

Theme of Justice Versus Mercy in *The Merchant of Venice*

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Abstract: *In this paper, the most dramatic scene of *The Merchant of Venice* is discussed. It examines the use of language, structure and the thematic elements of justice and mercy used by Shakespeare. It can be used to show how similar conflicts can arise in other plays (*Hamlet* and *Othello*) and to give an example of how Shakespeare's ideas of the interaction between divine grace and human judgement evolve. The research, through comparative analysis, attempts to demonstrate that, for Shakespeare, justice without mercy is insufficient, mercy without justice is idiotic and justice and mercy must continually interact with each other. *The Merchant of Venice* is one of Shakespeare's most profound works exploring the concepts of justice and mercy in the Western literary canon. All of these important conflicts above hinge upon the relationship between these ideas, particularly the dramatic courtroom scene. Shakespeare explores the boundaries of human law, the moral dilemmas of mercy and the ever-present social prejudices that obscure the pathway to justice through his characters, particularly Shylock, Antonio and Portia.*

Keywords: *justice, mercy, Legal paradox, revenge, courtroom, dual concepts, hypocrisy.*

1. Introduction

The most graphic example of the opposition of severe justice and compassionate mercy in Shakespeare's play *The Merchant of Venice* is in Portia's courtroom speech, in which she asserts that pity is "twice blest" and divine in origin, one that is in direct conflict with Shylock's appeal to the hard text of the law [1]. The theme is manifested in his works: in *Measure for Measure*, the secret intrigues of Duke Vincentio are used to test the severity of the laws of Vienna; in *The Winter's Tale*, Leontes, after a vindictive judgement, ends up forgiving himself and his wronged Cordelia; Hamlet is faced with a moral dilemma of vengeance versus pardon when Hamlet stops Claudius from his sinful act as he kneels in prayer; *Othello* is the tragedy that ensues when mercy is not a guiding principle; and *King Lear* ends with Lear's painful and belated embrace of mercy for Cordelia [2].

Here too Shakespeare is continually posing the question of how laws without mercy can become cruel and mercy without law can become lawless; and, in the end, of the necessity for the marriage of the two. *The Merchant of Venice* was written by William Shakespeare in the latter half of the sixteenth century [3]. In every way it is an important work in the annals of English literature. The play is a blend of comedy and tragedy, and offers a deep understanding of a multitude of complex human emotions. The fortunes of Venice's key protagonists are interwoven in a complex web of conflicting social and religious encounters in the vibrant and bustling commercial and cultural town. The topics of love and friendship, justice and mercy, religious and social inequality are briefly addressed. The characters are as varied as Antonio the Christian trader, the avaricious ostracised Jew Shylock, and the witty, strong lady Portia (Gross 88) – and this drama is about human feeling and the problems that accrues from cultural and religious divisions.

Furthermore, the historical and social context of the play is reflected in *The Merchant of Venice*, where Jews and Christians clashed and discriminated against each other. Shakespeare through his play, makes us realize how those tensions can lead to tragic consequences and this is why this play is not

only a piece of art, but also a form of societal critique, issues that are still pertinent today [4]. Shakespeare's *The Merchant of Venice* is one place where two intertwined, but often opposing principles—justice and mercy—have become entrenched. A complex moral and legal dilemma on behalf of the characters (and the audience) is the issue of the balance between the harshness of legal retribution and the humanitarian quality of forgiveness [5]. Shakespeare narrates a tale of characters such as Shylock, Portia and Antonio, all of whom brings to light erraticities of the law and subjectivity of pity. This article examines the play's themes of justice and mercy, considering how Shakespeare manipulates legal and moral discourses and dramatic structure to question the very nature of fairness and humanity.

2. Methodology

1.2 About the Play

Indeed, one of William Shakespeare's most popular dramas is “*The Merchant of Venice*,” the core of which focuses on some of the most challenging and singular human subjects: love, justice, identity and discrimination. It is set in 16th-century Venice, where the lives of its characters have crisscrossed in a system of fraught social and religious relations. This tale begins with Antonio, a downcast and unconfident Christian merchant who is extremely loyal towards his friend Bassanio. He's determined to marry the wealthy young Portia. But Bassanio has to raise money to travel to Belmont and he has to look to Shylock, a Jewish moneylender, who is described as being greedy. The loan reveals the characters' conflicts and challenges the social and economic values of the individual.

Shylock, a victim of discrimination and persecution because of his religious background, is willing to loan Antonio the money, but he has one cruel contingency: If Antonio cannot pay the debt on time then Shylock shall take Antonio's "body" in return (Shakespeare, *Merchant*, 142-145). Shylock voices the sentiments of persecution felt by being a Jew in a Christian society, to make him more complex than the caricature of greed. But trouble starts brewing when Antonio is threatened for his failure to repay the bill. Portia is at her wittiest and bravest in this scene. Prior to the famous courtroom scene she is clad as a lawyer and defends Antonio before the court. Portia outsmarts Shylock, and asks him a few straightforward questions regarding justice and generosity. She is the embodiment of the redemptive power of kindness, she is the one who embodies the belief that justice, if not precise, can at least be compassionate.

The play throws obstacles in the way of Bassanio and Portia, but at the conclusion they overcome them. But the evil consequences of Shylock's actions are felt by himself. The novel itself has many mysteries of identification and tolerance that are not resolved, most of the difficulties are solved before the end of the novel. The Elizabethan era was a hierarchical culture, a time of severe law regulations, in which order and governance was highly valued. At this time, justice was still retributive, centred on the ideals of punishment and enforcement. Forgiveness and kindness were also highly stimulated by Merciful Christian concepts which were clearly expressed in the religious rules. The dual framework illustrating the tensions between secular law and Christian morality is seen in Shakespeare's *The Merchant of Venice*. The play's legal proceedings paralleled the discussion of the day about the impartiality of the judicial system and their treatment of non-natives, such as Jews.

1.3 What does 'justice' mean?

In the case of justice, the subject is very complex, as Shakespeare has to lead us back to the genesis of justice, and consider whether justice, like morality, is ever objectively determinable. The word justice is divided into: Fairness in dealing with individuals; Morally right or just a state of being; The legal system by which persons are assessed and punished. The wordings here are somewhat paradoxical. Throughout history, the religious, social and political values of the times of a given nation/civilisation define the limits of what is 'morally fair'. However, do the 'systems of laws' that are

being constantly changed always match the rules of 'moral fairness'? Moreover, isn't it just as well if it's legal?

1.4 The Context of The Merchant of Venice - The Historical Background

The Elizabethan Period was an age of stern law. Society was in order, and it appreciated order and control. Justice was mostly retribution then. It was about punishment, about enforcing rules. At the same time, the principles of mercy as taught by Christianity were also emphasised, especially in religious doctrine that preached forgiveness and compassion. And in this context, Shakespeare's *The Merchant of Venice* is caught up in the clash of secular law and Christian morality. The play's legality resonates in modern disputes over judicial impartiality, especially in the treatment of outsiders like Jews, and reinforces the societal fears of the time.

1.5 Shylock and the Legal Interpretation of Justice

Meanwhile, the Jew moneylender Shylock exemplifies the relentless exercise of justice built upon the letter of the law in the form of a contract. Indeed, his desire to be allowed to cut off Antonio's pound of flesh is a cruel faith in the legal system as an instrument of accuracy, a system in which agreements remain agreements and must not be altered under any condition. Shakespeare complicates Shylock's concept of justice by exposing its weakness. Fairness is not justice if it has no mercy. The play shows a paradox in justice by not allowing Shylock his legal due process, and then depriving him of his fortune and even his religion. Justice is both shield and sword, protecting the upright and beating down the hated.

3. Results and Discussion

1.6 "The Jewish problem in pre-Enlightenment England."

Both are two sides of a coin, so to speak. "In the play, they are reflected as a basis for opposite sides (the Christians against the Jews) in lodging their attack." There was a substantial amount of stereotyping, in society, of Jews. It is the Christians' victory in a "fixed" race that we see. It's all about words and legalese and not about fair judgment and equitable justice. However, a Jew suffering 'unfairly' would not have displeased the Elizabethan audience. From the 1290 Edict of Expulsion by Edward I to re-populate England with the entire Jewish population. After that, the Jews' role in English culture was concealed and restricted. Jews started to re-enter English society, at least a little, only after Oliver Cromwell's efforts to make religious practice open to all in the 1650's.

Shakespeare (d. 1616) was unlikely to have known any Jew. This was also the case with the playgoers of Shakespeare's day [6]. Jews of that time were not seen as really human, with flesh and blood or, in Shylock's famous words, "hands, organs, dimensions, senses, affections, passions", but rather as a vague, vilified stereotype in the cultural imagination (Shakespeare, *Merchant*, 50-52). Most sources agree that Shakespeare was probably not a 'racist' or an 'anti-Semite', however, in his exploration of the idea of justice, he used a Jew as a figure of "extreme cruelty". Maybe politics had something to do with it: in 1594, Elizabeth I's doctor, Roderigo Lopez, an ethnically Jewish converso was slain on charges of conspiring to assassinate the Queen. When the Jew was publicly executed at Lopez' there was no sympathy, but the coarsest and cruellest jeers for his declaration, "I loved the Queen as much as I did Jesus Christ,"

1.7 Justice is not always given by the rule of law.

One of the strangest aspects of the play is just the confidence that Shylock has in 'the law'. But it appears that Shylock has trust in the fairness of the Venetian legal system, despite the fact that he is aware that anti-Semitism is rife in the blood of Venice. We all know that law is not a collection of objective rules one can use for decisive judgment or justice, but a type of law that requires subjective interpretation, skilled litigation, and significant contextualisation.

Most of the Jews who were around in that time would have been very clever not to expect that Christian justices would give them a fair sentence, and they would surely have been Christians,

because the word 'fairness' is literally the letter of the law, and the natural prejudice of the Venetian Christians towards Jews [7]. In Act 2 Scene 8 Salanio relates the story of Shylock's pursuit of justice in the law, and mocks the usurer's rage at losing his daughter and his ducats. Keep in mind that these are alleged statements of a Christian, and anti-semitic one at that, so the validity of these statements is dubious. But Salanio is a characteriser of Shylock for mockery. Revealingly, he thinks Shylock's enthusiasm "so weird," In what ways is Shylock's response un-natural? Indignation at his daughter's theft and desertion is nothing "strange," about a father, after all.

1.8 Justice is a socio-economic need

It has been believed that in a liberal democracy, people have values, and therefore, in order to maintain a liberal democracy, there is a need for justice. It is also similar to human rights, liberty, equality, etc, all the principles of the Enlightenment that did not take in until the 17th century. But justice in the Renaissance was something that could not be isolated from God and, more significantly, a result of divine judgement (Maus 64). The 'just' would be Christian theology, but the concepts of 'justice' were quite varied in the Hebrew Old Testament, and the Christian New Testament [8], [9].

1.9 Is justice of the 'eye for an eye' sort, as prescribed in Deuteronomy and reflected in the Book of Exodus?

Or the 'turn the other cheek' type as Jesus commands us in his Sermon on the Mount? For Shylock, who is in essence referring to the Old Testament, it is his God-given right, under the Old Testament, to demand retributive justice, especially because his 'pound of flesh' bond was, in the first place, a bond agreed to by the opposite party, Antonio (Maus 68). He demands that Antonio perform the contract, and nothing is wrong with that, but it appears that he is attempting to get Antonio's body out of spite, hate and a desire to punish all the misfortune that has befallen him at the hands of Antonio's Christian merchant [10]. The notion of Shylock's use of the Christian law against a fellow Christian, and that he gets to see this when a Jew is marched off to the corner of society, is even more than schadenfreude; it's God's way of vindicating him, his only chance for justice on his own terms.

1.10. Victory favors victors, not victims

In perhaps one of the two most famous speeches in Merchant, the other being Shylock's 'Hath not a Jew eyes' soliloquy, Portia's impassioned plea for "the quality of mercy" is a powerful endorsement of the primacy of benevolence. It's a rhetorical tour de force of great power and one that, even the most fervent defenders of Shylock can't refute (Bloom 58). But at the same time, it does unearth a major flaw at the core of Venetian justice. It shows the difference in fundamental understanding between a Jew and a Christian and is a conversation between Portia and a Jew. Justice is not punishing, but merciful. It's a part of God himself. But, of course, this God (Portia's God, not Shylock's God, the wrathful Yahweh of Abraham, Lot, Sodom and Gomorrah, but the forgiving God of Jesus Christ) is a God who transcends the chilling, sinister and inhuman world of Shylock. For Judaic soteriology, the salvation is of the Jewish people, and not Portia's "salvation," foreign to Shylock. And, indeed, Shylock's quest for justice (Christian's flesh) is not a matter of legalistic devotion, but also one of ethnic revenge in part [11].

That's why, says Portia, "All her words seem to be lost on deaf ears, spoken thus much. "My deeds upon my head!" howls Shylock. My love of law; We discover that all Portia's eloquence is gibberish to the Jew." Therefore, despite all Portia's rhetorical prowess shown here, she is an ineffective communicator, since she uses too much Christian imagery, and the language isn't familiar to the audience she is trying to persuade (Kermode 84). After asking for mercy, it's obvious that it's strange that Portia should pass a cruel and vengeful verdict on Shylock. Lexical attention will allow her to use the semantics of the law and take the advantage from her Jewish opponent. It's hard to imagine any rule that would be more whimsical than permitting somebody to cut into a person's flesh and not making any inference that any blood would flow [12].

However, that was not Shakespeare's purpose, primarily, in having his audience consider the semantic gaps in Venetian law. What he actually wants more is to give his Christian audience a victorious walk away to have them leave the theatre having enjoyed the politically correct “last laugh” (Brown 214), so to speak, as he would air-brush his message to make it politically correct. However, Shakespeare is not only pandering to the masses, but he is pointing us towards the unequal justice that underpins the system of law in a strongly biased society which only ever grants the 'others' (the marginalised) this thin veil of protection (Dollimore 170). It is not surprising that a society operating on the principle of the majority identity or belief (Venetian Christians) should have its persecuted (Jews) doubly determined to seek their own path of justice or doubly vehement that their wishes be honored when there is an opportunity to do so. However, as history has proven, the underdogs don't always come out victorious. If the idea had not been made sufficiently plain earlier that Shylock is the 'other', the 'foreign', the 'Jew' in the play, our sense of his otherness is further reinforced by the 1623 First Folio, which changes Shylock's name suddenly to the racial tag - 'Jew' - as he enters the court scene [13], [14].

1.11 The Merchant of Venice: Justice and Mercy

“Revenge,” replied Francis Bacon, a contemporary of Shakespeare, “is a kind of wild justice.” When a private individual takes “justice” matters into his own hands, he is not following the formal system of justice. However, 'wild justice' suggests the revenger is operating according to a 'higher law'. The state is supposed to be charged with administering justice, but when the revenger believes the state isn't going to or can't, he takes matters into his own hands. There is an overlap between law and revenge, as people are in theory entitled to take revenge, but it is also unlawful. The law and retribution go hand in hand in the demand that Shylock makes for Antonio's ‘pound of flesh’. He avenges himself on Antonio by operating within the strict letter of the law in the Venetian system of justice [15].

In Act 4, Scene 1, the scene in the courtroom, both the Duke and Portia make arguments for mercy rather than law or revenge. Shylock does not accept or tolerate mercy at any time. The Christians boast of showing mercy to Shylock in the end by not killing him. When they do, Shylock himself calls for death. Not only is his religious identity taken from him but also all his belongings have been confiscated (which would also imply that he could not work as a money-lender, as Christians were not allowed to practise usury). What does he have to live for? This raises the issue of who is merciful and who is not. Justice is a significant theme in the play, especially in the trial scene between Shylock and Antonio. Shylock's character is greatly affected by the laws of society, whilst Portia's line of reasoning is that something must be kind and compassionate for it to be just. This issue is developed in the big trial scene, a mixture of rigorous laws against humanist principles. In the midst of the battle, here Shakespeare poses questions of justice and whether the rules are created according to morality [16].

1.12 Love and Friendship

One of the principal elements of the theme is love – the play deals with numerous forms of love amongst the characters. Bassanio and Portia are able to overcome all the social and financial barriers and become lovers; Antonio and Bassanio's relationship mirrors the worth of a solid friendship. The play depicts love as one of the greatest motivators to sacrifice oneself or to alter oneself. But there can be disputes and misery in love too.

1.13 The Courtroom Scene

The highlight of Shylock's battle is the famous courtroom scene in which he demands his legal right to Antonio's “body” as a means of recovering his debt. Law and morality may here clash to a large extent. Shylock is trying to obtain justice in his own cause, and yet, he shows the harshness of laws. This scene challenges conventional ideas of justice and Portia stands in contrast to this, devoted to administering justice with compassion. However, Shylock is certainly one of the most interesting

characters in Western literature. He's quite emblematic of the problems most minorities face within their cultures. His human complexity raises concerns regarding identity, prejudice, and justice. The true depth of the play can be seen through Shylock and how it represents social and theological difficulties that remain today.

1.14 The Dual Concepts Defined

Justice within the confines of Shakespeare's play is the letter of the law. Shylock's bond is a legal contract which gives him the right to take a pound of Antonio's flesh if he defaults on the loan. Mercy, on the other hand, is an option to temper hard justice with compassion: as Portia says, "Mercy is above this sceptered sway; It is enthroned in the hearts of kings" (Shakespeare, Merchant, 191-192). The Christian characters consider mercy as their doctrine, but they need to try to turn to the very legal system which grants Shylock his claim (Maus 74).

1.15 Portia's intercession

The pound of flesh which Shylock demands from Antonio, is prevented from being granted by Portia, in disguise as the lawyer Balthazar, who then delivers her famous speech on the 'nature of mercy'. "Kindness is a godly quality that uplifts both the giver and the receiver," she explains. "Terrestrial courts are to administer 'impartial justice,' she said, but the greatest virtue in human relations is to temper that justice with mercy, which 'falls like the gentle rain from heaven'" (Shakespeare, Merchant, 182-183). Portia, disguised as a scholarly young male lawyer, Balthasar, enters the court and proceedings in Venice. Her disguise is essential to her intervention, and it suggests the power of gender and social roles to influence direct access to justice in the setting of the play, and of Shakespearean England.

1.16 Portia's Role in Advocating Mercy

Mercy is Portia's theme throughout the play and Shakespeare provides us one of his most exquisite speeches: 'The nature of mercy is not strained; It droppeth like the gentle rain from heaven Upon the land beneath. But the rules of law are here rigorous while kindness is a heavenly virtue. However, Portia reveals that she has inner struggles when dealing with this ideal. She preaches mercy, but then manipulates the law to justify Shylock's murder. The drama looks at the difficulties of justice when the search for mercy outweighs the search for punishment.

The spectator is also invited to reflect on the nature of compassion and the effects of using power, even with good intentions, as the main characters struggle with their own moral difficulties. The characters' internal battles are a reflection of the complexity of human feeling and the often grey lines that divide right and wrong (Garber 428). At the heart of it, it asks us to consider whether or not real justice can ever exist in a world of bias and personal vendetta. Through legal procedures and by wearing men's attire, she works out a result that takes away Shylock's claim; it also takes away his dignity. This poses important ethical issues: will mercy be extended only to those within the hegemonic social frame? And will Shakespeare finally approve mercy, or does he disclose the limits of mercy?.

1.17 Shylock's Right by the Law

Shylock has become the archetype of hard-headed justice; he requires the letter of his bond and he will not accept mercy, which he considers to be a sign of weakness. His refusal to consider any monetary reparation emphasizes the play's portrayal of justice without mercy as cruel and self-destructive.

1.18 Antonio and the Hypocrisy of Christian Compassion

Antonio's persona, who was supposed to exemplify Christian charity, is a critique of selective compassion. Antonio spits on Shylock and makes a public spectacle of him, yet pleads for compassion when he is about to die. His conversion exemplifies the overall duplicity of Venetian society, in which justice is severe to outsiders, and charity is given to insiders in the name of Christianity. To quote Shakespeare's Antonio, "mercy, if it be shown, is no more than the perversion of justice". This conflict

exposes the dishonesty of cultural rules and invites the observer to reflect on the validity of compassion when it is predicated on social hierarchy. Ultimately, Shakespeare makes us think about the morality of our prejudices and what real compassion is in a divided society.

1.19 Legal paradox - How to resolve it?

Portia saves Antonio by invoking the letter of the law, telling Shylock he can have his pound of flesh, but not a drop of Christian blood, a condition that, in actuality, renders it all impossible. Legal cleverness gives way, in the last act, to mercy: Antonio will survive, Shylock will be punished, and the court is reminded that pity tempers justice.

1.20 Shylock's Comparable Work (Hamlet)

Shakespeare's continual research into the topic of justice versus mercy as the foundation of human and political ethics is present in *The Merchant of Venice*, as it is in its sister play. His demonstration that the rules, although providing the required order, must be tempered with compassion if true justice is to be attained--a point as crucial today as in Elizabethan times. *Hamlet* does not kill Claudius because he is afraid to kill him as he is praying, so that the recompense for Claudius's death would be a guaranteed trip to heaven, and that he would be deprived of a right fate. There is a tension between revenge/justice and the potential of mercy, which forces both the monarch and the audience into moral judgment.

1.21 The Trial Scene: A Legal and Dramatic Turning Point

This scene of the trial represents the climax of the drama of justice and mercy. The law that Shylock exploits first to empower himself is now the factor that will bring about his downfall. The tension in the scene is a criticism by Shakespeare of the way that legal systems claim to operate on the basis of neutral principles but actually operate on the basis of biased principles. The irony of it all, now the one who wanted severe justice is condemned by it- that is certainly the general message the play projects- that true justice can not be fulfilled without mercy, yet sometimes mercy itself is imposed by power dynamics and not driven by compassion.

1.22 Critical Interpretations and Contemporary Relevance

Since its first appearance, *The Merchant of Venice* has been the subject of scholarly controversy over its ethical difficulties, especially its portrayal of Shylock and its themes of justice and mercy. The play is by some taken as a warning against the rigidity of legislation. Others see it as validating the stereotypes that kindness is a Christian and justice a Jewish attribute. Today, several readings deconstruct the play in terms of institutional injustice, legal ethics, and racial discrimination. The very fact that Shakespeare's work is so easily adaptable to evolving societal issues is a reminder of its pertinence.

4. Conclusion

1.23 Final Comments

In the end, *The Merchant of Venice* delivers a subtle reflection on the link between justice and mercy, questioning conventional concepts of fairness. In both cases, we see all the instability: justice without mercy is not human, mercy without justice is favouritism. But Shakespeare creates a tension for his audience that is never resolved. Is there such a thing as a just and equitable society, or are justice and mercy always in conflict? This topic remains as pertinent today as in Elizabethan England, and it guarantees the timelessness of *The Merchant of Venice* as a confrontation with ethical complexity.

Shakespeare, in *The Merchant of Venice* and the plays dealing with justice and mercy, is deeply concerned with the moral ambiguities of human civilisation. Through the beautiful advocacy of Portia, the legalistic hardness of Shylock, the false harshness of Angelo, and the late softness of Lear, Shakespeare tells us that justice without mercy is cruelty and mercy without justice is moral chaos. He urges his listeners to consider how laws, social norms, and personal ethics come together to create

fair outcomes. This constant motif of “mercy season justice” characterises the moral paradigm of his comedies and tragedies and also connects to modern issues about legal reform, social justice, and restorative ethic. Future studies should explore the connections between Shakespeare’s ideas on mercy and justice and the developing worldwide conversations on law, human rights, and cultural heterogeneity, thus keeping Shakespeare alive in ethical thinking across a range of fields. This research could be a means of becoming more conscious of how literature is involved in present debates about morality and justice. By translating the insights of Shakespeare to the problems of today, researchers may unearth eternal principles that relate to the current need for fairness and compassion in society.

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