I would fain see a prize set up that the well-fed Usurer and the politic Bankrupt might rail one against the other for it. O, it would beget a riming comedy.

Thomas Dekker (1606)¹

Abstract: In Shakespeare’s comedy The Merchant of Venice, Tubal’s chief function seems to be to furnish cash for Shylock’s loan to Antonio. However, I argue that when Shylock approaches Tubal for money, Tubal does not confront Shylock but vows instead to establish conditions by which to convict the moneylender of intent to harm Antonio. For this to work, Tubal needs the connivance of the Duke, which gainsays one component of the myth of Venice that holds that the city-state’s legal system is above reproach.

Keywords: Shakespeare, Merchant of Venice, Myth of Venice, Law, Rhetoric, Lies, Fallacy, Usury.

I. Setting the Stage

Bassanio needs money to finance his courtship of Portia, and his friend Antonio agrees to borrow 3,000 ducats on his behalf from a Jewish moneylender Shylock. As collateral, Antonio

¹ Thomas Dekker, The seven deadly sinnes of London... (London, 1606), 10.
uses the value of merchandise carried by six vessels at sea, which he expects to return an amount of “thrice three times” the value of the bond. Thus on average, each ship should return a profit of $3 \times 3 \times 3,000 \div 6 = 4,500$ ducats, so that after the first ship returns, it is likely that he would have more than enough to pay off the loan.

Prior to striking the deal, the merchant and the moneylender trade religious and ethnic insults. Shylock recounts how Antonio called him a dog and Antonio replies, “I am as like to call thee so again, / To spit on thee again, to spurn thee, too.” Yet Shylock agrees to lend the money. Moreover, he ignores the injunction of Deuteronomy 23:20 (“Unto a stranger thou mayest lend upon usury; but unto thy brother thou shalt not lend upon usury”) and as if heeding Christ’s advice in Luke 6:35 to “lend, expecting nothing in return,” he decides not to charge Antonio interest. Antonio naively calls this “kindness,” but what does Shylock have to gain by this arrangement? If not money from usury or goodwill from the irredeemably hateful Christian Antonio, then what? Surely, Shylock is not rewarding Antonio for his slurs. This difficulty is resolved by the later realization of Shylock’s malice aforethought.

In Shakespeare’s version of the flesh-bond tale, Shylock cannot raise the cash immediately but assumes that a wealthy Hebrew, Tubal, will furnish the amount. Shylock and Tubal belong to the same synagogue, so they may have a trusting relationship and apparently have no need of a legal contract. Such a mode of conducting business is not unprecedented in tight-knit groups. Tubal does not confront Shylock because the bond is already signed and notarized, nor does he charge Shylock interest because in keeping with biblical writ, they are “brothers.” More importantly, Tubal does not demand that Shylock extract interest from the Christian Antonio either, so neither lender is in this for the money. They assume risk for no reward, which leads us to question the agendas of the two congregants.
II. Shylock’s Agenda

The time when Shylock decides to seek his murderous vengeance on Antonio is deemed debatable, but the idea of revenge must have entered Shylock’s mind almost immediately upon his meeting Antonio in scene 1.3. Then, using a wrestling metaphor, Shylock mutters aside, “If I can catch him once upon the hip, / I will feed fat the ancient grudge I bear him.” In scene 3.2, Shylock’s daughter Jessica tells of a meeting with Tubal and a fellow congregant Chus during which she heard her father swear that he would rather have Antonio’s flesh than twenty times the 3,000 ducats owed. Such a hypothetical return on investment would amount to a 1,900 percent profit, and if Tubal were in this for the money, surely it would not please him that Shylock would reject such a lucrative offer. Sixty thousand ducats is a sizable sum, worth in modern terms millions of pounds sterling, by which Shakespeare measures Shylock’s indifference to profit and the depth of his hatred. If Tubal tacitly abets Shylock’s actions he would become an accessory to attempted homicide, but he did not acquire his wealth and stature by such behavior. This leaves Tubal’s apparent indifference unexplained.

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3 This may contribute to Jessica’s subsequent resolve to flee her home and abscond with her father’s valuables.
5 A further consideration is that if Shakespeare intends Tubal to abet Shylock’s machinations, he indicts them both, and Chus besides, which casts the entire congregation in a bad light. However, new evidence suggests that Shakespeare’s intent is quite the opposite. Peter D. Usher, “Lancelot’s Nosebleed,” *Notes & Queries* 261.3 (2016): 419-420, 420, writes that the clown Lancelot’s riddling passage (*MV* 2.5.22–27), which critics gloss as nonsense or ridicule, in actuality praises the Hebrew calendar because, like the Gregorian calendar reform of 1582, it keeps pace with the Sun. Adam Max Cohen, *Shakespeare and Technology: Dramatizing Early Modern Technological
III. Tubal’s Agenda

At the meeting in question, I posit that Tubal takes exception to Shylock’s threat and rather than refuse outright to cooperate, he senses an opportunity. Excision of a pound of Antonio’s flesh is life-threatening, and Tubal knows that the penalty in Venice for an alien—as Jews were regarded in Venice\(^6\)—seeking the life of a Christian could be death if the Duke, who is the chief magistrate of Venice, so decides. This statute, which is a crux of the play, is Shakespeare’s invention for it is not in any of his likely sources.\(^7\) I judge it likely that hatred so consumes Shylock that he gives no thought to possible consequences of his intentions, and instead he places faith in the Venetian judiciary and a literal reading of the law. Tubal is a successful businessman who is likely therefore a shrewd judge of character, and he banks on Shylock grasping the first opportunity to avenge past ethnic and monetary wrongs perpetrated by Antonio and by Christians generally.

When Shylock approaches Tubal for money, Tubal hands over the cash and does not elect to confront Shylock, because even if he could dissuade the moneylender from his intention, he judges that Shylock would be undeterred, and thus that he would remain a menace to society and an embarrassment to his synagogue. Therefore, Tubal proceeds to create conditions that give Shylock the opportunity to threaten Antonio directly. He will precipitate a crisis by spreading

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rumors on the Rialto that Antonio’s vessels have sunk and that Antonio—most of whose capital is invested in them—will default on the loan, and he gambles that Shylock will then demand his pound of flesh.

Gossip was part of a complex system of social relationships in early modern Venice that provided a means for individuals to pass judgement on one another. Venetian men “gossiped as much or even more than women.”

“Gossip or hearsay—information coming from a ‘public and common voice’ or ‘a voice that spread throughout the people’—proved enough to initiate an investigation and courtroom proceedings. A judge could open a case based on bad reputation alone…”

Topics for gossip included trading, and sometimes individuals intentionally fed misinformation into the network, as shall Tubal. Thus, even if Shylock does not press prematurely for a conviction, the corrupt magistrate could do so to ensure that Antonio be tried before his ships come home.

If a consensus develops that Antonio is bankrupt, Tubal will count on Shylock to initiate legal proceedings. Thus, after act 1 has ended, Tubal approaches the Duke to explain his strategy and they connive to allow Shylock to threaten Antonio on the grounds of bankruptcy. However, as Tubal is overall a force for good, he does not wish Shylock to receive a death sentence.

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because in conspiring to save one human life he would not wish to take another, so he stipulates that the Duke grant Shylock clemency.

IV. The Myth of Venice.

Tubal’s interference with the judiciary would seem to gainsay the so-called myth of Venice\textsuperscript{11} according to which the city’s legal system was beyond reproach, but “one finds always in the sixteenth and seventeenth centuries both bright and dark sides to the city’s reputation.”\textsuperscript{12} Part of the myth is its reputation for political wisdom, of which justice is a part, but some judges were corrupt and sometimes brooked no delay in bringing cases to trial, particularly if the defendant was poor.\textsuperscript{13} Like Angelo in Measure for Measure, the Duke’s abuse of authority has “countless precedents in the long history of human corruption, and…tales of judicial infamy have doubtless been told since society began.”\textsuperscript{14} Wealthy Tubal is influential in Venice and he capitalizes on the opportunity to use Antonio to neutralize Shylock’s evil forever. Cash-strapped Antonio is like bait, like a gullible gudgeon of scene 1.1 that, in the words of the Second Fisherman in Shakespeare’s Pericles, “hangs in the net like a poor man’s right in the law” (Per. 2.1.124).


\textsuperscript{12} David C. McPherson, Shakespeare, Jonson, and the Myth of Venice (Newark: University of Delware Press, 1990), 27.

\textsuperscript{13} McPherson, Shakespeare, Jonson, and the Myth of Venice, 38.

The scenario described above is not the customary view, but Luigi Bradizza has recently proposed that Tubal is Shakespeare’s “representative Jew” and the antithesis of pathological Shylock. Indeed, Peter Holland reports that in performance, “Tubal may explicitly reject Shylock’s actions, showing [Shylock’s] revenge to be explicitly unacceptable,” and he opines, “Shylock does not stand for all Jews.” Shakespeare is highly knowledgeable in the law, and he and the lawyers at the Inns of Court, who are among Shakespeare’s audience, would understand that truth and justice are oftentimes neither pure nor simple. Shakespeare knows that both good and evil reside in the hearts of humankind, so we posit that he creates Tubal’s character to be more complex than if Tubal were merely indifferent to, or passively disapproving, of Shylock’s intentions.

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15 For example, Christopher Spencer in *The Genesis of Shakespeare’s ‘Merchant of Venice’* (Lewiston: Edwin Mellen Press, 1988), 50, writes that Tubal, “if not noticeably sympathetic, is at least not Shylock’s enemy.”


17 Holland, “Introduction,” p. xxxv. In the Shakespearean canon, Shylock is no more villainous than Aaron the Moor (“If one good deed in all my life I did / I do repent it from my very soul,” *Tit.* 5.3.188-189) or Richard III (“That bottled spider, that foul bunch-backed toad!” *R3* 4.4.76). Indeed, many regard Shylock as a sympathetic figure.

18 Shakespeare’s relation to the law “has interested legal scholars since the mid-nineteenth century;” Daniela Carpi and Jeannie Gaakeer, “Focus: Shakespeare and the Law,” *Pólemos* 9.1 (2015): 1-5, 1. Cushman K. Davis, *The Law in Shakespeare* [c. 1883] (Union NJ: The Lawbook Exchange, 1999), 3, writes, “Shakespeare’s persistent and correct use of law terms was long ago noticed and caused the conjecture that he must have studied in an attorney’s office [and] that he was more addicted to the employment of legal nomenclature than any [non-jurist] English writer.”


20 I thank Professor Bradizza for helpful correspondence.
V. Shipwrecks

A puzzle presents itself in scene 2.6 that sheds light on Tubal’s agenda. Shylock is not home for he is at supper with Bassanio, and Graziano and Salarino wait near Shylock’s house for the arrival of Lorenzo who plans to elope with Jessica. Lorenzo must have asked for Graziano’s presence there secretly, for there is no textual evidence for it. The mystery deepens when for no apparent reason, Graziano speaks of the durability of ships buffeted by the weather. The topic of weather-beaten vessels is inappropriate to the occasion, which suggests that it is on Graziano’s mind and that Tubal’s gossip campaign is beginning to take hold.

Salarino interrupts Graziano by announcing Lorenzo’s arrival, adding in respect of the ships, “More of this hereafter.” His promise refers to a conversation that he had with a Frenchman that we learn about in scene 2.8, in which he heard of a Venetian vessel that wrecked off the Kentish coast, and Salarino recalls that he “thought upon Antonio… / And wished in silence that it were not his.” Like Graziano, Salarino by now is primed to associate shipwrecks and Antonio’s ships. The script makes clear that the source of the Frenchman’s account is gossip, which may well have originated from a non-seafarer like Tubal because Venetian captains were wont to avoid these shoals and make their ports of call Southampton and Ghent. The initial success of Tubal’s

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21 Jewish homes in Venice were confined to ghettos and their residents subject to curfews, but some were allowed to own their own homes outside the ghettos. See Jay L. Halio, ed. The Merchant of Venice [1993], by William Shakespeare (Oxford: Oxford University Press, 1998), 27; Benjamin Ravid, Curfew Time in the Ghetto, in Medieval and Renaissance Venice, eds. Ellen E. Kittel and Thomas F. Madden (Urbana: University of Illinois Press, 1999): 237-275, 239-241.

22 Brown, ed. The Merchant of Venice, 2.6.1-2n.

23 Mahood, ed. The Merchant of Venice, 3.1.3-5n.
strategy becomes apparent in scene 3.1 when the unverified rumor morphs into fact, as Solanio proclaims, “Why, the end is he hath lost a ship.”

VI. Jessica’s Absence

On returning home, Shylock discovers his daughter missing along with ducats and other valuables, so he rouses the Duke and asks him to accompany him to the docks to see if she had joined Bassanio on the ship bound for Belmont. They arrive too late. The ship had already sailed, although Antonio certifies that Jessica and Lorenzo were not aboard. Moreover, someone had spotted the pair in a gondola, which would lead Shylock to believe that Jessica was still in town.

The next day, Salarino and Solanio recount that Shylock had paced the streets seeking his daughter and venting his spleen. He broadcast to all within earshot that Jessica stole ducats, double ducats, and precious stones, and that she fled with a Christian. Salarino relates how Shylock’s torment roused the base instincts of Venetian urchins, concerning which Solanio comments with a non sequitur, “Let good Antonio look he keep his day, / Or he shall pay for this.” To assert that Antonio be held accountable for Jessica’s actions is fallacious. Rather, because of Tubal’s gossip, Antonio’s allegedly foundering ships are on Solanio’s mind. Perhaps he assumes that Jessica’s elopement will infuriate Shylock and make it more likely that he will exact the grave penalty, but more to the point, the playwright creates an intentionally flagrant non sequitur in order to alert playgoers to further travesties of logical discourse.

VII. Rhetorical Difficulties

Solanio’s misattribution of culpability for Jessica’s disappearance occurs in scene 2.8. In scene 3.1, spectators finally see Tubal on stage and encounter more rhetorical difficulties. Shylock asks Tubal, “What news from Genoa? Hast thou found my daughter?” Shylock’s two questions, asked in succession, make it sound as if Tubal had been looking for Jessica in Genoa,
yet the script has no evidence that Tubal left for Genoa after handing over 3,000 ducats, nor is any reason offered for why he would do so. However, just because two questions follow one another does not mean necessarily that they are related. We suggest that Shylock’s first question is a common sort of greeting occurred in this case by the eminence of Genoa as a prosperous sixteenth-century trading port, and that the second question about Jessica is unrelated to it. Note that the order of these questions suggests quite reasonably that Shylock’s family matters take second place to his business interests.

Mention of Genoa recurs in subsequent dialogue, and we must ask what relationship the port has to Venice and to Tubal’s account. Genoa lies on the northwestern coast of Italy some 200 miles (320 km) west-southwest of Venice across the Po Valley and the northern Apennines. If Tubal had been to Genoa and back traveling at an average speed of 30 mi (48 km) per day, which is the average time in the sixteenth and seventeenth centuries, it would have taken 2 weeks for

24 It remains an open question why Shylock would greet Tubal by seeking news from Genoa if Tubal did not visit there. Tubal is wealthy and I can only conjecture that he may be known to have business dealings there.

25 Shylock’s first question resembles Solanio’s from scene 3.1 (“Now, what news on the Rialto?”) and Graziano’s from scene 3.2 (“What’s the news from Venice?”), and appear to be standard types of greeting. I would argue further that Shylock’s first question in scene 1.3 (“What news on the Rialto?”) is contextually inapt but serves to alert auditors to the inaptness of Shylock’s similar greeting in scene 3.1 (“What news from Genoa?”). See also footnote 29.

26 “[N]owhere in the play does Shylock show any tenderness towards his daughter.” Brown, ed. The Merchant of Venice, p. xli.

a round trip, but there is no evidence in the play for such a hiatus. Bassanio knows that the competition for Portia is intense, so it is likely that he leaves for Belmont at the first opportunity and does not wait around for two weeks before making his candidacy known to her. Moreover, after the headstrong gambler arrives in Belmont the day after setting sail from Venice, he is determined to make his choice in disregard of Portia’s request to pause for a day or two.

Tubal cannot have been in Genoa, but he ignores Shylock’s request for Genoese news and answers only the second question about Jessica by saying, “I often came where I did hear of her, but cannot find her.” This makes it sound as if he actually was in Genoa, but he does not specify his location, which could as well be Venice. Failure to locate Jessica propels Shylock into a mix of self-pity and fury, in the course of which he imagines punishing her.

28 Taking scenes sequentially into act 3, we learn in scene 1.1 that Bassanio feels driven to court Portia and thus it is likely that in scene 1.3 he and Antonio engage Shylock the same day (Day 1). Between acts 1 and 2, Shylock meets with Tubal and uses his money to lend to Antonio to finance Bassanio’s travel. Morocco is due to arrive in Belmont the next day (Day 2), and in 2.1 in the afternoon, he plans to select a casket. Scene 2.2 finds Bassanio preparing to sail for Belmont. He orders supper, and in 2.3, Jessica asks Lancelot to deliver a letter to Lorenzo at that supper. Graziano plans a masque, and plans are finalized in 2.4. In scene 2.5, Jessica has resolved to elope, and does so in 2.6, and Antonio declares that Bassanio and his crew shall sail for Belmont that night. Scene 2.7 belongs after 2.1 (see footnote 31). Scene 2.8 confirms that Bassanio had sailed the previous night, and 2.9 confirms that Bassanio has arrived at Belmont the next day (Day 3). Arragon is occupying Portia’s time that day so Bassanio must take his turn the day after. In Venice in scene 3.1, Tubal goads Shylock with talk of Genoa, and in 3.2 (Day 4) Bassanio makes his choice, so the action is continual and neither Tubal nor Jessica makes a round trip to Genoa.

29 Compare Shylock’s two questions (“What news from Genoa? Hast thou found my daughter?”) to the two that Shylock had asked in scene 1.3 when Antonio was about to enter and ask for money, viz. “What news on the Rialto? Who is he comes here?” They are structurally similar, and in both cases, only the second question receives a reply.
Shylock’s question concerning Genoa remains in Tubal’s mind and he continues with, “Antonio, as I heard in Genoa—,” but Shylock interrupts, “What, what, what? Ill luck, ill luck?” Shylock is fishing for bad news, and he lands some when Tubal completes his sentence: “Hath an argosy cast away, coming from Tripolis.” Again, we are led to believe that Tubal was in Genoa, but this is wrong because, as argued above, the steady course of events through the play (except for scene 2.7, which follows scene 2.130) disallows such a conclusion, and withal, it is unlikely that news of the sunken argosy would reach Genoa rather than its port of sail Venice. Tubal may intentionally goad Shylock, or he may suffer from “slips of the tongue” to which liars are prone because of cognitive overload in high-stakes lying,31 which can result in disturbances in speech and an increase in speech errors.32 In addition, we learn later that none of Antonio’s ships foundered, so we know that Tubal is dealing in falsehoods.

On hearing of Antonio’s foundering ship, Shylock exults, “I thank God. I thank God. Is it true, is it true?” But Tubal does not respond directly. Instead, as if in answer, he says, “I spoke with some of the sailors that escaped the wreck.” Shylock’s thinking is so wishful that he accepts Tubal’s answer as true, and he is duly grateful. He says, “I thank thee, good Tubal. Good news,

30 Halio, ed. The Merchant of Venice, 2.7.0n.


good news. Ha, ha!” Shylock calls Tubal “good,” and ironically, he is close to the truth, while Tubal expresses no shock at Shylock’s glee because it indicates that his incitements are working.

Nevertheless, Shylock harbors some doubt as to whether Tubal was in Genoa, for he seeks clarification by asking, “Heard in Genoa?” Tubal does not elaborate because prevaricators must “refrain from providing new leads,”33 and Shylock in turn does not press Tubal for an answer because of the “ostrich effect”34 by which people refrain from questioning what they find agreeable. Shylock becomes the “butt of the laughter”35 if only because he is fooled by persistent reference to Genoa.

As if in answer to Shylock’s query, Tubal says, “Your daughter spent in Genoa, as I heard, one night fourscore ducats.” Tubal continues to provoke Shylock, and humor lies in repetition of the phrase “in Genoa” that Shylock had just uttered. Tubal’s words “in Genoa, as I heard” are an echo of “as I heard in Genoa” that he had spoken some eight or nine lines earlier, and perceptive auditors may wonder whether Tubal should have said, “Your daughter spent in Venice, as I heard, one night fourscore ducats.” Jessica attended the meeting between Tubal and her father, and she too could not have been to Genoa.36 Shylock glosses over yet another reference to Genoa, which by now is subsumed into the conversation, and perhaps also because the amount of the expenditure catches his attention.

34 Aldert Vrij, Detecting Lies and Deceit: Pitfalls and Opportunities (Chichester: John Wiley, 2008), 2.
35 Daniel J. Kornstein, Kill All the Lawyers? Shakespeare’s Legal Appeal (Lincoln: University of Nebraska Press, 2005), 88.
36 See footnote 28.
Shylock complains that Tubal sticks a dagger in him, which is uproariously funny since Tubal is trying to prevent Shylock from doing the very same to Antonio. Tubal goads Shylock further by saying, “There came divers of Antonio’s creditors in my company to Venice that swear he cannot choose but break.” Tubal could have said, “There came divers of Antonio’s creditors to Venice that swear in my company he cannot choose but break.” The words are the same, but their order is different. If this statement is not fiction, then we can imagine that the creditors were already in Venice when they heard the rumors. Tubal’s stilted pronouncements, their garble and dearth of detail, are symptoms of the challenge that liars face when inventing an alternate reality.

Shylock is very willing to accept news that favors his position, and he adds torture to the list of ills that he would inflict upon Antonio. Tubal piles on, “One of them showed me a ring that he had of your daughter for a monkey.” Again, the implication is that this transaction occurred in Genoa, but the consecution of events prohibits Jessica from being there. Instead, Tubal must have witnessed or caught wind of this transaction when it occurred in Venice. Shylock identifies the ring as the one that his wife gave him when he was a bachelor and that served as a betrothal ring. The sale appears to have occurred in lieu of giving it to her beloved Lorenzo, whose lack of a betrothal ring in act 5 is conspicuous. Jessica’s disrespect of her father would be reason enough to sell the ring between scene 2.6 when Jessica is abroad in Venice and scene 2.8 when she leaves for Belmont.

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Tubal again leads his victim with, “But Antonio is certainly undone,” which Shylock readily confirms, “Nay, that’s true, that’s very true.” Shylock is obsessed with hatred and revenge, and he has succumbed to misinformation and the power of suggestion. He is convinced that Antonio will default on the loan and scene 3.1 ends with his seeking Antonio’s arrest.

VIII. Antonio’s Arrest

Shylock has used Tubal’s money to advance his agenda, and now he feels entitled to order him to underwrite Antonio’s arrest. “Bespeak him a fortnight before,” he says. It is unclear why Shylock would specify the time as two weeks before Antonio might be in legal jeopardy, but this is the first sign that Shylock is impetuous in seeking gratification. Significantly, Tubal does not object to a manifestly unfair request to arrest an individual before a crime is committed. “I’ll have the heart of him if he forfeit,” says Shylock, who is not speaking metaphorically, for he will take a pound of flesh from near Antonio’s heart and consequently kill him. Shylock relishes the prospect of eliminating one who undercuts his livelihood, and orders Tubal to meet him at their synagogue.

The next scene 3.2 commences where scene 2.9 left off. Bassanio chooses the lead casket and wins the lottery and the hand of Portia. Soon thereafter, Salerio arrives from Venice and reports that Shylock importuned the Duke at all hours to put Antonio on trial and threatened to call into question the operation of the state if it does not grant him his due. The urgency of Shylock’s demands signifies that his impetuosity has gained the upper hand. Shylock has raised his demand and wants legal proceeding to commence right away.

38 We must wonder why Shakespeare does not make Tubal’s agenda more clear, but the bard caters also to literati who listen between the lines and seek meaning beyond appearances.

39 This is not the meeting that Jessica attended because by now she has already left her father.
The Duke is the chief political figure of Venice, the equivalent of the monarchial One in Aristotle’s three branches of government. Although the Duke’s accession to Shylock’s request gives the impression of fair-mindedness, he is simply humoring him and furthering Tubal’s strategy. Shylock plays into Tubal’s hands because his plan works only as long as no vessel returns to port. Tubal knows his fellow worshiper well and his expectation that Shylock would fall into his trap is fulfilled.

In scene 3.2, Salerio delivers a letter from Antonio to Bassanio. Antonio writes that all his ships have miscarried and that his bond is forfeit, and he asks Bassanio to be present at his death. On hearing that Shylock is certain to excise a pound of Antonio’s flesh, Portia promptly marries Bassanio and dispatches him to Venice to be with his friend. In the next scene 3.3, Antonio has been arrested and Shylock tells him that he shall insist upon the penalty. Antonio knows that his trial will commence the next day and he hopes that Bassanio will arrive in time to see him pay his debt. Thus, we know that Bassanio has not yet arrived in Venice because the jailer has treated Antonio well\(^{40}\) and he would not have prevented Bassanio from seeing him, whereas the next day Bassanio has arrived and is present at the trial.

**IX. Portia’s Role**

In scene 3.4, Portia is sure that Antonio needs legal help and she prepares immediately to leave for Venice to help him. She sends her manservant post haste with a letter to her cousin Doctor Bellario, who is a celebrated attorney and resides in Padua, which is the seat of learning for civil law in Italy.\(^{41}\) The messenger is to collect notes and garments from Bellario and bring

\(^{40}\) Shylock says, “I do wonder, / Thou naughty gaoler, that thou art so fond / To come abroad with [Antonio] at his request.”

\(^{41}\) Brown, ed. *The Merchant of Venice*, 3.4.49n.
them speedily to Portia who by then will have arrived in Venice. Simultaneously, the Duke had sent a messenger to Bellario with details of the case and a request for him to preside at the trial. Thus, a corrupt magistrate is requesting the help of an esteemed legal scholar, and the Duke would not have contacted him without an expectation of cooperation with Tubal’s scheme. In his reply to the Duke that he receives in a letter read at the trial, Bellario begs off owing to ill health and recommends Portia for the job, but whether Bellario is actually sick is debatable since he may not wish to preside under the circumstances.

Bellario condones Portia’s disguise as a male attorney and in his letter to the Duke, he praises “his” skills and says that he acquainted “him” with the case. This confirms that the Duke had already informed Bellario of it. Bellario’s instructions to Portia would be in notes that Portia’s messenger delivers to her in Venice and that she would have read prior to appearing in court. Thus, the course of Tubal’s gambit runs from Tubal to the Duke to Bellario to Portia.

In his letter to the Duke, Bellario writes also that he and Portia “turned o’er many books together,” which gives the impression that he tutored Portia in person about the case, but Portia left for Venice immediately upon learning of Antonio’s situation and would not have gone to Padua herself if she also sent her manservant there. Rather, she and Bellario must have pored over legal books at some earlier time, which would explain her decision to seek his counsel and the astonishing ease with which she assumes the role of judge.\(^{42}\)

X. The Trial

From a lawyerly perspective, Antonio’s trial is the climax of the play. The venue is an open court, so we readily observe the absence of Tubal, who with his plan working to perfection need

not attend. Shylock and Antonio are present along with the Duke and assorted magnificoes and attendants. As expected, the moneylender interprets the bond strictly rather than equitably, but Portia defeats Shylock’s claim in the same vein by ruling that the bond calls for exactly one pound of flesh and no blood.

Portia then turns prosecutorial and invokes the alien statute, and suddenly Shylock is a defendant and not a plaintiff. Portia rules against Shylock and insists that he seek mercy from the Duke, who tells Shylock, “I pardon thee thy life before thou ask it.” Tubal’s prior arrangement with the Duke accounts for this prompt and seemingly scripted commutation. Shylock does not get off scot-free, however. Banishment and confiscation of estates were punishments not unheard of in Venice, and in effect, Shylock suffers divestiture of his funds. Moreover, the Duke concurs with Antonio that Shylock be forced to convert to Christianity, which presumably is an act of generosity intended to save Shylock’s soul, but which happens to suit Tubal because it removes Shylock from membership in his synagogue.

XI. Concluding Remarks

*The Merchant of Venice* has engendered more commentary by lawyers than any other Shakespeare play, including its twin *Measure for Measure*, both of which contrast justice and mercy. In the present reading, the case *Shylock v. Antonio* engenders mixed feelings because Tubal is both heroic and underhanded, and it has taken a corrupt court to counter evil. Portia had made it clear that she never did repent for doing good, but this is tempered by Bassanio’s

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realization that under the circumstances, “[t]he end justifies the means.” According to the present reading, “Shakespeare not only tries legal questions, but also tries the law itself.” After act 5 and the “affair of the rings” conclude the play, Shakespeare leaves lawyers and the public to ponder the many legal, ethical, and cultural issues that it raises. These challenge the myth of Venice, which coupled with the play’s logical and rhetorical complexities support the conjecture that Shakespeare is putting to the test not just Portia’s suitors but “every reader or spectator of his play.”

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46 Halio, ed. *The Merchant of Venice*, 4.1.213n.

47 Carpi and Gaakeer, “Focus,” 3.

