NEW YORK LAW SCHOOL

NYLS Law Review

Volume 37 | Issue 1 Article 40

January 1992

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THE AUTHORITY OF VOICE*

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I. INTRODUCTION

These comments are inspired by my belief that in the postmodern world, no mission can be important that is lacking in irony. The topic of the conference, "lawyering," is somewhat new to me, but not the issues it addresses or the intellectual trends it expresses.

Given the liberties extended to commentators, I am tempted on this occasion to mention the variety of topics I enjoy talking about most. For example, patriarchy or moral rhetoric. In recent years I have been involved in research in India and the United States on moral discourse that has turned up three different rhetorics for moral regulation.[1] One rhetoric is a "rhetoric of autonomy," which focuses on such concepts as "harm," "rights," and "justice."[2] Those three concepts are very puffed up and important in highly individualistic subcultures such as our own. A second rhetoric is a "rhetoric of community," which focuses on such concepts as "duty," "hierarchy," and "interdependency."[3] Unlike a "rhetoric of autonomy," which stresses individual preference and discretionary choice, a "rhetoric of community" focuses on obligations of station, position, and role; its discourse and conceptual scheme stress the connection between social and personal identity and the embeddedness of self within a larger community or team. A third rhetoric is a "rhetoric of divinity," built up out of concepts such as sanctity, purity, sin, natural order, and sacred

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 This article is based on the remarks the author delivered as a commentator at the New York Law School Lawyering Theory Symposium, Mar. 1992. It was later enlarged for an article titled *"Why Do Men Barbecue?" and Other Postmodern Ironies of Growing Up in the Decade of Ethnicity*, 122 DÆDALUS 279 (1993). The excerpted material from the article is reprinted by permission of *Dædalus: Journal of American Academy of Arts and Sciences*, from the issue entitled, *America's Childhood*, Winter 1993, Vol. 122, No. 1.

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1. *See* Richard A. Shweder et al., *The "Big Three" of Morality (Autonomy, Community, Divinity), and the "Big Three" Explanations of Suffering, as well, in* MORALITY AND HEALTH (Allan Brandt et al. eds., forthcoming 1994); Richard A. Shweder, *In Defense of Moral Realism: Reply to Gabennesch*, 61 CHILD DEV. 2060, 2064 (1990).

2. *See* Shweder et al., *supra* note 1; Shweder, *supra* note 1, at 2064.

3. *See* Shweder et al., *supra* note 1; Shweder, *supra* note 1, at 2064.

order.[4] A "rhetoric of divinity" is a way of talking and thinking that creates a sensitivity to one's self as a spiritual entity. It makes salient the issue of dignity versus degradation. In rural India, the rhetoric of community and divinity are highly elaborated.

But I am not going to discuss those topics today. Nor am I going to talk about postmodernism in general or in the abstract, which would be another temptation. For the moment, and in passing, I will simply allude to postmodernism, in one particular and concrete way, by reference to the notion of a "placebo placebo" effect. I do not mean the first-order "placebo effect." It is rather the second-order "placebo placebo" effect that captures the postmodern way of thinking.

The premodern mind has its own special view of therapy. There are substances that have transcendental and magical powers associated with powerful figures, like gods. You ingest those substances and you get better. As you move into modern modes of thought—the stances of the enlightenment—the "placebo effect" supersedes the magical substance. Along with the "placebo effect" comes the idea of mind-body interaction and a therapeutic process that is authoritarian and hegemonic. Wherever you have a "placebo effect," someone has to deceive someone else and tell them falsely that they are ingesting an active substance. The doctor, somewhat corruptly, takes advantage of his or her authority over the patient. The doctor lies.

Within the terms of a postmodern mentality, typified by the second-order "placebo placebo" effect, there is no place for false beliefs or necessary illusions upheld by the authority of a professional elite. You say to yourself: "I've got a headache; I think I'll take a placebo for it." You go to your medicine chest where you have jars labeled "placebo for headache," "placebo for stomach spasms," etc. You take one. You know what it is, and it works. There exists such a form of consciousness, which is why it is possible to revisit and revalue premodern practices and ideas from a postmodern point of view, without having to "believe" or to work out the logic of the case, or even to have "faith," in the modernist's sense. You participate, you activate some aspect of our complex human nature, and you benefit.

Yet another temptation, given the type of self-reflection about "lawyering" that has gone on at this conference and our willingness to play around with the infinite regress, is to talk about the idea of "going meta." On my short list of favorite titles from journal articles is one which reads, *Anything You Can Do I Can Do Meta*, which is an activity we engage in a lot in the social sciences.

But, in reality, the only issue I am going to address here today concerns the authority of voice, the authority to be a voice, and the quest

4. *See* Shweder et al., *supra* note 1; Shweder, *supra* note 1, at 2064.

for alternative voices, whether gendered, racial, or national voices. In the cross-cultural and anthropological circles in which I travel, this is sometimes called the "internationalization of theory."

The irony begins with that idea. For in international arenas these days, one quickly discovers that from the perspective of many third-world intellectuals and scholars, to "internationalize theory" means to have access to Western journals, institutions, and resources. It also means to contribute authoritatively to the formation of precisely that social-science theory in the West that many Western intellectuals and scholars in New York, Boston, and Chicago view as ethnocentric. Yet from the perspective of many first-world intellectuals and scholars, to "internationalize theory" is to give "voice" to precisely those indigenous theories from the Third World that many third-world intellectuals and scholars view as backward, superstitious, archaic, and dangerously fundamentalist.

Indeed, at one recent meeting of men, women, and representatives of majority and minority groups from various first- and third-world countries, I found the indigenous voice of the Third World most often voiced by a Westerner, while the voice of Western theory as often as not came straight out of Africa or Japan. The effect of all that intellectual place switching was to induce a sense of metaphysical jet lag across genders, cultures, and continents and to open up a conversation about the full range of interpretive possibilities for thinking about the significance of "differences." Such phrases as "speaking as a woman," "speaking as a man," or "speaking as a Westerner" took on a new meaning, which is to say no definable meaning at all, as a multiplicity of perspectives dissolved any unitary voice. Tongues kept getting twisted in the middle of every pitch. The time seemed ripe for a heightening of our awareness of the ironic nature of "difference" in this decade of ethnicity and self-consciousness about group designations.

The essay that follows is informal and literary in style, which is one way to be serious when taking a look at the sardonic face of the diversity of intellectual and political viewpoints in the postmodern world. The usual disclaimers apply. As I try to give character to the problem of diversity and the voice of irony, I will be advocating a position which might be described as postmodern humanism or "universalism without the uniformity." Because it is no longer possible these days for any one person to speak with a single voice, I cannot pretend to speak for everyone else, for anyone else or even for all sides of my self. The best I can do is try to speak for one kind of citizen in our ethnically self-concious world.

II. THE POSTMODERN SCENE: SANTA CLAUS NAILED TO A CROSS

Perhaps there was a time in the mythic past when the anthropological "other" was pristine, unitary, alien, and lived very far away. If so, things

have changed. In the postmodern world that commerce has helped to create, the anthropological "other" is sophisticated, multiplex, near at hand, and deeply embedded in the bureaucratic institutions of the world system. Anthropology is no longer the discipline that adduces good reasons for the customs of others, which they cannot adduce for themselves. United Airlines, CNN, a Visa card, and Western perspectives have usually gotten there first, or are soon to arrive, and encounters between cultures over questions of "authority," "voice," and "paradigm comparisons" more often than not have the feel of a segment from the Monty Python show.

A few years ago, for example, I heard a story from Clifford Geertz[5] about a visitor to Japan who wandered into a department store in Tokyo, at a time when the Japanese had begun to take a great interest in the symbolism of the Christmas season. And what symbol of the Christmas season did the visitor discover prominently on display in the Tokyo department store? Santa Claus nailed to a cross!

When I first heard that story, I opened a "Santa Claus nailed to a cross" file, which has grown over the years. Some people think that in the postmodern world words have no reference or validity and you can never know quite what you are talking about. When I look at my file, I feel reassured that in our postmodern world truth is still stranger than fiction, even as it has become more difficult to pin things down. Here are some other entries from the file.

There is an entry about a South Asian Indian woman, married to an American, who applied for US citizenship so that her father who had lived all his life in the Third World could join the American Peace Corps. At the final stage of being "naturalized" in New York, the immigration officer said to her, "Do you swear that you will bear arms in defense of the Constitution of the United States?" Compounding the irony of her situation she replied, "No, I won't do that." He asked, "What do you mean?" She said, "I am a pacifist. I don't believe in killing." He said, "Who taught you that?" She said, "Mahatma Gandhi." He said, "Who is he?" She said, "A great Indian religious leader." He said, "Well, you will have to get a note from him." She said, "I can't, he is dead." He said, "Well, get a note from whoever took his place."

There is a parallel entry in my file about an American scholar trained as a "symbolic anthropologist" who sought official research permission to do work among the Maori people of New Zealand. As part of the official procedure he found himself interrogated by a "native," a Maori with an Oxford Ph.D. in anthropology, who was a gatekeeper for the tribe and

5. Clifford Geertz is a faculty member at the Institute For Advanced Study in Princeton, New Jersey, and a leading United States anthropologist specializing in Indonesia.

who had some doubts about the "Chicago school" of symbolism as a way to represent the beliefs and practices of "others."

There is an entry in my file about a prominent member of an East African tribe, a professional philosopher, who had an interest in reviving traditional practices. As it turned out, the old ways and customs had been discarded and forgotten even by the elders of his tribe. The main repository of knowledge about the past was located in ethnographies published in Europe and the United States. He realized he needed a Western anthropologist as a consultant. He had no difficulty finding someone to take the job.

There is an entry about the origin of the English word "juggernaut," which is used in the Anglo-American world to mean "a massive inexorable force or object that crushes anything that is in its path." It just so happens that Juggernaut lives in a temple in the town of Puri on the East Coast of India about 40 miles from where I do anthropological fieldwork. He is in fact a beneficent god, the ninth reincarnation of the Hindu god Vishnu, the protector of the universe. Once a year Juggernaut gets sick, recovers from his illness, and then goes on a vacation to visit his maternal aunt at her temple a mile or so down the road. A huge chariot is built for the occasion (in fact three chariots because he is accompanied by his sister and half-brother). Hundreds of thousands of pilgrims come to Puri on the designated day in June or July to pull the chariots and gain religious merit. It is a wild topsy-turvy event, full of jest, complaint, and celebration in which all caste boundaries are relaxed and everyone is equal before god. Occasionally in the tumult someone is injured (and in the past perhaps even killed) under the wheels of the chariots. When, during colonial rule, the British first witnessed the event, they mistook it for a human sacrifice. Hence the image, now enshrined in the English language, of a vicious yet irresistible force crushing things in its wake. Sometimes when one gazes from a distance through ethnocentric lenses across ethnic fault lines things can seem quite the opposite from what they are.

There is an entry in my file about the organizers of a cultural festival in Los Angeles, who lost funding from the Korean government when they decided to "represent" Korea with a performance by indigenous shamans rather than with the ballet company proposed by the Korean government. The Thai community of Los Angeles was also offended because the festival featured a classical dance troupe from Cambodia but only popular street theater from Thailand.[6] The distinction between high and low, primitive and modern is not peculiar to the West. It seems that these days it is largely in the West that people get nervous when the idea of a

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6. *See* J.L. HANNA, U.S. DEP'T OF EDUCATION, ISSUES IN SUPPORTING SCHOOL DIVERSITY: ACADEMICS SOCIAL RELATIONS AND THE ARTS (1991).

hierarchy of taste and value is invoked. We prefer to talk about "popular" culture.

There is an entry about all those incredible ethnographic accounts from New Guinea, where in the highlands the men avoid women, and in the lowlands young men inseminate each other in homosexual rites, and here and there married men, loathing the pollution of the sexual act, induce themselves to vomit or bleed their noses after making love to their wives and before returning to the men's hut. Such accounts have had prominence in the lore of anthropology, yet, after a few years of contact with the West, almost everything that was exotic about New Guinea seems to have disappeared. Anthropologists go back to their field sites to discover that no one knows the name for plants anymore or cares very much for the old rituals. Everyone is going to school so that they can have access to jobs, manufactured goods, and T-shirts from the "Hard Rock Cafe." The sexual symbolism and avoidance customs of the culture seemed very deep indeed, until they just went away.

There is an entry in my file drawn from a *New York Times* review[7] of Bill Moyers' program The Arab World,[8] which the reviewer, Walter Goodman, describes as "a benign attempt to counter the stereotype of the ugly Arab that has been circulating in recent years."[9] Various scholars of, and spokespersons for, the Middle East argue that apparent emblems of oppression (for example, the female head scarf) are merely a matter of style, that Christianity and Islam share the same fundamental ideals, and that the Arab world is on the road to democracy and social justice. The reviewer notes that ". . . Mr. Moyers seems glad to hear the good news"[10] and that the effect of the program "is as intellectually stimulating as one of those 'we're all different but we're all the same' celebrations in junior high school."[11]

And there are many personal entries. In 1982, for example, I was living in what I thought was a relatively remote district of India when television first landed. It immediately became a dowry item in arranged marriages and a basic necessity demanded by women in purdah. I was invited to watch the unveiling of a television set in a traditional household. What was the first image to appear on the tube? An old segment from "I Love Lucy." Lucy was out on a blind date with a duck hunter. I was asked to explain.

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7. Walter Goodman, *"Arab World": Attempt to Counter Stereotypes*, N.Y. TIMES, Apr. 8, 1991, at C14.

8. *The Arab World* (PBS television broadcast, Apr. 8–12, 1991).

9. Goodman, *supra* note 6, at C14.

10. *Id.*

11. *Id.*

Some time later I was in Manhattan watching cable television with a parochial "Westerner." As I flipped stations what did I discover? News from New Delhi and a segment from the Hindu epic, *The Ramayana*. I was asked to explain. I flipped channels again. There was a Japanese soap opera, heavily scripted with facial displays of shyness, embarrassment, and self-effacing apologetic dialogue ("I am sorry for dominating our children," and "I am sorry for this and especially sorry for that."). With "public access" to our living rooms, there is more and more to explain, and it is less and less clear how to take a stand on questions of fact and value without seeming hegemonic, dogmatic or prejudiced. It is less and less clear whether prejudgment is always such a bad thing.

My friend, the literary critic, Anatole Broyard[12] used to tell his writing students, "Hang on to your prejudices, they are the only taste you have got." Almost everyone in the academy these days has heard of the continental dictum that it is our prejudices that makes it possible for us to see, which means that in thinking, as in life, if you do not fix a starting point you'll never get started. Broyard, who sensed our postmodern predicament and knew how to express it with grace and wit, formulated the aphorism this way: "Paranoids are the only ones who notice things anymore."[13] Nietzsche-like he understood that any prejudice is better than no prejudice at all, and that in a postmodern world of cable television and metaphysical jet lag, the best one can do is stay on the move, keeping your options for prejudice open while developing some sensibility or at least some good sense.

Unfortunately too many have misunderstood such exciting deconstructive insights. They have drawn the conclusion that the authority of a voice or viewpoint has little to do with what is said and everything to do with who says it. They have overlooked the fact that you do not have to be a Westerner or a male to articulate a Western or masculine perspective, and that most Westerners and most males are not very good at it anyhow. Authoritative voices, one is tempted to say, speak for the muse, and you know such voices speak for the muse not because of who they are, least of all their social designation, but because what they say binds you to a reality.

Now obviously, it is desirable to encourage counter-voices and subaltern views, which are corrosive of the dogma that is the unavoidable concomitant or inherent side-effect of "taking a stand." One ought to stay on the move. I have long been impressed by the fact that the human retina is moving all the time, even though those who gaze through a retina are

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12. Anatole Broyard was a long-time book critic, book-review editor and an essayist for the *New York Times*. *See* Fitzhugh Mullan, *Chronicle of a Death Foretold*, WASH. POST, May 10, 1992, at X9.

13. Anatole Broyard, Personal Communication.

unaware that their retina moves. These are the "saccadic movements," very rapid, even if unnoticed, motions of the human eye. If you fixate the retina, the visual field disappears; the perceived world breaks up and you cannot see.

So you have to stay on the move to see. This is one of the reasons the cobra sways. Cobras happen to have a fixed retina. No saccadic movements. The only way they can see is by swaying. So if you ever run into a cobra, just sway with it and it won't bite you, because it won't know you are there.

Of course, special problems may arise in the study of "lawyering," which do not arise in the study of "sciencing," "philosophizing," or "internationalizing theory." Other things are at stake in legal settings besides simply binding you to a reality. A higher-order goal seems to be operating, which is to bind judges or juries to a reality such that someone gets nailed or someone gets off the hook. I suspect that is why casuistry got a bad name long ago, and it is probably why lawyers do not go to heaven. Whether those who are busy at work constructing or inventing "lawyering" go to heaven still remains to be seen.