

REVIEW

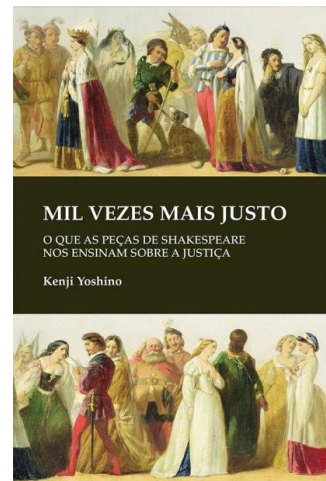
A THOUSAND TIMES MORE FAIR: WHAT SHAKESPEARE'S PLAYS TEACH US ABOUT JUSTICE

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INTRODUCTION

The author, Kenji Yoshino, initiates the narrative reminiscing how began his passion for the union between Law and Literature. Still in college, he decided to write how these two branches meet and perfectly relate to each other. The idea of approaching the works of the great English playwright was what gave rise to the book *A thousand times more fair: what Shakespeare's plays teach us about justice*.

In the following sections, we developed a synthesis of the reflections that Yoshino offers us to analyze the main works of the most influential playwright in the world.



YOSHINO, Kenji. *Mil vezes mais justo: o que as peças de Shakespeare nos ensinam sobre a Justiça*. São Paulo: Martins Fontes, 2014. 301p.

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I – THE AVENGER (TITUS ANDRONICUS)

Titus has been considered one of the bloodiest Shakespeare's plays, in which most of the characters dies violently. Thus, the work has been repudiated; however, the author argues that, in fact, it is the way Shakespeare expresses the need for a rule of law. At that time, there were two options for people: to believe in a weak State, or to take the law into their own hands. Therefore, it is not simple violence, but "life as it is" in a territory where the State did not have enough strength to bring peace.

For this reason, it is understood that the purpose of the essay is to demonstrate the importance of putting "brakes" (through laws and through the rule of law) to ensure order. The author gives a brief summary of the work, comparing small passages. Afterwards, he relates the repulsion felt by the public given the mutilation scenes present in the play with the reactions of his students, when, in class, he showed them slides containing images of September 11th attacks. Thus, Yoshino seeks to address how the private feelings of revenge arise and the necessity to restrain them. In this point of view, *Titus Andronicus* shows that we must resist our instincts in order to prevent the revenge to destroy us.

II – THE LAWYER (THE MERCHANT OF VENICE)

The comedy of *The Merchant* shows that the rule of law by itself is not sufficient to prevent abuses of power, since it is able to commit them. Even those skilled in Law can use it in order to receive improper benefits. Yoshino points out that the work serves, primarily, to the recognition of the importance of the "government of laws" and not the "government of men" because, in the second, there will always be more discord than harmony. Notwithstanding, although there is disagreement and dispute in the first (about the laws) it will always offer more security.

The author analyzes the play introducing us to Portia. This character represents a "lawyer" who has the gift of gab, using all means to meet her purposes. No law can subdue her. Portia acts in the border area of the law (represented by her father's will), making use of rhetoric to help Bassanio to choose the right keepsake box, considering this is the only way he can marry her. The same happens regarding the pound of human flesh contract,

in which the character distorts the contract in order to persuade the lender that the borrower is entitled to a surgeon.

III - THE JUDGE (MEASURE FOR MEASURE)

Measure for Measure has three meanings, according to Yoshino. The first one, which is related to Christianity, stresses that we must first observe our own deficiencies in order to, later, analyze others' inability – that is, it highlights judging with empathy. The second is the ethics of commensurability from the Old Testament, expressed in the maxim "eye for eye, tooth for a tooth" - that is, judging by the letter of law. The third, Pagan, proposes to judge with temperance of Aristotle or the middle ground of Archimedes.

The play, in turn, argues that no society should be guided by extremes, proceed with empathy or by the cold letter of law - but by a middle ground, which would be the third meaning. In this sense, it is stressed the importance of following the rules, without, however, being overly cold: it is necessary to find a mediocrity, also combining empathy. Yoshino argues that Shakespeare has realized, therefore, that judges cannot stick to the pure empathy or the mere law. A balance is necessary because "the act of judging concerns the degree of impartiality with which we apply general rules to specific circumstances". (p. 96).³

IV - THE FACT FINDER (OTHELLO)

Othello demonstrates how the investigations work. The people who conduct the facts are known as "the discoverers of facts" so that there are two types: the supernaturals and the humans. In this sense, people expect judges and jurors to find out the truth about the facts, discrediting this supernatural search. We blindly trust on the false sense of security, which is transmitted by those who supposedly "find the facts".

Othello is a character of military origin, whose wife Desdemona is murdered because of her alleged infidelity. Such discord seed has been planted by Iago, whose "evidence" was the scarf given by Othello to the bride. This evidentiary production is sufficient to cause a murder, given the

³ Free translation from Portuguese into English.

security of Othello on the trial of Iago. This is a classic example in which the "divine" evidence, supernatural, has been more important than the human evidence. Yoshino highlights that Shakespeare has been skeptical in relation to leave the divine evidence aside, which is the reason why he wrote the piece. For Yoshino, this indicates the perception of the work under discussion that we should preserve the tangible and human proof instead of the divine, supernatural evidence.

V - THE SOVEREIGN (THE HENRIAD)

The character Hal, from *The Henriad*, takes the throne after the death of his father, Henry IV - becoming Henry V. Initially, he denies his biological parent to the detriment of Falstaff, for whom he has admiration. After taking the throne, sought by Falstaff, he denies it, embracing the old nemesis Lord Chief Justice. Yoshino claims that Shakespeare anticipates the speech of Max Weber about the necessity of a leader to walk a path before establishing his authority.

Firstly, there is the "feudal authority" exercised by the patriarchs. Secondly, the "charisma authority", personality cult that can be exercised either by the elected ruler or by the great demagogue. Thirdly, the "legal authority", here performed by the public servant. Thus, Shakespeare suggests that the true authority is a combination of these three. Yoshino, in turn, argues that Hal demonstrates an admirable ability to move among the three facets. The message obtained is that the supreme power is impure, and the feeling left by Shakespeare is that "the just ruler may be more unique than rare" as well as "more unreal than singular." (p. 172).⁴

VI - NATURE (MACBETH)

Macbeth is a tragedy that ends well, affirms Yoshino, highlighting the possibility to recognize the belief in the self-regulated universe as "natural justice". We are reminded that the justice is not a natural phenomenon, but a truly fragile human achievement. In the play, human justice and divine justice leave the scene, leading exclusively to natural justice.

⁴ Free translation from Portuguese into English.

This natural justice, however, cannot be achieved without a boost from the humans who seek it. It is natural that individuals, who are lazy, sit down and wait for justice to occur naturally, given the fallacy that natural justice "never fails." Nevertheless, it is important to bear in mind that the "moral arc of the universe" can and should lean towards the side of justice, as long as it counts on the help of people, each one doing their part.

VII - INTELLECTUAL (HAMLET)

Unlike the other characters here presented, Hamlet is an intellectual. He takes refuge in procrastination to avenge his father's death, seeking, primarily, not only justice, "but the ideal justice", which is the reason why he plans a lot the *vendetta*.

Hamlet's delays are part of a search for that perfect justice. Initially, he postpones confirming Claudius' guilt in the elimination of his father; then, he postpones ensuring that it has been fully vindicated. This demonstrates an unwavering commitment to the ideal form of justice, reflecting, indeed, strength in his determination, instead of weakness.

VIII - THE MAD (KING LEAR)

The *King Lear* is a monarch who, after leaving the power, suffers intensely, achieving madness. It is picturesque to speak about madness when we try to understand justice. Nevertheless, the former provides a deeper understanding not only of the latter, but also its boundaries. Giving up reality, Lear becomes able to perceive a completely purified way of justice and, once found, it never returns to the Law of mortals.

In the author's point of view, Lear renounced Law in favor of justice. The work conveys, unequivocally, the harsh reality because by reading it, we can think more clearly about our own death - which is the fate of everyone. The final trick of the play, as stated, is that the King resigned to justice for the sake of love. By escaping the jurisdiction of life, "we do not only escape from the rule of law, but also from the justice empire". (p. 250)⁵. In this sense, it is said that once on a deathbed, only unhappy people think about justice because the happy ones, on the other hand, think about love.

⁵ Free translation from Portuguese into English.

IX - THE MAGICIAN (THE STORM)

The storm tells the story of Prospero, a ruler who has more influence on society than any other human being does, given his magician condition. People usually say that power tends to corrupt, and absolute power absolutely deteriorates. Nonetheless, this is not the story told here, as Prospero gives up the power at the last moment, demonstrating ethical behavior. In fact, it is possible to say that sometimes justice is not always about exercising power without interruption, but to renounce it.

Yoshino emphasizes that the allegory represented here is well illustrated in most of our systems, in which the arrangement of "checks and balances" had been found so that individual selfishness could control the pride of others. The last and, perhaps, forgotten meaning of *The storm* is one from the art of alchemy - whose boiling, in still, turns substances once contaminated into pure gold. It is known that we do not have this gift, and that it is not possible; however, a simple reading of the play leaves the desire for transformation because a ruler can be ethical and righteous, giving up something that others, in his place, would not do.

CONCLUSION

Shakespeare's works exceed the centuries, overcoming them. There are many studies about them so that Shakespeare's speeches are used in art, in literature, in music, in cinema, in theater, on television. It is also possible a reading of justice among his works, as Shakespeare proved many times to be able to anticipate historical events.

Until nowadays, thousands of students dedicate themselves to examine his writings in various higher education courses, in all countries, every day. It is natural that Shakespeare understands Law because he knew the various fields of knowledge. Furthermore, even Freud have written about his essays.

In Brazil and across borders, there are several successful academic experiences concerning the discussions on Law and Literature, as in the TV program with this title (Direito e Literatura, in Portuguese), presented by Lenio Luiz Streck and André Karam Trindade.

The message that remains is that the Law is one of the oldest humanities and social sciences of humanity, being rooted in any individual,

regardless of their origin, ethnicity, creed, gender, etc. What the work of Kenji Yoshino shows us is that Shakespeare intensifies -with mastery - that justice can occur in several ways: by showing the extremes - of empathy and of the cold letter of the Law - it is possible to see how a balance in his interpretation is of paramount importance.

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