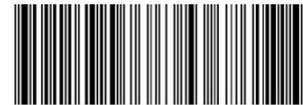
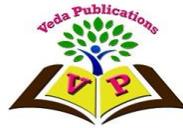


RESEARCH ARTICLE



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**A DANIEL COMES TO JUDGMENT:
THE ROLE OF BALTHASAR IN *THE MERCHANT OF VENICE***

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ABSTRACT

Ask the one time—or probably even the two or three time—reader or viewer of *The Merchant of Venice* any question at all about the character Balthasar and you'll probably get a blank stare. "Balthazar? I don't remember any Balthasar." Consulting the *dramatis personae* won't help much either, for while a Balthasar is listed there, he's the wrong one, a serving man with one brief line in one brief appearance. No, the Balthasar I mean functions as one of the most important characters in the play, arguably *the* most important character, the young judge who presides over (what turns out to be) Shylock's trial. "Oh, *Portia*, you mean Portia." Yes—and no. Concentrating on the *role* she plays here serves to emphasize the impersonal, objective nature of the law which, rather than any personal motives, any subjective factors, determines the outcome of the trial. Too many readers for too long have read the trial scene as tricky legerdemain on Portia's part, a kind of cruel trap she lays for and springs on Shylock. But in a very important sense, Portia is not even present at the trial, having transgendered into Balthasar—and, with that proviso, of Balthasar I mean to speak.

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First, a brief aside. Some plays have important scenes that occur off stage, even "off text," leaving readers or audiences to deduce: *this* is what must have happened. So in *The Merchant of Venice*, with Balthasar's sudden appearance as a doctor of laws, a *giudiceistruttore* delegated to render a decision in Shylock's suit. How does Portia pull that off? The play offers two partial, sketchy, not

entirely compatible accounts. The first comes as Portia's instructions to her once-appearing servant, Balthasar.

Take this same letter,
And use thou all th' endeavor of a man
In speed to Padua. See thou render this
Into my cousin's hands, Doctor Bellario;
And look what notes and garments he doth give thee
Bring them, I pray thee, with imagined speed
Unto the transit, to the common ferry
Which trades to Venice. . . .

I shall be there before thee. (III.iv.47-55)^[1]

This Balthasar gets his one line in the play: "Madam, I go with all convenient speed."

Bellario, not only Portia's cousin but a distinguished jurist as well, never stirs from Padua even as she strikes out immediately for Venice: the two never meet, never confer about the law. Portia requests some men's clothes, including, presumably, the appropriate judicial regalia, and Bellario obviously complies. And then there is the letter, of the contents of which we remain temporarily uninformed, but which presumably solicits a crash course in Venetian mercantile law—or at least that portion germane to Shylock's suit. And—can we avoid this?—somehow convinces her distinguished kinsman to feign illness and mendaciously send, appropriating her servant's name, "Balthasar" to hear the case in his stead. Behind all this disguising and dissimulation, inherent in the comic genre itself, hovers the expectation that a solution to Antonio's plight must exist, that Bellario must know it and will convey it to the resourceful Portia—rather, Balthasar. (The comic tone here is reinforced by the banter between Portia and her maid Nerissa, immediately following, about which one will swagger best dressed as a man.)

The second account consists of the letter of introduction read to the court.

"Your Grace shall understand that at the receipt of your letter I am very sick; but in the instant that your messenger came, in loving visitation was with me a young doctor of Rome. His name is Balthasar. I acquainted him with the cause in the controversy between the Jew and Antonio the merchant. We turned o'er many books together. He is furnished with my opinion which, bettered with

his own learning, the greatness whereof I cannot enough commend, comes with him at my importunity to fill up your Grace's request in my stead. . . . I never knew so young a body with sooldahead. (IV.i.150-163)

Given that this sounds perilously like an academic letter of recommendation, the whole of it, we know, is entirely untrue; it nevertheless suffices to establish Balthasar's *bone fides* as the trial judge in *Antonio, Merchant v. Shylock, Jew*. If we ask why Bellario, presumably a serious man of the law, would countenance this charade—could Italian cousinage be quite so compelling?—we violate, of course, that tacit pact with the playwright to suspend our disbelief. In any event, through all this off-stage wheeling and dealing, we are prepared for Balthasar's appearance, fully in on the ruse.

Save for Plato's account of Socrates' trial in the *Apology*, the trial scene in *The Merchant*, Shylock's demand for his forfeit of a pound of his debtor's flesh, is probably the most famous in literature; but—to play now the too familiar role of the academic critic: sorry—I believe that, in its most crucial aspects, the scene has been widely, almost universally, misinterpreted, a misinterpretation ideologically rooted. Starting early in the 19th century, in the performance of Charles Kean and the criticism of Hazlitt, Kean's avid admirer, Shylock becomes increasingly represented as less the villain and more the victim of the play, more sinned against than sinning, so that by the end of that century, Henry Irving, then the most renowned interpreter of the role, declares Shylock "the only gentleman in the play."ⁱ The inevitable corollary of this "paradigm shift" necessitates interpreting those who oppose and defeat Shylock as the play's *true* villains, a judgment initially rendered by Heinrich Heine in his mid-19th century fulmination against everyone in Venice not engaged in usury. Antonio is a spineless sort "with the heart of a worm," not worth saving. Bassanio is a feckless fortune hunter. Lorenzo, "accomplice in a most infamous burglary," belongs in prison. Apostate Jessica is heartless and "light minded." And so on, Shylock's enemies "hardly worthy to unlace the latches of his shoes": naught but a bunch of dissembling hypocrites.^[2] The notable exception to Heine's cast-wide condemnation is,

inexplicably, Portia, who managed, for a century or so, to retain her status as one of Shakespeare's witty comic heroines, peer of Beatrice, Rosalind and Viola.

By mid-20th century this valuation began rapidly to change, the erstwhile heroine now viewed increasingly as manipulative, callous, domineering and hypocritical, in short the perfectly postmodern Portia. This dismal consensus is reflected only too accurately in an on-line study guide for *The Merchant* aimed, apparently, at students who find Cliff's Notes too daunting, including sections entitled "Christians, Not Jews, Are the Real Villains" and "Portia: Detestable Hypocrite." Reputable critics, one would have hoped, would not be guilty of such simplistic coarseness, but, in fact—as we shall see—they provide the example and warrant for the lamentable content of such "guides."

The crux of the animus against Portia centers on the appearance of Balthasar in Venice's ducal court. Accepted as a qualified substitute for Bellario, he quickly establishes the facts of the contract, and then turns to Shylock to counsel mercy, forgiveness of the forfeit, as the morally correct course to follow. This comprises, of course, the famous "quality of mercy" speech, rivaled only by Shylock's "Hath not a Jew eyes" as a rhetorical set piece: if *The Merchant* were an opera, these would be the show-stopping arias. But the dramatic function of both speeches has been widely misunderstood, Balthasar's almost universally, taken to be his plea to Shylock on behalf of Antonio, to save the merchant's life. It is not. Consider: the one person in the court with absolute assurance that Antonio stands in no danger whatever from the bond penalty is Balthasar, who has that assurance—the checkmating laws of Venice—literally in his pocket. Why then make the plea if not to benefit Antonio, who doesn't need it? The only alternative is to *benefit Shylock*, to save him, that is, from the self-destruction consequent on his course of vengeful action. In effect: Shylock, do the right thing and save yourself! Mercy "is twice blest:/ It blesses *him that gives* and *him that takes*" (IV.i.185-86). Far, then, from wanting to trap Shylock in his own web, Balthasar earnestly urges him to avoid the danger altogether.

Of course, Shylock doesn't. "My deeds upon my head! I crave the law." But from the moment he rejects Balthasar's impassioned plea for forgiveness, he stands athwart the law of Venice: *his* life is the one actually in danger. First, although Balthasar awards Shylock his pound of flesh,

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. (IV.i.307-11)

"Is that the law?" gasps Shylock, assured by Balthasar, "Thyself shall see the act," with perhaps a secondary meaning that you will see the law *act* on you, for act it soon does in a yet more drastic way.

The law hath yet another hold on you.

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 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.346-55)

No doubt many have shared W. H. Auden's "amazement" that neither the Duke nor, apparently, anyone else in Venice was cognizant of these rather fundamental Venetian laws, but, as Auden adds, "we have to accept that."ⁱⁱⁱ True, the playwright must be granted his *donnee* here, as improbable as it may seem, so that Balthasar's surprising *coup de grace* can be a stunning *coup de theatre*. Had either Shylock or Antonio had adequate legal counsel, there would have been no bond and no play.

But how is Balthasar (and thus, obviously, Portia) at fault in producing the outcome of this trial? Would the "Portia: Detestable Hypocrite"-partisans prefer that Shylock actually get his pound of flesh—or only that he should have incurred no penalty in so ruthlessly seeking it? The criticism of Balthasar holds that the very mercy, the forgiveness that he commends to Shylock at the beginning of the scene, is denied him at the end: oh, the hypocrisy! To illustrate my point I'll adduce three positions taken by three eminent (once, anyway) scholars on Portia. First, H. C. Goddard, whose *The Meaning of Shakespeare* (1951) was, for me, when a tyro, a

lodestar, a model of sensitive, intelligent, generous criticism; but on Portia—not so much:

The Jew is about to get his just deserts. Will Portia forget her doctrine that mercy is mercy precisely because it is not deserved? The Jew is about to receive justice. Will she remember that our prayers for mercy should teach us to do mercy and that in the course of justice none of us will see salvation? Alas! She will forget, she will not remember it. Like Shylock, but in a subtler sense, she who appealed to logic “perishes” by it.^[3]

I’m not sure what this last sentence means, since she never “perishes,” but the thrust of the passage is unmistakable: Portia doesn’t practice what she preaches. Harold Bloom in *Shakespeare: The Invention of the Human* (1998) takes something of a shotgun approach to Portia, his comments flying like buckshot in many different directions: she has “finely wrought self-awareness” and a Jamesian “moral fiber,” but would best be rendered “by invoking Noel Coward or Cole Porter.” Specifically on the trial scene he claims “her quality of mercy cheerfully tricks Shylock out of his life’s savings in order to enrich her friends.”ⁱⁱⁱⁱ What can one say about this last claim except that it is wrong—not interpretatively but *factually* wrong? As, indeed, are all those more generalized claims, like Goddard’s, that Portia acts “mercilessly,” extended to Shylock none of the forgiveness she extols.

Balthasar is not making up the law as he goes along, improvising as the occasion allows, pulling rabbits out of hats, but discovering to the court already existing law, which he has no authority to alter or ignore even if he wanted to. Bassanio had urged Balthasar, “Wrest once the law to your authority./ To do a great right, do a little wrong./And curb this cruel devil of his will” (IV.1.214-16). To which he replies, truthfully, “It must not be. There is no power in Venice/Can alter a decree established.” Here Shylock interjects his short-lived encomium, “A Daniel come to judgment! Yea, a Daniel!” Shakespeare would seem to have included this Bassanio-Balthasar exchange precisely to establish the iron-clad nature of Venetian law. If it could be bent to the judge’s own will, then Balthasar could

have swept in and immediately declared Shylock’s bond null and void and saved everyone involved, including Shylock, a lot of trouble. And ruined the play. Instead, having pled with Shylock to show mercy and failed, he must let the moneylender hoist himself on his own petard. Which, of course, he proceeds to do.

Why, however, if Balthasar knows that Antonio stands in no real danger, does he draw out the scene as he does, first seemingly verifying Shylock’s bloody contract and extending, even briefly, the anguish of the merchant and his friends? At one level, the answer, of course, is that Shakespeare, master stagecraftsman that he was, knew that he had a boffo scene going and played it out for all it was worth, including the comically-potential vows of Bassanio and Gratiano to sacrifice even their wives to save their friend. But seeking an answer in the nature and motive of the characters, unfriendly critics have seen this as evidence of Portia’s irresponsible self-dramatizing, a kind of rich girl’s lark. As Balthasar, however, he goes step by step through each condition of the bond to make unmistakable that what Shylock intends is murder: the flesh to be cut “nearest the heart”; those are the very words.” No physician present, for the bond did not specify one, and so on. So when the law is cited that any alien—which, Shylock, as a Jew, is—threatening, directly or indirectly, the life of a citizen, the offender’s own life standing then at the mercy of the Duke, no question of Shylock’s purpose or his guilt remains. If Balthasar bears any responsibility for what subsequently awaits Shylock, it’s the results of skilful “cross-examination”: *pace* Bloom, not a scintilla of “trickery” involved. And the claim that Portia undertook the role of Balthasar to enrich her friends surely must rank as one of the silliest in the extensive corpus of commentary on *The Merchant of Venice*.

Most of the criticism of Portia, however, focuses on her post-conviction actions toward Shylock, or actually the lack of any. In what we might call the penalty phase of the trial, Balthasar has a meager four lines, three of which concern only housekeeping details about the fine; the other—“What mercy can you render him [Shylock], Antonio?” This is where Balthasar/Portia acts in

violation of “The quality of mercy” precept, hypocritically? “What mercy can you render him, Antonio?” And Antonio does act magnanimously; remitting much of the fine owed him. Shylock’s life, solely now in the hands of the Duke—Balthasar no way involved—is also spared. How in the world any of this (quiet lenient) penalty-fixing displays “detestable hypocrisy” must remain a mystery to those uninaugurated into the Get-Portia critical coven. It seems that somehow, in an alternate scenario, Balthasar should have usurped the Duke’s executive prerogative to pardon and decided by personal fiat to. . .what? What exactly would have satisfied Portia’s critics? Letting Shylock off scot free? Giving him his loan back, trebled? Slapping his wrist? I will say only that such critics would not make very good jurors in a case demanding close attention to the evidence.

I must confess, in candor, that I have deliberately sidestepped the issue in Shylock’s punishment that has most exercised readers and audiences alike for several generations, his coerced conversion to Christianity, which in our age elicits outrage (a condition, by the way, not found in Shakespeare’s source *Il Pecorone*, but added by him). Suffice it to say here that Balthasar has nothing whatever to do with Antonio’s conversion stipulation, nothing at all. Furthermore, most readers and many critics seem to draw the conclusion that Shylock must convert to save his life: that is not the case. “I pardon thee thy life before thou ask it,” the merciful Duke had declared. Shylock’s conversion comes *after* that, bought by Antonio’s remittance of the half of the moneylender’s fortune now legally his, for Shylock to use in his life time but on the condition that he will it to his apostate daughter and her husband. Shylock’s conversion is not a life and death matter; it’s a deal.

One of the strangest and most hostile takes on Portia, particularly Portia as Balthasar, appears in Leslie Fiedler’s *The Stranger in Shakespeare* (1972), in a chapter intent on defending Shylock against all derogators in the play and out. Thus “she is almost always lying (her most triumphant scene [the trial] a sustained web of prevarication) when she is not performing character assassination [making fun, that is, of her unwanted suitors], talking courtly smut, or

indulging in empty platitudes.”^[4] Now, of course, she is “lying” when pretending to be Balthasar; the letter of introduction from Bellario, as I noted, a complete fraud. But hers is hardly the kind of deception that in Shakespeare warrants censure, else cross-dressing Viola in *Twelfth Night* or Rosalind in *As You Like It* were censurable liars too, not to mention figures like Edgar and York in *King Lear* who “lie” in disguise to do good. Or Helena in *All’s Well That Ends Well*? Or Hermione in *The Winter’s Tale*? Or, for that matter, Hamlet? All caught in “a web of prevarication”? Portia and Nerissa furthermore do deceive their men about their rings: it’s called comedy. But what Fiedler and many another critic seek is precisely so to bewail the fate of Shylock that *The Merchant of Venice* ceases to be a comedy at all, emerging, at best, as one of Shakespeare’s “problem plays.” The denigration of Portia, as noted, is necessary for that purpose, so that attacking Balthasar’s role in the trial scene—Trickery! Lying!—as the cause of Shylock’s wrenching comeuppance proves crucial. But reflect a moment: what if Bellario had come in person—would not the same laws cited by Balthasar be cited by him? Would the outcome (save perhaps for not being quite so dramatic) have been any different? What some critics can’t accept is that the one and only person responsible for Shylock’s fate is Shylock.

Even—or, perhaps, particularly—“The quality of mercy” speech, which lends a kind of gravitas, a moral earnestness and stature to Balthasar’s role not in keeping with the will-to-condemn-Portia, comes under attack. Such platitudes as here, Fiedler continues, are “themselves a form of lying, or at least glossing reality with pieties too familiar to be taken quite as truth. The famous speech on mercy, for instance, delivered in the midst of a scene whose end is vengeance and whose means deceit, is a case in point.” Readers are all too likely, he claims, to take seriously “such saccharine banalities as: ‘It is twice blest;/It blesses him that gives and him that takes.’” (I am reminded of the student who found *Hamlet* too full of clichés: “sweets to the sweet,” “something rotten in the State of Denmark,” “the lady doth protest too much,” perhaps even—he wasn’t sure—“To be or not to be.”) The speech, however, is not a free-standing piece of oratory, but serves a specific purpose at this

point in this play: meant, as I have argued, to appeal to Shylock's better nature, to save him from himself. Unfortunately he, like Mr. Fiedler, remains unconvinced. The Duke, however, seems to have heard and heeded Balthasar's plea: "That thou shalt see the difference of our spirit,/I pardon thy life before thou ask it." Which is the better man?

The other powerful speech in *The Merchant* that has achieved a kind of independent existence—as almost a prose anthem to Jewish personhood—also has a specific dramatic function in the play, one not in keeping with its celebratory status. "Hath not a Jew eyes?" Shylock begins, with a battery of blazing rhetorical questions arguing the Jewish identity with the rest of humanity. But he homes in on a specific rationale. "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 wrongs a Christian, what is his humility? Revenge! If a Christian wrongs 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. (IV.i.64-69)

As an expression of the *lex talionis*, an eye for an eye, this is unexceptionable: except that in *this play* it is not true. "In fact what happens," Derek Cohen points out, "is that in turn for the crime which Shylock commits against Antonio, he is offered not revenge but mercy. . . and this in a circumstance where revenge would be morally and legally sanctioned"^[5] The Christians, while they impose penalties, do not seek the degree of retribution that they could have, Shylock's head on a pike. He leaves the court with a much depleted bank account and an agreement to convert, but this outcome results only from justice being served, not revenge. (I do not argue here that the entire legal system, fictive in the play, actual in the real world, was not egregiously stacked against Jews then, which of course it was: so "justice" must be understood here as an historically relative term—as, indeed, many would argue that it always is.)

"A Daniel come to judgment!" Shylock cries in approbation of one of Balthasar's early decisions. "A second Daniell!" mocks Gratiano later. "I thank thee, Jew, for teaching me that word." From

either point of view, the biblical figure of Daniel is the paradigm of the justice-bringer, the righter of wrong judgments. With comic irony, Shylock identifies Balthasar so partly because of his youth: "O wise and upright judge! How much more older art thou than thy looks!" But a more careful consideration of the exploit of Daniel, recounted in the Apocryphal Book "Susanna and the Elders" should have given him pause, for Daniel, although young and inexperienced, succeeds by mother wit in reversing what seemed like a foregone conclusion—that Susanna, convicted of adultery, must be put to death. She is, in fact, on her way to execution when Daniel intervenes, calling into doubt the damning testimony of the two old men who themselves had lusted after her but were repelled, and through clever questioning exposes their perjury. Susanna is saved and the Elders themselves executed.

The parallels are not exact, of course, but the outcome of Shylock's case also seems like a foregone conclusion: Antonio, like Susanna, will be condemned today. Then appears the young *avvocato* as hero, through wit to right the scales of justice. In the analogy, what Balthasar is to Daniel, Shylock is to the wicked Elders, so that, ironically, in a way not intended by him at all, Shylock's exclamation proves correct—a Daniel *had* come to judgment.

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