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The Metaculture of Law School Admissions: A Commentary on Lazarus-Black and Globokar

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The Metaculture of Law School Admissions: A Commentary on Lazarus-Black and Globokar

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What does it mean for law school applicants to become, as Mindie Lazarus-Black and Julie Globokar put it, "what the ranking[s] count[]"?[1] What does it mean for foreign applicants to develop responses to the application process by writing essays in certain ways, to project themselves (again as Lazarus-Black and Globokar put it) as "commodified persona[s]"?[2] The application process analyzed by Lazarus-Black and Globokar exemplifies what Greg Urban calls metaculture: cultural forms that point actors toward recognizing and understanding what they do as exemplifying a particular cultural pattern.[3] Metaculture is the mechanism by which culture is reproduced, moving through time and space. The admissions process is metacultural because it defines who one should be as a law student while spreading that definition (quite literally) throughout the world. Lazarus-Black and Globokar lay out the entextualization[4] of law school admissions essays by illuminating the details of that process, which, as Mertz shows us, is just the beginning of an extended project concerning engagement with

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1. Mindie Lazarus-Black & Julie Globokar, *Foreign Attorneys in U.S. LL.M. Programs: Who's In, Who's Out, and Who They Are*, 22 IND. J. GLOBAL LEGAL STUD. 3, 4 (2015) (quoting BRIAN Z. TAMANAHA, FAILING LAW SCHOOLS 85 (John M. Conley & Lynn Mather eds., 2012)).

2. *Id.* at 10 (quoting Alexis Celeste Bunten, *Sharing Culture or Selling Out?: Developing the Commodified Persona in the Heritage Industry*, 35 AM. ETHNOLOGIST 380, 381 (2008)).

3. *See* GREG URBAN, METACULTURE: HOW CULTURE MOVES THROUGH THE WORLD 3 (2001) (explaining that metaculture refers to cultural forms about cultural forms). Urban gives movie reviews as an example, which point readers toward particular understandings of what a movie is and should be. *See id.* at 182–85.

4. *See* Greg Urban, *Entextualization, Replication, and Power*, in NATURAL HISTORIES OF DISCOURSE 21, 21 (Michael Silverstein & Greg Urban eds., 1996) (defining entextualization as the "process of rendering a given instance of discourse a text, detachable from its local context.").

institutional metadiscourse and consequent socialization of law students.[5]

Writing the admissions essay is part of a larger picture regarding law schools specifically and educational institutions generally being represented by their "signature" students in the education market. Foreign law school applicants learn to fit themselves into such representations.[6] Their narratives are not just what they think admissions committees want to hear. Some agency interpellates them,[7] "hails" them toward particular expressions of subjectivity, such that foreign applicants select the same particular range of possibilities of self-performance as U.S. students do, as modern and especially as neoliberal subjects.

The new international networks and the shifting forms of commensuration and governmentality-influencing student selection evidence metaculture on the march. Culture and metaculture are mutually constituted. People recognize cultural forms as familiar occurrences because they share a set of understandings that establish what the type should be. Metaculture thus builds on the concept of metasemiotic regimentation[8]—the notion that all discourse makes sense to those involved in it because of the interpretive frames people share and to which they continually refer—in the ongoing process of pragmatically interpreted discourse.[9] In this way, culture can be thought of as a process that continually moves through time and space, carried by (primarily discursive) social interaction, which is also a process continually moving through time and space.[10] Cultural forms manifest themselves in some physical way, even if that physical way is as ephemeral as moments of discursive production. But through metacultural mediation, people understand what those forms are, what

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5. *See* ELIZABETH MERTZ, THE LANGUAGE OF LAW SCHOOL 45 (2007).

6. And, it may be that their very internationality will become part of that representation; although, as the authors point out, their experience in U.S. law schools has yet to be extensively studied. Lazarus-Black & Globokar, *supra* note 1, at 13.

7. *See* LOUIS ALTHUSSER, *Ideology and Ideological State Apparatuses*, *in* LENIN AND PHILOSOPHY AND OTHER ESSAYS 127, 170–75 (Ben Brewster trans., 1971).

8. *See, e.g.*, Michael Silverstein, *Metapragmatic Discourse and Metapragmatic Function*, *in* REFLEXIVE LANGUAGE: REPORTED SPEECH AND METAPRAGMATICS 33, 45 (John A. Lucy ed., 1993); RICHARD J. PARMENTIER, SIGNS IN SOCIETY: STUDIES IN SEMIOTIC ANTHROPOLOGY 127–28 (1994).

9. That is to say, all aspects of socially constituted meaning, far beyond semantic-grammatical or 'dictionary' interpretations.

10. A considerable literature has developed on pragmatics and discourse, a key origin point for which is Michael Silverstein, *Shifters, Linguistic Categories, and Cultural Description*, *in* MEANING IN ANTHROPOLOGY 11 (Keith H. Basso & Henry A. Selby eds., 1976).

they compare to, and whether they are the same as or different from other forms.

Change is incremental. The process of transmission involves some elements that are relatively inertial and some that accelerate toward innovation, the latter "reshap[ing] social space by harnessing different strands of extant inertial culture."[11] Urban proposes a contrast between relatively static metacultural movement (as is the case with relatively localized metacultures of tradition) and movement spreading out through space, the latter characteristically emphasizing newness, as is typical of what he calls a metaculture of modernity.[12] In a metaculture of modernity—and I argue that this includes a metaculture of neoliberalism—social actors become increasingly invested in innovation and acceleration. As this metacultural ideology develops and cultural objects become reconstituted in practice, those cultural objects are understood and valued increasingly in terms of what is emphasized in metacultural representation. Yet, ironically, innovation cannot be too "new" (e.g., "new and improved [insert name of detergent or toothpaste]"). Prior related forms must structure innovation, or innovation would become unrecognizable. Finally, Urban argues that while every cultural transmission involves time, a metacultural emphasis on innovation (especially technological) is also connected to emphases on dissemination and reproduction across space, as is the case in regimes of globalization.[13]

What does all this have to do with foreign students writing admissions essays? First, the admissions essay itself operates as a metacultural form; it does not simply provide a self-description, but also points to its author's understanding of what a student should be. Second, the social constitution of the essay is a discursive process (what it is, who does it, how it is done, and to what end?) that points to (i.e., indexes) the exporting of that model along the globalized networks through which people become law school applicants. Third, what is happening with the law school essay can usefully be seen in terms of a larger process of globalized education, as one of several particular themes governed by the metasemiotics of education as a globalized phenomenon.

The essay itself—and this is true not just of law school essays but of admissions essays generally—exemplifies a metaculture of innovation,

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11. URBAN, *supra* note 3, at 19. In discursive terms, this is the process of enregisterment. *See* Michael Silverstein, *Indexical Order and the Dialectics of Sociolinguistic Life*, 23 LANGUAGE & COMM. 193, 212–13 (2003); ASIF AGHA, LANGUAGE AND SOCIAL RELATIONS 4 (2007).

12. URBAN, *supra* note 3, at 6.

13. *Id.* at 56.

with its neoliberal emphasis on the ever-ready-to-change individual who strives toward continual improvement. Lazarus-Black and Globokar make this point in their discussion of the five-essay-genre conventions that add up to a "commodified persona" or, in Ilana Gershon's terms, a neoliberal agent requiring a "reflexive stance" in which social actors operate as "a collection of processes to be managed."[14] Neoliberal agency manifests a metaculture of innovation in its emphasis on continuously becoming: "One is never 'in the moment'; rather, one is always faced with one's self as a project that must be consciously steered through various possible alliances and obstacles."[15] The emphasis is on continual re-crafting of self toward an end of "improvement," seeking to fit into what, those in a position to admit people to programs or dispense resources or hire, might imagine as universal standards. One *may* self-improve in accordance with one's interests and tastes, but one *must* self-improve in ways measurable against all other comparable agents (the stress on universal commensuration noted by the authors) based on an imagined set of universal organizational, institutional, or corporate standards. Neoliberal selfhood reflects the primacy of market rationality and, as Gershon further notes, that is reflected in the stress on individual autonomy exercised through the formation of relationships with other similarly imagined, similarly valued agents.[16]

Lazarus-Black and Globokar see that formation especially evident in the first-genre convention (the presentation of self in terms of markers of personal worth). In the first-genre convention and, to an extent, in the third-genre convention ("social structure of accomplishment"), applicants appear called on to foreground ethnic resources as proof of individual worth or as signs of difficulties overcome.[17] The interpellation of applicants to deploy reference to their national and ethnic backgrounds parallels how racially "diverse" undergraduate students in U.S. liberal arts education present (and appear called on to present) themselves: the value of students' race/ethnic identity depends on students' capacity to present themselves as "diverse" in ways that colleges and universities can claim as "contributions" by "individuals,"[18] contributions that those schools can

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14. Lazarus-Black & Globokar, *supra* note 1, at 10 (quoting Alexis Celeste Bunten, *Sharing Culture or Selling Out?*, 35 AM. ETHNOLOGIST 380 (2008)); Ilana Gershon, *Neoliberal Agency*, 52 CURRENT ANTHROPOLOGY 537, 539 (2011).

15. Gershon, *supra* note 14, at 539.

16. *Id.* at 540.

17. Lazarus-Black & Globokar, *supra* note 1, at 41.

18. *See* Bonnie Urciuoli, *Talking/Not Talking About Race: The Enregisterments of Culture in Higher Education Discourses*, 19 J. LINGUISTIC ANTHROPOLOGY 21, 29 (2009).

then depict as institutional resources.[19] In both instances, self-presentation points away from ethnic solidarity and toward the applicant as an individual offering to become part of a larger non-cultural enterprise—the movement from a specific ethnic background to the law as a manifestation of modernity.[20] As Gershon and Taylor argue, culture is valued in modern institutions to the extent that it can be contained by defined spaces in institutional bureaucracies (such as education or law) in which it is cast as an individual contribution.[21] The value of the "institutional modern" is represented by the other three-essay-genre conventions: the applicant's identification with the United States or the West; the expression of the United States or the West having much to offer "the rest"; and the law's value as an instrument of social justice.

How applicants learn to express such agency (exercising control over desired institutional outcomes) can be traced through the social constitution of the essay as a discursive process; as the authors point out, foreign applicants turn to family, friends, and teachers—people with likely knowledge—and the Internet. Those sources presumably include at least some who have successfully gone through the application process. This is a process of register formation (or enregisterment) that involves a good deal of discursive selection whereby each innovative usage establishes itself with respect to an existing usage so it becomes pragmatically compatible and aligns continually, in each succeeding discursive act, with the interpretations, interests, and stances of everyone using that register.[22] To the extent that the enregisterment process manifests itself in these tangible discursive productions through which its participants engage in what they come to see as the reproduction and dissemination of cultural forms, it is metacultural in its function.

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19. *See* Courtney Childs, Huong Nguyen & Richard Handler, *The Temporal and Spatial Politics of Student "Diversity" at an American University*, *in* TIMELY ASSETS: THE POLITICS OF RESOURCES AND THEIR TEMPORALITIES 169–190 (Elizabeth Emma Ferry & Mandana E. Limbert eds., 2008).

20. For elaboration on how this neoliberalized notion of culture operates in the workplace see, for example, ROUTLEDGE CRITICAL STUDIES IN MULTILINGUALISM, LANGUAGE IN LATE CAPITALISM: PRIDE AND PROFIT (Alexandre Duchêne & Monica Heller eds., 2012); Alexandre Duchêne, Melissa Moyer & Celia Roberts, *Introduction: Recasting Institutions and Work in Multilingual and Transitional Spaces*, *in* LANGUAGE, MIGRATION AND SOCIAL INEQUALITIES: A CRITICAL SOCIOLINGUISTIC PERSPECTIVE ON INSTITUTIONS AND WORK 1–24 (Alexandre Duchêne et al. eds., 2013).

21. Ilana Gershon & Janelle S. Taylor, *Introduction to "In Focus: Culture in the Spaces of No Culture"*, 110 AM. ANTHROPOLOGIST 417, 420 (2008).

22. A principle Silverstein terms "indexical ordering." Silverstein, *supra* note 11, at 193.

The enregisterment of the law school essay takes place within a larger process: the relationships along which the essay form is disseminated follow institutional paths to new sources of potential law students (i.e., new markets) as higher education expands into new global venues.[23] That process also involves the dissemination of gatekeeping processes (who will fit, who has provided what relevant information, and who will be a classroom asset?). The very act of filling out applications draws applicants into responses that reinforce commensuration among applicants. Indeed, the law school application essay as a genre should probably be regarded as part of a larger genre of higher-education application essays, considering that how they are written and how they are read is a process of commensuration.[24] That process has probably become routine among U.S. citizens; but by focusing on how foreign applicants experience that process as unusual and as something to be adapted to, one can gain a deeper perspective on how the gatekeeping of law school admissions has come to operate in the United States. For essays to achieve their intended communicative function, foreign applicants must participate in ways that display specific modes of subjectivity, reinforced by the process of institutional gatekeeping through which only certain presentations of the self actually count. Therefore, applicants write essays in ways that will fit readily into assessment categories, into standardized categories of person. As different as the paths traveled by foreign law school and U.S. college applicants are, it is interesting to see how people come from such different paths to the same results, or as the authors call it: the same "regularizations" through genre devices.[25] In "bec[oming] what the ranking[s] count[],"[26] foreign law school applicants become part of a process, along with students in higher education generally, of standardizing qualities of person that are not really measurable to begin with. That is a considerable irony: making commensurate something that has so little measurable basis. To the extent that audit culture works, with its stress on accounting practices reinforcing

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23. *Cf.* BEN WILDAVKSY, THE GREAT BRAIN RACE: HOW GLOBAL UNIVERSITIES ARE RESHAPING THE WORLD (2010) (claiming that as universities "branch out," they perpetuate their own admissions standards globally).

24. In his study of selective undergraduate admissions, Stevens points out that admissions officers make decisions about applications, not applicants, and he details the processes by which application readers make commensurable all the applications, including the essays, that they read. *See* MITCHELL L. STEVENS, CREATING A CLASS: COLLEGE ADMISSIONS AND THE EDUCATION OF ELITES 190–97 (2007).

25. Lazarus-Black & Globokar, *supra* note 1, at 59.

26. *Id.* at 4.

institutional commensurability,[27] it does so because people internalize such an idea of self as objectively comparable. And the more this is done, the greater the cumulatively performative effect of making those categories of person, emergent in the essays, come to life.[28] This is surely part of what Lazarus-Black and Globokar call, in their conclusion, the "changing . . . meaning of . . . 'inclusion'"—not about inclusion in the sense of "dismantling the very real race, class, and gender barriers," but about applicants' capacities to participate in this neoliberal metaculture.[29]

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27. AUDIT CULTURES: ANTHROPOLOGICAL STUDIES IN ACCOUNTABILITY, ETHICS, AND THE ACADEMY (Marilyn Stathern, ed. 2000); Lazarus-Black & Globokar, *supra* note 1, at 9 (citing MICHAEL POWER, THE AUDIT SOCIETY: RITUALS OF VERIFICATION (1997)).

28. Performative discourse brings social facts into being. Silverstein, *supra* note 10.

29. Lazarus-Black & Globokar, *supra* note 1, at 63.