

Communities of Virtue
Law and Revenge in the *Merchant of Venice*
or
How the Quality of Mercy is Strained

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Abstract

For centuries Shylock has incarnated greed, the archetypal Jew. This is a demonstrably false accusation. Shylock was a man of virtue, who found himself in conflict with the Venetian community of virtue. The resulting conflict over a defaulted loan threw Shylock into a Venetian court. The tragedy of the *Merchant of Venice* centers on the inability of Venetian law to deal with strangers except literally. For the law to approximate justice all the parties to a conflict must be within the same community of virtue. Failing this, all parties will prefer a literal and harsh application of the letter of the law.

Keywords: justice, mercy, literalness, usury, greed, capitalism, revenge

Introduction:

Populist rabble-rouser Mary Lease called President Cleveland a 'tool of Jewish bankers and British gold'. The *New York World* described the syndicate as a pack of 'bloodsucking Jews and aliens'. In his vehement denunciation in Congress, William Jennings Bryan asked the clerk to read Shylock's bond from *The Merchant of Venice*. Ron (Chernow, 1991, p.76)

I hate him for he is a Christian. Shylock, *The Merchant of Venice* (Shakespeare, 1923)

Few of Shakespeare's plays and none of his major characters are as vexatious as *The Merchant of Venice* and Shylock. There are many reasons for this, some of which are as recent as today's headlines. If we take ourselves back some four hundred years to sixteenth century Venice, we may be able to see Shylock more clearly, not that he or his experience will be less disturbing. Representing the limit of a rapidly changing society's capacity to accommodate strangers, Shylock will always trouble us: liberals, because secular humanism is supposed to be based on universal values; Christians, because forgiveness, mercy, and charity lie at the heart of Jesus' teaching; Jews, because existence as eternal strangers often seems an unbearable addition to the alienation of modern life. Yet Shylock and his Christian tormentors need to be understood, not to tally credit and blame, but to understand the strain points of contemporary societies which are changing even more rapidly than Renaissance Venice.

According to John Murray: 'In Shylock Shakespeare created the only post-Biblical Jewish figure

which has impressed itself upon the imagination of the world and become a universal symbol of Jewry.' (Sinsheimer, 1947, p.9) Three of the symbol's most powerful components are captured in the epigraph, bloodsucking bestiality, overwhelming venality, and irremediable strangeness. Only Christ-killer is absent. Incidentally, this furor was caused by a Morgan-Rothschild bond syndicate established to allow the U.S. treasury to honor the gold standard, while the dollar was being sold by European investors to deal with a capital shortage on the Continent in early 1895. Linking the Morgan Bank to Jews and aliens, etc. is filled with irony, due to its policy of hiring only Protestant Christians and of avoiding cooperation with Jewish banking houses.

All of these themes are treated in *The Merchant of Venice*, including Christ-killing, insofar the critics who have considered Antonio a Man of Sorrows are correct. Four centuries after Shakespeare wrote *The Merchant* it remains apt vernacular whenever money, sharp practice, banking in some combination offends the sensibilities of a Christian community. According to Stoll, 'Shylock was both money-lender and Jew. In him are embodied two of the deepest and most widely prevalent social antipathies of two thousand years, prevalent still, but in Shakespeare's day sanctioned by the teaching of religion besides.' (Danson, 1978, p.133) According to Beit-Hallahmi (1993, p.49):

Even the Zionist utopia shares the negative stereotype of Diaspora Jewry, although for different reasons and objectives. Zionism agrees with anti-Semitism that the root of the Jewish problem is not in the non-Jewish majority and its prejudices and intolerance, whatever their sources. According to Zionism, the effects of Diaspora-living on the Jewish people have been through and devastating. The abnormal state of Diaspora has created physical, psychological and social abnormalities that became typical of Jewish life. Two thousand years of death in life created a sick human group, profoundly perverted and parasitic.'

Cross of Gold America differed little from Pound of Flesh Venice at least in this respect, notwithstanding the ocean of time and space which separated them. Even Venetian Catholicism was sublimated in the righteous indignation of American Populist, read Protestant, virtue. When it comes to Jews, money, and banks, the world closes ranks in a unity of fear, contempt, and revulsion. On this issue Nazis and Communists find rare concordance, despite their antithetical premises and visions of Utopia.

What inspires such universal hatred in a world otherwise desperate for common ground? It is an appreciation for the delicacy of the bonds of society, bonds which seem threatened by outsiders. When these weakened bonds are coupled with a powerful and tenuous sense of communal virtue, resourceful, thriving, arrogant, and visibly different outsiders are seen as cancerous. Drastic remedies are called for. In Christian Europe, struggling to accommodate itself to new freedoms, new opportunities, new wealth, new laws, as the Renaissance expressed itself ever more powerfully in commercial terms, the place of Jews, who were major innovators in this new reality, was made the more problematic for being increasingly integrated into more and more important economic institutions. The Eternal Jew, exiled from Jerusalem, was exiled again from various cities in Renaissance Europe, only to be recalled from this latter exile because they were indispensable to the nascent capitalism of the sixteenth century. Recalled of necessity. Reviled by anxiety.

Most successful Jews were as much souls of discretion as they were of prudence. Whatever resentments they harbored for the Christians, who ruled the political, social and economic orders of Europe, they kept to themselves, the tribute prosperity pays to power. When Shylock says of Antonio, 'How like a fawning publican he looks!' (I.iii.42), he is indicating more than his contempt for a Christian. Murray's introduction can serve as the leitmotif of Sinsheimer's work: 'The malignity of Shylock is more than motivated; it is justified. The suffering and injustice of a thousand years of spiritual outlawry seek through him their just revenge: were it not that revenge is stamped as unjust by the eternal law that is written in the human heart.' Sinsheimer, 1947, p.9) He condemns those Diaspora Jews who perform society's dirty work, a little too obsequiously and a little too efficaciously. Note that Shylock can find no greater insult for a Christian than to compare him to a barman. Shylock, whatever his other faults, is no fawning publican. He is a man of integrity, a man of virtue, virtue which is a principal axis of *The Merchant*. Moreover, Shylock wishes to be valued as much for his virtue as for his importance in Christian Venice. As finance and banking become integrated into Venetian society, Shylock wishes to be integrated without becoming a Christian

communicant. This qualified integration is intolerable to Venice. Always distasteful, money-lending is more easily cabined within Venetian sensibilities than more sophisticated expressions of finance. As these services and with them Shylock grew in importance, the tensions arising in a Venice already straining to accommodate new economic forces, while maintaining a veneer of traditional Christian values, were aggravated. Conflict arises, conflict which transcends contractual, commercial differences, when his virtue confronts Portia's, when proud Diaspora Jew confronts establishment Christian.

In their confrontation both Shylock and Portia are correct, leaving larger questions of justice and morality aside. Each calls upon the Duke to apply the law as written. In this the beneficent Portia and the maleficent Shylock are equal. The literature, much more the present temper, is sympathetic to Shylock, partly by seeing Shylock as a victim of one sort or another, a man of dignity and integrity, even magnificence, and partly by desanctifying Portia, who is duplicitous and, more important, at the last vengeful. 'The extraordinary doubleness of characterization, which allows Shakespeare's creations to be deeply individualized while simultaneously and (at their best) without strain representative or typical, is one of the certifiable Shakespearean miracles—as well as one of the greatest difficulties for his critic.' (Danson, 1978, p.128) The literature which sees Portia as a passionate saint credits Shylock with little human value, save perhaps a respect for a dead wife and a shallow regard for a daughter, who once estranged, he curses unto death. Quite naturally a critical tradition has arisen which tries to see both characters less dichotomously. This approach, if only because it is less morally strident and more open to the contradictions of human feelings and interests and more sympathetic to the dilemmas of the human condition, has much to commend it, so long as it skirts the hard edges of the play. Unwarranted or gratuitous sympathy, however well-intentioned, as much as unadulterated and pernicious prejudice, will corrode the play's structure of meaning.

This essay makes no claim to understand *The Merchant of Venice* entire. No full analysis of even of Shylock or Portia is undertaken. Rather I try to deal with two 'stumbling blocks' to a coherent explication of the trial scene, to use St. Paul's phrase: the theme of revenge and the conversion of Shylock. I hope it does not need emphasis that I do not intend to defend or attack either Shylock or Portia. I will treat them as representatives of two communities of virtue which have the misfortune to live in the same territory under a single jurisdiction. This is not to say that Shylock and Portia are equally unfortunate or culpable even in this limited respect, for Portia's community is the legal community, a fact which Shylock must accept and which ultimately defeats him, despite his 'craving' for its law.

That which has been given to me by God and concerning which I know that it belongs to me I can claim by using any deception and scheme; for at the risk of committing a mortal sin I am bound to plan, invent, pretend, and conceal in order that what has been committed to me by God may come to pass. Martin Luther (Luther, 1968, p.75)

And by our Holy Sabbath I have sworn. Shylock (Shakespeare, 1923)

II. Communities of Virtue:

By community of virtue I mean a social system whose goal is to remove sources of conflict by having all citizens subscribe to the same set of beliefs. Conflicts are tolerated only about the interpretation or application of the belief system to the empirical world. The belief system is revealed and received. It is the duty of the citizen to conform to it, if not willingly, in lieu of state coercion. In civil society, by contrast, it is the duty of the citizen to conform to the rules of the society—rules which are almost always process-oriented rules, not content-oriented rules. Conformity to content or uniformity of belief, in defiance of process, often in the name of justice, would be a sign of social and political failure. Conflict is seen as a sign and an effect of freedom, not as a consequence of human flaws. Its negative effects need to be contained without removing its sources in human variability. The success of civil society is not measured by harmony, but by the amount of conflict contains, because this is a clear indicator that the polity is as free as it can be. A community of virtue is defined by a willingness to have the state impose substantive values upon the members of the community, preferably in

accordance with due process. Where a civil society might be content with, say, equality of opportunity or some other formal notion of equality, a community of virtue would require that equality be realized in fact, at least to some extent. The reason for this has been well put by Kymlicka (1990, pp43-4): 'The question is which form of equal treatment best captures the deeper ideal of treating people as equals. This is not a question of logic. It is a moral question, whose answer depends of complex issues about the nature of human beings and their interests. In deciding which particular form of equal treatment best captures the ideal of treating people as equals, we do not want a logician, who is versed in the art of logical deductions. We want someone who has an understanding of what it is about humans that deserves respect and concern, and of what kinds of activities best manifest that respect and concern.' Deviations from an absolute equality of results would require justification. Under civility, by contrast, only deviations from formal equality would make a claim upon the state's monopoly of force.

The legal system of a community of virtue differs therefore from a human organization less committed to the Truth of its values. It believes it has received the Truth and is convinced that it can therefore override not only erroneous competing belief systems, but its own legal procedures defined as fairness. When a community of virtue ceases to be a traditional society, and thus a community of virtue properly understood, its legal system, while necessarily more formal than traditional decision-making and conflict resolution, does not become an end unto itself. Rather, like reason itself, when it is unable to question the premises of a situation, the law remains subordinate to the substantive values of the society. The law is respected insofar as it helps to achieve these values, insofar as it remains a useful instrument of the belief system, but no further. It does not achieve independent value or standing, much less become sovereign. While law and its procedures may permeate a community of virtue, it cannot be properly conceived as operating under the rule of law. Unable to be sovereign the law at best can be seen as a source of legitimacy, an acceptable way of regulating disputes among citizens who may quarrel about what a particular value may mean or how it is to be applied. It can never deny or even confront a value except in the name of another substantive value. In other words, citizens are expected to make claims against the law, conceived as procedures designed to promote fairness, in the name of a given substantive value or Justice. Sovereignty resides in the content of the values which comprise the community of virtue. Often these values are considered to have a divine or transcendent origin. Sometimes they are taken to have universal validity, thus justifying their imposition on recalcitrant individuals or social groupings. These ends always justify the means, whether the end in view is individual salvation or the survival of the community of virtue. Max Weber (1954, p.225) crystallizes this idea as follows:

In general terms, this [resistance to formalization of law] may be attributed to the fact that the rationality of ecclesiastical hierarchies as well as of patrimonial sovereigns is substantive in character, so that their aim is substantive in character, so that their aim is not that of achieving that highest degree of formal juridical precision which would maximize the chances for the correct prediction of legal consequences and for the rational systematization of law and procedure. The aim rather is to find a type of law which is most appropriate to the expedient and ethical goals of the authorities in question.

The community of virtue is an ancient idea, almost always forming the premise of political and social theory which sees morality as the central, if not the only, justification of any legal order. Plato is the most powerful ancient representative of this ideal, Rousseau, the modern. Plato is the author of the most famous defense of the Community of Virtue. His Guardians and Philosopher-King rule, not only in the name of virtue conventionally understood, but rule in the name of the inextricable link between Virtue, Justice, and Goodness. 'The conception of the Idea of the Good must permeate all the structure of the State.' (Barker, 1959, p.127) Far less appreciated and much more debated is Barker's discussion of Love: 'Reason...is a two-fold thing: by it we know, but by it we also love; and there is in it both an intellectual element of apprehension, and an element as it were of affection and attraction. The very watch-dog loves as well as knows, and loves because he knows.' (Barker, 1959, p.109) Love, of course, plays a major role in the world of Belmont, so its relation to the Community of Virtue is important, notwithstanding Shakespeare's differences from Plato. Rousseau (1958, p.315) for his part says:

As long as several men in assembly regard themselves as a single body, they have only a single will which is concerned with their common preservation and general well-being. In this case, all the springs of the state are vigorous and simple.... There are no embroilments or conflicts of interests; the common good is everywhere clearly apparent and only good sense is needed to perceive it....

Communities of virtue have found contemporary support in a host of critics of liberal representative democracy, most stridently and thoroughly in political philosophy. They justify many of their actions, especially the most vicious, as drawing a step nearer the truth or the saving of a soul or the sacred body of the nation. The sense of virtue steels otherwise weak and vacillating humans (from the perspective of Truth and Virtue) sufficiently to carry out the most horrific acts. Many moralistic critics of liberal democracy share the premise that a universal value exists, can be discovered by right reason or intuition or some combination of the two, and can and should be made the foundation of any just political order. The important point is that this discovery is not subject to political control or influence; it is not a matter of sovereignty, legality, or political process. It is akin to what Malraux (1978, p.223) tries to say regarding the artistic search for the image of Christ: 'Imaginative as, under these circumstances, it had to be (since they had never seen [Him], it was a realism of sorts; for the sculptors were not expected to *invent* Christ's face as the pagan artists had invented those of Zeus and Osiris, but to recapture it, Christ crucified had existed and the sculptor did not aim at making his crucifix finer than other crucifixes, but more like Christ; he did not picture himself as creating, but as drawing a step nearer to the truth.' It would take this article too far afield to justify this conception of the community of virtue or its many variants, to deal with its empirical and theoretical difficulties, or those of its liberal rival. Suffice it to say Portia and Shylock believe in communities of virtue, she as a full participant in the dominant community, he as a minority, exile and alien. A proper appreciation of these circumstances and their implications go a long way towards removing the stumbling blocks to understanding the play. Their belief in a single and exclusive community of virtue does more than color their behavior and attitudes; it provides the energy for the central conflict of the play. Without the idea of a community of virtue, there would be no flesh-bond, and there would be a way to monetize or rather re-monetize the contract. In other words, absent a community of virtue, much less conflicting communities of virtue, business would remain a matter of business and admit of business solutions. 'What would Shylock be without the fable of the pound of flesh? It is his mental luggage which determines his own weight. It makes him the representative of a principle of life, or rather of a principle hostile to life.' (Sinsheimer, 1947, p.71)

Although Sinsheimer correctly emphasizes the flesh-bond, it is not proper to infer that Shylock is hostile to a principle of life. The bond removes Shylock from the realm of pure economic values, placing him in much swifter currents. The bond is the functional equivalent, for all its inadequacies and shocking properties, of the community of virtue from which Shylock is exiled. He consistently links his Jewishness to collecting what is his legal due, even when it is not prudent—economically or personally so to do. While the bond marks Shylock's indifference to Christian life and to the lives of Christians, it by itself does not make him hostile to life. For Sinsheimer to be correct, a universal standard regarding life would have to exist, either as a divine injunction or a universal political concordance. This has never been the case and certainly did not apply in sixteenth century Venice.

The flesh-bond points in two directions, leaving its business setting aside. Among Christian Venetians the bond would be absurd. Secondly, if Shylock were not an exile and an alien, he would not be party to such a bond either. The flesh-bond exists because (1) a community of virtue exists, however imperfectly represented by Venice, which must deal with Jews; (2) and because Jews must deal with Christians, who not only despise them but have enacted laws which discriminate against Jews. Although it has often been taken to signify Shylock's murderous greed and Portia's life-giving love, the flesh-bond's cruelty must not be allowed to validate such simplistic and distorting dichotomies. However much it may illuminate character, its much greater importance is to demonstrate the existence of two communities of virtue in Shakespeare's Venice, the one beautifully embodied in Portia and situated in Belmont, the other, like Hamlet's father, a memory, a ghost, wandering the ether, haunting its exiled sons. While neither is a mere tool or an artifact of their respective communities, each of them justifies revenge and duplicity towards the other in the name of

virtue, not expediency, in the name of values which far transcend the commercial transaction in question and the proclivities of their personalities. Each in turn is ready to exact the death penalty, not in defiance of Christianity or Judaism, but in the name of the name of a community of virtue which steels them to the severity of the retribution. The compassionate properties which exist in each religion have never been applied absolutely. 'Needless to say, the notion that Judaism has an inadequate grasp on the concept of mercy is a travesty—as much of a travesty as it would be to suppose that Christianity has an inadequate grasp on the concept of justice. The word for mercy, *rachamim*, carries tremendous resonance in the Hebrew liturgy (it is related to *rechem*, the word for a womb), and endless exhortations to deal mercifully can be found in the writings of the Rabbis.' (Gross, 1992, p.54) I cannot avoid noting that there is no more powerful a metaphor of an insider than the womb. However much mercy and compassion have been applied within the realm of communicants, without they have hardly been applied at all. When religious dogma is coupled with more pragmatic exigencies, mercy and compassion have nearly impossible obstacles to overcome. Shakespeare's Venice finds itself in precisely these circumstances.

Between them, Antonio and Shylock represent two extreme versions of Economic Man, one benevolent, the other malign. Jekyll-Antonio embodies the fantasy that you can enjoy the benefits of economic enterprise, and confer them on your society, without becoming competitive and self-assertive. Hyde-Shylock is the capitalist as total predator, conferring good on no one except himself. They are twin aspects of the same phenomenon; and a tremendous amount of the play's energy is spent keeping them apart. John Gross (1992, p.54)

The Duke cannot deny the course of the law. Antonio (Shakespeare, 1923)

III. Venice:

As an ideal, or rather ideal-type, no pure or absolute community of virtue has ever existed. Small, closed, isolated traditional societies have perhaps approximated the ideal and formed the basis for ancient and modern utopias. By no stretch was Renaissance Venice such a community. It is precisely its deviance from traditional values necessitated by its rapidly changing socio-economic underpinnings and the consequent political and legal responses that provided the tensions and the conflicts upon which Shakespeare built *The Merchant of Venice*. Only a few of these can be discussed. The first concerns the change from a relatively self-contained and self-sufficient city-state with an agrarian base to a commercial trading city-state dependent for its survival on world-wide relationships. This change made Plato's and Rousseau's ideals of simple and self-evidently just and good society impossible. Conflicts multiplied with the increasing complexity of Venetian life, making unavoidable more formal and less traditional modes of conflict-resolution. Hence the development of a relatively impersonal and impartial legal system. The operative word is 'relatively,' for human beings tend to retain social values and structures long after their objective basis has changed. Venice retained some of its traditional properties, while it strove mightily to undermine their social and economic prerequisites. In the first place, as Weber indicated, the idea of a legal system itself is resisted and resented by traditional values; great efforts, ultimately futile but perhaps the more desperate for that, to subordinate, in one way or another, the legal process to transcendent values. In the second place, *how* one conducts new enterprise matters greatly. It's as if emerging, even revolutionary, economic and political structures can be made acceptable to traditional values if they behave as gentlemen, that is, in accordance with the old proprieties. An important way to justify new wealth is to use it to support old values. Antonio does this time and again. 'His use of the world, and all the things of the world, appears to be all unblameworthy; everything he has or can get (for he must borrow in order to meet Bassanio's needs) is at the service of a friend, Thus Shakespeare plays with his audience's expectations, giving them a merchant who is (apparently) so far from being guilty of a lack of charity that he comes perilously close to completing literally an *imatatio Christi*. But although a man of sorrow, Antonio is in fact no more a Christ-figure' than is any man who acts with charity.' (Danson, 1978, p.31) This process, which can be conceived as the tribute the new pays to the old, masks the revolutionary properties of the new order and the anachronism of the old values, at the very

least in the public sphere, which increasingly becomes differentiated from the private. By parading beneficent effects the new becomes less frightening and disturbing to ordinary people and their ancient ways, allowing the new wealth and the new men the latitude in time and space to create dependencies among the old. Soon the legal system will support the new in substance as well as form. In the midst of the process one can expect protestations of virtue all round; the old, wishing to validate their values, the new, wishing to demonstrate their accommodation to them. In this circumstance, a truth-teller, whether prophet or pariah, is unwelcome. No one acknowledges the nakedness of either the old or the new society. All hope for an optimum synthesis.

Just as new wealth and its new men face the future with hope of ever greater latitude for their ventures and the past with hope of gaining legitimacy for their newly won freedom from the constraints of traditional society by adhering to as many of its values as it can accommodate to the necessities of the emerging commercial reality, the legal system is similarly Janus-faced. In the future lies the full expression of its formal qualities, its emphasis on process and fairness, on impersonality and impartiality, culminating in the belief in the substantive validity of its procedures, values, and instrumentalities. In the past resides a social order suspicious of the very conditions of a legal system that is not a simple and dispensable instrument of patriarch or priest. As the legal system struggles to fulfill its destiny, it is constrained by its need to remain legitimate to the still powerful remnants of traditional society, in the case of Venice, to the ideals of Christendom.

One source of its legitimacy consists in its ability to deal with the new problems the new socio-economic realities were spawning, problems which are all too obviously beyond the capacity of traditional order maintaining structures. But another lies in its willingness to fold substance into its process or at the least not apply its procedures literally or without regard to human consequences, unless its very *raison d'être*, the survival of the new city-state, is at issue. Thus the law of Venice is both a sign of the birth pangs of the new commercial social order and means of lessening the trauma of the new.

Eventually, the law would be better able to serve both of its responsibilities better than it does in *The Merchant of Venice*. In the play the law is as new and rough as the commercial society which calls it into being. It can serve its human face, the substantive needs of its society, only by allowing itself to be tempered or even suspended by extra-legal considerations like love or friendship, charity, and mercy. Within the community of virtue of Shakespeare's Venice this might be possible. But when the law has to reach to accommodate Shylock, it either has to suspend itself, thereby risking its essential qualities, or it has to be applied literally. The importance to Venice of the law runs throughout the play. Antonio, who is about to be killed in its name, has this to say: 'The duke cannot deny the course of the law: for the commodity that strangers have with us in Venice, if it be denied, 'twill much impeach the justice of the state; since that the trade and profit of the city consisteth of all nations.' (Shakespeare, (1923, III.iv.26-31)

Shylock, or rather the role of a money-lender in renaissance Venice, brings us to the last of our socio-economic concerns which form the background of our analysis of the play. Nowhere are the strains of the new society more apparent or profound than in the realm of finance. Its oldest form, money-lending, is in the process of being transformed from being an exceptional necessity to the center piece of a trading system on the cusp of capitalism. In a traditional society a money-lender is a useful, if malodorous, lubricant, a way of dealing with the frictions due to human weakness or failure. Money-lending is a sign of human inadequacy, its existence a sign of social imperfection. As such it is tolerated because it does not constitute a threat to the existence of traditional society, but rather sustains it, a release valve to an otherwise over-pressured social order. In the new order of Venice, neither the marginal function nor the attitudes toward money-lending and its offspring banking can be maintained. Just as commodities have to be monetized if trading were to become widespread, money itself has to find a value. Money has to be changeable into more than a commodity or a service. It has to achieve a time-value, if far-flung, risky commercial enterprises were to receive adequate financing. The time-value of money is interest. The transformation of Shylock from a money-lender to a banker is only beginning to be appreciated in Venice. But there is no question that the idea of risk requires an equivalent reward, otherwise the risk would not be undertaken save by fools. There is resistance to including the risk of money *per se*, thereby justifying interest, in this equation, but there is no way to deny the obvious validity of the concept indefinitely.

Risk\reward is a *leitmotif* of *The Merchant of Venice*. The play opens with a discussion of Antonio's ships: 'Your mind is tossing on the ocean; There, where your argosies with portly sail.' (Shakespeare, 1923, I.i.8) This is not a romantic reference to an adventurous life, but a concern for far-flung enterprise and its dangers:

Believe me, sir, had I such a venture forth,
The better part of my affections would
Be with my hopes abroad. I should be
Plucking the grass to know where sits the wind;
Peering in maps for ports, and piers, and roads;
And every object that might make me fear
Misfortune to my ventures out of doubt
Would make me sad. (Shakespeare, 1923, I.i.15-22)

It is important to note that these are concerns of the most light-hearted and empty-headed of the gentlemen of Venice, Salarino and Salanio, who are only one degree above Gobbo the clown. Shakespeare's Venice is awash in commerce. Its risks and rewards are the talk of the town, even among those who could never imagine undertaking a business venture. It would be tedious to enumerate and explain every such reference in *The Merchant*. I cannot leave this point without a word about the famous casket-scene. What could be further from commerce than the fairy-tale garden of Belmont? Its chief concern is Portia, a rich lady who must deal with an absurd will in order to marry. Yet beneath the farce of choosing the proper casket, presumably for the right reasons, lies further indication of how far commercial values permeate Venice, even unto Belmont, which after all represents old and stable agrarian wealth. First, note that the suitors come from Naples, the Palatine, France, England, Scotland, Morocco, and Aragon. In a less commercial world, this geographical array of suitors would be worthy of high nobility. The suggestion is that the very nature of nobility is undergoing change, from birth to wealth, from something beyond human control to something within it, from status or ascription, to contract or merit, to use terms from sociology and jurisprudence. Secondly, the inscriptions on the caskets incline toward the concept or risk\reward:

The first of gold, which this inscription bears:
Who chooseth me shall gain what many men desire.
The second, silver, which this promise carries:
Who chooseth me shall get as much as he deserves.
This third, dull lead, with warning all as blunt:
Who chooseth me must give and hazard all he hath. (Shakespeare, 1923, II.vii.4-9)

There is much to say about the caskets; their significance for this essay is that the leaden one captures the mind-set, not of a gentleman farmer, but modern businessman and a high-roller at that. Notice also that, notwithstanding her unhappiness with this process of securing a husband, Portia accepts it and accepts candidates who are radically different from her Belmont set. There is more to this than the transferability of money. The whole mind-scape of Venice is fluid and flexible, as even the dead hand of her father's will accepts.

Taken together, the pervasiveness of business, the acceptance of its values, and the implied weakening of traditional agrarian life and its culture—all these indicate a society increasingly open to the new and less bound by the taboos of the past. And so Venice is, except for the Jew Shylock. This exception is not without irony, for in some respects Shylock represents the leading edge of the new commerce, finance. Does the rub lie here or in some complex of Jewish-finance? From Antonio's first meeting with Shylock the problematic status of finance in the emerging mercantile economy of Venice is evident. Their exchange explores risk and reward by parsing the biblical story of Jacob and Laban's sheep. (I.iii.72-98) Antonio justifies Jacob's profit, because Jacob undertook, 'a venture', the outcome of which was 'swayed and fashioned by the hand of Heaven'. Shylock sees no difference between risking money and engaging in a venture. 'Antonio and Shylock refer directly to the theoretical basis for the orthodox view of money-lending: after Shylock has told the story of Jacob

and his uncle Laban's sheep, Antonio asks, 'is your gold and silver ewes and rams:?'—to which Shylock replies, 'I cannot tell, I make it breed as fast (1.iii.90-91): and later Antonio describes lending at interest as taking 'a breed for a barren metal' (1.iii.129)'. (Danson, 1978, p.142) There is a less flippant answer available to Shylock, to wit, that the separation of the articles of commerce from the financial conditions of their creation, nurturing and distribution is excessively artificial. In any event the Christian notion that there is a qualitative moral difference between money-risk for which interest is the payment and commodity-risk for which profit is the payment was already dissolving in the economic realities of sixteenth century trade. Not only is there resistance to including the risk of money *per se*, thereby justifying interest, in this equation, the resistance is due to two interrelated factors. The first is the identification of Jews with money-lending; the second to the increasing importance of banking in the Venetian economy. It seems the more undeniable that money is another commodity, the more Venice wishes to deny it.

Taking *The Merchant of Venice* at the most general level, what emerges is a picture of incompleteness or a society undergoing change too rapid to be accommodated by normal social structural and political adjustments. While by no means a pious Christian society, it defaults to Christian concepts when its strain points are revealed by Shylock. While it does not operate under the sophisticated legal system of a completely commercial society, it sees the necessity of applying the law as written despite unjust consequences. While it appreciates the contribution that wealth makes to the quality of life, it is unwilling to focus on the sharp practice often necessary to accumulate wealth sufficient to refined living. While it celebrates the overwhelming power and importance of love and friendship, of loyalty and honesty, mercy and justice, it sees these forces operating only within a community of virtue. Strangers are properly dealt with as aliens, even enemies. Antonio says to Shylock, 'But lend it rather to thine enemy; who if he break, thou mayst with better face exact the penalty.' (Shakespeare, 1923, I.iii.136-8) Here, I believe, Shylock, does not wish to push the matter this hard. He has a mode of dealing with Christians and their increasingly commercial society. All Venetians must be subject to the law, especially those portions of it which deal with property and the rights of contract. As the very survival of Venice depends on commercial integrity, interference with these property and contractual rights must be stopped by the courts. Such is Shylock's claim. His mistake is that he does not warrant the concept of community of virtue which prevails in Venice at the very least with regard to Jews. At most Christians can be held to the rules. Virtue is in principle beyond them. The law itself differentiates on the basis of alien and Jewish status. This legal differentiation will immediately make itself plain to Shylock, as the full force of the law is applied to him as an outsider with all its literal harshness. The speech is not a plea for a common standard of moral or religious feeling between Christians and Jews, much less a universal one. So long as Shylock does not become a Christian, the law will not serve him with the impersonality or the impartiality he desires. Only in this context can Portia's famous speech be understood, as we shall discuss below. Thus understood, the plight of Shylock, an archetypally incomplete man, becomes all too predictable. His incompleteness makes undeniable the incomplete resolutions of the tensions of Venetian society. He cannot be tolerated as a Jew, either as prophet or pariah. Either he or his Jewishness must be destroyed.

Historically, the Jew has been the stranger who works at separating himself or herself, creating distance between him-or herself and the rest of humanity. The Jew is an outsider not despite him-or herself, but because of him-or herself, and will always stand out. Being the eternal stranger, the Jew became the eternal victim: the wandering, accursed Jew, ever fascinating and strange. Even with emancipation, shouldering the burden of the past like a shadow, Jews continued to carry their pariahhood. Benjamin Beit-Hallahmi (1993, p.9)

I Am a Jew.' Shylock (Shakespeare, 1923)

IV. Shylock as a Man of Virtue:

In a famous play on words, Shylock calls Antonio a good man, meaning that Antonio was good for his debts not morally good. (Shakespeare, 1923, I.iii.12;15-28) This not so veiled attack on Antonio's reputation and Christian goodness by extension serves Shylock's purposes, because it unbundles what

to Shylock has to keep separate: business and morality. It is unclear whether this separation would obtain or obtain with the same degree of vigor if Shylock were a businessman in a Jewish community. But as an alien in a Christian world, dealing advantageously with a prominent Christian merchant, whose practices pointedly differ from Shylock's, the separation of financial soundness or moral goodness is absolute. This point is later driven to the hilt when Shylock demonstrates more than once that he is not a slave to money. Contra Sinsheimer (1947, p.89): 'He is so much bound to money that it is the essence of his life. To hoard it, to augment it, to love it, to know that it is his—that is his life. He is no greater and no less than the power of his money. He lives under the tyranny of money. He is its slave.' Gross puts the matter in a social context which is closer to the mark: 'We are in a world where no one can have any doubts about the power of the purse. Yet Shylock stands alone. With Portia, Antonio, Bassanio, we are encouraged to think less in terms of money than of wealth—a positive good, Shylock, by contrast, embodies money-power in its most naked form.' (Gross, 1992, pp.47-8) My difficulty with this that it links Shylock's being to money-power, rather than allowing money to be an instrument used to pursue values not different in kind from Christian Venetians. Not only does he refuse twenty times the debt, a true king's ransom, but when his daughter leaves, his curse includes the burying of her with his funds. (III.i.96-7) Absent other considerations, considerations of virtue, business between Christian and Jew would be purely business. John Gross puts it thus:

Although Shylock is a figure rooted in Christian myth, many of his Jewish beliefs and practices are true to life. The first thing we learn about him in this respect...is his strict adherence to dietary laws: 'Yes, to smell pork, to eat of the habitation which your prophet the Nazarite conjured the devil into. I will buy with you, talk with you, walk with you, and so following; but I will not eat with you, drink with you, nor pray with you.' (I.iii.34-9)... Shakespeare conveys effectively enough that Shylock is in the grip of a fierce taboo, and that it is experienced by Bassanio and other Christians as an act of rejection. (Gross, 1992, p.40)

Beit-Hallahmi explains the ground for the sense of rejection: 'Rituals and taboos of purity and purification are central to Judaism. The world is divided into the realms of the holy and the pure, and the polluted and evil. Jews are born into the realm of holiness and purity. They stay there by performing appropriate rituals and keeping the prescriptions and proscriptions of the law. Non-Jews can never attain this level, and are, by definition, inferior and unclean.' (Beit-Hallahmi, 1993, p.8)

This rejection is the foreshadowing ground for the more portentous rejection of Portia's invitation to Shylock to bring mercy to the court. Thus understood Shylock is a man of virtue in at least two senses. There is no evidence of his prior dishonesty in any of his dealings, including those with Christians. There is evidence that he cares for his family and its Jewish traditions. Most of all, when put to the test, i.e., whether or not he would monetize the flesh-bond, he stands his ground on principle (the moral status of the principle is irrelevant) at great financial disadvantage. Only when defeated by the overwhelming force of the Christian community of virtue, buttressed by *its* law, does he capitulate by accepting conversion. This denouement is discussed below.

In this section we consider Shylock possessed of his full powers, within the limits of his alien status and before he appreciates how powerful and extensive the limits are. Although it has often been remarked that Shylock represents emerging capitalism's harsh face, while Antonio, its benign one, this dichotomy seriously oversimplifies the case. There is no need to undertake a political/economic analysis of Venice to realize that both Antonio and Shylock have a deep appreciation of the values of non-commercial traditions, traditions in which trading is suspect and rigidly regulated. Their participation in nascent capitalism has to be read in this light. Shylock's hardness and Antonio's generosity are attempts to accommodate non-commercial values to profit-seeking enterprise. It is these traditions which provide the central conflict and the dramatic depth of the play. Otherwise the contractual dispute between the merchant and the money-lender would not differ from countless other commercial transactions, disputes easily solved by legal systems becoming more and more used to the world of commerce.

Note the qualifier: his alien status. Although Shylock and Antonio can be seen as participants in profit-seeking enterprise—and not therefore vocationally different in kind, Antonio's protestations to the contrary notwithstanding—there is a profound difference between the men. Antonio is within the

community of virtue of Venice and Shylock is exiled from his. Many profound disabilities derive from his alien status: lack of citizenship, differential criminal, commercial and property codes, lack of access to business opportunities of the first instance and the like. His Jewishness exacerbates his lack of access to the political structure and Christian efforts to restrict him to the margins of commercial life. Without an emphasis on his Jewishness, Shylock's position in Venice would be no worse than any Christian non-citizen of similar means respecting his access to political power or to many commercial opportunities. It is *his Jewishness* that matters, a Jewishness which includes his attitudes towards Christians and their attitudes towards Jews. For Shylock cannot give up his Jewishness until the last. His fidelity (real and perceived) to his community of virtue costs him dearly, including the loss of his daughter. I mean more than that Shylock converted would be able to participate more fully in Venetian life, undoubtedly to great personal advantage. His participation in the commerce of Venice as a Jew has to be more 'literal' than would have been the case for any Christian non-citizen similarly engaged. Before I discuss Shylock's literalness, a few words on his Jewishness might be helpful.

Shylock is a Diaspora Jew, a Jew who has to find a home and a living outside of the Holy Land. Although largely defined, by himself and others, by his religion, a religion which has a uniquely sensitive relationship to Christendom, Shylock is a member of a community, a participant in a nation, which implies an alien status—in his mind and in the minds of others—regardless of the legalities of Venice. This reality lies at the heart of the Jewish question. According to Sinsheimer (1947, p.29):

But the Jewish question, the question of the place of the Jews in the material world, could not be solved by theory and dogma alone. They had not only a theological, but also what might be called a teleological peculiarity. They had a country and a capital, a future and a vocation to which they clung the more tenaciously the further away from redemption these seemed to be. They had *Erez Isroel*, their land, and *Jerusholajim*, their capital, the hope of the Messiah, and a mission of salvation to the peoples of the world through their Messiah. In other words, they had, theoretically, everything necessary to a nation: a historical and a metaphysical goal.... One thing they lacked: the land and power of a nation!

Until the Diaspora became a choice not a necessity, Shylock would have good reason to be a man of sorrows. As an alien he would never know—and we would never know—what kind of a man he could be. For full manhood requires participation in the life of his political community. Judaism is part of the Jewish question, but except for the most pious, the absence of a Jewish state constituted its greater part. Thus Shylock's position as an exile reinforces his alien status in Venice. More than acting under a restriction, economic or political, restrictions which apply to other aliens, he is acting in the knowledge of a loss. Exile does not merely condemn Shylock to an alien dispensation; it provides him with an unattainable alternative superior to Venice—superior even if he were granted full citizenship and equal access to all the benefits of the society. As a good Jew Shylock believes the land of Zion is superior to any possible Christian state.

As eternal strangers in the medieval world, Jews made their way by filling niches left empty for one reason or another by Christians. 'The economic role of Jews as the middleman minority has been a distinguishing characteristic and a permanent source of trouble. Jews have been merchants, money-lenders, traders and shopkeepers. This was a source of tension with the farming and working classes, Retail trade, even in the poorest of neighborhoods, leads to some profit, to economic advantage and to resentment.' (Beit-Hallahmi, 1993, p.10) Their pariah religion, their pariah attitudes toward Christian states, along with their differences in manners and appearance, engendered fear, suspicion and hatred among Christians. The word 'pariah' has negative connotations which deflect from its analytic value, According to Weber, 'pariah refers to a tribe that loses its foothold in a territory becoming a guest, while retaining as much of their cultural practices as possible in the host society.' (Weber, 1954, p.399) The basis for the easy slip into pejorative meaning is accounted for by Beit-Hallahmi (1993, p.11): 'A common and justified complaint about Jews, heard in antiquity and in the early days of emancipation, was their refusal to become integrated into their host communities, Jews opposed both invitations to integrate and forced assimilation.' A consequence of this estrangement was Jew-baiting: 'Jew-baiting became a medieval institution, like pilgrimage, and a habit, like tournaments. But still worse was the protection granted them by the sovereigns as their conscript bankers. They

were forced into the part of the exploited exploiters and drew upon themselves the contempt and hatred of the Christian subjects.... A Jewish capitalism officially imposed, or at least officially protected, was grafted on an already decaying system of barter.' (Sinsheimer, 1947, p.34) Sinsheimer prematurely calls medieval finance and trade 'capitalism,' but his point applies to the money-lending and tax collecting activities of many Jews in the medieval period and to more sophisticated schemes of banking which developed in the sixteenth century, as the term capitalism becomes more apt.

Often having a monopoly of experience and international connections, many Jews prospered as agrarian Europe gave way to an increasingly mercantile world. 'In the 1570s, the tide began to turn. With the spread of mercantilist thinking, of policies designed to foster trade, the economic skills and international connections of the Jews came to seem too valuable an asset to cast aside.' (Gross, 1992, pp.31-2) Now their all too visible differences from Christian majorities rankled the more. An oppressed and miserable Jew was abominable enough. A rich Jew was abomination itself. Jews perceived as increasingly necessary to the prosperity of the newly emerging city-states had to be dealt with, not merely resented. Medieval Jew-baiting was an enjoyable way to pass a saint's day, a way for the masses to feel superior to their own misery. In mercantile Europe, in city-states like Venice, as economic success was seen as critical to political survival, controlling and exploiting Jews became matters of state.

There is Jewishness in this complex of socio-economic realities, but precious little spiritual Judaism. It is beyond dispute that Shylock for all his individuality is not devout. There are a number of other explicitly Jewish touches in the play. Shylock swears an oath 'by our holy Sabbath'. Recalling Genesis once again [the Jacob reference] (on this occasion the story of Ismail), he refers to Lancelot Gobbo as 'that fool of Hagar's offspring'. At a crucial turn in the plot, he tells his countryman Tubal to meet him 'at our synagogue'—a summons which sounds innocuous enough today, and can be made to sound deeply impressive, but one which would have carried inescapably sinister overtones for most members of the original audience. (Gross, 1992, p.45)

Shylock is a cultural Jew and a practicing Jew and probably a believing Jew. But 'there is no hint in Shylock of an inner faith, or of religion as a way of life, as opposed to a set of rules.' (Gross, 1992, p.45) Without an appreciation of this point Shylock's conversion, about which we will have more to say, is inexplicable. For now we need to appreciate the words of Harold Fisch:

It is often said that in Shylock, Shakespeare penetrated into the psychology of the Jew. There *is* something Jewish about him certainly, or shall we say something of the Jew of the *Galut* [the Hebrew term for the Diaspora], in his dark and gloomy resentments, his feverish care of his possessions, his sense of family (he prizes the jewel left him by his dead wife), his loyalty to his fellow Jews, his love of his daughter, his gestures, his faith in the absolute validity of the written bond (the stress on this is a master-stroke), his appeal to law as against sentiment. (Gross, 1992, p.45)

Of course from the perspective of this paper, all communities of virtue see law as opposed to sentiment when applied to outsiders or criminals and see sentiment, or what I prefer to call substantive values, as properly within the law when applied to members in good standing, an idea we will develop presently. Shylock is a man of virtue, not simply because he is an honest man of business, but because he is a self-conscious member of a community of virtue. 'I am a Jew' (Shakespeare, 1923, III.i.63), he exclaims, defiantly and proudly. His Jewishness tempers his materialism as greatly as it intensifies his defiance of Christian deprecations and buttresses his hatred of Christians. But he is a man of virtue cut off from the nourishment of his own land, populated by like-believers, ruling in their name. It is to one of the most profound implications of his alien status that we now turn.

Shylock's literalness, along with his peculiarities of speech have, often been noted. 'Shylock uses language as he uses money: carefully, and as a weapon. The prodigal Christians may squander their words, enjoying the luxury of rhetorical embellishment for its own sake and for the sake of the beauty it gives to life; but Shylock knows the value of a word.' (Danson, 1978, p.139) Gross emphasizes his speech patterns: 'His language is concentrated and terse. He does not waste words, and he prefers

short words to long ones.' (Gross, 1992, p.65) Shakespeare misses few opportunities to indicate Shylock's otherness, his strangeness, and his status as an alien in Venice and more profoundly in Belmont. Although absent Shylock's behavior in a Jewish state, evidence must remain inferential and inadequate, I believe his literalness is a product of his alien status more than an expression of his personality. Shylock defaults to literalism and strictness, because he cannot avail himself of connotation and liberality. The richness and complexity of life depends on the immersion of an individual into his culture and community and his capacity to emerge the more individual for his subtle and complex interconnections with his social order. Shylock can avail himself of complexity only with his daughter, the memory of his wife, and his exiled Jewish community. Important as these factors are, they cannot overcome his alien status, a status which becomes dominant in his dealings with Christians. Restricted to matters of business, Shylock deals literally with Christians. When he craves the law, he craves its literal application, because a nonliteral application would work against his interests. The only complexity available derives from the Christian community of virtue. And it is reserved for Christians.

Even today, with four hundred years more of commercial experience, decline of the spiritual, and rise of an unrivalled materialism, we suffer with Shylock's alienated literalism, although Jews still seem to bear a greater burden. 'But the alienation of the Jewish intellectual is not just the heightened alienation of modern humanity, not just the double alienation of the Jew, It is a triple alienation, The Jewish intellectual shares first from the garden variety of the normal person in the modern world, Then he or she suffers from the normal estrangement which is the lot of the Jew among non-Jews, And then he or she experiences an alienation from Jewish culture and tradition, supposedly his or her own.' (Beit-Hallahmi, 1993, p.29) How much deeper the suffering must have been can be suggested by Archbishop Laud's framing of the issue:

If any man be so addicted to the private, that he neglect the common, the state, he is void of the sense of piety and wisheth peace and happiness to himself in vain. For whoever he be, he must live in the body of the Commonwealth, and in the body of the church.' R.H. Tawney, who quotes Laud, says of this statement: 'To one holding such a creed economic individualism was hardly less abhorrent than religious nonconformity, and its repression was a not less obvious duty; for both seemed incompatible with the stability of a society in which Commonwealth and Church were one. (Danson, 1978, p.144)

It is in this context that Shylock's usury needs to be understood. It is not about the rate of interest, but about the mode of involvement with the community. He is a usurer because money-lending is his sole contact with the larger society. For the rest he locks himself up behind his casements. 'Lock up my doors; and when you hear the drum, And the vile squealing of the wry-necked fife, Clamber not you up to the casements then, Nor thrust your head into the public street. To gaze upon Christian fools with varnished faces.' (II.v.29-33) Shylock is 'addicted to the private' and however much he 'must live in the body of the Commonwealth and in the body of the church', he cannot. He is, as an 'economic individualist,' as Tawney says, doubly 'incompatible' with Venetian society and, as Laud says, 'wisheth for peace and happiness in vain.' (Danson, 1978, p.91)

Before the trial Shylock's literalness undoes his humanity, leaving his virtue intact, at least so far as that is possible in Venice. As the trial proceeds to judgment, literalness, while an effective weapon for Shylock, proves to be double-edged, and oblivious to the goodness or virtue or righteousness of its wielder. Before we discuss the trial scene and Portia's role in it, it is useful to note that literalness was not reserved for Jews, for they were not the only aliens in renaissance Christian society. Those convicted of crimes were subjected to the awful literalness of the law, cut off as they were from claims upon the community. Consider this famous sentence imposed on Sir Walter Raleigh by the Lord Chief Justice:

That you shall be had from hence to a place whence you came, there to remain until the day of execution; and from thence you shall be drawn upon the hurdle through the open streets to the place of execution, there to be hanged, and cut down alive and, your body shall be opened, your heart and bowels plucked out, and your privy members cut off, and thrown into the fire

before your eyes; then your head is to be stricken from your body, and your body shall be divided into four quarters, to be disposed of at the king's pleasure. (Danson, 1978, p.91)

Danson adds: 'Such legal specificity leaves nothing to chance. The judicial sentence puts us at the linguistic border between ordinary reality and surreality, public truths and private fantasies, where the merest slip of the tongue may serve to condemn us.' (Danson, 1978, p.91)

Once convicted the criminal is outside the community, hence literalness is appropriate, serving to indicate how far beyond the pale a criminal is, beyond the real, everyday realm, of complexity, of connotation, double entendre, puns, and the other word-play of gentlemen. The Jew is always outside this realm, legally speaking, entering the everyday world on sufferance. To enter the legal world, where mercy obtains to others as a presumption of innocence of criminality, the Jew must first show he is capable of mercy in order for the law not to be applied literally to him or on his behalf. Hence the asymmetry of Christians and Jews in Venice. Shylock's literalness has a prophetic quality, however. It forces the Venetians to confront their capacity to imitate the Lord Chief Justice without giving up their Christian beliefs, leading perhaps to a melancholy like Antonio's among the thoughtful, who would rather have Christ as a model. In the opposite direction, by forcing Shylock into the literal realm of aliens, especially of Jews, Christian Venice denies his own claims to humanity, claims which he makes repeatedly, because one can be human, non-literal, within a community. Jessica appreciates this from the outset. Shylock has it hammered into him by Portia.

In the Venetian court the literalist apparently finds his perfect arena.' Lawrence Danson (1978, p.94)

The Jew must be Merciful. Portia (Shakespeare, 1923)

V. Portia as a Woman of Virtue:

We are not quite done with our portrait of Shylock, for we need to appreciate how he perceives how Christians see him as he enters the court. From his first appearance, Shylock is associated with money. Perhaps because of this or some even deeper antipathy, Shylock's status as a human being is at issue. The scene opens with the Duke's reference to Shylock, while expressing sympathy to Antonio, as 'an inhuman wretch'. (IV.i.4) Many prior references suggest bestiality. He is repeatedly called, a 'dog', a 'fiend', a 'devil'. He often replies in mock and perhaps not so ironic acceptance of his bestiality. 'But yet I'll go in hate, to feed upon the prodigal Christian.' (Shakespeare, 1923, II.v.14-5)

The flesh-bond is of course the most powerful figure of Shylock's bestiality. An awareness of this tradition makes the flesh-bond in *The Merchant of Venice* seem marginally less disturbing. If Shakespeare had invented the whole business, you would feel he was suffering from a nasty private phobia. As it is, he used material that came to hand, and he muted some of its uglier aspects. Yet nothing can alter the fact that, seen through the eyes of the other characters. Shylock is a deeply threatening figure, and that the threat he poses is of a peculiarly primitive kind. He is intent on cutting, gouging and mutilating; he seeks to possess and devour. (Gross, 1992, p.29)

He is therefore at pains to refute his inhuman nature. 'Hath a dog money? Is it possible a cur can lend three thousand ducats?' (Shakespeare, 1923, I.iii.122-3) It is important to note that Shylock is not trying to establish his goodness, social acceptability or any positive moral quality, but only his biological humanity. His reason soon becomes plain. He, like all human beings, is entitled to seek revenge upon those who wrong him. He, like all human beings, is entitled to do with his property as he will. This is the point of his discussion of slavery, which is not a denunciation of the practice but a justification of a property right. Christians have their property; Shylock has his. All are subject to the will of the owner and the rights of contract. Illegal interference with these rights will be stopped by the courts. Such is Shylock's claim. His mistake is that he failed to warrant fully the power of the community of virtue which prevails in Venice regarding Jews. The law itself differentiates on the

basis of alien and Jewish status. This legal differentiation will immediately make itself plain to Shylock, as the full force of the law is applied to him as an outsider with all its literal harshness.

All the references before the trial scene serve to set up the literalness of the verdict, including his famous speech, 'Hath not...' This speech lays the ground for revenge, by establishing Shylock's biological humanity and the legality of the flesh-bond. This magnificent speech, which so many incorrectly read as a plea for universal rights of humanity, comes down to this: If a Jew be human, as human as Christians who sanction slavery, he is entitled to make contracts which will be enforceable in court, notwithstanding any motive for revenge. Why does he want Antonio's flesh, 'To bait fish withal: if it feed nothing else, it will feed my revenge.' (Shakespeare, 1923, III.i.57-8) Shylock opens. After a few more lines, 'Hath not a Jew eyes?...' follows. All of the universal human characteristics he refers to goes to the set up lines 71-8: 'and if you wrong us, shall we not revenge? If we are like you in the rest, we will resemble you in that.' Less than half the speech refers to humanity (biologically, not ethically or spiritually, conceived). Most of it, some fourteen lines, explicitly concerns revenge. There is not the slightest suggestion of higher human values, Jewish or Christian, save to mock Christian humility. The last thing the speech is a plea for a common standard of morality or religion feeling between Christians and Jews, much less a universal one. Both supporters of Shylock and critics agree that there is no common value to which he and Venetian Christians can be held, not until he converts.

It is this Shylock, alien and exile, who craves the law, not a spiritual Jew, not a secular humanist with a Jewish cultural heritage, not an ethical culturalist. The law he craves is the only law he knows, the law of the letter; knows, not because his Jewishness inclines him to the letter rather than the spirit, but because as an alien the letter is the best he can get, whether enforced on his behalf or against him. And he craves it as a weapon against his hated enemies who have early and late grievously harmed him and who await the opportunity to do so again. The notion of equality which runs through the great speech is little more than a claim that the literal harshness of the law be applied to Antonio as it would most assuredly be applied to him if he defaulted on a contractual obligation. We have already spoken of literalness in general. Here it suffices to indicate how Shakespeare has Shylock express it. In an exchange reminiscent of Athena and the Furies in the *Eumenides* (wherein the Furies twice repeat speeches word for word when replying to Athena's importunities), Shakespeare has Shylock repeat himself almost exactly: 'I'll have my bond; speak not against my bond.' (Shakespeare, 1923, III.iii.4-5) And 'I'll have my bond; I will not hear thee speak. I'll have my bond, and therefore speak no more.' (Shakespeare, 1923, III.iii.12-3) 'I'll have my bond' is Shylock's *leitmotif*, working as a charm against his Christian enemies and perhaps against the mercy prescribed by his own Judaic tradition. It is this Shylock the disguised Portia confronts in the trial scene.

Only Portia's prowess as an advocate is considered, leaving goodness and her virtues as woman, lover, friend, and benefactor in the background. Scholars have widely differed on her character. One extreme: Murray's portrait of Portia transcends enthusiasm: 'She has been the woman in the old Catholic godhead: but now, like the Botticelli Venus, she descends from the sky, and ascends from the sea, in one single epiphany.' (Gross, 1992, p.82)¹ Sinsheimer sees Portia more realistically. 'She is the only person in the play to have freed herself from the tyranny of material things.' But he believes that Portia's part [in the trial] offends the most fundamental principles of justice. 'From the legal point of view, it is she who makes a mockery of the tribunal and trifles with right and law.' (Sinsheimer, 1947, p.113)

We are meant to admire her resourcefulness. We are also meant to find, in the happy outcome of the action-cum-trial, a vindication of the law itself. For abuses of the law are no arguments in Shakespeare's eyes against the rule of law. The remedy for misapplied law in *The Merchant of Venice* is well-applied law, and Antonio is finally saved, not by an angel or a miracle, but by a woman who combines the roles of wise jurist and smart advocate.' Many critics have properly pointed out the many and grievous procedural and ethical errors which Portia embodies in her disguised role. Even by the standards of the sixteenth century, the flesh-bond itself was unenforceable, so the prolongation of the trial itself is a legal monstrosity. The objection to these critics is that Shakespeare was a playwright not a jurist. My objection differs. Insofar as the claim of an unjust application of the law depends upon a common standard, it is beside the point. There is no common standard until Shylock converts.

Shakespeare's jurisprudential point, if he had one, seems to me to be that if the law be just, it will have to be applied within a context of substantive values. Otherwise, it will have to operate literally, harshly, and unjustly. (Gross, 1992, pp.89-90)

We have already discussed Portia's first exchange with Shylock regarding mercy, exploring the different meanings of the word 'must'. Here we examine Portia's solicitation of mercy *per se*. About halfway through her incredibly beautiful speech, she says: 'Therefore, Jew, though justice be thy plea, consider this, that in the course of justice none of us shall see salvation.' (Shakespeare, 1923, IV.i.197-200) This is a remarkably severe turn, particularly in the circumstances, emphasizing Shylock's alien status while inviting him to adopt a Christian attitude toward his enemy, to say nothing of the threat contained therein. Moreover, Portia assumes contrary to nearly everything that has transpired, including her own imperious tone, that Shylock should be bound by the Lord's Prayer, 'the same prayer doth teach us all to render the deeds of mercy.' (Shakespeare, 1923, IV.i.201-2) I do not believe Portia is here contemplating Shylock's conversion. Rather, she is threatening him with the literal application of the law, justly in her view applied, if Shylock does not avail himself of her invitation to partake in Christian charity under the aegis of the Lord's Prayer.

After a futile effort to re-monetize the bond, to pay Shylock three times what he lent Antonio, Shylock makes a remarkable reply: 'An oath, an oath, I have an oath in heaven: Shall I lay perjury upon my soul? No, not for Venice.' (Shakespeare, 1923, IV.i.228-30) The important part of this is not Shylock's invocation of religion to justify the fulfilling of the letter of the law, but what he rejects. Not charity, not mercy, not justice, not money, but Venice. Shylock here prefers the law, the law in all its literal harshness, knowing full well that it may very well apply to him in the future, to Venice, to the Venetian community. Shylock chooses his alien status in the name of his exiled soul. This is Shylock at the peak of his power—but a peak all the same *in Venice*, as an alien, as an exile.

The fall comes, but not before a coldly feline Portia plays with the would-be surgeon and not before he insults Christianity: 'Would any of the stock of Barabbas had been her [Jessica's] husband rather than a Christian!' (Shakespeare, 1923, IV.i.297-8) After it becomes clear to Shylock that he cannot collect the flesh-bond without violating the law which prohibits Jews from shedding Christian blood, after it becomes clear to him that his loan is forfeit, she goes for his throat, echoing the severity of her most famous speech: 'Tarry, Jew: the law hath yet another hold on you.' (Shakespeare, 1923, IV.i.347-8) The mere attempt on the life of a Christian by an alien is to forfeit half of his goods to the Christian and half to the state, with the offender's life at the mercy of the Duke. Thus is the conversion set up by the literal application of one law which radically differentiates between Venetian citizens and aliens and another which precludes Jews from becoming Venetian citizens (in effect until the nineteenth century). Granted his life by the Duke in an ostentatious display of charity, Shylock can now have the half of the property taken as a fine by the state and the income from the half forfeited to Antonio, if he bequeath all to Jessica and her husband upon Shylock's death and if he become a Christian. If he does not agree his life will be lost upon the recantation of his pardon by the Duke. To these terms, Shylock concurs and says, 'I am content.' (Shakespeare, 1923, IV.i.395) Who but a martyr would do otherwise?

The existence of Jews and Judaism has been a problem for Christianity—those who have refused to hear the good news of the Gospel, those who crucified the Messiah have been allowed to live only as a reminder and proof of the punishment deserved for such a sin. The people who rejected the Messiah must continue to exist, defeated and despised, until they become Christians. Benjamin Beit-Hallahmi (1993, p.11)ⁱⁱ

Nay, take my life and all; pardon not that. Shylock (Shakespeare, 1923)

VI. Conversion:

In this post-modern period it is the fashion to claim that all values are equal if not fraudulent, and all cultures are equivalent shams, created for the benefit of the ruling classes. However one may feel regarding this notion or post-modernism in general, one cannot attribute this idea to Shakespeare or

any of the characters in *The Merchant of Venice*. Not only do they believe in the value of their community, they believe it is possible to make judgments regarding the value of other communities. At the very least, it is undeniable that Christian Venetians believe Christianity is superior to, not merely different from, Judaism. There is equally little doubt that Shylock believes the reverse, condemning Christianity for more grievous sins than hypocrisy. Neither Shylock nor Antonio is driven in the final analysis by practical concerns, at least not getting and spending *simpliciter*. The merchant and the money-lender conduct their commercial affairs with prudence, as all successful businessmen must. But neither is fulfilled by trade or consumed by money. Nothing needs to be said about Antonio in this regard. To the degree that Shylock appears so, it is due to his status as a despised alien, the consequent accumulated rancor which rages in his soul, and the harm done to him by the desertion of his daughter. Would a soulless Shylock opt for the flesh, not the ducats? Would a soulless Shylock stand so long on his Jewishness or pay so high a price for its proprieties? Or do we measure a soul only by its performance in the last extremity? How many of us would stand this test? But what of the conversion? What of Shylock's contentment? How then to account for the conversion, one for which there is no evidence to support more than its nominal nature. Why then, a nominal conversion, which seems to affront everything of value in Venice save physical survival and material well-being? How, then, to account for this last stumbling block to understanding, Shylock's forced conversion and his response, 'I am content'? Before I deal with the question directly, it might be useful to suggest why the conversion seems harsh and gratuitous to many contemporary secular humanists. (The view of believers depends upon the direction of the conversion.) Conversion swirls in the confluence of two humanistic attitudes towards religion. First, that it is not, nor can it be, a serious part of contemporary life. It is too much the stuff of fairy tales and myth for adult, educated sensibilities to weave into their lives. In other words, it is wrong to try to justify an offensive act in the name of an anachronism, however well-intentioned. It is an outrage to make a person's livelihood depend on his acceptance of an act that he believes is offensive. If in no other respect, most contemporaries feel Shylock is wronged by the forced conversion. The second humanistic attitude concerns its tendency to see what is acceptable in religion in universalistic terms. Charity, hope, mercy, love, reverence, propriety, even piety—all these are common to the great religions. A particular religion is a cultural and historical artifact. What matters are its underlying values. Therefore conversion is gratuitous, if not harmful, and perhaps harmful because gratuitous. One doesn't convert from one universal set of values to the same set of values. All conversions are at best nominal and in any properly humanist society unnecessary. The first attitude claims that religion is not important enough to warrant a conversion, forced or not. The second says that what matters in religion is too important to be the property of any single religion. Therefore, by any test of reason, conversion is absurd.

A contemporary critic sharing one or both of these attitudes is likely to be offended by Shylock's conversion, whatever the degree of his contentment. Sinsheimer views the conversion as fatal: 'Shylock—his name and nature, his claims and arguments, his faith and fortune—is liquidated and disposed of.' (Sinsheimer, 1947, 113) Gross puts the matter less dramatically: 'From Antonio's point of view, he is conferring an inestimable boon: baptism offers Shylock his one chance of redemption. From Shylock's point of view, however, unless he accedes willingly, it is a form of soul-murder; he is being ripped away from what matters to him most.' (Gross, 1992, pp.89-90) Many have pointed out that it is fallacious to apply contemporary standards to sixteenth century Christian Venetians or Diaspora Jewry. Christians and Jews considered religion, however worldly they were, as an important part of their community. A rival religion was subversive, not so much of their problematic spiritually, but of the viability of their community. In these circumstances forced conversion would not be gratuitous, although, by these accounts, it would seem the more harsh. Many works, from within believing Christian and Jewish traditions of today or from an imputation of believing sixteenth century traditions, have tried to explain why God's will obliges the Venetians to convert Shylock and why Shylock should resist their efforts. From the text it is clear that Antonio for one believes a great boon has been given Shylock by his baptism. It seems equally clear that Shylock simply acquiesces to pragmatic necessity.

Danson (1978, p.71) believes, without reliance on St. Paul's doctrine of love, the stumbling block of the conversion remains intact. 'There is no way to prove that Shakespeare had the *Epistle to the Romans* in mind, as well as the primary material of the Sermon on the Mount, when he composed *The*

Merchant of Venice; but I find it highly likely that he did.’ (Danson, 1978, p.92) I cannot do justice to Danson’s argument in a brief space. Essentially his case is: ‘In one phrase—Love is the fulfilling of the law—there is contained the essence of the Christian’s relation to his fellow man and to God. God’s love is manifest in the gift of his Son, who undergoes in his own person the rigor of the Law and through his sacrifice frees mankind from bondage to the flesh, establishing the New Law of the spirit through which man can attain salvation. Man returns the benefit in the only way he can, by imitating divinity through his own love for his neighbor.’ (Danson, 1978, pp.64-5) While there can be no doubt that Antonio and Portia are motivated by a kind of Christian concern, it seems to me all too limited to those within the Christian community to ring true in the universalistic sense which runs through Danson’s (and St. Paul’s) understanding. Compare with Gross: ‘What makes the episode [the forced conversion] all the more jarring is that it is out of key with so much that has gone before, or that is still to come. If *The Merchant of Venice* were a severely religious play, we might at least feel that Shakespeare was being fairly consistent. But it is a comedy, and one in which most of the characters are thoroughly worldly.’ (Gross, 1992, pp.100-1) The strength of Danson’s approach is that, by making the play more religious, he can account for the conversion. The strength of Gross’s is that it captures the central feel of the play and that religion serves to divide as well as to unite. My view is that the properties of comedy and therefore Gross’s approach can be accommodated only when one appreciates that Pauline values, interpreted by Shakespeare’s Venetians, are dependent upon membership in a community of virtue, not merely dealing with each other in a charitable manner.

One need not invest Shakespeare so heavily with Christian doctrine. A clue lies in the nominal nature of the conversion. Another in the almost off-hand way Shylock disappears from the concerns of Christian Venice. Linking these two notions indicates why the conversion though nominal is not gratuitous. The conversion is a cardinal point of *The Merchant*. In a dramatic presentation, it is often the most powerful moment of the entire play. Partly, this is due to the contemporary humanist inclinations of audiences. More significantly, however, because they sense in this coercive conversion the tribute individuals must pay if they are to intersect with communities of virtue and to a lesser extent all communities. Note when this occurs. After the law is revealed with all its deadly guises, with all its literal, inhuman application, after we believe we have paid all we must—our pounds of liberty—to live in a civilized legal order, after all this we are told there is more. Bowing to the law is not sufficient, we must be baptized according to the conventions of the dominant community, if only to have the law apply to us non-literally. It matters as little whether the Venetians believe in the tenets of Christianity or not, as it does to Shylock. It is better if their Christian beliefs mirror Shylock’s Jewish beliefs, outlined above, that is, if they are devoid of deep spiritual commitment. What signifies is that Shylock has moved within the community of virtue sufficiently for the law to apply to him in a nonliteral or less literal manner. Once he does so, he and his function are no longer problems. Both can be accommodated to the ongoing resolutions of emergent capitalism and medieval social and political structures.

When this is accomplished, *The Merchant of Venice* resumes its comedic form, becoming the fairy tale so many have called it, with all the issues harmoniously resolved. Until then, it is too discordant in principle to aspire to comedy. Shylock’s conversion serves more than a formal literary purpose, however. It indicates the source of Antonio’s melancholy which began the play. Danson suggestively argues that his melancholy results from the inability to reconcile commercial and Christian life. There are simply too many paradoxes in Christianity to be resolved, least of all in a world given increasingly to commerce: ‘The perfect fulfilling of the law, with its issue in mercy, is an ideal that goes beyond ordinary human possibilities into the realm of divine paradox. According to Augustine, the thing added to the law by Christ is forgiveness, Mercy, therefore, is made part of the law, rather than an opposing principle. Indeed mercy, or forgiveness, becomes the legal principle enabling all other legal principles.’ This resolution I find very similar to what I am trying to say regarding how law works within a community of virtue and how it does not without. I leave aside whether this is the resolution of a paradox, if one leaves aside the Christian dogma upon which it rests. To account for what happens in *The Merchant* it need only resolve the very human problem of retaining the rule-nature of law with its ability to secure acceptance by human beings who see rules as a portion of their lives not their reason for being.

Relating this idea to sociology rather than to religion, Antonio’s melancholy centers on the passing of the socio-economic context of Christendom. Traditional values, comprising workable communities of

virtue, simply cannot be sustained in the open, dynamic and impersonal world of international commerce. The very necessity of accommodating Shylock proves the old community is no longer valid. The socio-economic effect of Antonio's generosity to his rival is that it enables him to perform an increasingly important economic function, hopefully with less hostility and a greater appreciation of human weakness, but perform it nonetheless. Incentive for Shylock's new behavior derives from his baptism and the promise contained in it, not of salvation, but of equal protection of the law, that is, as applied to a member of the dominant community. Although a source of satisfaction at the level of social science, this process is a source of sadness for a man like Antonio and for that matter Shylock. Their communities of virtue are rapidly becoming as anachronistic as the flesh-bond itself and as unenforceable. How great a loss this is to them can be seen in Shylock's commitment to Jewish family values. Once he learns that these cannot be sustained in Venice or anywhere else in Christian Europe, his last illusion dissolves. If one cannot be a Jew in exile, one might as well be a Christian, if only to live a less inhuman life. If he were a religious Jew martyrdom might be an option, but it is clear he is not.

In Antonio's case, the loss is less explicit but perhaps the more poignant for that. Christian innocence is lost. Antonio has to leave the Garden for the world. Outside the Garden everything is different, as the very existence of laws and legal structures makes undeniable. Therefore Antonio ends the play much as he began it:

I hold the world but as the world, Gratiano;
A stage in which every man must play a part,
And mine a sad one. (Shakespeare, 1923, I.i.77-9)

Powerful as friendship is for him, it cannot do for him what it did in the Garden, make of all members brothers. For outside the Garden, Shylock must be accommodated, as if he were a friend. Yet he is not and cannot be. Gross puts this plainly when he emphasizes that Shylock can never be a gentleman, no matter how he behaves. 'And Lorenzo is a gentleman, So are his friends: the gentlemanly ethos prevails. Apart from Antonio, the Christian characters are gentlemen first and Christians second, Shylock, by contrast, is the complete outsider, Antonio may insist on him becoming a Christian, but it would appear hopeless to demand that he become a gentleman.' My only emendation is that the failure of gentlemanly acts by any individual only serves to underline the necessity for the community to support the gentlemanly ethos.

Yet in the complex commercial world, governed by legal constraints, Shylock converted must be treated at least in his public dealings, that is, dealings susceptible to litigation, as if he were a friend. One last source of melancholy remains and perhaps it must defy explanation. In the epiphany of the last scene of the play, in the garden at Belmont, love seems to promise the fullest reconciliation. Yet Antonio does not and has never loved, not with the fullness of passion which seems to suffuse Bassanio and Portia. Is he subdued because he is incapable of love for whatever reason? Or is it because he sees a shadow in Belmont, cast by an illusion as false as Shylock's? He cannot feel the chill we feel as children of the Holocaust, but not all ends well in Belmont. Not for Antonio. Not for Shylock.

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