shift in linguistic ideology. We find this common approach across the many differences among teachers and classes. Thus, a key function of law school is actually training to a common language that lawyers use to communicate about the conflicts with which they must deal. An important part of this shift involves learning to read the "conflict stories" contained in legal cases in a new, more dispassionate way—guided by a new ideology about language.

3, Although apparently neutral in form, in fact the filtering structure of legal language taught to students is not neutral. Legal training focuses students' attention away from a systematic or comprehensive consideration of social context and specificity. Instead, students are urged to pay attention to more abstract categories and legal (rather than social) contexts, reflecting a quite particular, culturally driven model of justice. One aspect of this model is the idea that justice will emerge from a process that is heavily dependent on linguistic exchange or dueling, which moves back and forth between at least two positions. The social context of the exchange is less important than the form, and this form is echoed in role-play in class as well as in "legal reasoning" more generally (often taught as a form of internal dialogue). Another feature of the linguistic ideology that emerges in law school classrooms is an emphasis on layers of textual authority as neutral sources for legal decision making. Legal pedagogy perpetuates this model using a linguistic approach that combines attention to specific details of particular cases with the ongoing development of abstract categories for processing these details and contexts. Students learn to select those details and aspects of context deemed salient for the analogies

that are used to bridge concrete cases and abstract doctrines. A standard legal reading conceals the social roots of legal doctrines, avoiding examination of the ways that abstract categories, as they develop, privilege some aspects of conflicts and events over others. Instead, the core issue is one of textual analysis—of parsing written legal texts for the correct reading, which is focused on issues of linguistic authority. A new orientation to the world is subtly conveyed through the filtering linguistic ideology implicit in law school training.

4. There isa “double edge” to the approach found in U.S. legal language; it offers benefits but also creates problems.’ One benefit of this approach is that the language appears to ensure the same treatment for everyone, regardless of the specifics of their situation, and this appearance can sometimes become a reality. U.S. legal language also generates an enormously creative system for processing human conflict, one that can at times provide the flexibility needed to accommodate social change and the demands of different situations while also promoting some stability and predictability. However, there are also problems with this approach. In some cases, it obscures very real social differences that are pertinent to making just decisions; it can also create an appearance of neutrality that hides the fact that U.S. law continues to enact social inequities and injustices. Through an anthropological lens, we can identify these twin difficulties as a simultaneous problem of “cultural invisibility and dominance”; that is, some aspects of context and cultural viewpoints become invisible while others dominate (and this process itself is largely invisible, hidden beneath the apparent neutrality of legal language and approaches to reading written texts).°

Similarly, legal language in many ways discourages students from overt consideration of morality, while still packing a hidden normative punch.

5. There is also a cultural invisibility/dominance problem in law school classroom interactions, where learning the apparently neutral language of the law appears to have different effects on students of different races, genders, and class backgrounds. Some of these effects are common to many kinds of classrooms as well as to other speech situations in our culture, especially formal ones, and they reflect fundamental aspects of our social structure. However, these effects can have an impact particular to law school training when combined with peculiarly legal modes of talking and reasoning. The classroom is just one location, a beginning or foundational place, in which these different refractions initially emerge. The book's conclusion suggests lessons to be learned through a careful examination of this foundational moment.

6. Although this study finds a shared underlying epistemology imparted in diverse classrooms, it also delineates significant differences among law schools and law teachers. The conclusion also urges more fine-grained and contextual attention to the ways that school status and culture, as well as aspects of professorial style and classroom dynamics, may affect equality of opportunity in law training and subsequent practice.

7. Both in terms of content and form, legal education and the language it inculcates mirror a "double edge" arguably found in capitalist epistemology more generally. This double edge offers the possibilities but also the problems that come with moving to a particular form of abstraction, which can erase both

those aspects of social context that lead to bias but also those that permit in-depth understanding of social inequalities. Facing this dilemma is a crucial task for any legal system with democratic ideals—as well as for the legal language through which such a system operates.

Note, then, that this research uses the study of language to track underlying cultural worldviews or epistemologies, drawing on anthropological linguistic approaches. In particular, the analysis traces the contours of a distinctively legal epistemology, furthering attempts to uncover and explicate a basic structure to U.S. legal reasoning begun some time ago by scholars such as Edward Levi." This part of the analysis is, in my view, distinct from the ensuing examination of the power dynamics and capitalist epistemology that I hypothesize as specific to U.S. law. Taken on its own, the linguistic analysis maps the way language interacts with and embodies social worldviews and institutional practices, and as such speaks to issues of language and epistemology apart from any consideration of power. When it focuses on the nonneutral character of legal language and reasoning, this study does move on to also consider the interaction of language with social power and democratic ideals, building from scholarship in anthropological, legal, and social theory. However, I also argue that the language of law has its own dynamics that are not transparently reducible to issues of power or social structures. In this sense, this analysis rejects visions of legal language as either an entirely autonomous arena, divorced from social impacts, or as a mere reflex of external social forces. Rather, combining both linguistic and social perspectives, we can find in the first-year law school classroom a fascinating prism through which to view a part of the world of U.S. law.

Picture yourself entering a law school classroom on the first day of law school?

Although many law schools are now experimenting with smaller first-year classes, it is still common to find the bulk of a first-year student's time spent in larger classes of seventy to one hundred students. Traditionally, the first-year class is divided into sections to which students are assigned; these sections then stick together, taking all the same required classes. There is typically relatively little choice in the matter; all students must take a set of core first-year classes (e.g., Contracts, Torts, Property, Criminal Law, Civil Procedure, and, in some schools, Constitutional Law), and their section is assigned to particular professors for each of these courses. Students are also commonly assigned to smaller Legal Writing sections, which are often taught by non-tenure-track instructors (in much the way Freshman English is taught in many colleges).

So you have arrived at your first class, toting a back-breaking load of the heavy casebooks frequently used in the teaching of these core doctrinal courses. You look around the large room, filled with more than a hundred of your fellow classmates, and drop into the first empty seat you can find. If you were alert and fortunate, you noticed that there were already assignments to be read for the first day of class, and so you arrive having already tackled the casebook for this course. (If you were not clued in to this, you realize shortly after class begins that you were supposed to do reading, as the professor randomly selects students and asks them questions about the assignment—and you spend much of the time praying that you will not be one of the draftees.) The casebook, a heavy hardcover textbook that is over a thousand pages long, consists largely of excerpts from appellate court opinions, interspersed with brief commentary and notes.

The professor, clad in formal attire, strides into the classroom. As he climbs

to the podium at the front of the rows of seats, the chatter of voices in the room suddenly hushes. The first order of business involves passing around a difficult-to-decipher seating chart, with little boxes for each of the more than one hundred seats in the room; you are instructed to enter your name in the box that corresponds with the seat you have chosen and to sit thereafter in the same place. You are informed that your grade for the entire semester will depend on one exam, graded anonymously, given at the end of the term. After a brief but somewhat ominous moment of silence, the professor looks up from his class list and calls out, "Mr. Chase?" (Although our set of classroom teachers contains a number of professors of color and white female professors, it is still the case that the first-year doctrinal classes are predominantly taught by white males. So, we will begin our story using the predominant profile.)

Relieved that your last name does not even resemble "Chase," you relax momentarily into your chair while the unfortunate Mr. Chase sits up anxiously, book opened to the first case assigned for the day, and prepares to answer the next question. The professor begins, in a reassuring voice, "Okay. I want to begin by trying to figure out- little bit slow- start by trying to figure out what the lower court decided in Hawkins's case. What became of that?"l° And now your legal training begins, for the professor is not starting by asking you to tell the dramatic story of poor young Hawkins, who wound up with a terrible hand after trusting Dr. McGee to give him a 100 percent perfect hand, a good hand. It may be that the details of the evocative plot of this story, or the villainy or pathos of its central characters, were the main things that stuck in your head after reading the case. But here is the professor asking you to worry first about what the lower court did. Why?

Who cares? Isn't what we care about here justice? Isn't the main thing whether young Hawkins was screwed over by an incompetent, uncaring, or generally vicious surgeon, and whether our society is going to do something about it? Or is the main issue whether we're going to be so hard on doctors that they'll never again try to help anyone with a bad hand?

But the professor's questions move methodically on, pushing Mr. Chase to dig up more than he ever thought he'd have to know about what the lower court did. And you realize that apparently, to the legally trained mind, a core aspect of this case you just read involves the layers of authority that come into play in reaching the decision. For example, in this case, it seems important that the text was written by an appellate court (i.e., not by the judge who actually oversaw the trial, but by a judge or group of judges whose job it was to review the decisions made by trial courts). This may not have been anything that particularly struck you in reading the case initially, and you begin to wonder if you were really cut out to be a lawyer.

When Mr. Chase hesitantly volunteers that the lower court "decided in favor of the plaintiff" (which would be young Mr. Hawkins), the professor wants to know "in what respect" this was true. Mr. Chase then explains that "they" decided the plaintiff could get damages (translation: money), but that "they" reduced the damages. This sounds like a pretty specific response to you, but the professor interrupts and gets very picky about who "they" are. It turns out that the "they" who awarded the damages was the jury, but the "they" who reduced the damages was the judge.

This seems to matter a great deal to the professor, who, unsatisfied with this level of specificity, starts harassing Mr. Chase about whether it really was the judge

who just decided on his own to reduce the damages. Before long, Mr. Chase finds himself explaining to the class that actually the defendant (the doctor) asked the judge to reduce the damages, that he "asked" the judge by filing something called a motion, and that the motion claimed the damages were too high. So now, you think to yourself, trying to be sure you have this all down, what really happened was this: there was a jury trial; Hawkins won and got lots of money; the doctor wanted to pay less money and filed a motion; the trial judge reduced the amount of money Hawkins could get; and Hawkins is appealing that decision by the trial judge. Far from focusing on young Hawkins's angst over his hand now, you are beginning to feel a bit annoyed at him for refusing to accept the offer for a lower amount of money, thereby causing you to have to twist your brain around these byzantine details. (You decide not to worry at all at this point about whether it was Hawkins or his father who actually made the contract with the doctor or about the fact that it was clearly not Hawkins but his lawyer who filed the motion. I mean, enough is enough.)

Throughout your classes in the early fall, your professors repeatedly engage in this irritating habit of dissecting the cases you've read, asking you to focus on the oddest aspects of these assigned texts. For example, in beginning a class discussion, one professor asks, "First of all, was anyone curious about what it means under the name of the case when it says, Supreme Court of Rhode Island, 1969, 105RI612249A second 414? Anybody curious about what that meant? Does anybody know?"'" You feel relieved when a neighbor responds, "Well I understand the Supreme Court and Rhode Island, but I don't understand the numbers underneath," because you were afraid you were the only one in the class who hadn't yet deciphered the tangle of

numbers and letters under the case names. The professor explains that these numbers and letters are citations to books called "reporters" in which cases are, well, reported. This sounds like one of the more reasonable things you've heard all week. She also describes how you can tell what kind of court wrote the opinion from the exact letters used for each citation, but you decide to worry about that later. The professor assures you that deciphering the case citations "will become second nature to you before you leave the law school." You begin to worry about the overall shape of your mental processes by then.

As the semester wears on, however, the professor's prediction turns out to be accurate. When handed a case to read, you now automatically check to see which court wrote the opinion in the case, what happened previously in the case, and what the court did in reaching its decision. Poignant, glaring, pitiful stories of human drama and misery begin to sail easily past you, as you take them expertly in hand and dissect them for the "relevant" facts. Just as a medical student has begun at a parallel point in her training to deal with body parts and incisions in a routine fashion, you are acquiring a certain distance in dealing with stories of human conflict. You are also learning other aspects of a legal reading, which train you to notice only certain parts of a story while discarding others (more on this in Part II). And so when, after buying a home, you discover a concealed leak in the floor of your basement, your first instinct is not to call the previous owner inventive names. Instead, you cheer and point happily to the fact that an obvious attempt had been made to hide the leak. "Look," you say to your baffled friends with glee, "concealment, active concealment." (You now realize that active concealment is one element you'll need to prove if you want to sue the previous owners.) Your friends

think that finding out that someone deliberately tried to cheat you should be cause for gloom—an indication that we just can't trust anyone anymore—but instead it seems to make your day. They may comment admiringly on your new ability to approach such difficult situations with a somewhat removed and objective eye, but they also find themselves wondering at times if you're the same person you were before you started your legal training.

At one point in the semester, asks one of your professors whether a salesperson can get away with lying to a customer when making an agreement. The professor replies to her hypothetical, saying, "Well, if he's made an offer, he's revoked it and unless 2-205 is going to be applied and there has to be a signed writing, unless you could argue estoppel, if you're dealing with the code number 1-103, which opens the doors to the common law, you don't have that kind of protection, unless it's a consumer statute, or a federal trade regulation- regulation, you don't have that- that kind of protection."12 The student, with rising indignation, asks, "I.e., salespeople can lie?" and the professor responds, "Huh? Not only,