RELIGION, LAW AND JUSTICE IN
THE MERCHANT OF VENICE, LOS INTERESES CREADOS
AND
LA CIUDAD ALEGRE Y CONFIADA

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When analyzing Los Intereses Creados, Walter Starkie finds the love scene between Leandro and Silvia "faintly" similar to that between Lorenzo and Jessica in The Merchant of Venice, since they are both set in a moonlit night and music can be heard in the background. He might also have mentioned that both are set in a garden, or have observed the similarities of the law scenes. Justice, law and religion are tightly intermingled in Shakespeare. By stating that justice and law need the tempering of mercy and charity, Shakespeare closely relates them to love as well. Shakespeare questions the moral validity of the Christian’s attempt to impart justice. Benavente simply states that justice and law have become a jest, and seems resigned to it. Religion is only implied throughout in Benavente’s plays, never treated directly. However, both dramatists seem concerned about the fact that the Christian ideal appears difficult for human beings to follow. This is due not to the ideal itself, but to human disposition, in the perception of both playwrights. Nevertheless, the synthesis of the real and the ideal is seen as a way to redeem society by both authors.

As already mentioned, religion, law and justice are closely related in The Merchant of Venice. Shylock "stands for the Law", as M. C. Bradbrook puts it, "for the legal system which, to be just to all in general, must only approximate to justice in particular cases." After adding that "Shylock’s creed is an eye for an eye", Bradbrook goes on: "The Bible would be sufficient lead to the identification of a Jew with legal concepts of justice, and for the opposition of the Old Law to the New." (Bradbrook, p. 172).

This creed, then, is contrasted to the Christian ideal of justice tempered by mercy. Portia’s speech on the quality of mercy, as Bradbrook sees it, is the most purely religious utterance in the [Shakespearean] canon - the most directly
based upon Christian teaching, with its echoes of the Lord’s prayer, the Christian doctrine of salvation, and the words of Ecclesiasticus, 35. 20: "Mercy is seasonable in the time of affliction, as clouds of rain in the time of drouth." (Bradbrook, p. 172).

Even though in her view the speech loses in force because it is addressed to a Jew, Bradbrook admits that the intention of the speech is to oppose it to Shylock’s: "What judgement shall I dread, doing no wrong? ... I stand for judgement, answer; Shall I haue it?" (IV. i. 89 ff: Bradbrook, p. 172).

To me, however, addressing the speech to a Jew helps to highlight the inconsistency Shakespeare seems to find in the behaviour the Christians observe. Even Portia, who is asking for mercy, displays some degree of cruelty towards both Bassanio and Shylock. She plays a rather cruel game with Bassanio on account of the ring which is the pledge of their love. First, still disguised as Balthazar, the young lawyer, she succeeds in getting the ring from Bassanio. Later in Belmont, Nerissa and Gratiano quarrel because the ring Nerissa had given her husband is missing. Portia boasts about Bassanio’s incapability of breaking a promise, categorically asserting her certainty about his having kept her ring. So Bassanio, wishing he had it, is forced to admit that he gave the ring to Balthazar. Portia first insists on her hope that he did not surrender the ring she gave him and then pretends to disbelieve him, saying that he must have given it to a woman. When she finally returns the ring to Bassanio, Portia confesses to her alleged infidelity with the lawyer in exchange for the ring. And only then, when Gratiano grossly complains about the infidelity of both Nerissa and Portia, does Portia disclose that she was Balthazar and Nerissa his clerk.

More importantly, during the trial, after eulogizing the virtues of mercy, addressing her speech to the Jew, she is not exactly merciful when turning the case against Shylock. She actually seems to enjoy that part of her position at the trial. She misleads Shylock into believing that he is legally entitled to Antonio’s pound of flesh before she calls his attention to the fact that he cannot shed any blood because the bond does not specify his legal right to do so. She claims that both the money offered by Bassanio and the principal are forfeited when Shylock seeks to trade the flesh for the money. And she finally explains that Shylock has violated the law, charges him with attempted
murder, and informs him of what penalty is carried by such crime. The penalty shows, to Jeanne Heifetz, that Christian institutions, like the lives of the Christians, are based on reciprocity: they punish an attempt to murder with revenge, not forgiveness:  

If it be proved against an alien,  
That by direct or indirect attempts  
He seek the life of a citizen,  
The party 'gainst the which he doth contrive,  
Shall seize one half his goods, the other half  
Comes to the privy coffer of the state,  
And the offender's life lies in the mercy  
Of the Duke only, 'gainst all other voice.  
(IV. i. 345-52).

Cruelty takes the form of revenge as well, which the Christians also practice, against their own preaching. Commenting upon Shylock's speech beginning "Hath not a Jew eyes?" (MV III. i. 58ff), John Russell Brown concludes that Shylock's justification is so forceful that we forget "that a villain is speaking" and that "he claims a hearing on the grounds that he suffers as other men and will take revenge like them." In other words, as John Palmer sees it, the speech is a rationalization of his thirst for revenge, not the generally believed plea for human tolerance, and Palmer cites:

and if you wrong us shall we not revenge? if we are like you in the rest, we will resemble you in that. If a Jew wrong a Christian, what is his humility? Revenge! If a Christian wrong a Jew, what should his sufferance be by Christian example? - why, revenge! The villainy you teach me I will execute, and it shall go hard but I will better the instruction.

To me, the attitude of the Christians adds to the force of this speech, precisely because it underscores Shylock's point and commands the audience's sympathy, as Brown points out (Brown, p. xxxix) Antonio's behaviour especially will provide the best example of this Christian attitude that has led Shylock to make his case so strongly: if Christians can exact vengeance, he
should be allowed to do so as well. As Brown puts it, Shylock takes every opportunity to advance his point of view fully, the first of these being the dialogue where he sarcastically says:

Shall I bend low, and in a bondman's key,
With bated breath and whisp'ring humbleness,
Say this:
'Fair sir, you spat on me on Wednesday last,
You spurn'd me such a day, another time
You call'd me dog, and for these courtesies
I'll lend you thus much moneys'?
(I. iii. 120-26).

To Shylock's sarcasm, Brown adds, Antonio answers with coldness: "I am as like to call thee so again, / To spit on thee again, to spurn thee too." (I. iii. 127-28). It has been argued that this reflects a typical attitude towards the Jews. Indeed, nothing in the play suggests any shocking inconsistency in Antonio's overt abuse of Shylock with the kindness he displays as the perfect Christian gentleman he has been claimed to represent. Bassanio describes the merchant as:

The dearest friend to me, the kindest man,
The best-conditioned and unwearyed spirit
In doing courtesies, and one in whom
The ancient Roman honour more appears
Than any that draws breath in Italy.
(III. ii. 292-96).

In his essay "Of Unity and Religion" Sir Francis Bacon states that the true God is jealous and "therefore his worship and religion will endure no mixture nor partner." If this can lead a person professing the Christian faith to reject "infidels" too on the grounds of their creed, I think Shakespeare precisely denounces the inconsistency of the devotion to a faith that preaches love, mercy and charity when it encourages intolerance; intolerance based not only on religion but also on race. Portia's apparent lack of racial prejudice has been
noted frequently and the following scene has often constituted the evidence
selected. Portia explains to Morocco that, according to her father's will, he
must choose one of three caskets. To win her in marriage, he must select the
one that contains her picture. Disregarding his complexion, she assures him, "If
you choose that, then I am yours withal" (MV II. vii. 12). With even more
frequency, it has been overlooked that when Morocco's arrival later that
evening is announced, Portia cannot refrain from commenting:

If I could bid the fifth [suitor] welcome with so good heart as
I bid the other four [suitors] farewell, I should be glad of his
approach: if he have the condition of a saint, and the
complexion of a devil, I had rather he should shrieve me than
wive me. (MV I. ii. 121-25).

And when Morocco chooses wrongly, Portia exclaims with relief: "A
gentle riddance, -draw the courtains, go,-/ Let all of his complexion choose me
so." (MV II. vii. 78-79). However, the play seems to state that the Christian
ideal is still the best, despite the incapability of the Christians to conform to it.
That is where the problem lies, in the human nature of the Christians. This is
made clear in Benavente by his not having dramatized the Christian-Jewish
opposition, the Old Testament and the New.

Although the opposition of the Old Testament and the New is not
central to any of the plays considered, I find there and interesting point of
comparison between Shakespeare and Benavente. They both develop the pattern
of sin, expiation and redemption. Hermann Sinsheimer deems The Merchant
of Venice "the most ingenious satire on justice and the courts of law in the
literature of the world." Benavente also satirizes the judicial system, and the
idea of justice is present everywhere in the play, most obviously when Leandro
and Crispín finally face trial at the end. They have fled justice since
proceedings began in Bologna, before the play opens. Crispín and Polichinela
had spent some time together in the galleys when Crispín met Leandro. Also
justice in a broader sense than the legal one can be found throughout the play:
the city now pays little attention to the once respected captain because there is
no war to fight at the moment and the city resents the defeat in the last one;
Doña Sirena feels that her creditors behave in a very unfair way when they
deny her more credit. She believes that her mere use of their services helps
their businesses because some rich ladies in town try to imitate her grand lifestyle, but, unlike her, they do not need credit.

The satire on the judicial system is best exemplified in Shakespeare’s play by the way Portia brings about Shylock’s undoing and by the comic elements of Shylock’s position at the trial.\(^5\)

In Benavente, such satire is even more evident. Crispín’s machinations lead everybody to find themselves dependent on Leandro’s marriage to Silvia not to lose their money, so they force Polichinela to accept such marriage. Leandro will not be imprisoned because mere punctuation can alter, to acquit or convict the defendant, the entire record of all the charges pressed against a person. The legal system, in Benavente, completely disregards the moral aspect of justice: "¡Oh admirable coma! ¡Maravillosa coma! ¡Genio de la justicia! ¡Oráculo de la ley! ¡Monstruo de la jurisprudencia!".\(^10\)

Benavente, then, accepts the fact that justice has become a mere joke, however painful the idea may be. It constitutes one more of the faults of the people leading to the corruption of society. Shakespeare, on the other hand, stresses his doubts about the qualification of the Christians to impart justice, since they are indeed capable of being cruel. Their treatment of the Jews, and Portia’s handling of the trial and the ring episode should sufficiently attest to Christian cruelty. But it is brilliantly underscored by Shylock’s reference to the way the Christians use their legal privileges. Venetian law allows the ownership of slaves. The Christians feel that it is also their prerogative to abuse their own slaves, simply because they paid for them. Like the Christians, Shylock naturally demands his right to Antonio’s flesh because he owns it:

You have among you many a purchas’d slave
Which (like your asses, and your dogs and mules)
You use in abject and in slavish parts,
Because you bought them.
[...]

The pound of flesh which I demand of him
Is dearly bought, ’tis mine and I will have it:
If you deny me, fie upon you law!
There is no force in the decrees of Venice:
I stand for judgement, -answer, shall I have it?
(IV. i. 90-93; 99-103).

Love is also related to law and justice and the world of commercial bonds. In The Merchant of Venice, Brown remarks, lovers talk in commercial, not romantic terms. The inscriptions of the caskets explain the laws regulating the usury of love found in Belmont, "an usury, where those who give and those who receive are free agents, and where the multiplication of happiness is a natural interest." Just "desiring" or "deserving" it does not guarantee success; to be successful, one must "give and hazard" everything he has, even though he usually expects "fair advantages" (II. vii. 19), -which means fair interest in Venice- in return. Such "transactions of Belmont and Venice," Brown writes, state the main idea of the play:

When Portia and Shylock face each other in the trial scene, they are representatives not only of justice and mercy, but also of the possessiveness and generosity, of those who get as much as they deserve and those who, for love, will give and hazard all they have. (Brown, pp. lv-lvii).

Shylock’s inability to risk, let alone to give, for friendship or love brings about his loss of wealth and identity. Only those who "risk" themselves triumph. Antonio is finally saved, after risking his wealth and his life for his friend. Their bond of friendship has strengthened. Bassanio risks his future happiness by submitting to the choice of the caskets. Portia avoids the risk Antonio’s death would mean to her marriage by going to Venice, as Balthazar, to save Antonio. In Benavente there is little room for idealism. Crispín and Leandro, passing themselves off as noblemen, achieve material success in Los Intereses Creados. The idealistic characters, Silvia and Leandro triumph only through the machinations of the realistic one, Crispín, who generously uses bribes, blackmail, and deception to gain his ends. The Merchant of Venice had not arrived at this point yet, but, it already explains why it could happen.

Of the two pictures of justice shown in the handling of legal matters by the two playwrights, Benavente’s appears more explicitly bitter. There are no moral considerations in the legal quibbles used in Los Intereses Creados. Only punctuation will straighten the case, once everybody joins efforts to urge
Polichinela to relent and allow Silvia's marriage to Leandro, because it is to their own economic interest. In *The Merchant of Venice*, Shylock follows a legalistic system imposed by his Old Testament Jehovah, while Antonio represents the New Testament, and almost re-enacts Christ. The trial scene emphasizes the need for mercy to temper justice. There is also a questioning of the mercantile values upheld openly by Shylock and less overtly by the Christians. This questioning seems out of place in the society Benavente portrays. While Shakespeare recognizes the inherent dangers of such values, Benavente insists on the idea that their mercantilism accounts for the decay of society and focuses on the next phase: the unavoidable need for the regeneration of society will exact its high price. Shakespeare contrasts the different sets of values generated by the two opposing approaches to them in the play, the Jewish and the ideally Christian, while Benavente juxtaposes the realistic and the idealistic outlooks within a nominally Christian society. In *The Merchant of Venice*, following the ideal proves more rewarding than exacting.

To complete the picture, nine years later, in *La Ciudad Alegre y Confiada*, Benavente shows that ideals demand a high price from those who follow them. By fostering materialism, revenge, utter selfishness and lack of mercy - Shylock's values - society has become so corrupt that it needs the blood sacrifice Portia could still prevent in the society of Venice. The antipathy the Christians feel for Shylock is not enough to induce his death. A. D. Moody observes that "in condemning Shylock they [the Christians] are condemning their own sins."11 In other words, the Christians make Shylock their scapegoat. And they do it quite unconsciously, just as the city makes Crispín its scapegoat in its unconscious desire of cleansing itself. In Benavente, the blood sacrifice seems inevitable for the city to emerge clean from its destruction. And Crispín and Leandro, by giving their lives, attain spiritual regeneration. Shylock, though, perceives his situation as unfair, since, in his own eyes, he has done nothing against his religion and has been a law-abiding citizen. He hates the Christians because they are hypocritical and continuously wrong the Jews but he never questions why, he does not consider himself a scapegoat in the same way as Crispín does. He lacks Crispín's full understanding of the role he plays in society, in life.
NOTES

3.- Portia unnecessarily delays Shylock’s undoing and, thus, Antonio’s delivery. This has been explained as an attempt to offer Shylock an opportunity to show mercy. Although this might be one of her purposes, it does not account for the whole effect of the delay, as seen below.
7.- Sir Francis Bacon, *The Essays*, ed. John Pitcher. Penguin Classics (Harmondsworth, Middlesex, England: Penguin, 1985), p. 67. Pitcher points out that this idea comes from *Exodus*: "Thou shalt have no other gods before me" (Exod. 20. 3), "for I the LORD thy God am a jealous God" (Exod. 20. 5).
9.- Brown mentions a few of these comic elements of Shylock’s part in the hearing, which had been pointed out by E. E. Stoll and J. Palmer: "tantalizing the Christians by explaining, yet not explaining his motives, looking to see if a surgeon is mentioned in the bond, encouraging the judge who is going to condemn him, asking for his money back as soon as it is evident that he cannot have the flesh, and incurring Gratiano’s gibes." Brown, pp. li-lii.