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**THE CRUELTY OF MERCY:
OXYMORONIC PARADOXES**

Paula Bolduc

There is a tradition in the Middle East of telling teaching stories in which Nasrudin is the key character. The stories are humorous and derived from the wisdom of the Sufis, as well as from Persian, Arabic, and Turkish cultures. The stories are as timeless and universal, as the lessons they teach. The following brief Nasrudin story best expresses the fundamental idea in this essay.

One day Nasrudin's boat overturned. Nasrudin did not know how to swim and nearly drowned when, just in time, a local fisherman saved him. From that day on the fisherman pestered Nasrudin for this and that, constantly reminding him of the fact that he had saved Nasrudin's life. Finally, after years of this, the beleaguered Nasrudin wailed, "I wish I had drowned! That would've been less cruel."¹

Mercy is not what it seems. I argue that mercy is accompanied by cruelty, though not always, and to do that I turn to the wisdom of Seneca, Machiavelli, Montaigne, and Shakespeare. My primary examples, however, focus on what Portia in *The Merchant of Venice* says and how she says it.

The mercy that Shakespeare and Machiavelli identify is not capricious or blind. Mercy is not always good for the people, writes Machiavelli in *The Prince*.² Machiavelli reasons that there is a necessity for "cruel mercy." What he wrote is something like a practical "How to Rule Wisely" manual for first-year princes. Chapter 15 of *The Prince* addresses the proper conduct and the judicious use of cruelty and mercy in order to be kind:

But, it being my intention to write a thing which shall be useful to him who apprehends it, it appears to me more appropriate to follow up the real truth of a matter than the imagination of it; for many have pictured republics and principalities which in fact have never been known or seen.³

Machiavelli's ultimate concern here is the good of the state. Real mercy is both merciful and cruel, and to be used only if the situation warrants it. For Machiavelli, the ruler who lives by virtue alone "soon meets with what destroys

him among so much that is evil;" and a dead prince is a failed state. As there is no day without night, there is no mercy without cruelty. Although the relationship between mercy and cruelty is enough to boggle the mind, one thing is for sure: mercy without cruelty does not work.

At the end of Shakespeare's *Merchant of Venice*, a wiser Portia returns to Belmont and deploys what here is referred to as "cruel mercy." Machiavelli and Shakespeare knew well that the truly "noble," and, of course, the "well-read" (the creative reader), would find judicious application of cruelty not only practical, but also kind. In what they write there are echoes of the ancient wisdom of sages like the first-century stoic, Seneca. In his essay "On Clemency" Seneca writes: "A ruler's clemency in itself makes men ashamed of wrongdoing, and punishment seems more grievous if it is inflicted by a kindly man."⁴ The "clemency" that befalls this ruler's subject, though it may fall "as the gentle rain,"⁵ is not exactly benign. Similarly, Montaigne believed that virtue is "something nobler than the propensity for good."⁶ In his essay, "On Cruelty," Montaigne explains that the good that is done to others out of unreflective "natural mildness and good nature" is naïve and untested. With this idea in mind, it would seem that Shakespeare, who read Montaigne, fashioned Portia in the mold of Montaigne in *The Merchant of Venice*.

It is not out of some benign "happy disposition" that Portia argues most effectively in Venice's court of justice. On the contrary, she is thoroughly "provoked and stung to anger." Who would not be annoyed with such reactionary seekers of revenge as Shylock, Gratiano and company? But, Portia takes in hand her indignation and uses what "weapons of reason" she has. The interesting thing here is that not only is she outraged at Shylock, but also at the meddlesome Antonio and the impetuous Bassanio. In the end, Portia manages to save the lives of both the Christian Antonio and the Jew Shylock, but not Shylock's freedom of conscience, or his reputation and, most likely, his livelihood. Moreover, we should not forget that Portia is, from now on, Bassanio's guarantor of financial well being.

If all we hear in Portia's legal argument is the sweet melody of Christian mercy, then we are selectively deaf to the plainness and brutish ordinariness of her language. Moreover, we might ignore, as well, what Lorenzo calls in the play's final act, her "bad voice." This "bad voice" refers to the cry of a cuckoo, the bird that was associated in the Elizabethan period with adultery and betrayal. This reference to the cuckold underscores the vulnerability of human relationships as well as the need to examine our assumptions about

national, sexual, ethnic, and religious differences by listening more closely to those who think, act, and believe differently.

In this essay, Portia's "bad voice" is that of the "moral outsider." Like the cuckoo that lays its eggs in the nests of other birds, a sort of fowl-usurper (Pardon the pun.), Portia makes illicit use of Venice's judicial system; she is a fraud who deliberately appropriates mercy to her own ends. The suspicion is that Shylock, as an outsider, is already corrupt, liable to take advantage, and concerned ultimately only with the welfare of his fellow Jews. Their voices, nonetheless, are also the voices of valiant rebels who riot against readily-received ideas and paralyzing traditions. According to Richard Weisberg, in his article titled "Antonio's Legalistic Cruelty: Interdisciplinarity and 'The Merchant of Venice':"

Portia is, perhaps fascinated by Shylock's excessive yet somehow solid insistence on his bond, committed to undoing the moneylender's extreme application of what might otherwise be a righteous and ethical reliance on written law. But she is equally repulsed by the overly flexible oathbreaking of the Christian characters.⁷

Portia finds, between the extremes of the strict application of the law and unconditional mercy, the advantages of "cruel mercy." She knows that both Shylock's distempered voluntary causation of suffering⁸ and the equally noxious abuse "of the right to punish"⁹ hang together. The Duke fails to neutralize Shylock's intransigence by giving the Jew back his life and instead fines him, confiscates half his property and gives it to Antonio. According to the "Alien Statute" in Venice at the time, the state had the right to take Shylock's life and to claim his property. Nothing in the law, however, stipulated a forced conversion to Christianity, one of three conditions demanded by Antonio. Our tendency to focus exclusively on mercy ignores the blatant cruelty in having such a statute in the first place. Moreover, Portia, and surprisingly Shylock himself, seem oblivious or inured to this diktat. Their silence is deafening.

Nevertheless, Weisberg's Portia grows weary of "Christian distortion of the law – where ostensible 'mercy' quickly is debased to forms of legalized cruelty unimaginable" to a Jew. Christian casual flouting of the law in Venice, along with Antonio's subtle overstepping of the Alien Statute, adds a distinctive poignancy to the often-cited "Hath not a Jew eyes?" passage in Act 3:

Hath not a Jew eyes? Hath not a Jew hand, organs, dimensions, senses, affections, passions? Fed with the same food, hurt with the same weapons... If you prick us, do we not bleed? And if you wrong

us, shall we not revenge? If we are like you in the rest, we will resemble you in that.... The villainy you teach me I will execute, and it shall go hard but I will better the instruction.”

Antonio and his friends, who have in the past abused Shylock and, likely, his kin, may remind us of what Pope Benedict XVI recently said of the victims who were sexually abused by Roman Catholic clergy. The New York Times quotes the Pope: “Indeed the victims of hardship and despair, whose human dignity is violated with impunity, become easy prey to the call to violence, and they can then become violators of peace.”¹⁰ Although the contexts are admittedly very different, the emphasis of this essay is on the similarity between Shylock as a socially abused Jew and the persons sexually abused as victims likely to become, in turn, social or sexual predators.

Responding to Shylock’s refusal to be merciful, Portia becomes her most eloquent in her memorable speech:

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 scepter shows the force of temporal power,
 The attribute to God himself;
 And earthly power doeth then show likest God’s
 When mercy seasons justice.

Having effectively argued her case, Portia leaves Venice to return to Belmont. Once the dissimulating lover-lawyer, she now is the rich heiress of the enchanted, idyllic Belmont.

In her dealings with both the Christians and the Jew in court, and later in Belmont at the play’s end, Portia is obviously disgruntled with trite definitions of love, mercy, and justice. Hoping to have left behind one legal ritualistic sacrifice, she must now face another rite: the hyperbolic oath-swearing between Antonio and Bassanio. The first thing Bassanio says to Portia when he sees her is: “Give welcome to my friend, / This is the Man, this is Antonio/ To whom I am so infinitely bound” . Portia knows well who he is, having rescued him from his bond with Shylock. Still, she must now deal with this most interfering and tiresome of men. Antonio, the ubiquitous meddler, ever too

quick to provide “surety” for Bassanio’s hasty promises of love and fidelity, is hardly a corrective for an irresolute Bassanio. Portia confronts him with the plain and honest fact of his inconstancy: “If you had known the virtue of the ring, / Of half her worthiness that gave the ring, / Or your own honor to contain the ring, / You would not then have parted with the ring.” Bassanio’s ears must be ringing – each line ends with a “ring”! He is not the only one reminded of the preciousness of “bonding.” Gratiano, the blowhard, must also heed her stern reminder: “You were to blame – I must be plain with you – / To part so slightly with your wife’s first gift, / A thing stuck on with oaths upon your finger, / And so riveted with faith unto your flesh.” A thing “so riveted” in flesh is bound to hurt if kept and hurt if broken: a thing of cruel mercy – an unkind kindness – an oxymoronic paradox.

An older, more magnanimous Justice John Paul Stevens, in his recent opinion regarding the use of lethal injection, argues that though experience has taught him otherwise, “the imposition of the death penalty represents ‘the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes. A penalty with such negligible returns to the State [is] patently excessive and cruel and unusual punishment violative of the Eight Amendment.’” Although he once sided with the majority in voting on the death penalty in 1976 as a new Supreme Court Justice, he now finds reason to reverse his opinion. More than 30 years later, Justice Stevens finds that he is “bound” to agree with the majority, but also “bound” to the “voices” that call for an end to the death penalty. Like Justice Stevens, a more experienced Portia in Belmont understands that even in Belmont “cruel mercy” is kind. She becomes the voice of human solidarity at the instant she challenges the traditions of exclusivity subtly ritualized in Venice’s court of justice. Shakespeare, Machiavelli, Seneca, and Montaigne recognize that the complex messiness of forging human relationships that are based on an intended merciful fairness that in the end is liable to conceal cruelty. These writers teach us about the dark side of mercy.

I would like to conclude with another Nasrudin story. This one is called “The Reason.” Nasrudin was looking to borrow some money from a rich man. When the man asked why, Nasrudin answered, “To buy an elephant.” The rich man said: “if you need a loan, then you can’t afford an elephant.” To which Nasrudin replied: “I came to get money, not advice.”¹¹

NOTES

¹ A Nasrudin story (originator Idries Shah) as told to me by Dr. James Hersh, Philosophy Dept. Salve Regina University, on 4/18/08).

² Nicolo Machiavelli, *The Prince*. Everyman Library, ed. Ernest Rhys with introduction by W.K. Marriott (London: Temple Press, 1938), ch. 17, p. 65.

³ Machiavelli, Niccolo, *The Prince*, p. 72.

⁴ Lucius Seneca, "On Clemency," in *The Stoic Philosophy of Seneca*, trans. Moses Hada (NY: Doubleday, 1958), p. 163.

⁵ William Shakespeare, *The Merchant of Venice*. A Longman Cultural Edition, ed. Lawrence Danson (NY: Pearson/Longman, 2005).

⁶ Michel de Montaigne, *Essais*, Book II, "On Cruelty". (NY: Penguin, 1958), p. 174.

⁷ Weisberg, Richard H. "Antonio's Legalistic Cruelty: Interdisciplinarity and 'The Merchant of Venice'", *College Literature*, Winter 1998, Vol. 25, Issue 1, n.p. Academic Search Premier. EBSCHO. 31 March 2008 <http://library.salve.edu/> .

⁸ Barrozo, Paulo D., "Punishing Cruelly: Punishment, Cruelty, and Mercy." (original paper Harvard Law School Paper No. 08-04) *Criminal Law and Philosophy in Business and Science Media B.V. Social Science Research Network eLibray*: 2007: <http://ssrn.com/asbtract=1005550>, n.p. 31 March 2008.

⁹ *Ibid.* n.p.

¹⁰ Fisher, Ian and Warren Hoge, " In U.N. Address, Pope Stresses Importance of Defending Human Rights", *The New York Times*, Saturday, eastern ed., April 19, 2008, p. A17.

¹¹ Shah, Indries, *The Pleasantries of the Incredible Mulla Nasrudin*, (NY: Penguin, 1968), p. 13.