A central figure in the establishment of the interdisciplinary study of law and literature, L. Hart Wright Professor of Law James Boyd White has both fueled and reflected the field's development. His work provides the lynchpin for Jeanne Gaakeer's newly published analysis of the law and literature field, *Hope Springs Eternal: An Introduction to the Work of James Boyd White* (Amsterdam University Press, Amsterdam, The Netherlands, 1998).

Gaakeer, associate professor of law at Erasmus University in Rotterdam and judge in the District Court of Middelburg in The Netherlands, writes that since his 1973 publication of *The Legal Imagination: Studies in the Nature of Legal Thought and Expression*, "White has consistently taken the similarities between law and literature as his object of study."

Her own path begins with the chapter "The Humanist Tradition," followed by chapters called "A Local Habitation and a Name," "And Justice Shall be Law, Not Power," and "Hope Springs Eternal." Her bibliography of White's writings since 1963 at the end of the book fills more than three pages.

White's aim "is not to build an all-encompassing theory," writes Gaakeer, who began her book as a doctoral dissertation at Erasmus University. "The value of his work lies primarily in his reflection on the common bond of law and literature in language by means of a study of the actual performances in literary texts. In a sense, his work reveals a skeptical attitude with respect to theory, or even a certain hostility to theory. It is rooted in his rejection of those forms of scholarship that have abandoned actual experience in favor of autonomous, abstract theory. For White, the term 'theory' as a product of reflection should be taken much more in the original meaning of the word, found in classical Greek, where the verb theorein meant 'to review a situation and try and learn something from it.'"

"White's continuous effort to direct our attention to the importance of that essentially literary quality of resisting closure for law and legal discourse, is to my mind his greatest contribution to legal theory," Gaakeer concludes. "Both his accomplishment and the diversity within Law and Literature as a movement show the necessity for law of an attitude that works of literature and the literary view of the world in the best form can teach us. It is the acknowledgment of the value of the singularity of any specific text, or the value of the uniqueness of any individual human being, and of any possible claim of meaning, while preserving an open mind on other possibilities, and resisting the urge towards any form of closure."

White said that he is pleased and complimented by the book's discussion of his work. "It is a great honor to have my work be made the object of sustained and intelligent attention in this way," he said. "But the greatest benefit to me of this book is coming to know Jeanne Gaakeer, an extraordinary person, and to learn something about the continental context in which she is placing the kind of work in law and humanities that is being done all over the English-speaking world."


White has written many journal articles and five books. In addition to *The Legal Imagination*, his books include: *Constitutional Criminal*
Herzog on the stepping stones to democracy

Professor Don Herzog's new book, *Poisoning the Minds of the Lower Orders* (Princeton University Press, 1998), began as a book on conservatism. "But along the way I found myself working on a book on conservatism and democracy," he confesses in the preface. Conservatism, he discovered, "was locked in combat with democracy" and "was best understood as a fundamental assault on the possibility and desirability of democratic politics."

*Poisoning the Minds of the Lower Orders* focuses on the tumultuous period between the French Revolution of 1789 and 1834, when England passed a major poor law. Herzog consults "the usual suspects" — well-known historical intellectual figures like Bentham, Blake, Burke, Byron, Priestley, novelist Mary Shelley and poet Percy Shelley, Wollstonecraft, Wordsworth and others. "I've also drawn on newspapers, pamphlets, cartoons, sermons, letters, diaries, trashy novels, trashier poems, periodicals, parliamentary proceedings, and more. Crucially, I've incorporated social and political history."

"To put it bluntly, I don't trust the distinction between intellectual and social history. So I've ignored it. In these pages, Burkean appeals to tradition rub shoulders with workers plotting in alehouses; paens to enlightenment jostle against contemptible hairdressers."

Herzog divides the book into three parts: Enlightenment, Contempt, and Standing. Throughout, he portrays the stubborn tension between the upper, ruling classes and those they turned into and tried to maintain as social pariahs. He leads his reader on a thought-wrenching, sometimes unpleasant journey. "Those seeking a guiding thread through the labyrinth might wish to focus on the transformation of subjects into citizens," he offers. "Or — to restate the point — on how it became possible to credit the lower orders with dignity and political agency, to deny that they were the lower orders in the first place, and to do so without being cranky or going into mourning."


Schneider examines autonomy in medical decision-making

You're sick. Seriously, wearily sick. Do you want to shoulder the task of remaining aware of the progress of your illness and deciding the course of your care? Or do you want someone else to take that knowledge and make that decision for you?

There are no straight-forward answers to such questions, as Professor of Law Carl E. Schneider, '79, details in his new book, *The Practice of Autonomy: Patients, Doctors, and Medical Decisions* (Oxford University Press, 1998).

"This inquiry yields some unexpected results," Schneider writes. "Much of what autonomists want for patients, many patients want for themselves. At least some patients crave and contend for all that lawyers and bioethicists..."

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