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The Bard, the Bathroom, and the Common Good: Shakespeare's Timeless and Timely Political Thought - Public Discourse

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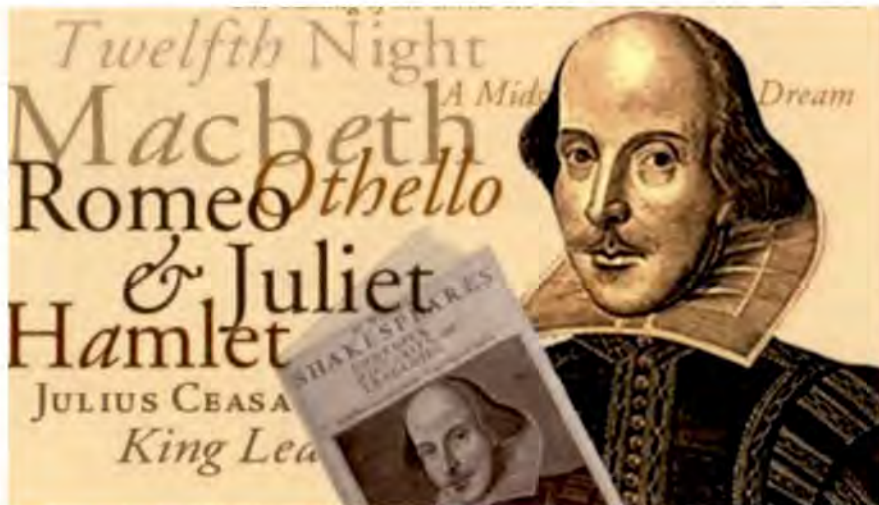
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The Bard, the Bathroom, and the Common Good: Shakespeare's Timeless and Timely Political Thought

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Whether we discuss the nature of marriage or the rules governing bathroom use, Shakespeare calls on us to remember who we are as human beings and how our nature should be reflected in our society's mores and laws.



This weekend marks the four hundredth anniversary of the death of William Shakespeare, the English language's greatest playwright. In his thirty-seven plays, Shakespeare makes all the world a stage, displaying human life in its unity and complexity. As part of that display, many of his dramas delve deeply into the perpetual questions of political thought—questions of justice, law, and rule.

Shakespeare's thoughts on these matters are both timeless and timely, touching on some of the most pressing issues in our present political discourse. His works show us how we should understand the relationship between nature and convention when considering the legal issues of gender and sexuality. They also remind us that, in contemporary fights between elites and the people, we must never lose sight of the contributions—and limitations—of both toward the common good.

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The Question of Nature and Convention

The first perpetual political question Shakespeare addresses concerns the relationship between human nature and convention. Today, it manifests itself most prominently in issues of sexual identity. Some argue that concepts such as gender and rules governing sexual activity are mere constructs of society. Others claim that our traditional understanding of gender and sexuality stems from a perpetual, universal, and prescriptive understanding of what it means to be human. Where do we draw the line between a set, intrinsic human nature and a fluid, imposed social construct? What relationship should exist between the two in our laws?

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In *King Lear*, Shakespeare demonstrates why unchanging human nature and changing social conventions must cooperate in a truly healthy political society.

As a tragedy, *Lear* tends to teach through negation. Initially, it seems that Edmund, the illegitimate son of the Duke of Gloucester, provides the most robust defense of nature. Edmund declares, "Thou, nature, art my goddess; to thy law my services are bound." With these words, he asserts a kind of natural law by which he believes all human life should be ordered. But we quickly learn to reject this natural law as false and pernicious. Edmund's "natural law" defines justice as gaining and keeping power. He pursues this aim by betraying his brother and father and engaging in an amorous but ultimately utilitarian relationship with two married daughters of Lear. These daughters, too, have a distorted view of nature, treating their father with such disdain that they leave him—at eighty years old—out to die in a harsh storm.

Shakespeare calls on us to see that nature is meant to be more than a catalogue of human tendencies and desires. Such tendencies can be good or evil. Instead, nature is a standard, an "ought" by which we should seek to order our lives. This truer natural law demands that power should not be used only for personal gain; rather, the powerful should seek justice for all and exhibit fidelity to one's family. Lear appeals to these principles when he calls his hateful daughters "unnatural hags." By rejecting their father, whom they have a natural duty to love, honor, and respect, they render themselves "unnatural," or at odds with natural law. One who follows the true natural law exhibits both the intellectual virtues (wisdom) that understand justice as well as the moral ones (goodness) that properly order one's affections.

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Social Constructs Should Reinforce Natural Moral Standards

Edmund seeks to strike down all social constructs, especially those that stand in his way. Therefore, he defends his illegitimacy by claiming that it is more "natural" than marriage. In fact, he considers himself, as a bastard, superior, saying those conceived "in the lusty stealth of nature, take / More composition and fierce quality / Than doth, within a dull, stale, tired bed."

Here, Shakespeare comments on the relationship between nature and social conventions. The concept of legitimacy is, in a sense, a social construct. Sex and pregnancy can occur inside or outside of marriage. But the construct builds on a foundation in nature, rightly understood. For distinguishing legitimacy and illegitimacy can encourage the standard nature sets by channeling sexual activity within committed relationships that are best suited to rearing children. Thus conventions, rightly made and practiced, bear a beneficial relationship to nature, reinforcing the natural moral standards in society.

Today, we risk drawing lines that misunderstand both nature and convention. Many discussions of gender and sexuality conflate what is with what ought to be, seeing all appeals to nature as mere social constructs. This negates the proper relationship between nature (as a standard) and convention (as reinforcing and applying that standard). In this way, we lose sight of the purpose behind one of our most important conventions: our positive laws. Positive laws should reflect and realize, not disregard and undermine, the natural laws that define our humanity. Whether discussing the nature of marriage or the rules governing bathroom use, Shakespeare calls on us to remember who we are as human beings and how our nature should be reflected in our society's mores and laws.

The Question of the Few and the Many

Even if we know the relationship between nature and convention in the making of laws, we are left with the issue of who the lawmaker should be. The simplest answers break down by number: rule of a few (even one), or everyone. From Donald Trump to Bernie Sanders, our current political discourse is consumed by this fundamental political battle between elites and the common man.

The Bard clearly shows the claim both sides make about why they should rule. The people's claim to rule is based in a common humanity—an assertion of equality. In *Coriolanus*, a horrified senator accuses the people of seeking "To unbuild the city and to lay all flat." The citizens' response: "the people are the city." The city is made up of human beings, and that commonality is a claim to rule. Yet in the same play, Coriolanus pleads with his fellow nobles "If you are learn'd, / Be not as common fools." He derides the people's "popular 'shall' [their attempt to rule]" as worthless before "a graver bench [the nobles] / Than ever frown in Greece." The elites base their claim to rule on their inequality. In particular, they claim to be superior in virtue to the people. Because they are the best, they argue, they should rule.

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According to Shakespeare, who is right: the many who claim equality or the few who claim superiority? Shakespeare praises and criticizes both sides' claims, giving an answer that is Aristotelian in its combination.

The Common Man

The commoners' claim is undercut by their vices, which seem more apparent than their virtues. They regularly act on their impulses, not their reason. And these impulses reveal desires that seem rather low. In the midst of battle, one commoner—the Boy in *Henry V*—declares “I would give all my fame for a pot of ale and safety.” John Falstaff defends his cowardice in *Henry IV Part 1* by saying, “The better part of valour is discretion; in the which better part I have saved my life.” The common man seems to value only his physical preservation and bodily pleasures. Driven by these pleasures, the masses seem fickle, capricious, ready to change minds and switch allegiances at the slightest impetus. These do not seem like persons capable of contributing positively to the political community.

Yet in the midst of their vices, Shakespeare sees much good in the common man. First, their goals of physical safety and physical pleasure are not inherently wrong. Henry V warns an advisor to “take heed how you . . . awake our sleeping sword of war” because “God doth know how many now in health / Shall drop their blood in approbation / Of what your reverence shall incite us to.” Life does matter. It is a good in and of itself, and our default position should be to seek its preservation. The same is true of pleasure: while we should laugh at Falstaff's ode to sack in *Henry IV Part 2*, we should embrace the good of physical pleasure, rightly understood. Think of the kiss of a lover, which Shakespeare so often celebrates.

Second, the people do not wholly lack signs of higher desires. We see this nobility in the midst of one of Shakespeare's most horrific scenes—the gouging out of Gloucester's eyes in *King Lear*. There, the only person to stand up for justice is a common servant, who dies trying to protect Gloucester from the Duke of Cornwall's sadistic torture. In fact, we even see virtue in that commoner who cries out for alcohol and safety in *Henry V*. In the midst of battle, the Boy realizes that the vices of his older comrades “make much against my manhood” by their example of cowardice, theft, and boastfulness. He concludes that he “must leave them, and seek some better service.” The Boy identifies the difference between good and evil and seeks to learn the former and shun the latter. He is far from perfect, but he is capable of receiving an education in wisdom and goodness. Such persons do seem to possess a claim to rule.

The Elite

At first glance, the elites' virtues seem more apparent than their vices. In addition to acting more according to reason, it appears that different, higher desires often drive their actions: glory and honor. The nobles recognize that human life concerns more than mere survival or

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physical pleasure. As Aristotle claims, in political life we seek to live so that we may live well. And living well involves seeking to be and to be known as honorable and just, to earn the reputation as wise and good. In *Richard II*, Sir Thomas Mowbray explains to his monarch that:

*The purest treasure mortal times afford
Is spotless reputation . . .
Mine honour is my life; both grow in one:
Take honour from me, and my life is done . . .*

For Mowbray, honor and life are inextricably linked. The besmirching of honor is a kind of death—a death that many of Shakespeare's nobles find worse than physical demise. Brutus, for example, declares in *Julius Caesar* that "I love / The name of honour more than I fear death." Such persons seem fit to rule, as they seek life's higher purposes of honor and justice in political life.

Yet we see evil abound in this group as well, often with even greater destructive consequences than those of the people. The nobility regularly showcase the vices of cowardice, treachery, cruelty, and more. Richard II loses his crown in part due to his selfish and clueless overtaxing of the people and his robbery of nobles' property, all to fund his extravagant living and foreign wars. Lady Macbeth and her husband perpetrate the murder of their kinsman, guest, and king, Duncan. As a result of their actions, death, horror, and destruction follow not only for these nobles, but for entire kingdoms.

Even the pursuit of nobility and honor can breed pernicious results. In *Coriolanus*, the title character pursues his own honor to the point of turning against his city and his family. To defend his actions, he says he will "stand, / As if a man were author of himself / And knew no other kin." By seeking to be a god among men, he denies not only his own humanity, but that of all of "lower" beings. A similar problem infects Richard II, whose understanding of divine right makes his existence, not merely his office, higher in kind than all other men.

Learning from Shakespeare: Statesmanship and the Common Good

Shakespeare's answer to who should rule entails combining the best and mitigating the worst in both groups. In this complex portrayal of elite and commoner, Shakespeare shows the need for both in a political community. The commoners can remind the elites of their humanity, of the intrinsic value of human life and of physicality. The elites can model for the commoners the pursuit of honor. Out of these partial goods can come a common good, one that recognizes living and living well both as proper ends to political life.

Perhaps the best rulers are those who can transcend the divide between noble and common. Henry V's youthful fraternizing in taverns gives him an education in how to rule all of his future subjects, both noble and common. He calls on both aristocrats and commoners to seek nobility and honor on the battlefields of France. In the same way, the commoners such

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as Cornwall's servant and the Boy of *Henry V* recognize their humanity while striving for honor and glory. They show how virtues can manifest themselves in all persons, regardless of social class.

Today's politicians could learn from Shakespeare's portrayals. Because both elites and the people contribute good to political societies, both must participate. As both possess tendencies toward evil, so both must have partial and limited participation. The claims of both must combine to find a truly common good, often through those elites and commoners who can transcend their social class—statesmen.

In these ways and more, four hundred years later, Shakespeare continues to display to us who we are and who we should be. If "all the world's a stage, and all of [us] men and women merely players," then may the ongoing drama of our political life have the Bard as its playwright.