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Kill All the Lawyers? Shakespeare's Legal Appeal, by Daniel J. Kornstein

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book comes to our attention, is to extensively analyze the much earlier intimation of Buddhist philosophy in western culture represented by Shakespeare, "every period of [whose] career rewards an approach that joins self-deconstruction to Buddhism" (22).

Each of the eight main chapters focuses primarily on one play, and Howe, well-versed in modern critical approaches — especially those influenced by Derrida, Foucault, and Greenblatt — shows how consistent these approaches are with what he calls Buddhist dimensions of Shakespeare. He focuses repeatedly on the lessons of theatricality. Bottom, for example, "seems to embody the Buddhist teaching of non-attachment" (31), and his play not only subverts royal power but usefully reminds all spectators, on stage and off, of the limited truth-value in any representation. This lesson is also reinforced by *Richard III* and, perhaps most provocatively, by *The Merchant of Venice*, where even Portia comes to embody the monstrousness of believing we have a firm hold on a truth that will set us free. Unless this truth is that there is no truth, we remain in the "vicious cycle of samsara" (93), the world of confusion.

For Howe, Shakespeare's major tragic characters are victims of desire. Some, like Antony and Brutus, never relinquish their desires or their mistaken beliefs in an integral, unified self, and therefore die agonizing and unenlightened deaths. Others, like Hamlet and Lear, move to a "Buddhist form of desirelessness" (178). But Shakespeare's ultimate concern is not so much the characters as the audience, who by witnessing a spectacle of constant undoing, subversion, and loss come to know that "desolation" is "the basis of 'freedom'" (144).

In Howe's analysis, Shakespeare typically leaves us "without a safety net" (143) by setting his plays on a course of

subversion and dissolution that, once started, cannot be stopped — a vision of Shakespeare as bold, radical, post-modern, and, according to Howe's definition, Buddhist. I also find it overstated. Hovering on the edges of philosophical Fluellenism, he is quick to collocate every appearance of negation either explicitly or implicitly with the wisdom of Trungpa, and in many instances such collocations are insubstantial rather than synergistic. Moreover, his frame for Shakespeare's drama and philosophy generally neglects other important rhythms in the plays, complex movements towards order and resolution and sympathetic attachment that may be bold and radical but are not post-modern or Buddhist. Despite Howe's insistent and provocative argument, the unsettling and Noble Truths in Shakespeare still only seem randomly and occasionally to overlap rather than mirror those of Derrida and the Buddha.

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Daniel J. Kornstein. *Kill All the Lawyers? Shakespeare's Legal Appeal*. Princeton: Princeton University Press, 1994. xvii + 274 pp. \$24.95.

Daniel J. Kornstein's title suggests the multiple purposes behind his study of legal motifs in Shakespeare's plays. By converting to a question Dick the butcher's exuberant contribution to Jack Cade's utopia in *2 Henry VI* — "First thing we do, let's kill all the lawyers" — he indicates his desire to reassess Shakespeare's alleged hostility to lawyers and rebut populist lawyer bashing. The pun on "appeal" emphasizes both the humanistic value of Shakespeare's texts and the need to rehear the case against including literary analysis in law studies. Kornstein engages Richard Posner's argument in *Law and Literature: A Misunderstood Relation* (Harvard

University Press, 1988) that the study of literature and the interpretation of statutes are very different activities that have little to contribute to one another. On the contrary, Kornstein argues, Shakespeare came from a particularly litigious family in a litigious age, and his plays contain an astonishing number of legal references and trial scenes. Not only do the plays provide good "cases" for aspiring lawyers to study (such as *Shylock v. Antonio*), they also inform the law as it is practiced today (*Measure for Measure* having much to say about dead-letter statutes, *King Lear* about inheritance law).

A practicing attorney, Kornstein writes primarily for the legal community: lawyers, educators, and law students. The book also speaks to Renaissance scholars and literature teachers because law figures so prominently in the drama of Shakespeare and his contemporaries. Rather than argue Elizabethan legal points, however, he relates the plays to issues in American law. For example, he compares agrarian protest in Jack Cade's rebellion to Shay's Rebellion, the eighteenth-century agrarian protest in western Massachusetts, and, more predictably but no less ironically, Othello to Clarence Thomas. These anachronisms limit the scholarly usefulness of *Kill All the Lawyers?*, but they create provocative analogies that insist on Shakespeare's currency and that should stimulate discussion in courses devoted to Shakespeare as well as literature and law.

The analyses and applications vary in perspicacity. *Hamlet* as a study in the evolution of law is a persuasive angle, although the portrait of Hamlet as a melancholic law student is not. Othello as a litigant in a slander suit against Iago seems reductive. The idea that Nick Bottom is a prototypical Jeffersonian idealist, a harbinger of egalitarian democracy, and that *A Midsummer Night's*

Dream is a persuasive example of an activist theory of legal interpretation, is both instructive and delightful. Not surprisingly, *Measure for Measure* and *The Merchant of Venice* are key texts, both for illustrating Shakespeare's complex treatment of law and justice, and for engaging students in legal debate. I think the chapter on *Merchant* is the best because it subjects Portia to vituperative cross examination, suggesting a number of ways she could have defended Antonio without punishing Shylock so cruelly. The discussion insightfully reopens the play's painful legal and ethnic issues.

In addition to the plays mentioned, Kornstein discusses *Julius Caesar*, *Henry IV*, *Richard III*, *Much Ado About Nothing*, *The Winter's Tale*, *Richard II*, and *King Lear*. The organization is by legal issue rather than by chronology. He speculates about how Shakespeare came to be so preoccupied with law but concludes that Shakespeare probably was not a scrivener during his so-called lost years. Kornstein eschews jargon and ideology (although his own liberalism is apparent), and so his book never gets abstract. Conversely, it doesn't engage theoretical-political issues in Shakespeare's treatment of power or in literature's place in law studies. Kornstein's style is always lucid and often witty. The bibliography is very useful, especially for references to Shakespeare in law journals.

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François Poulain de la Barre. *The Equality of the Sexes*. Trans., intro., annot., Desmond M. Clarke. Manchester and New York: Manchester University Press, 1990. ix + 149 pp.

In its declared object of readability, this new translation of Poulain's work, ad-