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The Failure of the Word: The Protagonist as Lawyer in Modern Fiction

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THE FAILURE OF THE WORD: THE PROTAGONIST AS LAWYER IN MODERN FICTION. By *Richard H. Weisberg*. New Haven: Yale University Press. 1984. Pp. xvi, 218. \$20.

Richard Weisberg,¹ in his book *The Failure of the Word*, seeks to convey the dangers of becoming obsessed with verbal formalism. His vehicle is the analysis of literary works by Dostoevski, Flaubert, Camus, and Melville.² Weisberg observes that all four authors were acutely aware of the destructive effects of legalism and formalism, and that their literary characters reflect those effects. He attacks the legalism of twentieth-century life and argues that dire consequences, including the Holocaust,³ have resulted from a society warped by intellectual formalism.

Weisberg links his literary analyses by reference to a complex psychological concept that Nietzsche called "ressentiment." Some dictionaries list ressentiment as an alternate spelling for resentment.⁴ To Weisberg, "In its frequent appearance among literary characters, resentment reveals its literal meaning, 'resensing.' The ressentient man lives through, again and again, the event that proves his passivity, resenses and reintellectualizes it to the point of creating a false ethic from it" (p. 20). In the first section of his book,⁵ Weisberg describes ressentiment variously as "envy-antipathy" (p. 14), "the senseless rag-

1. Richard H. Weisberg is Professor of Law at the Benjamin N. Cardozo School of Law, Yeshiva University. The holder of a Ph.D. in French and Comparative Literature from Cornell University and a J.D. from Columbia University Law School, he has practiced law in Paris and New York City.

2. Weisberg analyzes Dostoevski's *Notes from Underground*, *The Brothers Karamazov*, and *Crime and Punishment*; Flaubert's *L'éducation sentimentale* and *Salammbô*; Camus' *The Stranger* and *The Fall*; and Melville's *Billy Budd, Sailor*.

3. See note 12 *infra* and accompanying text.

4. WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 1930 (3d ed. 1981) lists "ressentiment" as an alternative spelling for "resentment" which it defines as "a feeling of indignant displeasure because of something regarded as wrong, insult or other injury."

5. *The Failure of the Word* is divided into four main parts: (1) The Conflict between Ressentiment and Justice; (2) The Failure of the Christian Narrative Vision: Dostoevski's Legal Novels; (3) The Failure of the Heroic Narrative Vision: French Literature Under Seige; (4) The Creative Use of Statutes for Subjective Ends: The Case of *Billy Budd, Sailor*.

ing of rancor" (p. 17), and "a full-blown intellectual malaise inclined to take institutional and formal, rather than personal and spontaneous, revenge. It emerges only subtly and gradually from an unresolved sense of insult" (p. 19).

Using literary characters as examples, Weisberg shows how this sense of resentient rage is internalized until one becomes obsessed with vindictiveness and negativity. Ultimately, natural, instinctive responses are paralyzed, while resentient venom is vented freely upon blameless victims. The results of literary resentment range from complete introversion and self-hatred⁶ to extreme distortions of justice, such as the capital punishment of innocents.⁷ Weisberg argues that the real-world consequences of resentment are similarly grave, and that the resentient ethos of Christian society bears responsibility for the Holocaust.⁸

The protagonist of Dostoevski's *Notes from Underground* illustrates the process and consequences of resentment. The Underground Man, a verbose intellectual, needed only one or two petty insults "to develop the seeds of envy and vindictiveness into a mature case of underground resentment" (p. 35). The Underground Man is unable to function in society or to have any meaningful personal relationships; he is left to babble about his impotence from his underground world.

The central portions of Weisberg's book are devoted to literary analyses of selected works by Dostoevski, Flaubert, Camus, and Melville. Weisberg also incorporates personal correspondence, notes to manuscripts, and biographical facts to show that all of the authors personally struggled against their own resentient tendencies. Weisberg believes that the authors resorted to a narrative style — creating characters who either exude vindictiveness or flail helplessly in their introspective articulations — to deal with the negativity and obsessive introspection fundamental to their own use and misuse of language. "The novelists studied here . . . knew what they were," Weisberg writes, "and through their effort we may hope to approach ourselves" (p. 13).

In discussing Dostoevski's work, Weisberg develops his theme by exploring the interrelation of legalism and resentment.

Crime and Punishment shows Dostoevski's familiarity with the legal system and his recognition of "the way in which legal recreation of events sometimes serves more to fulfill the psychological and artistic goals of the lawyer than to achieve justice in the individual case" (p.

6. The Underground Man from Dostoevski's *Notes from Underground* and Clarence in Camus' *The Fall* best exemplify this effect of resentment.

7. Distortions of justice that result in the punishment of innocent victims are seen in both *The Brothers Karamazov* and *Billy Budd, Sailor*.

8. See note 12 *infra* and accompanying text.

54). In *The Brothers Karamazov*, Dostoevski confronts the innocent defendant, Dmitri Karamazov (Mitya), with two ressentient, verbally-adept legal figures — the inquisitor Nikolai Nelyudov and the procurator Ippolit Kirillovich. Nelyudov and Kirillovich of course prevail:

Dostoevski submits, through the legal theme, that whoever brings ressentiment to the act of formulating life through words only succeeds in producing an artistically convincing but essentially *unjust* portrait of reality. No juror apprehends the motives and ultimate errors of the artistic lawyers who reorganize the original circumstances of the parricide [sic]; the deliberately falsified or unconsciously distorted testimony of witnesses . . . buttresses the unbreachable wall of prosecutorial language.

The innocent Mitya stands convicted. [pp. 63-64]

Weisberg convincingly carries forward this analysis in his treatment of the works of other authors. In all these works, he finds ressentient legal intellectuals who use the power of language to distort truth and legality and who bring suffering and death to simple, nonverbal, spontaneous heroes. For example, Flaubert in *Salamambo* and Melville in *Billy Budd, Sailor* create opposing extremes of covert, legalistic formulators⁹ and direct, uncomplicated heroic figures.¹⁰ In the end the ressentient formalists cause the death of the heroes they envied. In examining Flaubert's *L'éducation sentimentale* and Camus' *The Stranger* and *The Fall*, Weisberg again describes legal proceedings and articulate lawyers distorting truth and justice.

Weisberg's analysis becomes much less convincing when he shifts his attention from literary works to historic events. An especially disturbing aspect of *The Failure of the Word* is Weisberg's failure to substantiate and develop his ideas about religion's ressentient effect of violence in the real world.

From the first chapter, Weisberg relies heavily on Nietzsche to delineate a profound opposition between Jews and Christians. Christians are the ressentient destroyers, Jews, the direct-acting heroes:

The essential values of Judaism remain, for Nietzsche, entirely opposed to ressentiment: "The Old Testament is another story. I have the highest respect for that book. I find in it great men, a heroic landscape, and one of the rarest things on earth, the naiveté of a strong heart. What is more, I find a *people*. In the New Testament, on the other hand, I find nothing but petty sectarianism, a rococo of the spirit, abounding in curious scrollwork and intricate geometries and breathing the air of the conventicle And the Jews are beyond any doubt, the strongest, toughest and purest race now living in Europe."¹¹

Weisberg further develops the image of the Jews as the positive, heroic force by concurring in "Nietzsche's recognition that Judaism . . .

9. Schahabarim in *Salamambo* and John Claggert and Captain Vere in *Billy Budd, Sailor*.

10. *Salamambo* and Matho in *Salamambo* and Billy Budd in *Billy Budd, Sailor*.

11. Pp. 15-16, quoting F. NIETZSCHE, *BEYOND GOOD AND EVIL* 59-60 (M. Cowan trans. 1966).

evinces a single-minded and heroic allegiance to unchanging and ultimately powerful ethical concepts. . . . [T]he Jewish people affirm by their very presence, the possibility of positive temporal action" (pp. 15-17). As for Christianity, Weisberg claims Nietzsche "virtually equates resentment with what he considers the falsehood of Christian 'love'" (p. 25).

Weisberg reinforces this simplistic dichotomy between Christians and Jews in his discussion of *The Brothers Karamazov*. Dostoevski's message, in Weisberg's words, is that the original "spontaneous beauty" of Christianity has "ceded to narrative authoritarianism and tangible temporal injustice. More damning yet, it has led to a culture so saturated with reactive guilt that even its intellectual 'rebels' fail to effectuate their theories of freedom and justice" (p. 69). He adds: "Little more than half a century after Dostoevski's statement, the participation of *all* Christian institutions in an unthinkable victimization of innocents, a participation now increasingly recognized by courageous Christian theologians, was to demonstrate the novelist's prophetic brilliance" (pp. 69-70; emphasis added, footnote omitted).¹² Weisberg discusses the works of Flaubert and Camus without mentioning Christianity as a ressentient force, but in his analysis of Melville's *Billy Budd, Sailor*, he returns to this theme, arguing that the novel depicts "Christianity as the initiator into Western civilization of ressentient values that substituted narrative falsehoods for overt justice" (p. 175).

Condemning all Christians for the actions of the Nazis is serious business, and it needs to be approached in an open, fair manner. Weisberg's simplistic generalizations, which pit the Christians against the Jews by assigning the characteristics of resentment to the Christians and positive heroism to the Jews, are not helpful to a serious analysis. The indirect manner in which Weisberg blames Christianity for the

12. Weisberg's idea that Dostoevski foresaw Christianity's responsibility for the "unthinkable victimization of innocents" (p. 70) is in accord with the view that Dostoevski rejected formal Christianity. This school of thought is discussed by E.H. Carr:

[A]n influential school of Russian critics, who have had German and even English disciples, [has] maintain[ed] that Dostoevsky remained to the end of his life a sceptic. . . . In the eyes of these critics, Dostoevsky's acceptance of Orthodox Christianity was never more than formal. . . . There is some obscurity about the criticism of this school. It is never quite clear whether they suppose the opinions they attribute to Dostoevsky to have been consciously held by him; or whether they claim a profounder understanding than he himself possessed of the true nature of his religion. The former hypothesis will not easily be credited by those who have read either what Dostoevsky wrote for publication or his private correspondence; for a consistent course of conscious hypocrisy was altogether alien to his character, and he constantly proclaims himself a Christian of the Orthodox faith. The second hypothesis is both presumptuous and dangerous. We have admitted that Dostoevsky's faith was the product of reason rather than of intuition; and we are not inclined to claim for it any great measure of spirituality. But we see no reason to discredit the reality of his professed belief such as it was; and to do so on the strength of Ivan Karamazov's argument [against God] might commit us to deducing from *Paradise Lost* the conclusion that Milton's innermost sympathies were on the side of Satan, not of the angels.

E.H. CARR, *DOSTOEVSKY 1821-1881: A NEW BIOGRAPHY* 287-88 (1949).

Holocaust demonstrates his own proclivity toward resentment. Weisberg hints at his accusation in his introduction, sets the religions in opposition in the first chapters, and tucks the ultimate condemnation of "all Christian institutions" neatly away in a lengthy discussion of *The Brothers Karamazov*. Not once does Weisberg plainly state his theory.

Throughout the book Weisberg persuasively supports his idea that, in the literature studied, when legalism and resentment combine, injustice results. But Weisberg's specific analyses of the works is not always convincing. For example, by some remarkable selective perception, Weisberg interprets *Billy Budd, Sailor* to support his theory on the destructiveness of Christianity. If we are to believe Weisberg, John Claggart represents Christ and is responsible for the demise of Billy Budd, who represents the classical Roman noble man. Captain Vere, whom Weisberg equates with Constantine, sides with Christianity (Claggart) to undo Rome (Billy).

This interpretation is inconsistent with the critical literature, which overwhelmingly treats John Claggart as a Satan figure.¹³ Weisberg acknowledges that "[i]t has become a critical commonplace to think of this opposition [between Billy Budd and Claggart] in terms of good and evil, or in terms of heart vs. head," but he responds that "these are reductive analyses, unworthy of the text in its wholeness" (p. 138). Elsewhere, Weisberg explains that "literary critics, especially those who restrict their field of inquiry to one writer or even to the literature of one nation, [do not] always recognize the richest emanations of a masterpiece" (p. 175).

The Failure of the Word suffers from a strange lack of self-consciousness. Weisberg accuses the critics of Melville's *Billy Budd, Sailor* of engaging in reductive analyses, but he fails to recognize that his own book divides literature and the world into the black and white categories of overt and covert. Furthermore, Weisberg's language and style occasionally smack of the intellectual verbosity that he purports to warn against.¹⁴ Finally, while *The Failure of the Word* may serve a valuable function in creating an awareness of the dangers of language, it often degenerates into unproductive and unsupported

13. R. SHERRILL, *THE PROPHETIC MELVILLE: EXPERIENCE, TRANSCENDENCE, AND TRAGEDY* 209 (1979) ("Everything about Claggart, including his mystery, refers to his association with the element of evil organic in the fallen creation."); M. STEIN, *THE FINE HAMMERED STEEL OF HERMAN MELVILLE* 226 (1968) ("The satanic imagery that incessantly characterizes Claggart identifies him as the demonized man."); see also N. ARVIN, *HERMAN MELVILLE* 295 (1950); L. THOMPSON, *MELVILLE'S QUARREL WITH GOD* 360 (1952).

14. At one point, Weisberg claims that "[w]e need to recall and revivify the Nietzschean influence, to drink in his iconoclasm, but also to savor the moral absolutism behind his aphoristic offerings." P. 14.

finger-pointing. Weisberg's writing exemplifies, more than it exposes, the failure of the word.

— *Nancy T. Hammar*