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**LAW AND LOVE IN SHAKESPEARE'S *THE
MERCHANT OF VENICE***

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In Shakespeare's Venice, the commercial and, hence, contractual relations between citizens are emphasized at the expense of the bonds of tradition and belief. The play dramatizes in prescient detail the risks as well as the opportunities of the transition from traditional to modern society. Antonio and Shylock both attempt to live in this new world without understanding it or themselves, and ignorance almost leads to disaster. Portia as much as Jessica is determined to take advantage of a new liberty, in both law and love, and in the process leads Antonio and Shylock to a deeper self-understanding.

The *Merchant of Venice* is a study of law and love without the kind of community that can provide a sense of belonging and a basis for self-knowledge. Antonio knows that he is sad, but he knows so little the cause of his sadness that he knows he does not know himself.¹ In fact, his melancholy is due to Bassanio's quest for a wife. The younger man has his eye on Portia, a woman rich enough to pay Bassanio's debts. The debts are of two kinds. For when Bassanio has

discharged his financial obligations to Antonio, he will thereby also free himself from the debt of gratitude that weighs upon him. It is not hard to imagine how pained Antonio must be to see the eagerness with which Bassanio wishes to free himself of any debt to his unstintingly generous benefactor. While Antonio frequently declares his love for Bassanio, there is not one instance in which Bassanio explicitly

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says he loves Antonio. Still, Bassanio owes, or feels that he owes, a debt of gratitude. Antonio loans money out of friendship and without interest, but, at least in the case of Bassanio, there is a moral interest on the principal that seems as limitless as Antonio's liberality. As a number of commentators have seen, the structure of the play is determined by the struggle that develops between Antonio and Portia for first place in Bassanio's moral and emotional pecking order.²

The pathological character of Antonio's love becomes clearer as we see the lengths to which Antonio is willing to go in order to hold on to Bassanio. Solanio, a fellow merchant, says Antonio only loves the world for the sake of

Bassanio.³ One wonders how a "royal merchant," with argosies at sea from India to Mexico, can so little know himself as to be so attached to Bassanio, about whom there is, when the play opens, nothing more remarkable than there is about any careless youth who lives the good life beyond his means. Bassanio needs Antonio for his money, but how is it possible that Antonio cannot live without Bassanio?

Throughout their courtship Bassanio does not mention Antonio to Portia. Only when the planning of their wedding is interrupted by Salerio's arrival with the message that Antonio has forfeited his bond to Shylock, does Bassanio introduce by

description the absent Antonio to Portia. He is

one in
whom
The ancient Roman honor more
appears
Than any that draws breath in Italy.⁴

Unfortunately for Antonio, Venice is not Rome--not ancient, republican Rome. One need only try to imagine Coriolanus or Brutus as a Venetian merchant in order to see the absurdity of the suggestion. Shortly thereafter, Antonio explains to Solanio why the Duke must enforce the bond.

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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.⁵

In Venice, the law must be strictly enforced precisely because it is trade and profit, not friendship, by and for which Venice lives. Law in the service of self-interest is all that holds Venice together. A cosmopolitan city that mingles

Christian, Jew, and Moor,⁶ Venice is, if not a city of strangers, then at any rate one in which the tone is set by dealings between strangers. One of Shylock's grievances against Antonio is that he drives down the rate of interest in Venice by lending money gratis. Antonio has even rescued some who would have defaulted to Shylock but for

Antonio's intervention. Though it is said that "[t]wenty merchants"⁷ plead with Shylock to annul the bond, nowhere does anyone with the means actually step forward to pay it before it has expired. Portia alone offers to pay the bond, but this is not for reasons of friendship. Friendship in Venice is predominantly what Aristotle would call the friendship of utility.⁸

Antonio condemns the taking of interest on loans because it shows a lack of friendship among the parties to the transaction,

for when did friendship take
A breed for barren metal of his friend?
⁹

But Antonio does not condemn the practice only among friends. Rather, he implies that the practice is wrong except among enemies: All those to whom Shylock lends at interest he should view as enemies, and they should so view him. There is no place in Antonio's moral economy for a friendship of utility. By contrast, Shakespeare himself did lend money at interest.¹⁰

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Shylock, in fact, is short of funds when Bassanio and Antonio come to borrow. No problem. "Tubal, a wealthy Hebrew" of Shylock's tribe, will furnish him.¹¹ There is no question of interest between Tubal and Shylock. The taking of interest is forbidden among the children of the "sacred nation."¹² Their friendship is neither of utility nor of personal attraction or pleasure. Rather it is based on a common way of life prescribed by a sacred law. In this context, the strict observance of the law is not a means to the security that promotes commerce, but is rather a

recognition of the sacredness of the law itself. The law is not a mere means to an end; because it is God's law it deserves to be kept for its own sake.

In a way, Antonio wants to be a Jew. His attack on lending at interest is an attack on the friendship of utility that is the common bond of Venice.

Antonio would rather be a martyr on behalf of a sacred nation than a prosperous citizen in a nation of shopkeepers. Venice has no common bond, unless it is the common enmity to Jews that the Jew-hating Antonio promotes. In the play, Christian has no clear meaning other than non-Jewish. Nothing in the play shows a healthy Christianity, least of all the bond Antonio signs, which any Christian would recognize as a clear case of presumptuously testing Providence.

Leaving nothing to chance, perhaps the destruction of Antonio's fleet is rightly seen as punishment for the way in which he tempts God. Lacking a common bond beyond profit, the Christian merchants of Venice find common cause only in despising the Jew.

Alienated from a city that is more a commercial treaty than a community of mind and heart, Antonio focuses all of his capacity for generosity and self-sacrifice on the unlucky Bassanio. When Bassanio first comes to ask for money to fund his wooing of Portia, Antonio's generous offer of unrestricted aid is nullified by the claim that he lacks funds. But Antonio had told Salerio and Solanio shortly before that not all of his estate was at risk in the entirety of his ventures in the present year. If this is so, his claim to lack funds is

untrue.¹³ The implication of the false claim to have no money is then itself reversed by an offer to raise the money on credit. The next time we see Antonio, he joins Bassanio in trying to borrow the money from Shylock. Why Shylock? Did all of Antonio's friends, i.e., his fellow

merchants, turn him down? Would no one lend to the generous Antonio without charging interest? If Antonio tries to raise the money from anyone but Shylock, we never hear of it. Whether Antonio has any rational expectation of getting money from Shylock, we may much doubt. When Shylock reminds Antonio of all the nasty things Antonio has done to him, Antonio can do no better than to promise to do all of these nasty things again.¹⁴

This does not seem to be an approach calculated to win Shylock's help, but at least Antonio will be able to tell Bassanio he tried.

At this point, Shylock surprises Antonio. He makes an offer that exactly reflects Antonio's feelings about Bassanio's original request. In threatening to desert Antonio for Portia, Bassanio has already claimed his pound of flesh from nearest Antonio's heart. By agreeing to Shylock's "merry bond,"¹⁵ Antonio can place Bassanio's request in just the context he thinks it deserves: one that threatens his, Antonio's, own life. The selfless Antonio, who would never think of lending money at five percent, is once again, thanks to Shylock's proposal, in a position to collect from Bassanio moral interest at usurious rates. Perhaps this, as much as concern for his friend, is why Bassanio immediately objects: "You shall not seal to such a bond *for me*!"¹⁶ The last two words are superfluous if Bassanio is only thinking of Antonio's honor or safety.

Why does Shylock make his legally irrational, if not criminal, proposal?¹⁷ He does not want to loan money to Antonio at interest, since Shylock realizes that this would give Antonio occasion to despise him. Antonio does not want to accept money as a free gift, since this would imply friendship and a kind of equality between Shylock and himself. In this light, the merry bond, or something like it, emerges as the only way Shylock could lend and Antonio could borrow the money Bassanio needs. Of course, Shylock is

probably, at some level, aware that Antonio will still be beholden to him, even if he pays the debt on time. On the off chance that Antonio forfeits the bond, Shylock's mercy will be a bitter pill for Antonio to swallow, as Shylock no doubt sees.¹⁸ Shylock surely does not see that the

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moral usury he hopes to practice against Antonio is exactly of the kind that Antonio has long practiced against Bassanio.

When and why does the merry bond turn murderous? Jessica, Shylock's runaway daughter, claims she heard her father declare his lethal intent to "his countrymen," Tubal and Chus, "[w]hen I was with him."¹⁹ In other words, Shylock's intention involved from the beginning a serious threat against Antonio's life.²⁰ Since Jessica elopes with her Christian lover, Lorenzo, on the evening of the very day that Antonio and Shylock make their agreement, one wonders when Jessica had a chance to hear Shylock freely discussing the matter with the friends, from one of whom he intended to borrow the necessary funds. Still, it is possible that Jessica overheard such a conversation. And it is possible that she does not mention what she heard until she learns of Antonio's improbable loss of all his ships. But Jessica's testimony, which she volunteers unasked, is suspect for another reason. Does she not immediately realize that her actions are the proximate cause of her father's rage? In that case, her uninvited and somewhat unlikely declaration of Shylock's intention prior to her elopement serves a self-justifying purpose. Antonio's situation is not her fault. Shylock would have acted thus anyway. Jessica sees her own behavior as the obvious explanation for her father's harshness to Antonio. To preempt the drawing of this conclusion, she

backdates Shylock's murderous intention so that it seems to precede the action which in fact was its proximate cause.

In the spirit of the Enlightenment, Shakespeare places Jessica's escape from her father's house in a most revealing light (she literally carries a torch during the scene) and ratifies or endorses its implications both for the family and the community. This is a particularly ugly feature of the play.²¹ Stealing both herself and his money from her father's house, Jessica confesses herself "asham'd of my exchange."²² The audience is intended to think that Jessica here betrays her own misgivings about exchanging a Jewish father for a Christian husband, so that our surprise is complete when we learn that she is thinking only of her disguise in male attire, which apparently embarrasses her.

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Cupid himself would blush
To see me thus transformed to a
boy.²³

Her shame here is neither for the betrayal of her father or her God, nor for the theft of her father's money.

The Christians are never more Christian than in their generous reception of Jessica. There is a comic Christian in the play, Launcelot, and he alone raises the question whether Lorenzo is not at fault for marrying a Jew, since the making of Christians might raise the price of pork.²⁴ This is the only criticism Lorenzo ever gets for marrying a Jew. Not even the Jewhating Gratiano faults Lorenzo's choice. Nor do any of the Christians fault Jessica for a marriage that must lack her father's blessing, or censure her for the theft of his money. And no Christian questions the integrity of

her conversion to Christianity, though it seems rooted in neither faith nor conscience. Launcelot raises the question whether the sins of the fathers are not visited upon the children, so that Jessica's conversion will not save her.²⁵ But no one in the audience would take this argument seriously. Launcelot is a comic figure, and his own friendship with Jessica transcends her religion altogether. None of the serious Christians in the play ever claim that Jessica can no more change her religion than she can change her flesh and blood. To be sure, Shylock expresses shock that one of his own flesh and blood might so rebel, but this view is flatly rejected by Salerio.²⁶ When Portia must leave Belmont for Venice, Jessica is to take her place, as Lorenzo is the substitute for Bassanio.²⁷ To put the point in modern terms, assimilation is possible in both Venice and Belmont. Jews are not forced to remain Jews by the intolerance of those around them. Of course, this says nothing about the questionable impact of the *The Merchant of Venice* upon the situation of Jews who do wish to remain Jews, a question to which we shall return.

Jessica's freedom is bought not only at the expense of her Jewish father but at the expense of all fathers everywhere.²⁸ The comic Launcelot has a comic father. In a scene that clearly parodies the Biblical episode in which

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Jacob tricks his nearly blind father, Isaac, into giving him the blessing that rightfully belongs to Esau, Launcelot seeks the blessing of his father, Gobbo. Launcelot, kneeling, twice asks for Gobbo's blessing, but the nearly blind old man, groping for his son's smooth chin, mistakes his hairy head for a beard.²⁹ Being unable to recognize his own son, Gobbo never does bless

Launcelot. Launcelot asks twice for the blessing, but he does not ask a third time. Even the comic subplot of this play focuses on the declining importance for children of the blessing of fathers. Portia will end the tyranny of fathers and replace it with a regime in which daughters give themselves in marriage. This is the true nature of Portia's victory.³⁰

Jessica's first words to her father are: "Call you? What is your will?"³¹ Though Portia's father is dead, she too must be concerned with his will. The will requires that Portia present her suitors with three caskets--of gold, silver, and lead, respectively--and that she marry the suitor who chooses the casket with her picture inside. "[S]o is the will of a living daughter curbed by the will of a dead father."³² Clearly Portia does not like the arrangement, but, unlike Jessica, she is unwilling to openly rebel against her father's will. Placed in Jessica's position, Portia would be aware of the danger of betrayal by her lover. She is not as trusting as Jessica or Desdemona, and is, therefore, more aware of the need to respect convention. In one way, the casket test works to Portia's advantage. Since suitors, before they choose, must promise to remain unwed if they choose wrongly, the heavy penalty drives away many an unwanted wooer. But Portia is interested in a young man who visited her father's home when her father was still alive.³³ The young man is Bassanio, and we know him to be just the kind of spendthrift and fortune hunter from which Portia's father no doubt sought to protect her. A man in search of gold and silver is not likely to choose a lead casket.

Many commentators notice that while Portia seems to play by her father's rules, she, in fact, manipulates the casket test so that Bassanio can win. In this, her behavior prefigures her defense of Antonio, where she keeps the letter of the law but manipulates it to her own ends. So while

Bassanio deliberates over the caskets, Portia has music played, and a song is sung, the first three lines of which end in words that rhyme with

"lead."³⁴ Portia's efforts to tip off Bassanio should not cause us to neglect what Bassanio himself says in the context of what he is, in fact, doing. As surely as Petruchio, Bassanio has come to wive for wealth, thereby to free himself from both forms of debt to Antonio. Bassanio knows that what he is doing does not quite lie "[w]ithin the eye of honor."³⁵

To choose the gold or silver caskets would appear to Bassanio as an open avowal of his own questionable intentions. But things are not always what they seem. This is the theme of Bassanio's long speech while he puzzles over the caskets, and the burden of that speech is to justify his actions, if only to himself. As things beautiful on the outside are often ugly on the inside, so things ugly on the outside are sometimes beautiful on the inside. Just so, Bassanio's mercenary love for Portia may yet have a good end. The two suitors, Morocco and Arragon, who choose before Bassanio, each choose in accordance with their own opinion of themselves. So does Bassanio. His choice of the lead casket is the perfect expression of the way in which he views his own deed: It looks bad, but he will prove it to be beautiful within.

Portia's father was a bad psychologist. He devised the test so as to mislead just such a fortune hunter as Bassanio. But by adding the harsh penalty for all who fail, he assured that any fortune hunter who submitted to the test would combine two opposite qualities, being both mercenary and daring. Morocco and Arragon, not being fortune hunters, are daring but not mercenary. They are not ashamed to choose the

gold and silver caskets. Bassanio's daring revolts against his deed, so that his choice of the lead casket is more necessity than choice.

The psychology of the casket test is not merely incidental to the play. Calling *The Merchant of Venice* Shakespeare's "ugliest play," George Anastaplo has commented, "there is hardly anyone in the play whom I can like."³⁶ This perceptive comment seems to me a recognition of the fact that no one in the play (with the possible exception of the Duke) has a simply generous motive. The play exposes a core of human self-centeredness, which it then attempts to justify or beautify. Like the lead casket, the play itself is ugly on the outside but, perhaps, beautiful on the inside. In this, the

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casket and the play reflect what is best and worst in the imaginary society that is Venice on the outside and Belmont on the inside. Venice can claim neither ancient Roman honor nor the high righteousness of a sacred nation. It is neither republican Rome nor ancient Israel.

Shakespeare's imaginary Venice is a nation of strangers, motivated by commerce in all its forms, and made civil by the enforced conventions of the law of contracts. The law of contracts is not the sacred law. The sacred law is replaced by a law that serves the interests of the contracting parties. If public life under such a dispensation is bound to appear harsh and unlovely, private life will have new possibilities of choice, of freedom, and of love. The fresh air of Belmont will compensate for the pollution of Venice. This is the possibility Shakespeare works to realize on the stage, but by no means only on the stage.

Shylock is the one most immediately hurt in the rebellion against fathers by the daughters of Venice. When Jessica betrays him with a

Christian, he seeks to take revenge against the Christian he has most within his power. Antonio's ships have all miscarried. He is bankrupt. Shylock realizes that Antonio will be unable to pay his bond, and warns that he will have his pound of flesh. When Salerio says he is sure that Shylock will not carry things to such an extreme, Shylock responds with a now famous speech.³⁷

The central portion of Shylock's speech is often cited by those who would defend Shakespeare against the charge of prejudice against the Jews. In this portion of the speech, Shylock speaks eloquently of the common humanity of all men:

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, heal'd by the
same means, warm'd and cool'd by
the same winter and summer, as a
Christian is? If you prick us, do we
not bleed? If you tickle us, do we not
laugh? If you poison us, do we not
die?³⁸

However moving this passage may be, we cannot help noticing that Shylock, in his grief and anger over the loss of Jessica, seems to forget himself. Surely, he would never say that he is fed with the same food as all

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other men when he is speaking as an observant Jew.³⁹ Indeed, this speech, with its appeal to a common humanity, could be used by Jessica, if she were to hear it, to justify her marriage to Lorenzo. Whatever Shylock might be able to say

in defense of Judaism, he cannot very well defend it on the grounds that he has chosen in this speech.

It is doubtful, however, that Shakespeare means us to understand that Shylock, in making his appeal to a common humanity, has moved from his particular religion to higher ground. Reason is not mentioned in the speech; Shylock finds our common humanity in our affections and our passions. In context, the passage above is part of Shylock's argument in favor of revenge:

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.⁴⁰

Shylock seems to understand the appeal to a common humanity in terms of a return to a state of nature, a lawless state in which each must right his own wrongs. It is interesting that Shakespeare does not allow Shylock to justify revenge by appealing to such Biblical notions as "an eye for an eye and a tooth for a tooth."⁴¹ This Biblical phrase occurs nowhere in the play. At the moment he declares his intention to take revenge against Antonio, the playwright takes care to present Shylock, not as a Jew who remains a Jew, but as a Jew who does not hold onto his faith. He does this by indicating that the source of Shylock's ruthless vengeance is not his Judaism but his all too human humanity.⁴²

It is striking that in an earlier scene, Lorenzo refers to Shylock as "a faithless Jew."⁴³ It is a strange expression to use if Shylock is, in fact, a faithful Jew. Was Shylock "a respected member of his community"?⁴⁴ After Jessica's defection, Shylock tells Tubal, "the curse never fell upon our nation till now; I never felt it till now."⁴⁵ This, too, is a strange remark. Shylock does not feel the

sufferings of the Jewish people as his own. Those

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collective sufferings he "never felt . . . till now."⁴⁶

Rather, he feels his private grief as a curse upon the whole nation. The private grief he feels comes not from being with his countrymen, but from being too much with Christians. How did Jessica meet Lorenzo? It is hard to imagine that Shylock sent her off alone to parties. The only remaining alternative is that Shylock invited Christians to his house. Jessica met Lorenzo much as Desdemona met Othello. Bassanio seems to know Shylock

better than Antonio does.⁴⁷ Is his invitation on the day of the bargain the first time he has ever invited Shylock to dinner? Is it the first time Shylock has ever accepted? Shylock is not an assimilated Jew, but neither is he one who avoids contact with an alien world. During the trial scene, when Portia enters the courtroom, in disguise of course, her second speech concludes, "Which is the merchant

here, and which the Jew?"⁴⁸ How is this question possible? Does Shylock not dress like a Jew? If there is more than one Jew present in the court, we do not hear any mention of this. The Jewish elders do not come to support Shylock in his claim. Not even Tubal or Chus come to support him. Shylock is a man who stands alone.

In Shylock we see a man caught between tradition and modernity. Shylock grew up firmly rooted in a sacred nation, but he has already begun the transformation that Jessica merely carries further. His ties to the community define him. Through Shylock, Shakespeare explores the inner conflicts and dangers that threaten a man who loosens those ties. Shaken to his core by the loss of his daughter, Shylock does not turn to his community for solace. He becomes an isolated man, and in his isolation he becomes a dangerous

man. Mere humanity does not support or ennoble as a healthy closed community can.

Antonio's universalism is the Janus face of Shylock's isolation. Each helps us to understand the other. Universalism finds any community too small. As the negation of any particular community, universalism reveals itself as identical with extreme individualism. Shylock is forced into isolation by the weakening of his ties with a particular community. Venice never offered Antonio that kind of closure. His loneliness and isolation crystallize in an almost suicidal obsession with Bassanio.

To speak of an "almost suicidal obsession" is not exact enough. The audience may forget, but the reader knows from the first scene of the play

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that Antonio has never been short of funds. By refusing to pay the bond on time, Antonio entraps Shylock. He tries to make Shylock the instrument of his own dramatic death, the better to entrap Bassanio forever in his love. To hold Bassanio beyond the grave, Antonio must not only use Shylock. He must make the law a murderer by making it the instrument of his own suicide. All this to defeat Portia.

But Portia is not so easily defeated. She perhaps knows Antonio better than he knows himself. She knows that if she allows Antonio to die for his friend, that friend will have an "unquiet soul" and be forever lost to her.⁴⁹ She knows that this is exactly what Antonio wants. To save her intended marriage, she must save Antonio, and to save Antonio, she must defeat Shylock. Portia defeats Shylock, but in doing so she cannot prevent Antonio from gaining at least a temporary victory. Both Bassanio and Gratiano swear that they would sacrifice the life of the wife they love in order to save Antonio.⁵⁰ At the end of the trial

scene, Antonio's victory seems complete. He has forced Shylock to convert to Christianity, and he has forced Bassanio to be forever bound to him by gratitude.

In the spirit of King Lear, Antonio is a man who attempts to force what cannot be forced. His attempt to force the conversion of Shylock repeats in another form the mistake he makes in trying to force Bassanio to love him. In order to fully come to terms with Antonio's challenge, Portia tries to answer the following unspoken question. How can the law we must obey regulate faith and love without doing violence to the very nature of faith and love? Portia tries to answer a universal question, but she is never blind to its particular application. Nor is she a woman inclined to throw good men away if she can help it. She is not content to defeat Shylock and Antonio. As best she can, she tries to save them too.

Portia and her maid, Nerissa, disguised as men, appear in court as a young lawyer and his clerk. Balthasar, as Portia here calls herself, comes with a letter from one Doctor Bellario of Padua, authorizing the young lawyer to act in his stead. Portia is no more willing to violate or bend Venetian law than she had been willing to ignore her father's will. When Shylock hears this, he is delighted and calls Portia a "Daniel come to judgment."⁵¹ But does Venetian law require the enforcement of the forfeiture provision of the bond? Antonio seems to think so every bit as

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much as Shylock, and Portia agrees. Of course, when Portia suggests that Shylock should have a surgeon at hand to stop the wounds so that Antonio does not bleed to death, Shylock does not simply agree. He sticks to the letter of the bond, where there is no surgeon mentioned. It is surprising then that when Portia allows him a

pound of flesh but no blood, Shylock protests no further than to ask, "Is that the law?"⁵² His next response is:

I take this offer, then; pay the bond
thrice

And let the Christian go.⁵³

By the time Shylock speaks a third time, he says, "Give me my principal, and let me go."⁵⁴ It is difficult to understand what Portia has done to so completely crush Shylock. He had argued with her about the surgeon. Why does he not argue about the blood? Why does he not say it is not mentioned in the bond? Why does he not say what every lawyer knows, that "a valid contract implies the likely means necessary for its execution"?⁵⁵ Finally, why does he not appeal to the Duke, who is, after all, the final authority in the courtroom, not the boy lawyer?

As others have noticed, Portia's demand that Shylock take the flesh without the blood is not so much a quibble on Venetian law or on the wording of the bond as it is a reminder of and an appeal to Jewish law.⁵⁶

Only: be strong not to eat the blood,
for the blood is the life;
you are not to eat the life along with
the meat!
You are not to eat it,
on the earth you are to pour it out,
like water.⁵⁷

Shylock is perhaps the one person in the courtroom who does know how to cut the flesh without spilling the blood. Drain the blood first. Slaughter Antonio as if he were an animal being ritually killed. It is this thought, and not what Portia literally says, that so horrifies Shylock. For

once, he does not take things literally. When he at last sees that he is treating Antonio as an animal is treated, he wants nothing more to do with the pound of flesh he had so recently demanded. Both the Duke and Portia appeal to Shylock for mercy. But these appeals, rooted in claims of a common humanity, were answered in advance by Shylock: Common humanity supports revenge as well as it supports mercy. Portia cannot reach Shylock until she appeals to a ground higher than mere humanity. For Shylock, that higher ground is Jewish law.

Only after Portia has caused Shylock to see that he is a Jew and that as a Jew he cannot murder Antonio,⁵⁸ does she appeal to the Venetian law that would have trumped the bond from the beginning. Strict penalties are imposed upon an alien who directly or indirectly seeks the life of a Venetian citizen. This would, from the beginning, have been sufficient to block Shylock's murderous attempt on Antonio. Portia holds it back until she has first gotten Shylock to think like a Jew, like a member of a community and not like a lone wolf.⁵⁹ This is as much as Portia can do to heal Shylock's battered soul. It also guarantees that the conversion forced upon him by Portia's enemy, Antonio, will never be more than superficial.

But why bring on the harsh penalties of the Venetian law, as Portia does, when Shylock has already conceded the main issue? Shylock is a man who sometimes confuses means and ends. He sometimes forgets that the law is not an end in itself. When the law threatens to deprive Shylock of all of his property, Shylock responds that we take away a man's life when we take away his means to live.⁶⁰ Shylock's predicament causes him to raise his eyes from the letter of the law and

to speak of the end that the law should serve. It is interesting that the Jewish law to which he here implicitly appeals is the same one that forbids taking a bond that would threaten a man's life.⁶¹ Venetian law is as likely as Jewish law to be treated as an end in itself. Portia means to foreclose this possibility by presenting the law as a means to life, not a threat to life.

If there is any doubt about this point, it can be confirmed by looking at what the "second Daniel" learned from reading about the experiences of the first Daniel. In Daniel, chapter 6, we learn that the satraps had become jealous of the authority given to Daniel by King Darius. The satraps induce

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the thoughtless King to sign a decree forbidding anyone to pray other than to the King himself for thirty days. Violators are to be thrown into the lions' den. As the satraps expect, Daniel continues to pray every morning to his God, although he knows of the new decree. When the satraps report Daniel's behavior, the King is desperate. He admires Daniel greatly and depends upon him for the governing of the kingdom. But as befits the law of the Medes and the Persians, no edict or decree can be revoked or altered after it is once issued by the King. Though he racks his brain, the King is unable to find a way around the consequence of the unalterable character of Persian law. Daniel is duly thrown into the lion pit. The next morning, the King finds, to his great relief and joy, that Daniel is unhurt. Daniel's God has protected him. The happy King orders that all of the plotting satraps, their wives and children, be thrown into the lions' den, where they are, of course, promptly devoured.

We notice that while Venetian law is in some areas as unalterable as Persian law, this is not true of all Venetian law. Venetian law strictly

enforces contracts between two parties, be they citizen or alien, but it does not require the strict enforcement of law in cases of an individual offense against the state. Persian law binds even the hands of a god-like king, so that even the god cannot be merciful.⁶² Apart from all questions of mercy, it seems that the Persian King cannot alter the law even when such a change is in the national interest. Persian law makes the same mistake that Shylock sometimes makes, treating the law as an end in itself rather than as a means to a good human life. Portia makes it quite clear that under Venetian law, or at least under the precedents she is now setting, the Duke cannot show mercy in ways that infringe upon the voluntary obligations entered into between two parties; in such cases, one party would suffer damage as a result of the Duke's leniency to the other party. So the Duke may not show mercy to Antonio at Shylock's expense or, later, to Shylock at Antonio's expense.⁶³ But Portia encourages the Duke and, thus, the Venetian law, to be merciful to Shylock whenever this does not infringe upon Shylock's legal obligations to others. The law is for the sake of life, not of obedience, and the Duke is free of the law whenever it does no harm to others. In this way, the Venetian Duke becomes, in fact, more god-like than the Persian King, because the Duke does not treat the law as an end in itself.

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Portia reads the bond as if what is not explicitly said is thereby excluded or forbidden. By extension, we might conclude that Portia wants to set a precedent under which, what the law does not command, it forbids.⁶⁴ In fact, her treatment of this rule exposes it to ridicule. Shylock may take a pound of flesh, no more or less. On this

interpretation, a butcher might be guilty of giving his customer a little more than she requested. Shylock would himself be guilty of a violation of the bond if he provided a surgeon when this was not explicitly commanded. We contradict Portia's larger project as a "second Daniel" if we assume that she means to teach that what the law does not command, it forbids. The precedent Portia wants to set will cause voluntary contracts to be strictly enforced, but the contract itself is to be voluntary. Even marriage will be treated as a contract, one in which Portia is very much interested. But the marriage laws cannot be written in such a way that what the law does not command, it forbids. If they were so written, then a law that did not command marriage between Christian and Jew or Christian and Moor, must implicitly forbid it. In Portia's Venice, the law must allow what it does not forbid. Portia agrees with Shylock in seeing rule of law as vital to the city's freedom,⁶⁵ but she does not see obedience to the law as the full extent of the citizen's freedom.

The law may forbid attempts among the residents to harm one another. It may forbid murder. Whether law should explicitly forbid things in which a person harms only himself or herself is an explicit theme of the play. Should the law recognize the contract by which Antonio seeks to take his own life? How far should the law go in giving one a right to do something like this? Can the law recognize the contracts by which Portia's suitors vow never to marry if they choose the wrong casket? Should such contracts be legally enforceable? Can one reasonably consent to one's own enslavement, or to a religious conversion that is forced upon one? Can one bind oneself to love where one is commanded to love? Shakespeare, through Portia, recognizes such seeming consent as a problem in a free society. The focus on Antonio's absurd bond is a way of drawing our attention to the fact that there are some things that a reasonable person simply cannot want to do or to have happen to him, and

the law cannot sanction these things.

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In summary, the precedents Portia implicitly sets are four:

- Voluntary contracts are to be strictly interpreted and enforced.
- The law is a means to the life and living, choice and freedom of the citizens, not an end in itself.
- The law can enforce only those contracts that do not contradict the end or purpose of the law.
- In offenses against the state, the state may exercise a power of mercy and pardon.⁶⁶

To this list, we should perhaps add one more precedent, and that is the rule of law itself. Throughout the trial scene, Gratiano is unable to contain his hatred for Shylock, whom he always refers to simply as "Jew."⁶⁷ Shylock does not seem to have seen the most obvious implication of his own account of the vengeful nature of mankind. His own view is so rooted in the law that he attempts revenge only through the law. Would the same be true of Gratiano? If the law had allowed Shylock to take his pound of flesh from Antonio, is it not more than likely that Gratiano would have taken his revenge with or without the law? At the end of the trial scene, Gratiano hates the Jew as much as ever, but his threat against Shylock's life takes the form of a threat to bring the Jew before a jury that would hang him.⁶⁸ Somehow the potentially murderous Gratiano has been brought to think in terms of juries as his instrument of revenge. One might say that this only raises him to the level of Shylock's legal attempt on Antonio's life, but for Gratiano it is

probably a step up. Could Portia have tamed Gratiano if she had been less ruthless in her legal pursuit of Shylock? However painful and humiliating for Shylock, Portia's severity has the desired effect on Gratiano. Her strict legalism coupled with her harsh defeat of Shylock bring Gratiano within the bounds of law. This is a very considerable benefit to Shylock and to all Jews who would remain Jews.

Portia's public victory conceals her private defeat, just as Shylock's public defeat conceals his private moral victory. Michael Zuckert sees clearly that Portia returns to Belmont knowing that in the contest for

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Bassanio, Antonio has twice defeated her.⁶⁹ The first defeat came during the trial itself, when Bassanio offered to sacrifice his wife's life to save the life of Antonio. The second defeat came when, after Bassanio's initial refusal, Antonio persuaded Bassanio to send Balthasar (Portia) the ring with which Portia had made Bassanio promise never to part. Under similar conditions, Nerissa had given Gratiano a ring, which Gratiano had given to Balthasar's clerk, the disguised Nerissa.

So alarmed is he when he sees Portia's reaction to Gratiano's admission that he has given away Nerissa's ring, that Bassanio almost forfeits another pound of flesh. In his anguish, Bassanio says that he had best cut off his own left hand and tell Portia that he lost the hand fighting to keep the ring.⁷⁰ At first Bassanio tries to defend his generosity in giving the ring to the young doctor who saved Antonio, but then he pleads that he was forced to give the ring and ends by calling his action "this enforced wrong."⁷¹ In gradually causing Bassanio to admit that what he did was wrong, Portia wins the victory over Antonio that

she had failed to win in the courtroom.

Portia defeats Antonio, but not before she lets Antonio see her in defeat. Antonio is an observer of the scene in which Portia tells Bassanio that if he is so generous with her gift, she will be as generous with her body. Perhaps she will sleep with the young man to whom Bassanio insists he gave her ring. Her honor is her own.⁷² In her spirited, even defiant response to Bassanio's supposed infidelity, Antonio sees the obvious contrast with his own pathological dependence on Bassanio. Of course, Portia is acting. She knows full well that Bassanio has not betrayed her with another woman, as she pretends to think. But she is quite sure that Bassanio has betrayed her for the sake of a man, and Antonio is that man. Antonio knows none of this. What he sees is a woman who thinks herself betrayed by her husband with another woman and who, with great self-possession, dares to give as good as she gets. Portia is no martyr, not for Bassanio or for anyone else. In Portia's inverted mirror, Antonio sees his own weakness. Bassanio is not the only one who presently sees himself in Portia's eyes.⁷³ The result is that, in contrast with the opening of the play, Antonio knows himself: "I am th' unhappy subject of these quarrels."⁷⁴ When Antonio learns that Portia was the lawyer who saved his life, he might well feel humiliated, since she has

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by this time won the contest between them for Bassanio. That he shows no such response is due to the fact that Portia first cures him of his sickly obsession with Bassanio before she makes known how she thwarted his planned suicide. By the time he learns who spoiled his plans, he is thankful that they were spoiled:

I once did lend my body for his
wealth,
Which, but for him that had your
husband's ring,
Had quite miscarried.⁷⁵

Here Antonio speaks of his own attempt at martyrdom as something that, had it succeeded, would have in fact miscarried. But this makes his next lines all the more puzzling:

I dare be bound again,
My soul upon the forfeit, that your
lord
Will never more break faith
advisedly.⁷⁶

One might argue that in this speech, Antonio proves himself to be a compulsive and incurable martyr. But the real import of the speech becomes clear only when we realize that this time the forfeit is to be claimed, not by Shylock, but by Portia. If Bassanio is so foolish as to break faith with Portia again, then the generous Antonio binds his own soul over to Portia. He will once again be Bassanio's substitute. Portia defeats her rival for Bassanio's love at least in part by arousing his interest in Portia herself.

Antonio will need all of the inner strength he can muster as he learns to live in the freer but more mercenary world of Portia's Venice. Under Portia's dispensation, the outside, the public side, of life will be more ugly than in either republican Rome or Shylock's sacred nation, but the inside, the private side, will be more beautiful. This seems to be Shakespeare's own judgment on the way of life he is asking us to choose. To put it more nobly, Venice and Belmont bring together rule of law and free choice in love in a way that requires an individualism at once disciplined and self-reliant.

ENDNOTES

* Professor of Political Science, Dominican University; Ph.D., The University of Chicago, 1979. This Article is dedicated to the memory of Sister Candida Lund, Chancellor of Dominican University, who worked throughout her life to promote understanding between Jews and Christians.

1. See WILLIAM SHAKESPEARE, *The Merchant of Venice*, in THE COMPLETE WORKS OF SHAKESPEARE act 1, sc. 1, ll. 1-7 (David Bevington ed., 3d ed. 1980).

2. See Lawrence Hyman, *The Rival Lovers in The Merchant of Venice*, 21 SHAKESPEARE Q. 109-16 (1970); Michael Zuckert, *The New Medea: On Portia's Comic Triumph in The Merchant of Venice*, in SHAKESPEARE'S POLITICAL PAGEANT: ESSAYS IN POLITICS AND LITERATURE (Joseph Alulis & Vickie Sullivan eds., 1996).

3. See SHAKESPEARE, *supra* note 1, at act 2, sc. 8, l. 53.

4. *Id.* at act 3, sc. 2, ll. 293-295.

5. *Id.* at act 3, sc. 3, ll. 26-31.

6. See *id.* at act 3, sc. 5, ll. 25-40.

7. See *id.* at act 3, sc. 2, ll. 279-283.

8. See ARISTOTLE, NICOMACHEAN ETHICS 1156a6-56b30 (Terence Irwin trans., 1985).

9. SHAKESPEARE, *supra* note 1, at act 1, sc. 3, ll.

130-131.

10. See Charles Edelman, *Which is the Jew that Shakespeare Knew? Shylock on the Elizabethan Stage*, 52 SHAKESPEARE SURV. 99, 106 (1999).

11. SHAKESPEARE, *supra* note 1, at act 1, sc. 3, l. 54.

12. See *id.* at l. 45.

13. See *id.* at act 1, sc. 1, ll. 43-44; see also MARTIN D. YAFFE, SHYLOCK AND THE JEWISH QUESTION 55-56 (1997).

14. See SHAKESPEARE, *supra* note 1, at act 1, sc. 3, l. 127.

15. *Id.* at l. 170.

16. *Id.* at l. 151 (emphasis added).

17. Cf. *Deuteronomy* 24:6.

18. See Olivia Delgado de Torres, *Reflections on Patriarchy and the Rebellion of Daughters in Shakespeare's Merchant of Venice and Othello*, 21 INTERPRETATION 333, 339 (1994).

19. SHAKESPEARE, *supra* note 1, at act 3, sc. 2, ll. 184-185.

20. See George Anastaplo, *On Trial: Explorations*, 22 LOY. U. CHI. L.J. 765, 1067 n.525 (1991).

21. See *id.* at 937, 940, 943-44, 947, 1071 n.563.

22. SHAKESPEARE, *supra* note 1, at act 2, sc. 6, l. 36.

23. *Id.* at ll. 39-40.

24. See *id.* at act 3, sc. 5, ll. 19-24.
25. See *id.* at ll. 1-18.
26. See *id.* at act 3, sc. 1, ll. 30-40.
27. See *id.* at act 3, sc. 4, ll. 37-39.
28. See Delgado de Torres, *supra* note 18.
29. See SHAKESPEARE, *supra* note 1, at act 2, sc. 2, ll. 70-94.
30. See Keith Geary, *The Nature of Portia's Victory: Turning to Men in 'The Merchant of Venice,'* 37 SHAKESPEARE SURV. 55-68 (1984).
31. SHAKESPEARE, *supra* note 1, at act 3, sc. 1, ll. 48-69.
32. *Id.* at act 1, sc. 2, ll. 23-25.
33. See *id.* at ll. 110-112.
34. See *id.* at act 3, sc. 2, ll. 63-65.
35. *Id.* at act 1, sc. 1, l. 137.
36. Anastaplo, *supra* note 20, at 935, 936.
37. See SHAKESPEARE, *supra* note 1, at act 3, sc. 1, ll. 48-69.
38. *Id.* at ll. 55-62.
39. Cf. *id.* at act 1, sc. 3, ll. 30-35.
40. *Id.* at act 3, sc. 1, ll. 62-64.
41. *Exodus* 21:23-25.

42. See Zuckert, *supra* note 2, at 21.
43. SHAKESPEARE, *supra* note 1, at act 2, sc. 4, l. 37.
44. Anastaplo, *supra* note 20, at 939.
45. SHAKESPEARE, *supra* note 1, at act 3, sc. 1, ll. 80-82.
46. *Id.* at ll. 81-82.
47. Cf. *id.* at act 1, sc. 3, ll. 36-37.
48. *Id.* at act 4, sc. 1, l. 172.
49. See *id.* at act 3, sc. 2, l. 306.
50. See *id.* at act 4, sc. 1, ll. 280-292.
51. *Id.* at l. 221.
52. *Id.* at l. 312.
53. *Id.* at ll. 315-316.
54. *Id.* at l. 334.
55. Anastaplo, *supra* note 20, at 940.
56. See *id.* at 1067 n.527, 1070 n.559; Zuckert, *supra* note 2, at 22.
57. See *Deuteronomy* 12:23-24.
58. See *id.* at 24:6.
59. Cf. SHAKESPEARE, *supra* note 1, at act 4, sc. 1, ll. 73, 128-138.

60. See *id.* at ll. 372-375. 2
61. See *Deuteronomy* 24:6.
62. Cf. SHAKESPEARE, *supra* note 1, at act 4, sc. 1, ll. 191-195.
63. See *id.* at l. 371.
64. See ARISTOTLE, *supra* note 8, at 1138a6-7.
65. See SHAKESPEARE, *supra* note 1, at act 3, sc. 2, l. 278; act 4, sc. 1, l. 39.
66. *Id.* at act 4, sc. 1, ll. 216-220, 361, 371-376.
67. *Id.* at ll. 311, 315, 321, 331, 339.
68. See *id.* at ll. 396-398.
69. See Zuckert, *supra* note 2, at 25-27.
70. See SHAKESPEARE, *supra* note 1, at act 5, sc. 1, ll. 177-178.
71. *Id.* at l. 240; see also Zuckert, *supra* note 2, at 30.
72. See SHAKESPEARE, *supra* note 1, at act 5, sc. 1, ll. 223-233.
73. See *id.* at ll. 240-246.
74. *Id.* at l. 238.
75. *Id.* at ll. 249-251.
76. *Id.* at ll. 251-253.

