WHEN LANGUAGE MEETS THE MIND: THREE QUESTIONS

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J.B. White

In this essay I shall talk about a certain moment which lies at the center of imaginative life and expression, whether in law, literature, or ordinary life: the moment, as I say in my title, when language meets the mind. My hope is to sketch out a way of thinking about both law and literature, and much else besides. What I am doing is not so much an introduction to future work as retrospective in character, an effort to generalize from work I have done on language and meaning over the past several decades. The generalization takes the form, as again my title suggests, not of a set of propositions, but of three questions—questions I hope the reader will be able to use in his or her own thinking.

LANGUAGE AND THE EMPIRE OF FORCE

I begin by invoking as an epigraph a sentence by Simone Weil. In one English translation it is this: "Only he who knows the empire of force, and how not to respect it, is capable of love and justice." In French, it is: "*Il est n'est pas possible d'aimer et d'être juste que si l'on connaît l'empire de la force et si l'on sait ne pas le respecter.*" This sentence comes from Weil's famous essay on the *Iliad*, in which she reads that great poem as simultaneously defining and deeply opposing the human desire to dominate, enslave, and destroy other human beings—to use force or might to impose one's will upon them.[1] Homer wrote about, and in one sense celebrated, an heroic world of which the chief value was military prowess; but he also opposed this culture by repeatedly showing the reader what no one in the poem could ever see, the full humanity of those on both sides of the war.

In the *Iliad* as elsewhere the empire of force is in part a matter of physical violence, of course; but behind the physical violence, as Weil sees, is the mentality that makes it possible. For organized evil action always depends upon forms of thought and speech — ideologies, habits of thinking, forms of language, ways of imagining the world — that deny or trivialize the reality of others. Weil brings this home to us in our own day, telling us that whenever we speak or think or write we too should ask ourselves whether we understand the empire of force at work in our lives—in our languages, in our own minds—and whether we know how not to respect it.

This is an issue, that is, not only for the people of Homer's *Iliad*, and for Homer himself, but for all of us: certainly, for example, in the way we think and talk about armed conflict, and those who are killed and tortured; but also in the way we think about divisions within our own countries, based on race, for example, or religion; and beyond that when we talk about what seem to be neutral matters but unwittingly do so in a language that demeans others, or denies the richness and value of human life — a language of commercial advertising for example, or party politics, or political propaganda. We may without knowing it be serving the empire of force in what we say and do; and to the extent that is so, if Weil is correct as I think she is, we shall be incapable of love and justice—perhaps the last things we would want to say about ourselves.

It is from the point of view defined by Weil's sentence, then, that I wish to speak about what happens when language meets the mind. I shall do this by identifying a set of three questions that I believe one can ask of any human utterance, in literature, in law, or in the rest of life. My questions are simple ones, but in my experience fruitful, indeed essential to responsible thought and expression in any domain of life. And the fact that they are simple does not mean that they are not the product of sustained

1 * Simone Weil, "L'Iliade, ou le poeme de la force," first published in *Cahiers du Sud* (December 1940-January 1941). The essay has been reprinted in *The Simone Weil Reader*, ed. George A. Panichas (Mt. Kisko, N., ed. George A. Panichas (Mt. Kisko, N.Y.: Moyer Bell, 1977) 153, with the quotation appearing at page 181.

thought. I have been working on them my whole professional life.

First a preliminary point. The word "language" is crucial to what I am doing and I should say at the outset that by this term I do not mean something totally abstract — "language" in general — in the manner of certain linguists, nor do I mean only what we usually call "languages," such as Arabic or French or Chinese or even dialects of those languages. I mean rather the identifiable ways of talking that a culture makes available to its members. In my own country we know how to tell the difference between the way a lawyer talks and the talk of an advertiser or Baptist preacher or car mechanic or bartender or a child on the street corner teasing another. Each of these people has identifiable ways of talking, and I am sure that you can think of examples from your culture too.

Language in this sense is not simply a matter of diction and grammar, but tone of voice, verbal gesture, a universe of expected responses, consciousness of what need not be said, and so on. You could express this idea of language by saying that it is what a playwright would need to know to write a speech for a character in a play, and what an actor would need to know to perform it.

Every system of language is in this sense an empirical fact in the world, which can be described more or less accurately; but it is also a normative system, demanding of us that we speak it correctly and punishing us when we fail. There are right ways and wrong ways to speak every dialect in the world. Just imagine yourself trying to imitate a regional dialect in your own language, in the company of one of its native speakers, and think how readily, with what amused condescension, you would be corrected. Every system of language offers us at the same time a set of enablements or capacities — it offers us its own unique ways to speak and act with each other — and a set of restrictions and incapacitations.

THREE QUESTIONS

Language is the material of our thought and expression. We can do nothing without it. It simultaneously enables and restrains. My subject is: what happens, for good or ill, when the mind meets the languages it is given by its culture, whether in the law, in politics, or in the world of literature? My effort here is to articulate a set of questions that we can ask of any act of human speech, whether our own or that of someone else. My aim is not to answer them, but to give them content. Owing to limits in my education, most of my examples will be taken from the culture in which I was raised.[2]

Culture

My first question concerns the language itself, regarded not simply as a code but as the embodiment and carrier of culture. For one can always ask, with respect to any language act whatever, *What is the language, the dialect, the special way of speaking, that this writer is using, or that I am called upon to use? How does this language work, as a set of social and cultural practices — as a system of meaning?*

This is an external, descriptive, and analytic question about something in the world, outside of the self. Consider for example the following:

$ The highly defined art language in which Homer composed the *Iliad* and the *Odyssey*. This was a language developed over centuries for the specific purpose of making a certain kind of poetry, poetry which told the stories of the heroic past. For the epic poet this language was mandatory: if

2 Since I mean this paper as a kind of retrospective account of the work I have been doing on language and law and culture for over thirty years, the examples will be taken in large part from my earlier work. The passage from Twain's Life on the Mississippi, for example, appears *in The Legal Imagination* (1973); the scene from Huckleberry Finn appears there too and also as the main subject of chapter one of my most recent book, *The Edge of Meaning* (2002). Emily Dickinson's poetry and Abraham Lincoln's Second Inaugural address are treated in separate chapters of *Acts of Hope* (1994), and Dickinson's poetry again in *From Expectation to Experience* (2001). I deal with Plato in *Acts of Hope, The Edge of Meaning,* and *When Words Lose Their Meaning*. My forthcoming book, *Living Speech: Resisting the Empire of Force*, is built upon Weil's sentence in much the way this essay is.

you wished to be a poet of this kind you had to speak this language. It had clear formal requirements of diction, meter, syntax, and so on; and equally deep substantive commitments, for it was designed to represent and to celebrate the martial and heroic culture, the world of heroes and gods, that it brought into imaginary existence.

$ The ordinary Greek of Plato's Athens, which shaped the habits of thought and speech with which he grew up. For him the values and motives expressed in this language were deeply flawed, as I shall say more explicitly below, yet they were also the materials of his own thought. This presented him with the question that drives much of his philosophy: How could he possibly think critically about the only language and culture he knew?

$ Or, to shift worlds, we might think about the 19th century American language of poetry that confronted a woman who, like Emily Dickinson, wished to be a poet in that world. As I shall suggest more fully below, this language worked by a highly specific and limiting set of mandatory conventions, with which any poet of the time would have to come to terms — and which Dickinson was determined to resist.

$ Or we might think of modern law, whether in my country, in Europe, or elsewhere in the world, for law always establishes a set of things one can say, and a way of saying them. It too is in a powerful sense mandatory: if you are to function as a lawyer you must speak this language, these ways. If you know the language of the law you can say and do important things that others cannot; but all your saying and doing is subject to the most specific limitations and prohibitions. As a lawyer an essential part of your experience in fact is a kind of frustration at not being able to say or do everything you wish in the language of the law.

Each of these languages can be described and analyzed, both in formal terms — diction, grammar, syntax, meter, and so on — and as a cultural system, a system of substantive meaning. One can ask, for example, how it represents the world of nature: what does water mean here, or vegetative life, or the sun, or the mountain? And how does it represent or constitute the social world: who are the actors here, what expectations govern their roles, what relations are assumed to exist among them? (Think of the warrior, the priest, and the prize-girl in the *Iliad*, for example, or the lawyer, the judge, and the legislator in modern law.) And what forms of thought does this language validate and make possible? What counts as reason here? How are human motives and values defined? And so on. As it comes to be understood, the language can also be criticized, by exploring its own contradictions, by comparison with other cultures, and by the invocation of one's personal experiences of life.

What the first question calls for, then, is a form of *cultural analysis and criticism*.

Art

That is to look at the language from the outside. When we look at it from the inside, as one who must speak or write it — or when we examine the expression of another person using the language in a particular context — quite another kind of question presents itself: *What is the relation between this language and the mind using it? What should it be?* Or: *What happens when this mind meets this language*?

This question actually has two forms, which, if I imagine myself as the speaker or writer, I can put this way: *What do I do to the language*? and, *What does the language do to me?*

I shall begin with the second and perhaps more surprising form of the question. The idea at work here is that the languages and practices we learn from our culture embed themselves in our minds and imaginations, creating within us, without our quite knowing it, certain ways of imagining the world—including both other people and ourselves—certain ways of defining value, certain ways of conceiving of the nature of reason. When we learn the languages of our culture we learn a set of habits of mind and

attention, of forms of expression and verbal action, and these mark our minds. This is in fact what an education is: as doctors, lawyers, football scouts, fishing guides, pilots, we learn modes of thought and expression that change who we are. To some extent we become the languages we speak. That is an essential part of an education.

So we can always ask ourselves: What does this language do to me? And we can ask the same question of others as well of course: How, for example, is Plato's mind marked by the Greek of his day or Emily Dickinson's by the language of poetry she grew up with?

Life on the Mississippi

There is a wonderful passage on this subject from American literature. In chapter 7 of his autobiographical *Life on the Mississippi*, Mark Twain tells us that once he saw the river with the romantic eyes of a passenger on a steamboat, as a mighty and beautiful force of nature; but when he was trained as a pilot, he came to see it very differently indeed, as full of signs to the riverman, telling him that here is a sandbar, there a tree about to fall into the river, and so on. The river became a "wonderful book," he tells us; but learning to read it destroyed the vision he had earlier had of the scene.

> . . . The face of the water, in time, became a wonderful book — a book that was a dead language to the uneducated passenger, but which told its mind to me without reserve, delivering its most cherished secrets as clearly as if it uttered them with a voice. And it was not a book to be read once and thrown aside, for it had a new story to tell every day. Throughout the long twelve hundred miles there was never a page that was void of interest, never one that you could leave unread without loss, never one that you would want to skip, thinking you could find higher enjoyment in some other thing. There never was so wonderful a book written by man; never one whose interest was so absorbing, so unflagging, so sparkingly renewed with every re-perusal. The passenger who could not read it was charmed with a peculiar sort of faint dimple on its surface (on the rare occasions when he did not overlook it altogether); but to the pilot that was an *italicized* passage; indeed, it was more than that, it was a legend of the largest capitals, with a string of shouting exclamation points at the end of it; for it meant that a wreck or a rock was buried there that could tear the life out of the strongest vessel that ever floated. It is the faintest and simplest expression the water ever makes, and the most hideous to a pilot's eye. In truth, the passenger who could not read this book saw nothing but all manner of pretty pictures in it painted by the sun and shaded by the clouds, where as to the trained eye these were not pictures at all, but the grimmest and most dead-earnest of reading matter.
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> Now when I had mastered the language of this water and had come to know every trifling feature that bordered the great river as familiarly as I knew the letters of the alphabet, I had made a valuable acquisition. But I had lost something, too. I had lost something which could never be restored to me while I lived. All the grace, the beauty, the poetry had gone out of the majestic river! I still keep in mind a certain wonderful sunset which I witnessed when steamboating was new to me. A broad expanse of the river was turned to blood; in the middle distance the red hue brightened into gold, through which a solitary log came floating, black and conspicuous; in one place a long, slanting mark lay sparkling upon the water; in another the surface was broken by boiling, tumbling rings, that were as many-tinted as an opal; where the ruddy flush was faintest, was a smooth spot that was covered with graceful circles and radiating lines, every so delicately

> traced; the shore on our left was densely wooded, and the somber shadow that fell from this forest was broken in one place by a long, ruffled trail that shone like silver; and high above the forest wall a clean-stemmed dead tree waved a single leafy bough that glowed like a flame in the unobstructed splendor that was flowing from the sun. There were graceful curves, reflected images, woody heights, soft distances; and over the whole scene, far and near, the dissolving lights drifted steadily, enriching it, every passing moment, with new marvels of coloring.
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> I stood like one bewitched. I drank it in, in a speechless rapture. The world was new to me, and I had never seen anything like this at home. But as I have said, a day came when I began to cease from noting the glories and the charms which the moon and the sun and the twilight wrought upon the river's face; another day came when I ceased altogether to note them. Then, if that sunset scene had been repeated, I should have looked upon it without rapture, and should have commented upon it, inwardly after this fashion: "This sun means that we are going to have wind to-morrow; that floating log means that the river is rising, small thanks to it; that slanting mark on the water refers to a bluff reef which is going to kill somebody's steamboat one of these nights, if it keeps on stretching out like that; those tumbling >boils' show a dissolving bar and a changing channel there; the lines and circles in the slick water over yonder are a warning that that troublesome place is shoaling up dangerously; that silver streak in the shadow of the forest is the >break' from a new snag, and he has located himself in the very best place he could have found to fish for steamboats; that tall dead tree, with a single living branch, is not going to last long, and then how is a body ever going to get through this blind place at night without the friendly old landmark?"
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> No, the romance and the beauty were all gone from the river. All the value any feature of it had for me now was the amount of usefulness it could furnish toward compassing the safe piloting of a steamboat. Since those days, I have pitied doctors from my heart. What does the lovely flush in a beauty's cheek mean to a doctor but a "break" that ripples above some deadly disease? Are not all her visible charms sown thick with what are to him the signs and symbols of hidden decay? Does he ever see her beauty at all, or doesn't he simply view her professionally, and comment upon her unwholesome condition all to himself? And doesn't he sometimes wonder whether he has gained most or lost most by learning his trade?

This passage suggests a real question for the lawyer or doctor or politician as well, or any trained or educated person in fact: what do our educations cost us? To what extent do our minds become colonized, taken over, by the languages of the profession we learn? This can and should be a question for students of law in particular. What happens to your capacity to think about justice in a fresh and real way, for example, or about other people as people, and not just as elements in a paradigmatic legal story?

<u>Huckleberry Finn</u>

For a much more poignant and troubling example from my own country, think what it does to every person raised in America to grow up with the American language of race. It marks every mind and imagination. Imagine for example what it would be like to be the "white" child of a slave-owner growing up in Mississippi: the world of beastly racial oppression would seem a part of nature, just the way things are; and the same would be true too for the "black" child growing up as a slave. In different ways, the words of

race would be facts of both of their minds and hearts. We no longer have slavery, of course, but we still have race, and it affects us all.

How race works on the mind is the subject of another famous passage from Mark Twain, this one from his novel *Huckleberry Finn*. You will remember that the title character is an outcast white boy growing up in pre-Civil War Missouri, on the Mississippi river. He lives partly in the town, with Tom Sawyer and other establishment figures, partly in the woods with his Pa, who abuses him physically and psychologically. Huck escapes, down river, on a raft, to be joined by Jim, a slave who has run away to avoid being sold down river. They together live a life of shared adventure, in which Jim proves himself to be Huck's friend, his only real friend, and his teacher.

At the crisis of the story, in chapter 16, Huck sees some men in boats hunting runaway slaves and, overcome by what he calls his "conscience," decides to do the "right thing" and turn Jim in. But he finds he simply cannot do it, and instead with enormously skillful lies, he deflects their attention from the raft he shares with Jim by planting in their minds the idea that his family on the raft suffer from smallpox. When the men have left, Huck reflects on his experience in the following terms.

> They went off, and I got aboard the raft, feeling bad and low, because I knowed very well I had done wrong, and I see it warn't no use for me to try to learn to do right; a body that don't get *started* right when he's little, ain't got no show — when the pinch comes there ain't nothing to back him up and keep him to his work, and so he gets beat. Then I thought a minute, and says to myself, hold on, — s'pose you'd a done right and give Jim up; would you felt better than what you do now? No, says I, I'd feel bad — I'd feel just the same way I do now. Well, then, says I, what's the use you learning to do right, when it's troublesome to do right and ain't no trouble to do wrong, and the wages is just the same? I was stuck. I couldn't answer that. So I reckoned I wouldn't bother no more about it, but after this always do whichever come handiest at the time.

This passage presents two distinct puzzles. First: why is it that Huck can not say what we would say about the slave hunters, about slavery, about his own conduct in protecting Jim? For we can plainly see that Jim is his best friend, his only friend; that Huck and Jim love and respect one another; that slavery and racism are obviously radical evils, a fundamental denial of humanity, that Huck's own conduct was admirable and courageous. Why can Huck not see and say these things? Why indeed can he not even imagine them? The answer is in a sense obvious: he has been trained by his culture not to see, let alone say, such truths. No one in his world has ever said such things, so hw could he do so? His performed incapacity is in fact a representation of the force of culture and language on the mind. The language of race and slavery and property work on his mind to make what is obviously true to us simply unthinkable and unsayable by him, despite his own experience.

The second puzzle is really the opposite. It is suggested by the fact that Huck, when pressed, does not do the "right thing" for a white boy in his world, does not turn Jim in to the slavehunters. How is it that he is able to make this refusal, to resist the mandate of his culture — to achieve in fact the moral and intellectual confusion he reflects here? For this confusion *is* an achievement. Tom Sawyer, the future lawyer or banker, would never have attained it.

At the moment I have not time to explain how this happens. In a sense it is the point of the novel to do that.[3] But I can say that it is partly the result of Huck's marginal status, which gives him a perspective from which to see the dominant culture; partly the result of his habit of reflecting on his experience, trying to make sense of what makes no sense; partly the result of what Jim offers him on the raft, a kind of care and attention and recognition he has never known.

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3 For my analysis of this question, see *The Edge of Meaning*, chapter one (2001).

For our purposes the point is that this passage defines Huck's relation with the language of race and slavery in a highly complex way. We can see that it has indeed done something to him: it marks his mind and feelings at their core. But he can do something to it as well, for he finds that he can resist it, in his conduct. But this resistance is incomplete, because he cannot find a way to express adequately the truth of his own experience. He cannot rewrite his language except into a productive confusion.

One form of the question about one's relationship to one's language then takes the form: *What does it do to me, to my mind?* To what extent am I like the Mississippi River pilot, or Huck Finn? But the question has another form as well: *What do I do to this language, or with it? How can I resist it, or work with it, or transform it?* This is a question of art, and it can be asked not only of ourselves, but of other speakers and writers, including characters in fictional compositions.

After all, as we have seen, Huck is not only acted on by this language, he finds a way to act against it. He shows that in a deep way he understands and does not respect the racial empire of force in which he has grown up; to this extent he is, as Weil says, capable of both love and justice. Twain, too, shows that he can overcome the language of race at least to the degree that enables him to write *Huckleberry Finn*, his great critique. And he has control of the effects of his education as a riverboat pilot too, for he sees and laments them. Indeed he can do more: he can hold the contrasting imaginative states represented by his earlier and later responses together in his own mind, and enable his reader to do that too.

Plato's Dialogues

For another example, let us turn to Plato. Plato lived in a world defined by a language of value and motive he thought deeply wrong, and the story of his writing is in large part the story of his attempt to come to terms with that language, to criticize it, to rewrite it.

Obviously the Greek of Plato's day was a rich and complex language, but to oversimplify one could say that its central terms of value were *agathos* and *kalos*, "good" and "noble," and their opposites, *kakos* and *aischros*, "bad" and "shameful." These words had not only a moral signification, as they do with us, but also reflected an ethics of prestige and success: the positive terms referred to a person who was wealthy, successful, handsome, powerful, dominant in every way—perhaps the Hispanic term *macho* captures some of the sense of it. The negative terms referred to the opposite: weak, poor, ugly, and contemptible. In this language you could not be poor (or weak or ugly) and "good."[4]

This was Plato's only language. Yet in a deep way it made no sense to him, or imperfect sense, or somehow the wrong sense. He had an intuition that this was not the right way to think. Yet he had no way to say that, for he had no place outside his language to stand from which he might see and criticize it.

From his awareness of this problem arose his invention of the philosophic dialogue, an intellectual and social form that constituted a way of putting his language into explicit question. As you will remember, what typically happens in one of his dialogues is that someone speaking a version of ordinary Greek is brought into conversation with Socrates, and shown, by stages, that the formulations upon which he relies, upon which he bases his life, do not make sense and are no longer sayable by him. And he also is likely to be led to say things that he now discovers to be true but which themselves make no sense in the larger culture. He is brought to utter impossible formulations. "*It is better* — more dominant, macho, prestigious, in generally socially desired — *to be the victim of injustice*, say a mugging or a rape, *than to be its perpetrator*." So Polus in the *Gorgias* is led to say. Yet this utterance is as impossible in the Greek of that day as it would be for Huck to speak like an abolitionist in slaveholding Missouri. To be raped or beaten is to be humiliated, and it cannot be anything but shameful—much more shameful, in this culture, than doing such a wrong to another. Yet Socrates' interlocutors leave his company talking in such ways. What they

[4] For a classic account of this discourse and the problems it presents see A.W.H. Adkins, *Merit and Responsibility* (Oxford, 1960).

say makes no sense to their fellow citizens except that it is obviously revolutionary. No wonder Socrates was killed.

Something like the relation between Socrates and his interlocutors is replicated in the relation between Plato and his reader. We too find our languages undone, taken apart, lying in pieces at our feet. Plato's relation to his language, then, is that of: user, critic, destroyer, remaker.

Dickinson's Poetry

For another example of a mind working on and with its language, transforming it, let me turn to the nineteenth century American poet Emily Dickinson. As a young woman she obviously had an enormous need and desire to express herself as a poet. But she lived in a world in which there were rigid conventions governing poetry in general, and the poetry of women in particular. To be what was called a "poetess" in the this world one had to write about certain subjects — nature, death, love, and God — do so in a perfectly rhyming, perfectly metrical verse.[5] Worse, the aim of the whole effort had to be to achieve an perfect sentimentality in tone and feeling. Here is an example of a poem that meets the requirements of the day by Helen Hunt Jackson, Dickinson's friend and contemporary, whom Emerson called the best woman poet in America:

Robins call robins in tops of trees;
Doves follow doves, with scarlet feet;
Frolicking babies, sweeter than these,
Crowd green corners where highways meet.

Violets stir and arbutus wakes,
Claytonia's rosy bells unfold;
Dandelion through the meadow makes
A royal road, with seals of gold.

Golden and snowy and red the flowers,
Golden, snowy, and red in vain;
Robins call robins through sad showers;
The white dove's feet are wet with rain.

For April sobs while these are so glad,
April weeps while these are so gay, —
Weeps like a tired child who had,
Playing with flowers, lost its way.

Dickinson transformed this sentimental poetic language. She used the regular hymn-tune metrical structures she inherited, but with much more variation than was allowed; she used rhyme, but often in the form of off-rhymes; she did regular violence to diction and grammar, using verbs as noun, nouns as verbs, and devising other wholly new locutions; and above all she was utterly unsentimental, antisentimental in fact. For her poetry was a way of putting the commitments of her culture into question, rather like Plato's dialogues in fact.

Consider for example the following poem, written in the regular rhythms of a hymn tune and having as its subject Death, one of the required topics. Yet it is brutally antisentimental.

5 For elaboration see Cheryl Walker, *The Nightingale's Burden* (Indiana, 1982).

I like a look of Agony,
Because I know it's true —
Men do not sham Convulsion,
Nor simulate, a Throe —

The eyes glaze once — and that is Death —
Impossible to feign
The Beads opon the Forehead
By homely Anguish strung.

The first line begins "I like," as though what will follow will be "the songs of spring" or "the mellow mists of fall," or perhaps "the beauty of a caring heart"; it ends, "a look of agony," in a macabre, even ghoulish, turn. What could lead a person to "like" such a thing as another's total suffering? She tells us: "because it's true." In other words, this is the expression of a person who is surrounded by such utter falsity, and has been all her life, that she turns with eagerness to something she knows to be "true," even if it is hideous. Not a sentimental view of childhood or death either.

Or think of the following, a famous poem:

Because I could not stop for Death —
He kindly stopped for me —
The Carriage held but just Ourselves —
And Immortality.

We slowly drove — He knew no haste
And I had put away
My labor and my leisure too,
For His Civility —

We passed the School, where Children strove
At Recess — in the Ring —
We passed the Fields of Gazing Grain —
We passed the Setting Sun —

Or rather — He passed Us —
The Dews drew quivering and Chill —
For only Gossamer, my Gown —
My Tippet — only Tulle —

We paused before a House that seemed
A Swelling of the Ground —
The Roof was scarcely visible —
The Cornice — in the Ground —

Since then — >tis Centuries — and yet
Feels shorter than the Day
I first surmised the Horses' Heads
Were toward Eternity —

The first stanza, on the surface at least, replicates the cozy assumptions of the poetry of the time: "Death" is imagined not as something frightful or inhuman, but as a person, a polite and courtly person, whose force is in a sense utterly negated by the presence of another person, "Immortality." She is not afraid, because she has beside her the great Christian promise of eternal life. As the poem proceeds, however, the journey becomes surreal and malevolent, finally ending at a grave. In the final line the comfortable "Immortality" of the first stanza has become a bleak, frightening, empty "Eternity." The sentimental premises upon which the poem began have been completely reversed.

It is worth saying that Dickinson paid an enormous practical price for her innovations. She was unpublished during her lifetime, except for a handful of poems that were rewritten by an uncomprehending editor to comply with the requirements of the day. It was really not until the 1950s or 60s that even the most sophisticated and intelligent part of the American literary public was prepared to read her poems as she wrote them. The culture she resisted and transformed in her poems had a force she could not overcome.

Difficulties of Judgment

I hope you can see something of what I mean, then, when I say that we can ask the question, "*What is our relation to the language that meets our mind*?" in two different ways: *What does it do to us*? Or: *What do we do to it, or with it*? On the one hand: Am I the instrument of this language, its creature, simply printing out its ways of thinking and its values? Or, on the other, can I subject it to some kind of control, put it to my purposes, criticize it, transform it, make it say or do something different? This is what Twain, and Dickinson, and Plato all do, wonderfully yet of course incompletely.

Here it might be useful to think of the experience of the law student. "Who do I become in speaking this language?" is a real topic for an intelligent person becoming a lawyer. Do I become a caricatured version of a dessicated legal analyst? (Suppose I sounded always like a lawyer?) Or can I somehow find a way to control, to transform, this language that now inhabits my mind — which I am inviting into my mind?

One can see how hard this is for the student or young lawyer. There is no place to stand securely outside the law from which you can examine it and its effect on you; you must think about it from the inside, at exactly the same time it is shaping you. The same thing is true of course with the Greek of Plato and the racial language of America, and our languages of morals, economics, and politics as well. The task, an essentially literary one, is to find a way to understand and criticize one's resources of meaning, to use them for one's own purposes — to use them to form one's purposes in the first place — at the same time that they are shaping one's own mind and habits of attention.

How are we to judge our own efforts, and those of other people? There is no language outside language in which to think about better and worse, no place outside culture, outside the self that the culture has done so much to form. All attempts to think about it replicate the problem inherent in any language use, for all thought about such questions must proceed in particular languages, each of which normalizes itself in our minds, even if it is in fact deeply evil, crudely limiting, or just a string of clichés and slogans. In my view there can be no theoretical or conceptual answer to such a problem. What is called for is a kind of art. Each person has to make her own way, with the aid of such examples of excellence as we can find. Answers, that is, lie not in theories or programmatic statements, but in our own performances and what we can learn from the performances of others. The work of judgment must proceed as artistic and literary criticism does, by the study of particulars, by the focused attention of the whole mind upon what is happening and upon one's response to it. Here as elsewhere it is one's task to form one's mind and self through thoughtful experiment and experience.

Thus: If the first question I asked, "What is this language?" invites a kind of *cultural analysis and criticism*, the second, "What is my relation to it?" invites a kind of *artistic analysis and criticism*.

Ethics

I want now to identify another question, of a somewhat different kind. It is this: *What relation do I establish, not with the language I use, but with my reader or audience as I use it, or with others about whom I speak*? This is to focus on what I shall call the ethical dimension of speech, and it calls for a form of ethical criticism.

Ethics and Lanugage

In the sense in which I am using the term, all language use is ethical. Not ethical in the normative sense—as morally "good," rather than "bad"—but in an analytic sense: speech is always a form of social action, and as such always has ethical content, which can of course be either good *or* bad.

In any expression I define myself a certain way, you a certain way, and establish a presumptive relation between us; I act upon you, or with you; and these identities and relations and actions can all be thought about and criticized in ethical and even political terms. We all know this from our experience of ordinary life, for we know what it is to be patronized, talked down to, manipulated, abused, flattered, cajoled, or bullied by another in his speech or writing; and we know, on the other hand, what it is to be respected, treated with dignity, spoken to as decent and intelligent person, and so on. In Wittgenstein's terms we can always ask: what is the language game this writer or speaker is engaging in? Do I want to play?

The speech of a lawyer is "ethical" in a special way, for its task is to define and redefine the institutions of the law, indeed the institutions of political life. When a lawyer argues to the Court or speaks as a judge, one can thus properly ask: How does he define himself; the Court; the legislature; other courts; the parties; the states; the Constitution, the constitutional past? How does he define the law itself?

You can see the obvious possibilities. Is he a reasoning being, does he speak to reasoning beings? At stake here is the question whether the law is itself a domain of reason, and in what sense. Likewise: Is he concerned about justice, does he speak to one likewise concerned, and in what way? At stake here the question whether the law itself is a domain of justice, and in what sense.

Lincoln's Second Inaugural

As an extended example of a political text that can be analyzed as an ethical text in the sense I mean, I now turn to Abraham Lincoln's Second Inaugural Address.

First let me describe the situation in which he spoke. By 1865, when he gave this address, the country had been involved for over four years in a hideous civil war, between Union and Secessionist forces. This war was to kill three quarters of a million people out of a population of 30 million, my nation's only experience of war that can be compared with that of Europe in the 20th century. Lincoln had been elected to a second term by an electorate drawn, naturally enough, only from the Union states. The War was going well for the Union, and victory could be foreseen. What victory would mean was of course a wholly different matter, and the central subject of his speech.

As to the genre of the speech: We have always had a custom that the new President speak to the people upon his inauguration, reflecting in a general way on the past, present, and future. Usually, what he says, in effect, is that we have a set of problems, which are serious indeed—especially if they are the fault of the prior administration—yet which, with resolve and hard work and my leadership, we will be able to solve. The speech always looks forward to a better day. One of its fundamental premises is that the divisions reflected in the electoral process should recede into the background and that we should recognize that we are at heart one people after all.

Measured by such expectations, Lincoln's task was herculean in its difficulty. He had to find a way to congratulate the Union on its impending victory, and to confirm in his supporters the view that the war

was worth the dreadful cost; for this to be so, it had to be a war against terrible evil. Yet the people of the white South were now to become part of the country once more, and he had to find a rhetorical place for them too, as something other than total villains. And somehow he had to find as well a way of talking about the now liberated slaves, a way of talking that would recognize the hidehous injustice of their brutal exploitation under the system that had at last been overthrown, but without calling the white southerners monsters. How could he possibly do all these things?

Here is how he begins:

> At this second appearing to take the oath of the Presidential office there is less occasion for an extended address than there was at the first. Then a statement somewhat in detail of a course to be pursued seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the nation, little that is new could be presented. The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself, and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

The main quality of this paragraph is that it seems to be written in utterly dead or empty prose. In my country students are told to avoid the passive voice, whenever possible, because it eliminates actors from the scene, and, with actors, their personality and responsibility. Yet Lincoln fills this paragraph with passive verbs, and refers to no actors or entities at all until he gets to the "nation," which he quickly defines in terms of "our arms," that is to say those of the North. His reference to the "public," and the "all" to whom the progress of the war is "satisfactory," likewise are plainly meant to mean the North, and to exclude the South, who could not possibly think those things. It looks as though this is going to be a Northerner's speech addressed only to Northerners. As a matter of style, the failure to identify any actors creates a kind of social vacuum, the effect of which is to stress strongly the actors when they do appear—here the North and "our arms"—and the speaker's identification with them.

But notice what happens next:

> On the occasion corresponding to this four years ago all thoughts were anxiously directed to an impending civil war. All dreaded it, all sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it without war C seeking to dissolve the Union and divide effects by negotiation. Both parties deprecated war, but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish, and the war came.

In his talk of *all thoughts*, and of *all people dreading and seeking to avert t*he war, Lincoln plainly includes the white South. It really was everyone who feared and wanted to avoid the war. But that does not mean that there is no moral difference between North and South: the North wanted to save the Union without war, the South, through their *insurgent agents*, wanted to destroy it without war. We Northerners were loyal citizens, those Southerners were traitors. Lincoln insists upon the moral distinction between North and South, yet in the last phrase — *and the war came* — there is a feeling that both are somehow the victims of a new actor, called into existence by their differences, the war itself.

Notice that the moral distinction Lincoln has articulated rests upon the attitudes of North and South towards the Union, not towards slavery, the collective crime that in some sense lay at the root of everything. And in what he next says, he speaks as though slavery is not a moral issue.

> One-eighth of the whole population were colored slaves, not distributed generally

> over the Union, but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union even by war, while the Government claimed no right to do more than to restrict the territorial enlargement of it.

Lincoln could here almost be writing a kind of almanac or "neutral" textbook history that erases the moral significance of slavery. Can he mean this? It would be a terrible moral failure.

Yet in the next paragraph he continues his effort to unite the white South and the North, and apparently at the expense of blacks, by stressing even more strongly the ways in which the two main opposing parties were similarly situated.

> Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with or even before the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible and pray to the same God, and each invokes His aid against the other.

The strong repetition of *neither* and *both* and *each* establishes the moral equality of the two sides by insisting that no distinction can really be drawn between them. The last sentence, about praying to the same God, identifies the sides as similar but in a new, and negative, way: as self-righteous, hubristic, even blasphemous.

So far Lincoln has regarded slavery simply as an institution or fact, not as a wrong. In taking this position he seems to be including the white South in his audience by conceding this point to them. But in the next sentence he speaks about slavery in a wholly different way, as a moral wrong of the deepest order: *It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from other men's faces.* This is a strong and honest condemnation. But he quickly shifts, building upon the sense of the blasphemous and dangerous implied in the mutual prayers of destruction: *let us judge not lest we be judged*. He then goes on to say:

> The prayers of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes. "Woe unto the world because of offenses; for it must needs be that offenses come, but woe to that man by whom the offense cometh." If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord are true and righteous altogether."

In this passage Lincoln creates a providential history, defining the entire nation as one actor — as in the old testament the people of Israel is defined as one actor — and like Israel as an actor in a moral and theological universe. Here human slavery is at last presented as the world-historical crime that it is;

but the North and the South are now seen as jointly responsible for it (which was to some degree certainly true) and jointly suffering for it. He strips from his own supporters the mantle of selfrighteous victory. In his little hymn — *fondly do we hope, fervently do we pray* — he speaks for North and South as united, as one people, and as one with those who had suffered this terrible wrong. Likewise, in acknowledging helplessness before the Deity, and the righteousness of punishment for their collective wrong, he speaks for all, this time including the black victims of slavery as well.

This enables him in the last paragraph finally to speak in a humane way on behalf of the entire nation: his words *none* and *all* and *us*, the *nation*, the *widow and orphan*, *ourselves*, include white and black, North and South, in a new community imagined into existence in this speech.

> With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Lincoln's achievement is a marvelous one, but of course the fact that he spoke this way did not bring his idealized community into existence. Far from it. Race, and tensions between North and South, are still stains on my country's life. But he did make it possible for us to live with hopes of better things, for he showed us how to imagine better things, and to do so in a way that made us responsible for our own past and our own share in wrongdoing.

What This Means for Us

In this talk I have proposed that when one thinks about what happens when language meets the mind, three kinds of questions, each pointing the way to further work, naturally suggest themselves.

First, *what is the language that this speaker* — or that I myself — *is given by the culture to use on this occasion*? *What do I think of it*? — In Lincoln's case, this is the language of war, of enmity, of victory and defeat, of self-righteousness.

Second, *What relation does this speaker establish with this language?* Of this question there are two versions: *What does it do to him,* how does it mark his mind and imagination? And *What does he do with or to it*? — In Lincoln's case, we can see him transforming the language of war, and the genre of the inaugural address, before our eyes into something else, and far better.

Third, *What relation does this speaker establish with others in his speech — those spoken about, those spoken to?* What community or polity does he seek to establish? This is the dimension of meaning in Lincoln's address that we have just analyzed, in which he imagines North and South, white and black, becoming united in a nation with its own providential history.

Each question calls for a different kind of analysis and criticism: the first cultural; the second artistic or literary; the third ethical and political.

Now here is the major claim I wish to make. It is a little tendentious, but I mean it seriously. I think these three questions are not mere "language questions," and as such secondary or technical, but the first questions of intellectual life, present constantly in every enterprise of thought. They are not the only questions we can ask, of course, but I think they are the first questions, and that they ought never be left behind, as if they have been answered, or can be what the social scientist calls "bracketed." Not all questions are reducible to questions of language, but questions of language are present and essential in every activity of human thought. Thus all work in philosophy, in literature, in history, in law, in economics, in sociology, in science, in our actual political and social lives, ought to be concerned not only with the explicit subjects of the discourse — the causes of revolution, or the meaning of Shakespeare's sonnets, or

the nature of criminal responsibility, or the character of social wealth, or the structure of certain institutions, or the evolution of birdsongs, or the propriety of a proposal for public health care or of a plan to go to war — but also simultaneously with: (1) the language in which it is carried on, and the culture of which it is a part; (2) the way in which that language and culture acts on our minds, and the minds of others, and the way in which it can be resisted or transformed; and (3) the selves and communities and institutions, the possibilities for individual and collective life, that can be created in this language, this culture, and by what art. Of course this is a counsel of perfection, which can never be fully attained; but I think these questions should be alive for us, in all of our fields, as the foundation of mature intellectual life.

To explain why I think this so strongly, let me ask you to think once more about the various languages I have talked about: the American language of race and slavery, the language of the Homeric epic, the moral language of Plato's Athens, the sentimentalizing language of American women's poetry, and the language of war in the context of the American civil war. Each of these in a different way represents what Simone Weil called the empire of force, for each is a way of dehumanizing others or oneself, a way of reducing or denying the full possibilities of human experience. Each of the writers and speakers I have discussed — Homer, Plato, Dickinson, Huck Finn, Twain, and Lincoln — was partly formed by the discourse he was given to speak, which was in a sense embedded in his mind; each of them also found a way to put that language into question, to make it the object of criticism or to transform it, in a way that showed that he or she understood and did not respect the empire of force. More than that, each of them in doing this showed us how we might do likewise — showed us, that is, how we might understand the empire of force at work in our minds and learn how not to respect it; and, in doing these things, how to come closer to the goal of every decent human life, namely becoming capable of love and justice.

END