



## The court scenes of *The Merchant of Venice* and *The Mrichchakatika* - A comparative study

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Egypt, Babilon, Greece, Rome, Persia and India are countries of the ancient world who saw dawn of early civilization and who cradled the rule of law. There are also the rulers who derive laws to give justice to public. Jhangir, one of the Mugul emperors, was famous for giving justice to the persons of his kingdom.

India is fortunate to have judiciary from ancient time. Though there were some democratic states like Vaishali, generally the states were run by kings. It was the prime responsibility of a king to go to court and attend 'Dharmashastra' i.e. Hindu law. The king was 'Sovereign' and whole and sole in his kingdom. *Arthashastra*, *Yagnyavalkyasmriti* and *Manusmriti* discuss various punishments for different crimes. In the 8<sup>th</sup> chapter of *Manusmriti* there is discussion of justice. e.g. "A king who punishes innocent people or does not punish guilty get discredit and also goes to hell" (Manu Smrti VIII,128).

The law had soft corners for learned Brahmins. "ब्राह्मणो न हन्तव्यः" is a 'Shrutivakya'. The capital punishment is not given to a brahmin. *Manusmriti* also writes, "In the world, there is no great unrighteous other than the killing of a Brahmin. So a king should not even think in the mind to kill him (i.e. Brahmin)" (Manu Smrti, VIII, 381).

In recent years, legal historians have tended to see the trial as a reflection of the sixteenth century concern with equity and its relation to the common law. The equation of common law with strict legalism and chancery with mercy is an oversimplification of Elizabethan legal thinking. The concept of equity was powerfully developed by sixteenth century writers such as Bodin and Hooker.

Every nation in modern world has different rules, regulations laws, and Penal code etc. for the smooth running of the government and for the justice of the people residing in that country. In India, we have 'Indian Penal Code.' There are Taluka Court, High Court (for the whole state) and Supreme Court (for the whole country) for deciding civil and criminal cases. Session courts, tribunals and Lok adalatas help in solving the disputes.

The procedure of court, arguments of advocates, and behaviour of a judge, complaints and his opponents are full of interest. So they draw attention of dramatists. Literature is mirror in which social, political, religious and economical life of people is reflected.

The researcher intends to express here the court scenes of two prominent dramatists- Shakespeare (16th century) in his famous comedy *The Merchant of Venice* and Shudrak (about 6<sup>th</sup> century) in his famous social play *The Mrichchakatika*.

#### **The theme of *The Merchant of Venice*:**

*The Merchant of Venice* is based on the Italian 'Novella' named *IL Pecorone* written in 1378 by Ser Giovanni of Florence and published at Milan in 1558 which bears a close resemblance to the intertwining stories of *The Merchant of Venice*. It is one of the famous comedies of Shakespeare.

The play is divided into five acts. The main characters of the play are Antonio, Bassanio, Portia, Shylock, Jessica, Lorenzo, Nerissa, Gratiano etc. The play rotates around the main plot; Bassanio's marriage with Portia. The subplots colour the play and impart interest to the audience and readers up to the end of the play. The bond episode, the casket episode; Lorenzo- Jessica episode, trial scene, ring episode etc. are linked harmoniously with the main plot of the play.

The artistic expression with beautiful plot construction of *The Merchant of Venice* is unique quality of the play. It makes the play more interesting and immortal. The beauty of nature is well reflected in the beginning of Act V.

The play also focuses on the universal values suggested through subplots e.g. love between two friends, conflict between Jew & Christian, casket episode, trial scene, ring episode etc. Some of the immortal lines of the play reflect universal truth, such as Shakespeare says, "All that glisters is not gold".

#### **The theme of *The Mrichchakatika*:**

Mr. Kale comments for *The Mrichchakatika* "Among the known dramatic compositions of the Hindus *The Mrichchakatika* of Shudraka occupies a very high and distinguished position. It is a creation of outstanding brilliance, not unworthy of being classed. With the productions of acknowledge masters of the dramatic art, such as Bhasa and Kalidasa" (Kale, 49).

The hero of *The Mrichchakatika* is young Charudatta, a trader and Brahmin by caste, who, on account of his extra ordinary generosity, has lost all that he had and enters into the drama as a wholly ruined destitute. The heroine is Vasantasena, a harlot, living in luxury who loves the noble and virtuous Charudatta passionately notwithstanding his poverty. She is harassed by the brute and uncultured brother in law of king named Shakara. By chance, she comes to be under his force but she refuses to obey him. He strangles her by the neck and thinks to have killed her. Then he accuses Charudatta with the charge of murdering Vasantsena. The judge's court is presented on the stage. The judge orders

Charudatta to be put to death. He is taken to the place of execution. When the sword is hanging over him, Vasantsena rushes forth in the company of the Buddha monk who has rescued her and then sets him free. At the same time, cowherd Aryaka, who with his followers has defeated Palaka and killed him, is declared a king. The new king confers the status of a lady (vadhu) upon the harlot so that she may become a rightful wife of Charudatta. She is welcomed by Dhuta, his first wife, as her 'sister'.

### **The court scene of *The Merchant of Venice*:**

The famous scene- the court scene is the climax of the *The Merchant of Venice*. Act IV scene (i) narrates the court scene. The Duke of Venice commiserates with Antonio before the court. Antonio thanks the Duke for the efforts, he has made to qualify the bond but he recognizes that the law must be followed. Antonio declares, "I am armed to suffer with a quietness of spirit, the very tyranny and rage of his" (Mahood, 135).

In the final attempt, the Duke tells Shylock that everyone expects him to show mercy. At the last moment also Shylock has sworn in court to collect his due and nothing will dissuade him. Bassanio comments angrily, "This is no answer thou unfeeling man, to excuse the current of thy cruelty" (Mahood, 135). Antonio says, "Let me have judgment and the Jew his will" (Ibid, 138). Bassanio offers six thousand ducats to Shylock instead of the original three thousand. But there is no any effect on Shylock.

Thus the opening of this scene is tense in its atmosphere and tragic in its appeal. The fate of Antonio is dubious and we- readers and audience- are curious to know the outcome. The poor Antonio says "I am a tainted weather of the flock. meetest for death" (Mahood,139).

Nerissa dressed as a lawyer's clerk comes with a letter from Bellario. The Duke reads the letter. The letter says that Bellario is very ill but he is sending a young doctor from Rome named Balthazar. Portia enters in the court, dressed as a Doctor of law and asks Antonio if he confesses the bond. He answers in positive manner. Then Portia requests the Jew to be merciful. Through her famous speech, she expresses the importance of mercy through various examples. "The quality of mercy is not strained; it dropped as the gentle rain from heaven, upon the place beneath" (Mahood, 142). She goes on "It is twice blest, it blesseth him that gives and him that take, it is mightiest in the mightiest. It is an attribute to God himself" (Mahood, 142). But Shylock did not worry about his deeds. He says "I crave the law, the penalty and forfeit of my bond" (Mahood, 143). Portia instructs Antonio to prepare for his last words. Just as the audience shudders in anticipation of Portia's necessary judgments, she produces a legal nicety. She says, "This bond doth give thee here no jot of blood." (Mahood, 147). She warns Shylock that otherwise by the laws of Venice his lands and goods will be confiscated. Shylock eagerly reverses his stand and now he is ready to accept three times the amount of the bond. But Portia ironically says, "Thou shall have merely justice more them thou desirest" (Mahood, 147). Antonio asks the Duke to relieve Shylock from his debt to the state and asks that after his death, his half of the property may be given to his daughter.

**The court scene of the *The Mrichchakatika*:**

The trial scene of the *Mrichchakatika* occurs in Act IX, which is named as 'Vyavahar'. In the opening, the judge frankly says that it is very difficult for judges to find what lies in the minds of others as judicial trial is dependent on other matters. Through the speech of judge, Shudraka has beautifully suggested the difficult work of judge, when the judge gives his decisions. He highlights the mentality of people:

“People bring up for trial, whose real character is hidden and far removed from justice. They never tell in the about their own faults. So, the king incurs the blame for the failure of justice whose intensity is disputed by the contentions of one party as well as the other. In short, nothing but odium is commonly to be got by a judge, appreciation but seldom.” (Kale, 310).

Further he says,

“People completely ignoring law wrathfully complain of the offences (of others) but they never confess in the court their own faults. Even learned persons who commit sin sharing in the crimes of the contending parties are verily lost. In short blame is very easy for a judge to get; applause is far removed from him” (Ibid, 310).

The qualification of an ideal judge is well expressed in the opening of this act. These qualities are the guidelines for the function of work of the judge. A judge

“Should be learned in law, expert in tracing (the course of) fraud; eloquent, never losing his temple, equally impartial towards friends strangers and relatives, giving his decision only after investigating the facts; a protector of the weak; a terror to the rogues, righteous: free from greed even when the means exist for him (to take bribes); sincerely bent in his mind on discovering the real truth and able to avert the anger of the king” (Ibid, 310).

The scene is shifted to the court of justice where in the presence of presiding judge and two assessors, Shakara formally charges Charudatta with having enticed Vasantsena to his garden and there murdered her for the sake of her ornaments. The judge opens the case and calls Vasantsena's mother. She gives evidences about the existence of a love affair between her daughter and Charudatta. She also states that so far as she knew, Vasantsena was then supposed to be in Charudatta's house. Next Charudatta himself is sent who denies any exact knowledge of Vasantsena's movements. Meanwhile Viraka arrives to lay information against his fellow guard, who had assaulted him, while he was trying to inspect a carriage which belonged to Charudatta and in which Vasantsena was supposed to be travelling in the direction of Pushpakarandaka garden. The judge sends him to find out if a woman's dead body is lying in the garden. Due to the ill luck, the dead body of a woman was lying there, who had been accidentally killed by the fall of a tree. Viraka comes back and reports what he has seen. This is sufficient evidence to charge Charudatta for Vasantsena's murder. However he doesn't make very serious effort to establish his innocence. He thinks that without Vasantsena, life has no interest. He also thinks that as he is poor, the judge would not give him a fair hearing. The evidence is unwittingly given by Maitreya, who brings with him, the ornaments of Vasantsena, the same that she had given to Rohasena, the son of Charudatta.

Shakara has pointed out the ornaments as the motive of the crime and they belonged to Vasantsena and came from Charudatta's house. Charudatta does not give any satisfactory explanation and the judge has to declare him guilty. King Palaka pronounces the death sentence upon the murderer as Charudatta is now adjudged to be.

#### The review of two court scenes:

1. The characters of the trial scene of *The Merchant of Venice* are the Duke, Adhikarnika (judge), Antonio, Salarino Shylock, Bassanio, Gratiano, Portia, Nerissa etc. The characters of the court scene of the *Mrichchhakatika* are Adhikarnika, (judge) Sodhanata, Shakara Charudatta, Sreshthin and kayastha, the old lady, Viraka, Vidushaka etc.
2. Both scenes are the longest scenes of the plays.
3. The characters of Shylock and Shakara are very identical in temperament. They are self centered, self-praised, short-tempered and quarrel-some by nature. Their inner characteristics and vices are reflected in their speech. E.g. Shylock says, "What wouldst then have a serpent sting thee twice?" (Mahood, 139). Shakara addresses the old lady as 'Vridhha Kuttini'. He also addresses Charudatta as 'Stri Ghataka'(Sudrak)
4. The Duke in *The Merchant of Venice* and the judge in *The Mrichchakatika* have the soft corner for the hero of the play. e.g. The Duke tries his best to persuade Shylock to be merciful to Antonio. The judge's inner feeling and outer speech also suggest the same e.g. For Shakara the judge says, "Aho Sthira Sanskarta Vyavaharthinah!" (Kale, 314).
5. Shylock and Shakara are cursed by other characters of the plays which expose their vices e.g. Bassanio says for Shylock as 'unfeeling man' (Shakespeare). Gratiano says for Shylock as 'in execrable dog' (Shakespeare). Vidushaka says for Shakara as "Whore son, a lost libertine, scoundrel, imputing crimes to people, monkey decked with numerous golden ornaments" (Kale, 341).
6. Both Charudatta and Antonio are shown as honest, soft-spoken, loving, kind and well wisher of human beings. Antonio becomes nervous when he is nearer to his death. The dramatist has tragically suggested the same. Antonio says, "I am the weakest kind of fruit, drops earliest to the ground..." (Mahood,139). When he gives farewell to Bassanio, he remembers Bassanio's future wife. Charudatta, after hearing the decision, requests his friend Maitreya to pay homage to his dear mother last time and also requests him to look after his loving son, Rohasena.
7. The role of friends in the lives of the heroes is also important. Bassanio through help and wit of his wife named Portia, saves Antonio, while the foolish Vidushaka exposes the tin of ornaments and brings ruin to his friend Charudatta.
8. The basic difference between these two trial scenes are the judgment of judges and its effect to the main characters of the plays. Due to Portia's intelligence, observation, witty and argumentative style, she picks the word 'bond' as it is repeatedly told by Shylock. Shylock wants to follow the exact words of bond and nothing else. The clever Portia talks in calculative way and the result is in, favour of Antonio and not in favor of Shylock. It means the poetic justice is given in *The Merchant of Venice* through this court scene. The virtues of Antonio are rewarded and the vices of Shylock are punished through Portia's judgment. It means this comedy proceeds to the happy ending through this scene.

While in *The Mrichhakatika*, though the judge has sympathy and goodwill to innocent Charudatta, he is helpless. The proof of the tin of ornaments brings ill-luck to Charudatta. He is proved as 'sinner'. The judge says that we are authorized to give our decision but the rest depends on the king. It means the court scene of *The Mrichchhakatika* brings tragedy in the life of Charudatta. Here the poetic justice is not given in trial scene. The readers and the audience are with Charudatta who is suffered though he is poor, honest and innocent. The remark given by Charudatta is touching. "But such – like men (i.e. judges), who would even believe that a crow (which is black) is white and who disgrace the king's (judicial) administration, thousands of sinless persons are being and have been killed" (Kale, 81). Of course in the tenth Act, real identity of Charudatta is shown, but the decision of court scene brings tragedy in his life.

9. The mastery of dramatists – Shakespeare and Sudrak is well reflected in these court scenes. Their dramatic art is beautifully presented in both the plays. These scenes are full of interest, curiosity, liveliness and suspense. The audience and the readers are eager and anxious to know and to feel what happens on the next moment.

The court scenes consist of powerful dialogues, intelligent arguments and interpretation of laws and also shows the judgment of previous cases. Sometimes it is conflict of a hero and a villain. The audience and the readers of the play like it very much. It has become a motif of films and television serials. Like 'Adalat', 'Andha Kanun', T.V. serials like 'Insafka Taraju', 'Apaki Adalat' etc.

### Works Cited

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### Verse References:

1. अदण्डयान् दण्डयन् राजा, दण्डेयांश्चेवाप्यदण्डयन् ।  
अयशो महदाप्नोति ,नरकं चैव गच्छति ॥ *Manusmriti* VIII –128
2. न ब्राह्मणवधाद् भूयानधर्मो, विद्यते भुवि ।  
तस्मादस्य वधं राजा, मनसाडपि न चिन्तयेत् ॥ *Manusmriti* VIII-381
3. छत्रं कार्यमुपक्षिपन्ति पुरुषा, न्यायेन दूरीकृतं,  
स्वान्दोषान्कथयन्ति,नाधिकरणे, रागामिभूताः स्वयम् ।  
तैः पक्षापरपक्षवर्धितबलैदोषैर्नृपः स्पृश्यते  
संक्षेपारपवाद एव सुलभो द्रष्टुर्गुणो दूरतः ॥ *Mrichchhakata* Act IX-3
4. छत्रं दोषमुदाहरन्ति, कुपिता न्यायेन दूरीकृताः  
स्वान्दोषान्कथयन्ति नाधिकरणे सन्तोडपि नष्टा ध्रुवम् ।  
य पक्षापरपक्षदोषसहिताः पापानि संकुर्वते  
संक्षेपादवाद एव सुलभो द्रष्टुर्गुणो दूरतः ॥ *Mrichchhakatika* Act-IX – 4
5. शास्त्रज्ञः कपटानुसार कुशलो, वक्ता न च क्रोधन-  
स्तुल्यो मित्रपरस्वकेषु चरितं दृष्ट्वैव दत्तोत्तरः ।  
कलीबान्यालयिता शठान्यथयिता धर्म्यो न लोभान्वितो,  
द्वाभवि परतत्व बद्धहृदयो शरीश्च कोपावहः ॥ *Mrichchhakatika* Act IX-5

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