violation of an open-ended statutory mandate, they argue, judges should declare the violation—but eschew remedies for it. "The effect would be to remand the controversy to the political branches of government, which is exactly where it belongs," forcing the "necessary hard choices" on "the body that promulgated the impossible requirement." Following this model, the judge in *Jose P.* would simply have reported to Congress in 1980 or so that New York was out of compliance, and the burden would then have been on Congress (a) to give the city the money it needed to bring its special-education program up to federal grade, (b) to punish the city by cutting off its federal education funds, or (c) to do nothing. None of these is a perfect option, but at least the decision would lie with an elected, democratically accountable branch of government.

WHEN *Brown* was decided in 1954, the only major cause-oriented groups of lawyers in existence were the NAACP Legal Defense Fund and the ACLU. Since then, dozens more have sprouted—including the Environmental Defense Fund, the Center for Law and Social Policy, the Children's Defense Fund, and the Natural Resources Defense Council. (Both of the authors of *Democracy by Decree* worked in the last-named agency in their younger days.) Over the decades, these groups have collectively become a de-facto fourth branch of government, extracting settlements from cities and states and redirecting billions of dollars worth of public funds in the process. But despite this, their activities rarely receive close scrutiny from the media, and few politicians dare take them on.

Thankfully, however, the soft rights on which these groups depend may soon be in decline. Under Chief Justice William Rehnquist, the Supreme Court has repeatedly invoked the 11th Amendment to protect states from private suits. On the legislative side, the Republican class of 1994 passed the Unfunded Mandates Reform Act, which makes it difficult—though not impossible—for Congress to pass the buck to states. With both the Senate and the House of Representatives in Republican control until 2004 at least, there may be a move to roll back soft rights still further.

Whatever the future holds, *Democracy by Decree* tells a story worth reading. Slamming judicial activism is a popular hobby among conservatives. Sandler and Schoenbrod provide a valuable service by reminding us that not all the blame lies with judges. Undermining local democracy is a tag-team affair, and this book shows that Congress can be just as "activist" as any court.

Whose Bard?

After Shakespeare:
An Anthology
edited by John Gross
Oxford. 360 pp. $35.00

Reviewed by
Thomas L. Jeffers

IN JANE Austen's *Mansfield Park* (1814), the charming and unreformable Henry Crawford says:

> Shakespeare one gets acquainted with without knowing how. It is part of an Englishman's constitution. His thoughts and beauties are so spread abroad that one touches them everywhere, one is intimate with him by instinct.

That sounds right for 1814. It even sounds right for 1914, when many British soldiers went to war remembering stirring political

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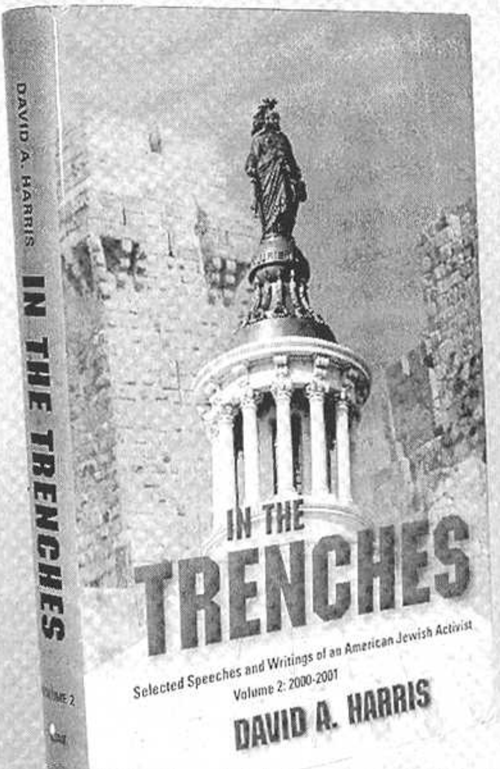
THOMAS L. JEFFERS *teaches English literature at Marquette University. His "Plagiarism High and Low" appeared in the October* COMMENTARY.

speeches and no few grim descriptions of combat from *Henry V*. For several generations since that time, however, British dons have been doubting the portion of Shakespeare included in their students' constitutions, and teachers in America have wondered whether he is there at all. For university English departments, Shakespeare may have once been "the franchise" (in the sports metaphor of the critic Alvin Kernan), but under the constraints of multiculturalism, alas, students are getting fewer and fewer opportunities to develop any "instinct" for him, and when he *is* on the table they find it very hard going. As an undergraduate recently asked a colleague of mine who was presenting *Hamlet*, "Can we use a different translation?"

Such issues were in the back of my mind as I read through John Gross's marvelous new anthology, wondering who will be interested in such a gathering of poems and excerpts from fiction, drama, essays, letters, and diaries by accomplished and often famous literati focusing either on Shakespeare the man (1564-1616) or on his works, ideas, and cultural significance. The audience will surely be people who are already reasonably well acquainted with Shakespeare's major works and who, while they may have profited from academic criticism, hunger for responses more eloquently, wittily, and passionately written. Let us hope their numbers are still legion.

GUIDED BY William Hazlitt—"If we wish to know the force of human genius, we should read Shakespeare. If we wish to see the insignificance of human learning, we may study his commentators"—Gross, the former editor of the (London) *Times Literary Supplement*, has here lined up writers who themselves often have no mean claim to genius. When D. H. Lawrence talks metahistorically about Hamlet, August Strindberg misogynistically about Othello's wife Desdemona, and W.



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B. Yeats decadent-aesthetically about Richard II, they may not always shed much light on Shakespeare, but they beautifully give their own important selves away.

Many well-known but sometimes hard-to-find pieces are here: Leslie Stephens's essay on the hypothesis that Francis Bacon wrote Shakespeare's works, and Shakespeare Bacon's; Stephens's daughter Virginia Woolf's feminist invention of Shakespeare's sister Judith, who lacked his educational and vocational advantages and who killed herself while carrying an illegitimate child; something (too little, actually) of Tom Stoppard's serious parody of *Hamlet* based on the anxious perspective of the subordinate and "expendable" characters, Rosencrantz and Guildenstern; Oscar Wilde's personally-invested story of what he imagined was Shakespeare's amorous obsession with a boy-actor named Willie Hughes, the mysterious "W. H." to whom the *Sonnets* were dedicated; and so on. Out of his daunting store of knowledge and with generally unerring judgment, Gross has also plucked numerous less-well-known passages from a host of foreigners, including some Americans, whose scrutiny can frequently pick out characteristics of Shakespeare and his creations that an Englishman might miss.

As the English colonized other parts of the world, the Bard's poems and plays went with them. Alexis de Tocqueville, traveling in America in the 1830's, noted that most pioneer huts contained a few volumes of Shakespeare—an obvious sign of connection with England but also a gauntlet thrown at the feet of the young republic's own writers. The best of them in that decade, Ralph Waldo Emerson, felt the same filial ambivalence toward Shakespeare, his poetic father, as he did toward England, his political mother: owing a great deal to both, he also needed to declare independence.

Herman Melville in 1850 expressed the Emersonian faith that mute, inglorious Shakespeares were born everywhere, and that it was only a question of proper education, critical encouragement, and a measure of commercial possibility before they found their voices and achieved glory. Shakespeare unapproachable? "[W]hat sort of a belief is this for an American, a man who is bound to carry republican progressiveness into Literature, as well as into Life?" Melville's immediate subject in this passage was Nathaniel Hawthorne, and although Hawthorne may not have equaled Shakespeare, Melville thought that he came close, and that *some* American writer, the dew of Ohio or Vermont grass as wet to his feet "as Eden's dew to Adam's," would soon surpass him.

Walt Whitman in 1886 was not immodest enough to make such a claim for himself, but he made it thinkable—by insisting that an American poet play the game on his own court. Shakespeare's world, wrote Whitman, was mythologized, feudal, and walled-in by civilized artifice, while the American's world was scientific, democratic, and bristling with natural sublimities. The plays, moreover, were written from the viewpoint "of the elite of the castle," which was "altogether non-acceptable to America and Democracy."

Still, unlike the students at Stanford who shamelessly joined Jesse Jackson in chanting "Hey, hey, ho, ho, Western culture's got to go!," Whitman rightly understood that a point of view, whether of the castle, the marketplace, or the farmyard, did not by itself define the value of a work of art. In Shakespeare's case, there was also the poetry—"With Shakespeare," said Vladimir Nabokov, "it is the metaphor that is the thing, not the play"—just as there were the characters that the poetry brought brilliantly to life.

That these characters transcend whatever social hierarchy they were

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created or are read in says something about both the perdurability of human types and art's capacity for catching them. This is what 18th-century critics like Samuel Johnson meant when they praised Shakespeare as a poet of "nature," capable of portraying the miser or the hypocrite, the brave man or the coward, so that audiences "from China to Peru" could recognize, delight in, and learn from them. But Chinese and Peruvians also differ somewhat in their ways of recognizing, delighting, and learning—which is why it makes sense that Gross has sectioned off English, American, French, German, Russian, African, etc. responses to whatever Shakespearian question may be at issue.

Take politics, and in particular the French Revolution, the most important European event in the two centuries following Shakespeare's death. Readers wondering where the Bard would have stood turned obviously to the Roman plays like *Julius Caesar* and, better yet, *Coriolanus*, which vividly depict the struggle between autocracy and republicanism. As against a conservative critic like S.T. Coleridge, who regarded the savage Caliban of *The Tempest* "as an original and caricature of [revolutionary] Jacobinism," the liberal Hazlitt sought a more balanced view:

> Shakespeare himself seems to have had a leaning to the arbitrary side of the question, perhaps from some feeling of contempt for his own [poor] origin, and to have spared no occasion of baiting the rabble. What he says of them is very true: what he says of their betters is also very true, though he dwells less upon it.

Those last two clauses are crucial. Shakespeare may have sided with Coriolanus against the mob, but he also thought the Roman hero marred by pride, rather like the bad kings in his English history plays, which are themselves a fair complement to any course in political science.

The question of who "gets" Shakespeare arose again during the two world wars of the last century. The Germans had good reason to claim him as a forerunner of Weimar classicism, *Sturm und Drang* romanticism, or Nietzschean paganism. Not only had A.W. Schlegel translated the plays into a German that in its compressed beauties often challenges Shakespeare's own English, but Goethe, in *Wilhelm Meister* (1795-96), had made the plays, especially *Hamlet*, central to a young European's aesthetic and moral development, while in the 19th century Heinrich Heine had offered some of the deepest insights about Shakespeare that anyone ever had.

Pre-World War I German intellectuals tended to think that Englishmen were unworthy of their best poet, who surely would have favored the shopkeeping democracies less than the disciplined, imperial aristocracies. The Nazis, in the next war, agreed, but were also more uncertain about Shakespeare in general. Though they could hardly deny his popularity in their own country, they found the histories too English-patriotic and even *The Merchant of Venice*, so apparently correct on the Jewish question, unreliable. Gross cites a recent summation by the historian Gerwin Strobl:

> Apart from being not nearly anti-Semitic enough—[Christopher] Marlowe's *Jew of Malta*, largely unknown in Germany, was suggested as a "more powerful" alternative—there was the matter of Shylock's daughter [Jessica] marrying an Aryan youth. In deference to "contemporary sensitivities," Jessica [in Hitler-era productions of the play] tended either to become an adopted (Aryan) child bound for bliss in Lorenzo's arms, or stayed Jewish (and celibate).

And the Russians? Alexander Pushkin, Ivan Turgenev, and Fyodor Dostoevsky had some wise, and Leo Tolstoy some foolish, things to say about Shakespeare, but the one who did the most for him—translating the plays, prompting their production, and recreating the Elizabethan world—was Boris Pasternak. Gross gives him four entries, including this about the atmosphere of *Romeo and Juliet*, well caught in Franco Zeffirelli's film version (1968):

> Outside the windows ring the daggers of the quarreling clans, the blood of Capulets and Montagues streams in the streets, while in the kitchens, cooks' knives clatter and scullions squabble over the endless dinners. And under the hubbub of cooking and carnage, as under the thumping beat of a noisy band, the tragedy of hushed feelings is played out in silent, conspiratorial whispers.

That, written sometime between 1939 and 1946, is worth any four issues of a specialized journal like *Shakespeare Survey*, and the entire run of *Social Text*.

But this only reminds one that the war over who owns Shakespeare, and even over who if anyone should read him, and how, has been going on since—well, at least since 1601, when Robert Devereux, the Earl of Essex, and his allies induced Shakespeare's company to stage *Richard II* in hopes of gaining public support for their attempt to force Elizabeth into cashiering her "corrupt" counselors and firmly declaring King James of Scotland as her heir. It was no go: Essex literally lost his head.

But there is no reason for us figuratively to lose ours. One effect of this anthology, I sanguinely hope, will be that readers, especially in colleges and universities, will spend less time shipping arms to feminists, Marxian new-historicists, franco-Freudians, quarto-quarrelers, or parts-on-order deconstructionists, and more time reading the poems and plays with eyes washed clean by the pert, passionate, verbally agile insights of the writers Gross has wonderfully assembled. What comes after *After Shakespeare* should be Shakespeare himself.