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Usury, law and emotions in William Shakespeare's *The Merchant of Venice* and Krystyn Ostrowski's adaptation *Lichwiarz* (1861)

Abstract

The paper discusses the representation of usury in William Shakespeare's *The Merchant of Venice* and the Polish adaptation *Lichwiarz* by Krystyn Ostrowski. This research aims to show how Shakespeare presented usury in his play and how Ostrowski modified it in 1861. As it is demonstrated, usury is a legal term that has always generated many feelings and provoked debates. This is reflected in the literature, Shakespeare's play being the most illustrative example. Krystyn Ostrowski developed the theme of usury and emotions in his adaptation, introducing many additions and alterations all to criticise the Jewish community vehemently.

Keywords: usury, Shakespeare, Krystyn Ostrowski, adaptation, law and literature

Introduction

Usury, which originates from the Latin word *usura* (usage, enjoyment and interest), is commonly defined as lending (charging, taking and contracting) money

at excessive, absurd, and unreasonable (therefore illegal) interest rates.[1] The noun usurer defines someone who lends money at very high interest rates. The synonymic words that denote a usurer are loan shark and interestingly shylock.[2] Both definitions are laden with negative feelings. The first term connotes a usurer as a predator (a shark) who aims to enslave its prey by forcing them into an unfair loan contract using the latter's predicament. Shylock comes from William Shakespeare's play *The Merchant of Venice* which tells the story of a Jewish usurer and his legal battle with a Venetian merchant, Antonio.[3] In his literature, the English poet weaved the topic of money, law and affect. Since the present volume addresses law and money, Shakespeare's work contributes to how economy and law intersect with emotions.

The aim of this paper is to comment not only on Shakespeare's play but also on its Polish 1861 adaptation entitled *Lichwiarz* by Krystyn Ostrowski. Like other Shakespeare's works, *The Merchant of Venice* has always triggered translators' interests. The first Polish renditions were published by Leon Ulrich (1895), Józef Paszkowski (1858) and Józef Komierowski (1860) in the nineteenth century. Shakespeare's classic was also translated by such authors as Roman Brandstaetter (1953), Maciej Słomczyński (1979) and Stanisław Barańczak (1992). The canon of Polish renditions of the play also includes *Kupiec wenecki* by Piotr Kamiński (2015).[4] What makes Krystyn Ostrowski's rendition worthy of scrutiny is its allusions to usury. As elaborated below, Ostrowski adapted the play to the Polish language and culture, albeit infusing his text with an anti-Jewish stance. He introduced many alterations to give an outlet to his anti-Jewish discourse. One of Ostrowski's amplifications is new fragments that specifically refer to usury.

1 *The Oxford English Dictionary,* J.A. Simpson, E.S.C. Weiner (eds.), Oxford 1989, p. 365. *Online Etymology Dictionary*, *usury,* https://www.etymonline.com/word/usury#etymonline.

2 In the *Oxford English Dictionary*, *shylock* figures as "an extortionate usurer, a pawnbroker". It is also "an abusive term for a moneylender, loan shark". *To shylock* means "to force a person to repay a debt, especially at an exorbitant rate of interest", p. 402.

3 The word *to shylock* as a token of charging high interest was transposed into the Polish language. In the nineteenth and the first half of the twentieth centuries, it was used to denote a greedy usurer and an uncompromising creditor (see for example M. Arct, *Słownik ilustrowany języka polskiego*, Warszawa 1916). The noun *szajlok* was used in the Polish press about creditors and thieves (More on this point in A. Budrewicz, *Shylock in Poland. A Study in Anti-Semitism and Literary Translation,* in: M. Nicolaescu et.al. (ed.), *Perspectives on Shakespeare in Europe's Borderlands*, Bucureşti 2020, pp. 73-89.

4 All Polish translators (except for Krystyn Ostrowski) preserved the original title *Kupiec wenecki*. On the reception of *Kupiec wenecki* and translation strategies used by the translators in the nineteenth century see: A. Cetera-Włodarczyk, A. Kosim, *Polskie przekłady Shakespeare'a w XIX wieku*, Warszawa 2019.

Drawing from law and literature research, this paper compares and contrasts the original and the Polish adaptation, focusing on the different representations of usury. The first part of the study briefly outlines a legal and historical background to usury and anti-Jewish sentiments. The second part demonstrates Shakespeare's presentation of usury in *The Merchant of Venice* and Ostrowski's revision of the original.

Usury – intersecting law, economy and emotions

Shakespeare's depiction of usury is moulded in a specific social and legal context. That is why, before discussing Shakespeare's representation of usury in *The Merchant of Venice* and its Polish rendition by Krystyn Ostrowski, it is necessary to provide a brief legal and historical background to this institution.

Usury has always attracted much attention and sparked heated debates among lawyers, philosophers and writers. To start with antiquity, Roman law imposed various restrictions on usury. Roman lawyers introduced laws that either established specific interest rates or prohibited usury altogether to protect the poor strata of society from those privileged ones. The law of the Twelve Tables was the first act that regulated usury in ancient Rome. The law proscribed usury at a rate of more than one-twelfth. An example of a Roman law that banned usury altogether was Lex Genucia passed by Lucius Genucius in 342.[5] Usury was also a subject of polemics in ancient Greece. Greek philosophers, such as Aristotle, disapproved of usury.[6] Aristotle proposed a notion of the so-called "sterility of money", under which money could only be used as exchange but not to generate profit and produce more financial gains. Aristotelian theory on usury held that it was unnatural to make money breed.

The Middle Ages followed the Aristotelian concept of usury and prohibited it under severe sanctions. The medieval approach to usury emanated from the canon law which condemned charging interest. Medieval canon lawyers referred to the Biblical provisions that projected usury as a sin. One of the apostles who advocated the ban on usury was St. Luke whom we owe the principle of "mutuum date nihil inde sperantes" ("lend without any hope of return"). In line with the Biblical thought, medieval law penalised usury. Usurious transactions were not valid

5 R.P. Maloney, *Usury in Greek, Roman and Rabbinic Thought*, "Traditio" 1971, No. 27, pp. 79–101.

6 In his *Politics*, Aristotle writes: "The most hated sort, and with the greatest reason, is usury, which makes a gain out of money itself, and not from the natural object of it. For money was intended to be used in exchange, but not to increase at interest. And this term interest, which means the birth of money from money, is applied to the breeding of money because the offspring resembles the parent. Wherefore of modes of getting wealth this is the most unnatural". Aristotle, *Politics*, trans. B. Jowett, Kitchener 1999, p. 17.

and the usurers were punished. The strict regulations on usury were not, however, enforced on Jews. In medieval Europe, this social group was denied many privileges. For example, Jews could not own land or be members of guilds. Under such circumstances, they became moneylenders. The sixteenth century changed the legal approach to usury and the new ideas brought by the Reformation augured amendments to the laws. Loans with a moderate interest were allowed.[7]

The anti-usury stance was visible in the law and permeated literary discourse. Dante Alighieri's *Inferno* is one of the most well-known literary reflections on usury. Analogously to the scholastic critique of the medieval period, Dante considered usury to be a sin and placed usurers in the same category of sinners as blasphemers and sodomites. In his *Inferno*, Cante 11, Dante writes: "And since the usurer takes another way, / Nature herself and in her follower/ Disdains he, for elsewhere he puts his hop".[8] In Dante's classic, usurers are transgressors against God and nature punished by burning sand and a rain of fire.

In literary narratives, usury was connoted with magic and witchcraft. Such an image of usury was promoted in sixteenth- and seventeenth-century English literature. "At the beginning of this period usury is frequently portrayed as some variant of the devil himself—a hideous, predatory monster or a disgusting, voracious beast",[9] as observed by Hawkes. Relatedly, usurers are portrayed as non-humans who exploit people for their own advantage. In Hawkes' words, "…people assumed that usury was part, and by no means an insignificant or unimportant part, of the devil's operation in the world".[10] Usurious creditors were thus called devils.[11] For example, Phillip Caesar disseminated this way of thinking in one of the major critical works on usury entitled *General Discourse against the Damnable Sect of Usurers* (1578). Alongside magical affinities, usury has also designated vices such as immorality, greed and avarice. Being called a usurer was a reproach analogous to such insults as a whore or a drunkard. Usury was also contrasted with civilisation and progress. Therefore, usurers were often introduced as barbarians. Usury was juxtaposed with hospitality and generosity. "One chief Elizabethan grievance against

7 R. Zimmermann, *The Law of Obligations. Roman Foundations of the Civilian Tradition*, Oxford–New York, 1990, pp. 166–175; D. Fajgenberg, *Lichwa*, Szczęsne 2019. Due to space constraints, the historical and legal evolution of usury is presented here concisely.

8 Dante Alighieri, *Divine Comedy. Inferno*, trans. H. Wadsworth Longfellow, London 2008, p. 75; S. Ravenscroft, *Usury in the Inferno: Auditing Dante's Debt to the Scholastics,* "Comitatus: A Journal of Medieval and Renaissance Studies" 2011, No. 42, pp. 89–114.

9 D. Hawkes, *The Culture of Usury in Renaissance England*, New York 2010, p. 16.

10 Ibidem, p. 16.

11 See footnote 22.

the usurer was his ruin of the hospitable gentry", as Wright writes in his essay.[12] Interestingly, usurers were often equated with Judas who betrayed Jesus to thirty pieces of silver. "Like Judas, the Jewish money-lender was depicted on stage and elsewhere as completely unscrupulous and totally untrustworthy, a fiend-like agent who would sell his very soul for financial gain: '…all they that live of usury'", as Felstein comments.[13]

To grasp the tenor of *The Merchant of Venice*, we must briefly outline the English historical and legal context.[14] The history of usury in England is intertwiningly linked with anti-Jewish sentiments that were reflected both in law and literature. The first Jewish incomers settled in England after the Norman Conquest of 1066. The influx of Jews triggered anti-Jewish antagonisms and deepened a cleavage in the society. One of the epitomes of the conflict was usury. The antagonisms between Jews and Christians were voiced in the royal legislation. In 1275, Edward I enacted the Statute of Jewry that introduced many restrictions on the Jewish community, such as establishing Jewish zones and prohibiting Christian and Jewish cohabitation. The Act also banned usury. The climax of Edwardian legislation targeted against the Jews was the Edict of Expulsion of 1275, under which all Jews were expelled from England and the Crown confiscated their property. The 1571 Usury Bill was a hallmark of English legislation on usury. Under this Act, usury law was liberalised. The new law of 1571 made usury with 10 per cent of rates legal. Legal in secular law, it was still, however, considered an offence under the law of God.[15]

In the Renaissance, only small communities of Jews, mostly of Spanish and Portuguese origin, dwelled in English cities. Still, however, the anti-Jewish discourse prevailed, especially in literature. As Mahood writes, to the Elizabethans usury was

12 C.T. Wright, *Some Conventions Regarding the Usurer in Elizabethan Literature*, "Studies in Philology" 1934, No. 31.2, p. 187.

13 F. Felsenstein, *Jews and Devils. Antisemitic Stereotypes of Late Medieval and Renaissance England*, "Literature and Theology" 1990, Vol. 4, No. 1, p. 21.

14 A detailed study on this topic is presented in: J. Shapiro, *Shakespeare and the Jews*, New York 1996.

15 M.M. Mahood, *Introduction*, in: *William Shakespeare, The Merchant of Venice*, Cambridge 1987, pp. 19–22; N. Jones, *Shakespeare's England,* in: D.S. Kastan (ed.), *A Companion to Shakespeare*, Oxford 2000, p. 38; K. Szatek, *The Merchant of Venice and the Politics of Commerce*, in: J.W. Mahon, E.M. Mahon (eds.), *The Merchant of Venice. New Critical Essays,* New York–London 2000, p. 336. Shakespeare was familiar with usury since his father practised it. The social and legal context of the stance against usury is described by Norman Jones thus: "Men of his generation in London were often of two minds about moneylending. They condemned it with their lips, but in their hearts they knew it was proper and necessary to borrow and lend at interest if the borrower and the lender mutually agreed to the terms, and the loan produced a profit for both parties. So they did it, but in a highly charged moral atmosphere". N. Jones, *Shakespeare's England,* in: D.S. Kastan (ed.), *A Companion to Shakespeare*, Oxford 2000, p. 38.

presented as an activity against the law of nature, nations and God.[16] The literature strengthened the image of Jews as greedy, vengeful, usurers and murderers of Christian children. The picture of a Jew as an antagonist and alien expounded after the famous 1594 trial of Roderigo Lopez, the physician of Queen Elizabeth I, who was accused of plotting to murder the monarch. Shakespeare emulated the social sentiments of his times in *The Merchant of Venice.*

Interestingly, whether Shakespeare was anti-Semitic is still debated in the literature. Some scholars read the play as the dramatist's voice against Jews in England. The critics who affiliate themselves with this line of reasoning commonly substantiate their theories with Shylock's famous appeal: "Hath not Jew eyes…". As Bloom in his book *Shakespeare. The Invention of the Human* writes: "One would have to be blind, deaf, and dumb not to recognize that Shakespeare's grand, equivocal comedy *The Merchant of Venice* is nevertheless a profoundly anti-Semitic work".[17] Others read Shakespeare's anti-Shylock narrative as dissemination of "otherness". The second league of scholars consider Shylock as one of Shakespeare's "other" (similar to Cleopatra and Othello).[18]

The trial of Shylock against Antonio in Act 4 of the play is not a trial of legal opponents but a trial of the English society against the alien. Importantly, the roots of the legal conflict lie not in the default contract itself, as it may appear, but in the usury. Shakespeare juxtaposes two antagonists: a Jewish usurer and a Venetian merchant. It is not only their nationality, religion and lifestyle that make them opposite but the means of gaining profit in Venice.[19] Contrary to Antonio, Shylock earns his life by practising usury. As Draper ascertains: "Race and religion, then, are not the main theme of the play, it is rather conflicting economic ideals".[20]

16 M.M. Mahood, *Introduction*…, p. 20.

17 H. Bloom, *Shakespeare. The Invention of the Human,* New York 1998, p. 171.

18 See J.W. Draper, *Usury in The Merchant of Venice,* "Modern Philology" 1935, No. 33(1), pp. 37-38; J.W. Mahon, *The Fortunes of The Merchant of Venice from 1596 to 2001*, in: J.W. Mahon, E.M. Mahon (eds.), *The Merchant of Venice. New Critical Essays*, New York and London 2000, pp. 1–94. For an outline of the past and current research on Shakespeare's antisemitism see: B. Ambrosino, *Four Hundred Years Later, Scholars Still Debate Whether Shakespeare's "Merchant of Venice" Is Anti-Semitic. Deconstructing what Makes the Bard's Play so Problematic*, "Smithsonian Magazine", 2016, https://www.smithsonianmag.com/arts-culture/why-scholars-still-debate-whether-or-not-shakespeares-merchant-venice-anti-semitic-180958867 (access: 04.10.2024).

19 Shakespeare includes a criticism of usury in his Roman play entitled *Coriolanus*. One of the Roman citizens complains: "Care for us? True, indeed! They ne'er cared for us yet. Suffer us to famish, and their storehouses crammed with grain; make edicts for usury to support usurers; repeal daily any wholesome act established against the rich, and provide more piercing statutes daily to chain up and restrain the poor". (1.1.76–82). Quoted from: William Shakespeare, *The Tragedy of Coriolanus*, in: *The Oxford Shakespeare. The Complete Works*, S. Wells, G. Taylor, Oxford 2005.

20 J.W. Draper, *Usury…*, p. 39.

Inspiration

The Merchant of Venice draws many analogies to another play of the Elizabethan period, *The Jew of Malta* from 1589/1590 by Christopher Marlowe.[21] The play tells the story of a rich Jew named Barabas (a clear reference to a Biblical character whose life was saved by Pilate) who turns to crime to retaliate for having his property confiscated under the decree of the governor of Malta, Ferneze. Ferneze orders that all Jews of Malta should pay half of their estates as the tribute money of the Turks under the penalty of obligatory conversion to Christianity. The governor's decision ignites Barabas' deep-seated hatred of the Christian community. Marlowe created a dark figure obsessed with money and gold, devoid of emotions, greedy and vengeful.[22] Marlowe's play reinforces the prevailing stereotypes of the Jews as "agents of hell, demons, traitors, bloody ritual murderers, betrayers of Christ and crucifiers".[23] Barabas is also a blood-thirsty usurer who takes delight in ruining his creditors financially. Usury is here equated with extortion, forfeiture and cheating. This trade is the root cause of all evil, pain, suffering and death. The most illustrative fragment that represents the anti-usury stance is Barabas' confession: "Then after that was I an usurer, /And with extorting, cozening, forfeiting, /And tricks belonging unto brokery, /I filled the goals with bankrupts in a year, /And with young orphans planted hospitals, /And every moon made some or other mad, /And now and then

21 Christopher Marlowe died prematurely in 1593. His death is mysterious and has sparked many controversies and conjectures over the years. The poet was probably stabbed with a knife in a tavern brawl in Deptford on 30 May. The story has it that the man spent the whole day drinking with his companions. Some gossip circulated that the government murdered Marlowe for espionage. Incredible as it may seem, some believed that Marlowe staged his death and continued his writing career as William Shakespeare. R. Sales, *Christopher Marlowe,* London 1991, pp. 33–47.

22 Barabas' monologues and dialogues show him as a beast who is not capable of feeling any human emotions and an oppressor of Christians. Compare for instance his advice to Ithamore: "First, be thou void of these affections: compassion, love, vain hope, and heartless fear. Be moved at nothing; see thou pity none, But to thyself smile when the Christians moan" (2.3.170–173).

23 F. Felsenstein, *Jews and Devils…*, pp. 15–28. Both Marlowe's and Shakespeare's play encapsulate a stereotypical image of a Jew as a murderer. Shylock is called a "cut-throat dog", "creature that did not bear the shape of man", "whose desires are wolvish, bloody, starv'd and ravenous". Barabas takes prides in himself when reporting on his criminal past and such travesties as "killing sick people, enriching priests with burials" (2.3. 176, 184), to list just a few. Marlowe also alludes in his play to another stereotype that has its roots in the Middle Ages of a Jew poisoning Christians, particularly by adding poison to water. This belief spread in England during the Black Death (c.1348–1349). Barabas thus confides in Ithamore that "sometimes I go about and poison wells" (2.3. 176). Last but not least, in Barabas, Marlowe emulated the stereotypes about the appearance of Jews as people with big noses, small eyes and red beards (see E. Rothstein, *Structure as Meaning in* The Jew of Malta, "The Journal of English and Germanic Philology", Vol. 65, No. 2, 1966, p. 272; E.C. Bartels, *Malta, the Jew and the Fictions of Difference: Colonialist Discourse in Marlowe's* The Jew of Malta, "English Literary Renaissance", Vol. 20, No. 1, 1990, p. 4).

one hang himself for grief, /Pinning upon his breast a long great scroll/ How I with interest tormented him./ But mark how I am blest for plaguing them,/ I have as much coin as will buy the town" (2.3. 191–201).[24] To Barabas, being a usurer is a source of pride. As he boasts in one of the scenes, "I must needs say that I have been a great usurer" (4.1.40).

Although of the same ethnicity and cultural and religious background, Shylock and Barabas are not identical. There is truth in saying that "[in] all English literature there is perhaps no character less human and more repulsive than Barabas, while Shylock is thoroughly human and quite worthy of our sympathy. The one is a devil in the guise of man, the other a man with just enough of the devil in him to make him appear terrible".[25] They both practise usury and hate Christians. However, Shylock, contrary to Barabas, respects the law and demands its obedience in the court.[26] Marlowe's character contravenes the law and attempts to use it to his advantage. They are both fathers but of different kinds. Barabas does not even show feelings towards his daughter Abigail who becomes a victim of her father's mischief and intrigue. Barabas is a criminal with a long list of offences on his record. Almost all dramatis personae fall victim to the villain's cunning schemes planned and performed with his accessory Ithamore. Apart from usury, he is guilty of the deaths of Mathias and Don Lodowick, both rivals in Abigail's hands. Barabas poisons Abigail and the nuns and suffocates Friar Bernardine. To avoid liability, he tampers evidence to incriminate Jacomo, another friar. If that is not enough, he conspires with the Turks, the enemy of Malta, and even attempts to murder Calimath and Ferneze. Justice is served in the end. Barabas dies in boiling water. The divine law triumphs over the secular law. Shylock survives but pays high costs for his pursuit of justice.

24 The quotation comes from Christopher Marlowe, *The Jew of Malta*, D. Bevington, E. Rasmussen, Oxford.

25 I. Davidson, *Shylock and Barabas: A Study in Character*, "The Sewanee Review" 1901, No. 3, p. 22.

26 Similarly to Shylock, Barabas refers to law when he is charged with murdering Don Lodowick, Mathias, his daughter, nuns and the friar. Two informants, a courtesan Bellamira and her master and pimp Pilia-Borza report the crimes to Ferneze, the governor and judge. Barabas denies the accusations and appeals to the law: "Let me have law, / For none of this can prejudice my life" (5.1. 37–38). To this the governor responds: "You shall have law" (5.1. 39). Both attitudes seem analogous, however, they are based on various grounds. Shylock "craves the law" by referring to a legal contract which was signed with the notary. Barabas, by contrast, mentions the law to escape the consequences of his deeds. Also, in both plays, the law is a trigger for revenge. Shylock revenges Antonio and Bassanio for the default contract. Barabas does so after Ferenzo confiscates the Jewish property. The motives are similar, but the modus operandi is unparalleled. As Davidson observes, "[in] the rage of Shylock we hear the cry of anguish coming from the depth of a human soul; the mutterings of Barabas are to us as unintelligible as the snarling of a wild beast". I. Davidson, *Shylock and Barabas*…, p. 22.

"He was wont to call me usurer"[27]

In the opening acts of *The Merchant of Venice*, the audience meets the characters for the first time. Two Venetians, Bassanio and Antonio, visit Shylock, a Jewish usurer, to borrow the sum of three thousand ducats. The contract is signed under the following conditions: Shylock agrees to lend Bassanio the money for three months. If the sum specified in the bond is not returned, Shylock will have the right to cut Antonio's flesh.

From the onset of the play, the creditor and debtor exchange mutual animosities and invectives. Shylock expresses directly that he hates Antonio because his foe lends money without interest. More than that, Shylock has a grudge against the merchant for the latter's offensive rebukes uttered in the marketplace in Venice. The tension between the characters can be felt in Act 1, Scene 3 in which the money lending transaction is bargained. Upon seeing Antonio, Shylock says aside: "How like a fawning publican he looks! / I hate him for he is a Christian, / But more for that in low simplicity / He lends out money gratis and brings down / The rate of usance here with us in Venice" (1.3.38–42). The insults that come from Shylock's mouth connote money. He calls Antonio a "fawning publican", which denotes a tax collector and an innkeeper.[28] Scholars find here analogies to the Bible. Shakespeare may allude to the parable of the Pharisee and the tax collector narrated by Luke (18.9). As the story holds, both men go to the temple to pray. The Pharisee prides himself on observing customs such as fasting and giving a tenth of his income. The tax-gatherer, by contrast, begs God for mercy and repents his sins. The tax-collector's humility is vividly contrasted with the Pharisee's pertinacity. Shylock is compared here to the Pharisee who adheres to the strict letter of the law.[29] The language of money and commerce is also reflected in the word "usuance." It specifically refers to usury or interest.[30]

Shylock confronts Antonio in the next lines of this scene: "If I can catch him once upon the hip, / I will feed fat the ancient grudge / I bear him. / He hates our sacred nation, and he rails, / Even there where merchants most do congregate, / On

27 All quotations come from William Shakespeare, *The Merchant of Venice*, J.L. Halio (ed.), Oxford 2008.

28 D. Crystal, B. Crystal, *Shakespeare's Words. A Glossary and Language Companion*, London 2002, p. 352.

29 N. Shaheen, *Biblical References in Shakespeare's Plays*, London 1999, p. 159. Shylock's adherence to the law is manifested during the trial. Shylock rejects the plea for mercy and insists on the bond and punishment for Antonio. This approach contrasts with other protagonists' conduct. See footnote 31.

30 D. Crystal, B. Crystal, *Shakespeare's Words…*, p. 476.

me, my bargains, and my well-won thrift, / Which he calls interest./ Cursèd be my tribe / If I forgive him!" (1.3.43–49). It is yet another instance of Shylock's animosity towards Antonio as rooted in usury. Shylock describes usury as a "well-won thrift." By these words, he asserts that a profit which does not come from stealing is legitimised. Shylock expresses the same argument in another passage. In his polemic with Antonio about usury, Shylock refers to the Biblical story of Jacob and Laban. Jacob supervised his uncle Laban's sheep which were striped and spotted. To multiply profit, the clever man put striped animals before the spotted ones. They mated and produced striped lambs. As Shylock explains: "This was a way to thrive, and he was blest; / And thrift is blessing if men steal it not" (1.3. 86–87). Antonio is not convinced. For him, usury is unacceptable and Shylock's arguments are "citing Scripture for one's purpose".[31]

Shylock's determination to pursue his claim in the court of law not so much for money, but rather to take revenge on his hateful enemy for the past grievances and insults is visible in Act 3. Shylock demands his bond and insists on imprisoning Antonio. Antonio is called a bankrupt, prodigal and beggar, the nouns that all refer to a debtor's insolvency: "There I have another bad match! A bankrout, a prodigal, who dare scarce show his head on the Rialto, a beggar that was used to come so smug upon the mart! Let him look to his bond" (3.1. 40–43). Shylock finishes his tirade against Antonio with the following words: "He was wont to call me usurer; let him look to his bond. He was wont to lend money for a Christian cur'sy; let him look to his bond" (3.1. 43–46).

Usury is not only an insult used to offend the addressee, as it has been presented above, but also a marker of societal cleavage. The Christian characters of the play use usury to separate them from Jews. When negotiating contract conditions in Act I, Antonio highlights that he does not practice usury. "Shylock, albeit I neither lend nor borrow / By taking nor by giving of excess, / Yet, to supply the ripe wants of my friend, / I'll break a custom" (1.3. 58–61). Shylock adds: "Methoughts you said you neither lend nor borrow/ Upon advantage". Antonio repeats: "I do never use it" (1.3. 66–68).[32] Analogously to Antonio, Shylock refuses any form of interaction

31 In Antonio's words: "The devil can cite Scripture for his purpose./ An evil soul producing holy witness/ Is like a villain with a smiling cheek,/ A goodly apple rotten at the heart" (1.3.95–98). Antonio compares Shylock to a devil. The association of Shylock with the devil can be found in other parts of the play. Jessica, Shylock's daughter, calls her house "hell". Lancelot, Shylock's servant, calls his master "a kind of devil" (2.2.22). A few lines after Lancelot says: "Certainly the Jew is the very devil incarnation" (2.2.24–25). The word "devil" in reference to Shylock is uttered by the characters during the trial. Bassanio pleads Portia to "curb this cruel devil of his will" (4.1.214).

32 *The Merchant of Venice* is a play about evading bonds and breaking alliances. All characters renege on promises and agreements, which triggers tension and emotional rifts. Antonio does not keep

with the Christian society. When Bassanio offers Shylock dinner to negotiate the terms of the contract, the usurer responds: "I will buy with you, sell with you, talk with you, walk with you, and so following; but I will not eat with you, drink with you, nor pray with you" (1.3. 32–35). Shylock also frowns upon masques, an entertainment that is typical to Venice. Before the feast, he orders his daughter to lock all doors so that no sounds or any unwelcome voices enter.[33]

When Shylock complains about the grievances that he has experienced from Antonio, the latter responds: "If thou wilt lend this money, lend it not/ As to thy friends; for when did friendship take/ A breed for barren metal of his friend?/ But lend it rather to thine enemy/ Who if he break, thou mayst with better face/Exact the penalty" (1.3. 128–133). Critics see a parallel between Antonio's words and the views expressed by Meres, author of *Palladis Tamia*.[34] In his work, Meres compared usury to sodomy, asserting that both activities stand against nature and are thus unlawful. In the author's words, sodomy and usury are "sterile and barren": "As pederasty is unlawful because it is against kind; so usury and increase by gold and silver is unlawful, because against nature; nature hath made them [both] sterile and barren".[35] As Coolidge observes, the passage of the play in question alludes to the Bible proscribing usury among brothers.[36]

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his word given to Shylock at the beginning of the play and fails to pay the debt. The merchant's failure to fulfil his obligation brings him to trial. Shylock's daughter Jessica rebels against her father and escapes home with Gratiano. Also, Bassanio proves disloyal to his newly wedded wife Portia. Despite his earlier promise to never loose the ring, a token of their love, he gives it to Bellario (Portia in disguise).

33 As Grace Tiffany nicely observes, the name Shylock has a "lock' element which implies "self-separation". G. Tiffany, *Names in The Merchant of Venice*, in: J.W. Mahon, E.M. Mahon (ed.), *The Merchant of Venice. New Critical Essays*, New York and London 2000, pp. 358–360. Shylock also refuses music: "Let not the sound of shallow fopp'ry enter My sober house" (2.5.35–36). Compare Lorenzo's comment: "But music for the time doth change his nature. /The man that hath no music in himself, /Nor is not moved with concord of sweet sounds,/ Is fit for treasons, stratagems, and spoils; /The motions of his spirit are dull as night, /And his affections dark as Erebus. /Let no such man be trusted" (5.1.83-87).

34 Frances Meres (1565–1647) was an English churchman and writer. In 1598, he published his *Palladis Tamia (Wits Treasury)*. The book was also the first critical study of William Shakespeare.

35 L. Crompton, *Homosexuality and Civilization*, Harvard 2003, p. 367.

36 J.S. Coolidge, *Law and Love in the Merchant of Venice*, "Shakespeare Quarterly" 1976, No. 27(3), pp. 243–244. The Biblical fragment reads: "Unto a stranger thou mayest lend upon usury, but thou shalt not lend upon usury unto thy brother, that the Lord thy God may bless thee in all that thou setest thine hand to, in the land whither thou goest to possess it". The King James Version of the Bible. Access: www. gutenberg.org.

Revenge

The trial in the Venetian court presided over by the Duke with Portia in disguise as a lawyer is a riveting performance with many unexpected twists and turns. Portia, the supposed doctor of civil law acting in place of Bellario, admits Shylock's right to the debtor's flesh, yet on condition that no single drop of blood of the creditor is spilt. Shylock admits his defeat, but the woman does not quit her legal battle for "justice". She refers to the statute that proscribes any direct and indirect attempts to kill the Venetian on the penalty of death and confiscation of the property of the offender. The law quoted by the woman also provides that the convict has the right to appeal to the Duke for mercy. The "merciful" Duke pardons Shylock in the end. "Mercy" is also shown by Antonio.

The merchant passes the final verdict on Shylock, which reads: "So please my lord the Duke and all the court /To quit the fine for one half of his goods, / I am content, so he will let me have / The other half in use, to render it / Upon his death unto the gentleman / That lately stole his daughter" (4.1.376–380). By Antonio's decision, Shylock retains one-half of his goods. The other half is part of a trust, a legal concept known to common law under which the estate is granted to the trustee for the benefit of a beneficiary. Antonio as a trustee will manage Shylock's assets until Lorenzo's death.[37] The debtor also adds two more provisions that are relevant to our discussion on usury: "Two things provided more: that for this favour / He presently become a Christian; / The other, that he do record a gift/ Here in the court, of all he dies possessed / Unto his son Lorenzo and his daughter" (4.1. 381–386). Shylock is forced to make a bequest on behalf of his daughter Jessica and her lover Lorenzo. The second provision states that Shylock must convert to Christianity. The obligatory conversion has always provoked commentary in literature. The critics are divided in their opinions on whether the change of religion is a marker of mercy or condemnation.[38] From the Christian audience's perspective, Christianity denotes that Shylock will become one of their flock. He will cease to have the status of an alien and stranger. Forced conversion also means that Shylock will abandon his religion and customs, which are both denominators of one's identity. Importantly, although not stated explicitly, as a Christian, Shylock must relinquish usury. The verdict on Shylock affects not only his assets but also his mercantile values. In the finale of the play, Antonio retaliates.

37 D. Crystal, B. Crystal, *Shakespeare's words…*, London 2002, p. 476.

38 J.L. Halio, *Introduction*, in: *William Shakespeare. The Merchant of Venice,* Cambridge 2008, pp. 52–54.

"The Jew always steals"[39]: Krystyn Ostrowski on usury

Krystyn Piotr Ostrowski (1811–1882) was a writer, political émigré and activist. He was also a translator from Polish into French and English into Polish. Ostrowski translated three of Shakespeare's plays: *Hamlet* (1870), *The Merchant of Venice* (1861) and *Antony and Cleopatra* (1872). The translation of *The Merchant of Venice* was published (with some amendments) in four editions in 1861, 1863, 1868, and 1876.[40] Although he translated from the original, his renditions feature a great number of modifications, additions, omissions and alterations both at the lexical and cultural levels. Domestication, a strategy whereby a translator linguistically, aesthetically and culturally transfers the source into the target text, dominates Ostrowski's literature. This approach, also called "Polonising Shakespeare", is visible not only in *Lichwiarz,* as the ensuing part showcases, but also in *Hamlet*. His 1870 rendition of this tragedy is given the Polish political and historical context. The author uses the words "Poland" and "Poles". Polonius is a Polish former prisoner of war, now a chancellor. Ostrowski read *Hamlet* as a chapter in the history of Poland.[41] The same can be said about *The Merchant of Venice*.

Ostrowski reflected upon the social and legal reality of nineteenth-century Poland. Polish-Jewish relations had always been affected by trade and commerce. The first records of usury in Polish lands date to approximately the eleventh century. Contrary to Christians, Jews were allowed to charge interest in loan transactions. Borrowing from Jewish moneylenders was common in the medieval period. All strata of the society: the nobility, priests, gentry, and governors entered into usurious contracts with Jews. The spread of usury, however, led to the impoverishment of many members of the nobility. This, in consequence, boosted anti-Jewish sentiments and launched new usury legislation in the periods to follow.[42] Adhering to their religion, language and customs, Jews did not fully assimilate to the

39 "Żyd zawsze kradnie… świadkiem zysk Jakóba" – these words are put in Antonio's mouth by Krystyn Ostrowski in his adaptation of Shakespeare's play. This is one of the additions that Ostrowski used to give outlet to his anti-Jews prejudice. K. Ostrowski, *Lichwiarz*, Paryż 1868, p. 15.

40 A. Cetera-Włodarczyk, A. Kosim*, Polskie przekłady Shakespeare'a w XIX wieku,* Warszawa 2019, p. 274.

41 More on Ostrowski's Hamlet: A. Budrewicz, *The One Gentleman from Poland. Polonius and 19th Century Polish Translation*, in: K. Kujawińska Courtney, G. Zinkiewicz (eds.), *Shakespeare: His infinite variety*, Łódź 2017, pp. 87–100. See also A. Cetera-Włodarczyk, A. Kosim, *Polskie przekłady Shakespeare'a w XIX wieku*, Warszawa 2019.

42 M. Wojciechowski, *Charakter działalności gospodarczej Żydów w średniowiecznej Polsce*, in: K. Marinow, K. Szadkowski, K. Węgrzyńska (eds.), *Varia Mediaevalia. Studia nad średniowieczem w 1050. Rocznicę Chrztu Polski,* Łódź 2016, pp. 109–120.

Polish society. Alienation fostered many negative stereotypes about the Jews and the anti-Jewish discourse was common in nineteenth-century press and literature. The Jews were depicted as cunning, vengeful and enemies of Poles. They were considered a threat to the stability and prosperity of the Polish nation.[43] As Budrewicz observes, "Economic rivalry and religious differences triggered the negative stereotype of Jews according to which they were eager to break the law and flout moral norms to earn more money. Shylock, who was perceived by Polish audiences as the figure of a vicious moneylender who values money more than human life (and the life of his own daughter) corresponded to such a stereotype".[44] Money deepened the cultural disparity between Jews and Poles. "Given the dominant view of the period that proclaimed the natural incompatibility between Poles and Jews, Shylock became a representative of all cultural anxieties concerning Jewishness, which revolved around greed and vindictiveness".[45] Such discourse also prevailed in Polish literature treating Shakespeare. Not surprisingly, given the context, *The Merchant of Venice* was one of the most popular plays staged in Polish and other European theatres. For the first time, it was performed in Lviv in 1844. The second Lviv performance of the play was based on Ostrowski's adaptation in 1865. [46]

The adaptation is preceded by a foreword written by Lucjan Siemieński (1807–1877).[47] Siemieński treats Ostrowski's text as a significant voice in the Jewish-Polish relations in Poland. As Siemieński writes, "Shylock in Poland is an important social task. To handle it, a national independence is necessary".[48] Ostrowski's adaptation of Shakespeare's play is an example of appropriating a literary text to promote one's ideology. Full of additions, amplifications, and omissions, it considerably

43 L. Ciborowska, *Wizerunek Żydów i relacji polsko-żydowskich w "Biesiadzie Literackiej" w latach 1913–1914,* in: J. Ławski, B. Olech, *Żydzi wschodniej Polski,* Białystok 2014, pp. 141–175.

44 A. Budrewicz, *Shylock in Poland…*, pp. 74–75.

45 Ibidem, p. 76.

46 The post-war reality shifted the attitudes towards staging *The Merchant of Venice*. Kowalski concludes in his essay that "[m]ore often than not, Shylock becomes the Other, frequently read as a synecdoche of different types of exclusion, and serves to present the dynamics of stereotyping and social oppression". T. Kowalski, *Framing Polish-Jewish Relations through Shakespeare in Post-War and Contemporary Polish Theatre*, "Multicultural Shakespeare. Translation, Appropriation and Performance", Vol. 28 (43), 2023, pp. 193–207.

47 Lucjan Siemieński was a Polish writer, journalist, activist and critic. Between the years 1849 and 1850, he was a Professor of the Jagiellonian University. He was also a translator.

48 The original reads: "Szylok w Polsce, to ważne zadanie społeczne, do którego rozwiązania niepodległość narodowa nieodbicie jest potrzebną". K. Siemieński, *Przedsłowo*, in: K. Ostrowski, *Lichwiarz*, Paryż 1868, p. 10.

distorts the original.[49] As Siemieński erroneously suggests in his foreword, it is not a faithful translation but an intrusive adaptation. It features Shylock as a dark figure, a bloodthirsty villain devoid of any human instincts and emotions. To amplify the moral degeneration of this character, Ostrowski added a quotation from the Bible as a motto to his rendition. The passage from St Mark that Ostrowski chose to illustrate his text reads: "My house will be called a house of prayer for all the nations? And you made it a den of robbers!." By using these words, Ostrowski made a clear allusion to usury. Ostrowski also changed the play's original title from *The Merchant of Venice* to *Lichwiarz*. It is not the merchant Antonio that is put in the fore but Shylock, the usurer. As in the original, Shylock is hated by the Christian community because he is a usurer. However, the dramatis personae in Ostrowski's play make more allusions to usury than the protagonists created by Shakespeare.

At the very onset of the play, Bassanio approaches his friend Antonio with a request for money. Bassanio's financial means do not allow him to embark on the journey to Belmont where Portia lives. Bassanio confesses that he has squandered his estate and is in debt as in the original. The character created by Ostrowski adds something else. He emphasises that being a merchant in Venice entails struggling with usurers: "I don't regret that I must fight with a horde of usurers".[50] The Polish word "zgraja" (horde) has a negative meaning and denotes a group of people who abuse social norms and conventions. The noun employed by Ostrowski accentuates the lawlessness and otherness of the Jews.

As explained above, usury is a topic of Shylock and Antonio's debate concerning Biblical provisions. Ostrowski adapts this part of the play for his own purpose. To Shylock's story of Laban and Jacob, Ostrowski's Antonio responds with a prejudiced remark: "The Jew always steals… as testified by Jacob's profit." A few lines later, the

49 In literature, Ostrowski's text is viewed as one of the most anti-Semitic renditions of *The Merchant of Venice*: A. Cetera-Włodarczyk, A. Kosim, *Polskie przekłady…*, p. 273. As Cetera writes, Ostrowski's adaptation is an example in which its author merged Shakespeare's plot with experiences, imagination, prejudices and anxieties in the Polish-Jewish history of the nineteenth century. Such projection of the story was not acceptable after the Second World War. A. Cetera, *Wczesna recepcja dramatu*, in: *William Shakespeare, Kupiec wenecki*, trans. P. Kamiński, Warszawa 2015, p. 225. Ostrowski was also severely criticised by Władysław Tarnawski in his *O polskich przekładach dramatów Szekspira.* In Tarnawski's opinion, Ostrowski created a Jewish character that has nothing in common with the original protagonist. In Ostrowski's adaptation, Shylock is portrayed as a "Polish provincial leech" ["polska małomiasteczkowa pijawka"]. W. Tarnawski, *O polskich przekładach dramatów Szekspira*, Kraków 1914, p. 100.

50 All English translations are mine. "Nie żal mi tego żem z lichwiarzy zgrają zmuszony walczyć". K. Ostrowski, *Lichwiarz*…, p. 5.

translator inserts another offensive comment: "Does the Holy Scripture allow to take usury? Or, whether cheating should not be punished?".[51]

Ostrowski's dramatis personae also depart from the characters created by Shakespeare. The translator put into the mouths of the Christian protagonists more xenophobic and anti-Semitic comments than Shakespeare did. One of the characters that expresses her biased standpoint towards the Jews and usury is Portia. A casket scene serves as a good example. According to her father's last will, she can marry the man who will choose the lead casket. Different candidates visit Belmont to take part in the contest. In the original, three men attempt to win the woman's heart in the casket scene (though more suitors wish to advance the lady of Belmont): Prince of Morocco, Prince of Arragon and Bassanio. In Ostrowski's adaptation, this scene is altered. Surprisingly, Shylock pays a visit to Belmont. When Portia's servant informs her lady that Shylock is waiting at the door of the palace, she responds: "I am not his debtor, I do not share usury." Then she adds: "Let him in and burn incense".[52] In this scene, Portia manifests her reproach on usury and her contempt of Shylock. Shylock is treated as an unwelcome guest, an intruder who violates her peace in Belmont. The second remark is interesting. Ostrowski added the words implying Shylock's devilish nature. Incense burning is believed to keep devils and evil spirits away. It is also used to clean the air from any harm and danger. Portia (in disguise as a lawyer) also mentions usury during the trial. When Shylock demands his bond, rejecting Portia's plea for mercy, Portia says: "Usury is your faith, I despise usury".[53] Again, usury is treated as an activity that deserves contempt.

The verdict rendered in the Venetian court deserves a comment too. As in other passages of the play, Ostrowski altered the original. In this Polish rendition, half of Shylock's estate is forfeited to the state. The other half goes to Antonio. At Shylock's death, Antonio will transfer "houses and money" to Lorenzo and his mistress. Three conditions are added. Shylock must bequeath his estate to his daughter and Lorenzo. He must also convert to Christianity and relinquish usury. Ostrowski added the last stipulation to criticise usury.[54]

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51 The whole passage reads: "Żyd zawsze kradnie... świadkiem zysk Jakóba ; Choć nie dla niego z tej korzyści chluba, Albowiem Bóg sam ją sprowadził z dala... Czy pismo święte lichwę brać pozwala? Lub czy szachrajstwo nie ma być karanem? Czy srebro owcą; złoto czy baranem?" K. Ostrowski, *Lichwiarz*…, p. 15. And the original: "This was a venture, sir, that Jacob served for,/ A thing not in power to bring to pass,/ But swayed and fashioned by the hand of heaven./ Was this inserted to make interest good?/ Or is your gold and silver ewes and rams?" (1.3.83–87).

52 "Jam mu nie dłużna, lichwą się nie dzielę", "Przyjąć i zakadzić". K. Ostrowski, *Lichwiarz*…, p. 32.

53 "Twą wiarą lichwa, ja się lichwą brzydzę", ibidem, p. 71.

54 "Jeżeli doża nasz, i wy sędziowie, / Zaprzestać chcecie na tych dóbr połowie, / Połowę, drugę, tak niech rozporządzę: / Iż nim żyd umrze, domy i pieniądze / Przekaże na Lorenza i kochankę, /

Conclusions

To conclude, as demonstrated in this paper, usury is a term that has generated various emotions since ancient times. Criticised by ancient philosophers and thinkers and prohibited by medieval legislation, it was widely commented on by men of art and literature. Writers in the Renaissance expanded on usury in their works to promote social antagonisms against the Jewish community. The literary figure of a usurer was equipped with a long list of vices and sins. Christopher Marlowe's Barabas, as believed by some to be the prototype of Shakespeare's Shylock, is probably the most "beastly" and "nonhuman" Jewish usurer in English literature. Shakespeare followed the theme of usury as a stigma of greediness and exploitation in his plays. His *Merchant of Venice* is another literary voice of anti-usury views. Given the legal and social context of nineteenth-century Poland and, in particular, the anti-Jewish sentiments, *The Merchant of Venice* became a "tool" to spread anti-Semitic ideology. The anti-usury sentiments were disseminated by a Polish translator Krystyn Ostrowski in his nineteenth-century adaptation of Shakespeare's play in a more direct and overt (as compared to Shakespeare) manner. Ostrowski appropriated Shakespeare's play and added more references to usury to strengthen the anti-Shylock and, by analogy, anti-Jewish views. The case study presented in this paper showcases how law and literature intersect. To both Shakespeare and Ostrowski, the legal term usury served as a "veil" to obscure the anti-Jewish tropes in their texts.

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A żyda córkę, dziś już chrześciankę./ Lecz trzy warunki wkładam nań za karę:/ Iż razem z życiem przyjmie chrzest i wiarę; /Iż się wyrzeknie lichwy, choć w ukryciu; / Majątek zleje, po najdłuższem życiu, /Na samowolny córkę i na zięcia"; K. Ostrowski, *Lichwiarz*…, p. 78. And the original to compare: "So please my lord the Duke and all the court /To quit the fine for one half of his goods, /I am content, so he will let me have / The other half in use, to render it / Upon his death unto the gentleman /That lately stole his daughter. Two things provided more: that for this favor /He presently become a Christian; /The other, that he do record a gift, /Here in the court, of all he dies possessed / Unto his son Lorenzo and his daughter" (4.1.376–386). Ostrowski's presentation of Jessica, Shylock's daughter, is biased too. The translator amplified the original by adding two negatively charged words: "kochanka" (mistress) and "samowolną" ("disobedient"). Both additions depict Jessica as a frivolous and rebellious woman.

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Lichwa, prawo i emocje w *Kupcu weneckim* Williama Szekspira i polskiej adaptacji Krystyna Ostrowskiego *Lichwiarz* (1861)

Streszczenie

W artykule omówiono prezentację lichwy w *Kupcu weneckim* Williama Szekspira (*The Merchant of Venice*) i w polskiej adaptacji tej sztuki *Lichwiarz* autorstwa Krystyna Ostrowskiego z 1861 roku. Lichwa zawsze wywoływała wiele emocji i wzbudzała żywą dyskusję wśród prawników, filozofów i pisarzy, co znalazło odzwierciedlenie w literaturze pięknej. Sztuka

Szekspira *The Merchant of Venice* jest najlepszym przykładem ukazującym, jak polemika na temat lichwy rezonowała w literaturze renesansowej. Krystyn Ostrowski w swojej adaptacji pt. *Lichwiarz* rozwinął wątek lichwy i emocji, wprowadzając wiele uzupełnień i zmian, a wszystko po to, by ostro skrytykować społeczność żydowską na tle sytuacji społecznej i prawnej, w której pisał.

Słowa kluczowe: lichwa, Szekspir, Krystyn Ostrowski, adaptacja, prawo i literatura

CYTOWANIE

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