue

as existing only in republics – that is, in finite quantities, themselves finite in number, space and time; And we should remember that the only alternative to a cyclical 'aeternitas mundi' was a Christian eschatology. But it follows that virtue itself, not just a virtù limited to new princes, has now become a cannibal – Shakespeare's 'universal wolf' who 'devours himself last'. If the republic were to fight with grace, the consequences would be universal. The truly subversive Machiavelli was not an advisor to tyrants, but rather a good citizen and patriot." (POCOCK, 1975, p. 217-218)

Or even in the subsequent statements:

"We are looking for the circumstances in which it became important to make use of the third model of language, the particularity: the one based on the concepts of fortune and virtue, which in Florence seem to have become crucial only when republican consciousness reached a certain degree of intensity. The Elizabethan Englishmen were well acquainted with these concepts, and not a few of them were diligent students of humanistic political theory in its republican form—Shakespeare's Coriolanus could only be performed for an audience sensitive to the idea that a game balancing the republic was necessary to prevent the corruption of civic virtue—but they themselves were not republicans." (POCOCK, 1975, p. 349).

"It is obvious enough who should be afraid of whom; but this is not simply the appeal of Shakespeare's Ulysses. The king's subjects are warned, not only that they must observe due subordination, but also that nothing stands between them and these errors, except the maintenance of a balance that men have established. To offend the class divide is to offend a divinely ordained universe and 'the powers from above' can 'clothe themselves with their instruments' for some terrible restoration judgment" (POCOCK, 1975, p. 365).

In a similar context, Andrew Moore observes that Shakespeare seems to have a normative sense of justice against which specific laws and regimes could be measured, and from which he may be somewhat flexible like Machiavelli's standard, even though he may not be so flexible. Shakespeare's fascination with the role of force in politics also puts him in dialogue with Thomas Hobbes. While these two thinkers do not address each other, their works address the same subjects. More than Machiavelli or Shakespeare, Hobbes seems to associate good government with government by force" (MOORE, 2016, p. 215).

By situating Shakespeare "between" Machiavelli and Hobbes, Andrew Moore believes that the true nature of the Bard's political perspective is illuminated. In this sense,

according to the same author, we can see common threads that permeate the works of the three thinkers, giving us a sense of Shakespeare's political concerns and priorities, when we also become able, once we have established the topics of interest, to have a sense of where Shakespeare stands in relation to some of the most pressing issues of political theory. although Shakespeare does not provide us with a properly partisan platform, of course, his plays revolve around political problems, when the Bard presents various solutions to these problems (MOORE, 2016, p. 216).

It seems to us that, in addition to a possible and necessary influence on models for choosing judges for the Supreme Court, Shakespeare in general, and Measure for Measure in particular, provides us with a provocative reflection on the best look at the language of Hermes, when he leans over or interferes in the resolution of particular conflicts, even if these conflicts involve the alleged use of force through inflexible interpretation of the law, or the legal fold due to certain elements, without forgetting the Bard's face, in a possible smile at the corner of the mouth, when we think of the middle way.

FINAL CONSIDERATIONS

Throughout this work, we have seen how Shakespeare's Measure for Measure offers an in-depth insight into legal and moral issues in seventeenth-century England. The play not only reflects the political and social tensions of that time, but also addresses universal questions about law enforcement and judicial interpretation.

The main characters, Angelo and Isabela, show the problems of applying the law in a rigid way and without considering human nuances. Angelo, with his hypocrisy, and Isabela, with his inflexible morals, raise important questions about justice and mercy. The piece criticizes how judges' personal interpretation can distort the application of the law, highlighting the need for a more balanced and comprehensive approach.

The play also makes us think about the function of judges and the interpretation of the law, using the metaphor of Hermes to discuss judicial subjectivity. In criticizing legal positivism, Shakespeare suggests that the literal application of the law without considering the context can lead to injustices.

Against the backdrop of emerging modernity, Sir Edward Coke and Francis Bacon's ideas about judicial authority and the control of Parliament are fundamental. Thomas Hobbes' Leviathan, written during the English Civil War, reinforces the need for a strong central government to avoid chaos. Both Shakespeare and Hobbes explore the tensions

between freedom and order, showing how literature, political philosophy, and law interconnect.

This work sought to demonstrate that a purely legalistic interpretation of Law can lead to inadequate results that are disconnected from social reality. By considering multiple factors in the interpretation of the law, we can achieve a fairer and more contextualized application of the Law, according to a refined Shakespearean view.

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