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View of Justice in Shakespeare's the Merchant of Venice and Measure for Measure

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ESSAY

A View of Justice in Shakespeare's *The Merchant of Venice* and *Measure for Measure*

I. INTRODUCTION

Shakespeare has intrigued people for centuries because his work has captured the universal moral tension within the human condition. His views on the law, especially in *The Merchant of Venice* and *Measure for Measure*, are fascinating and compelling because society has continually struggled with what it means to be "just." Human weakness has often undermined justice in society because people have subverted the law to their own nefarious ends. Conversely, society has become more "just" when people have used the law to help others more than they help themselves. Shakespeare addresses society's administration of justice in *The Merchant of Venice* and *Measure for Measure*.

In *The Merchant of Venice* and *Measure for Measure*, Shakespeare focuses on the fountain from which justice flows: the human soul, the birthplace of conscience. Shakespeare's language is a window into our hearts. This window offers lawyers an opportunity to see how "mercy" aids the cause of justice. As Alexis De Tocqueville wrote, "The best possible laws cannot maintain a constitution in spite of the *manners* of a country; whilst the latter [*morals*] may turn to some advantage the most unfavorable positions and the worst laws."[1] Shakespeare's ideas about justice help lawyers understand the interplay between "mercy" and "justice." For a "lawyer without history or *literature* is a mechanic, a mere working mason; if he possesses some knowledge of these, he may venture to call himself an *architect*."[2]

In reflecting upon *The Merchant of Venice* and *Measure for Measure*, I will first mention some introductory material on Shakespeare and his work. Second, I will give a brief overview of Elizabethan law and Shakespearean comedy. Third, I will focus on the idea of justice as expressed in *The Merchant of Venice* and *Measure*

1 ALEXIS DE TOCQUEVILLE, DEMOCRACY IN AMERICA, vol. 1, ch. 17 (Henry Reeve trans., 1862) (emphasis added).

2 SIR WALTER SCOTT, GUY MANNERING, ch. 37 (1st ed. 1906) (emphasis added).

for Measure. Fourth, I will review how a 1994 Royal Shakespeare Company (RSC) stage production of *The Merchant of Venice* and a 1990 British Broadcasting Company (BBC) television production of *Measure for Measure* have incorporated the "mercy" is "justice" theme. Finally, I will conclude with a few thoughts on Shakespeare's message to those in the law.

II. THE RELEVANCE OF SHAKESPEARE

After Alexis De Tocqueville toured nineteenth century America, he commented on American society's reading habits, "There is hardly a pioneer's hut which does not contain a few odd volumes of Shakespeare. I remember that I read the feudal drama of *Henry V* for the first time in a log-house."[3] Today, one might wonder whether De Tocqueville could find Shakespeare's works in an equal proportion of American homes, but nonetheless, many Americans have heard, read or seen some of Shakespeare's work during their lives. Recent film productions of *Much Ado About Nothing* and *Henry V* have utilized advanced entertainment media to bring Shakespeare to a huge, movie theater audience.[4] In residence and traveling theater productions by the world-renowned Royal Shakespeare Company, as well as the stage productions of the Oregon and Stratford Shakespearean Festivals, attest to the growing level of popular interest in Shakespeare's plays.[5]

Interest also finds expression in the legions of students, teachers and scholars who have labored to understand the meaning of Shakespeare's work. Scores of scholars engage in study and research at several centers of learning, including the Shakespeare Institute, the Shakespeare Birthplace Trust, the Folger Shakespeare Library, Oxford and Cambridge Universities as well as hundreds of

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3 DE TOCQUEVILLE, *supra* note 1, vol. 2, pt. 1, ch. 13.

4 Both *Much Ado About Nothing* (Samuel Goldwyn Co. 1993) and *Henry V* (Samuel Goldwyn Co. 1989) have enjoyed enormous success in worldwide release. In addition, *Henry V* received three 1989 Academy Award nominations, including Best Actor, Best Director, and Best Costume Design. *Henry V* won the award for Best Costume Design.

5 Annually over two million visitors trek to Stratford, England to tour Shakespeare's birthplace. IAN WILSON, SHAKESPEARE: THE EVIDENCE 27 (1993). Royal Shakespeare Company literature indicated that annually over one million people attend their productions. (RSC memoranda on file with author). Oregon Shakespeare Festival information stated that over 700,000 people travel to Ashland, Oregon to view plays. *See* OSF Memoranda (on file with author). Please note that the Stratford Shakespearean Festival referred to is the Stratford, Ontario Festival, which produces plays in addition to the other companies mentioned. All combined these companies stage over three dozen Shakespearean productions each year.

other learning institutions throughout the world.[6] Shakespeare's canon is a staple of many liberal arts programs and is perhaps the "most stimulating and exciting work[] in the English language."[7]

Few names in English literature have evoked such interest, mystery and admiration as William Shakespeare. Yet not everyone has agreed that Shakespeare has deserved all the admiration and adulation. For some, Shakespeare's authorship was a questionable fact, not a foregone conclusion.[8] Ralph Waldo Emerson wrote, "I cannot marry this fact (that Shakespeare was an actor and manager) to his verse. Other admirable men have led lives in some sort of keeping with their thought; but this man, in wide contrast."[9] In another criticism, John Greenleaf Whittier stated, "Whether Bacon wrote the wonderful plays or not, I am quite sure the man Shakespeare neither did nor could."[10] Henry James was even more harsh when he said, "I am 'a sort of' haunted by the conviction that divine William is the biggest and most successful fraud ever practiced on a patient world."[11]

One response to this type of criticism can be found in Ian Wilson's book, *Shakespeare: The Evidence*, which strongly refutes the more credible claims against Shakespeare's authorship.[12] Ian Wilson has detailed a wealth of persuasive evidence that Shakespeare was indeed the writer of the plays and sonnets attributed to his name.[13] Likewise, scholars empaneled three United States Supreme Court Justices to serve as arbiters for a debate on the issue of authorship at the American University Law School in Washington, D.C.[14] Although not proof in itself, the judges' decision was a unanimous vote in favor of Shakespeare's hand.[15]

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6 A word of thanks to the staff at the Shakespeare Birthplace Trust in Stratford-upon-Avon, England for their assistance in researching this essay. I am deeply indebted to them for their help in locating and reviewing relevant sources.

7 John Paul Stevens, *The Shakespeare Canon of Statutory Construction*, 140 U. PA. L. REV. 1373 (1992).

8 David Lloyd Kreeger, *In re Shakespeare: The Authorship of Shakespeare on Trial*, 37 AM. U. L. REV. 609 (1988).

9 *Id.* at 610, *citing* R.W. EMERSON, REPRESENTATIVE MEN: SEVEN LECTURES 218 (1903).

10 Kreeger, *supra* note 8, at 610, *citing* E. DURNING-LAWRENCE, BACON IS SHAKESPEARE 179 (1910).

11 Kreeger, *supra* note 8, at 610, *citing* 1 P. LUBBOCK, THE LETTERS OF HENRY JAMES 424 (1970).

12 IAN WILSON, SHAKESPEARE: THE EVIDENCE (1993).

13 *Id.* at 167-204.

14 Kreeger, *supra* note 8, at 609-16.

15 *Id.* at 612-13. The three Supreme Court Justices were William J. Brennan, Harry

Scholarly efforts to further catalogue the life and history of Shakespeare have resulted in a new book by Robert Bearman that examined the original seventy-nine handwritten historical documents referencing Shakespeare by name.[16] These documents, combined with other historical evidence, have helped scholars gain additional insight into Shakespeare's life and work.[17] In the end, though, one might just refer to the words of the great eighteenth century scholar, George Steevens, who remarked:

> All that is known with any degree of certainty concerning Shakespeare, is that he was born at Stratford upon Avon, married and had children there, went to London, where he commenced actor, and wrote poems and plays, returned to Stratford, made his will, died, and was buried.[18]

For some, the controversy will never end, while for others the debate only diverts attention from the more important discussion surrounding Shakespeare's poetic language.

In commenting on Shakespeare's eloquence and insight, many have lavished glowing praise. One of his first tributes came from none other than Ben Jonson, Shakespeare's principal rival from 1594 until Shakespeare's death in 1616. Ben Jonson wrote in the introductory pages of the First Folio:

> Triumph, my Britain, thou hast one to show
> To whom all scenes of Europe homage owe.
> He was not of an age, but for all time![19]

Although some doubt Jonson's sincerity, few dispute that his words have become a prophetic truth.[20] For more recent praise, one might look to the words of Bernard Levin, who wrote about Shakespeare's uniqueness:

> No other writer, and with the exception of Mozart, no other artist, has brought us so close to the heart of the ultimate mystery of the universe and of man's place in it; no other has felt and presented the numinous with such certainty and pow-

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A. Blackmun, and John Paul Stevens. The Justices noted that this decision would not end the debate. Furthermore, the Justices noted that the appellant's bore a heavy burden of "clear and convincing" evidence to show that Shakespeare did not write the work attributed to his name. *Id.*

16 ROBERT BEARMAN, SHAKESPEARE IN THE STRATFORD RECORDS vii (1994).

17 *Id.* at 22-35.

18 WILSON, *supra* note 12, at 13, *citing* Edmond Malone, *Supplement to the Edition of Shakespeare's Plays Published in 1778 by Samuel Johnson and George Steevens* i, 654 (1780).

19 WILSON, *supra* note 12, at 405.

20 *Id.* at 406-07.

> er, no other penetrated so deeply into the source from which he derived his genius and from which we all, including him, derive our humanity.[21]

It is this window into the soul of man that draws people to Shakespeare. Mention Shakespeare's name and one thinks of a universe of ideas. Shakespeare explores the idea of justice in *The Merchant of Venice* and *Measure for Measure.*

III. A BRIEF OVERVIEW OF ELIZABETHAN LAW

One cannot look at the concept of "justice" in Shakespeare's *The Merchant of Venice* and *Measure for Measure* without examining the role of law within Elizabethan England. People are greatly influenced by their environments, and the legal regime of the day had a profound influence on Shakespeare's work. Shakespeare himself came in contact with the law both personally and professionally.

Shakespeare's financial success in London allowed him to acquire real property in Stratford-upon-Avon, including a purchase of two parcels of land in 1602. The first parcel was New Place on the corner of Chapel Street and Chapel Lane, while the second parcel was situated on the opposite side of Chapel Lane.[22] Because of some omission on Shakespeare's part, the first sale was held in trust by the manor lord until Shakespeare came to Stratford-upon-Avon to complete livery of seisin and other legal formalities.[23] Regarding the second purchase, Shakespeare's brother, Gilbert, acted as his agent to take title of the land in accordance with legal procedure.[24] Yet the law extended far beyond Shakespeare's personal affairs; it directly influenced his literary work.

Elizabethan England used the law to tightly control many aspects of society. Regulation of the acting groups, playwrights and playhouses was coordinated by the Master of the Revels with a range of parliamentary statutes, royal proclamations and Privy Council decrees emanating from the government.[25] Acting was a

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21 *Id.* at 421-22, *citing* BERNARD LEVIN, ENTHUSIASMS (1983).

22 BEARMAN, *supra* note 16, at 37.

23 *Id.* at 37-39.

24 *Id.* at 38-39.

25 II GLYNNE WICKHAM, EARLY ENGLISH STAGES, PART I, at 17-18, 22-49, 62-64, 74, 82-90 (1963). Professor Wickham also explains his reasons for these developments, which include the growth of the Renaissance and the Reformation. *Id.* at 35.

"dangerous" profession in Elizabethan and Jacobean England. Thus, all concerned with the theater had to be well informed of the law and its operation.[26]

Criminal and civil matters were attended to by several law courts, including the King's Bench, Court of Exchequer, Chancery Court, and the Star Chamber.[27] The Inns of Court provided barristers to argue the cases before the courts, and the Inns served as a collegial community modeled after the Oxbridge tradition.[28] Middle Temple and Gray's Inn became the academic and intellectual center of law in London and they aided the courts in administering justice.[29] In theory, justice flowed from the King to the people through the King's deputies and judges.[30] Shakespeare spoke of this in *Measure for Measure*, when the Duke says to Angelo, "In our remove be thou at full ourself."[31]

Achieving justice, however, was problematic in Elizabethan England. The concept of justice often became secondary in a system preoccupied by form rather than substance.[32] Civil wrongs were often denied justice, and criminal offenders frequently received punishments wholly out of proportion to the offense committed.[33] Those injured who were unable to fit their complaint within one of the established writs simply stood without a remedy.[34] Still others were issued unenforceable judgments because of jurisdictional disputes between the courts. For example, the King's Bench originally could only hear cases between the King and a subject, leaving many without any recourse.[35]

To combat this evil, the Courts of Exchequer and Chancery sought to extend their own jurisdiction, but many viewed the courts as a place to participate in an elaborate intellectual game.[36] Court proceedings were not seen as a means to an end, but regarded as an end unto themselves. Legal procedure itself

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26 *Id.*

27 Arthur Underhill, *Law, in* I SHAKESPEARE'S ENGLAND 381-84 (1916).

28 *Id.* at 2381, 408-11.

29 *Id.* at 381-84.

30 *Id.* at 383-84.

31 WILLIAM SHAKESPEARE, MEASURE FOR MEASURE act 1, sc. 1, l. 43-44 (N.W. Bawcutt ed., 1994) [hereinafter MEASURE FOR MEASURE]; *see also* Underhill, *supra* note 27, at 384.

32 Underhill, *supra* note 27, at 389.

33 *Id.* at 385; *see also* VIVIAN THOMAS, THE MORAL UNIVERSE OF SHAKESPEARE'S PROBLEM PLAYS 174 (1987).

34 Underhill, *supra* note 27, at 390.

35 *Id.* at 391.

36 *Id.* at 389, 395.

was often puerile, pedantic and unyielding.[37] Latin, French and English were used in an incomprehensible mix of arcane and mysterious jargon.[38] Sometimes plaintiffs failed to get any help because their complaint was filed in the wrong court, which resulted in another denial of justice.

Quite apart from the these injuries, English subjects labored under intense legal restrictions, ranging from the trivial to the severe. For example, English subjects who lived together as husband and wife, without having had the church sanction the marriage, committed an offense.[39] Shakespeare referred to this law in *Measure for Measure* when Claudio said, after being condemned to death for fornicating with his fiancee, Julietta, "She is fast my wife, [s]ave that we do the denunciation lack [o]f outward order."[40] Shakespeare, though, seemed to question the law's validity when he had the Duke say to Mariana:

> Nor, gentle daughter, fear you not at all.
> He is your husband on a pre-contract;
> To bring you thus together, 'tis no sin, . . .[41]

Shakespeare seems to have taken Claudio's side in opposition to the tyranny of the law leveled by the state's representative, Angelo.[42]

In the case of serious offenses such as treason, murder and witchcraft, the penalty was always death.[43] Not surprisingly, London had "record" numbers of hangings.[44] Confessions frequently preceded many of the death sentences carried out in English courts, and the law even allowed one particular court, the Star Chamber, to use torture to exact confessions.[45]

The rack was often a favorite of the Star Chamber to get recalcitrant offenders to confess. Shakespeare noted the use of

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37 *Id.* at 389.

38 *Id.* at 389.

39 *Id.* at 407; *see also* THOMAS, *supra* note 33, at 174.

40 MEASURE FOR MEASURE, *supra* note 31, act 1, sc. 2, ll. 145-47; *see also* Underhill, *supra* note 27, at 407.

41 MEASURE FOR MEASURE, *supra* note 31, act 4, sc. 1, ll. 69-71; Underhill, *supra* note 27, at 408.

42 Underhill, *supra* note 27, at 408.

43 *Id.* at 398-99.

44 *Id.* at 398. Note that Lord Coke was even moved by the wholesale slaughter to call the situation a "lamentable case it is to see so many Christian men and women strangled on the cursed tree of the gallows. . . it make[s] his heart bleed for pity and compassion." *Id.*

45 Underhill, *supra* note 27, at 383-85.

torture to exact confessions when he mentioned "pressing to death" in *Measure for Measure*.[46] "Pressing to death" was a practice where heavy weights were placed on the defendant's chest to force him to plead. The law allowed this tactic because the defendant could not be tried for a felony until he had pled.[47]

Shakespeare also wrote about the Chancery Court practice requiring defendants to answer interrogatories under oath, a process called "scraping the conscience."[48] In *The Merchant of Venice*, he wrote:

> Let it be so: the first inter'gatory
> That my Nerissa shall be sworn on is
> Whether till the next night she had rather stay
> Or go to bed now, being two hours to day.[49]

References by Shakespeare to these draconian practices seem to indicate how secondary justice may have become when the Crown wanted a particular result.

In addition to civil and criminal matters, control and censorship of the arts was also within the purview of the Crown. As part of the government, the Master of the Revels kept an extraordinarily tight rein on the substance and tenor of all dramatic works staged in London.[50] Every playwright, including Shakespeare, had to submit to the Master of the Revels every play he wanted publicly staged.[51] Censorship laws dictated that public performances, whether in a playhouse, at the Inns of Court or before the Royal presence, could not offend the sensibilities of the Crown. The Master of the Revels also ensured that public performances of plays did not incite disorder.[52]

Thus, the Elizabethan state used law to control the behavior, sentiments and thought of its subjects. Shakespeare labored under these constraints. He could not help but take note of the role of law in securing justice.

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46 MEASURE FOR MEASURE, *supra* note 31, act 5, sc. 1, l. 525; Underhill, *supra* note 27, at 400. The procedure was known as *peine forte et dure* and was not abolished until the reign of King George II. *Id.*

47 Underhill, *supra* note 27, at 400.

48 *Id.* at 395.

49 WILLIAM SHAKESPEARE, THE MERCHANT OF VENICE, act 5, sc. 1, ll. 300-03 (Jay L. Halio ed., 1994) [hereinafter THE MERCHANT OF VENICE].

50 WICKHAM, *supra* note 25, at 17-18, 28-49, 62-64, 74, & 82-90.

51 WILSON, *supra* note 12, at 221-39; WICKHAM, *supra* note 25, at 17-18, 28-49, 62-64, 74, & 82-90.

52 *Id.*

IV. A BRIEF OVERVIEW OF SHAKESPEAREAN COMEDY

Before looking at the concept of "justice" in either *The Merchant of Venice* or *Measure for Measure,* it is important to briefly review the background and development of Shakespearean comedy. There are a variety of scholarly opinions on the structure and meaning of Shakespeare's comedies. Some have seen certain plays, like *Measure for Measure,* as problem plays, akin to Ibsen's concern with social problems.[53] Other scholars have viewed *The Merchant of Venice* and *Measure for Measure* in the light of their historical link to medieval miracle and morality plays based on Christian religious themes.[54] Authors like Coghill, Frye and Daniell have pointed to Dante's work in the *Divine Comedy* with its themes of redemption and resurrection as a proper starting point for analyzing Shakespeare's work in *The Merchant of Venice* and *Measure for Measure.*[55] The interpretations of twentieth century critics have also drawn on such diverse areas of literary criticism as the "New Critical" and psychoanalytic approaches as well as from the topics of ethical relativism, feminism and sexual politics.[56] Still others have emphasized that Shakespeare's comedies seek to show that people in society must learn to live and work together.[57]

One can distinguish Shakespeare's comedies from other more contemporary work by the amount of blending that occurs in them.[58] Shakespeare's main characters are evenly balanced with

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53 THOMAS, *supra* note 33, at 216-19.

54 Glynne Wickham, Divine Comedy 2: The English Renaissance 1, 1-7 (unpublished manuscript, on file with author); *see also* Nevill Coghill, *The Basis of Shakespearian Comedy, in* SHAKESPEARE CRITICISM 1935-1960, at 201 (Ann Ridler ed., 1963).

55 *See* Coghill, *supra* note 54, at 201; David Daniell, *Shakespeare and the Traditions of Comedy, in* THE CAMBRIDGE COMPANION TO SHAKESPEARE STUDIES 101 (Stanley Wells ed., 1986); Northrop Frye, *Old and New Comedy, in* 22 SHAKESPEARE SURVEY 1 (Kenneth Muir ed., 1969); WICKHAM, *supra* note 25, at 5-11.

56 Carol Cook, *Straw Women and Whipping Girls: The (Sexual Politics) Of Critical Self-Fashioning, in* SHAKESPEARE LEFT AND RIGHT 61 (Ivo Kamps ed., 1991); Jonathan Dollimore, *Transgression and Surveillance in Measure for Measure, in* SHAKESPEARE'S COMEDIES 193 (Gary Waller ed., 1991); Maynard Mack, *Rescuing Shakespeare, in* STUDYING SHAKESPEARE 66-67 (John Russell Brown ed., 1990); Marcia Riefer, *"Instruments of Some More Mightier Member": The Constriction of Female Power in Measure for Measure, in* MODERN CRITICAL INTERPRETATIONS: WILLIAM SHAKESPEARE'S MEASURE FOR MEASURE 131 (Harold Bloom ed., 1987).

57 E.M.W. Tillyard, *The Nature of Comedy and Shakespeare, in* ESSAYS, LITERARY AND EDUCATIONAL 17 (1962); THOMAS, *supra* note 57, at 173.

58 Tillyard, *supra* note 57, at 13, 19.

no clear underdog,[59] and his comedies are chiefly concerned with the way people get along in society.[60] For example, *The Merchant of Venice* is intriguing because the audience is forced to continually adjust its views of the play's characters. Neither Shylock, Antonio, nor Portia can be viewed through a stereotypical lens.[61] These comic characters are complex and enigmatic, and the audience must withhold judgment until it learns more about them.

Additionally, Shakespeare deftly balanced the comic and the tragic in *Measure for Measure* and *The Merchant of Venice.* Shakespeare used clowns and fools to counteract the complexity of the main characters.[62] For example, in *Measure for Measure,* Pompey's defense of his profession as a "bawd" is hilarious when he quips to Escalus, "Truly, sir, I am a poor fellow that would live."[63] Another comic example occurs when Lancelot jovially torments his blind father, Mr. Gobbo, in *The Merchant of Venice* by allowing Mr. Gobbo to think he is dead. Lancelot says,

> Talk not of Master Lancelot, father, for the young gentleman, according to Fates and Destinies and such odd sayings–the Sisters Three and such branches of learning–is indeed deceased; or, as you would say in plain terms, gone to heaven.[64]

To which his father gasps, "Marry God forbid! The boy was the very staff of my age, my very prop."[65] The scene is extraordinarily funny because Lancelot's father fails to recognize his own son's voice.

Shakespeare also transformed the plays' tragic elements into good will by juxtaposing warm and jovial scenes with complex and serious moods. In *The Merchant of Venice,* Portia and Bassanio, Gratiano and Nerissa leave the stage arm in arm looking towards a time of marital bliss, but Antonio is left alone.[66] Similarly, in *Measure for Measure,* Claudio and Julietta and Angelo and Mariana exeunt with bright days ahead, but the Duke's and Isabella's fu-

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59 *Id.* at 21.

60 *Id.* at 25-27. For a general discussion of character in Shakespeare's plays, see E.A.J. Honigman, *Impressions of Character, in* STUDYING SHAKESPEARE 123 (John Russell Brown ed., 1990).

61 Harold Bloom, *Introduction, in* MODERN CRITICAL INTERPRETATIONS: WILLIAM SHAKESPEARE'S THE MERCHANT OF VENICE 1, 1-3 (Harold Bloom ed., 1986).

62 Tillyard, *supra* note 57, at 21.

63 MEASURE FOR MEASURE, *supra* note 31, act 2, sc.1, l. 212; Tillyard, *supra* note 57, at 21.

64 THE MERCHANT OF VENICE, *supra* note 49, act 2, sc. 2, ll. 55-60.

65 *Id.* act 2, sc. 2, ll. 60-62.

66 *Id.* act 5, sc. 1.

ture is not as certain.[67] Indeterminacy is the hallmark of Shakespeare's mature work.[68]

Some critics have reached other assessments of the comic plays. According to Herbert Weil, Jr., the tenor of *Measure for Measure's* multiplicity is difficult to grasp because the repeated substitutions of heads and virgins reduces the Duke to a vaudeville performer; while Isabella's moral dilemma is glossed over by his strange antics.[69] On the other hand, Weil also states that our initial dissatisfaction with these tricks may be a prerequisite for a later realization that Shakespeare's resolution of *Measure's* moral dilemmas is the best one.[70]

In another view of Shakespearean comedy, V.Y. Kantak focuses on the "celebration of life" people experience when confronting the challenges thrust upon them.[71] Kantak finds the "basic rhythm of life" in the comedies, especially in the way the characters recover from their temporary lapses in moral responsibility.[72] Yet Kantak cautions not to over-emphasize the "social" commentary in *The Merchant of Venice.*[73] In short, the typical view of Shakespeare's comedies is one where the plays revel in a "montage-like" structure, full of "doubleness" and ambiguity.[74]

One of the more understandable and persuasive approaches to interpreting *The Merchant of Venice* and *Measure for Measure* is the medieval Christian approach. Northop Frye writes that the Biblical archetypes of Dante's quest from the depths of Hell to everlasting salvation in Heaven are the thematic underpinnings for Shakespeare's comic genius in *The Merchant of Venice* and *Measure for Measure.*[75] The four Daughters of God—Mercy, Justice, Peace and Truth—loom large and the theological themes of repentance, salvation and divine grace pervade *Measure for Measure's* comic drama.[76] Frye defines Shakespeare's comedy as "New Comedy" which is based on a teleological plot, and contrasts this "New Comedy"

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67 *Id.* act 5, sc. 1.

68 Daniell, *supra* note 55, at 109.

69 Herbet S. Weil, Jr., *Comic Structure and Tonal Manipulation in Shakespeare and Some Modern Plays, in* 22 SHAKESPEARE SURVEY 27, 29-30 (Kenneth Muir ed., 1969).

70 *Id.* at 32.

71 V.Y. Kantak, *An Approach to Shakespearian Comedy, in* 22 SHAKESPEARE SURVEY 7, 9 (Kenneth Muir ed., 1969).

72 *Id.* at 9-10.

73 Kantak, *supra* note 71, at 11.

74 *Id.* at 9.

75 Frye, *supra* note 55, at 1-2.

76 Dollimore, *supra* note 56, at 193-95; *see also* Tillyard, *supra* note 57, at 30-32.

with "Old Comedy" which is dialectical and gravitates towards fantasy.[77] The realistic nature of Shakespeare's plays makes them "New Comedy," while Aristophanes' comedies are examples of "Old Comedy."[78] Frye also points out that Shakespeare's plays have strong analogies to religion and romance with Christ as the Hero and a "reborn" society as the Heroine.[79] Lastly, Frye asserts that the action in Shakespeare's comedies never disturbs the play's rigid social hierarchy.[80]

Nevill Coghill similarly refers to the religious and romantic elements in Shakespeare's comedies and the strong allegorical nature of *The Merchant of Venice* and *Measure for Measure.* He argues Shakespeare looked to medieval traditions for comic development of his characters and plots.[81] To Coghill, comedy is a kind of poem that translates a sad beginning into a happy ending, or a tale of trouble that turns to joy.[82] Coghill also sees the face of Chaucer in Shakespeare's writing because Shakespeare wrote in more human terms and focused on the loving and divine.[83]

To support his thesis, Nevill Coghill points to the underlying themes of marriage and love in *The Merchant of Venice* and *Measure for Measure.*[84] As part of the love theme in each play, Shakespeare pits mercy against hatred and injustice.[85] Coghill sees mercy as the redemptive love of Christ, instead of the strict justice reflected in Old Testament law.[86] To him, Portia represents mercy and a new form of justice, while Shylock is a vestige of the old law's justice.[87] Similarly, in *Measure for Measure,* Isabella's position of Christian mercy is seen as the natural successor to Angelo's ossified view of justice.

Nevill Coghill articulates the view that *The Merchant of Venice* and *Measure for Measure* focus on the unity of "mercy" and "justice." The struggle between Old Testament and New Testament

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77 Frye, *supra* note 55, at 1-5.

78 *Id.* at 3-5.

79 *Id.* at 5.

80 *Id.* at 4. For a discussion of class conflict in *The Merchant of Venice,* see Frank Wigham, *Ideology and Class Conduct in The Merchant of Venice, in* SHAKESPEARE'S COMEDIES 108 (Gary Waller ed., 1991).

81 Coghill, *supra* note 54, at 201.

82 *Id.* at 204-05.

83 *Id.* at 204-06.

84 *Id.* at 209-10.

85 *Id.* at 215.

86 *Id.* at 214-20.

87 *Id.* at 217.

law helps clarify the challenge of using the law to avoid corruption and achieve justice. Integrating the themes of sin and repentance, both *The Merchant of Venice* and *Measure for Measure* highlight mercy and forgiveness as the true achievement of justice.

V. A VIEW OF "JUSTICE" IN THE MERCHANT OF VENICE

The Merchant of Venice is an engaging and complex play that carries a strong religious tone throughout all five acts. No one can ignore the anti-Semitic nature of the play's Christian characters.[88] "Hate" echoes throughout the play as the enmity between Shylock and Antonio sits heavily in the air.[89] Within this electric atmosphere, "mercy" and "justice" become the central issues the play's main characters grapple with on the Rialto. One scholarly view of the play centers on the acceptance of the New Testament vision of dispensation over the older Judaic law of an "eye for an eye."[90] Other scholars disagree, arguing the play stands for the triumph of Christian orthodoxy. Herein lies the essential dilemma for readers, viewers, and students of the play. Just what was Shakespeare's actual intent? Unfortunately, no one can provide the definitive answer, but thoughtful reflection can help illuminate the more persuasive interpretations of Shakespeare's *The Merchant of Venice* and *Measure for Measure.*

A. The Historical Sources for The Merchant of Venice

Scholars generally agree that *The Merchant of Venice* was written sometime between 1594 and 1598.[91] The play was entered into the Stationer's Register on 22 July 1598 with the play's first known performance accomplished by the King's Men at the court of James I, on 10 February 1605.[92] Some scholars point to the death of Dr. Lopez as the inspiration for Shakespeare's writing, while

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88 Susie Campbell, *Is that the Law?: Shakespeare's Political Cynicism in The Merchant of Venice, in* LONGMAN CRITICAL STUDIES–WILLIAM SHAKESPEARE'S THE MERCHANT OF VENICE 65 (Linda Cookson & Bryan Loughery eds., 1992); Derek Cohen, *Shylock and the Idea of the Jew, in* SHYLOCK 305 (Harold Bloom ed., 1991).

89 MAURICE CHARNEY, ALL OF SHAKESPEARE 42 (1993).

90 *The Merchant of Venice, in* 4 SHAKESPEAREAN CRITICISM 185, 186 (Laurie Lanzen Harris ed., 1984) [hereinafter CRITICISM].

91 I NARRATIVE AND DRAMATIC SOURCES OF SHAKESPEARE EARLY COMEDIES, POEMS AND ROMEO AND JULIET 445-51 (Geoffrey Bullough ed., 1957) [hereinafter Bullough]; *see also* CRITICISM, *supra* note 90, at 185.

92 *See* CRITICISM, *supra* note 90, at 185; III WILLIAM SHAKESPEARE, THE COMPLETE PLAYS 3 (Stanley Wells & Gary Taylor eds., 1988).

others cite Marlowe's *The Jew of Malta* as the reason and source for *The Merchant of Venice.*[93] At least one writer has argued that Shakespeare may have used Alonso Herrera, a Jewish merchant from Venice, who was in London from 1596-1600, as the model for his Shylock.[94]

Several scholars refer to other background sources employed by Shakespeare for *The Merchant of Venice.* The initial idea of a suitor to a princess was in Fiorentio's *Il Pecorone.*[95] Shakespeare, though, modified the plot, adding the caskets and additional suitors. Shakespeare based these changes on John Gower's *Confessio Amantis,* Boccacio's *Decameron,* or the anonymously written *Gesta Romanorum.*[96] The "flesh bond" story hails from either *The Ballad of the Crueltie of Geruntus* or *The Orator.*[97] Finally, some scholars point to a play called *The Jew,* which is referenced in Stephen Gosson's *School of Abuse,* or to Christopher Marlowe's play, *The Jew of Malta,* as sources that encompass all of the elements found in *The Merchant of Venice.*[98]

B. Plots and Characters within The Merchant of Venice

Shakespeare cultivates three plots in *The Merchant of Venice:* the "flesh bond" between Antonio and Shylock; the "love triangle" of Jessica, Shylock and Lorenzo; and the "casket" plot concerning Portia's suitor.[99] In each plot, the action centers on two or three main characters. In the "flesh bond" plot, tension revolves around the secured debt of Antonio to Shylock. The "love triangle" plot juxtaposes the romantic love between the Jewess, Jessica, and her soon-to-be husband, Lorenzo, a Christian, with the familial love between Jessica and her father, Shylock. Finally, the "casket" plot

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93 *See* CRITICISM, *supra* note 90, at 185-86. Dr. Lopez was Queen Elizabeth I's personal doctor who was executed in 1594 for treason. Dr. Lopez was a Jew.

94 Richard H. Popkin, *A Jewish Merchant of Venice, in* 3 SHAKESPEARE QUARTERLY 329, 329-31 (1989).

95 William Shakespeare, *The Merchant of Venice, in* THE RIVERSIDE SHAKESPEARE 250-52 (G. Blakemore Evans ed., 1974) [hereinafter THE RIVERSIDE SHAKESPEARE].

96 William Shakespeare, *The Merchant of Venice, in* THE GLOBE ILLUSTRATED SHAKESPEARE: THE COMPLETE WORKS ANNOTATED 391 (Howard Staunton ed., 1983) [hereinafter THE GLOBE SHAKESPEARE]; *see* Bullough, *supra* note 91, at 445-51.

97 *See* CRITICISM, *supra* note 90, at 185-86; THE RIVERSIDE SHAKESPEARE, *supra* note 95, at 250-52.

98 *See* CRITICISM, *supra* note 90, at 185-87.

99 *Id. See also* Sigmund Freud, *The Theme of the Three Caskets, in* MODERN CRITICAL INTERPRETATIONS: WILLIAM SHAKESPEARE'S THE MERCHANT OF VENICE 7 (Harold Bloom ed., 1986) (for his thoughts on the meaning of the "casket" plot).

focuses on Bassanio's suit to win Portia's hand in marriage by choosing the right casket.

Character or action link all three of the plots together. The "flesh bond" and "casket" plots are obviously linked because Antonio would not be bound to Shylock if Bassanio did not need 3,000 ducats to begin his suit to Portia. Shylock links the "flesh bond" and "love triangle" plots by being the catalyst Antonio needs to help his friend, Bassanio, and the reason why Jessica elopes with Lorenzo. Finally, the "love triangle" plot is linked to the "casket" plot by the idea of marriage: Bassanio wins Portia's hand and Jessica elopes with Lorenzo. The desirability of marriage even extends to Bassanio's and Portia's friends, Gratiano and Nerissa, who also decide to wed.[100]

The play is set in commercial Venice where international trade is the republic's main interest. Venice is portrayed as a strict follower of the law.[101] Strict adherence to the law allowed for the routine consummation of multiple commerce transactions, and Shakespeare highlighted the dilemma Shylock's bond presented to Venetian law:

> It must not be. There is no power in Venice
> Can alter a decree established.
> 'Twill be recorded as precedent,
> And many an error by the same example
> Will rush into the state. It cannot be.[102]

Stable laws enabled Venetian businessmen to carry on their trade, but they did not ensure harmony on the Rialto. Hatred and intolerance abound as the Jew, Shylock, is despised by the Christians, Antonio, Bassanio and Gratiano. Shylock is equally intolerant and has internalized a deep resentment of all those who oppose him in either financial or religious matters.[103] Juxtaposed against the harsh realities of life on the Rialto,[104] Portia idles her time away in dreamy Belmont where she awaits the man who can unlock the mysteries of the three caskets and win her hand. Nerissa

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100 THE MERCHANT OF VENICE, *supra* note 49, act 3, sc. 1, ll. 189-211.

101 *See* CHARNEY, *supra* note 89, at 41-49; Harley Granville-Barker, *Shakespeare's Venice, in* SHAKESPEARE: THE MERCHANT OF VENICE 69 (John Wilders ed., 1969); THE MERCHANT OF VENICE, *supra* note 49, act 4, sc. 1, ll. 95-102; WILLIAM SHAKESPEARE, THE MERCHANT OF VENICE 24-26 (Jay L. Halio ed., 1994); ROBIN HEADLAM WELLS, SHAKESPEARE, POLITICS AND THE STATE 58 (1986).

102 THE MERCHANT OF VENICE, *supra* note 49, act 4, sc. 1, ll. 215-19.

103 *Id.* act 1, sc. 1, ll. 31-36.

104 CHARNEY, *supra* note 89, at 41-43.

attends to Portia and they talk about the suitors Portia detests and the one suitor whom Portia adores, Bassanio.[105] In these two settings, the three plots unfold.

The "flesh bond" plot arises when Bassanio does not have the money he needs to court Portia, so he goes to his friend Antonio for a loan.[106] However, Antonio has all of his money invested in ships at sea. Antonio and Bassanio solve the problem by going to Shylock for a loan. Shylock agrees to have Antonio stand as a surety, provided that if the bond is forfeited, Shylock may have a pound of Antonio's flesh.[107] Antonio accepts despite Bassanio's wariness of the deal.[108] After receiving the bond money and Antonio's blessing, Bassanio swiftly departs for Belmont to woo Portia.

In the "love triangle" plot, Shylock's relationship with Jessica becomes strained because of her love for Lorenzo, a Christian. Intolerant of Christians, Shylock continually launches diatribes against Christians, and he is determined to shield Jessica from their influence.[109] Jessica feels differently and cannot stand being kept a virtual prisoner in her own home. She also refuses to passively accept whomever Shylock selects as her husband.[110] Consequently, Jessica elopes with Lorenzo, taking with her Shylock's prized turquoise ring and a substantial portion of Shylock's jewels and ducats.[111] Shylock is enraged upon discovering the mischief.[112]

Returning to Belmont, Bassanio petitions to undergo the test of the three caskets. This test provides the victor with Portia's hand; the loser is relegated to a life of perpetual bachelorhood.[113] In a room, three caskets–gold, silver and lead—sit on separate pedestals.[114] One casket holds Portia's picture and the

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105 THE MERCHANT OF VENICE, *supra* note 49, act 1, sc. 2.

106 *Id.* act 1, sc. 1 & 3. For additional analysis of the "flesh bond" plot, see E.C. Pettet, *The Merchant of Venice and the Problem of Usury, in* SHAKESPEARE: THE MERCHANT OF VENICE 100 (John Wilders ed., 1969); Sigurd Burckhardt, *The Merchant of Venice: The Gentle Bond, in id.* at 208.

107 THE MERCHANT OF VENICE, *supra* note 49, act 1, sc. 3, ll. 140-48.

108 *Id.* act 1, sc. 3, ll. 151-52 & 176.

109 *Id.* act 2, sc. 3 & 5.

110 *Id.* act 2, sc. 3, ll. 15-21 & act 2, sc. 6.

111 *Id.* act 2, sc. 6, ll. 49-50 & act 3, sc. 1, ll. 110-15.

112 *Id.* act 3, sc. 1, ll. 79-123. The turquoise ring held special meaning for Shylock because it was a betrothal gift from his wife, Leah. Consequently, he is especially angry when Jessica sells it in return for a monkey. *See id.* act 3, sc. 1, ll. 164.

113 *Id.* act 2, sc. 1, ll. 38-42.

114 *Id.* act 2, sc. 7, ll. 1-10.

key to her hand in marriage. Bassanio chooses correctly, winning Portia's hand and heart.[115]

Meanwhile, bad news arrives at Venice that Antonio's ships are lost at sea.[116] Shylock hears of the disaster and sees a way to avenge his mistreatment by the Christians.[117] When news of Antonio's disaster reaches Bassanio, he returns to Venice with money from his wife to pay Antonio's debt to Shylock.[118] The play reaches its climax with the trial scene between Antonio and Shylock. Many exhort Shylock not to fulfill the bond, but their pleas fall on deaf ears. Shylock wants no money, he wants his bond.[119]

C. "Mercy" is Justice

Resolutely poised for exacting his revenge, Shylock's soul is in terrible peril as the trial scene begins. The medieval Christian tradition taught that man's four virtues of Truth, Justice, Peace, and Mercy were lost when he fell from grace. Consequently, Truth and Justice stood as man's accusers, while Peace and Mercy were his advocates.[120] Only Christ's agency allowed for the four virtues' reconciliation, and Shakespeare has Portia represent the reconciliation of Justice and Mercy.[121] She comes to Venice disguised beneath the robes of a magisterial judge to mediate the dispute between Shylock and Antonio. Before Portia enters the courtroom, the Duke has already asked Shylock to show mercy, but Shylock has spurned his pleas. Shylock wants his bond, his revenge, his justice. Deeply troubled by Shylock's rejection of mercy, the Duke asks, "How shalt thou hope for mercy, rend'ring none?"[122]

Once Portia assumes her mantle as the arbiter of the quarrel, she too pleads with Shylock to show mercy by saying, "But mercy is above this sceptred sway. It is enthroned in the hearts of kings;

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115 *Id.* act 3, sc. 2, ll. 114-85; *see* Sigmund Freud, *The Theme of the Three Caskets, in* SHAKESPEARE: THE MERCHANT OF VENICE 7 (John Wilders ed., 1969); Harold C. Goddard, *The Three Caskets, in id.* at 142.

116 THE MERCHANT OF VENICE, *supra* note 49, act 3, sc. 1.

117 *Id.* act 3, sc. 1, ll. 50-70.

118 *Id.* act 3, sc. 2, ll. 250-324.

119 *Id.* act 3, sc. 3, ll. 1-17 & act 4, sc. 1, ll. 232-39; *see also* STANLEY WELLS, SHAKESPEARE A DRAMATIC LIFE 159 (1994). For a discussion of the legal aspects of *The Merchant of Venice*, see RICHARD A. POSNER, LAW AND LITERATURE 90-111 (1988).

120 E.M.W. Tillyard, *The Trial Scene in The Merchant of Venice, in* ESSAYS, LITERARY AND EDUCATIONAL 30, 31 (1962).

121 *Id.*

122 *Id.* at 33; THE MERCHANT OF VENICE, *supra* note 49, act 4, sc. 1, l. 87.

It is an attribute to *God* himself."[123] Portia's words appear to carry only one meaning, but E.M.W. Tillyard asserts her statements have an additional meaning. Portia is entreating Shylock to be merciful because her law clerk, Bellario, has discovered a legal interpretation of the bond that will free Antonio from the forfeiture penalty.[124] Thus, Portia, as a true Christian, must attempt to save Shylock from his own evil because justice alone is not the way to salvation. Christ's merciful love holds the key to eternal life. Therefore, Portia is understandably horrified when Shylock refuses to grant Antonio mercy and says, "My deeds upon my head! I crave the law, [t]he penalty and forfeit of my bond."[125] Shylock seems prepared to damn his eternal soul for one fleeting moment of revenge.

Given no other alternative, Portia exacts the full stricture of the law declaring:

> A pound of that same merchant's flesh is thine.
> The court awards it, and the law doth give it.
> . . . And you must cut off this flesh from his breast.
> The law allows it, and the court awards it.[126]

However, Portia also decrees, "Tarry a little there is something else. This bond doth give thee here no jot of blood; The words expressly are a 'pound of flesh'."[127] Shylock may have his bond, but he may not shed one drop of Antonio's blood.[128] The law has frustrated Shylock's revenge, but he is furthered sanctioned by the law for an attempt on a Venetian's life. Portia recites Venetian law:

> It is enacted in the laws of Venice,
> If it be proved 'against an alien
> That by direct or indirect attempts
> He seek the life of any citizen,
> The party 'gainst the which he doth contrive
> Shall seize one half of his goods; the other half

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123 THE MERCHANT OF VENICE, *supra* note 49, act 4, sc. 1, ll. 190-92 (emphasis added).

124 Tillyard, *supra* note 120, at 34-36. Bellario is Portia's attendant, Nerissa, in disguise. Both have come to Venice to give aid to Antonio and to keep a watchful eye on their husbands. *See* THE MERCHANT OF VENICE, *supra* note 49, act 3, sc. 4.

125 Tillyard, *supra* note 120, at 36; THE MERCHANT OF VENICE, *supra* note 49, act 4, sc. 1, ll. 203-04.

126 THE MERCHANT OF VENICE, *supra* note 49, act 4, sc. 1, ll. 296-300.

127 *Id.* act 4, sc. 1, ll. 302-04.

128 *Id.* act 4, sc. 1, ll. 305-09.

> Comes to the privy coffer of the state,
> And the offender's life lies in the mercy
> of the Duke . . . [129]

However, the Duke shows mercy on Shylock by commuting the death sentence and reducing to a fine that portion of the estate forfeited to Venice.[130] Likewise, Antonio shows mercy on Shylock by saying:

> So please my lord the Duke and all the court
> To quit the fine for one half of his goods,
> I am content, so he will let me have
> The other half in use, to render it
> Upon his death unto the gentleman
> That lately had stole his daughter.
> Two things provided more; that for this favour
> He presently become a Christian;
> The other half, that he do record a gift
> Here in the court, of all he dies possessed
> Unto his son Lorenzo and his daughter.[131]

Some believe Antonio offers the purest measure of Christian mercy,[132] but mercy and forgiveness cannot be coerced. Christianity is meaningful only when a person voluntarily accepts Christ's leadership in brotherly love and sees the wisdom of achieving justice through mercy.

The Merchant of Venice represents the allegorical triumph of Christian mercy over Judaic justice. Christ said that he had come to fulfill the law not destroy it,[133] and Shakespeare's characters have learned how to follow Christ's merciful example. Portia's judgments alone do not fulfill the law. The Duke's and Antonio's merciful treatment of Shylock completes the redemptive process by achieving moral justice. As a result, the play can return to Belmont to end as a comedy. However, the play's ending is tempered by the realization that just as an unmarried Antonio stands alone and unfulfilled, so will the law fail to guide humankind to the Truth without the Christian union of "mercy" and "jus-

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129 *Id.* act 4, sc. 1, ll. 344-52.

130 Tillyard, *supra* note 120, at 37; THE MERCHANT OF VENICE, *supra* note 49, act 4, sc. 1, ll. 364-68.

131 THE MERCHANT OF VENICE, *supra* note 49, act 4, sc. 1, ll. 376-86.

132 Tillyard, *supra* note 120, at 38.

133 *Matthew* 5:17-20.

tice"—the expression of which is Christian love.[134]

VI. A VIEW OF JUSTICE IN MEASURE FOR MEASURE

Rich in thematic content and strong character development, *Measure for Measure* continues to perplex audience and scholar alike. One writer has even said that excepting *Hamlet*, *Measure for Measure* is the most problematic play of Shakespeare's canon.[135] Arguably, conflicts within the play's text may make interpretation difficult, but the central idea of Christian "mercy" as justice fulfilled is a reasonable interpretation of the play.[136] Morality, the fall from grace, and the redemptive love of Christ, as expressed within *Measure for Measure*, shine a beacon on the fallibility of human justice and the need for divine salvation.[137] In contrast, some scholars have said Shakespeare was trying to reconcile the discrepancies between religious mercy and secular justice in Elizabethan and Jacobean England.[138] For other scholars, the plays deals with human psychology and social institutions.[139] Still others have found political themes and the role of "Divine Right" of kings within the play.[140] Each view has merit, but the view of Christian "mercy" as justice fulfilled seems most able to unify the play's plot and characters as well as emphasize the law's function in governing human affairs.

A. The Historical Sources for Measure for Measure

First performed by the King's Men on St. Stephen's Night, 26 December 1604, *Measure for Measure* was most likely written during the summer of 1604.[141] Lines by Lucio referring to the negotiat-

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134 Coghill, *supra* note 54, at 218-20.

135 William Shakespeare, *Measure for Measure*, *in* 2 SHAKESPEAREAN CRITICISM 382-83 (Laurie Lanzen Harris ed., 1984) [hereinafter CRITICISM, *Measure for Measure*]; THE RIVERSIDE SHAKESPEARE, *supra* note 95, at 545.

136 CRITICISM, *Measure for Measure*, *supra* note 135, at 382-84.

137 STANLEY WELLS, SHAKESPEARE A DRAMATIC LIFE 225 (1994); *see also Matthew* 7:2 (for the inspiration of Shakespeare's title, *Measure for Measure*). This Bible passage says, "For as you judge, so will you be judged, and the measure with which you measure will be measured out to you." Although the play does not follow through on this theme completely, it does set up the play's moral framework around Christ's Sermon on the Mount. *Id. See also* Robert N. Watson, *False Immortality in Measure for Measure: Comic Means, Tragic Ends*, *in* 41 SHAKESPEARE QUARTERLY 411 (1990).

138 CRITICISM, *Measure for Measure*, *supra* note 135, at 382, 384-85.

139 THOMAS, *supra* note 53, at 173.

140 CRITICISM, *Measure for Measure*, *supra* note 135, at 382, 384-85.

141 *Id.* at 382; Bullough, *supra* note 91, at 399-407.

ed peace between Netherlands and Spain (brokered by James I) and the Duke's comment about disliking the adoration of the people (a sentiment held by James I) seemed to point to a composition date before August 1604.[142] No Quarto texts exist for *Measure for Measure.* Therefore, the only authoritative text is the First Folio published in 1623.[143]

Two works are considered the primary sources for Shakespeare in writing *Measure for Measure.* The first is Giovanni Battista Giraldi's (Cinthio) novella, *Hecatommithi,* and the second is George Whetstone's two part play, *The Right Excellent and Famous Historye of Promos and Cassandra,* which is based on Cinthio's novella.[144] However, other scholars have identified parallels in *Measure for Measure* and *Epitia,* a drama adapted by Cinthio from his novella.[145] Consequently, most now agree that Shakespeare based his plot on Cinthio's two works, while Whetstone's drama supplied the organizational structure for *Measure for Measure's* characterization, action, and theme.[146] Shakespeare, though, made some major alterations of the plot such as the change of Claudio's offense to consummate love instead of a seduction and the presentation of Isabella as a novice.[147]

B. Plots and Characters within Measure for Measure

Measure for Measure consists of one main plot along with a subplot. The main plot focuses on the tension between Angelo and Isabella, while the subplot centers around the antics of the Duke as a disguised Friar. Angelo and Isabella have a single problem: Angelo has condemned Isabella's brother, Claudio, for fornicating with his fiancee, Julietta. Vienna has strict laws that prohibit premarital sex upon pain of death, but the laws have not been enforced for fourteen years.[148] As a result, the city has grown more and more carnally corrupt and Angelo wanted to redress the prob-

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142 CRITICISM, *Measure for Measure, supra* note 135, at 382-85; MEASURE FOR MEASURE, *supra* note 31, act 1, sc. 1, ll. 65-72.

143 *See* IV WILLIAM SHAKESPEARE, THE COMPLETE PLAYS 403-04 (Stanley Wells & Gary Taylor eds., 1988).

144 *Measure for Measure,* THE RIVERSIDE SHAKESPEARE, *supra* note 95, at 545-46.

145 *Id.*

146 CRITICISM, *Measure for Measure, supra* note 135, at 382-84.

147 *Id.* For a discussion of religious life, Catholic ideals and divine law themes in *Measure for Measure,* see DARRY F. GLESS, MEASURE FOR MEASURE, THE LAW AND THE CONVENT (1979).

148 MEASURE FOR MEASURE, *supra* note 31, act 1, sc. 3, l. 19-23.

lem by making an example of Claudio.[149]

Angelo has the power to issue such a heavy sentence because the Duke, before leaving Vienna on sabbatical, conferred all of his authority and power on Angelo. He commissioned Angelo to act soundly and justly as his conscience dictated. However, Angelo does not know of the Duke's misgivings about Angelo's "precise"[150] character and that the Duke has disguised himself and remained in the city to observe Angelo's rule.[151]

Lucio informs Isabella of Claudio's predicament and he implores her to plead with Angelo for Claudio's life.[152] Isabella goes to Angelo and entreats him to have mercy on her brother. In her words:

> Why, all the souls that were were forfeit once,
> And He that might the vantage best have took
> Found out the remedy. How would you be
> If He which is the top of judgement should
> But judge you as you are? O, think on that,
> And mercy then will breathe within your lips
> Like man new made. . . . Yet show some pity.[153]

Angelo refuses saying, "It is the law, not I, condemn your brother; . . . He must die tomorrow. . . . I show it [pity] most of all when I show justice."[154] However, Angelo begins to lust after Isabella, and he tells Isabella to come see him tomorrow after he has considered her words.[155] When Isabella arrives the next day, Angelo says he will spare Claudio's life, if she will go to bed with him. Isabella refuses. Angelo then threatens:

> Fit thy consent to my sharp appetite;
> Lay by all nicety and prolixious blushes
> That banish what they sue for. Redeem thy brother
> By yielding up thy body to my will,
> Or else he must not only die the death,
> But thy unkindness shall his death draw out
> To lingering sufferance. Answer me tomorrow,

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149 *Id.* act 2, sc. 1, ll. 1-4.

150 CHARNEY, *supra* note 89, at 106-07; MEASURE FOR MEASURE, *supra* note 31, act 1, sc. 1, l. 50. Note to that the word "precise" was a synonym for "Puritan."

151 MEASURE FOR MEASURE, *supra* note 31, act 1, sc 3.

152 *Id.* act 1, sc. 4.

153 *Id.* act 2, sc. 2, ll. 73-79 & 100.

154 *Id.* act 2, sc. 2, ll. 81-83 & 101.

155 *Id.* act 2, sc. 2, l. 146.

Or, . . . I'll prove a tyrant to him.[156]

Isabella rushes to tell Claudio what has happened at court. After hearing this news, Claudio begs Isabella to submit to Angelo:

> Death is a fearful thing . . . to die,
> and go we know not where,
> To lie in cold obstruction,
> and to rot, . . . Imagine howling—'tis
> too horrible . . . Sweet sister, let me live.
> What sin you do to save a brother's life,
> Nature dispenses with the deed so far
> That it becomes a virtue.[157]

Isabella is shocked at Claudio's request and calls him a coward.[158] The Duke, disguised as a friar, overhears all of this and arranges to thwart Angelo and preserve Isabella's honor.[159] In concert with Isabella, the Duke develops a plan whereby Mariana, a woman earlier betrothed to Angelo but jilted by him, will take Isabella's place in Angelo's bedchamber. In this way, Mariana gets her husband, Isabella keeps her virtue, and Claudio keeps his head.[160] Isabella agrees to her part in the "bed trick" scheme and returns to Angelo to set the plan in motion.

Although the "bed trick" scheme goes undetected by Angelo, Angelo causes further trouble by sending a private message to the prison demanding Claudio's head.[161] Again, the disguised Duke has the prison guard substitute a dead pirate's head for Claudio's head, hiding Claudio safely away deep in the prison.[162] The Duke then informs Angelo of his return and commands Angelo to meet him in the square for a public audience. Once in the square, the Duke intends to hear any complaints the people have against the "justice" Angelo has crafted in his absence.[163]

C. "Mercy" is Justice

Mercy and justice are the beacons Shakespeare flashes throughout *Measure for Measure* to help us understand the nature

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156 *Id.* act 2, sc. 4, ll. 162-70.
157 *Id.* act 3, sc. 1, ll. 119, 121-22, 131 & 135-38.
158 *Id.* act 3, sc. 1, ll. 140-41.
159 *Id.* act 3, sc. 1, ll. 162-269.
160 *Id.*
161 *Id.* act 4, sc. 2, ll. 120-30.
162 *Id.* act 4, sc. 3, ll. 66-102.
163 *Id.* act 4, sc. 4.

of the human condition.[164] The play's characters are allegorical because they represent certain facets of the universe. The Duke is the Heavenly ideal, the proper mixture of knowledge, authority, restraint, justice, and mercy.[165] The Duke is flanked by two opposites in extreme: Isabella and Angelo. Isabella represents truth and mercy, while Angelo embodies the law's authority.[166] The Duke, like Christ, shows how justice can only be achieved when the law is applied with mercy.

Lucio acts as the devilish trickster in the play, trying to thwart the efforts of the Duke to bring about proper justice through mercy. Slanderous and lecherous, Lucio tries to hinder the Duke because he wants Vienna to remain in a state of moral decay. In Lucio's words, "A little more lenity to lechery would do no harm. . . ."[167] Yet the Duke has the last word and defeats Lucio by resorting to trickery of his own. The Duke's fantastical substitutions in bed and in prison achieve just ends despite Lucio's immorality and Angelo's wicked behavior.

Angelo's and Isabella's debates provide some of the most insightful views on the role of mercy in achieving justice.[168] Isabella asks Angelo to look into his own heart and offer Claudio what mercy is stored there, for Angelo cannot expect salvation from a mechanical application of the law. In her words:

> So you must be the first that gives this sentence,
> And he [Claudio], that suffers. O, it is excellent
> To have a giant's strength, but it is tyrannous
> To use it like a giant.[169]

Thus, Shakespeare views mercy as a necessary part of Christian justice.[170] Angelo, however, does not see this until his own

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164 WELLS, *supra* note 137, at 225; *see* A.P. Rossiter, *Measure for Measure, in* MODERN CRITICAL INTERPRETATIONS: WILLIAM SHAKESPEARE'S MEASURE FOR MEASURE 45 (Harold Bloom ed., 1987); *see also* Robert N. Watson, *False Immortality in Measure for Measure: Comic Means, Tragic Ends, in* 41 SHAKESPEARE QUARTERLY 411 (1990). For a discussion of the legal aspects of the play, see RICHARD A. POSNER, LAW AND LITERATURE 101-08 (1988).

165 THE RIVERSIDE SHAKESPEARE, *supra* note 95, at 545-46; CRITICISM, *Measure for Measure, supra* note 135, at 382, 385; M.C. Bradbrook, *Authority, Truth, and Justice in Measure for Measure, in* MODERN CRITICAL INTERPRETATIONS: WILLIAM SHAKESPEARE'S MEASURE FOR MEASURE 7, 7-8 (Harold Bloom ed., 1987). *See also* Dollimore, *supra* note 56, at 193.

166 Bradbrook, *supra* note 165, at 7-8.

167 MEASURE FOR MEASURE, *supra* note 31, act 3, sc. 1, l. 361.

168 IV WILLIAM SHAKESPEARE, THE COMPLETE PLAYS 403-04 (Stanley Wells & Gary Taylor eds., 1988); Louise Schleiner, *Providential Improvisations in Measure for Measure, in* MODERN CRITICAL INTERPRETATIONS: WILLIAM SHAKESPEARE'S MEASURE FOR MEASURE 95, 103-4 (Harold Bloom ed., 1987).

169 MEASURE FOR MEASURE, *supra* note 31, act 2, sc. 2, ll. 107-10.

170 Schleiner, *supra* note 168, at 95. For a contrary view, see Alexander Legatt, *Substi-*

transgressions put him at the mercy of others.

Once Angelo's misdeeds are uncovered, the Duke stands ready to exact the fullest penalty against Angelo–death.[171] Isabella seems content to allow this to happen, but Mariana asks Isabella to show mercy and help her plead for Angelo's life. Mariana says:

> Sweet Isabel, do yet but kneel by me.
> Hold up your hands, say nothing; I'll speak all.
> They say the best men are moulded out of faults,
> And for the most become much more the better
> For being a little bad. So may my husband.
> O Isabel, will you not lend a knee?[172]

Isabella consents, saying to the Duke:

> Let him not die. My brother had but justice,
> In that he did the thing for which he died.
> For Angelo, his act did not o'ertake his bad intent,
> And must be buried as an intent
> That perished by the way. Thoughts are no subjects,
> Intents but merely thoughts.[173]

In the end, the Duke puts everything right by releasing Claudio, pardoning Angelo, and reforming Lucio. Claudio is now wed to Julietta, and Angelo makes amends by marrying Mariana. Lucio is even forced by the Duke to correct his past lapses by marrying Mistress Overdone.[174] Just as mercy from Christ is justice fulfilled, the Duke and Isabella show that without mercy there can be no justice.

VII. "MERCY" IS "JUSTICE" ON STAGE AND IN FILM

David Thacker's Royal Shakespeare Company production of *The Merchant of Venice* brilliantly captures the "mercy" is "justice" theme. A magnetic piece of theater, the cast recreated the play in modern Venice. The stage reflected a technologically advanced business center complete with a dizzying array of network computers, facsimile machines, photo copiers, and cellular telephones. Frenzied action and comic drama unfold as the highly charged

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tution in Measure for Measure, in 39 SHAKESPEARE QUARTERLY 342 (1988).

171 *See* MEASURE FOR MEASURE, *supra* note 31, act 5, sc. 1, ll. 410-12 ("'An Angelo for Claudio, death for death; Haste still pays haste, and leisure answers leisure; Like doth quit like, and Measure still for Measure'."). *See also supra* note 137.

172 *Id.* act 5, sc. 1, ll. 438-43.

173 *Id.* act 5, sc. 1, ll. 449-54.

174 *Id.* act 5, sc. 1, ll. 514-16.

music and movement of people on stage depict a commercial center in full operation. Within this setting, Thacker's cast, comprised of David Calder as Shylock, Clifford Rose as Antonio, Owen Teale as Bassanio, and Penny Downie as Portia, brings Shakespeare's words to life.[175]

In seeing the production for the first time, one is immediately taken by the "hatred" permeating the stage. For example, Shylock says, "How like a fawning publican he looks. I hate him for he is a Christian, . . ."[176] and when Antonio says:

> If thou wilt lend this money, lend it not
> As to thy friends . . .
> But lend it rather to thine enemy
> Who, if he break, thou mayst with better face
> Exact the penalty.[177]

The play's mood exuded a dark, tragi-comic nature as Shylock developed his evil plan of revenge.[178] One is initially struck by Shylock's malevolent purpose in attempting to use the law to exact a literal application of Antonio's bond. One might even be tempted to look at the words of Nicholas Rowe who said:

> Though we have seen the play received and acted as a comedy, and the part of the Jew played by an excellent comedian, yet I cannot but think that it was designed tragically by the author. There appears in it such a deadly spirit of **revenge**, such a savage fierceness and fellness, and such a bloody designation of cruelty and mischief, as cannot agree either with the style or character of comedy.[179]

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175 William Shakespeare, *The Merchant of Venice*, RSC Playbill programme (Kathy Eglin ed., 1993) (on file with author).

176 THE MERCHANT OF VENICE, *supra* note 49, act 1, sc. 3, ll. 38-39.

177 *Id.* act 1, sc. 3, ll. 128-34 (emphasis added).

178 John Middleton Murry, *Shakespeare's Method: The Merchant of Venice, in* SHYLOCK 101-03 (Harold Bloom ed., 1991).

179 William Shakespeare, *The Merchant of Venice*, RSC Playbill programme (Kathy Eglin ed., 1993), *citing* THE MERCHANT OF VENICE: TWENTIETH-CENTURY INTERPRETATIONS (S. Barnett ed., 1970), and THE MERCHANT OF VENICE: A CASEBOOK (John Wilders ed., 1969), and SHAKESPEAREAN CRITICISM (L.L. Harris ed., 1984). For another quotation of the text, see *Part I Earlier Criticism, in* SHAKESPEARE: THE MERCHANT OF VENICE 25 (John Wilders ed., 1969). The reader must keep in mind that Rowe's analysis of the play was based on a text that had descended into farce, and it was not until thirty years later that Charles Mackin, as Shylock, restored the "Jew that Shakespeare wrote." As with all Shakespearian criticism, one must be on guard to understand the context in which the opinion is rendered and the sources the author relied upon in drafting his or her view. *See* Letters and notes from Glynne Wickham, Professor of Literature, University of Notre Dame, London Centre, London, England (May, 1994) (on file with author).

However, Shylock is not just a villain, but a victim too.[180] Hardened by years of oppression and non-acceptance, Shylock internalized a view that the world was against him. Consequently, he saw Antonio's bond as his chance to strike back at his tormentors. He wanted to beat the Venetians at their own game by enforcing their own "letter" of the law.[181]

Mr. Calder's and Ms. Downie's respective portrayals of Shylock and Portia, masterfully contrasted the Old Testament and New testament notions of justice. Calder played Shylock as an embodiment of the Old Testament "justice" which was an "eye for an eye."[182] In contrast, Downie's Portia, like Christ in the New Testament, eloquently entreated Shylock to show mercy:

> 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.
> 'Tis mightiest in the mightiest . . . And earthly
> power doth then show likest God's when mercy
> seasons justice. Therefore, . . . Be merciful.
> Take thrice thy money. Bid me tear the bond.[183]

But Shylock will not hear of it; he stays for his bond. Driven by hate, Shylock says, "An oath, an oath! I have an oath in heaven. Shall I lay perjury on my soul? No, not for Venice."[184] Nothing else can be done. Venetians value the law upon which their commercial center is built, so Portia rules the bond forfeit. In her own words:

> There is no power in Venice [c]an alter a decree
> established. 'Twill be recorded for a precedent,
> . . . It cannot be . . . Why, this bond is forfeit, [a]nd
> lawfully by this the Jew may claim [a] pound of flesh
> to be by him cut off [n]earest the merchant's heart."[185]

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180 WELLS, *supra* note 137, at 158-63. *See also* René Girard, *"To Entrap the Wisest," in* SHYLOCK 291 (Harold Bloom ed., 1991). For a contrary view, see E.E. Stoll, *Shylock, in* MODERN CRITICAL INTERPRETATIONS: WILLIAM SHAKESPEARE'S THE MERCHANT OF VENICE 15 (Harold Bloom ed., 1986).

181 THE MERCHANT OF VENICE, *supra* note 49, act 3, sc. 3, ll. 1-17 & act 4, sc. 1.

182 *Deuteronomy* 19:21; *Matthew* 5:38-42.

183 THE MERCHANT OF VENICE, *supra* note 49, act 4, sc. 1, ll. 181-85, 193-94 & 230-31. For additional analysis of Portia, see Harley Granville-Barker, *Portia, in* SHAKESPEARE: THE MERCHANT OF VENICE 71 (John Wilders ed., 1969).

184 THE MERCHANT OF VENICE, *supra* note 49, act 4, sc. 1, ll. 225-27.

185 *Id.* act 4, sc. 1, ll. 215-19, 227-30.

It seems Shylock has won, but Portia frustrates him with her own use of the "letter" of the law. Shylock can have his bond, but no more. He cannot have blood nor any more or less than exactly one pound of flesh.[186] In Portia's words, "For as thou has urgent justice, be assured[.] Thou shalt have justice, more than thou desir'st."[187]

Realizing defeat, Shylock tries to reclaim his money, but Portia says, "Soft! The Jew shall have all justice. . . . He shall have nothing but the penalty."[188] Calder's Shylock is devastated. He has lost, and further, once he is tried and sentenced for the attempt on Antonio's life, he appears almost completely destroyed. The final blow comes when he learns he must make financial amends and convert to Christianity. Calder's Shylock collapses under the strain. "Mercy" seems harsh here, but less so considering the death sentence the Duke could have imposed.

While the trial scene was entrancing, one is troubled by the palpable level of anti-Semitism exhibited by the Christians.[189] Their "mercy" seems triumphant as a higher form of "justice," but their pre-trial behavior and attitudes were anything but Christian. Christ's commandment to "Love thy enemy as thy neighbor"[190] and "Love thy neighbor as yourself"[191] appears lost on Bassanio and his friends. At the play's conclusion, one is left to ponder what might have been had the Venetians been more accepting of Shylock.

In viewing the BBC production of *Measure for Measure*, one is equally impressed with the vivid and lucid portrayal of mercy's role in achieving justice. Directed by Desmond Davis and starring Kenneth Colley as the Duke, Kate Nelligan as Isabella, Tim Pigott-Smith as Angelo, and John McEnery as Lucio, the play is set in a Puritanical Vienna.[192] Costumes reflect Puritan tastes and give the play a formal, tense and dramatic force. Close photographic framing, superb cinematography and lavish props lend a

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186 *Id.* act 4, sc. 1, ll. 296-309.

187 *Id.* act 4, sc. 1, ll. 312-14.

188 *Id.* act 4, sc. 1, ll. 317-19; Barbara K. Lewalski, *Biblical Allusion and Allegory in The Merchant of Venice, in* SHYLOCK 236 (Harold Bloom ed., 1991); *Shylock v. Antonio,* ALBANY LAW JOURNAL 1 (1874).

189 III WILLIAM SHAKESPEARE, THE COMPLETE PLAYS 3-4 (Stanley Wells & Gary Taylor eds., 1986). For a full discussion, see Derek Cohen, *Shylock and the Idea of the Jew, in* SHYLOCK 305 (Harold Bloom ed., 1991).

190 *Matthew* 5:38-48.

191 *Matthew* 22:37-40.

192 *Measure for Measure* (British Broadcasting Co. 1990).

vivid sense of realism to this tour-de-force production. Critics have written that the brilliant cast cleared away the sheer complexity of the plot in a production of "permanent, trail-blazing value."[193]

Kate Nelligan and Tim Pigott-Smith turn in exceptional performances as Isabella and Angelo. Equally brilliant is Mr. Colley's portrayal of the Duke and Mr. McEnery's portrayal of the devilish Lucio. These four characters focus the viewer on the tension between the commands of Viennese law and the concept of justice. The Duke began the play with a commission to Angelo to rule in his absence stating before the court, "With any scruple: your scope is as mine own, So to enforce or qualify the laws[.] As to your soul seems good."[194]

This occurred despite the Duke's misgivings about Angelo's "precise"[195] nature, which he voiced by asking Escalus, "What figure of us think you he will bear? For you must know, we have with special soul . . . Lent him our terror, dressed him with our love, [a]nd given his deputation all the organs [o]f our own power. What think you of it?"[196] Escalus responded by saying that he thinks Angelo is worthy of the task, but the actor, Kevin Stoney, smiled as he said this, leading one to believe that Escalus understood the Duke's meaning all too well. Angelo's commission is a test. Later on, the Duke simply reconfirmed these fears when he said to Friar Thomas:

> A man of stricture and firm abstinence,
> My absolute power and place here in Vienna; . . .
> Only this one: Lord Angelo is **precise,**
> Stands at a guard with envy, scarce confesses
> That **his blood flows,** or that his appetite
> Is more to bread than stone. Hence we shall see
> If power change purpose, what our seemers be.[197]

Predictably, Angelo wasted no time in carrying out the duties of his office. In doing so, he confirmed the Duke's worst suspicions when he condemned Claudio for the crime of fornication with Julietta. Escalus queried Angelo on the sentence's harshness, given the lack of enforcement over the past fourteen years. Angelo

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193 This was a quote on the video jacket *Measure for Measure* (British Broadcasting Co. 1990).

194 MEASURE FOR MEASURE, *supra* note 31, act 1, sc. 1, ll. 64-66.

195 *Id.* act 1, sc. 3, l. 50; *see also supra* note 135.

196 *Id.* act 1, sc. 1, ll. 16-22.

197 *Id.* act 1, sc. 3, ll. 12-13, 50-54 (emphasis added).

responded:

> We must not make a scarecrow of the law,
> Setting it up for fear the birds of prey,
> And let it keep one shape till custom make it
> Their perch and not their terror.[198]

Escalus then attempted to temper Angelo's wrath with these words:

> That in the working of your own affections,
> . . .Whether you had not sometime in your life
> Erred in this point, which now you censure him,
> And pulled the law upon you.[199]

Unmoved, Angelo retorted, "'Tis one thing to be *tempted*, Escalus, Another thing to fall."[200] Angelo further stated that if he ever transgresses as Claudio has done, he would exact the same sentence upon himself. These are strong words from a judge so resolute in carrying out the "letter" of the law—a metaphor for the strict Law of Moses.

The overbearing nature of Angelo's stance is more stark when contrasted with the infinite patience of Escalus when Escalus takes over the dispute between Elbow, Froth and Pompey. Angelo is bored with the case and says, "This will last out a night in Russia, . . . And I leave you [Escalus] to the hearing of the cause, [h]oping you'll find good cause to whip them all."[201] Escalus's treatment of the law and its application to Viennese subjects is exemplary and he maintains a special place within the play for his Christian demeanor.

Escalus exhibited great patience and compassion while hearing Elbow's complaints against Froth and Pompey. Listening to all three men's stories, Escalus persistently questioned them until he had gathered all of the information he needs to make a decision.[202] Afterwards, Escalus meted out correction commensurate to their transgressions. Froth received this rebuke from Escalus, "Master Froth, I would not have you acquainted with tapsters; they will draw you, Master Froth, and you will hang them. Get you gone, and let me hear no more of you."[203] For Pompey,

198 *Id.* act 2, sc. 1, ll. 1-4.
199 *Id.* act 2, sc. 1, ll. 10, 14-16.
200 *Id.* act 2, sc. 1, ll. 17-18.
201 *Id.* act 2, sc. 1, ll. 128-31.
202 *Id.* act 2, sc. 1.
203 *Id.* act 2, sc. 1, ll. 194-98.

Escalus has a stern warning:

> I advise you let me not find you before me again upon any complaint whatsoever; . . . If I do, Pompey, I shall beat you to your tent and prove a shrewd Caesar to you; in plain dealing Pompey, I shall have you whipped. So for this time Pompey, fare you well.[204]

Escalus showed that grace comes from mercy and mercy achieves justice.

The "mercy" is "justice" theme received its fullest treatment as the play's dramatic climax unfolded. The Duke, Angelo, Isabella, and the rest of the cast are gathered in the town square. Here, the best dramatic line in the play is delivered by Isabella when she cried out:

> Justice, O Royal Duke! Vail your regard
> Upon a wronged—I would fain have said, a maid.
> O worthy prince, dishonour not your eye
> By throwing it on any other object
> Till you have heard me in my true complaint,
> And given me *justice, justice, justice, justice*![205]

Isabella cried out for justice because of the perversions Angelo has bestowed on the law. Isabella pleads for the truth to be known, and it is the Duke who brings the truth to light.[206] Angelo slept with Mariana—his wife; Claudio is not dead; and Lucio must own up to his obligations.

Perhaps the most poignant part of the production came when Angelo was sentenced to death for his misdeeds and Mariana asks Isabella to plead with her for Angelo's life.[207] There is a pregnant moment of silence, then Isabella drops to her knees alongside Mariana to plead before the Duke.[208] The redemptive love of Christ flows from her to Angelo, despite the wrongs he has visited upon her. Both have passed their tests. Mercy triumphs, Angelo is spared, and New Testament mercy triumphs over Old Testament vengeance. Justice is fulfilled not by the strict application of the "letter" of the law, but by the graceful adoption of the

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204 *Id.* act 2, sc. 1, ll. 234-39.

205 *Id.* act 5, sc. 1, ll. 21-26 (emphasis added).

206 *See John* 8:12; *John* 3:21 (stating "I am the Light of the world. Whoever follows me will not walk in darkness, but will have the light of life. . . . [W]hoever lives the truth comes to the light, so that his works may be clearly seen as done in God.").

207 MEASURE FOR MEASURE, *supra* note 31, act 5, sc. 1, ll. 433-43.

208 *Id.* act 5, sc. 1, ll. 445-55.

"spirit" of the law. The law's true aim is fulfilled as mercy achieves justice.

VIII. CONCLUSION

Shakespeare's view of justice in *The Merchant of Venice* and *Measure for Measure* is both endearing and timeless. His juxtaposition of Shylock and Portia arguing the meaning of the law, and the struggle between Angelo and Isabella on the rightness of a merciful judge provide a rare glimpse at the inherent greatness and fallibility of the human soul. The human condition is inexorably intertwined with sin and grace. Both plays argue persuasively for a Christian view of the law as a merciful achiever of justice. Christ challenged his followers to "[d]o to others as you would have them do to you" and "[b]e merciful, just as [also] your Father is merciful."[209] This message springs forth in both of Shakespeare's plays. Justice comes from mercy, which itself is a function of the redemptive love Christ gave the world. This message of love, equally compelling in Shakespeare's and Christ's time, is no less important today.

In understanding Shakespeare's views on justice, lawyers can learn a great deal from the foibles and excesses of Shylock and Angelo. The seductive desire for personal revenge or advancement are not human weaknesses peculiar to Shakespeare's characters—they exist in everyone, everywhere. Using one's authority to exact improper and rigid applications of the law only leads one down a sinister path of injustice. Lawyers should work for justice and recognize the need for "mercy" and "grace" in living their lives in the law. The power in Shakespeare's message is the chance to learn from Angelo's and Shylock's mistakes without having to endure their painful lessons in real life.

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209 *Luke* 6:31 & 6:36 (alteration in original); *see also Luke* 11:26-37 (for the Parable of the Good Samaritan).

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