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Nature of interpretation

Interpretation is the determination of legal meaning of an enactment. Let us analyse this definition of interpretation.

Meaning

Meaning is a relationship between two sorts of things: signs or symbols and the kinds of things they intend, express, or signify. [Richard E Morehouse, Beginning Interpretive Inquiry, Routledge, 2012, p. 32 as cited in Wikipedia]

Sometimes a particular sign or symbol (word or term) may signify multiple things, for example, a bill may signify an electricity bill, a groceries bill, or a draft bill to be debated and approved by the legislature to make an Act. In such scenario it is the context wherein the word or term has been used determines the appropriate meaning or particular significance of the word or term. Standalone meaning of the word is rarely helpful; its usage in an enactment signifies its meaning.

Legal meaning

Legal meaning is nothing extraordinary but the plain literal meaning combined with the legislative intention. Intention of the legislators may be gauged from the words of the enactment as well as from the elements extrinsic to those words. Thus, interpretation is the art or process of discovering and expounding

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the *intended signification of the language used*, that is, the meaning which the authors of the law designed it to convey to others.

## Enactment

An enactment is a legal proposition in a legislative text that provides for a specified legal consequence to occur when facts fall within an indicated area. [Bennion 2020 s 10.2]

The term “enactment” may be used in different senses and its natural meaning must be determined by reference to its context. It is commonly used to refer to an Act or part of an Act, and may cover delegated legislation. It also sometimes has a broader meaning to cover other kinds of instrument. Since, being capable of different meaning, care is required in construing a passage of an Act or other instrument in which the term is used. It would be useful to begin by considering what the term is capable of covering.

Thring defined ‘enactment’ as a single legal proposition; the separate declarations of the legislature contained in an Act enforcing certain rules of conduct, or conferring certain rights upon or withholding them from certain persons or classes of persons. [Thring 1877 p 3]

The definition of enactment under General Clause Act 1897 s 3(19) is inclusive as follows: “Enactment shall include a Regulation (as hereinafter defined) and any Regulation of the Bengal, Madras or Bombay Code, and shall also include any provision contained in any Act or in any such Regulation as aforesaid;”

An enactment may be a whole Act or part of it. [Vasanthrao v Shyamrao (1977) 4 SCC 9 cited in Singh 2010 p 1068].

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An enactment may be a section or even part of the section [Prabodh Verma v State of UP (1984) 4 SCC 251 cited in Singh 2010 p 1068]

‘The word “enactment” does not mean the same thing as “Act. “Act” means the whole Act, whereas a section or part of a section in an Act may be an enactment.’ [Wakefield and District Light Railways Co v Wakefield Corporation [1906] 2 KB 140 cited in Bennion 2020 p 598]

‘Any provision, long or short, which achieves a distinct objective may be an enactment.’ [John Lyon’s Charity v London Sephardi Trust cited in Bennion 2020 p 598]

The term ‘enactment’ is not limited to Act, parts or even sections of an Act; any provision, long or short, which achieves a distinct legal objective may be an enactment and so provisions of subordinate legislation (though subordinate legislation has not of course been enacted by the legislature like an Act) is also an enactment. When considering whether subordinate legislation is covered it is important to focus instead on the context in which the term is used. In some cases, the context may indicate that references to an ‘enactment’ do not include subordinate legislation. In Rathbone v Bundock [1962] 2 QB 260 it was held that references to enactments in the Road Traffic Act 1960 did not include regulations. [Bennion 2020 p 598]

In some contexts, ‘enactment’ has been given an expansive meaning to cover other kinds of instrument. However, the word ‘enactment’ will not normally be used in domestic legislation to cover foreign legislation. [Bennion 2020 p 599]

Enactment - the unit of inquiry

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The concept of the enactment is central to statutory interpretation, because difficulties about meaning are usually centred on one or more discreet propositions. Though full legal meaning of an enactment cannot be gained without penetrating to the extremities of the legal system as a whole, an enactment provides the context to the words which are under examination as the root of ambiguity or vagueness. An enactment, therefore, is the unit of enquiry.^{^1} When facts fall within an indicated area of the enactment then only specified legal consequences occur. The court is not required to determine the legal meaning of an enactment in abstract, but only when applied to the relevant facts of the case before it.

Combined effect of two or more enactments

Where the combined effect of two or more enactments is in question, each in turn is treated as a unit of enquiry, and their combined effect falls to be determined.^{^2} An Act may contain more than one enactment bearing on the point at issue. Or relevant enactments may be scattered between two or more Acts. In such cases the meaning and effect of each enactment falls to be examined separately (though not in isolation from the others). What has then to be applied is the resultant of the enactments combined.

Applying the enactments to the facts

While applying the enactments to the facts the court has two-fold functions. First, it is required to decide the dispute between the parties who are before it in the instant case. Secondly, it has the duty, so that justice according to law may be seen to be done and

¹ Bennion 2020 p 361

² Bennion 2020 p 362

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law in question may be known, of indicating the legal principle held be determinative of the dispute.³

Principles of interpretation

The principles of interpretation are largely derived from common law that guide courts in determining the meaning of statutory words. These principles include not only established interpretative rules but also certain presumptions. Courts may use internal aids, such as related provisions within the same statute, and external aids, such as the background context and legislative history, to clarify meaning. [Bennion 2019 p 284]

Interpretative Rules

Formal interpretative rules constitute the core techniques developed under common law to guide courts in determining the meaning of statutory language. Since legislation is expressed through words, and language is often capable of multiple meanings, these rules provide a structured and principled approach to interpretation. They ensure consistency, predictability, and fidelity to legislative intent while allowing flexibility where necessary.

Literal rule: The starting point of interpretation is the literal rule, under which courts give words their ordinary, natural, and grammatical meaning. Where the language of a statute is clear and unambiguous, it must be applied as it stands, irrespective of the consequences. This rule reflects the principle that the legislature expresses its intention through the words it uses, and courts are not to substitute their own views for that of the legislature.

³ Bennion 2020 p 362

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**Golden rule:** Strict adherence to the literal rule, however, may sometimes lead to absurd or unreasonable results. To address this, courts apply the golden rule, which permits a limited departure from the plain meaning of words to avoid inconsistency or absurdity. This rule serves as a corrective mechanism, ensuring that the law operates in a rational and sensible manner.

**Mischief rule:** A more purposive approach is reflected in the mischief rule, originating from Heydon’s Case. Under this rule, courts consider the defect or “mischief” in the prior law that the statute intended to remedy. The interpretation is then directed towards suppressing the mischief and advancing the remedy. This approach shifts the focus from the literal meaning of words to the problem the legislation seeks to address.

**Purposive approach:** In modern jurisprudence, the purposive approach has gained prominence. Courts increasingly interpret statutes in light of their object, purpose, and underlying policy, rather than relying solely on textual meaning. This is particularly relevant in cases involving social welfare legislation and constitutional provisions, where a broader and more flexible interpretation is often necessary to achieve justice.

**Harmonious construction:** Another important rule is that of harmonious construction, which is applied when different provisions of a statute appear to be in conflict. Courts attempt to interpret such provisions in a manner that gives effect to all of them, avoiding inconsistency and ensuring that the statute is read as a coherent whole.

**Subsidiary rules:** In addition to these primary rules, courts employ certain subsidiary rules of interpretation, such as *ejusdem generis*, *noscitur a sociis*, and *expressio unius est exclusio*

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*alterius*. These maxims assist in understanding the meaning of words in context and prevent overly broad or unintended interpretations.

In conclusion, formal interpretative rules provide a comprehensive framework that balances textual precision with practical justice. They enable courts to interpret statutes in a manner that is faithful to legislative intent while ensuring that the law remains reasonable, coherent, and effective in its application.

### Interpretative Presumptions

Interpretative presumptions are judicially evolved assumptions used by courts while interpreting statutes. They operate as rebuttable default principles, applied unless a contrary intention is clearly expressed in the statute. Unlike formal rules (literal, purposive, etc.), presumptions reflect what courts assume the legislature normally intends.

**Presumption against Retrospective Operation:** One of the most important presumptions is the presumption against retrospective operation. Courts ordinarily assume that legislation is intended to operate prospectively, particularly where it affects substantive rights or imposes new liabilities. Retrospective effect is not given unless the language of the statute clearly indicates such an intention.

**Presumption in favour of Constitutionality:** Another significant presumption is the presumption in favour of constitutionality. Courts presume that the legislature does not intend to enact laws that violate the Constitution of India. Therefore, where two interpretations are possible, courts prefer the one that upholds the validity of the statute and is consistent with constitutional provisions. Closely related is the presumption

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against violation of fundamental rights, which ensures that statutory interpretation respects constitutional guarantees.

Presumption against Ouster of Jurisdiction: Courts also apply the presumption against ouster of jurisdiction, under which it is assumed that the legislature does not intend to exclude the jurisdiction of courts. Any such exclusion must be expressed in clear and unambiguous terms.

Presumption against Absurdity: Similarly, there is a presumption against absurdity, meaning that the legislature is presumed not to intend unreasonable or illogical outcomes. Courts therefore adopt interpretations that produce sensible and workable results.

Presumption against Redundancy (No Superfluous Words): Another important presumption is the presumption against redundancy or superfluity, which holds that every word in a statute has been used deliberately and must be given meaning. No provision should be treated as unnecessary or redundant.

Presumption of Consistent Usage: In line with this, courts also follow the presumption of consistent usage, whereby the same words or expressions used in a statute are presumed to carry the same meaning throughout, unless the context indicates otherwise.

Presumption that Penal Statutes are Strictly Construed: In the context of specific branches of law, certain specialised presumptions apply. For instance, penal statutes are presumed to be strictly construed, meaning that ambiguity is resolved in favour of the accused.

Presumption that Taxing Statutes are Strictly Construed: Similarly, taxing statutes are strictly interpreted, and no tax can

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be imposed without clear and express words; there is no scope for taxation by implication.

**Presumption against Change in Common Law:** Further, there is a presumption against alteration of the common law, under which courts assume that the legislature does not intend to change established legal principles unless such intention is clearly expressed. This ensures continuity and stability in the legal system.

In conclusion, interpretative presumptions provide an essential framework that complements formal rules of interpretation. They reflect underlying assumptions about legislative behaviour and help courts arrive at meanings that are logical, consistent, and constitutionally sound, while remaining faithful to legislative intent.

### **Internal aids to Interpretation**

Internal aids are tools within the statute itself that courts use to interpret its meaning. They help in understanding the context, structure, and intent of the legislation without referring to external sources.

- Title (Long Title & Short Title)
- Preamble
- Headings (Chapter / Section Headings)
- Marginal Notes
- Definitions (Interpretation Clause)
- Provisos
- Explanations
- Illustrations
- Schedules
- Punctuation

## External aids to Interpretation

External aids are sources outside the statute that courts use to interpret meaning when the statutory language is ambiguous, unclear, or insufficient. They help in understanding the background, context, and purpose of the legislation.

- Legislative History
- Parliamentary Debates
- Statement of Objects and Reasons
- Law Commission Reports
- Previous (Prior) Law
- Dictionaries
- Foreign Judgments
- International Conventions / Treaties
- Textbooks and Commentaries

## Law of interpretation in India

The principles of interpretation in India are embodied in the General Clauses Act, 1897 and in common law (judge-made law), including judicial precedents and constitutional doctrines.

## Interpretation v Construction

When it comes to ascertaining the meaning of a text, there is no material distinction between 'construction' and 'interpretation'. These terms are interchangeable. [Bennion 2020 s 10.1]

Some academics have attempted to distinguish between “interpretation” and “construction”.

Cooley<sup>4</sup> described the distinction as follows: “Interpretation is the art of ascertaining the true sense of any form of words—the

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<sup>4</sup> Cooley in Constitutional Limitations (Vol. 1, p. 97)

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sense the author intended to convey—and enabling others to derive the same idea. Construction, on the other hand, involves drawing conclusions about matters not directly expressed in the text, but inferred from the text’s known elements—conclusions that align with the spirit, though not necessarily the letter, of the law.”

In **CWT v. Hashmatunnisa Begum**⁵, the Supreme Court recognised that while ‘interpretation’ and ‘construction’ are often used interchangeably, they are conceptually distinct.

However, **Bennion**, after analysing various authorities, concludes that there is no substantive difference between the two terms, and they may be used interchangeably. Singh likewise affirms that “interpretation” and “construction” are synonymous in practical legal discourse.

Scope of interpretation

The scope of interpretation refers to the extent and purpose for which courts interpret statutory and constitutional provisions. In a legal system like India, where legislation is the primary source of law, interpretation plays a crucial role in ensuring that laws are understood, applied, and enforced in accordance with legislative intent and constitutional principles. Since language is inherently imperfect and cannot foresee every possible situation, interpretation becomes indispensable in bridging the gap between the text of the law and its practical application.

Removal of Ambiguities and Vagueness: One of the foremost aspects of interpretation is the resolution of ambiguities and vagueness. Legislative language may sometimes be unclear, capable of more than one meaning, or lacking precision. In such

⁵ CWT v. Hashmatunnisa Begum [1989 Supp (2) SCC 43]

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cases, courts step in to determine the most appropriate meaning so that the law can operate effectively. Ambiguity arises when words admit multiple interpretations, whereas vagueness refers to uncertainty in the scope or application of a provision. Interpretation ensures that such uncertainties do not lead to inconsistent or arbitrary application of the law.

Over time, and with the ingenuity of advocates, legal texts may develop ambiguities and vagueness that cast doubt on the intended meaning of the language used. Such uncertainties require the interpreter—whether a judge or arbitrator—to view the law through the perspective of its author and to extract the meaning the author would have intended in the specific context. This interpretative exercise is essential to ensure that the legislative purpose is honoured.

An enactment is bound to be ambiguous no matter how much carefully it has been drafted. Rightly remarked by **Max Radin**: "A statute is neither a literary text nor a divine revelation. Its effect is, therefore, neither an expression laid on immutable emotional over-tones nor a permanent creation of infallible wisdom. It is a statement of situation or rather a group of possible events within a situation and as such it is essentially ambiguous."<sup>6</sup>

However, the process carries an inherent risk: an interpreter might overstep, engaging in judicial activism by infusing personal bias into the law under the pretext of serving public policy. This can distort the legislative intent and effectively amount to judicial law-making. Therefore, interpretation must be exercised with restraint, confined to clarifying ambiguities and

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<sup>6</sup> Statutory Interpretation by Max Radin - 43 Har. L.R. 863 (868) cited in CWT v Hashmatunnisa Begum (1989) (Supp 2) SCC 43

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removing vagueness without altering or expanding the scope of the legislation.

In doing so, the interpreter may legitimately consult all relevant external and historical materials necessary to understand the subject matter and the terminology employed by Parliament. Yet, the interpreter must not usurp the legislative function by introducing limitations or provisions that, though possibly desirable, cannot reasonably be inferred from the statutory language itself.

The Supreme Court in **Keshavananda Bharati v. State of Kerala**⁷ affirmed this boundary, emphasising that interpretation is to elucidate—not to legislate.

Ascertainment of legislative intent: Another central function within the scope of interpretation is the ascertainment of legislative intent. The primary objective of courts is to discover what the legislature intended when enacting a statute. This is done by examining not only the plain language of the provision but also its context, purpose, and the mischief it seeks to remedy. Modern jurisprudence increasingly adopts a purposive approach, focusing on the object of the legislation rather than a purely literal reading.

Harmonious construction: The scope of interpretation also extends to harmonious construction of statutory provisions. Where different provisions of a statute appear to conflict, courts endeavour to interpret them in a manner that gives effect to all of them, avoiding inconsistency and redundancy. This ensures that the statute is read as a coherent whole and that no part is rendered meaningless.

⁷ Keshavananda Bharati v. State of Kerala (1973) 4 SCC 225

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**Avoidance of absurdity or injustice:** Further, interpretation involves the avoidance of absurdity or injustice. If a literal reading of a provision leads to an unreasonable or absurd result, courts may depart from the plain meaning to give a more rational interpretation. This reflects the application of the golden rule and ensures that the law operates in a just and sensible manner.

**Casus Omissus:** In certain situations, the scope of interpretation includes addressing gaps or omissions (casus omissus) in legislation. While courts are cautious not to assume the role of the legislature, they may interpret provisions in a manner that fills minor gaps, provided such interpretation aligns with the overall scheme and purpose of the statute. However, courts cannot create new law under the guise of interpretation.

**Socio-economic Adaptation:** Interpretation also allows the law to adapt to changing social and economic conditions. Through dynamic and purposive interpretation, courts ensure that legal provisions remain relevant in light of evolving circumstances, technological advancements, and societal needs. This is particularly important in constitutional interpretation, where broad and flexible meanings are often preferred.

**Upholding constitutional values:** Finally, the scope of interpretation is guided by the need to uphold constitutional values and protect fundamental rights. Courts interpret statutes in a manner consistent with the Constitution of India, ensuring that legislative provisions do not violate constitutional guarantees. This reinforces the principle of rule of law and maintains the supremacy of the Constitution.

In conclusion, the scope of interpretation is wide and multifaceted. It encompasses the clarification of language, discovery of legislative intent, reconciliation of provisions,

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avoidance of absurdity, and adaptation of law to contemporary needs, all while remaining within judicial limits. Interpretation thus serves as a vital tool in ensuring that law is not merely a set of written words but a living instrument capable of delivering justice.

## **The Merchant of Venice**

Antonio, the merchant in “The Merchant of Venice”, secures a loan from Shylock for his friend Bassanio, who seeks to court Portia. Shylock, a Jewish moneylender, recalls past insults from Antonio and, instead of asking interest on the loan, asks instead—in what he calls a “merry sport”—that if the loan is not repaid, Antonio will owe a pound of his own flesh.

Bassanio sails to Belmont, where the wealthy heiress Portia is being courted by suitors from around the world. Her father’s will requires that the successful suitor solve a riddle involving chests of gold, silver, and lead. Where others have failed, Bassanio succeeds by selecting the right chest. Portia marries Bassanio; her waiting woman, Nerissa, marries his friend Gratiano.

Shylock’s daughter, Jessica, has eloped with Bassanio’s friend Lorenzo, taking her father’s money with her. Shylock is devastated. When Antonio cannot repay the loan, Shylock demands the pound of flesh. When the news reaches Belmont, Bassanio returns to Venice. Portia and Nerissa also travel to Venice, disguised as a lawyer and his clerk. Portia uses the law to defeat Shylock and rescue Antonio.<sup>8</sup>

In Act 4 Scene 1, in court at Venice, Shylock demands that the terms of his bond be fulfilled. Portia enters as a doctor of laws, with a letter of introduction from Dr. Bellario. She saves Antonio

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<sup>8</sup> <https://www.folger.edu/explore/shakespeares-works/the-merchant-of-venice/read/4/1/>

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by determining that the bond allows Shylock no more than a pound of Antonio's flesh and not a drop of his blood. She also finds Shylock guilty of plotting the death of a Venetian and subject to the penalty of forfeiting his estate and suffering execution. Antonio intercedes with the Duke to reduce the penalty. A defeated Shylock agrees to the proposed terms. Bassanio offers the disguised Portia the three thousand ducats that he brought to give to Shylock, but Portia demands the ring that she herself gave Bassanio. When he refuses, she departs as if insulted. When Antonio asks Bassanio to give the ring, Bassanio sends Gratiano after her with it.⁹

Act 4 Scene 1 is relevant for getting the point of interpretation and so is being reproduced here in simple English:¹⁰

The DUKE, the noblemen, ANTONIO, BASSANIO, GRATIANO, SALERIO, and others enter.

DUKE: Well, is Antonio here?

ANTONIO: I'm here and ready, as you please.

DUKE: I am sorry for you. You have come here to face an adversary as stubborn as a rock, an inhuman wretch incapable of pity, completely empty of a single drop of mercy.

ANTONIO: I have heard that you have tried your hardest to change his rigid mind. But since he remains stubborn and there's nothing I can do legally to escape him, I will meet his anger with patience and suffer his tyranny and rage quietly.

DUKE: One of you men go and tell the Jew to come to the court.

SALERIO: He is waiting outside the door. Here he comes, my lord.

⁹ <https://www.folger.edu/explore/shakespeares-works/the-merchant-of-venice/read/4/1/>

¹⁰ <https://www.litcharts.com/shakescleare/shakespeare-translations/the-merchant-of-venice/act-4-scene-1>

SHYLOCK enters.

DUKE: Make room, so that he can stand right in front of me. Shylock, everyone thinks—and I agree—that you're just putting on a show of such malice until the very last minute, and then you will at last show some mercy and remorse, something maybe even more shocking to see from you than your cruelty. It is widely thought that you will not only forget about the penalty, a pound of this poor merchant's flesh, but will even let some of the money go, touched by human gentleness and love, out of pity for the losses that recently have come to weigh upon Antonio, which were enough to ruin a royal merchant, enough to make even the stone-hearted feel bad for him, enough to make even the stubborn Turks and Tartars, who aren't used to showing any courtesy, take pity on him. We all expect a gentle reply to this from you, Jew.

SHYLOCK: Your grace, I have told you what my intention is, and I have sworn by the holy Sabbath to take what is owed to me by our legal contract. If you deny me this rightful penalty, it will reflect poorly upon your city and its freedom. I'm sure you're going to ask me why I would choose to have a pound of flesh rather than the three thousand ducats I've been offered. I won't give you any answer other than to say I just feel like it. Is that enough of an answer? What if I had a rat in my house and I felt like paying ten thousand ducats to have it killed? Is that enough of an answer for you? Some men dislike pigs, others go crazy if they see a cat, and others can't help but urinate when they hear the bagpipes. People's likes and dislikes are fickle and depend on a person's mood. Now, as for your answer: just as a man who dislikes pigs, or who dislikes a harmless cat, or who can't help but embarrassingly urinate at the sound of bagpipes, has no real reason for this, so I can give no reason, and won't give one (aside from my long-standing hate and loathing for Antonio), for following through on our agreement. Is that enough of an answer for you?

BASSANIO: This is not a sufficient answer, you unfeeling man, to excuse your cruelty.

SHYLOCK: I don't have to please you with answers.

Do all men kill things they dislike?

SHYLOCK: Wouldn't everyone like to kill the things they hate?

BASSANIO: Not every act of wrongdoing must lead to hate.

SHYLOCK: What, would you let a snake sting you twice?

ANTONIO [to BASSANIO]: Please, are you trying to reason with the Jew? You might as well go stand on the beach and ask the tide not to come in as high as is its custom. You might as well ask the wolf why he makes the ewe cry by eating the lamb. You might as well forbid the mountain pines from swaying with their high tops and tell them to make no noise when gusts of wind blow through them. You might as well do anything impossible as try to soften his Jewish heart—is there anything harder than his heart? Therefore I ask you to make no more offers and use no more strategies to persuade him. Rather, let judgment be passed on me and let the Jew have his way without any more delay.

BASSANIO [to SHYLOCK]: Here's six thousand ducats instead of the three thousand for you.

SHYLOCK: I wouldn't take your offer if it were six times six thousand ducats. I would still take what is legally owed to me.

DUKE: How can you hope for mercy if you don't show it yourself?

SHYLOCK: Why should I worry about mercy when I've done nothing wrong? You have among you many purchased slaves that you use horribly like donkeys, dogs, or mules because you bought them. Should I tell you to free them and marry them to your heirs? Why do you make them sweat doing work? Why not let their beds be as soft as yours and let them eat the same fine foods as you? If I said that, you'd tell me that the slaves are yours. I give you the same answer. I have bought the pound of flesh that I demand from him. It is mine and I will have it. If you deny me, your laws mean nothing and there's no power to legal agreements in Venice. What's your opinion of that? Tell me what your response is.

DUKE: I have the power to dismiss this court, unless Bellario, a learned doctor of law, comes here today. I have sent for him to decide about this case.

SALERIO: My lord, there's a messenger standing just outside with letters from Bellario. He's just arrived from Padua.

ITS 5.1 Meaning of Interpretation

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DUKE: Bring me the letter and call the messenger in.

BASSANIO: Cheer up, Antonio! Keep your courage, man! The Jew will have all my flesh, blood, and bones before I let him take one drop of blood from you on my account.

ANTONIO: I am like a diseased sheep in a flock, one who ought to die. The weakest fruit drops earliest to the ground. Let me drop like that fruit. The best thing you can do, Bassanio, is stay alive and write my epitaph.

NERISSA enters, disguised as a law clerk.

DUKE: Have you come from Padua, from Bellario?

NERISSA: Yes, from both, my lord. Bellario sends his greetings, your grace.

[NERISSA gives the DUKE a letter]

SHYLOCK sharpens a knife on the bottom of his shoe.

BASSANIO [To SHYLOCK]: Why are you sharpening your knife so eagerly?

SHYLOCK: To cut what is owed to me off of that bankrupt man over there.

GRATIANO: You should be sharpening your knife not on the sole of your shoe, harsh Jew, but on your hardened soul. But no blade, not even the executioner's axe, is half as sharp as your sharp envy. Can no prayers pierce your stubborn heart?

SHYLOCK: No, at least no prayers that you are smart enough to make.

GRATIANO: Oh, damn you, you relentless dog! I hope justice comes to you! You almost make me change my mind and agree with Pythagoras that the souls of animals enter the bodies of men. You have the spirit of a dog, of a wolf that was killed for killing a human, but even as it was being killed its soul left its body and entered you while you were in your mother's pregnant belly. Your desires are wolfish, bloody, starved, and ravenous.

SHYLOCK: Unless you can rip the official seal off my contract, all you're doing by speaking so loudly is hurting your own lungs. Take care of your mind, young man, or it will fall apart with time. I support the law.

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ITS 5.1 Meaning of Interpretation

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DUKE: This letter from Bellario recommends a young and well-educated doctor of law to our court. Where is this man?

NERISSA: He is waiting nearby to hear whether you'll let him into the court.

DUKE: With all my heart, I'll let him in. Three or four of you go and courteously bring him here. In the meantime, the court will hear Bellario's letter.

[He reads the letter aloud] "Your grace should understand that at the time you are reading this I am very sick, but when your messenger came to me I happened to have a young lawyer from Rome visiting. His name is Balthazar. I told him about the controversial case between the Jew and Antonio the merchant. We consulted many law books together. He knows my opinion on the matter, which has been enriched by his own intelligence, which I can't speak of highly enough, and he brings my opinion to you in my place. I beg you, don't let his young age make you underestimate him. I have never seen a young man with so much wisdom. I hope you will welcome him graciously, and you will see how worthy of my recommendation he is."

PORTIA, disguised as the lawyer Balthazar, enters.

You all have heard what the educated Bellario has written. And I assume this is the lawyer coming now.

[To PORTIA, as Balthazar] Give me your hand. Have you come from old Bellario?

PORTIA: Yes, my lord.

DUKE: Welcome. Take your place here. Are you familiar with the different sides of the case facing the court right now?

PORTIA: I have been thoroughly informed about the case. Which one of these men is the merchant, and which is the Jew?

DUKE: Antonio and old Shylock, both of you come forward.

PORTIA: Is your name Shylock?

SHYLOCK: Shylock is my name.

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PORTIA: You are pursuing a strange case, but there is nothing under Venetian law that can stop you from proceeding.

[To ANTONIO] You are at his mercy, aren't you?

ANTONIO: Yes, as Shylock says.

PORTIA: Do you confess that you have broken the agreement?

ANTONIO: I do.

PORTIA: Then the Jew must be merciful.

SHYLOCK: Why must I? Tell me why.

PORTIA: Mercy is not something that one is forced to practice. It falls easily like gentle rain from the sky. It is a doubly blessed thing: it blesses both the person showing mercy and the person receiving mercy. Mercy is most admirable in the mightiest men. It looks better on a king than his crown. A king's scepter is a symbol of his earthly power, a source of awe and majesty, which makes people respect and fear him. But mercy is above the power of the scepter. It dwells in the hearts of kings. It is an attribute of God himself. And earthly power resembles God's power when justice is mixed with mercy. Therefore, Jew, although you are seeking justice, consider this: if God sought justice against all of us with no mercy, we would all go to hell. We pray to God for mercy, and that same prayer should teach us all to show mercy to others. This is what I have to say against your desire to seek justice and make the strict court of Venice carry out the merchant's punishment.

SHYLOCK: My deeds are my responsibility. I want the law to be upheld, the penalty, that which he must forfeit because of the loan.

PORTIA: Can he not pay the money back?

BASSANIO: Yes, here, I have the money for him in the court, even twice the sum. If that is not enough, I will pay ten times the sum of money, or else give up my hands, my head, my heart. If none of this is enough, then Shylock's malice overwhelms his honesty.

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### ITS 5.1 Meaning of Interpretation

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[To the DUKE] And I beg you, bend the law to your authority. Violate the law a little to do the right thing, and stop this cruel devil from getting what he wants.

PORTIA: He must not do that. No one in Venice is powerful enough to alter an agreed-upon decree. It would set a bad precedent, and many errors would be made by following it as an example. That cannot happen.

SHYLOCK: A Daniel is now judging, yes, a Daniel! I honor you, wise young judge.

PORTIA: Please, let me look at the agreement.

SHYLOCK [He gives PORTIA a document]: Here it is, most honorable lawyer, here it is.

PORTIA: Shylock, you are being offered three times the money you are owed.

SHYLOCK: An oath, an oath, I have made an oath by heaven. Should I backtrack on my oath and make my soul guilty of perjury? No, not even for all of Venice.

PORTIA: Well, the penalty must be paid! The Jew may lawfully claim a pound of flesh to be cut off from near the merchant's heart. Be merciful, Shylock. Take three times the money. Tell me to tear up the agreement.

SHYLOCK: You can tear it up after the debt has been paid. It seems that you are a worthy judge. You know the law. Your interpretation has been correct. I order you by the law, which you must obey, to go on and make judgment. By my soul I swear that nothing anyone can say can change my mind. I am here to get what is owed to me in the contract.

ANTONIO: With all my heart I ask the court to issue its judgment.

PORTIA: Well, then, this is it: you must prepare your chest for his knife.

SHYLOCK: What a noble judge! What an excellent young man!

PORTIA: The intent and purpose of the law relates to the penalty, which has been agreed upon in the contract.

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### ITS 5.1 Meaning of Interpretation

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SHYLOCK: That's very true. What a wise and just judge! You are wise beyond your years!

PORTIA [To ANTONIO]: Therefore, lay bare your chest.

SHYLOCK: Yes, his breast. That's what the contract says. Doesn't it, noble judge? "Near his heart"—those are the very words.

PORTIA: That's right. Do we have a scale here to weigh the flesh?

SHYLOCK: I have it ready.

PORTIA: Have some surgeon on call nearby, Shylock, to stop Antonio's wound so he doesn't bleed to death.

SHYLOCK: Is this spelled out in the contract?

PORTIA: It is not said explicitly, but so what? It would be good for you to do it out of charity.

SHYLOCK: I can't find it in the contract. It's not in the contract.

PORTIA [To ANTONIO]: You, merchant, do you have anything to say?

ANTONIO: Just a little. I am ready and well prepared. Give me your hand, Bassanio. Farewell. Don't grieve because I have fallen into this misfortune on your behalf, for even in this situation Fortune has shown herself to be kinder than she usually is. She usually makes a wretched man outlive his wealth, so that when he is old and has a wrinkled brow he looks on his own poverty. She at least cuts me off from this lingering misery. Speak well of me to your honorable wife. Tell her how I met my end. Tell her how I loved you. Speak well of me after I die. And after you tell her, let her be the judge as to whether you have ever had a loving friend. Only regret that you are losing a friend, and know that your friend does not regret paying your debt for you. If the Jew cuts deeply enough, I'll gladly pay the debt with my own heart.

BASSANIO: Antonio, I am married to a wife who is as dear to me as life itself. But I don't think as highly of life itself, my wife, and all the world as of your life. I would lose all of it—yes, I would sacrifice everything to this devil standing here—to rescue you.

ITS 5.1 Meaning of Interpretation

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PORTIA: Your wife wouldn't be too happy to hear that, if she were around to hear you make that offer.

GRATIANO: I have a wife, whom I swear I love. I wish she were dead and in heaven so that she could beg some holy power to come change this beastly Jew's mind.

NERISSA: It's a good thing you're making this wish behind her back. Such a wish would upset her.

SHYLOCK [To himself] These men are such Christian husbands. I have a daughter and I wish a descendant of Barabbas had married her rather than a Christian! We're wasting time. Please, let's hear the court's sentence.

PORTIA: A pound of that merchant's flesh is yours. The court awards it, and the law gives it to you.

SHYLOCK: You are a most honest judge!

PORTIA: And you must cut this flesh off of his breast. The law allows it, and the court awards this to you.

SHYLOCK: Such a wise judge! The right sentence! Come, get ready.

PORTIA: Hold on a second. There's something else. This agreement doesn't give you any drop of blood. The literal words are "a pound of flesh." So take what is yours, take your pound of flesh, but if in cutting it off you shed one drop of Christian blood, your lands and goods will be confiscated by the state of Venice by the city's laws.

GRATIANO: What a just judge! Listen to her, Jew. Oh you wise judge!

SHYLOCK: Is that the law?

PORTIA: You'll see for yourself. Just as you are bent on absolute justice, rest assured that more justice than you want would be served for you.

GRATIANO: What a wise judge! Look, Jew, a wise judge!

SHYLOCK: I'll take this offer, then: I'll take three times the money and let this Christian man go.

BASSANIO: Here is the money.

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ITS 5.1 Meaning of Interpretation

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PORTIA: Wait! The Jew will have all his justice. Wait, don't rush this. He will have nothing but the penalty he asked for.

GRATIANO: Oh, Jew! This is an upright judge, a wise judge!

PORTIA: So get ready to cut off the flesh. Don't shed any blood, and don't cut any more or less than exactly one pound of flesh. If you take more or less than a pound, even if it's just a twentieth lighter or heavier than the tiniest measure—in fact, if the scale is off by so much as a hair—you will be sentenced to death and all your goods will be confiscated.

GRATIANO: This is a second Daniel! A Daniel, Jew! Now I've got you, you unbeliever.

PORTIA: Why is the Jew waiting? Take what's owed to you.

SHYLOCK: Give me the money and let me go.

BASSANIO: I have it ready for you. Here it is.

PORTIA: He has refused the money in the open court. He will have only justice and the penalty owed to him.

GRATIANO: I'll say it again: he's a Daniel, a second Daniel! Thank you, Jew, for teaching me that phrase.

SHYLOCK: Will I not be given back even the original amount I lent?

PORTIA: You will have nothing but the penalty owed to you, which you can take at your own peril, Jew.

SHYLOCK: Well then, I hope the devil gets him for this! I won't stay here any longer to argue.

PORTIA: Wait, Jew. The law has another requirement of you. It is enacted in the laws of Venice that if a foreigner is proved to have directly or indirectly attempted to kill a citizen, the citizen against whom he plotted will take half of his goods. The other half is confiscated by the state. And the guilty man's life is in the hands of the Duke alone and his mercy. And I say that this law applies to you because it seems clear that you have contrived indirectly and directly against Antonio's life and now must face the danger I just elaborated on. On your knees, then, and beg for the Duke's mercy.

### ITS 5.1 Meaning of Interpretation

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GRATIANO: Beg that you can have permission to hang yourself. But since your property is forfeited to the state, you don't even have enough to buy a rope to hang yourself with. Therefore you must be hanged at the state's expense.

DUKE: I pardon your life even before you ask, Shylock, so that you can see how different my spirit is from yours. Half of your wealth belongs to Antonio. The other half goes to the state, and this may be reduced to a simple fine if you show humility.

PORTIA: Yes, the money due to the state can be reduced, not the money due to Antonio.

SHYLOCK: No, take my life and everything. Don't pardon me. If you take the prop that holds up my house, you take my house, too. By taking the means by which I live, you'd be taking my life.

PORTIA: What mercy can you show him, Antonio?

GRATIANO: Give him rope for hanging, at no charge. Nothing else, for God's sake.

ANTONIO: If it pleases my lord the Duke and the rest of the court, I am content to give up the half of his goods owed to me, as long as he gives me the other half of his wealth so that I can invest it and, upon his death, give it to the gentleman that recently eloped with his daughter. And I want two more things: that he converts to Christianity, and that he makes a will here in this court in which he leaves everything upon his death to his son-in-law Lorenzo and his daughter.

DUKE: He will do this, or else I will take back the pardon that I just pronounced here.

PORTIA: Are you content, Jew? What do you say to this?

SHYLOCK: I am content.

PORTIA [To NERISSA]: Clerk, draw up a will.

SHYLOCK: Please, give me permission to leave here. I am not well. Send the will after me, and I will sign it.

DUKE: Go, but do sign it.

ITS 5.1 Meaning of Interpretation

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GRATIANO [To SHYLOCK]: When you are Christened, you'll have two godfathers. If it were up to me, you'd have ten more, to make twelve judges to send you to the gallows instead of the baptismal fountain.

SHYLOCK exits.

DUKE [To PORTIA]: Sir, I invite you to come to my home for dinner with me.

PORTIA: I must humbly beg your pardon, your grace. I must leave tonight for Padua, and I really must be getting on my way now.

DUKE: I am sorry you don't have more free time to spend here. Antonio, thank this gentleman, for I think you owe him a lot.

The DUKE and his attendants exit.

BASSANIO [To PORTIA]: Most worthy gentleman, my friend and I have been acquitted of serious penalties because of your wisdom. In return for this, we gladly offer you the three thousand ducats we were going to pay to the Jew, for all your troubles.

ANTONIO: And we stand in your debt, and are always in your loving service.

PORTIA: Satisfaction is the best reward. And I am satisfied to have rescued you, so I feel rewarded enough. I didn't help you out of desire for payment. Please, recognize me when we meet again. I wish you well, and now I must leave.

BASSANIO: Dear sir, I must try to persuade you further. Take some remembrance of us as a gift, not payment. Grant me two things, please: don't refuse me, and pardon me for insisting.

PORTIA: You keep urging me and so I will yield.

[To ANTONIO] Give me your gloves. I'll wear them for your sake.

[To BASSANIO] And as a token of your gratitude I'll take your ring. Do not pull back your hand. I won't take anything else, and in your gratitude you shouldn't deny me this ring.

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BASSANIO: This ring, good sir—oh, it's a trifle. It would be shameful to give you such a worthless little thing.

PORTIA: I want nothing else, only this. And now my mind is set on it.

BASSANIO: This ring is worth more than its monetary value. I will find out what is the best ring in all of Venice and give it to you. But please let me keep this one.

PORTIA: I see you make generous offers. First you told me to beg for something from you, and now you show me how a beggar is answered.

BASSANIO: Good sir, this ring was given to me by my wife and when she put it on my hand she made me swear never to sell it or give it away or lose it.

PORTIA: That's what many men say as an excuse not to give gifts away. And unless your wife is a crazy person, if she knows what I have done to deserve the ring she won't be mad forever at you for giving it to me. Anyway, peace be with you.

PORTIA and NERISSA exit.

ANTONIO: My lord Bassanio, let him have the ring. Let my love and the fact that he deserves it outweigh your wife's command.

BASSANIO [He gives GRATIANO the ring]: Go, Gratiano, run and catch up with him. Give him the ring, and, if you can, bring him to Antonio's house. Go, hurry.

GRATIANO exits.

Come on, you and I will go to the house now. And early in the morning we will both hurry to Belmont. Come on, Antonio.

BASSANIO and ANTONIO exit.

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