Portia's Powerful Tongue: The Ethics of Lady Rhetoric in *The Merchant of Venice*

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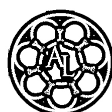
When early modern Europeans searched for a myth of human being, familial bond and civil association, they found one in an early Ciceronian treatise on oratory, *de Inventione*, in which he offers an etiological myth of rhetoric, "the origin of this thing we call eloquence":

> For there was a time when men wandered at large in the fields like animals and lived on wild fare; they did nothing by the guidance of reason, but relied chiefly on physical strength; there was yet no ordered system of religious worship or of social duties; no one had seen legitimate marriage nor had anyone looked upon children whom he knew to be his own; nor had they learned the advantages of any equitable code of law. And so through their ignorance and error[,] blind and unreasoning passion satisfied itself by misuse of bodily strength, which is a very dangerous servant. At this juncture a man—great and wise I am sure—became aware of the power latent in man and the wide field offered by his mind for great achievement if one could develop this power by instruction. Men were scattered in the fields and hidden in sylvan retreats when he assembled and gathered them in accordance with a plan; he introduced them to every useful and honorable occupation, though they cried out against it at first because of its novelty, and then when through



> reason and eloquence they had listened with greater attention, he transformed them from wild savages into a kind and gentle folk.[1]

For Cicero and his early modern heirs, the first orator established human being, familial bonds, and civil association by means of eloquence, and this founding is re-enacted during important moments of eloquence. The gathering of humanity through eloquence establishes us as human, and that gatherer is an especially important human, imagined by Cicero and most of his humanist sons as a special man.

Throughout his career, Shakespeare is fascinated by the art of oratory. Both trained in the English grammar school tradition of Latinate oratory and well-read in classical, continental and English rhetorics, he continually represents the action of artful speech in his plays, not only because dramatists cannot do otherwise, given that they have their characters speak, but also because this dramatist isolates and examines a number of the most important questions within the rhetorical tradition, exploring its nature, especially the ethical character of its power to move audiences to belief and action.[2] *The Merchant of Venice* represents two societies which require renewed

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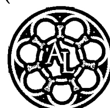
[1] 1.2. Trans. H.M. Hubbell, Loeb ed. (Cambridge, Mass.: Harvard UP, 1949). Cicero repeats the myth in his more mature *de Oratore*, trans. Sutton and Rackham, Loeb ed. (Cambridge, Mass.: Harvard UP, 1942): "To come, however, at length to the highest achievements of eloquence, what other power could have been strong enough either to gather scattered humanity into one place, or to lead it out of its brutish existence in the wilderness up to our present condition of civilization as men and as citizens or, after the establishment of social communities, to give shape to laws, tribunals, and civic rights? And not to pursue any further instances—well-nigh countless as they are—I will conclude the whole matter in a few words, for my assertion is this: that the wise control of the complete orator is which chiefly upholds not only his own dignity, but the safety of countless individuals and of the entire State" (1.8.30-34). *De Inventione* was the better known of the two works in early modern England. The scholarship on rhetoric in the early modern period is large. The best introductions are now Peter Mack's *Elizabethan Rhetoric: Theory and Practice* (Cambridge: Cambridge UP, 2002), Heinrich F. Plett's *Rhetoric and Renaissance Culture* (Berlin: Walter de Gruyter, 2004), and the first half of Quentin Skinner's *Rhetoric and Reason in the Philosophy of Hobbes* (Cambridge: Cambridge UP, 1996), 1-211. On rhetoric more generally, see Brian Vickers' *In Defense of Rhetoric* (Oxford: Clarendon P, 1989). On the myth of the rhetor-founder, see Wayne Rebhorn's *The Emperor of Men's Minds: Literature and the Renaissance Discourse of Rhetoric* (Ithaca: Cornell UP, 1995).

[2] For Shakespeare's own rhetorical character, the standard texts remain T. W. Baldwin's *William Shakspere's Small Latine & Lesse Greeke*, 2 volumes, (Urbana, 1944), esp. Vol. 2, 1-238, and Sister Miriam Joseph's *Shakespeare's Use of the Arts of Language* (New York: Columbia UP, 1947). See, as well, the



foundations: the multicultural commercial republic of Venice, whose economic and legal bonds are failing to bind its citizens, and the idyllic estate of Belmont, whose deceased patriarch is both thwarting and enabling his daughter's marital bond. When Shylock tries to explain in 4.1 of the play to a disguised Portia that he will not be persuaded to forsake the bond Antonio now owes him—"By my soul, I swear / There is no power in the tongue of man / To alter me" (4.1.237-39)[3]—the figure of speech provides me with the focus of my essay: Generally, the power of human speech, or the "tongue," to "alter" audiences; specifically, the ethics of Portia's "power" as Lady Rhetoric, both in Venice and in Belmont.[4] That Portia is an effective rhetor in both lands

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following: Russ McDonald's *Shakespeare and the Arts of Language* (New York: Oxford UP, 2001); Marion Trousdale's *Shakespeare and the Rhetoricians* (Chapel Hill: U of North Carolina P, 1982); and Brian Vickers's "Shakespeare's Use of Rhetoric" in *A New Companion to Shakespeare Studies*, ed. Muir and Schoenbaum (Cambridge: Cambridge UP, 1971), 83-98. The following examine Shakespeare's ethics of rhetoric specifically: McDonald, esp. "Words Effectual, Speech Unable," 164-192; Peter G. Platt's "Shakespeare and Rhetorical Culture" in *A Companion to Shakespeare*, ed. David Scott Kastan (Malden: Blackwell Publishers, 1998), 277-296; Plett, 415-433; Trousdale, 114-159; and Brian Vickers's "'The Power of Persuasion': Images of the Orator, Elyot to Shakespeare," *Renaissance Eloquence: Studies in the Theory and Practice of Renaissance Rhetoric*, ed. James J. Murphy (Berkeley: U of California P, 1983), 411-435. On Shakespeare and "moral philosophy" generally, see Baldwin, Vol. 2, 578-616. See David N. Beauregard's *Virtue's Own Feature: Shakespeare and the Virtue Ethics Tradition* (Newark: U of Delaware P, 1995) for an argument that Shakespeare was familiar with a tradition of "Aristotelian-Thomistic moral thought" (9). On Shakespeare's ethics of rhetoric, see my *With What Persuasion: An Essay on Shakespeare and the Ethics of Rhetoric* (New York: Peter Lang, 2009).

3 The Oxford World Classics, ed. Jay L. Halio (Oxford: Oxford UP, 1993), 4.1.237-239. Hereafter, cited internally.

4 The secondary literature on *The Merchant of Venice* is vast, and I have read only a small portion of it. I am indebted to the following readings of the play: C.L. Barber's *Shakespeare's Festive Comedy: A Study of Dramatic Form and Its Relation to Social Custom* (Princeton, NJ: Princeton UP, 1959), 163-191; Beauregard, 87-103; Allan Bloom's *Shakespeare's Politics*, with Harry V. Jaffa (Chicago: U of Chicago P, 1964), 13-34; Harold Bloom's *Shakespeare: The Invention of the Human* (New York: Penguin, 1998), 171-191; William C. Carroll's *The Metamorphoses of Shakespearean Comedy* (Princeton: Princeton UP, 1985), 117-126; Lawrence Danson's *The Harmonies of The Merchant of Venice* (New Haven: Yale UP, 1978); Jane Freeman's "'Fair Terms and a Villain's Mind': Rhetorical Patterns in *The Merchant of Venice*," *Rhetorica* 20.2 (May 2002): 149-172; Harold C. Goddard's *The Meaning of Shakespeare*, Vol. 1 (Chicago: U of Chicago P, 1951), 81-116; David Lowenthal's *Shakespeare and the Good Life: Ethics and Politics in Dramatic Form* (Lanham: Rowen and Littlefield, 1997), esp. 147-172; Platt, esp. 291-293; Norman Rabkin's *Shakespeare and the Problem of Meaning* (Chicago: U of Chicago P, 1981), 1-32; James Shapiro's *Shakespeare and the Jews* (New York: Columbia UP, 1996); Barbara Tovey's "The Golden Casket: An Interpretation of *The Merchant of Venice*" in *Shakespeare as Political Thinker*, ed. John Alvis and Thomas G. West (Durham, North Carolina: Carolina Academic P,

is obvious, yet success is not the exclusive measure of the art of rhetoric.[5] The question is this: Is Portia's "powerful tongue" ethically good? The answer: In Belmont, yes; in Venice, yes and no. Because of her ignorance of Venetian circumstances—especially the cultural tension between Christian and Jew in the city—she makes a mistake and sacrifices Shylock in order to save her husband's friend, a sacrifice which qualifies, without ruining, the romance of the play, a romance achieved through her ethical rhetoric in Belmont. Portia's suasiveness is composed of two rhetorical actions, then, one tragic and one comic, and the relationship of the two establishes the play's unity, a unity which confirms Samuel Johnson's observation that Shakespeare's plays are not, strictly speaking, either tragedies or comedies:

> Shakespeare's plays are not in the rigorous and critical sense either tragedies or comedies, but compositions of a distinct kind; exhibiting the real state of sublunary nature, which partakes of good and evil, joy and sorrow, mingled with endless variety of proportion and innumerable modes of combination; and expressing the course of the world, in which the loss of one is the gain of another; in which at the same time, the reveler is hasting to his wine, and the mourner burying his friend; in which the malignity of the one is sometimes defeated by the frolick of another; and

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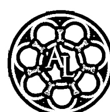
1981), 215-237; and esp. Martin D. Yaffe's *Shylock and the Jewish Question* (Baltimore: The Johns Hopkins UP, 1997). Freeman, Platt, and Yaffe discuss Portia specifically as a rhetor.

[5] In Aristotelian terms, success is its external, not its internal end because, having discovered all of the available means of persuasion, the rhetor may still fail. The best rhetor is not always successful; the worst rhetor sometimes is. See Eugene Garver's *Aristotle's Rhetoric: An Art of Character* (Chicago: U of Chicago P, 1994), esp. 18-51, for a fine discussion of the distinction.

[6] "Preface to Shakespeare" in *Samuel Johnson: Rasselas, Poems, and Selected Prose*, ed. Bertrand H. Bronson (New York, 1971), 261-307. 266-267. Johnson's Preface is the best single piece of literary criticism on Shakespeare there is, and his notes are full of treasures.



> many mischiefs and many benefits are done and hindered without design.[6]

Shakespeare exhibits the real nature of a generally good, but flawed rhetor who restores two decaying worlds, but only by accidentally destroying a man. In Venice and in Belmont, as in any city, the destruction of the other often establishes a new order, an order that romance, though, cannot purify. Our ethical persuasions do not efface our unethical ones; they simply define them as such, and the play's mode of combination provides the definition. Let me discuss the Renaissance figure of Lady Rhetoric, the principles of ethical rhetoric, and our particular rhetorical lady in both cities.

I. Powerful Lady Rhetoric, Over-Powered

In the European Renaissance, the art of rhetoric was, as always, a suspect study. Let me isolate one feature of that anti-rhetorical tradition: the accusation that rhetoric is effeminate, and that its powers of transformation subvert good reason and stable order. "Womanly" rhetoric was thought dangerous because, when practiced by men, it undermines their own masculinity; and because, when practiced by women over men, it emasculates the male audience and masculates the female orator. Even so, though the art of rhetoric in the Renaissance was usually practiced by men, there were exceptional women orators—Elizabeth I, for example—and there is even a habit in the iconographical tradition of imagining persuasion itself as female. Lady Rhetoric—or Persuasion—is a figure for the art of rhetoric, as we see in Figure 1.[7] Here we see a

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[7] The figure comes from Rebhorn. For his discussion of the gendered understanding of rhetoric, see 133-196; for his analysis of the figure, see 75-76. One of the most famous representations of Lady Rhetoric comes from Martianus Capella's *De Nuptiis Philologiae et Mercurii,* a mythological treatment of the trivium and quadrivium, trans. William Harris Stahl and Richard Johnson with E.L. Burge (New York: Columbia UP, 1977): "What countenance and voice she had as she spoke, what excellence of and

woman in flowing gown holding a three-headed beast on a leash, a leash that also binds her. Wayne Rebhorn offers two interpretations of the emblem. First, the rhetor's power here is both power over and over-powering; that is, she rules the audience, yet is herself constrained by that very power. Second, the beast is of indeterminate character since, although it resembles Cerberus, it may be a version of Hydra, the many-headed beast that represents the mass audience of the art of rhetoric. The indeterminate beast may figure the audience to which the orator must attend; then again, it may figure the three appeals of rhetoric—logos, ethos, and pathos—which correspond to the audience's three faculties of reason, moral sense and emotion, or it might figure the three kinds of rhetoric: political deliberative, epideictic, and judicial.[8] In either case, Lady Rhetoric's command of the beast is a sign that she has the art of rhetoric, defined by Aristotle in the *Rhetoric* as "an ability, in each case, to see the available means of persuasion" (1.2.1). This definition indicates that, with respect to an audience and an issue, the rhetor selects means to achieve the end of persuasion, that proximate end itself achieving more remote ends. That selection of means and ends is a power. However, she is persuaded as she persuades, and the rhetor's power over an audience often obscures the audience's power over the rhetor. Lady Rhetoric is altered even as she alters. The bond binding the beast is also binding her.

Her gender and her moderated power help illuminate my topic: a powerful female orator who is not always fully in command of her own oratory. Many of Shakespeare's heroines in the comedies are distinct instances of Lady Rhetoric, the allegorical figure transformed into a number of related, but highly individual fictional characters—Rosalind in *As You Like It* and Viola in *Twelfth Night*, for example, and

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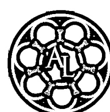
exaltation of speech!" (156). Plett discusses the iconographical history of representations of rhetoric (501-552), including Figure 1.

[8] On the three appeals and three rhetorical genres, see Aristotle's *Rhetoric*, trans. George A. Kennedy, 2nd ed. (New York: Oxford UP, 2007), 2.1-26 and 1.3-15, respectively.



certainly our Portia. These women are disguised as men, and, as a consequence of such disguises—Rosalind's Ganymede, Viola's Cesario, and Portia's Balthasar—they are able to exercise their rhetorical powers in ways hardly imaginable for most actual women in the period: as a teacher, a counselor, and a lawyer, respectively. Of course, husbands were conventionally supposed to govern wives to maintain proper domestic harmony, as we see in Portia's own submission to Bassanio in Belmont in 3.2, the new husband now "lord / Of the fair mansion" she has been governing (166-7). One begins to see just how adventurous Shakespearean heroines are, at least during courtship. Be that as it may, since Shakespeare's Lady Rhetoric is not only persuasive but also vulnerable, she offers an opportunity for our poet-player to examine an ethical situation—accidentally unethical rhetoric, rhetoric whose intention is not malice, yet whose effect is.[9] Between the very different masteries of an Iago and a Prospero is a Portia, who allows Shakespeare to develop his ethics of rhetoric because, first, she makes a mistake in being mastered by unknown, Venetian circumstances, and, second, that error both darkens, yet reveals her Belmontian triumph when she courts and educates her husband.

II. An Ethics of Rhetoric

Shakespeare read Cicero in school, but only read about Aristotle in one of his favorite books—Castiglione's *The Book of the Courtier*—where one of the interlocutors, Ottaviano, provides an Aristotelian ethical test for a courtier's counsel on behalf of his prince:

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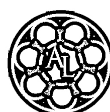
[9] Shakespeareans usually classify a persuasion as either "good" or "bad," without defining or complicating either. Plett, for example, offers what he calls "a fourfold typology of the orator": a good orator with either a good or bad character; and a bad orator with either a good or bad character (418). This is helpful, and it distinguishes the art of oratory from the character of the orator; even so, it hardly does justice to Portia's complex speech acts.

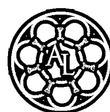


> And because the praise of well-doing consisteth chiefly in two points—whereof the one is, in choosing out an end that our purpose is directed unto, that is good indeed; the other, the knowledge to find out apt and meet means to bring it to the appointed good end—sure it is that the mind of him which thinketh to work so, that his Prince shall not be deceived, nor led with flatterers, railers and liars, but shall know both the good and the bad and bear love to the one and hatred to the other, is directed to a very good end.[10]

For Aristotle and Castiglione, any instance of influence or counsel must employ meet means and a good end. The Ciceronian formulation in *de Inventione* is in accord: the study of oratory must be accompanied by that of "philosophy and moral conduct," he argues there, or the orator's "civic life is nurtured into something useless to himself and harmful to his country" (1.1). Let me add one requirement and refine the above two. For the Aristotelian, any instance of rhetoric must meet at least three conditions to be ethical. First, the audience must be free to agree or disagree; that is, there can be no force involved which would compel assent.[11] Second, the rhetor's end must both be good and be freely agreed to be good by the rhetor and her audience. And, third, the rhetor's means to that end must be thought to be both good and true by the rhetor, and they must actually be so. An audience freely persuaded to a good end through good and true means: this is the character of any ethical suasion. What distinguishes the sophist from the rhetor for Aristotle is an ethical differential: "The sophist is such," he argues, "not through *ability*, but through deliberate *choice*" (1355b18, emphasis added). The ethical rhetor must have the power of discovering the available means of

[10] Trans. Thomas Hoby, ed. Virginia Cox (London: Everyman Library, 1994), 296, spelling and punctuation modernized. I am not as convinced that Shakespeare knows Aristotle as Beauregard; it seems more likely that he discovers "Aristotelian" thought in Cicero and Castiglione. Even so, we can use Aristotle to increase our understanding of Shakespeare and the actions he represents.

[11] On rhetoric and force, see my *With What Persuasion*, 79-99.



persuasion in the particular case, but she must also properly exercise ethical choice in the discovery and deployment of means toward end. Portia's legal rhetoric is unethical because it finally fails to meet the above conditions,[12] but her romantic rhetoric is so because it does. Let me make good on that claim.

III. The Accident of Rhetorical Ignorance in Venice

Aristotle's definition of rhetoric includes the demand that the rhetor know what "the particular case" is. That is an ethical demand. Remember that, in the *Nicomachean Ethics*, the first requirement of an act is that one discern the particulars of one's situation: discernment precedes deliberation, choice, and action. This is what he means when he argues that the ethical decision requires perception.[13] To the degree one is ignorant of such particulars, to that degree one is not acting freely. Ignorance is one of the causes of involuntary action, including involuntarily unethical action. Granted, Portia's Venetian rhetoric is not unethical throughout. Her first appeal to Shylock's mercy (4.1.181-201) is completely legitimate:

> The quality of mercy is not strained.
> It droppeth as the gentle rain from heaven
> Upon the place beneath. It is twice blest:
> It blesseth him that gives and him that takes.
> 'Tis mightiest in the mightiest. It becomes
> The throned monarch better than his crown.
> His sceptre shows the force of temporal power,

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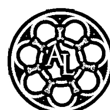
[12] Yaffe makes the case that Portia is an ethical "statesman" throughout the play. See esp. 46-87. Though he and I disagree, I highly recommend his fine study. On the difficulties and possibilities of being an ethical rhetor, see my *With What Persuasion* (145-178), where I examine Paulina in *The Winter's Tale*.

[13] See the *Nichomachean Ethics*, 1109b23. On the topic of such perception, see Martha Nussbaum's "The Discernment of Perception" in *Love's Knowledge: Essays on Philosophy and Literature* (New York:



> The attribute to awe and majesty,
> Wherein doth sit the dread and fear of kings;
> But mercy is above this sceptred sway.
> It is enthroned in the hearts of kings;
> It is an attribute to God himself;
> And earthly power doth then show likest God's
> When mercy seasons justice. Therefore, Jew,
> Though justice be thy plea, consider this:
> That in the course of justice none of us
> Should see salvation. We do pray for mercy,
> And that same prayer doth teach us all to render
> The deeds of mercy. (4.1.181-199)

Her appeal here is logical, ethical, and emotional. The logical appeal is supported by the topic of invention of definition. The "quality" of mercy is its essence, which explains why, syntactically, Portia's periods indicate either what "mercy" does—"It droppeth as the gentle rain," "blesseth him that gives and him that takes," and "becomes / The throned monarch better than his crown"—or what it is—"'Tis mightiest in the mighty," "is enthroned in the hearts of kings," and "is an attribute to God himself." As well, she marshals the topic of comparison by contrasting force and mercy, the king's scepter with his heart. By contrasting justice and mercy, she appeals to emotion, specifically the emotion of fear: "in the course of justice none of us / Should see salvation. We do pray for mercy." Her definitions and comparisons also establish her own ethos since, after all, those who appeal to ethical principle—here that of mercy—are thought to embody them. Her moving appeal to mercy is supplemented by one to self-interest—"Shylock, there's thrice thy money offered thee" (224)—indicating

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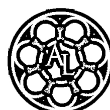
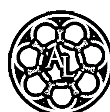
Oxford UP, 1990), 54-105, and Nancy Sherman's *The Fabric of Character: Aristotle's Theory of Virtue* (New York: Oxford UP, 1989), esp. 13-55.



that she has his interest in mind, as well. The rhetor's ethos, according to Aristotle in the *Rhetoric*, must be characterized by "practical wisdom, virtue and good will" (2.1.5), the last indicated by the rhetor's concern for the audience's good. Her conclusion appeals to the emotion of fear, here the fear of judgment. Aristotle argues that, while the emotional appeal is often abused (1.1.3-6), it is a legitimate appeal nonetheless, provided the emotion is in accord with the circumstances at hand (2.1-11). All three appeals in her speech are ethically legitimate.

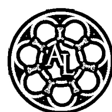
However, once Shylock refuses those appeals—"My deeds upon my head" (203)—Portia changes. What distorts Portia's rhetoric in 4.1 is ignorance: though she has certainly studied the law with Doctor Bellario with some, if not perfect, care, she does not understand "the particular case" of Antonio and Shylock, not seeing that Shylock's desire to destroy Antonio is animated by a mistaken, but certainly understandable desire for revenge for past injustices. The play convinces us that his revenge upon Antonio is occasioned by Jessica's betrayal by juxtaposing in 3.1 Solanio and Salarino's taunting of Shylock for having lost his daughter with Shylock's encomium to Christian revenge. When Portia enters the courtroom, claiming that she is "informed thoroughly of the cause" (4.1.170), her very next question indicates that her general knowledge has its limitations: "Which is the merchant here?" (171). Throughout her exchange with Shylock, she appears not to realize that Antonio is Shylock's professed enemy and cannot imagine Shylock has been the victim of Antonio's hate crimes. Shylock earlier narrated those crimes to Antonio himself:

> Signior Antonio, many a time and oft
> In the Rialto you have rated me
> About my moneys and my usances.
> Still have I borne it with a patient shrug,
> For suff'rance is the badge of all our tribe.



You call me misbeliever, cut-throat, dog,
And spit upon my Jewish gaberdine,
And all for use of that which is mine own.
Well then, it now appears you need my help.
Go to, then. You come to me, and you say
'Shylock, we would have moneys': you say so—
You, that did void your rheum upon my beard
And foot me as you spurn a stranger cur
Over your threshold, moneys is your suit.
What should I say to you? Should I not say
'Hath a dog money? Is it possible
A cur can lend three thousand ducats?' Or
Shall I bend low and, in a bondman's key,
With bated breath and whisp'ring humbleness,
Say this: 'Fair sir, you spit on me on Wednesday last;
You spurned me such a day; another time
You called me dog; and for these courtesies
I'll lend you thus much moneys'? (1.3.103-125)

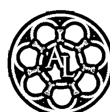
Antonio's response indicates that this narration is true: "I am like to call thee so again, / To spit on thee again, to spurn thee, too" (126-7). Antonio and Shylock are, as Antonio reminded him when he took the loan, enemies (1.3.128-33). If an audience has forgotten 1.3 by 4.1, Shakespeare reminds it in the later scene with Shylock's question to Bassanio right before Portia enters: "What wouldst thou have the serpent sting thee twice"? (4.1.68). Portia, of course, has seen and heard none of this, which is the point. What Shakespeare understands is that majorities have an ethical habit, having abused minorities, to desire not only justice, but even mercy from them, once minorities are in a



position to respond to the abuse. Because Portia is ignorant of the injustice, she cannot comprehend his desire for revenge, so she instrumentalizes Shylock to achieve her end of freeing Antonio and accidentally turns Shylock over to those who would revenge themselves upon him. Shylock may fail to show mercy—"'tis not in the bond" (259)—but Portia shows neither justice before the law, since Jews in Venice are given legal rights but denied the means to effect them; nor equity, since full knowledge of Shylock's situation would dictate, not that he be allowed to revenge himself upon Antonio, but that he and Antonio both be freed from their bond; nor mercy, since, had she known, she might very well have believed that Shylock should be shown more than equity.[14] By the time Portia grows excited by her rhetorical victory—"The Jew shall have all justice" (4.1.317)—she is neither just nor equitable, arguably even denying the principles of her own earlier speech on mercy (181-202). The latter end of her discourse forgets the beginning.

We see that Portia fails all three conditions of ethical rhetoric. First, Shylock is subject to a high degree of force; after all, he is compelled to convert to Christianity upon pain of death. The Duke is very clear that if Shylock refuses Antonio's "mercy" of theft and conversion, he will "recant / The pardon" of his (387-8). Second, Portia's end of saving Antonio is too limited, given the situation, since her goal ought to include human flourishing for all parties concerned. Even Bassanio realizes, once Shylock is willing to accept the money, that there is no need to go any further: "Here is the money," he says, just before Portia says that "[h]e shall have nothing but the penalty" (4.1.316-317). Third, her means in achieving this narrow end are sophistical. She will allow Shylock to claim his pound of flesh, but not if it means shedding Christian blood

[14] Reflecting on the relationships between and among justice, equity, and mercy, one might say that justice requires strict symmetry without reference to particularities; equity, imperfect symmetry with reference to them; and mercy, asymmetry toward the object of mercy either with or without reference to them. On the relationship between equity and mercy in Aristotle, see Martha Nussbaum's *Sex and Social*



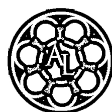
(302-309), yet it is legally irrational to allow a right that cannot be exercised. When she revenges herself upon Shylock on behalf of her adopted city, she accuses Shylock as a resident alien of having sought the life of a citizen (344-53), but that would necessarily imply that there is no equality before the law and that no resident alien could accuse any citizen of a capital crime without committing a crime, which would be, of course, sophistical nonsense, that is, if, as Antonio has earlier explained, Venice's legal code is established by "the course of justice" offered to all of Venice's inhabitants (3.3.26-31). Portia is ignorant of the life of persecution Shylock has led at the hands of Antonio, seeing only the revenge, not the persecution being revenged. She then turns Shylock over to the will of his enemies to confiscate his wealth and force his conversion, traces of both acts of injustice remaining throughout the play.

IV. The Power of Courting and Altering Husbands in Belmont

Her legal rhetoric is not her only rhetoric, though, and her romantic rhetoric—as exhibited in the test of the three caskets in Acts 1-3 and the ring in Acts 4-5—is ethical, both tests achieving and educating her husband-to-be, and meeting the standard of ethical rhetoric: 1) Bassanio is free; 2) her end of a good marriage to him is a good and agreed to be by both; and 3) her means to that end—here, the question becomes controversial—are certainly good, but are only arguably true. Goodness concerns moral virtue; truth concerns intellectual.

You will remember that Portia's choice in marriage is constrained by her father's test of the caskets, and she does assist Bassanio in his choice of the lead casket. We do not know for sure who sings "A Song the whilst Bassanio comments on the Caskets to himself," as the First Folio directs in 3.2. It is either Portia or one singing on her command. Everyone notes the way the song pointedly rhymes with "lead"—"bred,"

Justice (New York: Oxford UP, 1999), esp. "Equity and Mercy," 154-183; on that relation in both Aristotle and Shakespeare, see Beauregard.



"head," "nourishéd," "fed." We ought to notice, as well, that the song has a moral about erotic desire, which is "engendered in the eyes, / With gazing fed; and fancy dies / In the cradle where it lies" (3.2.67-70), a moral Bassanio learns in his meditations upon the "shows" of gold and silver: "The world is still deceived with ornament" (74). He will not be: "But thou, thou meager lead / Which rather threaten'st than dost promise aught, / Thy paleness moves me more than eloquence" (104-6). Is Portia's education of Bassanio cheating? I do not believe so. Her father—"ever virtuous," according to Nerissa (1.2.27)—would not, I think, imagine that the suitors would be deliberating alone; instead, he would foresee that his daughter, moved by preference, would deliberate with them. He is a kind of absent Prospero, ensuring that his daughter's future suitors would speak with his daughter—or at least listen to her sing—before marrying her. No wise parent expects to be obeyed entirely when it comes to a child's love life, knowing that marriage necessitates separation. Portia's father is no Capulet. When Portia assists him, the persuasion involved is less the sophistry of deceiving a parent and more the rhetoric of deliberation with a spouse. A beautiful woman is usually going to have to teach her chosen suitor to restrain his fancy when activated by her beauty. Portia and her father know as much.

Her second test is more debatable; after all, she disguises herself to her husband and arguably "entraps" him into giving up the ring. Let me defend both the disguise and the entrapment. First, the disguise is not *primarily* intended to deceive Bassanio. After all, she cannot practice her influence in the court without disguise, given the constraints upon women practicing law. Ultimately, disguise in Shakespeare is a dramatic figure for the appeal of ethos or persona that is unavoidable in human speech. Second, once disguised, she discovers that Antonio and Bassanio are closer than they should be, given that Bassanio has just married her. While disguised, Portia hears her husband say to his close friend, "But life itself, my wife, and all the world / Are not with

me esteemed above thy life. I would . . . sacrifice them all / . . . to deliver you" (4.1.281-2). Bassanio has a disordered understanding of the respective values of friendship and marriage, and his wife needs to persuade him toward an ordered understanding of it. She may even suspect, as others in the play do, that Antonio's love for Bassanio is more than friendship. (The term of "love" between men in early modern England did not need to refer to homosexual desire; even so, it is worth noting that Antonio remains unmarried at the play's close, a rarity for major characters at the end of comedies.) Bassanio has not been compelled to marry, but, once in its order, he must value its vows properly. We must allow that Bassanio does not give over the ring at first, doing so only after being pressed by Antonio: "Let . . . my love withal / Be valued 'gainst your wife's commandment" (446-7). What the ring now figures is Bassanio's broken vow. He may not be a slave to erotic fancy, but he is not yet wise to the nature of marital vows. In Shakespeare's world, those vows supersede parental claims and male friendships, and young husbands had better lose their finger than their wedding ring. Portia's rhetorical end is good: to educate her husband to understand that the oath of marriage is a supreme speech act, one which, to use Portia's metaphor, rivets the ring to his flesh with faith. The ring is a sign of "faith." By refuting Bassanio's excuse for the lapse of faith, she ensures that there will probably not be a future one. Her end, then, is a good marriage for them, and that is certainly a human good shared by both. The question then becomes whether her means to achieve that end are ethical since the test and the refutation withhold the truth from him. One must distinguish between two forms of withholding the truth: In the first, the rhetor denies the audience the truth; in the second, she delays it. The art of rhetoric demands good timing. As *Proverbs* 15 would have it—the Hebrew text in accord with the Greek or Roman understanding of rhetorical *kairos* or decorum—"[A] word spoken in due season, how good it is!" (15.23, emphasis added). Or, as Portia puts it, "How many things by season seasoned are / To

their right praise and true perfection" (5.1.107-8).[15] By season seasoning the truth is the essence of rhetorical power. The ethical demand is that an audience must learn the truth; the rhetorical demand is that he learn it when it will be most persuasive. My claim is quite strong, then: not that Portia uses unethical means to an ethical end, but that she uses ethical means to an ethical end. Rhetorical prudence only resembles sophistry. This becomes clear when we contrast Portia's rhetoric in Venice with that in Belmont: Shylock is forced, but Bassanio is not; Shylock is not included in the good of Portia's end, but Bassanio is; and Shylock is the victim of legal sophistry, Bassanio the beneficiary of marital discretion.

One cannot extricate the two rhetorical actions in the play fully, of course, and the romance of 5.1 is made more sober, not only by the presence of Antonio, Shylock's triumphant enemy, who re-establishes the bond between Portia and Bassanio, but also by that of Jessica and Lorenzo, now financial beneficiaries of her father's degradation and the impending death of the "rich Jew" who Nerissa mentioned[?] a mere fifteen lines before the play ends. And, perhaps more importantly, the emphasis on the ring—Portia's "first gift" to Bassanio (5.1.167)—reminds us of another ring, Leah's first gift to Shylock, the parental ring Jessica and Lorenzo sold for a monkey once they escaped from Venice with her father's treasure (3.1.111-116).[16] The ring of romance resembles the ring of tragedy. Bassanio's venture in Belmont, we are reminded, was paid for by Shylock. From this, one might deny the romance of the play, undermining it altogether with historical injustice. That would be a mistake, not because the play effaces that

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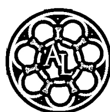
15 That the comment is occasioned by music indicates the musical nature of what is thought of as an Orphic art of rhetoric. Interestingly, the play has one of the few mentions of Orpheus in his canon in Lorenzo's speech to Jessica (5.1.54-88) on "the sweet power of music" (79). On the relation between music and rhetoric, see Plett, 366-412.

16 Even the high romance of Bassanio and Portia's casket scene (3.2) is qualified by the fact that it is framed with the scene in which Shylock learns from Tubal that his daughter stole and sold Leah's gift to him (3.1) and the one in which he taunts Antonio (3.3).



injustice—it does not, instead vividly representing the personal and political cost for some of the happiness of others—but because "Shakespeare play's," as Johnson reminds us, "are not in the rigorous and critical sense either tragedies or comedies, but compositions of a distinct kind." In our ethics of rhetoric, we want a rhetor who is both good and always fully in command. We want a Lady Rhetoric who binds, but is not bound, someone who does not makes mistakes. But the rhetorical bond that binds all the marital, economic, and legal bonds of the play binds the very rhetor who holds it in her hands, wrapping itself around her gown. The sweet doctor is herself poisoned, even as she delivers sweetness, not to all, but to so many in this highly distinct composition.

What Shakespeare finally understands is that ethical rhetoric is a difficult achievement; that, in the ethical moment of disposing means to end, the rhetor is only imperfectly in command of a fallen world, and if this limitation can lead a woman of Portia's moral and intellectual virtue to error in her sacrificing a tragic usurer to secure comic marriages, we ought not be overly confident in either the virtue of our own rhetoric or the exactitude of our own generic terms. As Johnson would have it, a Shakespearean play "exhibits the real state of sublunary nature, which partakes of good and evil, joy and sorrow, mingled with endless variety or proportion and innumerable modes of combination." Shylock's sorrow underwrites, yet does not erase, Belmont's joy, and the powerful tongue of this rhetorical lady is greatly responsible for both.[17]

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[17] This essay was given as lectures in the University of Dallas' Shakespeare in Italy program in Rome, lectures informed by discussions with Wayne Ambler and Dustin Gish; as a presentation at a forum on the play at the University of Dallas, refined by conversation with Joshua Parens and Martin Yaffe; and as a speech at the Athena Foundation, by invitation of Herschel and Dona Gower (now deceased), in conversation with Eileen Gregory. I am grateful for all the three opportunities. This essay is dedicated to the memory of my mother, Diane J. Crider, an eloquent lady from whom I learned to love the English language, a love that led me to Shakespeare.