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SHAKESPEARE'S TESTAMENT

Julia Reinhard Lupton

Loving Justice, Living Shakespeare
by Regina Schwartz. Oxford
University Press, 2016. Pp. 160.
\$29.95 hardcover.

Loving Justice, Living Shakespeare is a short book animated by a unanimous idea: namely, that love and justice are not competing virtues requiring adjudication and compromise but rather fully compatible and complementary calls to action. Love is “the quality that gives value to all of life’s activities, as the final ideal of justice” (84). If impartiality and fairness remain the mainstays of justice, they are supplemented by an acknowledgment that the commitment to fairness is itself grounded in care for others and a desire for human connectivity (10). A loving justice is an abounding, world-sustaining virtue that renews the communities that administer it: in the words of the prophet Amos, “Let justice flow like water, and righteousness like an unfailing stream” (5:24; quoted in Schwartz, 14). Such a claim requires rich and thoughtful definitions of both love and justice. Justice will need to be positive, not negative, actively promoting human flourishing, not just protecting rights by preventing encroachments. And love cannot remain a private affect belonging to family life but must stretch beyond erotic attachment to encompass charity, communal feeling, and care for creation in its widening embrace.

To make this argument, which is essentially a religious one, Schwartz draws on a deep canon of writings about love and justice, especially the Bible and the intricate edifice

of Christian and rabbinic commentary that extends it in time and space but also the philosophies of Emmanuel Levinas, Hannah Arendt, Alain Badiou, and Jacques Derrida. She also turns in every chapter to the plays of Shakespeare, which she reads as experimental renditions of the difficult justice of neighbor love, a kind of third testament that moves beyond epochal divisions and confessional debate to articulate “biblical teachings” common to Jews and Christians, Catholics and Protestants, and available to theatergoers regardless of their beliefs (117).

Schwartz unabashedly processes this rich material through her own personal vocation as a lover of justice: the story of her mother’s illness and long decline and Schwartz’s battle with hospital counselors to prolong her mother’s life frame the book, and she returns frequently to her family history and personal commitments throughout its pages. There is a riskiness to such revelations (yes, they can sound preachy or self-righteous), but they are also courageous, as is the book as a whole. Schwartz leaves the comfort zone of academic historicism in order to invite Shakespeare’s plays to contribute to substantive conversations about the nature of human judgment and amity in our world today. Schwartz worked out the ideas for her book in seminars held in law schools, philosophy departments, humanities institutes, and

religious studies programs, venues that indicate the scope of her interests and intended audiences. This is not a book for Shakespeareans (the reference to prior critical work on the plays in question being noticeably light), but precisely in avoiding the annotated archives of Shakespeare studies, Schwartz calls on Shakespeare scholars to take seriously the ethical potential of the works entrusted to our care.

The resulting book is both deep and readable, with insightful accounts of major works by Shakespeare that easily flow from text to world under Schwartz’s deft hand, and with an invigoratingly ecumenical and problem-based approach to scripture as a living resource for political thought. Whereas many readers of both Shakespeare and religion tend to map “justice” onto the Old Testament and “love” onto the New Testament, Schwartz insists on the unity of love and justice in the Hebrew Bible and the resulting confluence of a richly humanist political thought shared across Jewish and Christian as well as Catholic and Protestant teachings. The commandment to love the neighbor originates in Leviticus 19:18, “Do not seek revenge or bear a grudge against anyone among your people, but love your neighbor as yourself” (quoted as an epigraph in Schwartz, 85), and Schwartz helpfully reads the passage as a guide to the virtues of forgiveness and the role of

rebuke in a practice of justice that emphasizes healing and rehabilitation over the judicial repetition of injury as punishment. She also returns repeatedly to the Hebrew prophets, who inveigh against the idolatry of the law as pure procedure in favor of an equitable justice that honors the needs of the widow, the orphan, and the stranger. The critique of proceduralism is encapsulated for Schwartz in Jeremiah's compelling image of reified laws as "broken cisterns" (2:13; Schwartz, 27), vessels of nothingness that foster negative rather than positive forms of justice.

Schwartz finds support for her account of a substantive justice founded on values of human attachment in the work of Michael Sandel, one of the major critics of the proceduralism of John Rawls's theory of justice. Although the book affirms the significance of Jewish and Christian teaching on the continuity between love and justice, Schwartz's thesis does not depend on faith in God, the empirical truth of revelation, or participation in a religious community. Instead, she turns to scripture for its creative legislation of a pluralist, humanist justice based on "the concept of the human person as worthy, as possessed with ineradicable dignity, as capable of caring, of loving," a concept that diverges significantly from the Hobbesian anthropology of "the competitive,

brutish, warring human that dominates political thought" (117).

This account may sound sentimental, and perhaps sometimes it is; but Schwartz does ask hard questions about how a loving justice deals with crime. In her chapter "The Forgiveness of Love," Schwartz returns to Leviticus 19, which prefaces the injunction on neighbor love with lines that distinguish hatred and resentment, inherently unjust, from the act of rebuke, which loves the erring neighbor in a manner that affords transformation: "You shall not hate your brother in your heart; you shall surely rebuke your neighbor, and not bear sin because of him. You shall not take vengeance, nor bear a grudge against your neighbor" (Lev. 19:17; quoted in Schwartz, 96). Drawing on Maimonides, Schwartz argues that "rebuke, apology, and forgiveness" are responses to injury that aim to heal "an impaired social moral order" (97) rather than repeat injury through retributive punishment. "In the activity of rebuke," she writes further, "right and wrong are given expression and definition. Justice comes into being" (97).

So what is rebuke? In the book of Genesis, Schwartz argues in a stunning reading, Joseph's protracted transactions with the brothers who betrayed him constitute a form of rebuke. In his office as an Egyptian official and unrecognized by his brothers, he gives them the food they request but insists on receiving

their beloved brother Benjamin in return, in effect forcing the sons of Leah to repeat their earlier crime against Joseph. Horrified, the oldest brother, Judah, offers himself as a hostage in place of Benjamin, an act of loving substitution and remorseful conversion. Judah's act repairs the past by refusing to repeat it, and in response, Joseph reveals himself and forgives his brothers: "Rather than punish for crimes and thereby redouble the violence, and rather than forget the offenses and thereby endanger the future of the moral order, rebuke—not only private but also public rebuke—awakens consciences" (103). Linking this structure of affective replay to the therapeutic potential of narrative and drama, Schwartz analyses the play-within-a-play in *Hamlet* as a form of rebuke, and she suggests that in both scripture and Shakespeare, "the time of narrative becomes the friend, not the enemy of injury" (103).

This is powerful and original work that articulates political theory and literary theory with an eye to transformation and renewal. Schwartz aligns rebuke with a rehabilitative approach to punishment, which she contrasts with retribution and incapacitation, the forms that dominate the carceral state (116). But rebuke also has implications for other parts of public and private life; I was led to consider, for example, the wave of sexual harassment charges that continue

to rock US culture. These charges in effect rebuke celebrities, politicians, scholars, and even judges for deeds committed in the past, initiate a range of replays of such acts through attempts at denial and damage control, and in a few cases have resulted in moments of genuine remorse and the reevaluation and affirmation of evolving social norms. There is also a tendency toward retribution in some of these cases that threatens the loving basis of justice as Schwartz conceives it.

Some questions remain for this reader. Reason is given short shrift, yet *philo-sophia* combines love and wisdom. I was surprised that neither Martha Nussbaum nor Alisdair MacIntyre is substantially engaged in the volume. Schwartz's reading of *King Lear*, though moving and right, does not seem especially original, and Stanley Cavell's discourse on love in the play is surely worth mentioning. But this is a short book, really an extended essay in several movements, and Schwartz has given us an aspirational model for how to do literary, philosophical, and postsecular work in the current moment of strife, hate, and fear.

Julia Reinhard Lupton is a professor of English and associate dean for research in the School of Humanities at the University of California, Irvine. Her latest book is Shakespeare Dwelling: Designs for the Theater of Life (University of Chicago Press, 2018). She is a former Guggenheim Fellow. Her current project is on Shakespeare's virtues.