Fabula / Les Colloques
Droit et littérature : la fiction en pouvoir ?

Theatrical Virtue : Or, How to Teach Justice with Things

Kevin Curran

Pour citer cet article

Kevin Curran, « Theatrical Virtue : Or, How to Teach Justice with Things », *Fabula / Les colloques*, « Droit et littérature : la fiction en pouvoir ? », URL : https://www.fabula.org/colloques/document12428.php, article mis en ligne le 21 Mai 2024, consulté le 10 Juin 2025

Theatrical Virtue : Or, How to Teach Justice with Things

Kevin Curran

In the world of anglophone scholarship, most work that self-identifies as « literature and law » is a sub-species of historicism. That is to say, it is historicism on a legal theme. « Law », accordingly, is approached largely at the local level of its various social, political, and procedural instantiations – as specific laws, specific crimes, and specific processes that are reflected or encoded in the drama and literature. In my own work, I tend to be interested in something a little different, something we might call the conceptual or philosophical deep-structure of law. That is, the ideas, values, and habits of thought that underpin specific legal rules and practices and which intersect with foundational questions about human experience, such as : What counts as a person ? For whom am I responsible, and how far does that responsibility extend ? What do I owe as a member of a community, and what does that community owe me ? What is the difference between thinking something and doing it, and when does that difference matter ? These are questions that are as fundamental to law as they are to metaphysics, ethics, and political theory ; and literature and theater, too, have their own formally unique ways of participating in such conversations[1].

This short essay offers a concise case-study in this latter, more philosophical orientation, in which theater, law, and ethics share a common conceptual genome. My aim specifically is to show how theater draws on the human capacity for evidentiary thinking, and how this feature of theater contributes to the development of public conceptions of justice. My example throughout will be act 3.2 of William Shakespeare's *Julius Caesar* (1599) in which Mark Antony uses the bloody « mantle » (i.e. robe) of the murdered Caesar to fuel the indignation and finally the active revolt of a large crowd of citizens. The first section of the essay explores the connection between the dramaturgy of this scene and changes in the status of material evidence in sixteenth-century common law courts in England. The second section opens the discussion up to a broader consideration of how material objects are used to shape moral intelligence. Here I address not only theater, but also the theatrical dynamics of museums and social media. What I hope will become clear by the end of this essay is that theater has a special role to play in the formation of

[1] A more developed version of this essay has been published as CURRAN Kevin, « The Four Cardinal Virtues: Caesar's Mantle and Practical Wisdom », in Julia Reinhard Lupton and Donovan Sherman (dir.) *Shakespeare and Virtue: A Handbook*, Cambridge, Cambridge University Press, 2023, p. 113-24.

public virtue precisely because of the material conditions under which it asks its audiences to witness, think, and judge.

1.

Early on in act 3.2 of *Julius Caesar*, Brutus, one of the conspirators, makes a sharp distinction between private and public duty, explaining that it is « not that I loved Caesar less, but that I loved Rome more » (3.2.22). The plebeians are initially roused by this argument (« Live, Brutus, live, live », « Let him be Caesar » [3.2.48, 51]), but all that changes when Mark Antony arrives bearing the body of Caesar. I quote the passage in full :

> If you have tears, prepare to shed them now.
> You all do know this mantle. I remember
> The first time ever Caesar put it on.
> 'Twas on a summer's evening in his tent,
> That day he overcame the Nervii.
> Look, in this place ran Cassius' dagger through :
> See what a rent the envious Caska made :
> Through this, the well-beloved Brutus stabbed,
> And as he plucked his cursed steel away,
> Mark how the blood of Caesar followed it,
> As rushing out of doors to be resolved
> If Brutus so unkindly knocked or no ;
> For Brutus, as you know, was Caesar's angel.
> Judge, O you gods, how dearly Caesar loved him.
> This was the most unkindest cut of all :
> For when the noble Caesar saw him stab,
> Ingratitude, more strong than traitor's arms,
> Quite vanquished him : then burst his mighty heart ;
> And in his mantle muffling up his face,
> Even at the base of Pompey's statue,
> Which all the while ran blood, great Caesar fell.
> O what a fall was there, my countrymen !
> Then I, and you, and all of us fell down,
> Whilst bloody treason flourished over us.
> O, now you weep, and I perceive you feel
> The dint of pity : these are gracious drops.
> Kind souls, what weep you when you but behold
> Our Caesar's vesture wounded? Look you here,
> Here is himself, marred as you see with traitors. (3.2.167-195)

By the end of this speech, Mark Antony has swayed the public to a more critical assessment of the assassination and of Brutus's role therein. How does he achieve

this ? The answer has to do with the way he uses material objects to advance his argument : first Caesar's mantle, then his body.

These object lessons allow for a crucial link to be made between the particular and the universal, the thing itself and a much larger overarching idea. This is the special power of objects. Objects have the ability to stand in as a kind of artifactual shorthand for an issue, a question, or an occurrence, and as such form a high-stakes interface between self and world. Think of Desdemona's handkerchief in *Othello* that signifies histories of love and lust, faithfulness and betrayal. Or consider how within Christian devotional contexts the piece of fruit evokes variously the fall of Man, temptation and sin, the loss of innocence, and the problem of knowledge. Much more than simply *symbols*, objects of this sort are vectors of interpretation, material anchors for hermeneutic events. The handkerchief and the fruit are questions-made-flesh : is my wife unfaithful ? Is to *know* evil to sin ?

This special capacity of objects within the phenomenology of judgment and knowledge becomes especially vivid in formal institutional contexts, such as courtroom proceedings, where the evaluation of material evidence is required to establish a verdict. But in all such cases, whether fictional or real, institutional or informal, we see the same basic phenomenology at play : assessment is necessarily preceded by a sensory encounter with an object. A dagger with blood on it, a gun with fingerprints, a glove that will not fit, a strange mole on the body, a cloak full of holes : first there is the object, then sense perception, and finally the emotional effect that forms the foundation of an evaluative response. Accordingly, Mark Antony's object lesson explicitly requires visual engagement. He starts by drawing collective attention to the thing itself : « You all do know this mantle » (3.2.168). In doing so, he creates the conditions for a communal and object-oriented knowledge-event, mapped out linguistically through three keywords, « all . . . know . . . mantle », punctuated by the invocation to all present to « *Look* ». For the crowd assembled around Mark Antony, as for the audience watching this scene at the newly opened Globe Theatre in London, the invitation to « Look you here » and assess the mantle would have triggered a moment of common evidentiary thinking.

This episode models in theatrical terms a way of engaging critically, skeptically, and systematically with information that was becoming more prevalent in Renaissance England as a result of developments in a range of social and intellectual contexts, including law (Zagorin, 1990 ; Shapiro, 2000). Over the course of the sixteenth century in England, a variety of procedures involving the evaluation of material evidence were being put into place in courtrooms in a number of jurisdictions. In small rural courts where disputes would arise over the theft of animals, for example, we start finding records of the actual animals being brought into the courtroom so the markings of their rightful owners could be displayed to judge and

jury (Chapman, 1990, p. 167-70). In high-profile international trials, such as *Venetian Ambassador v. Brooke* (1607), goods purchased abroad by merchant companies were examined in court for evidence of having been illegally trafficked by pirates (Warren, 2015, p. 74). What Mark Antony's speech has in common with these kinds of developments in legal culture is a core investment in the link between *the real* and *the right* – the simple, but nevertheless radical, idea that there is an objective world of things that present themselves to human judgment as reliable guides to decision-making.

It is, of course, unlikely that either Shakespeare or his early audiences made a specific connection between act 3.2 of *Julius Caesar* and actual trial procedure. But we do not have to believe this is the case to see how the scene indexes, both conceptually and theatrically, the phenomenon of evidentiary thinking that was one of the most important psychic effects of legal culture in the sixteenth and seventeenth centuries. As rhetorically sophisticated as Mark Antony's speech is, it is clearly crafted by someone who viewed material *things* as bearing a power of verification that exceeds pure oratory. The moral impact of the scene depends, moreover, on an audience that by and large shares these views.

2.

Orators like Mark Antony understand how effective objects are at establishing the pre-conditions for moral action. Of course, political pundits of all stripes – and now marketing firms, too – understand this as well. The line between community-oriented motivation and self-interested manipulation can be a blurry one. Indeed, Mark Antony's speech itself could fall on either side of this line depending on your reading of the character and this particular passage of the play (Fuzier, 1974 ; Palmer, 1945, p. 23-27 ; Crane, 1951, p. 144-45 ; Mahood, 1969, p. 180 ; Nevo, 1972, p. 119-120).

Nevertheless, in a purely formal sense, Mark Antony's object lesson offers a valuable account of the material grounds of moral intelligence and the way particular things open up to general ideas through an affective process of communal judgment. While object lessons like Mark Antony's continue to be used cynically and coercively, they also remain a powerful source of public virtue. One thinks of the famous pile of shoes at the United States Holocaust Memorial Museum that have triggered moral outrage in generations of visitors. The efficacy of the object lesson as a pedagogical tool lies in its seemingly infallible status as moral evidence and the way in which it holds the particular and the universal in an especially close configuration.

Over the last ten years, social media has provided a platform particularly conducive to object-lesson proliferation, even if such object lessons are of course digitally mediated : the sad child who evokes the ethical catastrophe of detained migrants on the US-Mexico border ; the terrified pig who conveys the abject cruelty of the meat industry. Nilüfer Demir's 2015 photograph of Alan Kurdi, the three-year-old Syrian refugee whose small body washed up on the shores of Bodum, Turkey in the wake of a failed sea crossing to Europe not only appeared on the front pages of hundreds of newspapers worldwide, it also translated directly, and almost immediately, into actual policy-making. Within days, Germany committed to admitting thousands of refugees who had up until then been stranded in Hungary, a humanitarian corridor was established in central and eastern Europe stretching from northern Greece to southern Bavaria, and Canada agreed to resettle 25,000 Syrians (Pedwell, 2017 ; Yankelovitch, 1991 ; Gries, 2015).

One of the special characteristics of the object lesson is that it collapses the age-old distinction between *episteme* (knowledge) and *doxa* (opinion), the former associated with reason and the mind, the latter associated with sensation and the body. As a technology of virtue, object lessons are visceral and emotional, but also have the empirical force of evidence. The shoes at the Holocaust Museum prompt tears and indignation, but they are also actual shoes worn by actual people who were murdered. Like the bloody mantle of Caesar, they are both fact and feeling, a truth that we know in our body. Mark Antony's object lesson stages a direct confrontation with the reality of material life and elicits an equally material response in the form of bodily experience (weeping, disgust, anger). As theorists of affect will tell us, such bodily experience is valuable precisely for the way it always promises to engender forms of knowing not otherwise available through individual rational thought. This is what Brian Massumi calls « a sock to thought », a sensory jolt which, as Jill Bennett writes, « does not so much *reveal* truth as thrust us involuntarily into a mode of critical inquiry » (Massumi, 2002 ; Bennett, 2005, p. 11).

What neither Massumi nor Bennett discuss, but which act 3.2 of *Julius Caesar* puts on display, is the way *things* – objects and artifacts of all sorts – play a crucial role in guiding the *sensory* experience of the « sock to thought » into the *rational* domain of « critical inquiry ». Theater by its very nature is designed to issue these socks to thought, to thrust spectators into situations of emotionally grounded, but rationally informed, critical inquiry oriented towards moral action and justice.

3.

Mark Antony's mantle speech in *Julius Caesar* looks forward to the latter-day object lessons of the museum, photojournalism, and social media while also being firmly rooted in an Aristotelian tradition of rhetoric and virtue. What ties them all together is the particular way in which evidence is used to invoke collective emotion and translate it into the sort of judgment that should lead to knowledge and virtuous action. Combining components of forensic rhetoric that would be recognizable to Aristotle and an affective approach to visual rhetoric that would be recognizable to today's bearers of witness, Mark Antony creates a theater of virtue in which a fragmented public is united around a shared act of spectatorship, a shared confrontation with visceral experience, and a shared emotional response to violence. In this way, this scene serves as a powerful reminder of theater's unique capacity to foster the aptitudes of public virtue. And for this reason alone, I would suggest, any serious vision for a more just and equitable future must involve vigorous support of theatrical institutions, events, and experiments.

BIBLIOGRAPHIE

Bennet Jill, *Empathic Vision : Affect, Trauma, and Contemporary Art*, Stanford, Stanford University Press, 2005.

Chapman Murray Lloyd, « A Sixteenth-Century Trial for Felony in the Court of Great Sessions for Montgomeryshire », Montgomeryshire Collections, n° 78, 1990, p. 167-70.

Crane Milton, *Shakespeare's Prose*, Chicago, University of Chicago Press, 1951.

Curran Kevin, « The Four Cardinal Virtues : Caesar's Mantle and Practical Wisdom », dans Julia Reinhard Lupton and Donovan Sherman (dir.), *Shakespeare and Virtue : A Handbook*, Cambridge, Cambridge University Press, 2023, p. 113-24.

Fuzier Jean, « Rhetoric versus Rhetoric : A Study of Shakespeare's *Julius Caesar*, Act III, Scene 2 », *Cahiers Elisabéthains*, n° 5, 1974, p. 25-65.

Gries Laura, *Still Life with Rhetoric : A New Materialist Approach for Visual Rhetorics*, Boulder, University Press of Colorado, 2015.

Mahood Molly Maureen., *Shakespeare's Wordplay*, London, Methuen, 1969.

Massumi Brian (dir.), *A Sock to Thought : Expression after Deleuze and Guattari*, London, Routledge, 2002.

Nevo Ruth, *Tragic Form in Shakespeare*, Princeton, Princeton University Press, 1972.

Palmer John, *Political Characters of Shakespeare*, London, Macmillan and Company, 1945.

Pedwell Carolyn, « Mediated Habits : Images, Networked Affect and Social Change », *Subjectivity*, n° 10, 2017, p. 147-69.

Shakespeare William, *Julius Caesar* (1599), éd. David Daniell, London, Bloomsbury, 1998.

Shapiro Barbara, *A Culture of Fact : England, 1550-1720*, Ithaca, Cornell University Press, 2000.

Warren Christopher, *Literature and the Law of Nations, 1580-1680*, Oxford, Oxford University Press, 2015.

Yankelovitch Daniel, *Coming to Public Judgment : Making Democracy Work in a Complex World*, Syracuse, Syracuse University Press, 1991.

Zagorin Perez, *Ways of Lying : Dissimulation, Persecution, and Conformity in Early Modern Europe*, Cambridge, Harvard University Press, 1990.

PLAN

AUTEUR

Kevin Curran
Voir ses autres contributions
Professeur ordinaire (Département de littérature anglaise), Université de Lausanne,
kevin.curran@unil.ch