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# The Concept of Equity

An Interdisciplinary Assessment

Edited by

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## Indecorum and the Subversion of Equity in Shakespeare's *Troilus and Cressida*

### Introduction

The critical history of Shakespeare's *Troilus and Cressida* abounds in extremes and in contradictory opinions. On the one hand this play has been called Shakespeare's most pessimistic, subversive, disillusioned and cynical piece in which the author denies the existence of any kind of morals and values in the world, on the other hand it has been praised as something that offers one of the grandest visions of order and authority in English Renaissance literature. Similarly, according to many critics, *Troilus and Cressida* is Shakespeare's worst play, for a long time it was not even acknowledged as belonging to the canon. Contrary to this, we also read opinions that this is Shakespeare's most philosophical play and a real masterpiece testifying a stunning foreconceit of 20<sup>th</sup>-century apocalyptic literature and the theatre of the absurd.<sup>1</sup>

A close reading confirms the diverging critical opinions, namely that the play at the same time corroborates and subverts principles of law and order. This aspect of *Troilus and Cressida* promises a fruitful terrain for investigations in the field of "law and literature", where the topic of equity in particular may be intriguing to look at. This is what I am going to do in my present paper, drawing on a fairly simple and straightforward concept of equity, dating from the Renaissance period somewhat before Shakespeare and presented by the English lawyer, Christopher Saint German in his dialogue, *Doctor and Student* (1528-31).<sup>2</sup> In it the two participants, a law student and a doctor of divinity usefully summarize the basic principles of common law, and on the subject of equity we read the following:

Equyte is a ryghtwysenes that consideryth all the pertyculer cyrcumstances of the dede the whiche also is temperyd with the swetnes of mercye. And suche an equitye must always be observyd in every lawe of man and in every generall rewle thereof. ... And for the playner declaracyon what equitye is thou shalt understande that syth the dedes

<sup>1</sup> A good panorama of opinions can be found in L. Lanzen Harris, M. W. Scott (eds.), *Shakespearean Criticism*, Gale Research Company, Detroit, 1986, pp. 532-649

<sup>2</sup> I owe this idea to Dr. Bill Long, American professor who teaches his students to conceive the basic concepts of equity through this text. See his instructive homepage: [www.willamette.edu/~blong/EarlyHistoryofEquity.htm](http://www.willamette.edu/~blong/EarlyHistoryofEquity.htm), access: 2005-05-14.

and actes of men for whiche lawes ben ordayned happen in dyvers maners infynnytye. It is not possible to make any generall rewle of the lawe but that it shall fayle in some case. And therefore makers of lawes take hede to such thynges as may often come and not to every particuler case, for they coulde not though they wolde ...

From this quotation it should be clear that equity in the legal sense has two main aspects: first, it should be exercised to temper the harshness of the law and let mercy prevail *if* the circumstances of the deed suggest that the letter of the law would result in unfair judgement. Secondly, since the law cannot anticipate all the varied circumstances of life, and because of this legal judgement may turn out to be too severe, in such situations equity should fill in the gaps.

These will be the two principles along which I am going to examine *Troilus and Cressida*. Before doing so, however, I would like to complete my understanding of equity by one more aspect, also often emphasized in historical and legal studies. As the classic writer on equity, Sir Henry Maine already made clear in the 19<sup>th</sup> century, the appearance of equity in balancing Roman civil law (*jus civile*) was on the one hand an effect of the application of *jus gentium*, i.e. the common elements of the customs and laws of the nations of the Roman Empire, but on the other hand of a development in Greek philosophy, especially Aristotle's concept of natural law (*jus naturale*). As Maine wrote,

While the Jus Gentium had little or no antecedent credit at Rome, the theory of a Law of Nature came in surrounded with all the prestige of philosophical authority, and invested with the charms of association with an elder and more blissful condition of the race.<sup>4</sup>

From this it follows that equity should be studied either as a legal system, complementary to civil law and having its own institutions of jurisprudence; or, it should be seen as a general moral-ethical code in which references to a "Natural Law" aspire to suspend, modify, or rewrite the actual legal authority. Both these understandings may be reflected upon in literary works, however the second aspect – quite understandably – has a higher incidence rate.

### Interpretive Plot Summary

Since this collection is not directed to Shakespeare experts, it might not be useless to recall the main story-line of the drama as well as Shakespeare's attitude to his sources. The literary *suſet* of *Troilus* and his unfaithful lover, Cressida is related to the events of the Siege of Troy, but does not derive directly

<sup>3</sup> C. Saint German [1460-1540], *Doctor and Student*, edited by T. F. T. Plucknett, J. L. Barton, Selden Society, London, 1974, pp. 95-97 (emphasis mine).

<sup>4</sup> See Sir H. Maine, *Ancient Law: Its Connection with the Early History of Society and its Relation to Modern Ideas*, Beacon Press, Boston, 1963 (1861). The text can also be found on the internet. The quotation is from Chapter 3: <http://www.wangqian.net/lawbook/Ancient/3.htm>, access: 2005-05-21.

from Homer's epic, rather it shows an amalgam of the Greek mytho-historical heritage and its medieval recyclings. Shakespeare had access to both groups of sources in contemporary English translations.<sup>5</sup>

The plot has two levels, the "love matter" and the "war matter", and as expectable, they are intricately intertwined, in a way determining each other. The love story involving Troilus and Cressida was most memorably retold by Geoffrey Chaucer in his *Troilus and Criseyde* (c. 1385) and while Shakespeare heavily relied on this version, the dramatist's interpretation of both "matters" is most individual, unusual, in fact shocking.<sup>6</sup>

Troilus is one of the younger sons of Priam, the old King of Troy, and in the midst of the ongoing siege he, disregarding the gruesome circumstances, falls in love with a young local noblewoman, Cressida. From the outset this love is doomed by the fact that Cressida's father, Calchas, a high priest, has deserted the Trojans and went over to the Greek camp. Since the boy is too shy to reveal his love to the girl, he enlists help from Pandarus, a dirty old courtier and Cressida's uncle, to be his go-between. Pandarus manages to convince Cressida to become Troilus' lover and by the third act the young couple enjoys a beautiful first night. Their happy union at the same time classifies Pandarus as a pimp rather than a matchmaker as confirmed by the standardized name for this obscene activity deriving from his proper name: "a pandar."

In sharp contrast to this idyll, the Greek camp around Troy shows a disappointing picture while the war has come to a stalemate. In a council scene, the Greek commander-general, King Agamemnon (the cuckolded Menelaus' brother) chides the fellow commanders for having become pessimistic and faithless because of the long duration of the war. In his interpretation this is only the trial of the gods to test the perseverance of the Greeks. The oldest general, Nestor, seconds to him. At this point Ulysses politely intervenes and while praises the opinions of Agamemnon and Nestor, finally comes to the point that the ultimate cause of the lack of results is the breakdown of authority within the Greek camp. There faction-fight prevails and the chief demoralizing force is the

<sup>5</sup> Shakespeare may have read Homer's work in Chapman's English translation (*Seven Books of the Iliad*) which was published in 1598. While Homer seems to have favoured the Greeks, medieval interpretations glorified the honorable chivalric conduct-code of the Trojans, as it can be seen from the various Troy-legends, among which Caxton's *The Recuyell of the Historyes of Troye* (1471) and Lydgate's *Troy Book* (written about 1420) were available to Shakespeare in English translation. For the sources of the play see O. J. Campbell, E. G. Quimm (eds.), *The Reader's Encyclopedia of Shakespeare*, Crowell, New York, 1966; L. Lanzen Harris, M. W. Scott (eds.), *Shakespearean Criticism*, pp. 532-533; Introductions to *The Arden Shakespeare* and other single volume editions as well as complete Shakespeares, such as *The Riverside Shakespeare*; etc.

<sup>6</sup> Those who like to belittle Shakespeare's originality and prove that none of his ideas were original point out that the transformation of Cressida from Chaucer's innocent victim to Shakespeare's shrewd prostitute can be anchored in Robert Henryson's *Testament of Cressid* (1532) which "focuses on the guilt and retribution of the heroine" (L. Lanzen Harris, M. W. Scott (eds.), *Shakespearean Criticism*, p. 533).

bisexual Achilles who refuses to fight without any particular reason. His lover, Patroclus, spends his time with entertaining Achilles by making fun of the Greek leaders. General corruption is enhanced by other warriors, such as Ajax and his foul mouthed slave, the cynical-to-the-core veteran, Thersites. He is a kind of jester in the play, ruthlessly commenting on the course of events and by the end he comes to this – in fact little surprising – conclusion: “Lechery, lechery; still wars and lechery: nothing else holds fashion. A burning devil take them!” (V, ii, 192-194).

While the council is going on, Aeneas from Troy appears as a parliamenter and on behalf of Hector calls into personal combat anybody who honors his wife as much as he does. While Aeneas is being entertained in the Greek camp, according to Ulysses’s advice the Greek nominate Ajax to be the challenger of Hector, hoping that this would at the same time offend Achilles and provoke him to return to fight.

In Act II – while the Greeks are preparing for Ajax’s duel with Hector – the Trojan leaders also have their council. The vexing question is whether they should return Helen to Menelaus and the Greeks, thus quickly ending the war and lifting the siege from their city. Hector and one of his brothers, Helenus, argue that there is no reason to keep the Greek woman when every day Trojan lives are spent for her:

Let Helen go  
If we have lost so many tenths of ours  
To guard a thing not ours, nor worth to us,  
Had it our name, the value of one ten,  
What merit’s in that reason which denies  
The yielding of her up? (II, ii, 17-25)

This opinion is backed by Cassandra’s mad-sounding prophecy: if they do not return Helen, Ilium will burn down. This attitude enrages some of the more chivalric-minded brothers. First Troilus argues that their honor depends on keeping Helen, then Paris ripostes that his snatched wife is so valuable that “the world’s large spaces cannot parallel” (II, ii, 162). Hector contests this view but when Troilus retorts that Helen represents more than a woman, “She is a theme of honor and renown” (II, ii, 199), he succumbs and agrees to continue the war. According to Ross Douthat, the Trojan council scene raises an important philosophical question: whether Helena has intrinsic or given values. “If she can be *given* value, as the symbol of their quest for glory, then she is worth fighting for.”<sup>7</sup>

In Act III, before the consummation of their passion, Troilus and Cressida ominously testify their love to each other. Troilus claims that hereafter all great love will be called after him “true as Troilus”, while Cressida agrees that “If I be

false, or swerve a hair from truth, [...] when they have said ‘as false as air’ [...] Yea, let them say, ‘As false as Cressid’” (III, ii, 192-203). Pandarus seals their vows like this:

a bargain made; seal it, seal it; I’ll be the  
witness. Here I hold your hand; here my cousin’s. If ever you  
prove false one to another, since I have taken such pains to  
bring you together, let all pitiful goers-between be call’d to  
the world’s end after my name – call them all Pandars; let all  
constant men be Troiluses, all false women Cressids, and all  
brokers between Pandars. (III, ii, 204-212)

In the light of what comes next, the above scene of heroic love shortly becomes a grim parody. In the Greek camp Cressida’s deserted father, Calchas asks the generals to exchange her daughter for a recently captured Trojan warrior, Antenor. Agamemnon agrees and entrusts Diomedes, a Greek officer to supervise the transaction. In the meantime preparations continue for the Hector-Ajax duel and Ulysses shrewdly works on Achilles’ psyche to infuriate him back into battle.

Act IV brings about the first real dramatic shock with the scene of Diomedes arriving for Cressida and the Trojan leaders not even allowing time for the lovers to properly say good-bye to each other. Paris is sorry: “the bitter disposition of the time / will have it so” (IV, i, 48-49); even Pandarus is perplexed: “Is’t possible? no sooner got but lost?” (IV, iii, 77). Of course vows and pledges are exchanged: Troilus gives a kerchief and Cressida her glove as a token of faithfulness. This romantic scene, however, is subverted by a previous dark episode. When Paris asks the visiting Diomedes about who deserves Helen more, Menelaus, or himself, the Greek gives a blunt answer:

Who in your thoughts deserves fair Helen best,  
Myself or Menelaus?  
DIOMEDES. Both alike:  
He merits well to have her that doth seek her,  
Not making any scruple of her soilure,  
With such a hell of pain and world of charge;  
And you as well to keep her that defend her,  
Not palating the taste of her dishonour,  
With such a costly loss of wealth and friends.  
He like a puling cuckold would drink up  
The lees and dregs of a flat tamed piece;  
You, like a lecher, out of whorish loins  
Are pleas’d to breed out your inheritors.  
Both merits pois’d, each weighs nor less nor more;  
But he as he, the heavier for a whore.  
PARIS. You are too bitter to your country-woman.  
DIOMEDES. She’s bitter to her country. Hear me, Paris:  
For every false drop in her bawdy veins

<sup>7</sup> R. Douthat, *SparkNote on Troilus and Cressida*, <http://www.sparknotes.com/Shakespeare/troilus/>, access: 2005-05-21. Emphasis in the original.

A Grecian's life hath sunk; for every scruple  
Of her contaminated carrion weight  
A Trojan hath been slain; since she could speak,  
She hath not given so many good words breath  
As for her Greeks and Trojans suff' red death. (IV, i, 53-74)

The dark tone of this dialogue is reverted in the exchange between Diomedes and Troilus, before Cressida is taken away. Troilus' heated warning – "I charge thee use her well..." (IV, iv, 126) – carries a heavy as yet unrealized double meaning, and then Diomedes's retort that "I'll answer to my lust" (IV, iv, 132), carries another obvious implication although in Shakespearean English simply meant "I'll do as I please."<sup>8</sup>

When Cressida is handed over in the Greek camp, Ulysses insists that she be kissed by all the leaders. All the venerable commanders, headed by old Nestor make fool of themselves in undergoing that and when the girl is lead off to her father, Ulysses explains why he had refrained from her kiss:

ULYSSES. Fie, fie upon her!  
There's language in her eye, her cheek, her lip,  
Nay, her foot speaks; her wanton spirits look out  
At every joint and motive of her body. (IV, v, 54-57)

In short: he indicates that Cressida has a whorish spirit and that the kisses of the generals have in fact turned her – at least symbolically – into a prostitute. As the union of Troilus and Cressida by being so soon separated from each other developed into an anticlimax, the upcoming duel of Hector and Ajax brings about another disappointment: the two heroes fight for a while then they declare it even and embrace each other as relatives. Upon this Hector is invited to visit the Greek camp and he goes there accompanied by Troilus. After the following feast, Troilus wants to visit Cressida during the night but Diomedes overtakes him. Thus the young Trojan witnesses how Cressida becomes unfaithful to him, already at the first night after their passionate union, what is more, she gives Troilus' kerchief as a present to the lustful Greek. The agonizing youth can only swear to look for Diomedes in next day's battle and take revenge.

The morning finds Hector preparing for battle – in spite of the warnings of Cassandra and his wife, Andromache. Troilus joins in the conversation and again shows heedless chivalrous temperament which repels Hector:

TROILUS. For th' love of all the gods,  
Let's leave the hermit Pity with our mother;  
And when we have our armours buckled on,  
The venom'd vengeance ride upon our swords,  
Spur them to ruthful work, rein them from ruth!  
HECTOR. Fie, savage, fie! (V, iii, 44-49)

<sup>8</sup> R. Douthat, *SparkNote*, comment to Act IV.

Troilus' answer is sobering: "Hector, then 'tis wars" (V, iii, 50). And soon the battle starts. So far the audience has experienced a series anticlimaxes with increasing intensity – the decisive battle is the most baffling of all. It seems that all participants are fools, hotheads, cowards, and traitors. The sprinkling blood makes the warriors drunken and dizzy, they have forgotten about the petty and mean motivation of the war (everything goes for the restoration of a whore and his cuckolded husband), they kill for pleasure. Even chivalrous Hector forgets about himself: he slains a Greek for his fine armour. Then he also kills Patroclus and we wonder if this insignificant life was worth the effort. The enraged Achilles is finally drawn into combat. He coldly engineers the revenge: with his pristine myrmidons he surrounds the resting, already unarmed Hector and without touching him with a finger orders his cohorts to slaughter the Trojan hero. Those who have read Homer's magnificent account of their combat are deeply shocked by this scene.

Troilus also fails in his heroism: Diomedes teaches him a lesson, he takes his horse and sends it to Cressida as a gift. But Troilus is not even able to die in the battle. The Trojans return broken from a lost, ridiculous, unheroic fight. It seems Troilus has not been able to learn the lessons of the day. First he rightly says, "Hector is dead; there is no more to say" (V, x, 22) but soon after he speaks again about revenge. His quixotic heroism in the dense atmosphere of destruction feels empty and ridiculous. But this is not yet the end. As soon as Hector's body is dragged away "in beastly sort" (V, x, 4) by the murderer's chariot, Pandarus is limping in and sings a song about the whores of Winchester. The effect is completely stupefying.

### Subversion of Law and Equity in the Play

The first thing one notices about *Troilus and Cressida* is the strangeness of its language. Rules of diction, rhetoric and of drama construction are tendentiously violated. This is what we could call a complex and very conscientious program of *indecorum* on the part of the dramatist. Since Thomas McAlindon back in 1969 published an imaginative and excellent analysis of the indecorums of the play,<sup>9</sup> I do not need to spend much time on explaining this phenomenon. As McAlindon wrote,

[The characters of *Troilus and Cressida*] sin against what was for a contemporary audience the first principle of good speech: decorum, the law that word and style should suit the speaker, the person addressed, the subject, and the situation. These errors of speech have a dramatic purpose, being used by Shakespeare to focus attention on the graver maladies which afflict the Greeks and Trojans.<sup>10</sup>

<sup>9</sup> T. McAlindon, "Language, Style, and meaning in *Troilus and Cressida*", *PMLA*, 84 (1969), pp. 29-43.

<sup>10</sup> *Ibidem*, p. 30.

The motivations, why Shakespeare may have turned to such a treatment of language and the Trojans and the Greeks are less clearly explained by McAlindon, so I shall return to this question toward the end of my essay.

Presently I suggest to revisit those themes and episodes with which the question of equity can be associated. There are a number of legal and moral issues which should be examined in this play: the lawfulness of Paris' raping of Helen; Pandarus' selling off Cressida to Troilus; Cressida's unfaithfulness; then the trading of hostages between the two war camps; and last but not least Achilles' murdering Hector – to mention only the most important ones. Because of the given dimensions of this paper, I am going to concentrate on two plot-elements only: Paris' raping Helen and Achilles' slaughtering Hector. At this point a preliminary caveat is necessary: we have to differentiate the Homeric world of Greek mythology from the interpretive platform of Shakespeare and his contemporaries who made sense of those stories through the filter of Christian ideology and morals. Because of this discrepancy I shall also look at the concept of equity in the context of ancient Greek thought.

Let us first observe the fault that constitutes the foundation of the story. Paris' unlawful raping and stealing Helen from her husband, Menelaus, like some original sin, shapes and determines the ensuing action. Characteristically, after the rape – as we repeatedly find in the *Iliad*-translations – Paris calls Helen “wife”.<sup>11</sup> Similarly, when Helen addresses Priam, she refers to her own new status as follows: “Sir, [answered Helen] father of my husband, dear and reverend in my eyes.”<sup>12</sup> In Christian context this situation would not be but a violation of the commandment, “Thou shalt not covet thy neighbor's wife”,<sup>13</sup> but taking the original Greek customs and beliefs into consideration we can find several instances of equity while judging both Paris and Helen. We should not forget about the fact, that for the Greeks divine will and intervention was as serious and an aspect of reality, as Providence for Christians. Moses Finley points out about the Homeric world that modern critics, who consider the Homeric gods “symbolic predicates” not only project modern theology and science back to the times of Odysseus, at the same time they destroy the myths. If we neglect divine intervention, their plot collapses as well as the behavior and motivation of the protagonists.<sup>14</sup> The interfering gods can be considered such constituents of the circumstances that appeal for equity against the harshness of the law.

<sup>11</sup> E. g. in Book III: “And Paris answered, ‘Wife, do not vex me’” (tr. by Samuel Butler, <http://darkwing.uoregon.edu/~joel/ja/iliad.html#b3>); and “On this he led her towards the bed, and his wife went with him” (Ibidem).

<sup>12</sup> Ibidem.

<sup>13</sup> Exodus 20:17.

<sup>14</sup> M. I. Finley, *The World of Odysseus*, Chatto & Windus, London, 1977, Chapter 5 (I used the Hungarian edition, *Odüsszeusz világa*, Európa, Budapest, 1985, p. 196).

Analyzing the myths we have to realize that Paris was attracted into a trap as a consequence of several factors: first, for not being invited to the wedding of Peleus and Thetis, Erys created discord among the goddesses by throwing the golden apple with the inscription, “To the most beautiful.” Secondly, Zeus was not willing to take the responsibility for deciding about who should get the apple, instead, he ordered Hermes to take Hera, Athena and Aphrodite in front of Paris and ask him for judgement. Thirdly, bringing Paris into the fraud seems to be part of a larger scheme: for some reason Zeus was determined to undo Troy and breaking out a major war against it served his purpose well.<sup>15</sup>

All this should not suggest that Paris was not responsible for what happened. His being “evil-hearted, fair to see, but woman-mad, and false of tongue” (as Hector characterizes him in Book III of the *Iliad*) obviously contributed to his fate, but again, it should be remembered that he felt strongly backed by Aphrodite in his wrongdoing.

Not only the gods, but Greek customs also contributed to the fact that Paris remained unaware about his unlawful action. As Robert Graves reminds us, wife stealing and marrying the woman would not necessarily be severely punished in the ancient Greek world. Were the Cretans impeached by anybody for kidnapping Europe for Zeus from the Phoenicians? Did the Argonauts suffer any punishment for kidnapping Medea from Kolchis? Or the Athenians for seducing Ariadne from Crete?<sup>16</sup> These and similar actions well fitted the old Mediterranean code of conduct, as is also confirmed by Moses Finley's historical anthropological studies. According to him, no matter of rhetoric, women were classified as inferior human beings among the Greeks and no chivalric courtship or romantic love is known among them. When Homer says in Book IX with Achilles that “Are the sons of Atreus the only men in the world who love their wives?” (Il. 340-341), according to Finley it is a shabby translation because the word “wife” did not exist among the Greeks, at least not in the modern sense. Strictly speaking, “bed-fellows” should have been used instead.<sup>17</sup>

An analysis of the context of the above quotation reveals rather shocking things. Achilles bitterly complains about Agamemnon who, after military adventures, had the habit of taking the booty from his commanders and keeping the best things for himself. This is how he snatched Briseis from the hero, a beautiful woman who was very dear to Achilles. So it turns out that Agamemnon himself had done something like Paris when capturing Helen. The situation becomes even more complex if we look at how Achilles got into the possession of Briseis. She had been the queen of Lyrnessos, wife of King Mynes. As a minor episode of the Trojan War Achilles ransacked the city, killed the king and simply took his beautiful wife as prisoner. As he openly admits:

<sup>15</sup> R. Graves, *The Greek Myths*, Penguin, Harmondsworth, 1960, section 159e.

<sup>16</sup> Ibidem, section 160a.

<sup>17</sup> M. I. Finley, *The World of Odysseus*, p. 188.

"Any man of common right feeling will love and cherish her who is his own, as I this woman, with my whole heart, though she was but a fruiting of my spear."

We can conclude at this point, that according to ancient Greek customs, although it was unlawful to take somebody's wife, various circumstances, such as divine intervention and the practice of war could make it equitable to judge such actions not too harshly. In Shakespeare's play all this is filtered through the ethics of Christianity and feudal chivalry. There is no deliverance from a strict sentence: Paris is a mean and worthless whoremaster and Helen is his bawd. Shakespeare's judgement appears to be even more complex if we take into consideration that the dramatist does not seem to believe any more in the chivalric code and presents the story as a violation and debasement of the medieval ideals. Hector's harsh opinion in the second act is interesting, because his moral judgement is set up at the crossroad of civil and natural law:

There is law in each well-order'd nation  
To curb those raging appetites that are  
Most disobedient and refractory.  
If Helen then be wife to Sparta's king,  
As it is known she is, these moral laws  
Of nature, and of nations, speak aloud  
To have her back return'd. (II, ii, 180-186)

Northrop Frye in his essay on *Troilus and Cressida* writes that in Shakespeare's canon this play belongs to that minority group which do *not* illustrate the myth of deliverance in comedy.<sup>18</sup> While diagnosing the dark and deterministic worldview in Shakespeare's play, Frye also recalls the complexity of the original Homeric situation which left more legroom for equity. As he points out:

The Greeks and Trojans are more closely related than one might at first expect: Helen is the wife of a Greek warrior; her abduction is said to be retaliation for the previous abduction of the Trojan Hesione, who was given to a Greek; Cressida follows her deserting father into the Greek camp; Hector will not risk killing Ajax because Ajax is half Trojan; Achilles' professed reason for abandoning the battle is that he is secretly in love with a daughter of Priam.<sup>19</sup>

Against this background another episode of *Troilus and Cressida* reveals Shakespeare's recycling of the classical epic in an even more stunning way than his opinion about Paris and Helen has showed. His treatment of the death of Hector not only indicates a dichotomy between the pagan code of conduct and Christian morality but develops a three-step procedure by the end of which all warfare – and consequently all love – appears to be vile, debased and

<sup>18</sup> N. Frye, "The Reversal of Reality", *The Myth of Deliverance. Reflections on Shakespeare's Problem Comedies*, University of Toronto Press, Toronto, 1983, pp. 61-90.

<sup>19</sup> Ibidem, p. 67.

uncharitable. In this case not simply two moral systems are weighed against each other, rather, we are offered with a complete denial of any morality.

This kind of pessimism is not self-evident in the play, especially if we think of Ulysses's great speech on order, which is a dramaturgical counterpart of Hector's approval of civil and natural law, cited above. Ulysses gives a captivating picture how order and degree maintain the harmony of the world from cosmic dimensions to social hierarchy and individual lives:

The heavens themselves, the planets, and this centre,  
Observe degree, priority, and place,  
Insisture, course, proportion, season, form,  
Office, and custom, in all line of order. . . (I, iii, 85-88)

Although many critics see this speech as a great testimony for the ideals of Renaissance harmony,<sup>20</sup> no one can escape the feeling that this majestic image serves only to provide a sharp contrast to reality demonstrated by the whole action of the play. In Northrop Frye's concise phrase: "The speeches of Ulysses define the nature of what Christianity calls a fallen world."<sup>21</sup>

One important constituent of this ideal order was the code of warfare which – especially in the chivalric Middle Ages – had very particular rules deriving from honor as well as fairness.<sup>22</sup> At least in theory. A school of criticism has been seeing the Trojans as the representatives of romantic valor and honor, while the Greeks as the representatives of cynical intellect, a kind of Machiavellian 'Realpolitik'.<sup>23</sup> The unchivalric murder of Hector by the myrmidons seems to prove this, when neither natural nor military law is observed. With this, however, Shakespeare is not criticizing the pagan morals, since Achilles' treachery cannot be found in the classical sources. Just the opposite: in Homer the two heroes fight almost like medieval knights and although Achilles humiliates the dead body of Hector, this abjection does not violate the conduct of war. Before the duel, when Achilles still mourns the death of Patroclus, he organizes some sports contest to commemorate his friend. Diomedes wins the first prize while Eumelos arrives fourth only, having broken his chariot and

<sup>20</sup> See for example E. M. W. Tillyard, *The Elizabethan World Picture*, Vintage Books, New York, 1943, pp. 9-10.

<sup>21</sup> N. Frye, "The Reversal of Reality", p. 69.

<sup>22</sup> On the chivalric code of conduct see M. Bloch, *Feudal Society*, University Press of Chicago, Chicago, 1964; M. Keen, *Chivalry*, Yale University Press, New Haven, 1984; M. Vale, *War and Chivalry: Warfare and Aristocratic Culture in England, France and Burgundy at the End of the Middle Ages*, Duckworth, London, 1981.

<sup>23</sup> This tradition goes back to G. Wilson Knight's "The Philosophy of *Troilus and Cressida*" in his *The Wheel of Fire*, Methuen, London, 1947, pp. 47-72. Similar opinion can be read in Derek Traversi's "The Problem Plays", *An Approach to Shakespeare*, Doubleday, London, 1968, pp. 323-398; T. G. West, "The Two Truths of *Troilus and Cressida*" in J. Alvis, Th. G. West (eds.), *Shakespeare as Political Thinker*, Carolina Academic Press, Durham, 1981, pp. 127-143; and in many others.



actually completing his course on foot. At this point Achilles suggests to give him the second prize – a remarkable example of moral equity – to compensate for his feeling of bad luck.

Shakespeare's Achilles is nothing like that. If there is a villain in this play, he stands nearest to it. But the most visible feature of all characters, regardless of their nationality or camp, is stupidity. As Thersites comments:

Agamemnon is a fool to offer to command Achilles;  
Achilles is a fool to be commanded of Agamemnon;  
Thersites is a fool to serve such a fool;  
and this Patroclus is a fool positive (II, iii, 59-62).

Limited insight and wisdom, however, does not prevent Trojans and Greeks alike to get entangled in a complex web of corrupt wars and corrupt love affairs where nobody can remain clean and honest. Shakespeare's suggestion is: where law is not observed, equity has no place either.

### Conclusive Critical Interpretation

As William B. Toole wrote in 1966, a look at the various interpretations of *Troilus and Cressida* leads to the disappointing conclusion that the critical history of the play is simply chaotic.<sup>24</sup> In 1986 the editors of *Shakespearean Criticism* had to admit that

The various interpretive problems posed by *Troilus and Cressida* have not received any lasting solutions. There is very little critical consensus on any of the play's more troubling aspects, and one could perhaps conclude that the only definitive interpretation of the play ... is that there is not one.<sup>25</sup>

The most often mentioned problems in connection with the play are the questions of genre and of meaning. A look at those Shakespeare-plays which were written at the same time as *Troilus and Cressida* – the so called “problem plays” – help to clarify the fog from around this drama. Especially the comparison with *Hamlet* is instructive. Hamlet, Hector, Ulysses are equally aware that in Europe around 1600 tyranny, cruelty and human degradation – so much criticized by humanist moral philosophy – have been fully endorsed by political practice. This is what Arnold Hauser identified as the period of *Realpolitik* and its description was offered by (in)famous Renaissance writers such as Machiavelli,<sup>26</sup> while the theory of tyrannicide was widely discussed

<sup>24</sup> W. B. Toole, *Shakespeare's Problem Plays*, Mouton, Paris, 1966, p. 198.

<sup>25</sup> L. Lanzen Harris, M. W. Scott (eds.), *Shakespearean Criticism*, p. 535.

<sup>26</sup> A. Hauser, “The Age of Political Realism” in his *The Social History of Art*, Vintage Books, New York, 1985 (1957), pp. 106-143. A recent study on Machiavelli and his immediate reception: S. Anglo, *Machiavelli – the First Century: Studies in Enthusiasm, Hostility, and Irrelevance*, Oxford University Press, Oxford, 2005.

throughout Protestant Europe. So Hamlet had enough intellectual ammunition to ponder – and thus to hesitate – over moral and political questions.<sup>27</sup> The dichotomy of ideals and political realism lead to an intellectual crisis of the late Renaissance (often referred to as Mannerism<sup>28</sup>) and Hamlet is a prototype of intellectuals to recognize all this: “I see / The imminent death of twenty thousand men, / That, for a fantasy and trick of fame, / Go to their graves” (IV, iv, 59-61) – as he comments on the Norwegian army marching to fight for an insignificant part of Poland. “Like as there were husbandry in war” (I, ii, 7), Cressida's servant adds and Troilus seconds: “Fools on both sides” (I, i, 95).

As Ian Ward reminds us:

*Troilus* enjoys an established reputation as a text ‘subconsciously anatomizing the England of the dying Elizabeth,’ describing the corruption of the new Troy, London, the corruption of the market mentality in general, and the impossibility of love.<sup>29</sup>

In my opinion Shakespeare's play does even more than that. Anatomizes the corruption in politics, love, and war – if you like – in human existence as such.

A longer and more substantial essay could easily identify more instances of legal subversion in *Troilus and Cressida*, and one can see the necessity of further contextualizations in connection with the intellectual crisis of the Renaissance. While I propose to postpone the completion of these tasks for the time being, let me finish with a quotation by an Italian Mannerist philosopher, the neoplatonist Francesco Patrizzi, who in his dialogue, *Lamberto, Della rettorica* (Venice, 1562) described a situation which perfectly coincides with Shakespeare's views encountered in his problem plays, at the same time it sounds extremely modern, thus helps to understand the attraction we feel today about the English dramatist's pessimistic, dark comedies:

All things got confused. Everybody has snatched somebody else's property by means of robbery, theft and murder. Talent has been serving ambition and villainy. People constantly invent new and new methods to cripple their fellow brethren. This is how

<sup>27</sup> Theodor Beza's *Du droit des Magistrats* (1574, modern edition by R. M. Kingdon, Droz, Geneva, 1970) or Hubert Languet's *Vindiciae contra Tyrannos* (1579; contemporary English translation by W. Walker, London, 1648; modern English edition by G. Garnett, *Vindiciae contra tyrannos, or, Concerning the Legitimate Power of a Prince over the People, and of the People over a Prince*, Cambridge University Press, Cambridge, 1994).

<sup>28</sup> In the voluminous literature on Mannerism the intellectual crisis was first and best described by A. Hauser, *Mannerism: the Crisis of the Renaissance and the Origin of Modern Art*, Routledge and Kegan Paul, London, 1965. See also his cited *The Social History of Art*, volume 2: “Renaissance, Mannerism, Baroque”.

<sup>29</sup> I. Ward, *Shakespeare and the Legal Imagination*, Butterworths, London, 1999, pp. 156-157.

human society existed before, exists today, and is going to exist in the future, while constantly swinging and changing, passing from one hand to another."<sup>30</sup>

An opinion like this does not allow much playground for the concept of equity. Fortunately the "problem plays" did not mean the end of Shakespeare's career. In the great tragedies and in the romances law and equity have more constructive roles, in fact constitutional character.

<sup>30</sup> Unfortunately I had access only to the Hungarian edition which I translate further into English: J. Koltay-Kastner (ed.), *Az olasz reneszánsz irodalomelmélete* [Literary theory in the Italian Renaissance], Akadémiai, Budapest, 1970, pp. 335-336.