James Boyd White
and the power and pitfalls of language

James Boyd White, the L.Hart Wright Collegiate Professor of Law at Michigan, immerses himself and his scholarship in our efforts to yoke language to our lives, and his two most recent books, both out this year, continue this quest though coming at it from two different directions.

In Living Speech: Resisting the Empire of Force (Princeton University Press), White explores his “long-standing interest in what is at stake—intellectually, ethically, politically—when the human mind meets and tries to use the languages that surround it, in the law and elsewhere: languages that are made by others, that are full of commitments to particular ways of imagining the world—describing it, judging it—and that carry deep within them the habits of mind, the values, of the world in which they are made.”

“What I think is at stake at such moments of expression is practically everything, including both the integrity of the individual person and the quality of our larger culture and policy,” he writes in his Preface. “In our struggles with our languages we define and reveal the nature of our own processes of thought and imagination; we establish characters for ourselves and relations with others; we act upon the materials of meaning that define our culture, sometimes replicating them, sometimes transforming them, for good or ill. The activity of expression is the heart of intellectual and ethical life.”

Roaming through a rich variety of intellectual fields—literature like Dante’s Divine Comedy and Shakespeare’s Hamlet, court cases like Virginia State Pharmacy Board v. Citizens Consumer Council and Ashcroft v. Free Speech Coalition; correspondence like Abraham Lincoln’s letter to General Joseph Hooker; Quaker worship practices; and others—White, as his publisher says, reminds us “that every moment of speech is an occasion for gaining control of what we say and who we are.”

Some idea of the book’s themes can be found in its chapter titles: from “Speech in the Empire,” “Living Speech and the Mind Behind It,” and “The Desire for Meaning,” to “Writing that Calls the Reader into Life—or Death,” “Human Dignity and the Claim of Meaning,” and “Silence, Belief, and the Right to Speak.”

White applies the idea of living speech to the law in two ways. First, he argues that the First Amendment should be understood as having at its core the protection and fostering of living speech; second, he maintains that in deciding cases under the First Amendment, but not only there, it is necessary that judges engage in living speech themselves if the law is to be a powerful agent of resistance to the empire of force rather than its instrument.

According to White, the phrase “empire of force” comes from an essay on the Iliad by the French philosopher Simone Weil, where she uses it to mean not only brutal force and violence of the kind we have always seen in war, and now see in police states, but, more deeply, our ways of thinking and talking and imagining that dehumanize others and ourselves, trivialize human experience, diminish the possibilities of meaning in life, and thus make that kind of force possible: propaganda, sentimental clichés, politics by buzzwords, unquestioned ideologies, and so forth.

In his other book out this year, How Should We Talk about Religion? (University of Notre Dame Press), White takes on the role of editor, working like the moderator on the printed page of the 14 chapters that grew out of a seminar of the same title held under the auspices of the Erasmus Institute at the University of Notre Dame in 2000.

“These chapters should not be read as a series of unrelated essays aimed at distinct professional audiences—historians or psychologists, say, or philosophers—but as composed for the diverse audience to which they were originally given and then rewritten for the even more diverse audience we hope this book reaches,” he writes. “While each of the writers speaks from a disciplinary base, each of them also questions the nature and limits of that base, both as an independent matter and in connection with the other essays in this book. The writers of these essays know that they speak in different ways, and that these differences are an important part of our subject.”

Two examples:
• “Christianity in Spanish America was, in the first instance, a by-product of invasion and conquest. . . . Military and spiritual conquests were thus intimately intertwined, and this correlation of
Miller will visit St. Andrews as Carnegie Centenary Professor

William Ian Miller, the Thomas G. Long Professor of Law, has been named a Carnegie Centenary Professor at St. Andrews University in Scotland and will be in residence there from January-June as a visiting professor.

“A pleasant surprise, to say the least, and I even hate golf,” Miller said.

Miller, a member of the Michigan Law faculty since 1984, is a scholar of the Icelandic sagas, emotions (the Association of American Publishers named his book The Anatomy of Disgust [Harvard University Press] the best book of 1997 in anthropology/sociology), and the law of the talion, the ancient code that calls for “an eye for an eye” and punishment that equals the crime. Miller’s most recent book, Eye for an Eye (Cambridge University Press, 2006), is a meditation on the evolution of the code of revenge and the law of the talion and their continuing roles in contemporary life and law.

The Carnegie Trust for the Universities of Scotland established the Carnegie Centenary Professorships in 2001 to mark the centenary of the trust. Nineteenth century business magnate Andrew Carnegie, who was born in Scotland, established the trust in 1901 with a gift of $10 million, a figure that was several times the total of the assistance the government then provided to the four ancient Scottish universities. The trust now supports 13 Scottish universities.

The Centenary Professorships’ Web page says the program chooses scholars “of the highest academic standing who will contribute to academic/scientific developments in the Scottish universities in their particular fields, whether in teaching or research or in both, in emerging as well as established disciplines or in interdisciplinary field.

“Such senior scholars of high distinction, by their very presence, will confer benefits on the Scottish universities.”

Founded in 1413, the University of St. Andrews is Scotland’s oldest university and the third oldest in the English-speaking world. It has a total of about 7,000 undergraduate and graduate students.

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purposes has shaped Christian experience in Latin America to the present day,” Notre Dame Professor in Arts and Letters Sabine MacCormack begins her chapter “A House of Many Mansions.”

• Ebrahim Moosa, an associate professor of Islamic studies at Duke University, opens his essay “The Unbearable Intimacy of Language and Thought in Islam”, with these words: “Public discussions about Islam are often reductive, hiding more than they are supposed to reveal. Talk about ‘Islamic fundamentalism’ might give comfort to those who like to talk in ideological keystrokes, but it remains a problematic category precisely because it also carries an unusual and complex political freight.”

Others in the book frame their chapters from the perspectives of philosophy, classics, medieval studies, anthropology, economics, political science, art history, and other disciplines.

“Each of the authors had his or her own way of talking about religions, and the merit of this collection lies in large part in the diversity of approach—of discipline and background, age and nationality, religious outlook and intellectual commitment—reflected here,” White tells readers. “Yet perhaps there is something of an answer to our question that can be found in this collections of essays, for we found that we talked together much better—more fully, more deeply, more intelligently—than any of us did alone.”