Letter of the Law

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From *California Lawyer*, May, 2001

To judge from the number of letters and emails that I receive as chair of the *American Heritage Dictionary*'s usage panel, no profession takes such a proprietary interest in English usage as lawyers do (software engineers come in a distant second). And the dereliction that most often annoys my legal correspondents is the use of *literally* to intensify the force of an idiom, as in "She literally bit my head off" or "I'm literally starving."

Lawyers aren't alone in this, of course; critics have been condemning the usage for a long time. In 1909, Ambrose Bierce commented, "It is bad enough to exaggerate, but to affirm the truth of the exaggeration is intolerable." And two decades later, H. W. Fowler excoriated the hyperbolic use of *literally* with a rare show of indignation: "We have come to such a pass with this word that where the truth would require us to acknowledge our exaggeration with, 'not literally, of course, but in a manner of speaking,' we do not hesitate to insert the very word that we ought to be at pains to repudiate; such false coin makes honest traffic in words impossible."

False coin it may be, but the counterfeiters are in good company. Dickens used *literally* loosely, and so did Thackeray (who wrote in 1847, "I literally blazed with wit"). And you can find the construction in the works of James Joyce, F. Scott Fitzgerald, and Vladimir Nabokov. With such illustrious precedents to draw on, who can blame the football announcer who says "They literally hammered the quarterback into the ground"?

To some critics, resistance to this loose usage seems a losing battle: a few years ago, Roy Copperud wrote that "seldom is the word employed in its exact sense." In fact, though, writers generally seem to hold the loose use at bay. In the press, *literally* is almost always used in a correct if tiresome way, often in cute headlines like "Eddie Van Halen Gets Hip — Literally" (a hip replacement for the singer) and "Microsoft Software Literally Has Bugs — Thousands of Silverfish Found in Windows NT Packaging." And the correct use is nearly as predominant, in postings to Internet newsgroups, where writers don't have copy-editors looking over their shoulders.

In the end, this is an eternal story of original sin and redemption. It's natural enough for us to use *literally* in a loose way to "affirm the truth of an exaggeration," as Bierce put it. If "I'm starving" is hyperbole, then "I'm literally starving" is simply more so. And when you think about it, the critics' objection to that use of *literally* is rather odd — it amounts to saying that *literally* is the only word in the language that can never be used in a figurative way. Even so, most of us come around once we become aware of the ridicule that we can come in for when we use *literally* loosely — "You don't mean you were *literally* floating on air?"

That's the moment when most of us get our first inkling of what *literal* is really supposed to mean. It can be a difficult notion to get a handle on — as linguists have been at pains to point out, our speech is shot through with dead metaphors, and the great body of them are so run-of-the-mill that we don't pay them any mind. (I count seven in the previous two sentences alone — eight if you include *literal* itself, which doesn't really have anything to do with letters.) Metaphor is so basic to our thought that it's impossible to tell where literality leaves off, nor is there usually any practical reason for trying to do so.

That makes it all the more curious that critics like Bierce and Fowler should wax so indignant over the misuse of *literally*, as if the difference between the literal and the figurative was easy to draw, and the failure to do so is akin to a moral lapse. To a linguist, the intensity of the irritation that the usage evokes evokes suggests a certain semantic innocence, a view of literal meaning as a kind of inland waterway that's at a safe remove from the squalls of figuration.

Naïve or not, though, that conception of meaning exerts a powerful appeal, and not just as it touches grammar. The anthropologist Vincent Crapanzano makes that point in a recent book called *Serving the Word*, which examines the American affinity for literalism in all its forms, from the pulpit to the bench. There may be a considerable difference between the textualism of Jerry Falwell and the textualism of Antonin Scalia, but they have in common a faith in what philosophers have called the "first meaning" of words — a plain, clear, and original sense that's untainted by metaphorical or contextual extension.

We lexicographers bear a good part of the responsibility for promulgating this notion: you can trace the changing fortunes of legal literalism just by looking to see how often the names of dictionaries appear in Supreme Court decisions (that, and the phrase *expressio unius*). The association goes back to the eighteenth century. Blackstone's *Commentaries*

appeared just ten years after Dr. Johnson's *Dictionary*, and both men had the same heroic goal of setting down in black and white the rules that had up to then been matters of custom, so as to anchor the law against the schemes of improvers. At times it can be hard to tell the two apart — or to tell either of them from the literalists who followed in their footsteps. A lexicographer, Johnson said, must be "a faithful compiler of the scattered laws," and "not assume the character of a legislator," while Blackstone said that the duty of a judge was "only to declare and pronounce, not make or new-model, the law."

Perhaps it was in recognition of the new faith in literality that eighteenth-century speakers started using the adverb *literally* to indicate that the words that follow were meant in a literal way. That faith burned most constantly in Blackstone, who was confident that unspoken custom could be codified in a precise and unambiguous way. Dr. Johnson was more skeptical about the enterprise and the institutions that rested on it. Working closer to the ground and given to periods of despondency, he realized that the goal was ultimately elusive. The meanings of some words, he wrote, "can no more be ascertained in a dictionary, than a grove, in the agitation of a storm, can be accurately delineated from its picture in the water." But that doesn't stop us from from trying.