

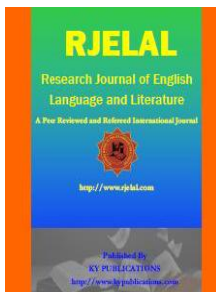


IMAGINATION OF SKILFUL ADVOCATION IN WILLIAM SHAKESPEARE'S *THE MERCHANT OF VENICE*

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ABSTRACT

William Shakespeare is one of the greatest dramatists in the world. In fact, all the gigantic and romantic mileposts of literary accomplishment warble the canticles of Shakespearean glory which was originated in the glamorous reign of Queen Elizabeth I, one of the most celebrated monarchs in European history. Moreover, he is one of the most precious jewels in the dramatic world that is hoisted and lighted by the prestigious playwrights of all the erudite eras. This paper, basically, highlights the stream of skilful advocacy that takes place in Shakespeare's reasonable, justifiable and defensible play – *The Merchant of Venice*. As a matter of fact, law, justice and legal profession often play a pivotal role in most of his dramatic and poetic works. More or less, half of his creative writings have adopted legal themes which erect numerous trial-scenes of judgement and justification. So far as the matter is concerned, law or legal profession rather permeates his art of literary production. Admittedly, *The Merchant of Venice* is the platform of clashing engagement that is proffering dexterous management of jurisprudential principles. However Shakespeare was not an advocate by profession, he was expert in the theories of skilful advocacy. In addition, he was the wisest, noblest and the most impartial in the principles of legal philosophy as he had attained the knowledge of cognitive perception which had been a reflective source of creative contemplation during the fruitful span of different ages. Primarily, *The Merchant of Venice*, the first great romantic comedy, is nothing but the monument of Portia's attractive, reflective and meditative advocacy; secondarily, it also illustrates Antonio's admirable friendship and Shylock's contemptible cruelty. Consequently, it is right to argue that Shakespeare dispersed jurisprudential seeds in the furrows of his dramatic imagination – *The Merchant of Venice* – as he wanted to light the torch of legal knowledge under the umbrella of whole humanity in order that the amelioration of human consideration might be formalized at the global stratum.

Keywords: Advocation, merchant, skilful, imagination, friendship and cruelty etc.

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INTRODUCTION

William Shakespeare – the marvellous and musical swan of Avon – is the richest and brightest

star in the spectacular and scholastic cosmos of English literature. Broadly speaking, he is the greatest playwright and dramatist whose genius has

enthralled the entire vision of English division. His genius lies not only in dramatic achievement but also in poetic movement. Admittedly, he was a universal playwright who touched and tucked all the aspects of human life. His influence was not only circumscribed to the Elizabethan age but also magnified to the all subsequent ages that played a striking role in the dilatation of literary expanses as Ben Johnson rightly commented: "Shakespeare was not of an age, but of all ages."

Shakespeare's universality is probably the greatest mark of his genius. That is why, Coleridge has called him myriad-minded Shakespeare. Very few dramatists or literary artists ever possessed such a creative imagination, such an insight into men and things, such a rare sense of humour, such a command over expression – in harmony of words as well as in depths of thought – such an insight into human passions, and such a skill in the art of characterisation, as Shakespeare possessed.¹

It has been said that every phase of feeling lay within the scope of Shakespeare's intuition. There is no point of morals of opportunity, of the conduct of life, that he has not touched upon, no mystery that he has not probed. Life and death, love, wealth, poverty, the prizes of life and the way we gain them; the characters of men, the influences, overt and concealed, which affect their fortunes, the mysterious forces which baffle them, on all these questions Shakespeare has enriched the world with his thought.²

So far as the matter is concerned, law, justice and legal conceptions are the major factors of Shakespeare's dramatic imagination as they are sprouted here and there after some interval. Though he was not an advocate by profession, he had obtained the thorough knowledge of the prevailing legal system. In this reference William Lowes Rushton's analysis is quite revealing: "whether William Shakespeare was or was not a member of the legal profession ... he had acquired ... the accumulated wisdom of ages, the stronghold of freedom, of civil ... liberty, the wisest, the noblest, the most fair and equitable system of jurisprudence ... that the human race in any age or any clime has ever yet beheld."³

In point of fact, law, justice and the legal practice often play a pivotal role in most of his dramatic works. More or less, half of his dramatic writings "take law for a theme, and feature a trial ... *The Merchant of Venice* ... conflicting jurisprudential theories ... the relation of law to vengeance."⁴ Thus, it is explicable that his creative writings have adopted legal technicalities which erect numerous trial-scenes of judgement and justification. Ostensibly, it can be analysed that law or legal profession rather permeates his art of literary production.

In spite of being a literary person, he was expert in the advocatory argumentation as it is expressible through his comedic creation – *The Merchant of Venice* – whose leading theme is based on the profession of skilful advocacy. Moreover, it vibrates with legal movements and promotes powerful judgements. Simultaneously, it elevates fundamental queries of trials, lawsuits and legal recommendations. All the same, judicial as well as legal elements permeate the thematic analysis of the play and draw the attention of both legal and literal scholars.

Imagination of Skilful Advocacy: Shorter Oxford English Dictionary delineates the term 'advocation' as 'the function or office of an advocate';⁵ while an advocate is 'a person whose profession is to plead causes in courts of law'.⁶ Similarly, Webster's Encyclopedic Unabridged Dictionary of the English Language defines the term 'advocate' as 'a person who speaks or writes in support or defense of a person, cause, etc.'.⁷ In this way, it is clear that skilful advocacy is, indeed, the process of dexterous argumentation whether it is written or spoken in defense of a person or any purpose destined for a particular role or goal.

Stream of Skilful Advocacy in *The Merchant of Venice*: The thematic analysis of the play – *The Merchant of Venice* is drawn by a contract between Shylock, a Jewish moneylender, and Antonio, the title merchant of the play. Antonio's best friend and kinsman, Bassanio longs to woo the beautiful, intelligent and wealthy heiress of Belmont – Portia. Bassanio, a young Venetian of noble rank, has wasted his property, and is in need of money to court Portia who under her late father's will, is the

guerdon of fortuitous lottery. According to the will, her marriage depends upon a game of three caskets which are made of gold, silver and lead. If the suitor chooses the casket having Portia's portrait, he will win Portia and if he doesn't choose rightly, he will accept chastity.

Bassanio who desires to win the lottery, requires 3,000 ducats to travel from Venice to Belmont. He goes to his friend and kinsman Antonio, who does not have any money to lend him at that time, diverts Bassanio to seek another lender and he would become as a guarantor. Hence, Bassanio approaches the Jewish moneylender, Shylock, who is Antonio's opponent as Antonio has opposed both Shylock and his religion. Besides, Antonio has shortened his source of sustenance by providing interest-free loans. Shylock thinks that he has got an opportunity to revenge Antonio in the transaction with Bassanio.

In an instant, Shylock agrees to give the loan of 3000 ducats without any interest but he takes a bond signed by Antonio. According to the contract, if the loan is not repaid within three months, Antonio will have to forfeit a pound of flesh nearest his heart. Enforcing the bond, Shylock swears a solemn oath that he would not forgive him.

Lending money, Bassanio along with Gratiano goes to Belmont. Meanwhile, Launcelot resigns Shylock's service and joins Bassanio's business and Lorenzo, another friend of Bassanio, elopes with Shylock's beautiful daughter, Jessica, who steals her father's money and precious jewellery. Furthermore, Jessica adopted Christian religion. These incidents offer Shylock torrid reasons to detest Antonio and his Venetian friend, Bassanio. Therefore, embittered Shylock is much eager to take revenge for all these activities.

The contest for Portia progresses in Belmont. The first suitor, the prince of Morocco, selects the gold casket which is inscribed: "Who chooseth me shall gain what many men desire." The second suitor, the prince of Arragon chooses the silver casket which has the inscription: "Who chooseth me shall get as much as he deserves." Both these suitors depart empty-handed because they choose wrong caskets. While the last suitor, Bassanio chooses the lead casket with its slogan:

"Who chooseth me must give and hazard all he hath." In addition, it has Portia's portrait. Then, Bassanio decides to marry Portia and Bassanio's friend Gratiano proclaims to marry Nerissa, Portia's maidservant.

The couples' joy, however, is transitory as Salerio, a messenger from Venice, arrives with news that Antonio cannot repay the loan as his ships are bruited to have been demolished at sea. Wedding hurriedly and taking money from Portia, the couple – Bassanio and Gratiano – leave for Venice to save Antonio's life.

The climax of the play takes place in a court of justice before the Venetian Duke. Shylock does not accept Bassanio's offer of 6,000 ducats, twice the amount of the loan. On the contrary, he is asking for his pound of flesh imperiously from Antonio. Though the Duke is most willing to save Antonio's life, he is unable to quash the bond. So he hands over the case to a visitor who acquaints and presents himself as Balthazar, a young male "doctor of the law", bearing a letter of recommendation to the Duke from the reputed lawyer Bellario. The doctor is, in fact, Portia in disguise, and the law clerk who accompanies her is really Nerissa, even in disguise. The doctor of law, Portia, pleads Shylock to show mercy because it is a divine quality. She further states:

The quality of mercy is not strain'd;
It droppeth as the gentle rain from heaven
Upon the place beneath. It is twice bless'd;
It blesseth him that gives, and him that
takes.⁸

Portia stresses that mercy, a noble virtue of human heart, is a divine present to mankind. It cannot be generated by force. It is spontaneous and drops as the gentle rain blessing all creatures. It blesses both the giver and the receiver. The person who displays mercy rejoices the blessing of the divine quality which brims his heart with a feeling of contentment. The person who gains mercy is blessed for his miseries and difficulties in order that he may be glad. In fact, it is the greatest power in the world. God is loved by all, for he has boundless mercy. If a king wants to be great like God, he ought to pass his judgements through the transparent filter of

clemency. In her famous speech, Portia lauds that mercy is 'an attribute to God himself':

It is an attribute to God himself,
And earthly power doth then show likest
God's,
When mercy seasons justice. (*The Merchant of Venice*, Act IV, Scene I, p. 86.)

Portia aligns herself with the Christian Renaissance conception of Natural Law. Reading the play in light of sixteenth-century English jurisprudence, it becomes evident that Portia's speech offers far more than 'a sermon on the virtues of mercy'. Rather, Shakespeare was holding up a mirror for all to see the dramatic climax of an age-old conflict between the common law courts which dispensed unmitigated 'justice' by the strict letter of the law, and the courts of chancery where 'mercy seasons justice' to do equity.⁹

Portia is, undoubtedly, most willing to season justice with mercy and implores Shylock to be merciful. She further beseeches him to take thrice the amount of money and bid her to tear the bond. In the process of appealing Shylock's morality and sparing Antonio's life from the stern legal penalization, she plays the prominent role of a skilful advocate. She, further, implores Shylock to spare the life of Antonio, while Shylock driven by revenge and an acrimonious detestation towards Antonio, claims the pound of flesh for what he is justly depended on Venetian law. In fact, he firmly clings to the contract and demands:

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 your law!
There is no force in the decrees of Venice
I stand for judgement. (*The Merchant of Venice*, Act IV, Scene I, p. 82.)

Throughout the trial-scene Shylock asks for nothing but the law, and repeatedly "stands for judgement." At this, Portia examines Shylock minutely and assesses that Shylock will not adopt double or triple payment of the loan. Indeed, he demands rigorous execution of the contract without pity or sympathy: "I crave the law, the penalty and forfeiture of my bond." When Portia is unable to invoke Shylock's sympathy, she yields to his demand and says:

There is no power in Venice

Can alter a decree established....

A pound of that same merchant's flesh is
thine:

The court awards it, and the law doth give
it. (*The Merchant of Venice*, Act IV, Scene I,
pp. 86-87.)

In spite of all these facts, Portia cutely proves that it is, in fact, accomplishable to "deny the course of law". (Act III, Scene IV) She entraps him to make ready his knife in order that he may take one pound flesh near Antonio's heart. As soon as Shylock gets ready to cut the pound of flesh nearest Antonio's heart, Portia intervenes abruptly:

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:
Take then thy bond, take thou thy pound of
flesh; (*The Merchant of Venice*, Act IV,
Scene I, p. 90.)

Portia makes it clear that if Shylock spills even one drop of Christian blood at the moment of cutting Antonio's flesh, he will himself transgress the bond which specifies a pound of flesh only. Agreeably, in case, he breaches the rules and regulations of Venetian law, he will be imposed the punishment of death and confiscation of his property. Portia further elucidates that the contract does not permit him to bleed even a drop of Christian blood as she states:

But, in the cutting it, if thou dost shed
One drop of Christian blood, thy lands and
goods
Are, by the laws of Venice, confiscate
Unto the state of Venice. (*The Merchant of Venice*, Act IV, Scene I, p. 90.)

Portia further asks Shylock to become ready to cut off the one pound of flesh but he must not shed any drop of blood and the amount should be exact one pound neither more nor less; otherwise he would be sentenced to death and all his property would be confiscated in the state as Portia utters:

Therefore, prepare thee to cut off the flesh.
Shed thou no blood; nor cut thou less, nor
more,
But just a pound of flesh: if thou tak'st
more,

Or less, than a just pound...

Thou diest, and all thy goods are confiscate.
(*The Merchant of Venice*, Act IV, Scene I, p. 91.)

Hearing Portia's terrifying statement, Shylock utters in embarrassment: "Is that the law?" (Act IV, Scene I) Now, he feels defeated as he cannot take the pound of flesh without bleeding.

Admittedly, Portia plays a praiseworthy role in the court of Duke in sparing Antonio's life. She is evaluated as one of Shakespeare's best and greatest heroines. Having defeated in the court, Shylock is about to depart as soon as it is possible. But Portia exclaims:

It is enacted in the laws of Venice,
If it be prov'd against an alien,
That, by direct or indirect attempts,
He seeks the life of any citizen, (*The Merchant of Venice*, Act IV Scene I, p. 92.)

Portia says that the law has still a clutch on him and if it is proved against an alien that he has conspired against the life of any Venetian citizen, then that citizen against whom he has conspired may sequester one half of the alien's estate and the remaining other half would be deposited in the depository of the State.

In addition, the offender may be sustained on the merciful benison of the Duke. Portia emphasizes that there are many evidences to prove that he has plotted against the life of Antonio by both directly and indirectly means. Hence, he is accountable to the amercement which is mentioned. She advises him to kneel before the Duke and beg for mercy. When the Duke pardons Shylock, he leaves the court immediately. The whole matter is solved with the safety of Antonio's life. Nothing goes wrong. Behind this judicial movement, Portia's role of advocacy is commendable as well as recommendable

Conclusion

Through the fierce battleground of the courtroom, it is visible that the major focus of the play – *The Merchant of Venice* – rests on the functioning of skilful advocacy that is a prevailing and predominating stream brimming with thematic and melodic cream.

Nonetheless, *The Merchant of Venice* is the station of clashing movement that is offering adroit management of jurisprudential fundamentals. Although Shakespeare did not practise as an advocate, he was proficient in the doctrines of skilful advocacy. In addition, he was the wisest, noblest and the most impartial in the principles of legal philosophy as he had attained the knowledge of cognitive perception which had been a reflective source of creative contemplation during the fruitful span of different eras. Primarily, *The Merchant of Venice* – the first great romantic comedy – is nothing but the monument of Portia's attractive, reflective and meditative advocacy; secondarily, it also exemplifies Antonio's admirable friendship and Shylock's contemptible cruelty. If the stratagem of skilful advocacy had not been played by Portia in the comedic play, it would have been converted into a tragic play. As a matter of fact, it is the outcome of her dedicated and dexterous efforts that changed the direction of the calamitous circumstances. As a result, it is just to justify that Shakespeare dissipated jurisprudential seeds in the grooves of his dramatic imagination – *The Merchant of Venice* – as he longed to light the flambeau of legal knowledge under the canopy of whole humanity so that the melioration of human cogitation might be flourished

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