

Francis Bacon, Bellario in *The Merchant of Venice*, and Incorporation by Reference

by Christina G. Waldman

In my recent book, *Francis Bacon's Hidden Hand in Shakespeare's The Merchant of Venice: A Study of Law, Rhetoric, and Authorship* (New York: Algora, 2018), I set out to explore the identity of "Bellario" in Shakespeare's *The Merchant of Venice*.

Who is Bellario? He is the aged jurist, a respected legal expert who never actually appears in the play. Portia tells Balthazar he will find him at Padua. His name sounds Italian. Portia refers to him as her "cousin." The facts suggest that his expertise is in civilian law. Based on the Justinian Code compiled in the sixth century and revived in the twelfth century, it sparked a renaissance in legal learning that left a lasting impact on world jurisprudence. From behind the scenes, Bellario guides Portia's courtroom performance in the case of *Shylock v. Antonio* by furnishing her with important "notes and garments."

I am not aware of other studies on Bellario. I first learned of him through Mark Edwin Andrews' *Law versus Equity in Shakespeare's 'The Merchant of Venice,' a Legalization of Act IV, Scene I* (Boulder: University of Colorado, 1965). The book, says its editor J.K. Emery, makes two main points: one, that Shakespeare "displayed surprising knowledge of English jurisprudence and the English legal system;" and two, that the play seemed to influence actual historical events taking place twenty years later, in the 1616 legal case of *Glanvill v. Courtney*. As he put it, "... [T]he system, in its attempt to straighten out the conflict between the common law and the principles of equity, was influenced by the bard's knowledge" (Emery, preface to Andrews, p. ix). Bacon headed the commission which advised King James in *Glanvill*.

Andrews was a law student in 1935 when he wrote his book which was commended by two United States Supreme Court Justices, Stone and Rutledge, as well as several other scholars of law or Shakespeare. Andrews went on to establish himself first as a law instructor, then as an industrialist. He served as Assistant Secretary to the Navy under United States President Truman.

Andrews' book is in two parts. The first part (pp. 3-16) contains his own paraphrased dramatization of the famous courtroom scene, set out next to "Shakespeare's immortal poetry." The second part (pp. 17-73) contains Andrews' annotated footnotes with his in-depth explanations. In them, Andrews explains the law and legal history as it correlates to the play. He identifies the remarkable number of legal terms of art which "Shakespeare" used with such precision. It was the visual impact of Andrews' presentation that convinced me, thirty-five years ago, that, whoever Shakespeare was, he had to have been a lawyer.

In his paraphrase, Andrews made Francis Bacon "Bellario" whom he called an *amicus curiae* (advisor to the court). Demonstrating proper legal procedure, Bellario's letter informs the Duke that he is unable to "appear" (i.e., make a court appearance, a legal term) in the Duke's court, due to illness. Upon his recommendation, the letter asks the Duke to admit a young, unnamed lawyer in his stead. This role is played by Portia in disguise, taking the name of her male servant, Balthazar; although *as* Balthazar, she is never called by name. The word *as* is significant.

Andrews perceived a subtle shift which occurs in the trial scene: the first part seems to take place in a court of law, while the second part seems to take place in a court of equity. Thus, in his paraphrased version, Andrews makes the actual sixteenth century English chancellor, Lord Ellesmere, preside over the court of chancery and Sir Edward Coke presides over the court of law. In the actual play, the Duke presides over all matters. Andrews questions why Shakespeare would have had all matters heard in the same courtroom, since, in Elizabethan times, matters of law and equity would have been heard in separate courtrooms. Andrews suggests two explanations: one, that the unlearned Shaxpere made a mistake; or two, that “Shakespeare” was prophetically envisioning the courtroom of the future. Another possibility is that he was looking to the past. Sir Thomas More had argued for the merger of law and equity.

Now, Andrews is adamant that he was not a “Baconian.” Rather, he was an “Orthodox Stratfordian,” one who believed the actor from Stratford, William Shaxpere, was *the* “William Shakespeare” (the name on the title page of the First Folio). Having ruled out Bacon’s authorship, however, Andrews seems at a loss to logically explain Bacon’s felt-but-not-seen presence within the play. Mysteriously, he suggests that one seer will recognize another; or that, the seeds in the mind of one genius might have taken root in the mind of the other (see Andrews, p. 45). Perhaps Andrews is asking us to read between the lines.

What seems to be a main theme in *Merchant* is that appearances can be deceiving. The truth may be buried under layers, for the protection of that most precious. Writing first in 1935, at a time when equity was still being taught as a separate system of law in American law schools, Andrews perceived a distinction that most modern readers, even lawyers, might likely miss.

If Bacon’s hand is hidden in *The Merchant of Venice*, why did he hide it? Did he hope that his influence would be discovered at some point, and, perhaps, that that finding would lead others to uncover precious truths he had felt it wisest to conceal during his own lifetime? As with any search for objective truth, there is always room for speculation and plausible argument. It is hoped that readers will investigate, make their own discoveries, and come to their own conclusions.

Most people, I venture to say, are like I was when I started this project: they really do not know enough about Bacon to analyze whether he could have written the plays of Shakespeare. I am so glad to have made his better acquaintance. It has enriched my life. Contrary to much that we have been told, it is his goodness, intelligence, and selflessness, his aspiration to be all he can be in the service of his fellow man that draws others to him, like honey draws bees.

It was through looking for Bellario that I came to glimpse just how relevant Bacon’s ideas may be to us today. There are certainly parallels between the problems facing the world he lived in and ours, four hundred years later. If we have gone slightly off course as a society, or in science, philosophy, education, or any discipline, can we glean some insights from one of the greatest intellects and souls who ever lived and re-direct our course more fruitfully?

Notes:

1. My book is fortunate to have a foreword written by Simon Miles, an independent Baconian researcher. His talk on *The Merchant of Venice* before the Francis Bacon Society in March, 2015 inspired me to begin writing about Mark Edwin Andrews' book, which led to *Francis Bacon's Hidden Hand*. Many thanks are due to Susan McIlroy of the Francis Bacon Society for her many emails of support and encouragement, and for the copy of N. B. Cockburn's *The Bacon Shakespeare Question*. Lawrence Gerald of the www.SirBacon.org website suggested the project. Lawrence posted earlier versions of my *Bellarion* essay at www.SirBacon.org. He was always ready to lend an ear, as was Simon, who, in addition, reviewed the manuscript, asked probing questions and suggested resources which helped to improve the manuscript. For further credits, please see the book's acknowledgements page.

2. Of books and websites, these were especially useful to my research, in last-name alphabetical order: J.H. Baker, *An Introduction to English Legal History*, 3d ed. (London: Butterworths, 1990); Robert E. Beck, *Selected Materials on Anglo-American Legal History: The Development of a Legal System*, 4th revised edition (not for general publication, August, 1978); Barry R. Clarke, www.barryispuzzled.com (His recent book is *Francis Bacon's Contribution to Shakespeare: A New Attribution Method* (London: Routledge, 2019); N. B. Cockburn, *The Bacon Shakespeare Connection, The Baconian Theory Made Sane* (Guildford: printed for the author by Biddles, Ltd., 1998); Daniel Coquillette, *Francis Bacon* (Stanford: Stanford University Press, 1992), Peter Dawkins' *The Shakespeare Enigma* (London: Polair, 2004) and *Shakespeare's Wisdom in 'The Merchant of Venice'* (Warwickshire: I.C. Media Productions, 1998); Francis Bacon's New Advancement of Learning, www.SirBacon.org; Open Source Shakespeare (1864 Globe ed.), www.opensourceshakespeare.org, Nieves Matthews, *Francis Bacon: The History of a Character Assassination* (New Haven, Yale: 1996); *The Works of Francis Bacon*, ed. by James Spedding et al. (London: Longmans: 1857-1874), online at HathiTrust Digital Library, <https://www.HathiTrust.org>.