

**FRANCIS BACON (BASSANIO/BELLARIO) AND
ANTHONY BACON (ITS TITULAR CHARACTER
ANTONIO) AND *THE MERCHANT OF VENICE***

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[In the Universities] they learn nothing there but to believe; first to believe that others know that which they know not; and after [that] themselves know that which they know not.

[Francis Bacon, *In Praise of Knowledge*, (Spedding, *Letters and Life*, I, p. 125)]

The seeming truth which cunning times put on
To entrap the wisest

[*The Merchant of Venice*: 3:2:100-1]

Another error, induced by the former, is a distrust that
any thing should be now to be found out, which the world
should have missed and passed over so long time....

[Francis Bacon, *The Advancement of learning* (Brian Vickers, ed., *A Critical Edition Of The Major Works* (Oxford University Press, 1996), p. 145]

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1.

THE SYSTEMATIC SILENCE AND SUPPRESSION OF SHAKESPEARE EDITORS OF *THE MERCHANT OF VENICE* RELATING TO THE LIFE AND WRITINGS OF ITS TRUE AUTHOR FRANCIS BACON

The first ports of call for Shakespeare scholars and students as well as the interested reading public when studying a play in the Shakespeare canon are its Arden, Oxford and Cambridge editions which have been appearing since just before the beginning of the twentieth century right up to the present day. All told, in the last one hundred and thirty years there has been at least six editions of these Arden, Oxford and Cambridge editions of *The Merchant of Venice*-and they all share a common factor; namely, they do not discuss Bacon in their lengthy and otherwise detailed introductions, in fact they scarcely mention or refer to Bacon at all. As with Arden¹ (1905) edited by Charles T. Pooler this is usually confined to textual note which I here quote in full '(see Bacon, *Of Usury*)'.¹ In his Notes tucked away at the back of the first Cambridge edition in his note for the line 'A breed for barren metal' (1:3:131) Professor John Dover Wilson cites the same essay 'that it is against Nature for money to beget money '(Bacon, *Of Usury*)'.² The editor of Arden² Professor John Russell Brown elevated Bacon from the Notes to his discussion of usury in its introduction: 'Bacon's essay "*Of Usury*" (1625) argued that it was "inevitable"' and in a customary Note we are met with 'Cf. Bacon, 'Of Usury', *Essays* (1625)'.³ In Cambridge² Professor Mahood prefers to name check Francis Bacon, the great twentieth century painter, rather than Francis Bacon, the sixteenth century poet, dramatist and philosopher.⁴ The Oxford edition of *The Merchant of Venice* first published by Oxford Clarendon Press in 1993 and reissued by Oxford University Press in 2008 is the only edition of the play thus far to include an Index. The Index includes a significant number of classical authors (for example, Aristotle, Heraclitus, Horace, Ovid, Plato, Plutarch, Seneca, Terence and Virgil) and several contemporary Elizabethan/Jacobean poets, writers and dramatists, including the well-known Ben Jonson, Christopher Marlowe, Robert Greene, Anthony Munday, Thomas Nashe, and the less well-known or familiar Lewis Lewkenor, Fynes Morrison and Robert Wilson, and writings by Miles Mosse, *The Arraignment and Conviction of Usury* (1595) and T. Bell, *Speculation of Usury* (1596)-but not the great Elizabethan philosopher Francis Bacon, who wrote an essay and a paper on usury.⁵ The 460 page Arden³ edition of *The Merchant of Venice* (2010) edited by Professor John Drakakis also contains an Index with a single entry for Bacon who he mentions in his Longer Notes section 'See also Francis Bacon, *Of Usury*, which recapitulates this position before offering a more tolerant strategy (Bacon, 23-6). Bacon perceives the practice of usury as '*a concessum propter duritiam cordis* [a thing allowed on account of the hardness of men's hearts] (Bacon, 123)'.⁶ Furthermore, in what is universally regarded as the bible edition of the play Professor Drakakis cites an article by Charles Spinosa as one of his sources (which discusses Bacon and the relationship between the *Slade's Case* and *The Merchant of Venice*) in his own brief discussion of *Slade's Case* (not indexed) which omits all mention of Bacon whatsoever.⁷

It is thus unsurprising given the above circumspection (or what some might describe as systematic silence and suppression) the ordinary schoolmen, the casual student and the rest of the world at large are unfamiliar with the remarkable and extensive links between its concealed author Bacon and *The Merchant of Venice* some of which were demonstrably known to these and other editors, who for some reason withheld them from their world-wide readership.

2.

THE BACKGROUND LEADING UP TO *THE MERCHANT OF VENICE*

After a twelve year absence abroad working closely with spymaster Walsingham and his brother Francis for the English Secret Service Anthony Bacon returned to England in February 1592. He immediately went to live with his beloved Francis who welcomed him with open arms into his Gray's Inn lodgings. With spymaster Walsingham dead the headquarters of the English Secret Service had been transferred to Essex House on the Strand, the grand stately residence of the favourite Robert Devereux, second Earl of Essex, to whom Francis personally introduced Anthony, interlocking their destinies for the next decade.

Under the roof of Essex House Francis and Anthony Bacon ran a vast domestic and foreign intelligence network of spies and intelligencers operating across the European continent. Working out of Gray's Inn and Essex House Francis and Anthony also set up a literary workshop with connections to English printers and publishers employing writers, translators, scribes and copyists for distribution of private manuscripts, books, plays, masques and other entertainments. This Bacon-Essex circle included the Earl of Southampton to whom Bacon dedicated *Venus and Adonis* and *The Rape of Lucrece* and Antonio Perez model for Don Adriana de Armado in *Love's Labour's Lost* with another of its characters (Anthony Dull) named after Anthony Bacon. The intelligence and literary operations required very substantial financial resources and revenues to continually fund and maintain them which drove Francis and Anthony Bacon into a never ending cycle of debt incurred by having to raise large loans from money-lenders through bonds (legal contracts and agreements for loans which obligates the borrower to pay a sum of money on a certain date-with a failure to do so incurring some kind of penalty or forfeit) and other legal instruments.

From the moment Anthony returned to England he immediately became involved in supporting and assisting his brother Francis with his money troubles and considerable debts. Francis had borrowed a large sum of money from a Mr Harvey which he meant to address with the sale of an estate, Marks. The estate in question could not be sold without the explicit consent of his mother Lady Bacon who as a dowager was entitled to a third of the proceeds. Initially, Lady Bacon indicated that she would waive her financial interest in the estate to help Francis repay his debt to Harvey, but when she delayed, Anthony wrote to remind her in April 1593 'I presume to put your Ladyship in remembrance of your motherly offer to him the same day you departed: which was that to help him out of debt you would be content to bestow the whole interest in Marks upon him; the which unless it would please your Ladyship to accomplish out of hand, I have just cause to fear that my brother will be put to a very shrewd plunge, either to forfeit his reversion to Harvie, or else to undersell it very much'.⁸ Her reply took no prisoners 'I have been too ready for you both till nothing is left' and besides 'your brother told me before you twice then that he intended not to part with Markes, and the rather because Mr Mylls would lend him nine hundred pounds; and as I remember I asked him how he would come out of debt.'⁹ On the second leaf Lady Bacon told Anthony 'If your brother desire a release to Mr. Harvey, let him so require it himself, and but upon his condition by his own hand and bond I will not; that is, that he make and give me a true note of all his debts, and leave to me the whole order and receipt of all his money for his land, to Harvey, and the just payment of all his debts thereby.'¹⁰ In a letter on 6 September from Anthony to Lady Bacon that refers to

‘the redeeming of Markes out of Mr. Harvey’s hands’, it seem Lady Bacon finally consented and the debt to his creditor Harvey was settled.¹¹

‘It is obvious’, writes Freedman, ‘from a memorandum dated 18 November 1592 of the money owed by Francis to Anthony that Anthony began immediately upon his return to solicit loans for Francis, who it appears, had been living on borrowed money (especially from his friend Nicholas Trott) while Anthony was overseas.’¹² Before 1592 Francis had entered into a series of complex financial transactions with one Nicholas Trott, a member of Gray’s Inn, who as a quid pro quo was credited with the introduction to Bacon’s play *The Misfortunes of Arthur*, which had been performed by members of Gray’s Inn before Queen Elizabeth in February 1588 whose themes and language later found echoes in a substantial number of his Shakespeare plays (*1 Henry VI*, *2 Henry VI*, *3 Henry VI*, *Richard III*, *Titus Andronicus*, *King John*, *The Comedy of Errors*, *Romeo and Juliet*, *Hamlet*, *Macbeth* and *The Tempest*, etc).¹³

In order to furnish Francis with loans Trott borrowed money from his mother and brother. In the first instance Francis borrowed £200 for a month to make up a payment to Lady Paulet, presumably the wife of the former ambassador to France Sir Amias Paulet, with whom Bacon had resided at the English embassy in Paris. Some nine months later the loan had not been repaid leading Francis to suggest to Trott that they reach a deal for the Redbourne estate on very favourable terms, and for a security, he proposed a conditional assurance of his marshes. Unsatisfied Trott refused the deal. Pressed for money Francis asked Trott to lend him a further £200 and for the earlier and the proposed loan Francis indicated to Trott could have the bonds of his brother Edward Bacon and Mr Henry Neville, but vowed that if Trott would have his own bond, he would repay him on the following Monday.¹⁴

The Henry Neville in question was either Sir Henry Neville (c. 1520-1593), second husband of Bacon’s sister, Elizabeth Bacon; or almost certainly, his son from his own second marriage to Elizabeth Gresham, Sir Henry Neville (1562-1615), being Bacon’s nephew, and his close inward friend, who moved in the Bacon-Essex circle. On the left hand corner of the cover of Bacon’s Northumberland Manuscript which originally contained his two Shakespeare plays *Richard II* and *Richard III* the name ‘Nevill’ is scribbled in two places underneath which is scribbled the punning motto of the family name ‘*Ne vile velis*’. This led the editor of the Northumberland MSS to conjecture:

Perhaps this gives a clue to the original ownership of the volume, as it seems to indicate that the collection was written for, or was the property of, some member of the Neville family. Who this was is uncertain, but it seems probable that it was Bacon’s nephew, Sir Henry Neville.¹⁵

To the right of the entry for ‘Nevill’ is scribbled ‘*Mr. ffrancis Bacon*’ in the opposite corner. Further down the page above the entry for his Shakespeare play *Richard II* we are met with ‘*By Mr. ffrancis William Shakespeare*’ and beneath this the word ‘*Your*’ twice written across the name/pseudonym ‘*William Shakespeare*’.¹⁶ Upon his offer of Edward Bacon or Henry Neville to stand bond for the loan, Trott reluctantly accepted Francis’s bond of £800, with half of it due on 3 May, a date which came and passed without Trott receiving the specified repayment.

With the situation becoming even more complicated Bacon then entered into a land-purchase with Trott which greatly injured him. Trott demanded his £400 from Francis with it been overdue and the bond forfeited eighteen months ago. It was at this time that Anthony returned to England and ‘Trott was content upon intreaty, to make it up 600*l.* upon condition, that the former would join a bond for the payment of it.’¹⁷ When

Nevill

Mr. ffrancis Bacon
of Tribute, or giving, what, is due

Nevill

By Christ religio fons refusing
your religion your selves
most refreshing as in Christ
favour most refusings of any &

ne vile velis all
ne vile velis Anthony Comfort
refreshing ye hart

laden with grief and
oppression of heart
Philip

Mullis annis iam Transalpes
Nulla fides est in pactis
Mell in ore Verba lactis
Bell in corde ffrans in factis

your loving
friend
honorific abilitant
Loycesters Common Wealth
Incerto autore
Adam

The praise of the worthiest vertue
The praise of the worthiest affection
The praise of the worthiest power
The praise of the worthiest person
and consorte

By Mr. ffrancis Thomas
Thomas
By Mr. ffrancis Bacon of Gr
turner
Greas. Inu. in the
Philip against monsieur
revealed
Earle of Arundells letter to the Queen
from your service
Speeches for my Lord of Essex at the tytle
Speech for my Lord of Sussex till
more than externally
Incerto autore
Adam

Orations at Graues Inne reuells
Dyr Quenes Maie many
Earle of Arundells By Mr. ffrancis Bacon Bacon
letter to the Quenes wife Earle of A. By Mr.
Essays by the same author printed

By Mr. ffrancis William Shakespeare
Richard the second Shakespeare
Richard the third
Amund and Cornelia Thomas
Ile of Topo frant Thom Thom
every ciany by Thomas Nashe inferior plauis
peepes and your
see of William Shakespeare
Shak sh sh
Shak Shakespeare
Shak your
William Shakespeare

William Shakespeare Wlm Wlm
Hill Shakope
William Shakope
Shakope

Fig. 1 The Outer-Cover of Bacon's Northumberland Manuscript originally containing his Shakespeare Plays *Richard II* and *Richard III*

this loan of £600 became due Anthony was unable to repay it and borrowed another £1400 from Trott. When he tried to persuade Trott to help Francis redeem money that Francis had borrowed against his land in Essex, Trott told him that he wanted no more financial dealings with Francis. In reply Anthony offered up the likelihood of Francis becoming Attorney-General as security for the monies owed to Trott. Somehow Trott agreed and entered into another bond for loans with Francis and Anthony which when they were not repaid relations between them deteriorated. Trott in a letter to Anthony expressed his frustration and grievances telling him your brother Francis in his letters ‘tellethe me, he will pay no usury’, with Trott telling Anthony ‘I never bargained with your brother for usury...And, sir, myself, to serve him, have paid in usury about 300*l.* beside that, which I have paid my mother’.¹⁸

In parallel with these loans Trott was also involved in the complex negotiations to sell some of Anthony’s properties in Hertfordshire to Alderman John Spencer (later Lord Mayor of London) to help Francis alleviate some of his debts. The negotiations dragged on for months and involved their elder half-brother Sir Nicholas Bacon being a ‘remainder-man’ who retained an interest in the sale of the lands. Anthony sent a letter to Nicholas drafted by Francis ‘I have concluded with Alderman Spencer for my land in Barly, who after the manner of purchasers demandeth fine and recovery to his liking;...he is content nevertheless, if you who are last in remainder shall join with my brother and me in the sale, to rest upon that assurance for payment, and to pay me now in August the whole sum between us. And because it concerneth me to keep credit with such to whom I owe money’.¹⁹ Regarding the same business Francis sent Trott who had been employed to communicate with Spencer on behalf of the Bacons a letter replete with legal terminology from one lawyer to another lawyer (the kind of legal language that is woven into the fabric of the Shakespeare canon) and a series of letters direct to Alderman Spencer himself.²⁰ A year later Spencer urged Anthony to sell him another manor, which he refused. Instead Anthony asked the cryptographer and intelligencer Thomas Phelippes for a loan of £1,000 per annum²¹ whose secret and close relationship with Francis went back to their days at Cambridge and the English embassy in Paris, and with Anthony throughout the 1580s and 1590s, working for the English Secret Service.

Towards the end of 1594 the burden of debt increased ‘Anthony’s correspondence during this autumn is full of urgent applications to various friends for loans of money, and the following memorandum shows that much of his own necessity arose from his anxiety to supply the necessities of his brother.’²² In October 1594 Anthony drew up a memorandum ‘at my brother coming to me after a fit of stone, and falling into talk of the money, he ought [owed] me as principal debt, he acknowledged to be due to me £650; whereof £200 I borrowed of Mr. Mills and paid it him again; £200 of the money I had of Alderman Spencer; £100 before he went his journey into the north, £60 in money and £40 for my coach-horses; £150 after his return; besides many other payments to Mr. Senhouse and others.’²³ In December Francis needed to raise more money and asked Anthony ‘to join with me in security for £500’, regarding which ‘I send you the bonds. And whereas you shall find the bond to be of £600, which is £100 more; true it is that first the jewel cost £500 and odd, as shall appear to you by my bond.’²⁴ Three days later Francis again wrote to Anthony ‘I have written a few words to Sir Antonio Perez’ (model for Don Adriano de Armado in *Love’s Labour’s Lost*) ‘I did doubt I should see him of these two or three days; which made me use *litteris praecursoriis*’ and ‘I further salute you with Mr. Milles his new bond *sine liturd.*’²⁵

The situation of balancing loans borrowing from one source to pay another continued throughout 1595 and into 1596 when in the March Francis borrowed £1,000 upon the

security of lands worth no more than £1700. When the time arrived to redeem the loan he did not have the money and was forced to sell the land to save the difference. He came to an arrangement with ‘a man in the city’ but this proved unsatisfactory and for help he turned to Henry Maynard and Michael Hickes (two secretaries to his uncle William Cecil, Lord Burghley). Building ‘somewhat upon the conceit I have of your good wills...in so pressing an occasion as is fallen unto me by the strange slipping and incertain or cunning dealing of a man in the City’, he offered them the collateral pawn of the assurance of my lease of Twicknam’, which Bacon would only offer to a private friend.²⁶ It is not known if they lent Bacon the money, and the matter of the outstanding loans to Trott was threatening to very turn ugly. Eventually after heated exchanges in their correspondence Anthony entered into an arrangement whereby the money lent to Francis would be repaid.²⁷ It appears that Trott remained unpaid and in August 1597 a new plan was agreed whereby Francis and Anthony could both repay the money they owed him.²⁸ In a bizarre turn of events a month later on 6 September a financially exhausted Trott asked Anthony Bacon for a loan of £5 over eight days.²⁹

In a manuscript held at the British Library Francis set out his financial dealings and accounts with Trott which being too long to reproduce in its entirety the following extract suffices to give a flavour of the whole:

The state of the account between Mr. Trott and me, as far as I can collect it by such remembrances as I find; my trust in him being such as I did not carefully preserve papers; and my demands upon the same account.

The monies lent in particulars.	About 7 or 8 years passed I borrowed of him upon him bonds Soon I borrowed upon bond other Upon my going northward I borrowed of him by my brother’s means But this was ever in doubt between my brother and me; and my brother’s conceit was ever it was twice demanded, and that he had satisfied it upon reckonings between Mr. Trott and him. About a twelvemonth after, I borrowed of him, first upon communication of mortgage of land, and in conclusion upon bond But then upon interest and I know not what reckonings (which I ever left to his own making) and his principal sum, amounting to 1700l. was wrapped up to 2000l., and bond given according as I remember. ³⁰	200 l. 200 l. 100 l. 1200 l. 950 l.
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Some of the monies from these loans were being used by Francis and Anthony to fund and maintain the running of their literary workshop which employed scribes and copyists for writing and copying manuscripts for various books, plays, masques and other entertainments, prior to publication. The most important of these collections of manuscripts is the Northumberland Manuscript discovered at Northumberland House in the latter half of the nineteenth century. The manuscript contains an outer-page or

cover which lists the original transcripts within it, many of which relate to Gray's Inn and the law. The name of Bacon or Francis Bacon and his pseudonym Shakespeare or William Shakespeare are scribbled all over its outer-cover and there are several direct references to his Shakespeare poems and plays. In the bottom left-hand corner appears the scribbled entry '*revealing day through every crany peepes and see Shak*' which is practically line 1086 from *The Rape of Lucrece* ('Revealing day through every cranny spies'). The outer-cover giving its list of contents indicates that it originally contained Bacon's six speeches or '*Orations at Graies Inne Revels*' that witnessed the premier of his Shakespeare play *The Comedy of Errors* which encodes the developing law of contract between the action of debt and action of *assumpsit* being fought out between the Court of Common Pleas and the King's Bench adjudicated upon in *Slade v Morley* better known as *Slade's Case* in which Bacon represented the defendant Morley. To the left of the entry '*Orations at Graies Inne Revels*' appears '*Honorificabilitudine*', a shortened version of the long word '*Honorificabilitudinitabus*' in *Love's Labour's Lost* (4:3:41), in which a mortgage on the disputed land of Aquitaine forms the central part of its structure and plot involving the complicated law of debt and *assumpsit* settled in *Slade's Case*. Two of its characters Sir Nathaniel and Anthony Dull are named after two of the Bacon brothers Sir Nathaniel and Anthony Bacon who is referred to on the outer-cover of the Northumberland Manuscript '*Anthony comfort and consort*'. The outer-cover also records that this, Bacon's collection of MSS, originally contained his Shakespeare plays *Richard III* and *Richard II* above which contains the entry '*By Mr. ffrancis William Shakespeare*'. The Northumberland Manuscript also originally held a copy of Bacon's *Essays* which were first published in 1597 (as were *Richard II* and *Richard III*) which indicates that no part of the MSS collection was written after this date.³¹

Several of Bacon's essays had already been circulated in manuscript and in 1596 passages from *Of Studies* appeared in Edward Moning's *The Langrave of Hessen his Princelie Receiving of her Majesties Embassador*. From the records of the Stationers' Company we see Richard Seger had obtained a copy of Bacon's *Essays* and entered it in the Stationers' Register on 24 January. To forestall their unauthorized publication Bacon immediately assigned the rights to Humfrey Hooper and on 5 February a fresh entry appeared in the Stationer's Register '*ESSAYS by Master FRAUNCIS BACON*' and two days later on 7 February 1597 they were published to the world dedicated to his brother Anthony Bacon, his other self:³²

Loving and beloved Brother, I do now like some that have an orchard ill neighboured, that gather their fruit before it is ripe, to prevent stealing. These fragments of my conceits were going to print; to labour the stay of them had been troublesome, and subject to interpretation; to let them pass had been to adventure the wrong they might receive by untrue copies, or by some garnishment, which it might please any that should set them forth to bestow upon them. Therefore I held it best discretion to publish them myself as they passed long ago from my pen, without further disgrace than the weakness of the author. And as I did ever hold, there might be as great a vanity in retiring and withdrawing men's conceits (except they be of some nature) from the world, as in obtruding them: So in these particulars I have played myself the inquisitor, and find nothing to my understanding in them contrary or infectious to the state of religion, or manners, but rather (as I suppose) medicinable. Only I disliked now to put them out because they will be like the late new half-pence, which though the silver were good, yet the pieces were small. But since they would not stay with their master, but would needs travel abroad, I have preferred them to you that are next myself, dedicating them, such as they are, to our love, in the depth whereof (I assure you) I sometimes wish your infirmities translated upon myself, that her Majesty might have the service of so active and able a mind, and I might be with excuse confined to these contemplations and studies for which I am fittest, so

commend I you to the preservation of the divine Majesty. From my Chamber at Gray's Inn this 30 of January, 1597.

Your entire Loving brother.
Fran. Bacon.³³

In addition to some of the running costs of the English Secret Service and the Bacon literary workshop with its scribes, translators and copyists and the cost of printing and publishing anonymous and pseudonymous writings, on a more personal note, some of the monies raised in loans by Anthony for Francis were directed towards his pursuit of his second cousin the young and beautiful heiress Lady Elizabeth Hatton. She was the daughter of Thomas Cecil, the eldest son of Lord Burghley, and Dorothy Neville, and had known Francis from her childhood, her brother Thomas was a frequent visitor to Twickenham Park, and she 'was ever ready to display her charms and wit before "cousin" Francis, and he to reply in kind.'³⁴ It soon developed into a loving courtship and the two of them Francis and Lady Elizabeth Hatton spent a great deal of time in each others company.

In the early 1590s the seventeen year old Lady Elizabeth Cecil married the recently widowed Sir William Hatton who very suddenly died in March 1597. On his death Lady Elizabeth inherited the Isle of Purbeck, Corfe Castle and the magnificent Hatton House in Holborn, with it fabulous gardens, within walking distance of Gray's Inn, where Francis visited her often and regularly walked around its enchanting environs. The young, beautiful and spirited Lady Elizabeth was left a very rich widow and the prospect of a wealthy marriage to someone whom he was very fond of, perhaps even in love with, in his financially precarious position heavily weighed down with debt, appeared a very attractive prospect. He immediately enlisted the services of the Earl of Essex to write to Lady Elizabeth and her parents Sir Thomas and Lady Dorothy Cecil 'My suit to your Lordship is for your several letters to be left with me, dormant, to the gentlewoman and either of her parents; wherein I do not doubt, but as beams of your favour have often dissolved the coldness of my fortune, so in this argument your lordship will do the like with your pen.'³⁵ Essex accordingly obliged, writing separate letters, dated 24 June 1597 to Thomas Cecil and his wife Lady Dorothy.³⁶ Nothing is known of the response made by Lady Elizabeth and her parents to Bacon's marriage proposal. It seems that Lady Elizabeth was in no hurry to remarry and over the next twelve months or so Bacon visited Hatton House and took many a walk with her around her celebrated gardens likely bearing expensive gifts purchased with money raised by Anthony from friends and moneylenders in the city.

There is every reason to believe that Lady Elizabeth was extremely fond of Bacon but in the end most probably under pressure from her grandfather Sir William Cecil, Lord Burghley in the November 1598 she married the wealthy lawyer and Attorney-General Sir Edward Coke. It was a decision she came to bitterly regret and she later had cause to petition her erstwhile suitor Bacon, then the Lord Keeper of the Realm, to order Coke who had kidnapped their daughter, to return her to Lady Elizabeth, who by then, had long realised she had married the wrong man.

The Bacon brothers were still dealing with various loans and mounting debts when in Trinity Term 1597 a goldsmith named Sympson of Lombard Street who held a bond for £300 principal sued Francis for repayment but agreed to respite the satisfaction of it until the beginning of the following term. Without however any warning a fortnight before Michaelmas Term commenced Bacon was walking from the Tower of London on her Majesty's service when at the instigation of the moneylender Sympson he was served with an execution and arrested. It appears Bacon was detained by the officials

sent to arrest him with a view to transferring and confining him in the Fleet Prison. He managed to send a message to Sheriff More with whom he had dined two days before who intervened on his behalf and provided him with more comfortable surroundings in a house in Coleman Street. From here Bacon immediately sent word to the Earl of Essex and despatched two letters-one to his cousin Secretary of State Sir Robert Cecil and the other to Lord Keeper Sir Thomas Egerton, which contain all that is known of the of whole affair which I here reproduce in full:

TO SIR ROBERT CECIL, SECRETARY OF STATE

It may please your Honour,

I humbly pray you to understand how badly I have been used by the enclosed, being a copy of a letter of complaint thereof, which I have written to the Lord Keeper. How sensitive you are of wrongs offered to your blood in my particular, I have had not long since experience. But herein I think your Honour will be doubly sensitive, in tenderness also of the indignity to her Majesty's service. For as for me, Mr. Sympson might have had me every day in London; and therefore to belay me, while he knew I came from the Tower about her Majesty's special service, was to my understanding very bold. And two days before he brags he forbore me, because I dined with sheriff More. So as with Mr. Sympson, examinations at the Tower are not so great a privilege, *eundo et redeundo*, as sheriff More's dinner. But this complaint I make in duty; and to that end have also informed my Lord of Essex thereof; for otherwise his punishment will do me no good.

So with signification of my humble duty, I command your Honour to the divine preservation. From Coleman Street, this 24th of September, [1598.]

At your honourable command particularly,
FR. BACON.³⁷

TO SIR THOMAS EGERTON, LORD KEEPER OF THE GREAT SEAL

It may please your Lordship,

I am to make humble complaint to your Lordship of some hard dealing offered me by one Sympson, a goldsmith, a man noted much, as I have heard, for extremities and stoutness upon his purse: but yet I could scarcely have imagined, he would have dealt either so dishonestly towards myself, or so contemptuously towards her Majesty's service. For this Lombard (pardon me, I most humbly pray your Lordship, if being admonished by the street he dwells in, I give him that name) having me in bond for £300 principal, and I having the last term confessed the action, and by his full and direct consent respited the satisfaction till the beginning of this term to come, without ever giving me warning either by letter or message, served an execution upon me, having trained me at such time as I came from the Tower, where, Mr Waad can witness, we attended a service of no mean importance. Neither would he so much as vouchsafe to come and speak with me to take any order in it, though I sent for him divers times, and his house was just by; handling it as upon a despite, being a man I never provoked with a cross word, no nor with many delays. He would have urged it to have had me in prison; which he had done, had not sheriff More, to whom I sent, gently recommended me to an handsome house in Coleman Street, where I am. Now because he will not treat with me, I am enforced humbly to desire your Lordship to send for him, according to your place, to bring him to some reason; and this forthwith, because I continue here to my further discredit and inconvenience, and the trouble of the gentleman with whom I am. I have an hundred pounds lying by me, which he may have, and the rest upon some reasonable time and security; or, if need be, the whole; but with my more trouble. As for the contempt he hath offered, in regard her Majesty's service, to my understanding, carrieth a privilege *eundo et redeundo* in meaner causes, much more in matters of this nature, especially in persons known to be qualified with that place and employment, which, though, unworthy, I am vouchsafed, I enforce nothing; thinking I have done my part when I have made it known; and so leave it to

your Lordship's honourable consideration. And so with signification of my humble duty, etc.

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There is no other known extant record or report of Bacon's arrest for debt, an action effected by one Sympson of Lombard Street the home of money-lenders and usurers; so presumably arrangements were made to settle the debt and interest in full, probably by Anthony Bacon, whose purse and credit was always at the service of his beloved brother, whom he loved more than all the world, perhaps even more than life itself.

These events were to inform and colour the most famous legal play in the history of English drama, as a matter of fact, the most famous play about law in any language in all the world, *The Merchant of Venice*, whose titular character is named Antonio, the Italianate form of Anthony named after and modelled upon Anthony Bacon.

3.

THE MERCHANT OF VENICE

There are three hard facts about the writing, revising and publication of *The Merchant of Venice*; firstly it was entered as a new play on the Stationers' Register on 22 July 1598; secondly, it is named in Mere's *Palladis Tamia* printed in September 1598; and thirdly, it was first published in 1600 with the title *The Most excellent Historie of the Merchant of Venice. With the extreame crueltie of Shylocke the Iewe towards the sayd Merchant, in cutting a iust pound of his flesh: and the obtayning of Portia by the choyse of three chests.*

Interestingly, across the top of the first page of the 1600 edition appears the running title 'The comicall History of the Merchant of Venice' containing 39 letters, F. Bacon in simple cipher.³⁹ Which one imagines would have not been too taxing for Anthony, being an agent of the English Secret Service, and like his brother, an expert in ciphers and cryptography, with of course, the added advantage, that he was privy to the secret that Francis was in fact the concealed author of the play.

In the modern Arden edition of the play Professor Drakakis makes the obvious but important observation: 'The central drama of *The Merchant of Venice* revolves around the relationship between the merchant Antonio and the Venetian Lord Bassanio.'⁴⁰ In the standard work *Shakespeare's Legal Language A Dictionary* professors Sokol and Sokol in their entry for debt refer to Antonio and directly link Bacon and the character Bassanio in *Merchant of Venice* 'Borrowed money was required by many, including those with mercantile interests (like the character Antonio in MV), landowners or their heirs seeking ready cash, and a new breed seeking large sums to enable the magnificent self-representation then befitting lofty ambitions (men such as Sir Francis Bacon, characters such as Bassanio in MV).'⁴¹ Bracketed together without an 'and' between Bacon and Bassanio, one could be forgiven for thinking that they were both one and the same, and they are. As we know the name Antonio is the Italianate form of Anthony, named after and based upon Anthony Bacon, with Bassanio representing Francis Bacon (Bacon: in Italian a single 'c' is pronounced 's' and it will be observed, four of the five letters of his surname are found in Bassanio, i.e. B A O N) and the two characters Antonio and Bassanio mirror the complex relationship and circumstances of Anthony Bacon and Francis Bacon before and during the time the play was written, revised and performed.

The most excellent
Historie of the *Merchant*
of *Venice*.

With the extreame crueltie of *Sbylocke* the Iewe
towards the sayd Merchant, in cutting a iust pound
of his flesh: and the obtayning of *Portia*
by the choyse of three
chests.

*As it hath beene diuers times acted by the Lord
Chamberlaine his Seruants.*

Written by William Shakespeare.



AT LONDON,
Printed by *I. R.* for Thomas Heyes,
and are to be sold in Paules Church-yard, at the
signe of the Greene Dragon.

1600.

Fig. 2 The title page of the 1600 quarto edition of *The Merchant of Venice*

The play begins with the stage direction ‘*Enter Antonio, Salerio, and Solanio*’ with Antonio in its opening line saying that he felt unaccountably sad ‘In sooth, I know not why I am so sad’ (1:1:1) and refuses to be cheered up by Salerio and Solanio. Antonio denies that he is worried about the safety of his merchant ships. ‘Why then’, suggests Solanio ‘you are in love’ to which Antonio replies, ‘Fie, fie’ (shame on you). Salerio then goes on to say:

*Not in love neither? Then let us say you are sad
Because you are not merry, and ’twere as easy
For you to laugh, and leap, and say you are merry
Because you are not sad. Now, by two-headed Janus,
Nature hath framed strange fellows in her time.
[The Merchant of Venice: 1:1: 47-51]*

In the passage Antonio is linked with Janus the Roman god of beginnings and endings as well as duality, transitions and gateways. According to mythology Janus had two faces-one looking forward to the future and one looking back to the past. Now look again at the passage wherein its author has secretly incorporated a near anagram of his name upwards and downwards: F Becon from the letter F upwards and F Becon from the letter F downwards (my italics). The name Bacon is a derivation of Beacon.

They are joined on stage by Bassanio, Lorenzo and Graziano with Solanio pointedly announcing to Antonio ‘Here comes Bassanio, your most noble kinsman’ (1:1:57). Salerio and Solanio take their leave shortly after followed by Lorenzo and Graziano who just before departing says ‘You look not well, Signor Antonio’ to which Antonio responds ‘I hold the world but as the world, Graziano/A stage where every man must play a part,/And mine a sad one’(1:1:77-9). Antonio and Bassanio are now alone on stage (that is, of course, the Bacon brothers-talk about being hidden in plain sight) and Antonio asks Bassanio to reveal the identity of the lady you promised to tell me about ‘To whom you are swore a secret pilgrimage’ (1:1:120). Before directly answering the question, Bacon disguised in the character of Bassanio alludes to his private history with Anthony, here in the character of Antonio, reminding him how he had exhausted his estate on his concealed life and secret plots and purposes, which he has supported with loans from friends, in particular Antonio, to whom he owes most in money and love:

BASSANIO

’Tis not unknown to you, Antonio,
How much I have disabled mine estate
By something showing a more swelling port
Than my faint means would grant continuance,
Nor do I now make moan to be abridged
From such a noble rate; but my chief care
Is to come fairly off from the great debts
Wherein my time, something too prodigal,
Hath left me gaged. To you, Antonio,
I owe the most in money and in love,
And from your love I have a warranty
To unburden all my plots and purposes
How to get clear of all the debts I owe.

ANTONIO

I pray you, good Bassanio, let me know it,

And if I stand as you yourself still do,
Within the eye of honour, be assured
My purse, my person, my extremest means
Lie all unlocked to your occasions.
[*The Merchant of Venice*: 1:1:122-39]

In his recent innovative essay entitled '*Portia's Laboratory: The Merchant of Venice and the New Science*' (a phrase virtually synonymous with Bacon) Professor Jonathan Lamb explains how aspects of the emerging scientific culture of late sixteenth-century is incorporated, or should we say, deeply embedded or encoded, within the play. It shows how its author thought about knowledge and the testing of knowledge and what we think we know and what we really know. He argues the word 'if', which is used as a theoretical proposition for a scientific hypothesis, forms the 'basis of what happens in the play'. It is 'in and through "if," Shakespeare dramatizes a conflict between, on one hand, a way of knowing similar to Francis Bacon's inductive scientific method and, on the other, the method of hypothesis.'⁴² He further adds that by testing these 'if' statements 'Shakespeare introduces a conflict between two ways of knowing, one that works like the Baconian inductive method, and one that works like the hypothesis-driven method.'⁴³ This Lamb argues is evident from the opening line when Anthony complains 'In sooth, I know not why I am so sad' (1:1:1). Many scholars have noted that his problem is epistemological (the theory of knowledge regarding its methods and validation/distinction between justified belief and opinion) but, writes Lamb, 'it is more specifically scientific... Like, Bacon, he does not hypothesize'.⁴⁴ 'By contrast in their response to Anthony', Lamb continues, 'Solanio and Salerio use conditional, counterfactual statements to guess at what ails him.'⁴⁵ Adding 'Antonio rejects their guesses as just that: guesses, suppositions, and hypotheses that affirm the consequent.'⁴⁶ Lamb concludes that 'over the course of the play, Shakespeare privileges what would become the method of hypothesis over what would become Baconian induction by undermining the latter's claims to knowledge and by making the former into the structural basis of the play's major action.'⁴⁷ His own conclusion is here misleading, yet nevertheless, within this framework, Professor Lamb makes a series of original and impressively insightful observations on various passages throughout the play.

Following what was often said in private by Bacon (Bassanio) to Anthony (Antonio) that it was not unknown to him how he had drained his wealth (in secret endeavours and purposes) Bassanio who, writes Professor Lamb, bears 'an uncanny, anachronistic resemblance to Francis Bacon',⁴⁸ who in the next passage displays an 'odd anticipation of Baconian scientific method':⁴⁹

In my schooldays, when I had lost one shaft,
I shot his fellow of the selfsame flight
The selfsame way, with more advised watch,
To find the other forth; and by adventuring both,
I oft found both.
[*The Merchant of Venice*: 1:1:140-44]

In relation to the above passage from *The Merchant of Venice* Professor Lamb states:

The arrow-shooting analogy he uses on Antonio in the opening scene reads like a text book description of the discovery process that makes up Bacon's method... consider how Bassanio says he will achieve knowledge: he will "watch" and "adventure." Observation and discovery,

as we have seen, are the two mainstays of Bacon's inductive method, in which the would-be knower gathers empirical data and moves up the inductive ladder to more general axioms. Indeed, Bassanio's mode of inquiry forecasts William Rawley's [Bacon's private secretary and first editor and biographer of his works] defense of Bacon's method in the preface epistle of *Sylva Sylvarum*. . . . In the very same way Bassanio's success in finding the arrow—that is, in achieving knowledge—depends on his ability to coordinate empirical data and to model casual relationships.⁵⁰

In the same passage Bassanio proceeds to tell his beloved Antonio 'I owe you much' and 'That which I owe is lost; but if you please/To shoot another arrow that self way/Which you did shoot the first, I do not doubt,/As I will watch the aim, or to find both/Or bring your latter hazard back again,/And thankfully rest debtor for the first' (1:1:146-52), which by the use of analogy subtly merges the plays intertwined themes of Baconian inductive method and debt. In reply, Antonio assures Bassanio of his love and tells him that even if he had used up all his money, he would still lend him more money; and like a true friend, Antonio says, simply tell me what you would like me to do, and it will be done.

Bassanio tells Antonio that he wants to woo 'a lady richly left' (echoing Bacon's wooing of the rich heiress Lady Elizabeth Hatton while in the process of planning and writing the play) in Belmont, whose name is Portia. The name Portia derives from the Latin Porcia, a feminine form of Porcius, an old Roman family name, deriving from porcus 'a Pig or hog', which of course, produces bacon, thus the name Portia here represents a feminine form of Bacon; who as we know later in the play in the disguise of a lawyer, defends Antonio for the debt taken out on behalf of Bassanio, against the money-lender Shylock.

As Antonio's funds are all tied up in his ships at sea he presently lacks the money to fund Bassanio's courtship of Portia but promises to stand security for him to borrow on his credit and authorises him to raise money in his name. In Venice Bassanio seeks out the Jewish money-lender Shylock who agrees to loan Bassanio 3,000 ducats for 3 months, with Antonio standing as guarantor:

SHYLOCK

Three thousand ducats. Well.

BASSANIO

Ay, sir, for three months.

SHYLOCK

For three months. Well.

BASSANIO

For the which, as I told you, Antonio shall be bound.

SHYLOCK

Antonio shall become bound. Well.

BASSANIO

May you stead me? Will you pleasure me? Shall

I know your answer?

SHYLOCK

Three thousand ducats for three months,
and Antonio bound.

[*The Merchant of Venice*: 1:3:1-10]

It will be recalled that Bacon owed the notorious money lender Sympson of Lombard Street £300 and the character portraying Bacon in the play Bassanio wishes to borrow 3,000 for 3 months the amount and period of time selected for the purposes of a secret

signature or cipher. If the 3 nulls '0' are dropped from the number 3,000 it leaves the number 3 which placed with the number 3 from the period of 3 months we have the number 33 Bacon in simple cipher.

Shylock knows that Antonio's fortune is at present tied up in ships at sea and agrees to see the merchant to discuss the proposed loan. Antonio arrives and Shylock reveals his fierce loathing for him in an aside:

I hate him for he is a Christian;
But more, for that in low simplicity
He lends out money gratis, and brings down
The rate of usance here with us in Venice.
If I can catch him once upon the hip
I will feed fat the ancient grudge I bear him.
He hates our sacred nation, and he rails,
Even there where merchants most do congregate,
On me, my bargains, and my well-won thrift-
Which he calls interest.

[*The Merchant of Venice*: 1:3:40-49]

He remembers the times Antonio had insulted him over his money-lending and usury in the Rialto because he uses his money to make a profit. He asks why he should lend money to someone who spits on his 'Jewish gaberdine' and calls him a cut-throat dog. Antonio tells him he is likely to do these things again and tells Shylock not to lend the money as if we were friends, for when have friends charged each other interest, rather lend me the money as your enemy:

If thou wilt lend this money, lend it not
As to thy friends; for when did friendship take
A breed for barren metal of his friend?
But lend it rather to thine enemy,
Who if he break, thou mayst with better face
Exact the penalty.

[*The Merchant of Venice*: 1:3:130-35]

These "if" statements, which sound uncannily like Bacon's aphorisms, create an ethical procedure whereby events can and should unfold...Compare, for instance "Of Friendship," which contains a similar series of conditionals.⁵¹

Several of the major Bacon editors like Reynolds, Vickers and Kiernan all note the similarity between the discussion of Shylock and Antonio ('a breed for barren metal') and the passage in *Of Usury* 'That it is against nature for money to beget money'.⁵² Which Bacon follows with 'I say this only, that usury is a *concessum propter duritiam cordis*' ('Concession on account of hardness of heart') for which his editor Kiernan again invites his readers to compare with the same passage 'The orthodox objection to usury was based upon the apparent violation of Christian charity taking advantage of an individual in need. Cf. also *Merchant of Venice*, I. iii.132-7).⁵³ Above Shylock has already referred to his 'Jewish Gaberdine' (1:1:111), a long loose upper garment worn particularly by Jews, which is linked by Professor Garber to the comments in Bacon's *Of Usury* 'This indeed is the reason why Bacon could list among his "witty invectives against usury" the idea that usurers should wear orange-tawny hats "because they do

judaize”’.⁵⁴ To judiaze means ‘To play the Jew; to follow Jewish customs or religious rights’(OED) and according to Professor Kiernan ‘Bacon is the first to apply the term to a secular context’ and in his notes to Bacon’s essay *Of Usury* Professor Vickers points out ‘The Jews in the Venetian Ghetto were compelled to wear a distinguishing dress, red and yellow (dark orange) turbans.’⁵⁵ As we shall see these are not the last phrases or lines in *The Merchant of Venice* echoed in Bacon’s essay *Of Usury*, the subject on which the play is predicated, in an essay which incidentally uses the term merchant or merchandizing on a dozen occasions.

After Antonio has told Shylock to lend him the money as if to his enemy Shylock slyly replies ‘I would be friends with you, and have your love’ (1:3:136) and proposes

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 which part of your body pleaseth me
[*The Merchant of Venice*: 1:3:143-50]

Antonio agrees to seal the bond despite Bassanio’s protests. He confidently points out that within two months, a full month before the bond for 3,000 ducats over 3 months expires, he is expecting ‘thrice three times the value of this bond (1:3:158). Antonio says Shylock ‘grows kind’, but Bassanio is more anxious and less trusting, replying Shylock has ‘a villain’s mind’. He tries to reassure him ‘In this the can be no dismay./ My ships come home a month before the day’(1:3:180-1), misplaced confidence which, of course, he would soon come to rue.

On the Rialto Solanio and Salerio discuss the rumoured loss of another of Antonio’s ships (‘the good Antonio, the honest Antonio’). Shylock arrives ‘in the likeness of a Jew’ and they pointedly ask him ‘what news among the merchants?’ (3:1:21-2). He rails against Antonio describing him as a ‘bankrupt’ and tells them ‘Let him look to his bond. He was wont to call me usurer: let him look to his bond. He was wont to lend money for a Christian courtesy: let him look to his bond’ (3:1:42-6). Surely says Salerio if Antonio forfeits his bond you will not take his flesh ‘What’s that be good for? (3:1:47-8). He tells them it will feed his revenge:

To bait fish withal. If it will feed nothing else it
will feed my revenge. He hath disgraced me, and
hindered me half a million; laughed at my losses,
mocked at my gains, scorned my nation, thwarted my
bargains, cooled my friends, heated my enemies, and
what’s his reason?-I am a Jew. Hath not a Jew eyes?
Hath not a Jew hands, organs, dimensions, senses,
affections, passions; fed with the same food, hurt with
the same weapons, subject to the same diseases, healed
by the same means, warmed and cooled by the same
winter and summer as a Christian is? If you prick us
do we not bleed? If you tickle us do we now laugh? If
you poison us do we not die? And if you wrong us

shall we not revenge? If we are like you in the rest,
we will resemble you in that. If a Jew wrong a Christian,
what is his humility? Revenge. If a Christian wrong a
Jew, what should his sufferance be by Christian
example? Why, revenge. The villainy you teach me I
will execute, and it shall go hard but I will better the
instruction.

[*The Merchant of Venice*: 3:1:49-68]

Under the sub-heading ‘Revenge through Law’ Kornstein says that another important theme in the play is vengeance through law. *The Merchant of Venice* is a “revenge play” in which the legal system becomes Shylock’s means for revenge. In *The Merchant of Venice* Shakespeare ‘seems to take a dim view of Shylock’s use of revenge through law’, and ‘we can fairly conclude’, that he ‘rejects revenge’. His pointed ‘portrayal of Shylock’s ignoble quest through law, his handling of the trial scene, the very language and action-all reflect a view of law in which the primitive impulse of revenge is disapproved.’⁵⁶ After citing Shylock’s revenge passage Professor Alexander writes ‘there is a kind of wild justice in his attempt at revenge’ quoted with approval by the Arden editor of the play who also says of Shylock that he ‘has a “kind of wild justice” in his cry for revenge’; neither of whom cared to mention to their learned readers that the phrase ‘a kind of wild justice’ famously commences Bacon’s essay *Of Revenge*:⁵⁷

Revenge is a kind of wild justice; which the more man’s nature runs to, the more ought law to weed it out. For as for the first wrong, it doth but offend the law; but the revenge of that wrong putteth the law out of office. Certainly, in taking revenge, a man is but even with his enemy; but in passing it over, he is superior; for it is a prince’s part to pardon. And Salomon, I am sure, saith, *It is the glory of a man to pass by an offence*. That which is past is gone, and irrevocable; and wise men have enough to do with things present and to come; therefore they do but trifle with themselves, that labour in past matters.⁵⁸

In his revenge monologue, observes Professor Lamb, Shylock also ‘uses “if” for the powerful rhetorical end of justifying his revenge’ in the manner of Baconian induction which find correspondence in Bacon’s *Sylva Sylvarum* published posthumously by his first English editor and biographer Dr Rawley:

Shylock’s conclusion, “I am justified in revenge,” results from logical exposition based on empirical observation. In rhetorical questions with indicative impact, he asserts that Jews, like Christians, have eyes, hands, organs, etc. *If you prick us, then we will bleed*. Like Baconian induction, these implied statements assert that one observable factor (pricking) is the formal cause of another factor (bleeding), and Shylock asserts the correspondence of several such pairs. Although they may imply experiments (i.e. we might prick a Christian and Jew and observe whether both bleed), Shylock does not intend to test them. Rather, his claims bear a striking resemblance to the natural histories in Francis Bacon’s *Sylva Sylvarum* (1627). The book contains hundreds of “if” statements that articulate causal relationships among observable factors....⁵⁹

The merchant of Venice Antonio signed the bond with Shylock to secure the money for Bassanio so that he could stand an equal chance with the many other suitors who were seeking to win the hand of the wealthy heiress Portia. Under the terms of her late father’s will bound by this legal instrument she cannot choose her own husband nor refuse one who she dislikes if he passes the test set by her father. Each of her suitors

must choose between three caskets of gold, silver, and lead. One of the caskets contains her portrait and the suitor who chooses correctly shall marry Portia. The will of her father contains the legal condition that if any of the suitors fail the Casket Test they will not be able to marry another for the rest of their life. The condition proves too much for the 'Neapolitan prince', a 'French lord', a 'young baron of England', and 'the Duke of Saxony's nephew', all of whom Portia's dislikes. To her relief her Lady-in-Waiting Nerissa tells her 'You need not fear, lady, the having of any of these lords. They have acquainted me with their determinations, which is indeed to return to their home and to trouble you with no more suit unless you may be won by some other sort than your father's imposition depending on the caskets' (1:2:97-102). Portia's spirits are further raised when Nerissa speaks of Bassanio who had visited before in her father's time in the company of the Marquis of Montferrat, but they are interrupted by news of the impending arrival of another suitor, the Prince of Morocco, and his entourage.

The curtains are drawn aside for the Prince of Morocco revealing the 3 caskets. He reads the 3 inscriptions 'This first of gold, who this inscription bears:/Who chooseth me shall gain what many men desire./The second silver, which this promise carries:/Who chooseth me shall get as much as he deserves./The third dull lead with warning all as blunt:/Who chooseth me must give and hazard all he hath' (2:7:4-9). He rejects the lead casket as a foolish choice for an intelligent mind 'A golden mind stoops not to shows of dross' (2:7:20) and dismisses the silver casket as promising beneath what he deserves. Finally, after a long-winded verbose speech (reminiscent of what Bacon described as the false reasoning and verbosity of the schoolmen) Morocco selects the gold casket which contains a skull 'within whose empty eye/There is a written scroll' telling him that 'All that glisters is not gold' (2:7:63-5) which Bacon had plucked out of his private note-book *The Promus of Formularies and Elegances* which he used to jot down words, phrases and proverbs many of which later found their way into his acknowledged works and Shakespeare plays. On Folio 92v of the *Promus* is the entry 'All is not gold that glisters',⁶⁰ one of several that found their way into *The Merchant of Venice*.

The conceited Prince of Aragon arrives to take the Casket Test and Nerissa instructs the servitor to again draw aside the curtain concealing the 3 caskets. He repeats the solemn oath he has taken to observe 3 things: First, to never reveal to anyone which casket he chose; second, if he fails in choosing the right casket to never seek the hand of another woman in marriage; and thirdly, if he fails, he must leave immediately. He looks at the lead casket and its inscription dismissing it as unworthy of risking all and the gold casket as being beneath his dignity, 'that 'many' may be meant/By the fool multitude, that choose by show' (2:9:24-5). He selects the silver casket wherein he finds the 'portrait of a blinking idiot' a fool's head. He protests that he deserved better to which Portia replies 'To offend and judge are distinct offices,/And are of opposed natures (2:9:60-1) emphasizing the theme of law and justice running through the play. He holds up a 'schedule' (in law an inventory or list attached to a legal document) which reads 'With one fool's head I came to woo,/But I go away with two' (2:9:74-5). Humiliated, the prince makes a hasty retreat, and Portia instructs Nerissa to draw back the curtain to conceal the 3 caskets.

A messenger then brings word of the imminent arrival of a young Venetian lord 'an ambassador of love' bearing 'gifts of rich value' as tokens of his love. On hearing the news Portia is excited to see this embodiment of Cupid and Nerissa prays that it is 'Bassanio, Lord Love' (2:9:100), now fast approaching.

Having arrived at Belmont the curtains are drawn revealing the 3 caskets but Portia asks Bassanio to wait a day or two before attempting to decipher the coded riddles in the inscriptions, so she can enjoy his company some more. They confess their love for one another and Portia calls for music while Bassanio attempts to unravel the meaning behind the coded statements. One of Portia's train commences a song 'Tell me where is fancy bred' as Bassanio begins to consider and interpret the 3 caskets:

BASSANIO (*aside*)

So may the outward shows be least themselves.
The world is still deceived with ornament.
In law, what plea so tainted and corrupt
But, being seasoned with a gracious voice,
Obscures the show of evil? In religion,
What damned error but some sober brow
Will bless it and approve it with a text,
Hiding the grossness with fair ornament?
There is no vice so simple but assumes
Some mark of virtue on his outward parts.

[*The Merchant of Venice*: 3:2:73-82]

Professor Lamb points out 'Bassanio's lines resemble Bacon's lifelong preference for plainness over ornament' expressed in *Advancement of Learning*, in which he says:⁶¹

men began to hunt more after words than matter; and more after the choiceness of the phrase, and the round and clean composition of the sentence, and the sweet falling of the clauses, and the varying and illustration of their works with tropes and figures, than after the weight of matter, worth of subject, soundness of argument, life of invention, or depth of judgement.⁶²

He rejects the gold casket as ornament and appearances are merely 'The seeming truth which cunning times put on/To entrap the wisest' (3:2:100-1) and the silver casket as representing the money and common drudge that passes "'Tween man and man' (3:2:103-4). To Portia's delight he chooses the lead casket whose 'paleness moves me more than eloquence' (3:2:106) which he opens to reveal her portrait and a scroll informing him he can claim her with a kiss. Overjoyed he responds in the language of the law 'So, thrice fair lady, stand I even so./As doubtful whether what I see be true/Until confirmed, signed, ratified by you' (3:2:146-9).

In what Professor Lamb calls The Casket Hypothesis 'Into this world of Baconian knowers' Shakespeare introduces Portia who 'operates unmistakably as a hypothesis-driven scientist. She transforms her father's casket test into an experiment designed to ascertain each of her suitor's worth.'⁶³ Of which Bassanio conversely approaches the situation differently to the other suitors precisely in the manner that Bacon would:

Bassanio is different from the previous suitors. He invalidates the casket experiment when he chooses the lead for reasons other than those the hypothesis tests. Instead of choosing because he is worthy (which, as we have seen, is a function of how the suitors value Portia), Bassanio chooses the lead because he trusts plainness over ornament and eloquence. His method, distinctly similar to Bacon's, temporarily thwarts the hypothetical nature of Portia's experiment even as it exposes his mistrust of the imagination....

Portia thus does everything she can to place Bassanio on a trajectory toward the lead. But Bassanio does not need it, nor does he respond, as Morocco and Arragon did, by revealing his "worth." According to Portia's hypothesis, he is supposed to choose the casket because he

loves Portia and is willing to sacrifice for her, because *if* he loves her (i.e., values her correctly), *then* he will find her out (i.e., choose the lead casket). Instead, he chooses it based on his Baconian scientific method and mentality. Rather than taking from Portia's song a perspective that would help him value the lady correctly, he takes it from the Baconian mandate to mistrust ornament...Like Bassanio, Bacon sees ornament as a distraction from the "matter" and as a means for deception. Like Bacon, Bassanio mistrusts rhetoric that does not "insinuate the desired conclusion into the mind of the audience."⁶⁴

It will be recalled that when Bacon was arrested for debt at the behest of the money-lender Sympson, who held a bond on him for £300, he prematurely had an execution served on Bacon a fortnight before it was due. He wished to have Bacon committed to gaol which would have been done if his friend Sheriff More had not intervened and attended upon him. While in the protection of Sheriff More who was now at the same time his *de facto* jailer housed in a comfortable residence in Coleman Street it seems clear that acting on Bacon's behalf More on several occasions personally or through a messenger made overtures to Sympson to try and bring him to reason and for him to come and speak with Bacon. In a letter to Sir Thomas Egerton, the Lord Keeper of the Great Seal, Bacon explains to him that he had been apprehended by the money-lender Sympson, a man he says noted for his 'extremities and stoutness upon his purse' who he 'scarcely could have imagined' would have dealt so 'dishonestly towards' him. He informs Egerton that Sympson was implacable in his determination to exact his bond and 'neither would he so much as vouchsafe to come and speak with me to take any order in it, though I sent for him divers times, and his house was just by...He would have urged it to have had me in prison; which he had done, had not Sheriff More, to whom I sent, gently recommend me to a handsome house in Coleman Street, where I am. Now because he will not treat with me, I humbly enforced to desire your Lordship to send for him, according to your place, to bring him to some reason'.⁶⁵ The situation is mirrored in Act 3 Scene 3 of the play. Like Sympson, Shylock will not listen to all reasonable requests to discuss the matter, like Sympson, Shylock is only interested in his bond of 3,000 ducats lent over 3 months, and like Sympson, Shylock refuses to listen to Antonio's plea for mercy:

Act 3 Scene 3

Enter Shylock the Jew, Solanio, Antonio, and the jailer

SHYLOCK

Jailer, look to him. Tell not me of mercy.
This is the fool that lent out money gratis.
Jailer, look to him.

ANTONIO Here me yet, good Shylock.

SHYLOCK

I'll have my bond. Speak not against my bond.
I have sworn an oath that I will have my bond.
Thou called'st me dog, before thou hadst a cause,
But since I am a dog, beware my fangs.
The Duke shall grant me justice. I do wonder,
Thou naughty jailer, that thou are so fond
To come abroad with him at his request.

ANTONIO I pray thee hear me speak.

SHYLOCK

I'll have my bond, I will not hear thee speak.

I'll have my bond, and therefore speak no more.
I'll not be made a soft and dull-eyed fool
To shake the head, relent, and sigh, and yield
To Christian intercessors. Follow not.
I'll have no speaking. I will have my bond.
[*The Merchant of Venice*: 3:3:1-17]

Perhaps, as was Sheriff More, Solanio is furious 'It is the most impenetrable cur/That ever kept with men (3:3:18-9) but Antonio beseeches him to leave him alone. Antonio knows that his pleas are only falling on deaf ears and he knows the reasons why. Like Anthony Bacon who had raised loans on behalf of his brother Francis (as here in the play Antonio raises loans on behalf of Bassanio-who we now know is Bacon) without demanding any interest Antonio says 'His reason well I know: I oft delivered from his forfeitures/Many that have at times made moan to me. Therefore he hates me' (3:3:21-4). Surely, exclaims Solanio, the Duke will never allow this forfeiture to hold, but Antonio knows the Duke cannot deny the course of law in Venice as it would threaten the security of the state. Yet even now in a time of mortal peril Antonio cares not for money and bonds, or even law and justice, all that matters to him is Bassanio, that Bassanio comes and sees him pay the ultimate debt, whom Antonio loved above all else, even life itself:

ANTONIO

The Duke cannot deny the course of law,
For the commodity that strangers have
With us in Venice, if it be denied,
Will much impeach the justice of the state,
Since that the trade and profit of the city
Consisteth of all nations. Therefore go.
These griefs and losses have so bated me
That I shall hardly spare a pound of flesh
Tomorrow to my bloody creditor.
Well, jailor, on. Pray God Bassanio come
To see me pay his debt, and then I care not.
[*The Merchant of Venice*: 3:3:26-36]

With Bassanio and Graziano departed for Venice Lorenzo tells Portia, who he says has the true and noble goodwill of a god ('godlike amity'), that if she knew the noble man Antonio she was trying to help, and how much Antonio dearly loved her husband Bassanio, then she would be even more proud of her role in trying to save him:

LORENZO

Madam, although I speak it in your presence,
You have a noble and a true conceit
Of godlike amity, which appears most strongly
In bearing thus the absence of your lord.
But if you knew to whom you show this honour,
How true a gentleman you send relief,
How dear a lover of my lord your husband,
I know you would be prouder of the work
Than customary bounty can enforce you.

[*The Merchant of Venice*: 3:4:1-9]

In what in reality is a poetical essay on the profound love that the Bacon brothers felt for each other Portia says that she has never regretted doing good and that friends who spend all their time together and love each other equally share a similar ‘lineament’ (a distinctive feature or characteristic, especially of the face) and like spirit and values:

PORTIA

Whose souls do bear an equal yoke of love,
There must be needs a like proportion
Of lineaments, of manners, and of spirit,
Which makes me think that this Antonio,
Being the bosom lover of my lord,
Must needs be like my lord.

[*The Merchant of Venice*: 3:4:13-18]

Portia announces to Lorenzo she has made a ‘secret vow’ to enter a nearby monastery with Nerissa while Bassanio does everything he can to relieve Antonio in Venice. She asks Lorenzo to manage the household while Bassanio is away and secretly hands her servant Balthasar a letter to take to her cousin, one Doctor Bellario in Padua:

PORTIA

Now, Balthasar,
As I have ever found thee honest-true,
So let me find thee still. Take this same letter,
And use thou all th’endeavour of a man
In speed to Padua. See thou render this
Into my cousin’s hands, Doctor Bellario,
And look what notes and garments he doth give thee,
Bring them, I pray thee, with imagined speed
Unto the traject, to the common ferry
Which trades to Venice.

[*The Merchant of Venice*: 3:4:45-54]

In one of the most famous plays in the history of world literature the character of Dr Bellario almost passes unnoticed to the vast majority of students and members of the theatre-going public. Because Dr Bellario does not actually appear in the play, his name conveniently does not appear in the dramatis personae or list of characters in the modern standard editions of *Merchant of Venice* (see for example Arden, Oxford, Cambridge, and the Royal Shakespeare Company editions, etc). Nor is his name listed in the index of the Arden and Oxford editions (virtually all old and modern editions of the play lack an index) and his character attracts little or any commentary, discussion or analysis in introductions to editions of the play. It is probably no coincidence that he is essentially the invisible man of the play (like its true author Bacon or one of his invisible Rosicrucian Brothers).

The spectral presence of Bacon permeates the fabric of *The Merchant of Venice* and apart from Bassanio several other characters in the play bear a striking resemblance to Bacon. Professor Lamb voices that not only does ‘Bassanio and Shylock resemble Bacon’, but so too its heroine ‘Portia’s legal, economic, and even religious advantages ... may even suggest an association with one of early modern England’s most famous

lawyers, Francis Bacon’ and she ‘works as a hypothesis-based scientist *avant la letter*, while other figures bear a striking resemblance to what would become known as Baconian induction.’⁶⁶ Who then is Dr Bellario? The question the American lawyer and orthodox Shakespeare scholar Mark Edwin Andrews asks in *Law Versus Equity in The Merchant of Venice* (University of Colorado Press, 1965), which he answered emphatically-that his character represented Francis Bacon.⁶⁷ This work by Andrews is all but unknown, save to a few specialist scholars, and unsurprisingly modern editors of *The Merchant of Venice* have all shied away from the suggestion that the character Dr Bellario is Bacon in disguise, and as far as the present writer is aware, no orthodox Shakespeare scholar has undertaken an in-depth study of his character. However two recent independent scholars have done just that. The first Simon Miles who has given a series of ground-breaking and illuminating lectures on *Merchant of Venice*,⁶⁸ and the American lawyer and legal writer Christina G. Waldman the first author to publish a full-length work on the subject *Francis Bacon’s Hidden Hand in Shakespeare’s The Merchant of Venice: A Study of Law, Rhetoric, and Authorship*.⁶⁹ In the foreword to this extensive study Miles says that Waldman’s work represents a ‘thought-provoking enquiry into the legal and historical resonances between Bacon and the play, and especially the character of Bellario.’⁷⁰ For Miles *The Merchant of Venice* ‘is Bacon’s, through and through’ and, he adds, thoroughly ‘permeated by his presence’⁷¹ There is, he incisively observes, ‘something very personal at the heart of the play’:

The relationship between Bassanio and Antonio, the two leading male characters, exactly mirrors that between Francis Bacon and his brother Anthony at the time. Francis was frequently in debt, and Anthony would often stand bond for his brother...

...we can see Francis Bacon reflected in this play in multiple guises and characters, as if showing different aspects of his life. His personal circumstances are paralleled in Bassanio, and as Andrews and Waldman argue, his legal persona is depicted in Bellario.

There are many parallels to be found between passages, words and phrases in *The Merchant of Venice* and Bacon’s other writings. These are like fingerprints of thought which confirm the identity of the author, when we know where to look.⁷²

In his work *Law Versus Equity in The Merchant of Venice* as its title indicates Mark Edwin Andrews reads the play as an allegory of the conflict between law and equity. He argues that when the trial scene is read with legal and equitable principles in mind it divides into four parts. The first part begins with the first line spoken by the Duke ‘What, is Antonio here?’ (4:1:1) and ends with his announcement ‘Upon my power I may dismiss this court,/Unless Bellario, a learned doctor,/Whom I have sent for to determine this,/Come here today’ (4:1:103-6). The second begins with the admission of Portia commencing with the Duke’s words ‘Come you from Padua, from Bellario?’ (4:1:118) and ‘ends with the final common law judgement *in rem*’ prepared by Portia for the court ‘A pound of that same merchant’s flesh is thine./The court awards it, and the law doth give it’ (4:1:296-7). ‘Prior to this part of the trial scene’, continues Andrews, ‘the terms used, the procedure, and the law applied have all been a part of the common law of the Court of the King’s Bench, of Elizabethan England when the play was written.’ The third part commences with Portia’s injunction ‘Tarry a little. There is something else./This bond doth give thee here no jot of blood./The words expressly are ‘a pound of flesh’’ (4:1:302-5) and ends with her striking caveat ‘Thou shalt have nothing but the forfeiture/To be so taken at thy peril, Jew’ (4:1:340-1). With Andrews stating ‘In this part, for the first time, the principles, the procedure, and the maxims of equity, in a Court of Chancery, are used exclusively.’⁷³ The fourth part commences when Portia repeats her earlier injunction to Shylock ‘Tarry, Jew./The

law hath yet another hold on you' (4:1:343-4). In the fourth part, concludes Andrews, 'Shakespeare uses all of the devices of equity and the Court of Chancery to have mercy season justice.'⁷⁴ This constitutes the consensus among modern scholars that the trial scene in *Merchant of Venice* dramatizes the struggle between the common law courts and the equitable Court of Chancery. The latter previously headed by Lord Keeper Sir Nicholas Bacon and later by his son Lord Chancellor of England Francis Bacon, the secret author of *The Merchant of Venice*.

In Venice the Duke opens the most famous trial scene in world literature with the pregnant line 'What, is Antonio here?' (4:1:1), and of course he is 'Ready, so please your grace' (4:1:2). He sympathizes with Antonio describing Shylock as 'an inhuman wretch/Uncapable of pity, void and empty/From any dram of mercy' (4:1:3-4). Before the Duke, Shylock enters and refuses to take his 3,000 ducats citing for his unyielding attitude his 'hate' and 'certain loathing' of Antonio (4:1:59) incensing Bassanio which results in a striking and telling exchange between them. 'Shylock's pre-trial dialogue with Bassanio', observes Professor Lamb, 'focuses Shakespeare's scene of knowledge on the mode of thought that would become Baconian new science....[Bacon] believed that the purpose of experimentation was not to prove or disprove a hypothesis but to gather data about the material world. Shakespeare brings the two together in a brief exchange as the trial commences':⁷⁵

BASSANIO

There is no answer, thou unfeeling man,
To excuse the current of thy cruelty.

SHYLOCK

I am not bound to please thee with my answers.

BASSANIO

Do all men kill the things they do not love?

SHYLOCK

Hates any man the thing he would not kill?

BASSANIO

Every offence is not a hate at first.

SHYLOCK

What, wouldst thou have a serpent sting thee twice?

[*The Merchant of Venice*: 4:1:62-68]

Bassanio tries to reason with him further by offering him for his 3,000 ducats 6,000 ducats but Shylock is having none of it 'If every ducat in six thousand ducats/Were in six parts, and every part a ducat,/I would not draw them. I would have my bond' (4:1:84-6). The Duke pointedly asks him how he expects to receive mercy when he shows none but Shylock reasons that he has no need of mercy when he is 'doing no wrong'. He demands his pound of flesh 'If you deny me, fie upon your law:/There is no force in the decrees of Venice' (4:1:100-1). Upon this demand the Duke says that he will dismiss the court unless Dr Bellario a learned doctor of law for whom he has sent to determine the case arrives today. It is at this point Andrews in his *Law Versus Equity in The Merchant of Venice* juxtaposes a prose version alongside the text of the play where he substitutes Bacon for Dr Bellario:

The Court. The court will reserve decision of this case until I have heard a lawyer from Cambridge, whom I have called as *Amicus Curiae* in this

Duke. Upon my power I may dismiss this court/Unless Bellario, a learned doctor/Whom I have sent for to determine this,/Come

case and whom I expect here today.
This lawyer is Sir Francis Bacon, with
whom I do not always agree but for
whose legal ability I have the most
profound respect. This is a novel case,
involving a very important legal problem.
I desire to have the points thoroughly
briefed and argued before reaching a
conclusion. I do not want either of the
parties to this suit to be able to sue out a
bill in a court of equity and obtain there a
decree which the Exchequer Chamber might
affirm.

here today.
[*The Merchant of Venice*: 4:1:103-5]

Clerk of the Court. Your Honor, there is a messenger
outside with a letter from the
lawyer from Cambridge.

Salerio. My lord, here stays without/
A messenger with letters from the
doctor,/New come from Padua.
[*The Merchant of Venice*: 4:1:106-8]

The Court. Bring us the letters! Call the
messenger!

The Duke. Bring us the letters./Call the
messenger.
[*The Merchant of Venice*: 4:1:109]

Enter Law Clerk.

Enter Nerissa [dressed like a lawyer's clerk].

The Court. Are you from Cambridge-from
Bacon?

Duke. Came you from Padua, from Bellario?

Law Clerk. I am from Cambridge, your
Honor, and I bring you the
respects and a letter from
my lord, Sir Francis Bacon.

Nerissa. From both, my lord, Bellario greets
your grace [presenting a letter].
[*The Merchant of Venice*: 4:1:118-9]

The Court. This letter from Bacon recommends
a learned young lawyer to the court
Where is he?

Duke. This letter from Bellario doth
commend/A young and learned
doctor to our court. Where is he?

Law Clerk. He awaits your permission to
practice before this court for he
has never been admitted here.

Nerissa. He attendeth here hard by/To
know your answer, whether
you'll will admit him.

The Court. I will admit him. Present him to
the court. Let me hear the letter.
Bacon was the *Amicus Curiae*
for whom I sent. If he commends
his learning, this young lawyer
must be as quick and sharp as the
thrust of a spear.

Duke. With all my heart. Some three or
four of you/Go give him
courteous conduct to this place.
[*The Merchant of Venice*: 4:1:142-47]

[The Court then reads the following letter
from Sir Francis Bacon:]
“Your grace shall understand, that at the
receipt of your letter I am very sick: but
in the instant that your messenger came,
in loving visitation was with me a young

Meantime the court shall hear Bellario's letter.
(*Reads*) ‘Your grace shall understand that at
the receipt of your letter I am very sick....’
[*The Merchant of Venice*: 4:1:148-63]

doctor of Rome; his name is Balthasar. I acquainted him with the cause in controversy between the Jew and Antonio the merchant: we turned o'er many books together: he is furnished with my opinion; which, bettered with his own earning, the greatness whereof I cannot enough commend, comes with him, at my importunity, to fill up your grace's request in my stead. I beseech you, let his lack of years be no impediment to let him lack a reverend estimation; for I never knew so young a body with so old a head. I leave him to your gracious acceptance, whose trial shall better publish his commendation."

Enter Young Lawyer.

The Court. "You are welcome: take your place. Are you fully acquainted with the case at bar?"

Young Lawyer. I am, your Honor, for Sir Francis Bacon acquainted me "with the cause in controversy between the Jew and Antonio the merchant...." He furnished me with his opinion. Which is the merchant here, and which the Jew?"⁷⁶

Enter Portia dressed like a doctor of laws.

Duke. Are you acquainted with the difference/That holds this present question in the court?

Portia. I am informed thoroughly of the cause.
[*The Merchant of Venice*:4:1:168-70]

From behind the scenes the invisible Bacon-Bellarion guides the trial scene through notes and documents given to Portia a doctor of law disguised as Balthasar, assisted by Nerissa, disguised as a lawyer's clerk. Portia tells Shylock that his suit is of a strange nature but that Venetian law cannot prevent it proceeding. She asks Antonio 'Do you confess the bond?' to which he replies 'I do' (4:1:178) mirroring Bacon's situation with the money-lender Sympson which he reveals in his letter to Sir Thomas Egerton 'having the last term confessed the action.'⁷⁷ After Antonio confesses the bond Portia pleads with Shylock to show mercy. He replies under what compulsion must he do so and Portia responds with her famous and beautiful speech on mercy:

The quality of mercy is not strained.
It droppeth as the gentle rain from heaven
Upon the place beneath. It is twice blest:
It blesseth him that gives, and him that takes.
'Tis mightiest in the mightiest. It becomes
The throned monarch better than his crown.
His sceptre shows the force of temporal power,
The attribute to awe and majesty,
Wherein doth sit the dread and fear of kings;
But mercy is above this sceptred sway.
It is enthroned in the hearts of kings;
It is an attribute to God himself,
And earthly power doth then show likest God's

When mercy seasons justice.
[*The Merchant of Venice*: 4:1:181-94]

Shylock is unmoved he craves the law and demands the full penalty and forfeit of his bond. She asks Antonio if he is able to discharge the money owed to Shylock rousing Bassanio to cry out that he now has enough money to pay the money ten times over 'On forfeit of my hands, my head, my heart' (4:1:209). Bassanio asks Portia to 'Wrest once the law to your authority./To do a great right, do a little wrong,/And curb this cruel devil of his will' (4:1:211-4). Portia says that 'There is no power in Venice/Can alter a decree established' (4:1:215-6) on account it would be used as a precedent and such a ruling in law would give rise to countless wrong judgements and decisions.

The central theme of Portia's argument against Shylock as it unfolds in the second half of the scene writes Dr Zurcher:

relies on one of the most fundamental and firmly held of common law maxims, *verba fortius accipiuntur contra proferentem* ['a man's words shall be taken most strongly against himself.]-a maxim Francis Bacon discusses at length in his book of maxims, (written during Elizabeth's reign [1596-7: just prior to *Merchant of Venice*] but first printed in 1630). Bacon's formulation and copious illustration of the maxim make it clear that the party beneficiary to any kind of legal instrument must take especial care in its formulation, for the law will construct its words against him with straight rigour.

Bacon's extended discussion of the maxim reveals a number of more particular ways in which it signifies resonantly with Shylock's and Antonio's 'merry bond' in *The Merchant of Venice*:⁷⁸

Verba fortius accipiuntur contra proferentem.

This rule, that a man's deeds and his words shall be taken strongliest against himself, though it be one of the most common grounds of the law, it is not withstanding a rule drawn out of the depth of reason. For, first, it is a schoolmaster of wisdom and diligence in making men watchful in their own business; next, it is author of much quiet and certainty, and that in two sorts; first, because it favoureth acts and conveyances executed, taking them still beneficially for the grantees and possessors; and secondly, because it makes an end of many questions and doubts about construction of words; for if the labour were only to pick out the intention of the parties, every judge would have a several sense; whereas this rule doth give them a sway to take the law more certainly one way.⁷⁹

Portia asks the money-lender to look at the bond 'Shylock, there's thrice thy money offered thee' (4:1:224) (i.e., 3 times 3,000 ducats: when the 3 nuls (000) are dropped it leaves 33 Bacon in simple cipher). He remains obdurate and Portia announces that the bond is forfeit and that Shylock may lawfully claim a pound of flesh to be cut off by him nearest to Antonio's heart. She again asks him to be merciful 'Take thrice thy money. Bid me tear the bond' (4:1:231). You know the law, Shylock unmercifully replies, and demands she move to judgment. Portia tells Antonio that he must prepare his bosom for Shylock's knife and calls for a set of scales to weigh the flesh that his avenger in readiness has brought with him. Then Portia asks Shylock has he a surgeon present to stop Antonio bleeding to death moving him to unfeelingly respond 'Is it so nominated in my bond?' (4:1:256). Portia asks Antonio if he has anything more to say before the deed is carried out. He takes Bassanio's hand and tells him in a heartfelt profoundly moving speech how much he loves him and that there is nothing he would not do, and no debt he would not pay for him, up to and including forfeiting his own life:



Fig. 3 Francis Bacon, Artist Unknown



Fig. 4 Anthony Bacon, Artist Unknown

ANTONIO

Commend me to your honourable wife.
Tell her the process of Antonio's end.
Say how I loved you. Speak me fair in death,
And when the tale is told, bid her be judge
Whether Bassanio had not once a love.
Repent but you that you shall lose your friend,
And he repents not that he pays your debt;
For if the Jew do cut but deep enough,
I'll pay it instantly, with all my heart.
[*The Merchant of Venice*: 4:1:270-78]

The profound love that existed between Antonio (Anthony Bacon) and Bassanio (his brother Francis Bacon) was mutual, and in his response, Bassanio emotionally tells Antonio he would sacrifice his life and the world and all that is in it to save him from his fate:

BASSANIO

Antonio, I am married to a wife
Which is as dear to me as life itself,
But life itself, my wife, and all the world
Are not with me esteemed above thy life.
I would lose all, ay, sacrifice them all
Here to this devil, to deliver you.
[*The Merchant of Venice*: 4:1:279-84]

With Shylock growing increasingly impatient Portia announces that he may cut the flesh from Antonio 'The court awards it, and the law doth give it' (4:1:297) as he now prepares to wield his knife. But just as he is about to do so Portia tells him to 'Tarry a little. There is something else' (4:1:302). She reminds him the condition in the bond does not allow him to spill a jot of blood-the words are 'a pound of flesh', but in cutting it off, if he sheds one drop of Christian blood, by the laws of Venice all his lands and goods will be confiscated to the state. 'Is that the law', he asks, with Portia telling him 'Thyself shall see the act;/For as thou urgest justice, be assured/Thou shalt have justice more than thou desir'st' (4:1:311-14). A defeated and dejected Shylock says 'pay the bond thrice' and prepares to leave the court with Bassanio saying here is the money. Portia stops Bassanio giving him the money and reiterates that he will have all justice and nothing but the penalty. Portia tells Shylock to prepare to cut off the flesh, but neither shed any blood nor cut more or less than the pound expressly stated in the bond; and if she warns him, the scales do turn in the estimation of a hair, then he will die and all his goods will be confiscated. He twice asks for his principal 3,000 ducats to be returned. Portia tells him he shall have nothing but the penalty owed him-which he can take at his own peril. He then tries to leave the court but Portia prevents him:

Tarry, Jew.
The law hath yet another hold on you.
It is enacted in the laws of Venice,
If it be proved against an alien
That by direct or indirect attempts

He seeks the life of any citizen,
The party 'gainst the which he doth contrive
Shall seize one half his goods; the other half
Comes to the privy coffer of the state,
And the offender's life lies in the mercy
Of the Duke only, 'gainst all other voice-
In which predicament I say thou stand'st
[*The Merchant of Venice*: 4:1:344-54]

In his political tract *Certain Articles or Considerations Touching the Union of the Kingdoms of England and Scotland* Bacon distinguishes an alien friend from an alien enemy:

For Subjection, I take the law of England to be clear, (what the law of Scotland is I know not), that all Scottish-men, from the very instant of your Majesty's reign begun, are become denizens; and the *post-nati* are naturalized subjects of England for the time forwards: for by our laws none can be an Alien but he that is of another allegiance than our sovereign lord the king's: for there be but two sorts of Aliens, whereof we find mention in our law, an *Alien Ami*, and an *Alien Enemy*; whereof the former is a subject of a state in amity with the King, and the latter a subject of state in hostility; but whether he be one or other, it is an essential difference unto the definition of an Alien, if he be not of the King's allegiance; as we see it evidently in the precedent of Ireland, who since they were subjects to the crown of England, have ever been inheritable and capable as natural subjects; and yet not by any statute or act of Parliament, but merely by the common law, and the reason thereof.⁸⁰

In *The Case of the Post-Nati of Scotland* presented before the Lord Chancellor and all the Judges of England Bacon expands upon the laws surrounding aliens (too long to quote here in full). On the subject of naturalization relating to the king and the law he divides his observations into three categories or platforms:

The third platform is the government of God himself, over the world, whereof lawful monarchies are a shadow. And therefore both the Heathen, and amongst the Christians, the word, sacred, hath been attributed unto kings, because of the conformity of a monarchy with a divine Majesty: never to a senate or people. And so you find it twice in the lord Coke's Reports...*Rex est persona mixta cum sacerdote*; an attribute which the senate of Venice, or a canton of Swisses, can never challenge.⁸¹

Having spoken of the king and the law Bacon proceeds to consider both the privileges and benefits of naturalization according to the laws of England and who is entitled to them, which he sets out in four degrees:

The first decree of persons, as to this purpose, that the law takes knowledge of, is an *alien enemy*; that is, such a one as is born under the obeisance of a prince or state that is in hostility with the king of England. To his person the law giveth no benefit or protection at all...

The second person is an *alien friend*, that is, such a one as is born under the obeisance of such a king or state as in confederate with the king of England, or at least not in war with him.

....

The third person is a *denizen*, using the word properly, (for sometimes it is confounded with a natural born subject): This is one that is but *subditus insitivus*, or *adoptivus*, and is never by birth, but only by the king's charter, and by no other mean, come he never so young into the realm, or stay he never so long...

The fourth and last degree is a *natural born subject*, which is evermore by birth, or by act of parliament; and he is complete and entire...for the Romans...have *jus petitionis*, or *jus*

honorum. For though a man had voice, yet he was not capable of honour and office. But these be the devices of popular or free estates [for example, Venice], (which are jealous whom they take into their number,)...⁸²

By attempting to take the life of Antonio a citizen of the Venetian state Shylock is informed by Portia that as an alien he must forfeit all his goods, to be divided by the state and Antonio, unless the Duke shows mercy. The Duke tells Shylock, so he can see the difference in our spirit (the difference between law and equity) he pardons his life. The Duke awards one half of his wealth to Antonio and the other to the state which he proposes to reduce to a fine if Shylock shows some humility. An equally merciful Antonio requests that ‘Shylocke create a *use after a use* with one half of his estate, to which he, Antonio, is entitled, making the said Antonio the first *cestui que use*; the second *use* to become effective on the death of the said Shylocke and thereby pass the legal and equitable estates to his son-in-law, Lorenzo.’⁸³The Duke insists that Shylock will do it, or else he will repeal his pardon. Shylock states that he is content and Portia says to Nerissa ‘Clerk, draw a deed of gift’. Shylock asks for permission to leave the court on account that he is not well and bids that the legal document is sent after him, stating that he will sign it (4:1:390-94). The *cestui que* being a shortened version of *cestui a que use le feoffment* (The Person for whose benefit the feoffment or deed of gift was made). Some of the legal issues touching upon it formed part of the landmark *Chudleigh’s Case* in which Bacon played a major key role. His ‘view of *Chudleigh’s Case*’, writes Professor Coquillette, ‘required a modern theory of how to construe statutes. This was what the *Reading Upon Uses* set out to provide.’⁸⁴ It was the trial of *Chudleigh’s Case* in which Bacon ‘took an active part’, observes Andrews, ‘which established the rule against perpetuities limiting the duration of trusts similar to the one created by Shylocke.’⁸⁵

With the departure of Shylock thus ended the most famous trial in English literature depicting a dramatic portrayal of the long struggle between equity and the common law that anticipated the historical legal case of *Glanville v Courtney* which ultimately resulted in a landmark victory of equity over common law, that played a critical role in both the shaping of English and American law, for centuries to come.

The *Glanville v Courtney* (1616) also arose on a bond in which Lord Chief Justice Coke entered a judgement for the plaintiff but Lord Chancellor Ellesmere issued an injunction preventing enforcement of the bond. After the associated *Earl of Oxford’s Case* held that equity takes precedence over the common law James appointed Bacon, then the Attorney-General, to head a commission to advise him on the matter as to whether the Lord Chancellor had the power to overrule common law judgements. On the advice of Bacon on 26 July 1616 James I issued a decree in favour of the Court of Chancery. The events leading up to the climax of the struggle between Lord Coke the Chief Justice of the Common Law Courts and Lord Chancellor Ellesmere head of the Court of Chancery, and the documents and transcripts written and signed by Bacon relating to it are presented in some detail by Andrews in his *Law Versus Equity in The Merchant of Venice*. This included ‘The King’s Order and Decree in Chancery, For A Rule To Be Observed By The Chancellor In That Court: Exemplified And Enrolled For A Perpetual Record There. Anno 1616’:

Whereas our Right Trusty and Well-beloved Sir Francis Bacon, Knight, our Counsellor and Attorney-General, received a letter from our Chancellor of England, dated the 19th of March, An. Dom. 1615. Written by our express Commandment, directing him, and requiring him, and the rest of our learned Counsel, to peruse such precedents as should be produced unto them, from time of King Henry the Seventh, and since, of complaints made in the Chancery, there to

be relieved according to equity and conscience, after judgements in the Courts of Common Laws, in cases wherein the Judges of the common law could not relieve them...⁸⁶

In his summary of the findings arising from *Glanville v Courtney* Bacon delivered the official pronouncement of the committee headed by him in *Per Ipsum Regum*:

Now, forasmuch as *mercy and justice be the true supports of our Royal Throne, and that it properly belongeth to us, in our princely office*, to take care and provide, that our subjects have equal and indifferent justice ministered to them; and that where their case deserveth to be relieved in course of equity, by suit in our Court of Chancery, they should not be abandoned, and exposed to perish under the rigour and extremity of our laws...⁸⁷

The opening lines of Bacon's official document *Per Ipsum Regnum* were italicized by Andrews for comparison with Portia's equitable plea for mercy:

The quality of mercy is not strained

It becomes/the throned monarch better than his crown

It is enthroned in the hearts of kings

And earthly power doth then show likest God's
When mercy seasons justice.

[*The Merchant of Venice*: 4:1:181, 185-6, 191,193-4]⁸⁸

We have seen that *The Merchant of Venice* is about love and friendship particularly focused on the characters of Antonio (Anthony Bacon) and Bassanio (Bacon); about usury (a subject on which Bacon composed an essay and legal paper); money-lending closely mirroring the real lives of the Bacon brothers; and a bond between Antonio and Shylock similar to the bond between Bacon and Sympson. It is also about the issue of debt and assumpsit that was finally decided in *Slade's Case (Slade v Morley)*, in which Bacon appeared for the defendant Morley, whose first substantive arguments made before the Justices of the Exchequer occurred in the Michaelmas Term of 1597 and 1598, at the very time Bacon was planning, writing and revising *The Merchant of Venice*.

The central legal theme of the play explores the contractual obligations of borrowed money and debt (especially, the practice of usury-the action of lending money at unreasonably high rates of interest) through the legal instrument of a bond, or double bond, with the play partly an allegory and encoded commentary on the developing landmark *Slade's Case*, wherein it dramatises some of its arguments.

In his ground-breaking essay entitled '*The Transformation of Intentionality: Debt and Contract in The Merchant of Venice*', Professor Spinoza summarized its intentions:

Since *Merchant* focuses on legal obligation, this essay will examine the play in terms of the monumental changes in the understanding of the law of obligation that culminated in *Slade's Case (1597-1602)*. This essay will show that *Slade's Case* determines which two forms of life –the customary or the contractual–would be recognised by the legal institutions. Once these issues are clear, the essay will show that the Venetian characters operate in the intentionalist, contractual manner implied in the understanding of the modern contract made determinative in *Slade's Case*.⁸⁹

In a footnote Spinosa he adds:

Although putting this essay's main points schematically may make it appear that the essay endeavors to reveal an allegorical relationship between the legal case and the play or, more simply, to show that the play dramatizes the arguments of the case, such an allegorization is not the point. Certain legal arguments that the play calls attention to were made only after the play was written. More important, the essay is supposed to show that the play draws on practices that underlie the legal arguments.⁹⁰

The legal arguments in *The Merchant of Venice* and *Slade's Case* were in the mind of Bacon the concealed author of the play and principal participant in the landmark legal case, before and all through 1597 and 1598, as it developed to its final determination in 1602.

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4. M. M. Mahood, ed., *The Merchant Of Venice* (Cambridge University Press, 1987, 2003), p. 8 'When he seems most dependent on it, closer examination often reveals that he is holding it at bay: that is, in the manner of painters-Francis Bacon, for example, 'quoting' Velazquez...'
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