

Waiting for God(ot)

A comparison of Godot and the intrinsic nature of the law

Introduction

Waiting for Godot is a play by Samuel Beckett that tells the story of two tramps, Vladimir and Estragon, who spend their time waiting for a person named Godot to arrive. The two men spend their time discussing their lives and waiting for Godot to arrive, in a setting devoid of any real landmarks but for the ditch they wait by and the tree they wait under. The setting, and indeed the plot, is purposefully barren of any distractions so as to focus the audience's attention solely upon the characters and their musings. As the play progresses, Vladimir and Estragon begin to question their purpose and the meaning of their existence. They make half-hearted attempts at proactivity, contemplating departure and suicide, but ultimately resign themselves to waiting for Godot's arrival. In the second Act the two men encounter Pozzo and his slave Lucky. Vladimir and Estragon wonder whether either could be Godot at first, but ultimately their arrival does not bring any relief to the tramps. The play ends with Vladimir and Estragon still waiting for Godot, with no indication as to whether they will ever arrive.

This review uses the setting of the play and the interactions of the characters as a series of metaphors and allegories which collectively question the nature of the law generally and specific aspects of the law. There is no express research question that is investigated in this review and it instead uses each section of the review to illuminate a different, but connected, issue that is asked of the law by the play, questioning thus the effectiveness of the law.

The first section discusses the question of whether the correctness of a decision depends on how correct it feels or how correct it is prescribed to be. It explores the concept of natural law, which holds that legal norms are not created, but rather discovered as they all follow a universal human narrative on justice and morality. It also examines the idea of positive law, which holds that the law is largely created for a purpose and artificial in nature, yet no less real. It compares and contrasts the two concepts, and uses the play Vladimir and Estragon and the characters of Godot, Lucky and Pozzo as examples to illustrate the different perspectives on natural and positive law.

The second section discusses how the play can be interpreted as a commentary on the concept of justice in a legal system. Vladimir and Estragon are portrayed as waiting for some sort of judgement from Godot, which mirrors the often lengthy and uncertain nature of seeking justice through the legal system. The play highlights the power imbalance between plaintiffs or defendants and the legal system, and the characters' discussion of hanging themselves rather than waiting further is used to critique this imbalance. Overall, the play suggests that for the average person, justice is divorced from the legal system and little more than a process of surrendering power and waiting.

The third section discusses the idea that human rights, which are often seen as inalienable and belonging to individuals by virtue of their humanity, can be renounced or forfeited by choice. The play explores this concept through the characters Pozzo and Lucky, who have a relationship in which Lucky's treatment is inhumane and Vladimir finds it an outrage. The section also delves into the philosophy of law and questions what human rights ultimately are and if they can be considered natural and inalienable or if they are a historical product. It also examines the distinction between civil and political rights and economic and social rights and how these rights are interpreted and prioritised differently by different countries and cultures.

The review concludes with a conclusion.

Natural vs Positive law

Quid ius aut quid iuris?

Does the correctness of a decision depend on how correct it feels or, on how correct it is prescribed to be? Said differently, should the law focus on what *is right*, or what the subject's *rights are*? This question has captivated legal scholars and philosophers for as long as there have been decisions to make and prescriptions on how to make them. This distinction, easy to conceive and frame, forces endless investigation into what the law really is, and whether it exists to serve a purpose or just exists.

Vladimir and Estragon - Natural law

A plethora of philosophers have attempted to provide an answer to this investigation in favour of *quid ius*, and the answer which first presented itself is natural law. *Iusnaturalismo* holds that legal norms are not created, but are rather discovered as they all follow a universal human narrative on justice and morality. This is a view of justice that transcends the codes of law and goes under the appellation of views law as truly a natural creation. Though it appears largely uniform and consistent, there are differing perspectives as to what natural law is, illustrated in Max Weber's *Economy and Society* and in practice it often reflected the customary law of the local people, thereby being seen as the purest form of law.

In the play we are told of Godot; the possibly fictitious yet no less believed-in character, is an apt representation of the natural law as a concept. Godot may or may not exist, but is still believed in by those whose worldview revolves around his (eventual) presence or arrival and this belief compels them to wait and reassure each other that Godot is coming. Natural law is the same. It may or may not exist, but is not lacking believers, and this belief gives it power and compels men like Hobbes, Locke, and Spinoza to fervently defend its righteousness and existence. Vladimir and Estragon know nothing about Godot's physical appearance and would be completely unable to recognise him if he were to reveal himself to them. The two men demonstrate this by mistaking Lucky and Pozzo for Godot, and on more than one occasion explicitly bemoan their limited knowledge of Godot as anything other than a person who will bring them what they believe to be happiness. Natural law is the same. Which natural law scholars, from Aquinas to Pufendorf to Finnis, would be capable of recognising natural law if it were revealed? That we so often mistook local customary laws for natural laws (think of Sati in India or Vemana in Pre-Columbian Mexico) should be seen as evidence that, like Estragon and Vladimir, legal scholars know nothing of natural law as anything other than a concept which will bring them what they believe to be moral laws.

Much like Vladimir and Estragon wonder and theorise over Godot's appearance, so too do philosophers wonder and theorise about the nature of natural law. But like the endless wait endured by Vladimir and Estragon which deprives them of the ability to truly know Godot's appearance, all legal scholars can do is theorise in anticipation. In this way, Vladimir and Estragon are no different from the generations of legal scholars and philosophers to investigate this question who came before them.

Lucky and Pozzo - Positive law

A focus on *quid iuris* yields an alternative, diametrically opposed, philosophical stream that holds that the law is largely created for a purpose and artificial in nature, yet no less real. Hegel defines this positivism by the "doctrine of obedience" to state laws without challenging their justice. Norberto Bobbio's *The Legal Positivism* explains that positive law as a concept cannot be reduced to stripping the law of all considerations but for the text which recounts the law, but instead drafts a system in which the text has primacy over other sources. The legitimation though comes internally by other laws or by the strength of the state in the Hegel conception. It should be enough to find a parallel in the play but there is even a deeper connection between the conception of the law as an expression of a superior power and the power in the play. This is expressed in Hegel's *Phenomenology of Spirit* to be precise in the lord-bondsman dialectic. What Hegel emphasises here is how, once the lord triumphs over the bondsman, the lord becomes dependent on him, and this appears to occur in the play as well.

Pozzo and Lucky can be thought of as a representation of the positive law as a concept. The master-slave relationship between the pair is entirely artificial, yet strictly adhered to. In this way it is a very good mirror for the actual law and society who adheres to the every beck and command of the law, despite the artificial nature of the law. And, as Hegel depicts in the play's last act, we see Lucky totally in Pozzo's hands since the

latter became blind. This, however, does not inspire Pozzo with any sense of liberation; instead, he does not even attempt to leave Lucky after that, which would be futile because that is how the world is constructed. There are slaves and slaves' slaves, and the master is nothing but the second.

The complexity and pace of justice

Vladimir and Estragon appear very much like men awaiting some sort of judgement from Godot. In this way, the entire play becomes about the concept of justice in a legal system. As the title suggests, the concept of waiting is central to the play, and can be framed as commentary on the often lengthy and uncertain nature of trying to seek justice through the legal system. The characters are in a perpetual state of anticipation, waiting for Godot to arrive and provide them with a resolution. This is much like how a plaintiff or a defendant waits powerlessly in anticipation for information, the power dynamic completely turned against them, either from their lawyer or the court. The two men discuss hanging themselves rather than waiting further, an indictment of this power imbalance which is again presented to the audience through the master-slave dynamic of Pozzo and Lucky.

When viewed in this light, Beckett's work is a critique of how, for the average man, such as Vladimir or Estragon, justice is divorced from the legal system and the process consists of little more than surrendering power and waiting.

The conditions under which rights are human rights and whether these can be surrendered

The flip side of the coin that arises from the artificial nature of the law can be seen in the interpretation that is made of human rights. On several occasions in this play we witness behaviours that allude to a renunciation of certain rights, by the will of the person who holds them.

This is evident, for example, in the relationship between Pozzo and Lucky. Lucky in particular catches the reader's attention because Pozzo's treatment of him is extremely humiliating and inhumane, since, as previously stated, he is treated as nothing more than a slave, which Vladimir considers to be a real outrage.

According to Pozzo, Lucky would allow himself to be treated this way in order to impress him and although he has certain rights he would decide for himself not to enjoy them.

This idea of having certain rights but consciously deciding to get rid of them, or at least not to enjoy them by choice, arises at other points in the play; at one point, in fact, Estragon asks Vladimir if they have lost their rights and the latter replies that they have gotten rid of them, which alludes to a voluntary and consciously made renunciation.

This leads us to question, from the point of view of the philosophy of law, what ultimately human rights are. If one considers human rights to be natural and inalienable, then it should not be possible to waive them or, as Vladimir states, to get rid of them; if, however, rights are considered a historical product, then it is legitimate to ask whether and to what extent the expressed will of individuals can play a role in the exercise (or not) of these rights.

Human rights are often seen as "*inalienable because they belong to people by virtue of their being human. So to lose a human right one must cease to be human*". Thus humans would hold certain rights by virtue of their humanity and the only way to stop enjoying these rights would be to lose this human quality. Therefore, one human being could not deprive another of his or her natural rights, for these would be inalienable and intrinsic to human nature. Yet human rights are also a historical product and have a strong political connotation.

One need only think, for example, of the distinction made between civil and political rights on the one hand and economic and social rights on the other, often referred to as first and second generation rights respectively. Although these rights are all enshrined in the Universal Declaration of Human Rights, this text is not legally binding. When it came to adopting a binding text, it was necessary to opt for the adoption of two texts, namely the International Covenant on Civil and Political Rights and the International Covenant on Economic and

Social Rights, because of the strong divergence between the States on the importance given to these rights: for the States of the Western bloc, first generation rights are of greater importance, whereas for the States of the Soviet bloc, economic and social rights should take precedence.

This historical fact shows that although some rights can be considered natural, the importance given to them depends on external factors such as the history of a country. If we think, for example, of the right to life, a right that one might be tempted to describe as universal and enjoying widespread acceptance, there are in fact divergent interpretations of this right which affect the way it can be enjoyed. In some countries, for example, a foetus is considered a person with a right to life and abortion is therefore illegal because it is considered to be tantamount to giving death to a living being. The right to life is also in sharp contrast to what some people claim is the right to end one's life at will, via assisted suicide.

Taking one's own life is not considered an infringement of the right to life in some states; however, in others, taking one's own life with one's consent is tantamount to murder and therefore a strong infringement of the person's right to life.

Conclusion

In conclusion, the play offers a thought-provoking commentary on the nature of the law and the concept of justice through its setting, characters, and interactions. The review has highlighted how the play explores the dichotomy between natural law and positive law, and how it critiques the often-lengthy and uncertain nature of seeking justice through the legal system. It also delves into the question of human rights and whether they can be considered natural and inalienable or if they are a historical product, and how different countries and cultures interpret and prioritise these rights. Overall, the play leaves the audience with much to ponder and consider, and offers a unique perspective on the law and its implications on society.