

The Mercy of Venice

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We will begin with the impossible. We will begin with the “experience” (which means to travel or go through) of ‘paralysis (the inability to move)’ in the face of an impossibility (Caputo in Derrida & Caputo 111). We will begin by reading an experience of undecidability that Lancelot Gobbo explains he is enduring at the start of Act II Scene ii of *The Merchant of Venice*:

Certainly, my conscience will serve me to run from this Jew my master. The fiend is at my elbow and tempts me, saying to me ‘Gobbo, Lancelot Gobbo’, or ‘Good Gobbo’, or ‘Good Lancelot Gobbo, use your legs, take the start, run away.’ My conscience says ‘No: take heed, honest Lancelot, take heed, honest Gobbo ... do not run, scorn running with thy heels.’ Well, the most courageous fiend bids me pack. ‘Fia!’ says the fiend, ‘Away!’ says the fiend. ‘Fore the heavens rouse up a brave mind,’ says the fiend, ‘and run.’ Well ... my conscience says ‘Lancelot, budge not!’ ‘Budge!’ says the fiend. ‘Budge not!’ says my conscience. ‘Conscience’, say I, ‘you counsel well.’ ‘Fiend’, say I, ‘you counsel well.’ To be ruled by my conscience, I should stay with the Jew my master who ... is a kind of devil; and to run away from the Jew, I should be ruled by the fiend who—saving your reverence—is the devil himself. Certainly the Jew is the very devil incarnation, and, in my conscience, my conscience is but a kind of hard conscience to offer to counsel me to stay with the Jew. (lines 1–22)

This parody of the struggle of a conscience, reminiscent of Faust, with the good angel at the one shoulder and devil at the other, shows Gobbo experiencing an impossible situation. We may follow Mahood (82) in noting that 1 Peter 2: 18

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demands that servants be 'subject to [their] masters with all fear; not only to the good and gentle, but also to the froward', and this is what Gobbo's conscience—which perhaps reflects or is supposed to reflect a kind of Christian morality—suggests he does; but Gobbo sees his master as being 'the very devil incarnation', and it is uncertain whether the Christian teaching of meek, humble subservience to *any* master does not clash with an arguably equally important Christian precept—that of not serving the devil—in this particular situation. Gobbo is here faced with the same type of interpretative dilemma that led Biblical scholars to develop hermeneutics, the type of dilemma that Kant was trying to avoid, always and regardless of context, when he proposed rational—and thus, he believed, unquestionable, eternal, transcendental and absolute—grounds for morality: he is in a situation in which the moral law (here represented by Christian doctrine) according to which he lives (or tries to), contradicts itself, demonstrating its own contingency to 'historical, social, and linguistic' contexts (Caputo in Derrida & Caputo 52). Biblical law and Kant's transcendental moral criteria alike, as much as they try to provide an unquestionable, supreme guideline according to which all moral decisions must in all situations be made, as much as they try to build an undeconstructible foundation that encapsulates the essentials of morality, cannot escape the 'irreducible *alterity* of the world' (52, my italics). This alterity arises from what Derrida's deconstruction of the metaphysics of presence and of logocentrism has already shown, that there is no God or Law transcendently *present* in each situation or context, waiting, like a *deus ex machina*, for its cue to descend from the heavens, presenting itself to resolve each dilemma; there are simply an infinite number of different contexts within which different individuals will interpret the differing and deferring signs which make up the language within which moral laws are communicated differently.

Gobbo's situation demands that he either serve the devil by disobeying the Biblical law that insists that servants serve their masters regardless of their masters' natures, or serve the devil by quite literally acting as his servant. Regardless of how Gobbo chooses to act, he will in some way be transgressing the moral law according to which he lives. This is why his situation is impossible. Regardless of how he chooses to act, he will in some way be transgressing a moral law because it is in some sense present, but the moral law is simultaneously absent, refusing to present him with a clear sense of a just choice. The Biblical law does not fully (manifestly, in a way that defies ambiguity) cover the contingency that a servant, by being faithful to his bad master, actually transgresses

other laws laid out in the Bible. A faithful servant, asked by his master to murder someone, for example, could hardly be blamed for disobeying.

However, we might reply—even if Gobbo’s dilemma were to be taken as more than parody—nothing quite so drastic is ever demanded of Gobbo by Shylock. And this brings us face to face with our own undecidability: can we accept this isolated metaphor that regards Shylock as the devil incarnate as sufficient evidence that he is a bad enough master to warrant the creation of the dilemma I have been outlining in Gobbo’s mind? Traditional textual interpretation might begin by evaluating the seriousness of Gobbo’s dilemma. With its understanding of metaphor as ‘a detour to truth’—a truth ‘that the critic can deliver through her interpretation’ (Spivak in Derrida lxxvi)—it might then respond to the problem—if it deems Gobbo’s dilemma a problem—by trying to establish whether or not Shylock is truly such a bad master. Traditional criticism might scour the entire play for other metaphors which support this one, desperately searching the text for enough evidence to make a case in favour of or against Gobbo’s image of Shylock as the devil, finally pronouncing judgement, perhaps, as to how Shakespeare intended us to view Shylock. And, depending on the result of the hearing, Gobbo may be prosecuted for disobeying the laws governing service laid out by Peter, or released with all charges dropped because he sees the *truth* about Shylock, and demonstrates to servants everywhere what the truly moral solution in such a case is.

We are not, however, searching for the truth of the text. We are not attempting to make manifest the truth of the text, or of Gobbo’s situation. This does not mean that we are ignoring the “‘metaphoric’ structure’ of the text. But we shall regard the metaphors not as bearing truth, as ‘reducible to truth’, but as being “‘as such’ ... part of the textuality ... of the text’, using them ‘not as a transcendental key that will unlock the way to truth but as a *bricoleur’s* or tinker’s tool—a “‘positive lever’” (Spivak in Derrida lxxiv–lxxv). What matters is not the truth behind the metaphor, but the appearance (neither presenting itself by coming into view nor presenting a chimera by seeming) of the metaphor in this context: Gobbo describes Shylock as ‘the very devil incarnation’—not merely a ‘monster’ or ‘fiend’ as he may have done—and this establishes the force of the dilemma I have outlined. Only if he describes Shylock as the devil, thus establishing moral justification for his desire to leave him that is at least of equal strength to his moral obligation to stay, can there be a moral dilemma in the first place. If he were simply to bewail not being paid enough, or having to work unreasonable hours, or list any other reason that may be seen from a

Christian perspective as merely pragmatic and not moral, there would be no argument in Gobbo's conscience. There would be no chance of the 'fiend' at his shoulder bidding him to 'run away' eventually being regarded as 'friendly'—being viewed as friendly, having the *appearance* of being friendly, the appearance of the being of friendship. Gobbo perhaps seems aware of this—unconsciously at least: he does not use this metaphor immediately, but only as a response to his having called the aforementioned 'fiend' 'the devil himself' as opposed to Shylock's being merely 'a kind of devil', and thus not fully devil. Might we then not disregard the entire crisis as having been constructed by Gobbo, and thus not being a real crisis; might we not say that the crisis simply is not *there*?

This all appears to be rather more complicated than another scene concerning a moral dilemma in *The Merchant of Venice*. The so-called 'bond story' struggles with a difficulty similar to the one Gobbo faces: the Venetian court is caught between the two evils of obeying the letter of the law, which would result in Antonio's death, on the one hand, and disregarding the law, undermining it, and thus depriving it of its function to regulate the actions of the society's citizens and prevent chaos and lawlessness, on the other. Unlike Gobbo's dilemma, this one rises purely from circumstance, and there is no question of the duke's having created the situation for self-interest; we can feel assured that the dilemma is fully present. An interpretation of the court scene that perhaps presents itself is that it is 'a symbolic confrontation between law ... on the one hand, and equity with its religious equivalent, mercy, on the other' (Jordan 49), with Shylock representing both the secular law, 'which, to be just to all in general, must only approximate to justice in particular cases' (Bradbrook 132), and the 'Old Law of the ancient Hebrews' which is being disputed by the 'New Covenant of Christianity' (Jordan 49).

I suggest that this interpretation presents itself because the idea of a confrontation (presented by Jordan) is arguably central to the impact that the court scene may have on reader and audience member alike. The confrontation presents itself to us. The scene unfolds and we are satisfied by its resolution, by the way in which Shylock's claim, which we view to be wrong, for whatever reason, is defeated. At least that may be the case in what I wish to propose may be a 'standard' view of the play, a way of viewing the play that (if I may use the word again, for emphasis) presents itself, for whatever reason, or rather has presented itself in many readings of the play, in audiences that have viewed the play having tacitly agreed beforehand that they demand a certain amount of satisfaction from a play, from this kind of play, which has commonly been called

a comedy, a climax that resolves itself in a comic fashion. Of course this can also be called a ‘problem play’, and perhaps our exploration of it will bring us to regard it as such, not simply in terms of the generic qualities it may possess, but in terms of the way in which what is presented to us and brings us satisfaction is not wholly presented, and may be seen as being, if not entirely unsatisfactory (for, of course, many will have continued to gain satisfaction from the play’s resolution), not entirely satisfactory, within a certain reading of the play. I stress these words because I do not seek to find a more truthful or accurate interpretation of the play, one which will change the way in which it is read, taught and performed for all time, but rather to expose and problematize certain tensions that may be said to present themselves within the language of the text, and thus within the diaspora of ‘standard’ encounters with the play we may experience in theatre, classroom or study. Each reading or performance will naturally be different, and certainly there may be little in common between an anti-semitic performance that attempts to capitalize fully on the anti-semitic vilification of the specifically Jewish Shylock we may notice as present in the play, and another kind of performance that makes the most of Shylock’s victimisation in a society that dwells upon his otherness and that requires him to behave as ultimate other—other than human, a kind of devil. A critic steeped in knowledge of jurisprudence may provide a fascinating account of the realism (or lack thereof) of the legality of the bond story, in terms of actual Elizabethan, Venetian and modern day law. Yet what we may find by examining the confrontation in the court scene is not necessarily any kind of arbitration between such disparate ways of experiencing the play, or arbitration between the characters of the play with reference to any real laws, past or present—though questions relating to the law as presented in the play will certainly be examined—but rather a problem in the very way in which this confrontation presents itself in many disparate views of the play as confrontation between one thing and another, in which it presents this confrontation as present, as pure contrast and hierarchy.

We shall thus begin with what I have termed a ‘standard’ reading of the play, the ‘standard’ reading presented by Jordan, but shall for certain reasons avoid confronting the religious aspect of this particular interpretation too extensively; we shall avoid, to some extent, seeing the play, as Coghill does, as ‘an allegory of “Justice and Mercy, of the Old Law and New”’ (Midgley 194). We might do this not least because of the anti-semitism I highlighted before, which merits more thorough confrontation than space allows; furthermore, although Shylock is Jewish it is perhaps a bit of a stretch to see him as representing Hebrew law

and (implicitly) its shortcomings. In the first place, the law that he (ab)uses in order to exact his revenge upon Antonio is not a Hebraic law but a secular law laid down and enforced by the Christian rulers of Venice; one might argue in response that ‘Shylock’s creed [of] an eye for an eye’ is sufficiently allusive to the Old Testament to ‘lead to the identification of [the] Jew with legal concepts of justice’ and to provide grounds ‘for the opposition of the Old Law to the New’ (Bradbrook 133). However, such an argument would assume a generalized view of the differences between Old Testament and New, between Judaic Law and Christian Law. The latter, of course, contains perhaps in places as harsh punishments and threats (and enactments) of heavenly justice for those who defy God’s law—‘I tell you, Nay: but, except ye repent, ye shall all likewise perish’ (Luke 13: 5) to cite but one example—as the former does. It would assume the same level of generalization of Hebrew law as the identification of Judaism with usury does, when ‘both the Talmud and the Midrash condemn usury’, and it was the laws laid down by the *Christians* that in medieval times so limited the number of professions Jews were allowed to pursue that many of them turned to moneylending to earn a living (Mahood 20). (I think one would also be hard pressed to suggest that the play represents the opposition of the Old, Judaic Law of capitalism to the New, Christian communism.) We might allow Shylock himself the honour of further steering us away from an interpretation which would suggest that *The Merchant of Venice* contrasts vengeful Judaic Law with merciful Christian Law: his justification for his vengeance on Antonio is that, like Christians, Jews are human, and thus, like Christians, seek vengeance when they are wronged; in fact, Shylock claims that it is the ‘villainy you [Christians] teach me’ that he will ‘execute’ by demanding a pound of Antonio’s flesh (III i 56).

A final important reason why we shall steer away from an interpretation that sees the court scene as a simultaneous confrontation between law and equity and ‘the Old Law of the Hebrews and the New Covenant of Christianity’ is that it is very difficult in the latter contrast to sustain a coherent distinction between ‘Law’ and ‘Covenant’, the apparent site of the said contrast suggested by Jordan (49). A law (or set of laws)—a ‘thing laid down’—is a very similar thing (perhaps a parallel concept) to a covenant, a *co-venant*, a coming together: to lay down a law is to prescribe the ways in which members of a society are permitted to behave within all contexts that approximate the context for which the law was created; a covenant, although appearing far more democratic and representative of the masses since it is a coming together, is guilty of the same

reductiveness that a law may be accused of. In both words there is a sense of a blocking off of alterity—both words struggle with the same impossibility, that in order (in the words of a critic who would have Shylock stand for the law) ‘to be just to all in general’, they ‘must only approximate to justice in particular cases’ (Bradbrook 132). The coming together of a group of people, in its attempt to unify, to reach consensus, to appease the general appetite, must ignore the particular, the different, the other that is not anticipated—cannot be anticipated because of its very otherness—in the same way that a law, a laying down of boundaries, does. The New Covenant of Christianity thus cannot be seen as representing the religious equivalent of equity, contrasted with the Old Law of the Hebrews and with laws in general. The Christian Covenant makes the same attempt as laws of all sorts to prescribe to a group of people, regardless of individual differences between them and individual contexts within which they find themselves, how to behave—what moral or ethical foundation they should build their behaviour upon. We consider again poor Lancelot Gobbo and his moral dilemma. He sees himself as trapped within the reductive confines of the Christian Covenant in much the same way as Antonio is trapped in the reductive confines of the fictional legal system, which Shylock abuses not because the reductiveness of secular law is more similar to Hebrew Law and thus more prone to manipulation by a Jew, but because he is in a situation in which he may pragmatically (regardless of moral prescriptions) expose and gain from the contradictions inherent in any set of principles that must always be followed regardless of context. The Christian Portia is certainly as quick pragmatically to demand adherence to the letter of the law, when she turns the *jus strictum* that prescribes that Shylock’s bond is valid into a *jus strictissimum* that demands that he may take no more and no less than his pound of flesh (Jordan 51).

So, if we regard the court scene not as a dispute between vengeful Hebraic Law and the more equitable Christian Covenant, will we view it as a dispute between strict secular law and equity? In order to answer that question, we must first examine a final aspect of a religious or pseudo-religious interpretation of the scene: the ‘commonplace’ identification of equity with mercy, which is called its ‘religious equivalent’ (Jordan 49). Considering my reasons for not delving into a religious interpretation, I would suggest that this identification of equity with religious mercy is similarly inappropriate for our investigations: the concept of mercy seems to be closed off, restricted, in a purely Christian context, merely playing a role in Christian doctrine. Furthermore, the equivalence between equity and mercy seems similarly restrictive: we shall examine the

concept of mercy in more detail later on, but suffice it to say, even a superficial comparison of the two words suggests to us that they are not fully equivalent. The word 'equity' in its technical sense refers to a specific 'method of adjudication'—a use of the word which Jordan shows it to be rather fruitless to pursue in the context of *The Merchant of Venice*, as the court scene has 'little claim to reality', to any real or even likely legal systems, and thus lacks the 'substantive accuracy' necessary to make an examination of the 'technical feature[s] of equitable jurisdiction' viable (Jordan 52, 58). In its more general sense, equity is a closer equivalent to justice before the law. It refers to 'the milder principle of law' which tries to mete justice equally (*aequitas*) to all people in proportions equivalent to the severity of their crimes. Mercy is very different from justice. Perhaps it is even contrary to justice, as when mercy is shown to a criminal by making his punishment less severe than the nature of his crime demands—making his punishment less severe than the punishment given to other criminals for the same crime. Mercy defies equal treatment by treating a criminal more beneficently than justice would demand.

This does not mean that we are going to do away with the role of mercy in the scene altogether. Instead, we are simply separating mercy firstly from its religious association, and secondly from its identification with equity. As a result, our slightly modified version of an apparent interpretation of the scene is that it is a dispute or confrontation between the law, on the one hand, and equity and mercy, on the other, a dispute in which equity and mercy must assert their superior status to the law, must remind the law of their presence within it, must remind it that it is created in order to serve them, and should thus cede to their demands.

The first part of this dispute (involving equity) certainly seems apparent in the court scene: according to the law, it is perfectly acceptable for Shylock to demand a pound of Antonio's flesh as punishment for the latter's not paying his debt to him, a punishment we feel would not be just, regardless of what prior agreements were made between the parties involved. The mutilation of the defendant demanded by the plaintiff seems unreasonably harsh and unnaturally cruel, and the compliance of the law with a demand so 'repugnant to reason and nature' (Jordan 58) cannot be regarded as being just. The law, having been 'laid down', is 'stabilizable and statutory, calculable, a system of regulated and coded prescriptions' (Derrida in Derrida & Caputo 136), asking of its judge not to regard the unique conditions of the 'singularity' of the case, but to be a mere 'calculating machine' which needs not 'ensure justice but mere conformity to

the law' (Caputo in Derrida & Caputo 137). The law, as an impersonal structure, 'is pusillanimous and mean-spirited, blind and unkind ... tight-fisted and rigoristic, wooden and "legalistic"' (Caputo in Derrida & Caputo 150). Motivated by 'a desire to be just', the court is unwilling to allow Shylock his pound of flesh, but has no power to undermine what has been laid down, lest the entire legal system collapse as a result (Jordan 58).

'Equity', on the other hand, encapsulates both the justice that the court seeks, and the means by which Portia achieves this justice: Shylock is defeated by equity in the sense that it is the equal treatment of all before the law and the equal treatment of all laws before the court that causes his downfall. Equity demands that he is not permitted in 'the cutting' of Antonio's 'pound of flesh' to 'shed / One drop of Christian blood' (IV i 304–306), that his insistence on the legality of the bond and refusal to abide by anything but the letter of the law be mirrored by an equally strict insistence on the legal wording of the bond and refusal to abide by anything but the letters written on the contract. Equity and justice thus prevail, foiling Shylock's attempt to manipulate the law, and the play convincingly sketches the problematics of the law in its blindness to contingency and difference, urging us to temper its harshness with more humane equity and justice.

There is a problem, however. Somewhere along the way the distinction between equity and the law, which seemed to present itself so convincingly, has disappeared. For, while the law demands that Shylock's bond be adhered to, and equity demands that it be adhered to according to the exact conditions stipulated in the contract, does the law itself—in its regulations about contracts—not *also* demand that the bond be adhered to according to the exact conditions stipulated in the contract? And does equity not *also* demand that it is adhered to in the first place? Equity demands that all is equal before the law: it demands that an unreasonable and unnatural contract be regarded by the law as being as valid—if it adheres to all legal requirements—as any other contract. Equity does not simply challenge the structure of the law, does not only refute its laid-downness. Rather, it also reinforces the structure, focuses its attention wholly on the structure, bracketing off the content of a particular case and preventing the arrival of the other. It focuses on equality, on unification, on the *covenant* of the law. The structure of the bond is shown by Portia to be more important than its content—although it is unreasonable and unnatural to expect someone to cut a pound of flesh from another, this is what equity allows be done, since the contract says nothing about blood; this is equivalent to Shylock's bracketing off

the unreasonable and unnatural content of the bond, which allows him to kill Antonio simply because Antonio has not repaid his debt in time, by focusing on the structur—the fact that it is a legal contract, signed by both parties, etc. This is what equity allows need be done. It is not distinguishable as separate from the law, but informs the law on how to be equitable even as it serves as merely a function of it, a function that serves to reinforce the very blindness, rigidity, reductiveness and structuredness of the law that it ostensibly challenges in this scene; it is not the ideal origin of the law, it does not infuse the law with its presence, but rather functions in the same way that the law does—is informed by the law as it informs the law.

But this argument challenges equity only as equality before the law—and does nothing to undermine the dispute between the law and equity as *justice*. Our interpretation seems to be safe—the law is a function not of equity, but of justice. Surely, although it may be lawful and equitable of Shylock to demand his pound of flesh, it cannot be viewed as being just—in fact, we have been consistently referring to justice in terms of a contradiction between it and the law that we assume to be present in the scene. Unfortunately, this does not seem to be the case. There is no point at which the justice of Shylock's claim is challenged by any character. Portia uses the word 'justice' four times from lines 193 to 199 and another four times from lines 311 to 335 for a total of eight times in the court scene, and each use merely confirms Shylock's plea as just. She begs that, 'Though justice be [his] plea' (194), he allow that 'mercy seasons [his] justice' (193), trying to 'mitigate the justice of [his] plea' (199); with some irony she insists that since he '[urges] justice ... / [He shall] have justice more than [he] desirest' (311–312), he 'shall have all justice' (317) but 'merely justice' (335). The irony does not challenge Shylock's claim to justice, does not refer to some higher, more just justice. It merely confirms Shylock's view of justice as a simulacrum of equity, as emulating a blind adherence to the law in all its reductiveness.

We have been speaking about the law as being blind to otherness, and might think here of justice being similarly blind; but we might be reminded of the ideal conception of justice as blind, might think that it is in fact necessary for justice to be blind in order to be fully just, in order for it to judge not according to the appearances of a case, but according to what is correct and fair. Yet this very necessary blindness of justice, which is perhaps a prerequisite for its fairness, seems *simultaneously* to prevent it from seeing fairness—by seeing only fairness, only equity, which is of course just the way we would like justice to

see. Within the very possibility of justice, within its fulfilment, lies its impossibility and end, as we see when blind justice, like equity, provides both the grounds for Shylock's claims and the grounds for the defeat of his claims; like equity, justice does not fully dispute the law, but functions like it. The appeal to something higher, more pure, fairer, and more human than the law, which is supposedly based on it, actually turns out also to be an appeal to something that cannot be fully differentiated from the law, at least not according to the type of differentiation—in which something will act as transcendental to the law, informing it with a sense of how it should behave in any and all situations—that we are looking for. The scene's apparent demonstration of the unfairness—the injustice—of Shylock's claim turns out to be a demonstration of a limitation in justice according to which justice may be seen to act in a way that is merely just—that is 'only'—designating a limitation inscribed within the word 'justice', an aspect of the just act that is precisely generalizing and totalizing in a way quite contrary to the kind of transcendental justice we are seeking, even at the same moment that justice behaves in a way that is *contrary* to unfairness, that is equitable. There seems to be no higher principle fully defended in the scene, no moral truth that makes us feel completely satisfied and vindicated that Shylock's suit is turned against him. It seems that justice, in its blind striving towards complete fairness—towards just fairness, only fairness—presents itself as a higher principle fully defended in the scene.

But perhaps not as the source of our satisfaction; or not the only source of our satisfaction: we enjoy the fullness of the justice of Shylock's plea—the preciseness with which it is carried out—yet we enjoy it not only for the sake of justice, but perhaps also because we feel the injustice of Shylock's claim as much as we feel its justice, because we feel that there is something wrong about his claim and the law that upholds it. Perhaps what is missing, what is left to reclaim the law for the function it was created to serve—a transcendental function—is mercy. Indeed, it is mercy that is shown to be at odds with Shylock's just, equitable and lawful claim. It is mercy that is shown to be capable of challenging the law. The duke sees Shylock's adherence to the bond as being the result of his being 'void and empty / From any dram of mercy' (IV i 5); he thus pleads with Shylock, 'show thy mercy' (IV i 20), hoping that his mercy will annul the bond, for this is the only way in which justice may be achieved (and defied). Portia similarly appeals to Shylock's mercy as the only means of preventing the law from being carried out: once she has discovered the exact nature of the situation, she offers '[t]hen must the Jew be merciful' (IV i 178) as the only

alternative to the bond's being carried out, and spends twenty lines explaining to Shylock the nature of and virtue in mercy (IV i 180–199), finally begging him to season 'justice' with 'mercy' (IV i 193). Such 'seasoning' would be done to 'mitigate the justice of [his] plea'—mercy can be used to loosen the rigidity of the law, to weaken its harshness. Mercy may be just the thing necessary to open the law's blind eyes and force it to see the other, to acknowledge difference, to notice that 'every "case" is different; every case is more than a case, a *casus*—a falling from or declension of universality' (Caputo in Derrida & Caputo 137). Mercy may compel a judge to see a situation not as 'a case but a singularity' (Caputo in Derrida & Caputo 137), providing the justice with sentience beyond one that merely mechanically calculates variables according to the formulas and aphorisms laid out by laws. I suggested before that mercy may be seen as contrary to equity, and, since equity refers precisely to conformity to those structures of the law that make it unbendable, it seems to be contrary to the law as well.

When trying to convince Shylock to be merciful, Portia states that 'the quality of mercy is not strained' (IV i 180), that it is not forced or distorted, perverted beyond its original intention—again contrasting it with the law and justice as these are portrayed in the scene. In order to illustrate the point, she compares mercy to 'gentle rain' that 'droppeth ... from the heaven' (IV i 181), showing it to be natural, spontaneous, giving, generous and godly—providing life-giving nourishment to 'the place beneath' (IV i 182) and expecting nothing in return—as opposed to man-made law which is contrived, procedural, and used to take away freedom and even—as in this case—innocent life. The 'giving' nature of mercy is then made more explicit and extended, as Portia explains that not only the receiver of mercy, but its giver, benefits from the transaction: 'It is twice blest; / It blesseth him that gives, and him that takes' (IV i 182–83). Yet it is precisely the fact that the giver benefits that acts as the lever to the exposure of the contradiction that resides in mercy. Portia spends the next few lines expounding the value of mercy in kings, which ostensibly lends some weight and strength to her explanation of the value of mercy in general; but what this actually does is expose the link between mercy and power. She insists that mercy 'is above [the] sceptred sway' (IV i 189) that represents the king's 'temporal power' (IV i 186). The reason she gives is that it is when temporal power is combined with mercy that 'earthly power doth ... show likest God's' (IV i 192). This statement which seemingly innocently appears to suggest that the

practice of mercy brings one closer to the perfection of the actions of God (who serves as a transcendental example of the Good practice of power towards which one should strive), simultaneously bears the trace of a suggestion that earthly power comes closest to the level of godly power when it is combined with mercy. While trying to suggest that mercy makes one more alike to the beneficent Christian God, Portia hints that mercy makes one possess god-like power.

So where is this trace leading us? Firstly, it helps us note one of the preconditions of mercy: in order to show mercy to someone they must first be in your power—hence Portia’s using the example of first kings and then God. Kings are of course representative of ‘earthly’ and ‘temporal’ power, and God of infinite power, of omnipotence. They are in a position from which they can be merciful, unlike a beggar, for example, who has little opportunity to show mercy. Kings and God have the power over people’s livelihoods and their lives: their decrees could make a rich man poor, or even have someone put to death. It is only their beneficent mercy that spares their subjects. People are thus *at their mercy*. A beggar is unable to show mercy because he has no-one in his power—he has no-one at his mercy. A beggar also cannot show mercy because he does not have anything to give. And this brings us back to the giving nature of mercy that Portia highlights. Whenever mercy is shown, something is given: a ruler who does not act as a complete tyrant gives her subjects the opportunity to live their lives in a relative amount of freedom; she gives them freedom which, importantly, is not inherently theirs, since she has the power to take it away.

So far so good. Although power is a prerequisite for mercy, and an act of mercy always involves a giving, this does not problematize mercy too severely. There still appears to be no real contradiction. But we ran into problems earlier on when Portia suggested that one who shows mercy does not only always give, but always gains as well. And the link with power makes these problems explicit: by being merciful, secular rulers may make their power more like God’s—they can become more powerful. This is because if you have someone in your power and give him freedom from that power, he becomes indebted to you and gives you more power over him in return. A merciful king, by showing mercy, constantly gains more power over his subjects as they accumulate a kind of ‘mercy debt’—a debt of gratitude. A tyrant, by constantly demonstrating his more repressive powers, conversely loses power over his people: they owe him nothing, so, if they can overcome any ideological inhibitions against regicide, they can quite happily revolt.

This exchanging nature of mercy is certainly hinted at in the court scene. Three lines after concluding her account of the mercy of kings—in the same speech—Portia continues to try to convince Shylock of the value of mercy, but this time with an allusion to the Lord's Prayer: 'We do pray for mercy, / And that same prayer doth teach us all to *render* / The deeds of mercy' (IV i 196–98, my italics). We pray for mercy from God, who has us completely in his power, and in return offer to show mercy to others: 'Forgive us our trespasses, as we forgive them that trespass against us' ('Show us mercy, as we show mercy unto others'). Portia is proposing that the giver of mercy gains mercy as a reward for his mercifulness, and, conversely, that when mercy is shown to one, one is obliged to render—to pay back—that mercy. The duke proposes a similar transaction earlier in the scene, when he tries to convince Shylock to drop his suit against Antonio. He asks Shylock: 'How shalt thou hope for mercy, rendering none?' (IV i 88). Because Shylock refuses to give, he cannot expect to receive. In this context it is useful to note that the word 'mercy' in fact is derived from the Latin *merces*, which means both pity and reward. It is a cousin of the word 'merchant', and, like it, happily engages in trade for profit. Show pity, and you gain your reward; give mercy, and you shall receive power. Mercy is not a spontaneous, generous gift-giving in which nothing is expected in return, but rather a give-and-take exchange, a trade not unlike any other the merchants of Venice engage in, in which no one party gives more than he takes. For this reason the word 'mercy', used so persistently by the duke to try to persuade Shylock to drop his suit (IV i 6, 20, 88), is conspicuously absent in his triumphant speech when he shows mercy to Shylock by sparing his life. Instead of gloatingly using the word 'mercy', he merely congratulates himself on 'the difference of our spirit' (IV i 364) from Shylock's. The word 'mercy' here would betray his own mercenary use: he demonstrates his mercy in line 365: 'I pardon thee thy life before thou ask it', and demonstrates the link between mercy and power, since Shylock does not ask for mercy: 'Nay, take my life and all, pardon not that' (IV i 370), knowing that the duke's pardon indebts him to him, places him in his power. The absence of the word 'mercy' hides this power play of mercy, disguises it as a beneficent 'difference' of 'spirit'—an apparent challenge to the meanspiritedness of the law, justice, equity, and Shylock. Mercy thus contradicts itself by appearing to be (presenting itself as being) self-serving and mercenary, while appearing to be (presenting itself as being) wholly directed at the other, to be completely self-sacrificing. The contradictory play involved in an act of

mercy cannot be escaped, as every act of mercy is simultaneously generous and self-serving, providing its giver with a reward for complete generosity.

Portia's question, 'What mercy can you render him, Antonio?', exposes both mercy and the duke, and shows an awareness of the benefits a mercy-giver may reap as a result of his 'kindness'. She offers Antonio a chance to mete vengeance upon Shylock—to 'render', to repay Shylock's attempt on his life—by suggesting that he be merciful and give him more than the law would have him deserve, thus placing him in a debt of gratitude that no amount of ducats or flesh can repay. She gives Antonio the chance to take Shylock into his power, and Antonio catches the hint—spots the trace.

It should not come as a surprise that it is Portia's speech which demonstrates the most insight into the ambiguity of mercy, since it is her actions that most clearly evidence the power play involved, not only in the giving of mercy, but in giving in general. Portia has been identified by several critics as being consistently involved in power play. Berger suggests it is merely because of her 'fear for [Bassanio's] haste to win her in order to secure his fortune' that she seeks to gain power over him (159); Newman shows that a 'sex/gender system' that 'produces and reproduces' the 'exchange of women', in which 'the traffic of women is only part of an entire system of "sexual access, genealogical statuses, lineage names ...", rights and *people*—men, women and children—in concrete systems of social relationships', exists in the patriarchal society of *The Merchant of Venice* (23). It is to escape this system that Portia involves herself so deeply in power play—an escape perhaps more successful than Park would suggest (109–16), as will become clear shortly. Whatever her motivation, Portia gains a good deal of power, over Bassanio and others, through the act of gift-giving. As both Berger and Newman's essays seem to suggest, Portia's role as gift-giver allows her to place a debt of gratitude on first Bassanio, 'then ... Antonio, and finally ... Venice itself' (Newman 26) that allows her more power than a woman within the patriarchal Venetian society would normally have access to. In Act III Scene ii she ostensibly gives Bassanio a gift he cannot hope to repay: having listed some of her qualities, she commits that her 'gentle spirit'

...to you and yours
Is now converted. But now I was the lord
Of this fair mansion, master of my servants,
Queen o'er myself; and even now, but now,

This house, these servants, and this same myself
Are yours, my lord's.

(III ii 163–171)

In actual fact, by giving him absolute power over her—which he has a right to anyway in Venetian society—she also ‘lays him under a burden of gratitude beyond his means to discharge’, making him feel as though he has a debt to pay her, and reclaiming some of the power she automatically gives away by becoming his bride. She further burdens him with the gift of a ring, which she uses ‘to convert this first gift to a loan, a bond, which can be forfeit, but even in imposing *that* qualification she brings it off as a generous act’ (Berger 161). When, disguised as a lawyer, Portia succeeds in confounding Shylock’s attempt to relieve Antonio of a pound of flesh, she yet again places Bassanio in her power, since it is because of him that Antonio entered the bond in the first place, and he thus sees himself as being responsible for his friend’s safety in this particular context. It is this power of giving, of placing someone in one’s debt, that allows her to gain the ring so easily from Bassanio, who feels obliged to repay ‘the doctor’, Portia, in whatever way it is conceivably possible for him to do. Of course, when she confronts him about giving the ring away, she demonstrates how her gift was given not in some ideal spirit of giving in which nothing was expected in return, but in a kind of mercantile spirit—not unlike the mercy of the duke and Antonio, where something—gratitude, love, freedom, an oath, etc.—is expected in return. Bassanio, understanding the gift in this same way, feels that he has transgressed the rules of gift-receiving:

I were best to cut my left hand off
And swear I lost the ring defending it

(V i 176)

—and his remorse and shame give Portia yet more power over him: how can he ever make up to her—render her—his giving away her precious gift? When she returns the ring and reveals all, her gift-giving reaches its overwhelming culmination. She has given Antonio his life, paying back Bassanio’s debt of gratitude to him, and she has given Bassanio the ring *again*, given him a second chance when he owes her so much already. She has shown him mercy, and in return, can take power. Portia’s generosity pushes Bassanio so deeply into the red that he will have to spend his entire married life with her repaying the debt (Berger 161).

Of course, Portia is not the only character who uses gift-giving to gain power over others. Nerissa's giving Gratiano a ring as well quite obviously mirrors the exchange of the main plot; more importantly, Antonio, whose relationship with Bassanio has been characterized 'not only as a version of idealized Renaissance friendship, but also as homoerotic' (Newman 22)—binds Bassanio to him by entering into the bond with Shylock: he not only gives Bassanio the money he needs to win Portia, but risks his life for him in the bond, placing poor Bassanio (who seems to spend the majority of the play becoming indebted to someone or other) in a grave debt that he will be forced to repay by remaining close friends with Antonio. By providing him with the opportunity he needs to introduce an unwelcome (in Antonio's eyes) third party, Portia, into their relationship, Antonio actually binds their relationship more securely. (Portia's rescuing Antonio, of course, elevates her power over Bassanio above Antonio's, loosening his hold on him; Berger 157.)

Still, we might wish to pause here for a moment from a desire to be equitable, to be just, to be merciful. In a moment of free-spiritedness we might stop to reconsider our position (since we now have mercy and gift-giving at our mercy). Our reconsideration of the concepts of mercy and gift-giving as mercenary and selfish has done little to recognize the mercy of mercy, and the selflessness of gift-giving—which it is important not to forget. For a certain mercy *is* shown to Shylock, even if he does not ask it, and even asks it not to be shown, and Portia (and others) *does give*, does give freely even as she receives—gives *what is not expected* of her to give, and perhaps receives more than is expected of her (as a woman) to gain. What we have tried to see in the movement of giving is not simply giving as receiving, but rather receiving as a kind of requirement of giving in the moment that giving is defined by its refusal to demand a rendering: we have tried to problematize giving (and mercy as a giving of mercy) insofar as it presents itself as a *pure* giving, insofar as it presents itself as the *opposite* of trade; yet we cannot recognize it as exactly equivalent to trade either, as it gives what is not asked for—what it is not expected to give. We can only, perhaps, recognize that there are certain preconditions for giving: not only that there must be a willingness to give or a certain free-spiritedness, but that there must be something to give, and that there is therefore a certain power play involved in giving—as the very prerequisite for giving—that prevents giving from ever being purely and only giving, a fully present giving.

Thus Brown's assertion that 'Shylock lends only for what he can gain, Antonio for the sake of friendship' (164), an assertion that may inadvertently

touch upon the problematics of gift-giving we have been exploring by equating Antonio's lending with giving, seems accurate only insofar as we regard friendship as something Antonio might gain (from the exchange). The implication that Brown is looking for, that all the characters in *The Merchant of Venice* may be contrasted with Shylock, since he is the only one who acts purely for profit, can simply not be found in the mercantile world of this *text*—in its presentation of mercy and gift-giving. We might pause and ask ourselves: who exactly is *The Merchant of Venice* (Newman 19)? The most obvious answer would certainly seem to be that it would have to be either Shylock or Antonio, who are, of course, merchants by profession. But the persistent appearance of mercy and its related concept of gift-giving within *The Merchant of Venice*, within the 'merchantness', if you will, of Venice, within mercy's appearance as *the merchant of Venice*—or at least one of Venice's merchants—allows us to question any distinction between acts of generosity and their more mercenary counterparts, and thus allows us to identify a host of characters acting as, among other things, merchants in Venice (19). There exists simply no ideal reference point outside of the give-and-take, no mercy outside of power and reward, no gift outside of obligation and indebtedness—nor, perhaps, inside, if by inside we mean that mercy and gift-giving are *purely* or *only* self-serving, which of course they are not, are not purely or only anything nor nothing. There is also no absolute opposition between the greedy usurer Shylock and the loving, generous, merciful Antonio, Portia, Bassanio, etc.—besides the mercy and generosity, even the love is suspect: 'Bassanio does not hesitate to say that Portia's wealth is necessary to his happiness' (Van Doren 91)—rather, there seems to be something of Shylock inscribed within the other characters, and something of the other characters inscribed within Shylock. Neither is there an absolute opposition between the rigid, restrictive, reductive and impersonal structures of the law that bind and imprison the other, and a kinder, gentler equity or justice which acts as a counterbalance to the blindness of the law and recognizes singularity and difference, making judgements based on individual merits—on singularities—rather than performing what might appear to us as mere mechanical calculation: equity and justice function like the law—in an equivalent, and an equivalently blind and fair, manner—and serve to reinforce it (and its fairness) rather than challenge it (and its unfairness); nor is there even an opposition between the cold, hard, unforgiving law and gentle, pitying mercy, as mercy is similarly blind to the other—binding it into a power relationship—even as it recognizes the other in a moment of free-spirited selflessness.

And now to return to poor Lancelot Gobbo, whom we left in the throes of the moral struggle of deciding between two evils—a struggle perhaps, and perhaps not of his own making. Considering all we have discussed, we might now view Gobbo’s dilemma slightly differently: we have been unable to discover anything to infuse the law (including, perhaps, moral law), to be presented within it and beyond it, and thus to oppose it as it refuses to acknowledge the otherness of the court scene and of Gobbo’s situation, or even acknowledge that a dilemma is presented within the law. We have discovered no origin of the law. The unfortunate Gobbo cannot appeal to justice or equity—these function in the same way the law does, by means of being fair, treating all situations in all contexts in an equivalent manner; he may throw himself at the mercy of the reader or critic or audience, but that would simply put him into their power, allowing them to judge the truth of his situation. It is perhaps then only fair (equitable? just? merciful?) of us to let Gobbo, if he does not feel paralysed by undecidability as we do, follow the lead of the other characters and pragmatically serve his own interest, make the choice that he perceives will give him the most gain. If he wishes to see Shylock as the devil incarnate, and thus (perhaps) like the duke cast his decision in the light of a ‘difference of spirit’ that would challenge the mean-spiritedness of the law and encapsulate the essence from which law-making is derived, so be it. Let him accept the advice of the fiend, who ‘gives the more friendly counsel’ (II ii 23) and gives the better gift (and creates the bigger obligation—perhaps the biggest obligation: how does one repay ‘the devil himself’?).

But to do that would possibly be to present a different kind of presence within the law—one that is entirely pragmatic and self-serving. To do that would possibly be to choose the fiend rather than the angel, to make ‘fiend’ ‘friend’, to reduce the just, which we have been unable to discover, to being merely just—exact, precise, only: laid down like the law.

Yet we have not sought a solution; we have simply been exploring a dilemma that we are not certain is a dilemma in which the angel has appeared to us as neither angel nor devil, and the fiend has appeared as neither fiend nor friend. Indeed, they have not quite appeared—appeared only, perhaps, as a metaphor for Gobbo’s conscience. Or perhaps have not quite appeared yet, borne by the metaphor that presents us with their possibility even as it draws our attention to their impossibility.

WORKS CITED

- Berger, H. 'Marriage and Mercifixion in *The Merchant of Venice*: The Casket Scene Revisited'. *Shakespeare Quarterly* 32 (1981): 155–62.
- Bradbrook, M. C. 'Moral Theme and Romantic Story'. Wilders PAGES?
- Brown, J.R. 'Love's Wealth and the Judgement of *The Merchant of Venice*'. Wilders PAGES
- Derrida, J. and J.D. Caputo. *Deconstruction in a Nutshell: A Conversation with Jacques Derrida*. New York: Fordham University Press, 1997.
- Derrida, J. *Of Grammatology*. Trans. G.C. Spivak. Baltimore: Johns Hopkins University Press, 1976.
- Jordan, William Chester. 'Approaches to the Court Scene in The Bond Story: Equity and Mercy or Reason and Nature?' *Shakespeare Quarterly* 33 (1982): 49–59.
- Lenz, Carolyn Ruth Swift, Gayle Greene and Carl Thomas Neely, eds. *The Woman's Part: Feminist Criticism of Shakespeare*. Chicago: University of Illinois Press, 1983.
- Mahood, M.M. 'Introduction'. *The Merchant of Venice*. By William Shakespeare. Cambridge: Cambridge University Press, 1987. 1–53.
- Midgeley, G. '*The Merchant of Venice*: A Reconsideration'. Wilders PAGES
- Newman, Karen. 'Portia's Ring: Unruly Women and Structures of Exchange in *The Merchant of Venice*'. *Shakespeare Quarterly* 38 (1987): 19–33.
- Park, Clara Claiborne. 'As We Like It: How a Girl Can Be Smart and Still Popular'. Lenz *et al.* PAGES
- Shakespeare, W. *The Merchant of Venice*. Ed. M.M. Mahood. Cambridge: Cambridge University Press, 1987.
- Spivak, G.C. 'Translator's Preface'. *Of Grammatology*. By J. Derrida. Baltimore: Johns Hopkins University Press, 1976.
- Van Doren, M. '*The Merchant of Venice*: An Interpretation'. Wilders PAGES.
- Wilders, J., ed. *Shakespeare: The Merchant of Venice: A Casebook*. London: MacMillan, 1969.