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Richard A. Posner, "Against Ethical Criticism: Part Two," 22 *Philosophy and Literature* 416 (1998).

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RICHARD A. POSNER

AGAINST ETHICAL CRITICISM: PART TWO

"There are kinds of beauty before which the moral imagination
ought to withdraw."¹

"The humanities do not humanize."²

"Society tends to exert a pressure, such that every poet is either
accepted or rejected, according to his fitness to the set of social
values of the time. . . . The artist, being always alone, being
heterodox when everyone else is orthodox, and orthodox when
everyone else is heterodox, is the perpetual upsetter of
conventional values."³

I AM PLEASED TO have this opportunity to continue the debate between the aestheticists, who include among many others Benedetto Croce, George Steiner, Helen Vendler, and Oscar Wilde, and the moralists, who include among many others Wayne Booth, Martha Nussbaum, Plato, and Tolstoy. The aestheticists, among whom I count myself, believe that the moral content of a work of art, including a work of literature, has little to do either with the value of the work, including such value as might be derived from the effect of the work on its readers or on society (or civilization, or humanity) as a whole, or with the pleasure to be derived from the work. Our slogan is Wilde's dictum, in the preface to *The Picture of Dorian Gray*, that "there is no such thing as a moral or an immoral book. Books are well written, or badly written. That is all." Having argued the aesthetic position recently and at some length,⁴ I will concentrate here on the specific points raised by Booth and Nussbaum⁵ and assume that the reader is familiar with the earlier discussion. In response to Booth's challenge, I conclude with an aesthetic reading of *The Merchant of Venice*.

PHILOSOPHY AND LITERATURE, © 1998, 22: 394-412

I

Booth's essential claim is that ethical criticism of literature is inescapable, and Nussbaum concedes that it is not. It might seem, therefore, that I would have deeper differences with Booth than with Nussbaum. But the reverse is true. Booth defines "ethical" so broadly that it largely overlaps what I consider "aesthetic."⁶ Nussbaum, with whom I begin (following the order of our tricornered debate at the American Philosophical Association), defends a form of ethical criticism that I find unappetizing.

Let me first comment on her argument that the secret spring of my dislike of moralistic literary criticism is that I am not an egalitarian and that thus lacking compassion for the poor I am not moved by works of literature that stir such compassion in readers such as herself. The premise—that no one who opposes egalitarian policies could be compassionate—is false, since those policies may actually harm the poor. More to the point, the argument assumes that a reader's reaction to a work of literature is inevitably colored by his or her politics; if I don't like the moral or political gloss that Nussbaum places on the works she discusses, it must be because I don't agree with the morality or politics that her gloss brings out. But to reason thus begs the question of the relation between literature and politics (or morality, which is not easily distinguishable from politics when the issue is egalitarianism) by taking for granted that aesthetic responses are always *au fond* political. And that is false, at least if my own experience is an admissible datum. I am not in sympathy with the politics of the authors of most of the works of literature that I love and admire, whether those politics are egalitarian, as in the case of Blake, Shelley, the early Wordsworth, Dickens, Joyce, and Orwell, or reactionary, as in the case of Dostoevsky, Faulkner, Yeats, Waugh, and Eliot. And I have no truck with the irresponsible moral views that one finds in such works, which I also admire, as *The Stranger*, *Lascaudio's Adventures*, and *Lolita*.

Nussbaum implies that my dislike of moralizing criticism may derive from an insensitivity to the aesthetic properties of the novel, as opposed to those of lyrical poetry, which engenders in the reader a pleasure that "is closest to the pleasure that we get from the visual arts, especially abstract art, and from music, especially instrumental music" (*LL*, p. 331; "AE," p. 22). Let me make clear, therefore, that I have never argued, and do not believe, that this is the only pleasure that literature yields, or even the only *aesthetic* pleasure—merely that it is the pleasure

most remote from the moral realm. The bulk of my discussion in *Law and Literature* is of the novel and drama,⁷ which tend more than lyric poetry to generate the “vicarious living” and “echo chamber” satisfactions of literature that I discuss (*LL*, pp. 326–31; “AE,” pp. 19–24). I yield to no one in my admiration of Austen, Stendhal, Flaubert, Turgenev, Dostoevsky, Conrad, Joyce, Proust, Lawrence, Woolf, Wharton, Bulgakov, Hemingway (at his rare best), Faulkner, Fitzgerald (at *his* rare best), and, yes, Dickens, and *especially* Henry James. I do not agree that “Dickens is an author who demands to be read ethically, and ethically in a very specific sense, with attention to the misery caused human beings by social institutions.” An author can’t “demand” anything of his readers, least of all that they value his works for its political content whether or not important to him. And James’s great novel *The Tragic Muse* celebrates the moral irresponsibility of the artist.

Nussbaum contends that a particular philosophical position, which she associates with Aristotle, “requires literary works of a very specific type, primarily exemplified by the late novels of James, for its complete investigation.” The philosophical position that she describes involves moral pluralism in the mode of Isaiah Berlin, moral particularism, an emphasis on the cognitive (especially the evaluative) role of the emotions, and an emphasis on human vulnerability in contrast to the Stoics’ emphasis on self-sufficiency; she sees this mixture as conducing to an egalitarian outlook. I don’t know what it means to say that a complete investigation of this philosophical position requires an examination of the late novels of Henry James. I had thought that what she meant in discussing James—because it was what she had said—was that James was to be our moral guide: “in the war against moral obtuseness, the artist is our fellow fighter, frequently our guide.”⁸ The particular guidance that she found in *The Golden Bowl* was (or so it seemed to me) that the dishonored wife should get rid of her husband’s lover without rage, without indignation, and without ruffling the smooth surface of sociability on which the four persons involved in the adulterous liaison either as participants or as victims floated. She should “grow up,” and accept her husband’s adultery (“To be a woman, to give herself to her husband, Maggie will have to see herself as something cracked, imperfect . . .” [*LK*, pp. 133–34]). If this is how Aristotle’s approach resolves moral issues, I own to finding it uncongenial; and I also think it diminishes James’s novel to turn it into a guide to negotiating a difficult marriage.

Nussbaum does better in discussing *The Ambassadors* (*LK*, chap. 6),

casting Mrs. Newsome as Kant and Lambert Strether as Aristotle. Although I would prefer to say that Mrs. Newsome is a Calvinist, and Strether a Calvinist shaken in his Calvinism by his encounter with French worldliness and sensuality, I accept Nussbaum's point that literary characters can sometimes be recast as spokesmen for rival philosophical traditions, even in a less overtly "philosophical" novel than, say, *The Magic Mountain*. I can even imagine the utility of trying to liven up Aristotle with a dose of James. But I don't see how bringing Aristotle into James will help us understand James. She thinks that reading James with the aid of Aristotle can help us decide how to live. I would say rather that forgetting about Aristotle and reading James can help those few of us who can read James to enjoy life a bit more.

She has not discussed the other very late novel of James, *The Wings of the Dove*. I don't think it would advance her edifying project to do so. Kate Croy, the central character, is a monster, but a monster for whom the novel engenders in the reader (in this reader anyway) a deep sympathy because of her strength, purposefulness, beauty, charm, intelligence, and ambition; she stands for life, in contrast not only to Millie Theale but also to Merton Densher. It is also and critically the case that Kate lacks money, as does Charlotte in *The Golden Bowl*, a Kate-like character whom I find more sympathetic than Nussbaum does. Yet it would be very odd to describe Henry James as an egalitarian and even odder to describe Aristotle so. Only by critical violence can Nussbaum's interest in James be yoked to her political sympathies or to the moral values with which those sympathies are correlated.

But this may take too narrow a view of morality. If the "moral" issue is taken to be, in a manner more Greek than modern, not "How can we be good?" but "How should we live?" (*LK*, p. 173), then there may be a sense in which literature can provide "moral" guidance: the bookish may identify with characters in literature, or with the values of the implied author, and the identification may produce a change in the reader's outlook or behavior. But it is important to divorce this mode of literary influence (the "vicarious living" aspect of literature) from any concept of moral betterment. Nothing in the nature either of literature in general or of any of its genres in particular, including the realistic novel, tends to produce models of modern moral behavior. The classic works of literature were produced in a variety of moral climates by people who for the most part were neither moralists nor philosophers. Not surprisingly in view of this provenance, the moral values reflected in these works cover a huge range with no tendency to converge on our

values. Kate Croy is one of countless charming immoralists who populate the literary canon. Insofar as the moral values reflected in works of literature influence the moral beliefs of some readers, there is no tendency to reinforce any *particular* school of morality, and thus, for example, to make these readers more egalitarian. You must pick and choose to find the edifying works.

Since Nussbaum's efforts to use the late novels of Henry James to illustrate and vivify Aristotle are to one side of any egalitarian project that I can understand, she cannot plausibly attribute my disapproval of those efforts to a lack of sympathy for egalitarianism. Her suspicions of my motives may seem more firmly grounded with respect to what she describes as "a very different task" (very different, that is, from the Aristotle-James project)—that of "commending *certain* works of literature to citizens and public officials, as a valuable source of deliberative enrichment."⁹ These are works that promote sympathy for "the poor and excluded." The difference between the ethical value of these works and that of the late novels of Henry James is the difference between sympathy (or compassion) and empathy.¹⁰ James's novels, like great literature generally, stimulate in their small readership empathy in its sense of capacity and inclination to enter imaginatively into other ways of life, good or bad. The novels eligible for Nussbaum's different task are those designed or at least usable to engender specific political values, namely her values. Literature that has a "bad influence"—she mentions Nietzsche and Wagner in this connection, but if these are examples the list is endless—is excluded. She is explicit that "literature needs ethical assessment, and . . . not all works will prove valuable in my imaginary curriculum for citizenship." What is thus envisaged is an ideological screening of literature. Localized patches of obtuseness can be forgiven, but if a work viewed as a whole flunks the ethical test—the test of conformity to Nussbaum's liberal political and social views—then it can be read only "for historical interest or for rhetorical and grammatical interest."

I find this a repugnant view of literature,¹¹ and one that I cannot imagine a true lover of literature holding, just as I cannot imagine a true lover of literature cherishing *Native Son* or *Maurice*, which are for Nussbaum exemplary works of literature because of their compassionate regard for blacks and homosexuals respectively.¹² She wishes to enlist literature, with little regard for aesthetic quality, in the service of therapeutic and political goals. In doing so, she is rejecting the most plausible version of value pluralism. This is the version that asserts the

incommensurability of the arts with the world of markets, rational calculation, means-end reasoning, and the other subjects and methods of practical, everyday social interaction—including education in citizenship.

The version of value pluralism that I wish to commend has been strongly asserted of late by George Steiner. Although Steiner's overwhelming erudition, which is not worn lightly, and the solemnity and portentousness of his prose, rather grate on the Anglo-American sensibility, no one will deny him the title of lover of literature and the arts. He is also a social democrat. So when, having asked himself whether public encouragement of high culture (and there is none higher than Henry James) is consistent with "the ideals and institutions of democracy" or can be justified "on any pragmatic-democratic basis" or on the basis of "social justice," Steiner answers no (p. 131), we are properly startled. He is right, though. Very few people nowadays, in this country at any rate, are interested in works of high culture, and there is no evidence that force-feeding the populace, even the educated populace, on such works would yield any social, political, or moral dividends. But these points, Steiner rightly argues, are impertinent in the literal sense—that is, not pertinent to his love of works of high culture—because, for him, these works are "the excuse for life" (p. 133). This is a little grand; but it captures the essential attitude of the lover of literature toward literature, which is one of love rather than of use.

Or of friendship. Nussbaum follows Booth in employing the metaphor of friendship to describe the relation between the reader of a work of literature, on the one hand, and, on the other, the characters in the work and its implied author (for neither Booth nor Nussbaum believes that the moral beliefs or behavior of the actual author are relevant to the evaluation of the work). In Nussbaum's version more than in Booth's, it is a cold and calculating friendship. "Just as we may criticize our friends while still remaining friends, so too we may criticize James for having prejudices that were a little retrograde in his time, without utterly condemning him . . . But the question will always be, what are we offered that makes us want to maintain the friendship despite what we criticize?" Nussbaum's implicit answer is—political support.

I have said that I find Nussbaum's effort to use literature to promote a political agenda a repugnant one. I also find it patronizing when it leads to slapping Henry James's wrist for being prejudiced—and also quixotic. It's not possible to change the values or behavior of any

significant number of Americans by making them (presumably as students) read literary works of edifying content. Literature has too weak a grip on the American mind; students sense when they are being propagandized;¹³ the specific values of cosmopolitan egalitarianism that Nussbaum propagates are too rigorist to be effectively inculcated; and the record of high culture in improving morality is, as Steiner notes, very poor. Nussbaum offers no evidence to the contrary of any of these points. She does not cite a single case of a nation, a group, a community, or even a single person edified by the novels of Dickens or James or of Wright or Forster, or any other works of literature. She misunderstands my point about the role of culture in Nazism. The Nazi leaders were not great readers, and so, as she notes, could not have been saved by Dickens even if they had known English and even if reading Dickens is as edifying as she believes. My point was rather that the high culture of the *Gymnasium*-educated upper and upper-middle class, including the judiciary and the professoriat, did not inoculate the members of that class against participating in the Nazi system.

I grant that I am making empirical claims about the effects of culture and offering only impressionistic and anecdotal evidence to support them. This is an area well worth further investigation. But certainly there is no basis for taking for granted that instruction in literature is or can be made edifying.

Nussbaum denies, as I have noted, that egalitarian uplift is the only thing that she is looking for in literature. But it is the main thing, reflecting the primacy of her philosophical and political interests. For she is “coming at” literature from the direction of moral and political philosophy, and so it is natural that she should derive “joy” from the egalitarian sentiments in Dickens’s novels, in particular *Hard Times*, which most readers of Dickens don’t consider among his best.¹⁴ She says in her current paper that “the works I write about are reasonably read with attention to ethical properties as among their salient properties.” Throughout *Poetic Justice* too she equated the “literary imagination” and the possession of a social conscience. While she said there that her focus was “realist Anglo-American novel[s] . . . with social and political themes” (*PJ*, p. 10), on the same page she claimed without qualification that the novel—the genre, not the subgenre of Anglo-American realist novels—“constructs empathy and compassion in ways highly relevant to citizenship,” a remark that does not do justice to the moral diversity of the genre. Earlier she had made her writ run to lyric

poetry (though the only poet mentioned was Walt Whitman) and to Greek and English Renaissance tragedy (*PJ*, pp. 6–7). Reading her present paper alongside *Poetic Justice* might lead the uncharitable reader to believe that despite her protestations the only literature she really values is that which “constructs empathy and compassion in ways highly relevant to citizenship,” and that as far as she is concerned the rest of the canon can be read only “for historical interest or for rhetorical and grammatical interest.”

She asked in an earlier draft of her current paper why I had not discussed her extended analysis of *The Princess Casamassima*,¹⁵ James’s most socially engaged novel (and, she might have added, his most Dickensian); I wish now to repair this omission, because her discussion of that novel is a good example of what I don’t like about ethical criticism. Conceived in political terms, *The Princess Casamassima* is one of a series of distinguished literary warnings against revolutionary terrorism;¹⁶ so viewed, it is perhaps closest to Conrad’s *The Secret Agent*. Yet the political are not the best terms in which to understand and enjoy James’s novel (or Conrad’s—but that’s a story for another day), for reasons explained in Derek Brewer’s brilliant introduction to the Penguin Classic edition.¹⁷ Nussbaum tries to make James’s novel a work of advocacy for her own political position, which is that of the Labour Party before Thatcher and involves socialist economic and social policies, political liberty, and the preservation and encouragement of art and other cultural activities.¹⁸ She believes that these three sets of policies are mutually supporting. For example, the alleviation of poverty is necessary to enable people to enjoy art, yet the cultivation of artistic sensibility is equally important to foster a temperament that will resist political fanaticism. The last point is a central plank in the platform of the ethical critic yet is actually refuted (so far as novels may ever be said to “refute”) by *The Princess Casamassima*, in the person of Millicent Henning, who is at once Philistine and impervious to radical politics.

Whatever the merits of the program of “Old Labour” (now abandoned by the Labour Party), they are not commended in James’s novel. Nussbaum gets off on the wrong foot by quoting a passage to show that James rejects any notion of hereditary aristocracy “by insisting repeatedly that it is material conditions, conditions that can be changed, that make the difference in thought” (*LK*, p. 201). In fact the quoted passage (“centuries of poverty, of ill-paid toil, of bad, insufficient food

and wretched homes, had not a favourable effect upon the higher faculties . . . In his own low walk of life people had really not the faculty of thought; their minds had been simplified," *PC*, pp. 217–18) is a Social Darwinian commonplace about the inheritance of acquired characteristics—and Hyacinth Robinson himself, the shining exception, is the son of a nobleman.¹⁹ The implication is that alleviating poverty would have only very gradual effects on character and taste, which I do not think is Nussbaum's view. She thinks that Hyacinth owes his remarkable sensitivity and culture to his stable, loving upbringing; but the most unrealistic feature of the novel, because intelligible only in terms of the inheritance of acquired characteristics (the French mother and noble father), is that although Hyacinth is apprenticed as an artisan at the age of fifteen, after having had virtually no education (pp. 118–19), he is immensely cultivated, well read, fluent and perfectly grammatical of speech, and flawlessly gentlemanly.

There is a good deal said in the novel about wealth and poverty, but none of the characters is actually poor and the real drama and interest lie far from social questions. I think Brewer is right in regarding Hyacinth Robinson, who is short, delicate, hypersensitive, ineffectual, and asexual, and Paul Muniment, who is robust, callous, a ruthless man of action who gets the girl Hyacinth has been pining for (the Princess), as constituting together a "twinned hero" (p. 19). Hyacinth's suicide marks the artist's incapacity for full participation in the world—and marks *The Princess Casamassima* as belonging to the same genre as Mann's *Tonio Kröger* and Kafka's *The Hunger Artist*. It is secondarily a novel of betrayal, and Millicent is one of the betrayers (in fact, the ultimate betrayer), as Nussbaum, who describes Millicent as "generous and compassionate and loving . . . her genuine kindness of heart sustain[s] him in a very essential way" (*LK*, p. 216), neglects to mention. We are far from the platform of Harold Wilson's Labour Party.²⁰

Nussbaum is of course entitled to take an interest in literature whose "subject matter is not aesthetic, but ethical or political (as is the case with many realist novels)." But *The Princess Casamassima* is not such a novel. Nussbaum has mistaken background, the *mise en scène*, for subject. In reference to this novel, perhaps to literature in general, Nussbaum, like the Princess Casamassima herself, "had, evidently, a faculty of completely ignoring things of which she wished to take no account" (*PC*, p. 194).

II

Booth has a more capacious conception of literary value than Nussbaum. Nussbaum evinces little interest in the purely aesthetic dimensions of literature, inviting the criticism that “despite her repeated affirmation that the autonomy of literary art must be recognized and respected by the interested moral philosopher, say, or legal theorist, Nussbaum fails to persuade here, as in her previous work, that her concern with literature is a concern with something more than drawing a moral lesson from it.”²¹ Booth, in contrast, wishes to balance the purely aesthetic, or formal, values of literature against the ethical, albeit conceived in the very broadest “How should we live?” sense. Booth argues that as between two works of literature, both equally beautiful in language and structure but one implicitly commending virtue in either the moral or the broader ethical sense (*ethos, vertu*) or criticizing vice, and the other reversing these valences, the one that is ethically superior should be considered the finer work of literature. So we might prefer Euripides to Sophocles, Shakespeare to Dante, Malraux to Hemingway, Steinbeck to Fitzgerald, Tennyson to Laforgue, Auden to Pound, Naipaul to Nabokov. My own view is that there is no more point to comparing writers along the ethical dimension of their writings than on the basis of their personal character. All we do when we do so is look for mirrors of our own values.

This is not to deny the articulable “human interest” component in literature. Some works of literature exhibit, as I have noted, parallels to instrumental music and nonrepresentational art; but the aesthetic value of these works is not exhausted in these parallels. Even the simplest lyric poem builds a conceptual structure that invites a kind of articulate reflection that is not possible with regard to wordless music or abstract art. Novels and plays present human characters whose motivations, values, personality, decisions, and intelligence constitute a focus of interest for the reader or viewer. It is natural to think that we might have the same judgmental stance toward them as we do to the real people with whom we interact. Just the fact that works of literature often contain both “villains” and “heroes” shows that we are invited to make value judgments about character in literature. The vicarious life to which literature beckons has, like real life, a moral dimension. And so we can, if we wish, use stories to pose—but not to resolve—moral dilemmas.

A critical difference between fictional characters and real people is

that the evaluation of a fictional character is made within a framework created by the work of literature, and the framework is an artificial world rather than our real social world. Who is a hero, who a villain, is relative to the values that furnish the character's fictional world rather than to our values. This defeats any project of comparing the characters (or their implied authors) in different works of literature along an ethical dimension. We cannot, without seeming ridiculous, say that Pip is a better man than Achilles, or Leopold Bloom than Odysseus, because to make such comparisons requires ripping the characters out of their context and so destroying the aesthetic structure of which they are components. We can say that Shylock is a more interesting character because more realistic than his counterpart, the diabolical Barabas, in Marlowe's "Jewish" play. But to say that *The Merchant of Venice* is better than *The Jew of Malta* not because its Jew is more interesting and lifelike (and so perhaps to the audience *more* sinister), but because he is a little closer to the modern conception of the Jew than Barabas, is to confuse the aesthetic with the political and moral realms.

Booth might say that to express a preference for the more realistic portrayal of character is to express an ethical preference. But this would not be correct either. If one portraitist can "bring out" the character of his subject more than another, we may think him a better portraitist without thinking that his portrait has any greater ethical dimension than an X-ray or that we shall be edified by attending closely to his portrait.

Booth thinks that certain statements that he has culled from my writings—for example, that "we are . . . made to understand [by Homer] that revenge ought to have some limits—that Achilles goes too far in mutilating Hector and that the return of Hector's body to Priam is necessary to prevent the Greeks from crossing the line that separates lawful revenge from barbarism"²²—show that ethical criticism is inescapable. I do not agree. The *Iliad*, like *Hamlet* and many other works of literature, cocks a critical eye at revenge, and this enables one—it enabled me—to press these works into service as jurisprudential texts, as others have used them as historical or anthropological documents. It does not follow that the value of these works as literature depends to even an infinitesimal degree on whether we agree with the position they take on revenge, or that these works, culturally remote from us as they are and barren of systematic argument or evidence, should alter our views (if we have views) about the proper role of revenge in the criminal justice system, global politics, or everyday life. These works

illustrate jurisprudential possibilities, but they do not supply the arguments or evidence that we would need to be able to choose intelligently among those possibilities, just as *Hard Times* does not make the case against capitalism or Benthamism.²³

As is beginning to become clear, Booth sees the ethical everywhere in literature. But this is not (or not only) because he is preoccupied with the moral or political dimensions of literature—he is in fact less interested in them than Nussbaum. It is because he defines “ethical” with promiscuous breadth. He describes “thinking straighter” or “writing better” as ethical values. If those are ethical values, then instruction in mathematics—or drawing, or computer programming, or writing advertising copy—is ethical, and the term no longer defines the disagreement between us. Likewise, the fact that readers may be more interesting people than television viewers doesn’t mean that they’re more virtuous, or at least more virtuous because of their reading (liking to read and being virtuous could be effects of the same cause, though I doubt it, because I don’t think they’re even correlated). Booth also misses the distinction between the meta-ethical position that taking a strictly aesthetic approach to literature has moral value (perhaps because it encourages the reader to think for himself or herself and we think this conduces to a healthy individualism and a vibrant democracy), and the ethical criticism of specific works of literature—he seems to believe that the first implies the second.

Booth offers hilarious examples to prove the inseparability of the ethical and the beautiful in any final aesthetic judgment on a work of literature even when it is a brief lyric. I shall discuss two of the three (without meaning to imply any approval of the third, his rewriting of Wordsworth’s “Intimations Ode”). The first is the proposed change in the “Ode to Melancholy” from feeding on peerless eyes to stroking peerless thighs. The imagery of devouring (mostly poison) is pervasive in the poem, and this gives the image of feeding on the peerless eyes a resonance and hint of menace that Booth’s image of stroking thighs lacks. The substitution changes an image of great emotional power—because of the fusion of devouring with seeing—that is an integral element of the poem’s structure of imagery into an irruption of soft-core porn that breaks the spell created by the poet.

Booth does a slightly better job with the first stanza of “The Second Coming.” But he leaves out the concluding couplet. The omission is critical because it is the conclusion to which the stanza builds (“The best lack all conviction, while the worst / Are full of passionate

intensity”—what is Booth going to do with *these* lines?). Worse, by changing “rough beast” to “new age” and “slouches toward” to “marches” in the second stanza, Booth banalizes the magnificent, audacious, blaspheming concluding couplet of the poem, the demonization of the birth of Christ. (“The Second Coming” is a blasphemous Nativity, and thus a pendant to Yeats’s sonnet “Leda and the Swan,” a blasphemous Annunciation.) He’s ruined the poem—in part by making it “better” from a conventional moral standpoint.

Booth like Nussbaum must think I value poetry solely for its music, so that as long as the substitution of one word for another preserves rhyme and meter, the substitution cannot damage the poem. Absurd!

III

Booth’s *pièce de résistance* is a rewriting of *The Merchant of Venice* as a play in which Shylock is painted in the blackest hues and the Christians in the whitest. Booth claims that from a purely aesthetic standpoint the revised *Merchant* is just as good as Shakespeare’s original. It’s not. For one thing, we already have *that* play; it’s *The Jew of Malta*. Marlowe’s is a splendid play (does Booth disagree?), and no doubt Shakespeare could have out-Marlowed Marlowe in presenting the Jew as monster—for look what he did with Iago, Regan, and Goneril. Wayne Booth, I’m afraid, isn’t as good a playwright as either Marlowe or Shakespeare, so his revised *Merchant* falls flat. I don’t consider it a fair test of the aesthetic approach.

Booth seems to think that a formalist, as I am happy to be called, likes things simple and hence wants the characters in a work of literature to be all of a piece—all black or white. But those arch-formalists, the New Critics, whom I continue greatly to admire, are well known to have liked things complex and to have looked down on works of literature that lacked complexity, tension, irony, and ambiguity. They thought that works that had these qualities were more interesting, more rich, more faithful to the human experience. This led them to make judgments, for example against Shelley, that in retrospect seem unsound—not because the judgments were formalistic, but because they were infected by hostility to Shelley’s politics. They were “judgmental” in just the way that Booth approves.

Booth does not argue that *Othello* is marred by Shakespeare’s not having portrayed Iago with the kind of empathy with which he portrays Shylock. The “flat” Iago is “right” for the kind of play that *Othello* is, and

the more rounded figure of Shylock is right for the kind of play that *The Merchant of Venice* is. Booth must know this, because his philo-Semitic rewriting of the play is *just as awful* as his Semito-phobic rewriting; its ethical superiority doesn't tip the evaluative balance a millimeter—which I take to be the refutation of ethical criticism. Ask yourself: if two works of literature are equally beautiful or unbeautiful, will you really think more highly of the one that expresses ethical values closer to your own? I think that if you are a real lover of literature you will not. If you consider Dickens and Dostoevsky, or Blake and Eliot, equally good, you won't add that because you're a liberal you prefer Dickens and Blake, or because you're a conservative you prefer Dostoevsky and Eliot.

To understand and enjoy a great writer such as Shakespeare fully, one must set aside one's political and ethical views, whether about law, or equity, or money-lending, or capitalism, or marriage, or wealth, or aristocracy, or Jews, and enter into the imaginative world that Shakespeare creates, which happens to be anti-Semitic. The fun of literature is to inhabit a different world, in the case of *The Merchant of Venice* a world that is part sixteenth-century England, part sixteenth-century Venice, and part a world of Shakespeare's own imagining. If you try to make Shakespeare think like you, or even like Wayne Booth or Martha Nussbaum, you'll miss out on this fun; you'll make him a mirror, when he should be the sun.

The first thing to understand about *The Merchant of Venice* is that it's a comedy, which is a genre of remarkable though not complete uniformity across epochs and cultures. In a comedy, young lovers are initially thwarted by an older person, sometimes a buffoon but sometimes an ogre, and the plot is the overcoming of this obstacle by the lovers and the play ends with their marriage. Shakespeare was notably defiant of literary convention, so *The Merchant of Venice* cracks the mold. The marriage takes place before the end of the play, and the ogre—Shylock—actually facilitates the marriage by financing Bassanio's courtship of Portia, though he then becomes an obstacle to their felicity by his threat against Antonio, to whom Bassanio owes a lot.

I said that Shylock is an ogre, and this of course grates on modern sensibilities. But to enjoy and understand the play you have to take it on its own terms. To an Englishman of Shakespeare's time, a Jew was almost a mythical being. The Jews had been expelled from England by Richard the Lion-Hearted in the thirteenth century, and though there were a few Jews in London in Shakespeare's time, they were hardly a normal part of the city's life and for all we know Shakespeare may never

have met one. Strange rumors were abroad about Jews, including that they drank the blood of Christian children on Passover, and this rumor is echoed in the pound of flesh pact in the play. The ogreish character of Jews is a given in the play, and, as I say, if you want to understand and enjoy a work of literature, you have to grant the author his givens.

Shylock is a fantasy Jew, and there is much else in the play, as in so many comedies (and for that matter many tragedies), that is also fantasy—including the law. No sixteenth-century legal system would have enforced a penalty clause of the kind involved in the play, involving the killing of the debtor, especially when the debtor offers to repay the creditor's loan with extravagant interest. The riddling method that Portia is constrained to employ for choosing a husband is another fantasy element, echoing the tales of medieval chivalry in which the fair maid is won by the hero who risks all, as Bassanio does.²⁴

So far I've described a fairly conventional comedy romance. But Shakespeare being Shakespeare, there are depths, both of feeling and of irony, that carry the play beyond the ordinary boundaries of the genre of comedy. Shakespeare obviously was fascinated by villains, and always gave them some good self-justifying lines. He was an actor as well as a playwright, and there is an actor's adage that no man is a villain in his own eyes. To play a villain convincingly, the actor has to play him from the inside, to make him appear to us as he appears to himself; and it is much easier to do this if the playwright has given the villain self-exculpatory speeches. Think of Edmund in *King Lear* defending the claims of bastards to equal treatment with legitimate children, or Macbeth's introspective soliloquies, or even Claudius trying to pray. So Shakespeare has Shylock state the case for himself eloquently, referring to his abuse by Christians and asserting his common humanity with them and movingly recalling his love for his dead wife. Today, when the status of Jews has changed greatly since Shakespeare's time, these lines seem self-evident rather than merely plausible or ingenious, and a skillful director and cast can redirect the audience's sympathy from Portia, Antonio, Jessica, Lorenzo, and Bassanio to Shylock.

It is all the easier to do that because Shakespeare has made the Christians less than fully attractive. Even Portia, that icon of women lawyers today, is a trickster. It is not so much that she impersonates a doctor of laws—a very small sin, in the world of the play, to save a man's life. It is that she cheats on her father by giving Bassanio, her choice for husband, the hint that helps him to solve the riddle and that she conceals from the Venetian court her financial interest in Shylock's

case—for it is out of her pocket that Bassanio proposes to repay Shylock's loan, and Portia arranges things so that Shylock won't have to be repaid anything. As for Bassanio, he is the classic gold-digger, borrowing money to give himself a good appearance so he can marry the rich girl. Jessica is a thief, and Lorenzo her accomplice. And Antonio not only is a rather depressed and depressing bachelor, but also has some definite affinities with Shylock. Both seem modeled on the Puritans, whom Shakespeare must have disliked since they wanted to close down the theater and of course succeeded in doing just that a quarter of a century after Shakespeare's death. The last scene of the play opens ominously with Lorenzo and Jessica invoking four classical examples of doomed romances—Troilus and Cressida, Dido and Aeneas, Pyramus and Thisbe, and Jason and Medea. Three of the four romances (all but that of Pyramus and Thisbe) involved a betrayal by one of the lovers.

But it would be a mistake to try to turn the tables and make Shylock the hero and the Christians the villains. *The Merchant of Venice* is a comedy, with young lovers and an old ogre; and if the young lovers are not entirely pure, if there is a distinctly mercenary element to their relationship, and if the ogre is not entirely without a claim to the audience's sympathy, still there can be little doubt that we are meant to enjoy, and even admire, Bassanio's debonair charm (in sharp contrast to the dourness of both Antonio and Shylock), his risk-taking, and his aristocratic indifference to commerce, and Portia's beauty and cleverness, and to see their marriage, once Shylock is vanquished, as the achievement of a true felicity, the defeat of bad by good, age by youth, commercial by aristocratic values, gloom by joy.

I cannot prove that this is the right way to read Shakespeare, or any great writer. Works of literature that we deem great tend to be open-ended; that is a condition for their surviving cultural change and becoming canonized. These works are something of a Rorschach test. People obsessed with politics, with what they think is social justice, with contemporary social problems generally, or with historical injustices (such as the mistreatment of Jews by Christians or blacks by whites) may find it a psychological impossibility to divorce the experience of reading literature from their nonliterary concerns. All that I can say to them, a group that may include Martha Nussbaum but definitely not Wayne Booth, whose social concerns cast only light shadows over his joy in literature, is that they are missing out on something that could make them happier and even stronger (but not better!)—the possibility of

stepping from time to time outside of the quotidian world with its political and religio-ethical obsessions and its professional preoccupations into a world of morally and politically indifferent enchantment.

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

I thank Wayne Booth and Martha Nussbaum for their very helpful comments on a previous draft, and the audience of the debate for many illuminating questions and comments. Part One appeared as: "Against Ethical Criticism," PHILOSOPHY AND LITERATURE 21 (1997): 1–27 (hereafter "AE").

1. Irving Howe, *A Margin of Hope: An Intellectual Biography* (London: Secker & Wargburg, 1982), p. 337; quoted in Richard Rorty, *Achieving Our Country: Leftist Thought in Twentieth-Century America* (Cambridge: Harvard University Press, 1998), p. 116.
2. George Steiner, *Errata: An Examined Life* (New Haven: Yale University Press, 1997), p. 131.
3. T. S. Eliot, *Turnbull Lectures: The Varieties of Metaphysical Poetry*, in Eliot, *The Varieties of Metaphysical Poetry*, ed. Ronald Schuchard (London: Faber and Faber, 1993), pp. 231–95; 288.
4. See Richard A. Posner, *Law and Literature* (Cambridge: Harvard University Press, 1998), chap. 9 (revised and enlarged edition), "The Edifying School of Legal Scholarship"; hereafter abbreviated *LL*. "The aesthetic tradition," I said in that chapter (as in its materially identical article version, "Against Ethical Criticism") "is woven of three strands. The first is that immersion in literature does not make us better citizens or better people. One might be able to pick out some works of literature that have such an effect because of the information they convey or the emotional state they induce, but they would be a skewed sample of the great literary works. Second, we should not be discountenanced by morally offensive views encountered in literature even when the author appears to share them. A work of literature is not maimed or even marred by expressing unacceptable moral views; by the same token, a mediocre work of literature is not redeemed by expressing moral views of which we approve. The proper criteria for evaluating literature are aesthetic rather than ethical. Third, the author's moral qualities or opinions should not affect our valuation of the work" (*LL*, pp. 306–7; "AE," p. 2).
5. Wayne Booth, "Why Banning Ethical Criticism Is a Serious Mistake"; Martha C. Nussbaum, "Exactly and Responsibly: A Defense of Ethical Criticism."
6. He is not unique in taking so broad a view of the ethical. See, for example, Renford Bambrough, *Reason, Truth and God* (London: Methuen, 1969), pp. 115–25.
7. And these are not mere "mention[s]," deficient in "detailed analysis," as she claims. My book discusses in considerable detail novels and novellas by Dostoevsky, Manzoni, Melville, Kafka, Camus, Richard Wright, and others—and in great detail works of

literature that while not novels are not lyric poems either, including the Homeric epics and a number of plays by Greek and Elizabethan dramatists.

8. Martha C. Nussbaum, *Love's Knowledge: Essays on Philosophy and Literature* (New York: Oxford University Press, 1990), p. 164; hereafter abbreviated *LK*.

9. It seems very different, yet she soon brings James back into the discussion, bracketing him with Dickens.

10. In short, to know is *not* necessarily to love. Michael Stocker with Elizabeth Hegeman, *Valuing Emotions* (Cambridge: Cambridge University Press, 1996), pp. 214–17.

11. She thinks me “illiberal” for holding this view—as if I were trying to *prevent* her and Booth from engaging in ethical criticism. That of course is not my aim. Let a thousand critical flowers bloom. I just think that ethical criticism has no blossom. She considers her own position liberal because it is not opposed to aesthetic criticism—yet what is one to make of the statement that “I have no interest in denying that there *may be some* aesthetic properties of the literary works I discuss that have no ethical relevance. But James would ask us not to assume this without careful reflection” (*italics added*)?

12. See Martha Nussbaum, *Poetic Justice: The Literary Imagination and Public Life* (Boston: Beacon Press, 1995); hereafter abbreviated as *PJ*.

13. One should be “suspicious of attempts to require courses that will shape students’ sociopolitical attitudes, the sort of courses students at Berkeley now refer to as ‘compulsory chapel.’” Richard Rorty, “John Searle on Realism and Relativism,” in Rorty, *Truth and Progress* (Cambridge: Harvard University Press, 1998), pp. 63–83; 67.

14. But—to answer a rhetorical question that she poses to me—I do not doubt that one of the pleasures that literature does engender in its readers, including myself (*LL*, pp. 153; 158), is the pleasure of imagining Utopian resolutions of the conflicts that beset the human condition. I just don’t think this pleasure translates into action.

15. *LK*, chap. 7, “Perception and Revolution: *The Princess Casamassima* and the Political Imagination.”

16. Which lends a note of irony to Nussbaum’s having written her essay on *The Princess Casamassima* in honor of Hilary Putnam, who once advocated revolutionary violence (*LK*, pp. 195–96; 217).

17. Derek Brewer, “Introduction,” in Henry James, *The Princess Casamassima* (New York: Penguin Books, 1987), p. 7; hereafter abbreviated as Brewer or James. The text of the novel is the original (1886) Penguin Classic text, and my quotations are from it.

18. For a compendious summary expressly invoking “Britain of the pre-Thatcher years,” see *LK* pp. 205–6.

19. The novel also insists repeatedly on Hyacinth’s French characteristics, such as facility with the French language, even though he had never known his French mother.

20. I trust that this reading of *The Princess Casamassima* sufficiently answers Nussbaum’s accusation that “He [Posner] is criticizing my choice of authors, not offering new ways of reading the same authors.” I may not be offering new ways, but I am offering different ways, of reading the same authors.

21. David Gorman, review of *Poetic Justice*, *PHILOSOPHY AND LITERATURE* 21 (1997): 196–98; 198. Nussbaum's discussion of *The Princess Casamassima* is a striking confirmation of this point.
22. Booth quoting *LL*, pp. 72–73.
23. *Hard Times* illustrates, in fact, the frequent banality of literary moralizing. Booth unwittingly gives another good example of this—Wilde's call for a new age when "romance, with her temper of wonder, will return to the land."
24. Well, almost all. The condition of participating in the competition for Portia's hand is that the unsuccessful suitor must swear never to marry.