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Problem Plays: Law, Comedy, and the Project of Genre in *The Merchant of Venice*

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ABSTRACT

William Shakespeare's *The Merchant of Venice* is typically identified in scholarship as a comedy. However, the play's fourth act is troubling, as Shylock loses his wealth and is forced to convert from his ancestral Judaism to Christianity, undermining the play's comic nature. In this essay, I examine what are called surface and fundamental conventions of comedy to discuss whether *The Merchant of Venice* can be classified as a Shakespearean comedy. Surface conventions appear regularly in comedies, but are not necessary to classify a play as a comedy; fundamental conventions are less immediately obvious. Although the play subscribes to surface conventions of comedy, it fails to present the fundamental conventions of a just universe or comically satisfying ending, particularly in the legal proceedings of both the trial scene and the protagonists' marriages. Noting comic tropes in *A Midsummer Night's Dream* in contrast to *The Merchant of Venice*, I argue that *Merchant* is, in fact, a "problem play" that does not fit neatly into any generic classification. While typical comedies offer justice in the sense that characters achieve deserved outcomes, justice in *The Merchant of Venice* is undermined through Portia's intervention in the trial. Ultimately, I aim to understand with more nuance the complex role that the legal system plays in constructing genre in *The Merchant of Venice*, and to question the play's traditional, though not universal, classification in Shakespeare scholarship as a "comedy."

Many scholars traditionally have identified The *Merchant of Venice* as a comedy. In a similar effort to describe the genre of certain works, Shakespeare scholars identify "problem plays" that do not fit easily into any of the playwright's main genres (history, comedy, tragedy, and romance), namely the 1590s plays: *All's Well That Ends Well*, *Measure for Measure*, and *Troilus and Cressida*. Much Shakespeare scholarship focuses on studying the conventions that help identify genres, and consequently, plays which resist classification within genres unsettle scholarly interpretation. I argue that, while *Merchant* adheres to what I call the surface tropes of comedy—marriage, clowns, love on probation (Muir 84), "green world" experiences (Kernan 98), and material gain—the play resists the more fundamental convention of a just universe, in which legal justice maintains moral integrity and authorities properly execute legal proceedings. By deviating from deeper comic

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legal norms while maintaining surface tropes, Shakespeare's *Merchant* offers a commentary on the authenticity of what is presented in most comedies as a just, or "happy," ending. Operating within genre constraints, *Merchant* destabilizes and calls into question the very universe which it presents to the audience. First, I will present and define the tropes of Shakespearean comedy, and explain their significance to establishing a play as a "comedy"; secondly, I will examine the effects of *Merchant*'s deviation from classical comic norms. Re-examining the typical classification of *Merchant* as a comedy, my analysis also reconsiders what constitutes a comedy in the first place, differentiating between surface tropes and fundamental conventions of comedy, which scholars often conflate.

Scholars may identify comic convention in Shakespeare through surface tropes, conventions which are easily identifiable upon a first viewing, but which are, ultimately, unnecessary for the maintenance of the comic genre. In Shakespeare's comedies, a couple, or several, usually gets married; characters exchange witty remarks or insults; clowns, or "fools," usually appear briefly; and someone presents a case of deliberately or accidentally mistaken identity. The *Merchant of Venice* adheres to these most immediately identifiable indications of the comic genre. Portia and Bassanio, Jessica and Lorenzo, and Nerissa and Gratiano all marry; Act 1 sees Antonio and Shylock repeatedly engage in witty, if not necessarily funny, arguments over the nature of money-lending and Jewish-Christian tensions in Venice; Lancelot, in his encounter with Old Gobbo, presents the typical "purely comic" scene that audiences expect in Shakespearean comedies; and Jessica, Nerissa, and Portia each cross-dress to conceal their true identities. Thus, on a first reading or viewing, the play seems to present few problems in the realm of genre classification.

Other, less easily identifiable tropes are also present in *Merchant*. Alvin B. Kernan, Kenneth Muir, and John Russell Brown identify and define "green world experiences," "love on probation," and "individual versus society," respectively, as comic tropes. While these are more complex because they are less readily identifiable and more open to interpretive debate than clowns, mistaken identity, or marriage, these remain surface tropes because they are indicative of, but not necessary, to comedy. According to Kernan, "green world" comedies juxtapose nature with the more civilized court, and members of the court typically retreat from their busy lives to the countryside or, more rarely, visitors from the outside world who have recently had a "green world" experience upset the routine of the court they visit (Kernan 98). Although "green world" experiences are subtle in The *Merchant of Venice*, Kernan suggests that Portia's foreign suitors, from countries with more Muslim influence, Spain and Morocco, can be associated with naturalism and the "green world," contrasted against the "civilized" and courtly Venice.

Additionally, comedies do usually entail marriage, but a truly comic marriage follows a period of "love under probation" (Muir 54), when an obstacle tests a couple or suitor's love, often to prove them worthy of marriage. In *The Merchant of Venice*, "probation" manifests itself in all major relationships. The immediately obvious example is the casket game, in which Portia's suitors must guess which of three caskets (gold, silver, and lead) contains her portrait to win her hand. But Jessica and Lorenzo's marriage is also contingent: Jessica, although "much ashamed of my exchange" (2.6.937), believes that donning a boy's costume to leave her father's house "with what gold and jewels she is furnished with" (2.4.835) will render her desirable to her future husband, Lorenzo. Indeed, only when "she hath proved herself" (2.7.958) does Lorenzo declare "I love her heartily" (2.7.955).

Lastly, comedy concerns the relationship of the individual and society (Brown 161). In *Merchant*, this is plain: as a Jew, Shylock is an outsider in Christian Venice, undergoing alienation at the

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hands of Antonio, who "did void your rheum upon my beard, / And foot me as you spurn a stranger cur / Over your threshold" (1.3.453). Furthermore, Portia and Nerissa manipulate their individuality in the form of gender presentation, in order to gain societal power and legal control over the trial scene. However, while *Merchant* presents characters who, due to oppression or silencing in Venetian society, experience tension in their relationships with society—Shylock because of his ethnicity and Portia and Nerissa because of their gender—"comedy can offer at best a brief respite from social bonds" (Demastes 17). The goal, then, is not to overthrow the society for the benefit of the individual. In fact, the emphasis comedy places on well-matched marriages suggests the opposite: both men and women must sacrifice their individualism for the continuation of society in the family (Demastes 150).

While the "green world," "love on probation," and "individual versus society" tropes may be more nuanced than marriage or mistaken identity, they are still fundamentally surface conventions. A play which neglects, for example, the simple mistaken identity trope may still be a comedy; likewise, leaving out the more complex "love on probation" trope does not threaten a play's comic status. While A *Midsummer Night's Dream* is a traditional and straightforward pastoral comedy (even considered Shakespeare's "most perfect" comedy), it presents neither mistaken identity nor love on probation in the traditional manner. Although Puck's interference with the four lovers results in confused emotion, Lysander, Demetrius, Hermia, and Helena do not at any point actually mistake one another's identities. Furthermore, while, in *Merchant*, suitors must pass the casket game to earn marriage, in *Midsummer*, lovers are more arbitrarily subjected to the whims of the fairies Oberon and Puck, and have no specific tests they must pass to prove themselves. Nevertheless, juxtaposing the chaos and disorder of the natural fairy world with the order and justice of the court, *Midsummer* maintains the most important comic convention: a comically just universe which dispenses authentic, benevolent justice for deserving characters.

Although conformity to surface conventions of comedy establishes *Merchant* as a "comedy" in the realm of popular entertainment, deviance from fundamental conventions introduces a tension between law and moral justice, which invites the audience to question the law's relationship to morality and justice outside the theatrical context. Ultimately, while comic conventions have an ethical dimension, they are especially focussed on the legal methods of carrying out these ethics, explicitly or implicitly. When the legal system fails—as, I argue, it does in The *Merchant of Venice*—the assumption that the universe is fundamentally "just" falls under the audience's scrutiny, and the genre begins to destabilize along with the legal system. Comedy, following its characters from repression to liberation, and concerning the need for "social regeneration," uses law as the embodiment of moral justice (Denvir 825). Denvir notes that "If law is an attempt to bring regenerative order to an otherwise chaotic world, then comedy is a fictive analogue" (825). In *Merchant*, the law must intervene to maintain order when Antonio and Shylock's conflict reaches a chaotic climax. The law, for Shylock, must operate as a mandate to collect on the legally binding (if morally dubious) contract he made with Antonio. Denvir associates properly executed legal proceedings with reconciliation, and thus, identifies The *Merchant of Venice* as a "failed comedy" because "the necessary reconciliation never really comes off" (828). While in A Midsummer Night's Dream, Lysander and Demetrius are properly reconciled with Hermia and Helena by virtue of the legal process of marriage, in The *Merchant of Venice*, Shylock is never reconciled with Antonio; rather, legal processes actively prevent reconciliation by prompting Antonio to "offer mercy" (ironically, in the form of punishment) to Shylock.

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Maslen, too, identifies the "mature comedies" as "ambiguous and doubtful" because of their relationships with legal proceedings. Although in Shakespeare's time women were allowed in the courtroom only as "ears," Portia becomes the dominant voice in the legal space (Maslen 84). But Portia manipulates the law and "deviates from contractual simplicity…motivated by the racism that is endemic in Shakespeare's Venice" (84). Entering the courtroom with only an unverified letter as her mandate, Portia quickly becomes the highest acting legal authority save the Duke himself. Portia argues that "There is no power in Venice / Can alter a decree established" (4.1.2135), despite the fact that Shylock's bond would never be upheld in English court (Sale 14). Therefore, from her first legal judgments in the courtroom, Portia's version of legal justice would unsettle an English audience. Quickly moving her argument from exhortations to mercy to legal loopholes, Portia's presence unsteadies the defined order of legal proceedings. Unqualified as a lawyer and disguised as a man in a space which normally excludes women's voices, it is first and foremost her legal intervention which transforms The *Merchant of Venice* from comedy into "problem play." Ironically, though Portia lauds mercy as "an attribute to God himself" (4.1.2110), it is precisely her unwillingness to show any mercy to Shylock which calls the play's legal proceedings into question. Her declaration, then, in the trial scene, can easily be reversed to address herself, and all the play's Christians: "Therefore, Jew, / Though justice be thy plea, consider this: / That in the course of justice none of us / Should see salvation" (4.1.2112). Justice is Portia's plea for Shylock; but justice, then, becomes associated with extreme punishment when, in actuality, justice implies getting what one rightfully, or legally, deserves. The legal processes of The *Merchant of Venice* are disturbing because they allow the improper application of the law at Shylock's expense, through "the transformation of a case about a private contract into a criminal trial" (14). Perhaps in the course of Portia's hyper-just punishment, "none of us / Should see salvation," but it is simply the destruction wreaked by such justice which demonstrates how the legal system has been misused against Shylock

Justice, then, in *The Merchant of Venice*, is perverted. Portia, likely knowingly (given her sharp wit, it is unlikely that she really believes her "mercy" speech will change Shylock's mind about upholding the bond), goads Shylock until "by direct or indirect attempts / He seek the life of any citizen [Antonio]" (4.1.2274), ensuring the possibility of extorting his fortune and forcing his conversion. Essentially, Portia manipulates the legal system, designed to dispense proper justice in line with moral righteousness, to re-establish social dominance over Shylock. While Shylock may not be innocent in his pursuit of Antonio's life, Portia led him to believe that he legally held the upper hand. Yet, once Portia turns the court against him on the basis of the bond demanding no blood, only flesh, his disadvantaged position in Venetian social hierarchies leaves him vulnerable to be legally misused. Shylock is thus deprived of his livelihood, forced to become a Christian, and commanded to bestow his fortune upon the Christian, who disdains him, and his daughter, who betrayed him.

Examining the destabilization of legal conventions in comedy also exposes the fissures in Shakespeare's representations of surface conventions in *Merchant*, especially the most critically characteristic of these, love and marriage. In keeping with the "love under probation" trope, marriage, notably a legal process, is usually the object of some contention in Shakespearean comedies, as in the convoluted relationships of Lysander, Demeter, Hermia, and Helena in *A Midsummer Night's Dream*. Yet, in almost all circumstances, marriage resolves contention and reconciles characters before play's end: everyone in *Midsummer* eventually falls in love with the right person. Most importantly, reconciliation in comedy is equally favourable for everyone involved. But in The *Merchant of Venice*, Jessica and Lorenzo's

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marriage never undergoes such reconciliation with Shylock, as he declares "I have a daughter—Would be any of the stock of Barabbas had been her husband / Rather than a Christian!" (4.1.2218). The suitability of each husband is called into question throughout the fourth and fifth acts, as Bassanio declares "But life itself, my wife, and all the world / Are not with me esteemed above [Antonio's] life" (4.1.2203). The ring game, too, exposes the fissures in the protagonists' marriages, when Portia and Nerissa, in disguise, coerce Benvolio and Lorenzo into giving them rings which the men had promised to keep, only to accuse their husbands of adultery before finally claiming to have retrieved the rings by sleeping with the lawyer and clerk. While, in an ideal comedy (one which upholds the fundamental convention of comic legal justice), men and women sacrifice individuality for the sake of marriage, both Portia and Nerissa assert their individuality at the potential expense of their marriages. Furthermore, marriages highlight the divisions between individuality and society: marriage detaches Jessica from her Jewish "tribe" and grafts her onto Christian Venetian society, and marriage prompts Portia to offer her individual wealth and influence at the service of law, a facet of society.

Lawrence declares that problem plays "are concerned, not with the pleasant and fantastic experiences of life, but with painful experiences and with the darker complexities of human nature" (Lawrence 3). While he addresses only the traditionally identified problem plays, I argue that scholars can fittingly include The *Merchant of Venice* in the same category. Because of its critical representation of legal justice and morality, which in turn destabilizes the otherwise infallible institution of marriage, Shakespeare offers in *Merchant* a play which is "too serious and analytic to fit the commonly accepted conception of comedy" (5). By focussing on legal (mis)proceedings and the execution of justice, Shakespeare invites the audience to consider how they conceive of justice in the first place, and whether society can properly dispense real justice. Furthermore, witnessing the disastrous (for some) consequences of a dysfunctional legal system "guarantees that audiences cannot simply respond with relief to the defeat of Shylock" (Sale 20). Rather, they are drawn into and invested in the consequences of a failing legal system, and thus motivated to self-reflection and possibly even legal action. Either way, structuring the play's legal proceedings to elicit such a response suggests that The *Merchant of Venice* is, indeed, too analytically and critically motivated to be classified alongside Shakespeare's more truly comic works.

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