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# From Crime to Punishment and Back: Lights of Comedy, Shades of Tragedy in *The Merchant of Venice*

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## 1. The Taming of the Jew.

If one wishes to explore a common ground in Justice, its structure and proceedings, and representation, its direction choices and devices, *The Merchant of Venice* may be seen as an obvious case in point. Elizabethan drama is pervaded by a structural dialogical configuration that joins performance and rhetoric, and the rival arguments of performed conflict suggest *in limine* distribution of alternative visions of issues under debate and consideration; to that extent, too, stage and court are kindred places, but when the trial scene has a deliberate role to play in the action of the play, the claims of both sides of a controversial disputation invite readers and audiences to assume the role and responsibility as judges. Law calls for enforcement in court, sometimes with the sense of balance required by the delicate elusive nature of the case, as when life and incorporeal personal property are at a stake and the production of a verdict becomes particularly a delicate job, and authority has many times to rely on the appropriate precedent case law; along similar lines, the text of the play only achieves its consummation on the stage, the site of its ultimate ‘application’, and its reading and understanding, always founded on the never-ending cross-fertilization of

page and stage, goes hand in hand with the authority of the long course of its spectacular expression. The Restoration and the Eighteenth Century didn't hesitate in the drastic refashioning of works seen as the genial but crude product of a rough social and historical context, but in our time, ostensive creative and iconoclastic inflections to the received tradition excepted, the prevailing allegiance to textual form and meaning cannot ignore the disturbing displacement in personal responsiveness and social inclinations that separates us from the Elizabethan values, emotions and cultural references. Comic celebration and tragic reconciliation do not operate as firm categories – in Shakespeare and his fellow dramatists they never did, in spite of the reasonable functional tripartite division established in the *First Folio* of 1623 – *Comedies, Histories, Tragedies* –, and each play is, in many ways, a world of its own, as Stanley Wells stresses in the opening considerations of his General Introduction to each volume of the Penguin Shakespeare; this does not make it any easier for us to examine dramatic subgeneric denominations. What was for Elizabethans a source of laughter and pure entertainment may be for us a matter of embarrassment. Henry V is certainly the glorious hero of Agincourt, the strict agent of an imperative justice in the field of war, but readers and audiences today are comfortably enough to be fond of him only in the distance in time; Hal and Poinz may be very funny for the crowds of London used to the delights of violent entertainments and the bloody spectacles of public executions (such as the passion play of the capital punishment of Roderigo Lopez, the Portuguese physician of Elisabeth I accused of plotting against her

queen, an episode that certainly stimulated the Jewish theme on the English stage) but their tricks against the poor Francis in the tavern would not work out just as innocent practical jokes today. The Jew is a figure with a long tradition as a scapegoat, exorcised in carnivalesque celebrations, in popular festivities since the Middle Ages, and a privileged target of scorn and fury<sup>1</sup>. Sources of *The Merchant of Venice* generally accepted include the story by the Italian novelliere Ser Giovanni Fiorentino *Il Pecorone* (1558), paying homage to that tradition, and Christopher Marlowe's savage farce *The Jew of Malta* (1593?) and its revivals, a relevant moment in this long story, may also have encouraged Shakespeare's creation. The title page of the first version in print of the text lays stress on the Jew and his cruelty (Q1, printed in 1600, called it a 'history' <sup>2</sup>suggesting Shylock as the protagonist), and the uncertain bloody outcome of his revenge gratified the strongest populist emotions. Expectations seemed to give full vent to the image of the Jew as an ogre and the incarnation of the devil. *The Merchant of Venice* was to be *The Taming of the Jew*. To cancel or mitigate this uncomfortable feeling, scholars and readers have tried to see in the character a specific and unique figure rather than a type of ethnic or cultural impersonation, and performances, a testing site of apprehended consensual meanings, have tended to alleviate distressing suggestions in a redeeming operation that returns to the dramatist the acceptability of modern values and taste.

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<sup>1</sup>See, *inter alia*, BRISTOL, Michael, *Carnival and Theatre: Plebeian Culture of Authority in Renaissance England*, New York and London, Routledge, 1985, p. 51.

<sup>2</sup> The most excelente/ Historie of the Merchant of Venice. / With the extreme crueltie of Shylock the Jew/ Toward the said Merchant, in cutting a iust pound/ of his flesh: and the obtaining of Portia/ by the choyce of three chests. / As it had beene divers times acted by the Lord/ Chamberlain his Servants. / Written by William Shakespeare, ... Except when otherwise specified, textual quotations refer to John Russell Brown edition (*The Merchant of Venice*, London, Methuen & Company, The Arden Shakespeare, 1976.

John Barton, in his experience as director, rules out any anti-Semitic quality of the play. A long quoting summarizes the issues under consideration:

Many people feel it's deeply anti-Semitic and ought not to be performed. Others react the other way and say that, if you read the text aright, Shylock the Jew is intended by Shakespeare to be a sympathetic and even a heroic character. It's often played like that, so you can take your choice. I have directed the play at different times with Patrick Stewart and with David Suchet. Each of them played Shylock though neither of them saw the other in the part. So we should all declare at the outset what we believe Shakespeare means us to feel about the character. We believe that he shows Shylock as a bad Jew and a bad human being, but that this in itself does not make the play anti-Semitic. If we thought to be so we would not have done it. Anti-Semitism is certainly expressed in the play by some of the characters, but of course that doesn't mean that Shakespeare himself approves of what they are saying. They are two other Jews in the play, Shylock's daughter, Jessica, and Tubal; Shakespeare doesn't take any anti-Semitic view of them. But Shylock is a would-be murderer, who refuses to show any mercy to Antonio, the merchant and his intended victim. Those who try to justify Shylock have to work very hard to get round that, though they usually feel that they can do so'<sup>3</sup>.

But there is no common belief even concerning this production of 1981: Patrick Stuart emphasises the universal condition of the alien, the need to liberate the play from any limiting obsessive Jewishness and therefore to rescue Shylock from a mere symbolic status, since he is 'an outsider who happens to be a Jew', and David Suchet, a Jew himself,

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<sup>3</sup>BARTON, John, ed., *RSC in Playing Shakespeare*, London and New York, Methuen in association with Channel Four Television Company, 1984, p. 169.

replies that 'I would say that as Shylock I'm not an outsider who happens to be a Jew but because I'm a Jew. The Jewish element in the play is unavoidable and very important'<sup>4</sup>. Performances find the ways to stress the humanity and loneliness of the Jew among his enemies: the provocation of revellers wearing masks of pig's heads and perhaps sausages on poles, in an outrageous act of sacrilege when Jessica renounces her father and the religion of her nation and her ancestors and elopes from Shylock's house to join Lorenzo, conveniently provided with her father's jewels and riches, in II. 6., Solanio's joyfull report of the Jew's disgrace with the shapes or noises of the vile crowd rejoicing in sadistic outburst in the background, in II. 8., the devastated man, dishevelled and with his clothes in disorder, mad and worn out in distress and suffering before the cynical conspirators, with a hostile crowd threatening him or even harassing and afflicting him, in III. 1., the scene that contains the famous speech 'I am a Jew. Hath not a Jew eyes? Hath not a Jew hands, organs, dimensions, senses, affections, passions? ...'), or, in the same scene, the news from Jessica by messengers in cheer and bliss, or the promptness Jessica abandons his father and the zeal with which she exposes him before his new brethren in the faith<sup>5</sup>. And specially impressive for generations to come was the cry of anguish of Laurence Olivier's Shylock (Jonathan Miller, National Theatre, 1970): after leaving the stage, this excruciating expression of pain of a man deprived of his spiritual life froze the members of the court, who kept

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<sup>4</sup>*Idem, ibidem*, p.171.

<sup>5</sup> See notes to these passages in EDELMAN, Charles, ed. ,*The Merchant of Venice*, Cambridge, Cambridge University Press, 2002, *passim*.

silent for some heavy unbearable moments. Prejudice and discrimination are not to be circumscribed to the active barbarous instinct of destruction given full vent, as depicted in recent European history: ‘...an anti-Semitic work of art as one that portrays Jews in a way that makes them objects of antipathy to readers and spectators – objects of scorn, hatred, laughter, or contempt’, is the definition put forward by Derek Cohen<sup>6</sup>, and I am not impressed by the historically established fact that members of the Jewish community in London at the time were not conspicuous or felt to be a heretic, political, moral or economic threat (by the way, Roderigo Lopez, was suppressed not because his religious or cultural nonconformity but for alleged treason involving the Spanish connection – and, perhaps, for the biased obstinate attitude of the Earl of Essex, a cornerstone of the rigged trial that in 1594 sentenced the Queen’s physician to death – this last note paving the way to some speculation concerning the trial in Act IV in *The Merchant of Venice*<sup>7</sup>). As a matter of fact, the circumspection of a small group without an audible voice, perhaps as alien and improbable as a daily presence as the sensational redskins in comics and Westerns a generation ago, made it appropriate for dramatists to lick the cake and have it: without much risk or fuss, the old scapegoat could be brought to the stage. The subject is obviously relevant to the reading and evaluation of the nature of the central trial scene in the play, and at this juncture one can say that David Suchet has a good point: ‘Shakespeare never lets the audience or the

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<sup>6</sup>Shylock and the Idea of the Jew, in MARCUS, Leah S. , ed. , *William Shakespeare, The Merchant of Venice*, New York and London, W. W. Norton & Company, A Norton Critical Edition, 2006, p. 194.

<sup>7</sup>MOODY, A. D. , *Shakespeare: The Merchant of Venice*, London, Edward Arnold, Studies in English Literature 21, 1964, pp.18-19.



other characters forget the Jewish thing. You only have to look at the trial scene where he's called 'Shylock' only six times but 'Jew' twenty-two'<sup>8</sup>.The word 'Jew' is not dispassionate or neutral in the context of the play, and 'the Jew' as a recurrent address, especially when coupled with 'devil' and 'villain', deprives the addressee of his human qualification and stresses his vulnerable condition of outsider and outcast to be.

Intolerance and distrust mark the very beginning of the action. The thoughtful and melancholy Antonio, possessed with a mysterious despondency his jolly good fellows can only assign to the merchant's anxiety that risks his fortune in so many ships on the capricious sea ('ventures', 'merchandise', 'fortune', and words and expressions of the same semantic area establish the cultural and economic matrix of the society depicted in the play), cannot find a partner among Christian traders to sponsor his dearest friend, Bassanio, in his quest of the golden fleece, the rich, fair and virtuous lady (by that order, in Bassanio's speech, I. 1. 161-163)that waits in the fairy land of Belmont (the place of harmony and supposedly beyond the economic contingency of Venice seems, however, to work as an adamant of riches brought by the many Jasons in competition) for the Prince Charming that may make the right choice among three caskets, marry her and so release her from the bond imposed by her father. Shylock is a last resort, and mutual distaste and old grievances delineate a frame of reference that would made the contract a dubious prospect. The reasons of the creditor are based on

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<sup>8</sup>BARTON, John, *ibidem*, p.171.

religion, hurt feelings of the member of a repressed community and resentment against economic practices that reject and damage usury:

How like a fawning publican he looks.  
I hate him for he is a Christian;  
But more, for that in low simplicity  
He lends out Money gratis and brings down  
The rate of usance here with us in Venice.  
If I can catch him once upon the hip,  
I will feed fat the ancient grudge I bear him.  
He hates our sacred nation and he rails  
Even there where merchants most do congregate  
On me, my bargains, and my well-won thrift,  
Which he calls interest. Cursèd be my tribe  
If I forgive him.(I. 3. 38-49)

Antonio, when reminded of past abuses ('You call me misbeliever, cut-throat dog, / And spit upon my Jewish gaberdine, / .../ You spurned me.../You called me a dog, ...), corroborates with conviction his fervent animosity ('I am as like to call thee so again,/ To spit on thee again, to spurn thee too.'). No mercy when the essence of the enemy would make it a vain gesture ('The devil can cite Scripture for his purpose', the sponsor in the strange bond 'in a merry sport' had said, conjuring a formula of disquieting familiar evocations). For Launcelot Gobbo, Shylock is 'a kind of devil' (II. 2. 20), for Solanio he is 'the dog Jew' (II. 8. 14), for Jessica the house she is about to leave in secret is hell (II. 3. 2), and this abhorrence does not concern the ruthless Jew only ('Here comes

another of the tribe. A third cannot be matched, unless the devil himself turn Jew', remarks Salerio when Tubal enters, at III. 1. 70-71).

## **2. *The Quality of Mercy***

Outsiders have not an easy life in Venice. What would happen to a Jew found guilty of spurning and abusing a Christian? And Jessica, the shrewd unruly daughter that carries her father's jewels in the night, seems not to deserve any kind of social disapproval (Christians rejoice in her success and timely elopement). Crime is not an objective deed in face of the law, and in the trial scene we will know that specific norms apply to outsiders. In the court of Venice drawbacks of justice are exposed with disarming irony. The dialogue between Antonio, the defendant, and the Duke, who is supposed to keep a strict impartiality in the session, lays bare the emotional involvement of the judge –

I am sorry for thee. Thou art come to answer  
A stony adversary, an inhuman wretch,  
Uncapable of pity, void and empty  
From any dram of mercy.

-, Shylock's arrival is met with an act of sheer intimidation – 'Make room, and let him stand before our face.' – and an exhortation which lacks any persuasive force. The 'strange apparent cruelty' of the complainant should give way to 'human gentleness and love' and to a 'gentle answer'. But the obstinate Jew has sworn by the holy Sabbath (the solemn rites and sinister practices in the synagogue are, according

to Cohen, an impressive sign of the anti-Semitic nature of the play), and he invokes his formal privileges granted in the bond (an extravagance that ostensibly jeopardizes non alienable and corporeal property). The court cannot disclaim jurisdiction power and has to respond to the challenge of a cause with the tried and true promise of impending shocking disaster. Antonio himself, under the burden of bankruptcy and misfortune, was well aware of the dictates of formal justice and the unassailable position of his enemy:

The Duke cannot deny the course of law,  
For the commodity that strangers have  
With us in Venice, if it be denied,  
With much impeach the justice of the state,  
Since that the trade and profit of the city  
Consists of all nations. /.../(III. 3. 26-31).

The unrelenting creditor is obsessed in carrying out his prerogatives in court ('I will have my bond'), and his reliance on the pragmatic duty of justice is certainly well founded. 'He plies the Duke at morning and night,/ And doth impeach the freedom of the state/ If they deny him justice, as Solanio reports, and later on he will overtly demand the literal fulfilment of his rights, no matter what the foreseeable consequences may be ('If you deny me, fie upon your law!', IV. 1. 101). And when the Duke is about to dismiss the court and provide the plaintiff full satisfaction, the *deus ex machine* arrives in the form of Balthasar, that is to say, Portia in the disguise of a 'learned doctor' from

Rome. The newcomer is supposed to be the forensic expert summoned to the court to the task of legal textual interpretation, but this expectation will soon be evaded by his surprising authority and assertive behaviour. 'Which is the merchant here? And which the Jew?' seems to go beyond a legal form of address simply devised to confirm identity of the real parties in interest, and since facts are proved, lawfulness of the petition and its penal clause established and jurisdiction power confirmed, a satisfactory outcome of the case would only prevail if Shylock were to show mercy to mitigate the justice of the play, as the disguised Portia urges him to do, in the celebrated passage opening with

The quality of mercy is not strained,  
It droppeth as the gentle rain from heaven  
Upon the place beneath. It is twice blest,  
It blesseth him that gives and him that takes. (IV. 1. 181-184)

The complainant is not willing to attend a lecture – by the way, the calculated discursive structure of Portia's speech insinuates a prearranged attitude, Portia is there with a mission, the merciful conversion of the Jew; Shylock's recent experience is not favourable to such exercises in morals and Christian doctrine, and he had been raised up in a hard-boiled school. If the plaintiff does not relent and assumes with fervour the literal enforcement of the law and the text of the bond – 'My deeds upon my head! I crave the law,/ The penalty and forfeit of my bond.' – and if it is clear and convincing that '...There is no power in Venice/ Can alter a decree establishèd.', IV. 1. 215-216), it is then time

for an appropriate response bringing to the fore the ultimate effects of an obsessive approach. The proceeding will be orchestrated by the talented *agent provocateur* that exposes the clash between the flexibility of the spirit and the sterility of the form, suggestively the contrast between the Old and the New Law. It is certainly ironic that the argument is introduced to a member of a community whose faith and tradition are based on textual exegesis and interpretation, as Jean-Loup Rivière stresses when introducing the French translation of the play<sup>9</sup>, let alone the fact that the principle ‘an eye for an eye, a tooth for a tooth’ so vituperated in the court has historically a sense of moderation and control in retaliation, ‘let not evil to hit your enemy exceed evil done to yourself’; but what impresses readers and audiences is that the triumph of Antonio’s cause is the fruit of the utmost manipulation of formalistic devices: only theatre and performance, that is to say, deceit and usurpation of identity, pave the way to the providential intervention of the astute lawyer. One still keeps in mind that stealing his father’s riches, and eloping from Shylock’s house was not embarrassing for Jessica, only in her ‘exchange’ was any sense of shame to be found (II. 6.).

From then on the forensic expert becomes the attorney, acts by proxy for the defendant’s sake. He had already insinuated in the open pressure on Shylock – ‘Then must the Jew be merciful’, IV. 1. 179 - that a fair trial was not in store for the petitioner. A strange cause, indeed, promiscuous when joining the voices of interested persons and of intruding third parties (above all the impertinent and, in many ways,

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<sup>9</sup>William Shakespeare, *Le Marchand de Venise*, texte français de Jean-Michel Deprats, Sand, Comédie Française, Le Répertoire, 1987, p. 8.

infamous Gratiano, or even an involved crowd taking sides for ‘poor Antonio’, directions can make much of the scene). The authority of this young doctor in law is made conspicuous in the way he goes without the judge and addresses directly one of the sides: ‘Tarry a little, there is something else.’ (I. 1. 202), he warns peremptorily, before introducing the restrictive conditions of the enforcement of the Jew’s prerogative and the legal frame of the bond’s execution. An old aphorism states that a bad deal may sometimes be preferred to a good verdict, and the composition of differences in court is very often the outcome of delicate ponderous negotiation, but this case requires an expedient move, ‘To do a great right, do a little wrong’ (IV. 1. 213), as Bassanio asks the Duke. The defendant surrenders himself to his fate, the complainant refuses to accept twice and thrice his money, and horror seizes the court when the victorious petitioner sharpens his knife. Sophistry and the imposition of unfeasible prerequisites, duly served by the most formalistic legal support, will do the job. The apparent solid case had made Shylock go both without any *exordium*, since the judge and the court would not need to be ingratiated, and *narratio*, given the unassailable position of the issue: he just reaffirms his case with a hubristic confident *confirmatio*, as Quentin Skinner suggests<sup>10</sup>. And so Antonio, this way protected by the improbable attorney, and Shylock, still self-dealing, and now interrogated by what seems the arts of a hostile prosecutor, change places in the court design and the nature itself of the cause changes. The issue was at first a mere *constitutio juridicalis*, obvious in its form and

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<sup>10</sup>SKINNER, Quentin, *Forensic Shakespeare*, Oxford, Oxford University Press, 2014, pp. 212-213.

meaning, but it becomes a *constitutio legalis* or *legitima*, requiring interpretation and exegesis<sup>11</sup>. It is now a penal case and the Jew is the culprit when discrimination against outsiders is finally invoked:

It is enacted in the laws of Venice,  
It be proved against an alien  
By direct or indirect attempts  
He seek the life of any citizen, ... (IV. 1. 345-348).

The verdict is supposed to acclaim the quality of mercy, that is not constrained, in Portia's speech, but this persuasive intention clashes against the parody of forgiveness and good-will: 'Down therefore, and beg mercy of the Duke' (IV. 1. 360). Wayward path and crooked ways: 'I was never yet more mercenary', will Portia say later, in a suggestive play of 'mercy' and 'mercenary'<sup>12</sup>. As a matter of fact, the case and complainant's response could have been lead in a very different way:

'If Shylock had been told at the outset of the criminal liability he faced under the statute, he would have torn his bond and left the court. But he did not have the guidance of Portia's voice. Just as Portia entices Bassanio toward the correct physical casket of lead, she entices Shylock away from the correct rhetorical casket of mercy. We begin to wonder if any choice can be made in Portia's presence that is inconsistent with her will'.<sup>13</sup>

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<sup>11</sup>About this distinction, *vide* SKINNER, Quentin, *ibidem*, pp. 54-55.

<sup>12</sup>MOODY, A. D. *Shakespeare: The Merchant of Venice*, London, Edward Arnold, *Sudies in English Literature* 21, 1964, p.12.

<sup>13</sup>YOSHINO, Kenji, *A Thousand Times More Fair, What Shakespeare's Plays Teach Us About Justice*, New York, HarperCollins Publishers, 2011,P.46



And what perhaps ‘muddles the scheme’ of an episode of attempted redemption is that it is theologically unsound that the rooted nature of a devilish beast of prey may change by any act of conversion. Even Jessica, that replicates in a more substantial expression as a character traditional partner figures of the old malignant father, like the simpleminded Abigail, Baraba’s daughter, of *The Jew of Malta*, and that can only be virtuous by becoming a Christian, would be a difficult case in face of doctrine and stereotype, requiring an obstinate exercise in emphasizing differences and overcoming resilient cultural representations, as Mary Janell Metzger convincingly argues<sup>14</sup>. Was the audience interested in putting in perspective the logic and rigged technicalities of such a court? Or in scrutinizing the substantiality of the conversion of Shylock? Perhaps not. Assuming that Shakespeare’s following the rules of rhetoric by the book was forcibly attached to an interpretative exegesis forced upon audiences is not a very convincing view, it is perhaps appropriate to take into account the illuminating force of historical context and quote David Wotton’s scepticism concerning Quentin Skinner ingenious book:

‘It would be helpful here to consider some of the basic principles of the English law in Shakespeare’s day. There were as yet no rules of evidence: hearsay evidence, for example, was admissible in court. There was no “beyond reasonable doubt” test, and indeed no legal presumption on innocent until proven guilty. The prosecution was under no obligation to produce witnesses for

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<sup>14</sup> ‘Now by My Hood, a Gentle and No Jew’: Jessica, *The Merchant of Venice*, and the Discourse of Early Modern English Identity, *Publications of the Modern Language Association of America*, volume 113, number 1, 1998, pp. 52-63.

cross-examination: Sir Walter Raleigh was found guilty of treason on the evidence of a single witness who was not produced in court. Witnesses for the prosecution testified on oath; those for the defense did not. Prisoners had no right to know the evidence against them before trial (the key piece of evidence against Raleigh was sprung on him during the trial), no right to representation, and no right to speak last in their own defence. Trials lasted at most a few hours, often only a few minutes. No wonder Raleigh referred what he called “the cruelty of the laws of England”<sup>15</sup>.

Shylock is then not punished for disrespecting the rituals of forensic speech and the dignity of the court. That would perhaps exempt representation of law and verdict of any suspicious tinge and give some substance to the comforting idea that the play is a work of open interpretative configuration; and the anti-Jewish parable would find in farce a weighty mitigating circumstance. In a way the text is an accomplished version of Shakespeare’s dialogic imagination: its fortunes, good or bad, display a huge range of contradictory possibilities. The tripartite balance that joins the choice of the three caskets, Shylock’s three options in court and the three rings (belonging to Nerissa, Portia and Shylock), that Kenjy Yoshino sees in the action of the play, tend to favour an accepted tradition of folk-lore and to legitimize the exorcism of the kill-joy<sup>16</sup>. However, the face of the hero does not easily merge into the abstract construction of a psychological type, it goes, sometimes unpredictably, well beyond those reassuring limits. This is the

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<sup>15</sup>WOTTON, David, ‘No Justice, Varied qualities of argument when an intellectual historian turns to Shakespeare’, *The Times Literary Supplement*, December 12, 12 2014, No. 5828, p.4.

<sup>16</sup>YOSHINO, Keny, *A Thousand Times More Fair, What Shakespeare’s Plays Teach Us About Justice*, New York, HarperCollins Publishers, 2011, pp. 41-42.

predicament of comedy and the dilemma of successful popular commercial theatre: nasty boys throw the stones in jest, but frogs die in earnest, as the oriental proverb says. And Shylock's long irregular course has made him a central myth in Western culture and imagination, as John Gross eloquently illustrates<sup>17</sup>. Derek Cohen gives voice to this disturbing feeling:

'The most troubling aspect of the contradictory element of *The Merchant of Venice* is this: if Shakespeare knew that the Jews were human beings like other people – and the conclusion of the play suggests that he did – and if he knew that they were not *merely* carriers of evil but human creatures with human strengths and weaknesses, then the play as a whole is a betrayal of the truth. To have used it as a means of eliciting feelings of loathing for Jews, while simultaneously recognizing that its portrayal of the race it vilifies is inaccurate or, possibly, not the whole truth, is profoundly troubling. It is as though *The Merchant of Venice* is an anti-Semitic play written by an author who is not an anti-Semite – but an author who has been willing to use cruel stereotypes of that ideology for mercenary and artistic purposes'<sup>18</sup>.

Shades of tragedy haunt this comedy, and this highlights the homology established between performance as interpretation and jurisprudence as exploration and fixation of meaning. Actors and directors struggle for appropriate or credible significance inscribed in words and texts: this is their case law; judges and jurists in their forensic

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<sup>17</sup>*Shylock, Four Hundred Years in the Life of a Legend*, London, Chatto&Windus, 1992.

<sup>18</sup>COHEN, Derek, 'Shylock and the Idea of the Jew', in MARCUS, Leah S. , ed. , *William Shakespeare, The Merchant of Venice*, New York and London, W. W.Norton& Company, A Norton Critical Edition, 2006, p. 206. In the same way, Arnold Wesker on commenting his choices in *Shylock* : 'The portrayal of Shylock offends for being a lie about the Jewish character. I seek no pound of flesh but, like Shylock, I'm unforgiving of the play's contribution to the world's astigmatic view and murderous hatred of the Jew', WESKER, Arnold, *The Journalists, The Wedding Feast, Shylock*, London, Penguin Books, Penguin Plays, 1990, p.179.

practice and in legal exegesis, both in the field of the Roman Law and in the scope of the Common Law, activate their creative proficiency in the search of the law of the case to make sense of the opacity of the rule or the vagueness of textual formulation. Extensive application and analogical interpretation within the limits and rationale of the law pave the way to the overcoming of formalistic drawback. Rhetoric, performance, and the pursuit of textual meaning in *The Merchant of Venice* tend, after all, to illustrate the same dialectics of justice and mercy.

## **Bibliography:**

BARTON, John, ed. , *RSC in Playing Shakespeare*, London and New York, Methuen in association with Channel Four Television Company, 1984.

BRISTOL, Michael, *Carnival and Theatre: Plebeian Culture of Authority in Renaissance England*, New York and London, 1985.

BROWN, John Russell, ed. , *The Merchant of Venice*, London, Methuen & Company, The Arden Shakespeare, 1976.

COHEN, Derek, 'Shylock and the Idea of the Jew', in MARCUS, Leah S.ed. , *William Shakespeare, The Merchant of Venice*, New York and London, W. W. Norton & Company, A Norton Critical Edition, 2006, pp. 193-206.

EDELMAN, Charles, ed. , *The Merchant of Venice*, Cambridge, Cambridge University Press, 2002.

GROSS, John, *Shylock, Four Hundred Years in a Life of a Legend*, London, Chatto&Windus, 1992.

METZGER, Mary Janell, "Now by My Hood, a Gentle and No Jew' Jessica, *The Merchant of Venice*, and the Discourse of Early Modern English Identity', New York, Publications of Modern Language Association of America, volume 113, number 1, 1998, pp. 52-63.

MOODY, A. D., *Shakespeare: The Merchant of Venice*, London, Edward Arnold, Studies in English Literature 21, 1964.

RIVIÈRE, Jean-Loup, *apud Le Marchand de Venise*, textefrançais de Jean-Michel Deprats, Sand, ComédieFrançaise, Le Repertoire, 1987.

SKINNER, Quentin, *Forensic Shakespeare*, Oxford, Oxford University Press, 2014.

WESKER, Arnold, *The Journalists, The Wedding Feast, Shylock*, London, Penguin Books, Penguin Plays, 1990.

WOOTON, David, 'No Justice, Varied qualities of argument when an intellectual historian turns to Shekespeare', *The Times Literary Supplement*, December 12, 12 2014, N° 5828, pp. 3-5.

YOSHINO, Kenji, *A Thousand Times More Fair, What Shakespeare's Plays Tell Us About Justice*, New York, HarperCollins, 2011.