Central to modern discourse is the question of how race and socioeconomic status impacts one’s treatment by the legal system. Almost five hundred years ago, William Shakespeare’s play *The Merchant of Venice* examined how religious affiliation affected the same. A chronicle of the moneylender Shylock’s attempt for revenge against the merchant Antonio and Venice’s Christian elite, the play begs the question of which, if either, set of characters is just. Is Shylock’s attempt on Antonio’s life a heinous act and Portia’s ingenuity a heroic intervention? Or is “a pound of flesh” just compensation for years of discrimination and Portia’s reversal another example of the persecution of Jews? While it initially appears unduly harsh, Shylock’s treatment of Antonio is, in fact, just under Nietzsche’s model of creditor and debtor. Both the moneylender’s use of this “primitive” model and its harshness relative to Venice’s judgment extend from and are evidence of Renaissance Christendom’s conception of Jews as subhuman, a conception Shakespeare and Nietzsche both challenge and uphold.

For readers unfamiliar with the play, here is a bit of plot background. When Antonio asks Shylock for a loan of three thousand ducats so that his friend Bassanio can court the lady Portia, Shylock agrees on the condition that Antonio owe him “a pound of flesh” if he fails to pay on time. When his business ventures fail and Antonio misses the payment deadline, however, his friends refuse to let him pay the penalty to which he had agreed. Instead, with brilliant argument,
Portia reinterprets the law in Antonio’s favor so that Shylock, not the merchant, is threatened with death. While pardoned from execution, Shylock is forced to convert to Christianity and surrender his goods to Antonio and the state to be eventually given to his estranged daughter. Bassanio, the one whose marriage scheme promoted the trouble, marries Portia and presumably lives rich and happy for the rest of his days. Judging from the plot’s conclusion, one would think even Fortune herself favored Christians over Jews, but that disparity is one to be addressed later.

To start, *The Merchant of Venice* initially shocks with how callously treats Shylock treats Antonio when Antonio appears to be, by all accounts, the best of men. His friend Silanio, in prefacing news, introduces the merchant as “the good Antonio, the honest Antonio” and interrupts his own storm of praise to plead for “a title good enough to keep his name company” (Shakespeare 3.1.12-14). While the Renaissance is known for its effusive but insincere flattery, the fact that Salerio—who is aware enough of obsequious excess to interrupt his friend’s praise to ask for the “full stop”—responds, upon hearing Antonio has “lost a ship,” that “I hope it might prove the end of his losses” suggests that both gentlemen bear him honest positive regard (3.1.###). Bassanio, the friend for whom Antonio borrowed money, commends the merchant as “the dearest friend to me, the kindest man” and “the best-conditioned and unwearied spirit / in doing courtesies,” a person who “more” displays “the ancient Roman honor” than “any that draws breath in Italy” (##.290-294). Granted, he spouts such praise after news of his friend’s impending doom, but while disaster may temper a negative judgment or raise a neutral one to lukewarm, even such circumstances would not evoke adulation for someone not already well-liked, if not loved. His generosity and selflessness to his friends is evidenced by the fact that he offers Bassanio “my purse, my person, my extremest means” without limitations and responds to his reluctance to impose by saying to Bassanio that “out of doubt you do me now more
wrong...than if you had waste of all I have” (1.1.###). Even Shylock, when asked by Bassanio if he will loan three thousand ducats, volunteers from nowhere his opinion that “Antonio is a good man” (1.3.9). Not only do Antonio’s friends and acquaintances adore him, but his enemies respect him, a dynamic achieved only by the best of character.

Magnanimous to the extreme, Antonio resembles Nietzsche’s paragon of the nobility, Mirabeau. “Unable to take his enemies, his misfortunes and even his misdeeds seriously for long,” Nietzsche says, the noble has “strong, rounded natures with a superabundance of a power which is flexible, formative, healing and can make one forget.” His own high regard makes him impregnable from onslaughts by lower creatures; he can “shake..., with one shrug, many worms which would have burrowed into another man” because he cannot be bothered with whom he deems unworthy of his regard (Nietzsche 22). Antonio’s behavior towards both Bassanio and Shylock demonstrates this attitude towards two different directions. In the first instance, while Antonio borrowed the three thousand ducats on Bassanio’s behalf, the former refuses to let the latter take any responsibility for his probable death. Writing to Bassanio before the trial, Antonio, believing “it impossible I should live,” says that “all debts are clear’d between you and I, if I might but see you at my death” (Shakespeare 3.2.###) Upon Bassanio’s arrival, he dismisses his friend’s offer that “the Jew shall have my flesh, blood, bones, and all, / ere thou shalt lose for me one drop of blood,” saying it must be Bassanio who lives and he who dies, for he is the “tainted wether of the flock” that is “meetest for death” (4.1.#). Like Mirabeau, Antonio forgives his transgressors, “healing” wounds and “form[ing]” loving loyalties through his boundless equanimity. He bears as little concern towards Shylock’s transgressions as he does towards Bassanio’s: when certain that “no lawful means can carry me / out of [Shylock’s] envy’s reach,” he does not scheme or writhe in ire but decides to “oppose / my patience to his fury” and
be “arm’d / to suffer, with a quietness of spirit, / the very tyranny and rage of his” (4.1.10-13).

By no means does the merchant not care for his life; rather, he asks that, “with all brief and plain conueniency,” he “have judgment and the Jew his will” because he does not consider the moneylender worthy of his passion (4.1.###). As Nietzsche says, the noble man “will tolerate as enemies none other than such as have nothing to be despised and a great deal to be honored!” (22). Given how much Antonio values kindness, his comment that one may less easily “soft[en]” Shylock’s “heart” than “forbid the mountain pines / to wag their high tops and to make no noise / when they are fretted with the gusts of heaven” suggests he does find something to be “despised” in the man and thus, ironically, cannot hate or fight him (Shakespeare 4.1.###). From his generosity towards his friends to his neutrality towards his adversaries, Antonio embodies Nietzsche’s definition of noble morality, a fact that adds nuance to Shylock’s rage against him.

In On the Genealogy of Morality, Nietzsche’s “man of ressentiment” hates and constantly seeks vengeance against the “noble” man. If Antonio epitomizes the “noble man” and Shylock hates and seeks vengeance against Antonio, it becomes very tempting to see Shylock as the man of ressentiment. Justice aside, his determination to maintain and even to inflate what he admits is an “ancient” grudge suggests he may also manifest Nietzsche’s ressentiment. While any mistreatment by Antonio specifically and Venetian Christians generally merits challenge, Shylock does parry abuse with witty retorts or challenges to duels but acts as a snake would, waiting in the grass until a foot treads in range of his bite. He attacks even to his ultimate detriment. Feeling compelled to maintain the Judeo-Christian feud, for example, he asks that “cursed be my tribe if I forgive him” even though his vengeance, through worsening the Jews’ reputation, would effectively curse them more than would have his forgiveness. Furthermore, rather than stop when “compensation” for Antonio’s slights and business fouls is reached, Shylock explicitly intends to
correct to what initially seems like excess. While Germanic and Roman precedent alike asserts that primitive justice allows for payment of debts through fleshly pain, “every injury has its equivalent which can be paid in compensation, if only through the pain of the person who injures” (40). Three thousand ducats some days late is not equivalent to a life. While a full pound of flesh—enough to mean, as Shylock, Antonio, Bassanio, and Portia all agree, Antonio’s life—may be fitting compensation all the misdeeds of Venetian Christians towards Venetian Jews down the years, it is far too dear a price to pay for a delay on the payment of three thousand ducats. Shift the definition of debt from an overdue payment to a millennium of Venetian Christian sins, however, and the charge appears less excessive—and reeks less of ressentiment—than one might initially think.

Must be ressentiment
But no! It’s the model of creditor and debtor
And PS Antonio isn’t as great to the outgroup as he is to his ingroup (he also isn’t really like Mirabeau—his insistence that he bears B no grudge if he remembers is closer to ressentiment than M’s forgetfulness...)
Venice, however, refuses to accept his justice
Because they show ingroup favoritism too.
Basically, anti-Sémitisme clouded the partiality of justice in Renaissance Venice just as racial and socioeconomic bias distorts the judicial process today.

According to Genealogy of Morality, payment of flesh to compensate a debt is the core of “prehistoric” justice (46). “Deeply rooted” and “primeval,” this relationship between creditor and debtor is a system in which “warrant for and entitlement to cruelty” compensate for unpaid debts instead of cash. Though still monetarily lacking, the creditor gains “the enjoyment of violating” and “the pleasure of having the right to exercise power over the powerless,” a fact that renders the arrangement most palatable to those who—like Shylock—are typically “the powerless” in their everyday lives (41). Even the logistics of this model correlate with Shylock’s actions. At time of sale, the debtor “pawns” as security his “wife,” “life,” “body,” “afterlife,” or something else whose
“control” he can guarantee (40). While theoretically this security is only to assure the debtor’s timely payment, occasionally the creditor desires punishment more than he does remuneration, which is exactly what happened with Shylock. **Quote.** While reacting against an insult Nietzsche calls justice, payment via punishment of a debt incurred by the insulter is apparently the oldest form of justice.

The fact that Shylock chose Antonio as target despite his apparent lack of guilt, while it appears to indicate *ressentiment*, in fact exemplifies the “primeval” justice model as well. According to Nietzsche, the reservation of punishment for the guilty alone is a relatively recent phenomenon. “Throughout most of human history,” he says, “punishment has *not* been meted out *because* the miscreant was held responsible for his act, therefore it was *not* assumed that the guilty party alone should be punished.” Instead, punishment was “out of anger for some wrong that had been suffered” and was “directed at the perpetrator.” From this perspective, if the “perpetrator” was the father of the family, compensation could be achieved, and therefore justice reached, through harm of any individual close enough to the father that their punishment would (psychologically) punish him. From this perspective, any Christian Venetian could have been chosen as martyr for the sins of the broader community, making Antonio just as good a candidate as anyone.

This liberty, however, shifted over time. While initially a creditor could choose a target at will, Nietzsche argues that over time the rules were “held in check and modified by the idea that” each “equivalent” to “injury” can be paid “only through the pain of the person who injures” (40). To be just despite this shift, Shylock must punish not simply any member of the guilty community but a member of the community who is guilty himself. While one would not realize it from descriptions by his friends, Antonio disrespects Shylock and dehumanizes Jews. **Examples** Even
if “primeval” justice required the punished party to be guilty of a crime, Antonio’s past and present anti-Semitic actions are enough to qualify him for the position.

Furthermore, even the violence with which Shylock plans to extract his due has precedent in both Germanic and Roman history. In the second essay of his treatise On the Genealogy of Morality, Nietzsche says that “cutting out flesh from the breast” was an “old German punishment” practiced alongside “stoning…impaling…boiling…in oil or wine…and, of course, coating the wrong-doer with honey and leaving him to the flies in the scorching sun” (39). Compared to leaving the honey-coated accused to the flies, a “pound of flesh” becomes one of the milder sentences. (Depending on Antonio’s girth and the specificity of Shylock’s conception of “breast,” the procedure might bear little difference to liposuction.) The Romans example.

If, along with Romans, early Germans could perform such atrocities on a regular basis and say that they “do not regard ourselves as a particularly cruel or hard-hearted people,” then a condemnation of Shylock becomes more complicated than a defense of civility. Indeed, Portia’s mention on of “alien” versus “citizen” makes clear that Shylock, for all his status as a Venetian taxpayer, is nevertheless seen as outside the fold. The contrast between the court’s reluctance to punish Antony and its willingness to punish Shylock demonstrates the different standards applied to individuals within the group and without it. Shylock points out this Christian hypocrisy when he says he only acts by their example, saying “the villainy you teach me, I will execute, and it shall go hard but I will better the instruction” (###). Concluding sentence

This “villainy” is not restricted to the courtroom. Whether in streets, businesses, or casual conversations, his Christian neighbors have for years treated Shylock as subhuman. The extent to which Jews are devalued is demonstrated but Shylock’s need to point out the biologically obvious: “Hath not a Jew hands, organs, dimensions, senses, affections, passions; fed with the same food,
hurt with the same weapons, subject to the same diseases, heal’d by the same means, warm’d and cool’d by the same winter and summer, as a Christian is?” (93/203). In listing off the physical faculties that Jews and Christians share and share alike, Shylock underlines the fact that both religions are equally human. Again turning the idea of “Christian example” on its head, he says that, just as it would be Christian “humility” avenge a Christian harmed by a Jew, it is his prerogative to avenge himself on the Christian who wronged him (93/203). While different from that between creditor and debtor, this compensative punishment is “justice” per N’s definition: by setting the precedent that, if harmed, he will harm his persecutors, he sets “a norm which ressentiment, from now on, has to take into account.” Furthermore, the idea that “if you prick us, do we not bleed…etc….revenge” bears great resemblance to N’s “equivalences for wrongs”.

Considering these cruelties, it is no wonder Shylock has a heart of stone: hardship toughens one’s tenderness against its inflictors. Nietzsche illuminates some of the ways through which trials increase one’s conception of justice towards cruelty. “the lower and baser the position of the creditor in the social scale,” the more the enjoyment of violating” is “prized” (41). Mercy

While “the just and judging eye” of legality may seek neutrality in all circumstances, it is unlikely to retain its “lofty, clear objectivity” when “popular injury” or personal “scorn and suspicion” are at hand (Nietzsche 49). Just as Shylock sees Antonio’s lending without interest not as a friend’s act of compassion but as a direct Christian affront against Jews, Portia, Bassanio, Graziano and the Duke see Shylock’s demand for a “pound of flesh” as a direct attack against their friend that must be stopped at all costs. While desirous to maintain the rule of law, the Venetian court is biased towards Antonio’s side by their love and respect for him and their derision or even
outright hatred of Shylock. Were a Christian suing a Christian, or an “alien” suing an “alien,” legal impartiality could likely be maintained. With a defendant of the “in-group” and plaintiff of the “outgroup,” however, it is nearly impossible for “penetrating and merciful” judicial balance to be maintained.

Ironically, as they were the ones who perpetrated the discrimination against which Shylock initially reacted, their ultimate condemnation of the moneylender is a reaction—and therefore manifestation of ressentiment—to Shylock’s action. On the other hand, the fact that Portia did not stop at saving Antonio but turned the tables to proceed against Shylock suggests that, while initially motivated by reaction, the powerful—or at least Portia—can shift the initial situation to their “active,” “strong,” “spontaneous,” and “aggressive” favor. This idea is supported by Nietzsche’s quote that “the last territory to be conquered by the spirit of justice is that of reactive sentiment” (48). While often de facto influenced by reactionary ideas, justice when handled by the so inclined can overcome reactivity to return to the offensive. With others, however, it remains firmly rooted in ressentiment and revenge.

The question of what does or does not count as just is complicated by the fact that, as Nietzsche says, “‘just’ and ‘unjust’ only start from the moment when a legal system is set up.” Beyond official confines, definitions are “meaningless,” for the fact that “life functions essentially in an injurious, violent, exploitative and destructive manner” means, Nietzsche contends, that even “injury, violence, exploitation and destruction cannot be ‘unjust’ as such” (Nietzsche 50). If justice exists only within the “legal code” that enacts it, not only its implementation but its very nature is dependent on the goals, beliefs, and prejudices of the elite that writes that code.

By defining what is acceptable or punishable, the elite curbs the individual’s ability to arbitrate experiences based on his own judgment, undermining the purpose of the revenge the legal code
replaces. “By treating offense and arbitrary actions against the individual groups as...a crime [and] insurrection against the authorities themselves,” Nietzsche writes, the powerful “distract attention from the damage done by such violations, and ultimately achieve the opposite of what revenge sets out to do, which just sees and regards as valid the injured party’s point of view” (50). In focusing on Antonio’s owing Shylock three thousand ducats, Venice skims over the months and years and decades of abuse incurred and Shylock and his compatriots by Antonio and others. Similarly, focusing on Shylock’s attempt on Antonio’s life as a crime against Venice shifts the attention (and rewards from goods compensated) to the state and minimizes Antonio’s suffering and/or right to recourse. Now, now, that idea does not mean Shylock deserved to kill Antonio, nor that Antonio deserved to determine what happened to Shylock. (Although didn’t he?) Instead, the push for state arbitration of guilt and execution of punishment to a certain degree removes the aspect of honor so central to historical retaliation. The marginalized are particularly vulnerable to this disenfranchisement: while Antonio cannot personally avenge himself against Shylock, he manages, albeit vicariously, to fight and win his battle. Shylock, on the other hand, he escapes with his life but is deprived of any restitution, his calls of contempt, derision, and exploitation not only unaddressed but roundly ignored. While necessary to create and to define it objectively, legal codes limit the ability to rectify wrongs against oneself, particularly when an individual is outside the controlling elite.

Often, the interests between the elite and the masses--or, more particularly, the elite and the fringes--are (or at least are perceived to be) fundamentally at odds. In the modern world, racial profiling by New York City cops reduced crime rates and therefore improved elite property values but increased apprehensions of individuals who looked “suspicious” and fit the racial profile but had not done wrong. In _Merchant of Venice_, for the Venetian court to arbitrate against Antonio
and anti-Semitic discrimination at large would be for it to act against one of the community’s foremost members and the community itself. The Venetian elite so positioned itself as Christian, and Christianity so positioned itself against Judaism, that to help Shylock seek justice against his Christian adversaries would be for them Shylock complains that Antonio’s lending of money without interest infringes on his ability to profit. To settle his complaint and prohibit lending without interest would not only be against Christian teaching but against the monetary good of all Christian Venetians who ever had needed or would ever need a loan. (Quote/citation) As Nietzsche says in a moment of flippancy, “The good of the majority and the good of the minority are conflicting moral standpoints: we leave it to the naiveté of the English biologists to view the first as higher in value as such” (34). Substitute “English biologists” for “Venetian law via an English writer” and a crux of The Merchant of Venice is captured in a line.

Curiously enough, however, Nietzsche suggests that flattening differences would not solve this problem. “A system of law conceived as sovereign and general, not as a means for use in the fight between units of power but as a means against fighting in general...would be a principle hostile to life,” he says. Like the idea that “every will should regard every other will as its equal,” law as a means of peace/calm/_____ (or, as Nietzsche might call it, apathy) would be “an attempt to assassinate the future of man, a sign of fatigue and a secret path to nothingness” (50).