

TEACHING JUSTICE: THE IDEA OF JUSTICE IN THE STRUCTURE OF DRAMA

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In a recent interview, the British playwright Edward Bond says, "The object of all theatre, of all drama—and there are many forms of it—is justice. That is, I think, what human beings seek. The task of the writer in the postmodern world should not be the providing of the destructive fictions of western capitalism: his or her task should be to rewrite today's world, to recreate the meaning of justice in our situation."¹

In a recent article in the *Legal Studies Forum*,² I examined a number of plays, from the ancient to the contemporary, for a way to understand how our ideas of justice might be constructed in part from the ideas we inherit from drama. If Bond is right, drama seems particularly well-suited to frame these ideas, and to give us a chance to watch them in action. My most useful source of ideas about justice and its place in the tissue of society was the work of Michael Walzer, particularly *Spheres of Justice* (1983) and *Thick and Thin* (1994).³ Walzer argues, in brief, that there are no universal principles or definitions of justice.⁴ In a democracy, justice is worked out most appropriately when it grapples frankly with the inevitable messy claims and counter-claims, points of view, and pressures of a multifarious society. It is worked out at different levels of generality (for instance, our multi-layered, federated levels of government), and takes into account, at its best, the complex, "thick" interweaving of people, communities, institutions, ideals, laws, values, associations and circumstances in which real people live and act. I concluded this way:

For Walzer, as we look at the possibilities for justice in a given human situation, we must examine, then encourage, the "thick" tissue of human experience that helps us understand what justice can be in the "complex equality" which is a contemporary democracy. Since this thick tissue is often exposed, and rubbed raw in the drama of the last two-

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¹ Interview by Ulrich Koppen with Edward Bond, in *Modern and Postmodern Theatres*, 13 New Theatre Quart. 103 (May, 1997).

² Daniel Lerner, *Justice in Drama: Historical Ties and "Thick" Relationships*, 12 *Legal Stud. F.* 3 (1998).

³ *Id.* at 10-12, citing Michael Walzer, SPHERES OF JUSTICE: A DEFENSE OF PLURALISM AND EQUALITY (1983) and Michael Walzer, THICK AND THIN: MORAL ARGUMENT AT HOME AND ABROAD (1994).

⁴ *Id.*

and-a-half millennia, it should be no surprise that drama itself is a vital part of the tissue of experience that develops our ideas and expectations of justice.⁵

Is there something inherent, fundamental in the experience of drama that implies an experience of justice? This essay is a meditation on that question.

Writing about Suzan-Lori Parks' play *Venus* in an article called *The Art of the Difficult*, Tony Kushner sees the play as an important piece of work. It addresses "race, gender, science, love, slavery, colonialism, art, pleasure and death. It tells a tragic story discursively, digressively, elliptically, mockingly, shockingly, heart breakingly. It shows things you almost never get to see onstage and might wish you weren't seeing."⁶ The play is based on a true story about a black woman whose "horror and fascination" lay in her abnormally large posterior. She is persuaded to go to London to "make a mint," and is essentially sold into slavery. She is known as "The Venus Hottentot," and is exhibited nude in a cage. She is constantly seen through the eyes of others who cannot stop looking at her, and is even tried in a court for indecency. At the end of the first act, the court "rules not to rule" and congratulates itself that "in our great country even a female Hottentot can find a court to review her status."⁷ She is then taken to Paris by the Baron Docteur, who may be in love with her in some way and neglects his family for her, but displays her to his medical colleagues, both when she is living and, eventually, dead, through an autopsy he performs himself. Most of the report of the autopsy is read to the audience by the Baron Docteur himself, reciting from the stage, during the intermission. According to Kushner, the play expresses "global empathy, a mourning for all of suffering humanity, and, at the same time, an anger at oppression and oppressors, an indictment of wrongs yet to be righted. All the best of Parks's [sic] writing does this: acknowledging the tragic, the immutable, while not extinguishing the possibility of mutation, of change."⁸

The nature of plays like this, of what Kushner calls "difficult" drama, the kind that approaches rather than evades important issues, seems to be embedded, as he sees it, in the "fault line" between pathos and absurdity, the tragic and the comic, the serious and the ridiculous, the heartbreaking and the risible. Why is this? Drama is poised between the past and future, between what was and what might be, between

⁵ *Id.*

⁶ Tony Kushner, *The Art of the Difficult*, *Civilization* 62 (Aug/Sep 1997).

⁷ *Id.* at 78.

⁸ *Id.* at 64.

Suzanne Langer's "virtual history" (drama, she says, is in "the mode of destiny"),⁹ and plays like Suzan-Lori Parks's farce-tragedies, which always play with lives as staged, as presented and performed, and which, as Kushner so nicely illustrates, "play with plays." Parks rubs the play "to-be-read" and the play "to-be-watched-and-heard" up against each other, requiring our sense of humor and our imagination to make the play work both in our understanding of it and in its performance on the stage. "It's a small but salutary thing, to be challenged to stage the unstageable," says Kushner, referring, among other Parksonian scripting devices, to the presence of footnotes in the text. "Anytime we're asked to do the impossible, even a small impossible, and we do it, worlds of possibility open up."¹⁰

These worlds of possibility include, to begin with, the chance to see the complex and difficult, the dangerous and precarious circumstances of our lives through fresh eyes. We have a chance to probe the mystery and obscurity, to deal with the complexity and messiness that surrounds us. Kushner, for example, expresses his preference for *Shoah* rather than *Schindler's List* as an account of the holocaust. The latter is "too squeaky clean...too careful," to represent the "madness" of these events.¹¹ "Difficult Art," he says, "seeks to teach a posture to its audience, a stance...we learn by seeing the artist learn, and suffer the learning. The art is the evidence. We are meant to learn that we are born into a world in which what is easy, commonsensical and evident is very often a lie and that labor is required to make sense as much as it is to make shoes and houses and superhighways."¹²

So on the stage the dramatist and her colleagues try to present an example of understanding, a lesson in probity, in reaching for form and clarity. They present simultaneously the substance (what it is to be understood), the act of comprehending it (subsumed in the representation of it by the playwright, director, designers and actors), and act of spectating it (of being audience, of imitating what Kushner calls the "bravery" of the play and trying to understand it, especially, and most urgently, when it seems very difficult to do so). With Parks's work, all this is somehow modeled and embodied in the work, and the audience becomes witness, all at the same time, not only to playing, but also to spectating, commentating, and playmaking. Somehow, the stark feelings of the basic circumstances of the Venus, the huge injustice, the

⁹ Suzanne Langer, *FEELING AND FORM* 306-07 (1953).

¹⁰ Kushner, *supra* note 6, at 64.

¹¹ *Id.* at 65.

¹² *Id.*

rank mistreatment, the inevitable tragedy, all come through these playful, meta-theatrical layers of experience.

It is surely the case that much about Shakespeare's *King Lear*, as with much about *Waiting for Godot*, was at least as difficult for its early audiences. These plays break the conventional dramatic molds of their times, and in each play we see, feel and hear those molds crashing down on the heads of the characters, and then on us, as we try to understand. "An artist who breaks the vessels creates a lived connection, a connection viscerally felt by those in the audience who aren't too frightened by the sound the breaking makes, between that which represents and that which is being represented," says Kushner.¹³ Thus, in his view, the breaking of the vessel which contains our normal expectations of representation, if successful, contains the seeds of a new connection, which grow first in the gut, then make their way outward and upward. No wonder we feel the action so keenly through the objectified layers of Parks' form. It is the mold-breaking that creates the connection.

The American philosopher George Santayana, in *Soliloquies in England and Later Soliloquies*, paints a picture of reality which, as it turns out, is a startling portrait of how this fundamental connection between life and art comes about:

Masks are arrested expressions and admirable echoes of feeling, at once faithful, discreet, and superlative. Living things in contact with the air must acquire a cuticle, and it is not urged against cuticles that they are not hearts; yet some philosophers seem to be angry with images for not being things, and with words for not being feelings. Words and images are like shells, no less integral parts of nature than are the substances they cover, but better addressed to the eye and more open to observation. I would not say that substance exists for the sake of appearance, or faces for the sake of masks, or the passions for the sake of poetry and virtue. Nothing arises in nature for the sake of anything else; all these phases and products are involved equally in the round of existence.¹⁴

When we address that substance, we generally approach it with—or as—some sort of art. Lear wonders if man is no more than a "bare forked animal," and rips off his "lendings," apparently to imitate the view he thinks the gods have of mankind. The startling sight of a king stripping himself on stage is the kind of provocation we need to imagine

¹³ *Id.*

¹⁴ George Santayana, *SOLILOQUIES IN ENGLAND AND LATER SOLILOQUIES* 131-32 (1922).

the sting, the serpent's tooth, the hell of grief, that upsets Lear's universe, turns it topsy-turvy and challenges every assumption we ever made about the meaning and structure of society and familial connection. In Parks' *Venus*, the fact that Venus is staged, put on display, in a carnivalized atmosphere, her outsized posterior the object of an eroticized, exoticized, racialized contempt and fascination, and this display is interspersed, among other things, with the apparently literal reading of a report of an autopsy done on her by the Baron Docteur, creates a contemporary version of the same shock. In life Venus is taken for her exterior, objectified, dissected. In death, the dissection is only more minute, more exotic (for instance, the long growths that are found descending from her labia), more disconnected and dehumanized. The exaggeration is farcical, humorous, horrifying, and heartbreaking all at the same time.

The feeling of the intermission scene in which the autopsy report is read is for me much like the scene in the hovel of Lear conducting a trial with a joint-stool, while the storm rages outside on the heath. Here Lear is himself the pathologist, the anatomist: "Is there any cause in nature that makes these hard hearts?" But he is one of the causes of his daughters' actions, and while he is attempting to dissect Goneril and Regan, what he has in fact dissected is himself, and through himself, the rest of us. He has also dissected, or at least unclothed, the idea of justice that was widely held in Elizabethan times. In Shakespeare's world, the just is God-given, and the principles of justice descend from God's law and God's right reason given to humanity. In *King Lear*, Lear discovers that the roots of justice are simply absent. The gods are indifferent, or hostile, and there is nothing in nature which will guide us to the just. As the play later makes clear, behind the bars of the gaol to which Lear and Cordelia are confined, justice must be created by the breaking of old molds: at the edge of the cliff down which Gloucester falls (which exists only in imagination), and finally in the lists of the battlefield in which the chief villain, Edmund, is defeated in single combat and the nation's healing begins afresh. These old molds are the ones in which, as we see it now, injustice has arisen. And we must have unusual courage to break them, because the loss—the sacrifice made in the process—seems unbearably painful.

It is worth noting that, of course, there were mad scenes in a number of Elizabethan dramas before *King Lear*, and in general, the mad scene served as a way of highlighting truths the unfortunate madman or woman could not bear, or could not see, when sane. But here, the truth revealed shatters the accepted structure of the universe, and with it, the structure of the play and tragedy it represents. A new

connection is forged with the audience from these fragments, and a new idea of justice arises—the justice which is made by men and women and not by the gods—for the sake of the life it upholds, not for the sake of eternal principles or proper worship. Lear and Cordelia are the “sacrifices upon which the gods throw incense,” celebrating the new freedom, and the new labor, which the kingdom—represented by Albany and Edgar—now inherits. This is the labor to make justice anew, as only living human beings can make it.¹⁵

Meanwhile, what is lost, like the humanity of Venus, like the possibility of her life and love, is irretrievable. At the end of *King Lear* the dead march signals the depth of the abyss into which only Lear could see. At the end of *Venus*, Venus herself turns narrator and tells us the end of the story:

When Death met Love Death deathed Love
and left Love tuh rot
au naturel end for thuh Miss Hottentot.
Loves soul, which was tidy, hides in heaven, yes, thats it
Loves corpse stands on show in museum. Please
visit.

ALL

Diggidy-diggidy-diggidy
Diggidy-diggidy-diggidy-dawg!

THE NEGRO RESURRECTIONIST

A Scene of Love:

THE VENUS

*Kiss me Kiss me Kiss me Kiss*¹⁶

And with this invocation the play ends. We readers of the text are left to imagine which part of Venus we are being invited to *Kiss*, and what the love is in the putative “Scene of Love.” The performance of an erotic invitation? The performance of a mocking put-down? If so, is it the

¹⁵ This statement echoes Major Barbara, who, at the end to the play named after her, says, “Let God’s work be done for its own sake: the work he had to create us to do because it cannot be done except by living men and women.” George Bernard Shaw, *MAJOR BARBARA* (1905).

¹⁶ Suzan-Lori Parks, *VENUS* 101-02 (1997).

performance of mockery which invokes our understanding, and thus our ironic appreciation for the love that was missed, all of which Venus never had? Is it that love which "hides in heaven," for the kisses that were never shared? Or is this played straight, that is, as conventional romantic fantasy, with Venus kissing and being kissed by an imaginary partner, with Sigmund Romberg on the sound track?

The action of either play implies that we somehow know what justice is, what right is, and that we can have our vision of that justice jolted, torn down, reassembled or enlarged by being willing to see new images of the realities others face. As we enlarge our vision, we enlarge our capacity for complexity, our ability to see things in different contexts simultaneously. As we do that, we can respond to the humor of the contrast between those contexts, or the seriousness of the problems they represent. A dramatic tissue that presents contexts against and on top of each other, intertwined or radically disconnected, but somehow integral, presents this kind of complex tragi-comic tissue. And embedded in that tissue is the essence of justice, of the just judgement, the just reward, the just deserts.

The clue to understanding plays as difficult as *King Lear* and *Venus* is a Santayananian one. We must never hold it against a nut that it has a shell, a face that it has a mask, or a cuticle that it is not a heart. All things in nature have an outside, and a drama, in this context, is a thing of nature, a complex behavior we exhibit, the shell of an action. The objective, parodic, saucy, playful, narrative exterior of *Venus* covers a heart which is very tough, a story of inexorable destruction, all the worse for not being entirely deliberate.

We learned tragedy first from the three great Greek tragedians, and Aristotle taught us first how to recognize its form. But Aristotle saw that what counted was the action the spectacle expressed, and that even character—those mythic heroes whose identities seem so important—is there only to express that action. Now the tragic nut, I submit, has changed little, but the shell a lot. The tone may not be uniformly serious, nor the feeling uniformly ominous. The action may not ascend to a climax, undergo a *peripateia* or reversal, and descend to its aftermath. It may have several tones, and several styles, rather than one. It may be layered with "texts" and representations of performance performed, and performers performing. But it is still ironical in its core. The heroine is headed for downfall, unseeing, and what she does not know will hurt her. Then the vision she sees will sharpen the pain, when it becomes clear that the larger shape of things is what has warped her own experience. Indifference or malevolence goes beyond bad luck. Our post-lapsarian world is not shaped to please and pleasure

us, or to promote our growth as a hothouse does a rose. When we see, as Lear does, that there is no place for justice, then we must do what he does—break the mold and make it for ourselves, construct it anew, rebuild it from the ashes.

This strange metamorphosis of the outside of drama is evident not just in the changing of tragedy, but in the changing of comedy as well. Now it is commonplace for comedies to show us not just the humor of everyday foibles, but also the horror of them. In an age when love can kill, comedy may be made from lives led on the knife-edge. One way to keep one's balance is to laugh. In Bernard Shaw's *The Doctor's Dilemma*,¹⁷ the central character, an unmarried doctor, Colenso Ridgeon, has just been knighted for his discovery of a new cure for tuberculosis. Because of the demand, he has had to do triage to select patients for treatment. Just after his friends call to congratulate him on his knighthood, he is asked by Jennifer Dubedat, the beautiful wife of an artist, Louis Dubedat, to accept her husband as a patient. He wants to grant her wish, but has to tell her that he already has as many patients as he and his medical team can possibly treat. He has already had to reject forty other mortally ill patients. But he is, somewhat unawares at first, very taken with this striking and charming woman. Then he finds out from his colleagues that Dubedat is a maddeningly unconventional, morally defiant person. He will do anything to support his art. He borrows money from everyone to support both his art and his pleasure, and never pays it back. He lies routinely, including to his wife, is a cheater, a bounder and a cad. But when Mrs. Dubedat continues to plead her husband's case, the doctor changes his mind, because in his heart he wants this beautiful woman and cannot refuse her.

Though everyone, including Dr. Ridgeon, is further outraged by what is revealed about Dubedat's behavior, Ridgeon proceeds with the treatment. But since the doctor's touted treatment is in fact erroneous, it turns out that he has hastened the artist's death rather than prevented it. Dubedat dies grandly in a gloriously weepy and joyous death scene he stages for himself. Mrs. Dubedat discovers the doctor's ulterior motives, rejects him and goes on to a career selling her late husband's art, devoted to him even after death.

On the surface, this is a rather sad comedy about a stuffy doctor, who has achieved fame, but is not the scientific genius he thinks or that others think him. He is also not the person of impeccable judgement they take him to be. While playing the role of the disinterested physician, he commits what is, in effect, murder, then pathetically

¹⁷ George Bernard Shaw, *THE DOCTOR'S DILEMMA* (1906).

confesses his motives in trying to save his patient. Shaw calls this a tragedy. Certainly the hero has fallen. Certainly his wisdom is brought low. But it is the life of the artist the doctor has failed to see, failed to detect that vitality because it was not conventionally packaged.

No worthwhile man could borrow money, spend it on paint and canvas, and not return it. No worthwhile man could be unfaithful to such a beautiful and devoted woman. And no worthwhile man could be a liar. Yet Dubedat is nearly worshiped by his wife as he undergoes the final throes of his disease. She does not see through form, but by means of it. She sees the play he's performing, the art he's making, the energy and nobility of it, and the shocking evil of his death. Shaw invites us to join her. And in so doing, and in calling this pathos tragedy, cracks the mold of conventional perception. It *is* a tragedy, Shaw might contend, when society is so rigid and corrupt that it cannot understand what is most vital within it, and kills what it ought to love. But it is also a comedy, because what is exposed by the play's action are correctable foibles, ignorances, prejudices, and manners. The death scene is not just a regrettable death, but also the performance of that death, a mockery of conventional British solemnity, dignity, and hopelessly class-governed ceremonial propriety. It makes fun of convention—clouded by vision by incorporating into the scene a reporter, “a cheerful, affable young man who is disabled for ordinary business pursuits by a congenital erroneousness which renders him incapable of describing accurately anything he sees, or understanding or reporting accurately anything he hears. As the only employment in which these defects do not matter is journalism...he has perforce become a journalist...”¹⁸ We are invited to see anew what a more lifelike, yeasty, creative sensibility might feel like, one that brings life and death together into vision, and people together—as all comedy does—into a community. Shaw gives us the first comic hint of a community in which both art and science might light up the ground ahead of us.

In conclusion, the justice Walzer sees as complex and multi-contextual, as not monolithic or universal, is precisely that justice whose form we perpetually build, reformulate, and renew at trial in court, in the legislature, in the associations we form and the groups we join, build, and reform in our efforts to construct and sustain what Walzer and others have called a “civil society.” The action of a civil society is what on stage is known as comedy—that form of drama which displays how individuals grow and learn, and how societies integrate youth and age, the conventional and the rebellious, the ordinary and the

¹⁸ From Shaw's stage direction near the beginning of Act 4.

odd, into community. This reforming seldom looks as radical as Lear on the heath or Venus ending things with an invitation to kiss. It does not, very often, send its own structure crumbling down around us so we must create a new order around us in order to see at all. But let me suggest that the ironic, tragi-comic vision is an invitation to see it that way—that is, to see the deeply radical in the conventional, the revolutionary in the reformed. This is the tragi-comic energy of a renewed world.

Might we look afresh at the monumental problems and inequities of our system of justice, and its equally monumental striving for fairness and truth, and see them transformed in their collision? Could the fragments from this collision be calling to us to see through gaps, to find the connections that make the next breakthrough, that reforms for us a new vision of what justice could be in our time? If so, this is a dramatic process, one we inherit from that art of the stage, where only outsides make insides, only external forms and invented constructs make meaning, where life grows and thrives, and has meaning, only under artificial light. Living teaches us about justice. So do philosophic and religious traditions, and science. Beyond this, to the next moment, to the next realization of failure or disaster or opportunity or possibility, to the “virtual history” of everything we might want to find in the future, and even to the next great conception, so does drama.