

Maurer School of Law: Indiana University Digital Repository @ Maurer Law

Articles by Maurer Faculty

Faculty Scholarship

1988

Writing in a Different Voice

Elizabeth Perry Hodges

Indiana University School of Law

Follow this and additional works at: <http://www.repository.law.indiana.edu/facpub>

 Part of the [Legal Writing and Research Commons](#)

Recommended Citation

Hodges, Elizabeth Perry, "Writing in a Different Voice" (1988). *Articles by Maurer Faculty*. Paper 1969.
<http://www.repository.law.indiana.edu/facpub/1969>

This Article is brought to you for free and open access by the Faculty Scholarship at Digital Repository @ Maurer Law. It has been accepted for inclusion in Articles by Maurer Faculty by an authorized administrator of Digital Repository @ Maurer Law. For more information, please contact wattn@indiana.edu.

Writing in a Different Voice

Elizabeth Perry Hodges*

[N]ever, never shall I be able to toss big words around like giant boulders.

—*Franz Kafka*¹

In the summer of 1906, Franz Kafka received his Doctorate of Laws from Prague University, after feeding for months “on sawdust which . . . had already been pre-chewed by thousands of other mouths.”² I suspect that many law students today share Kafka’s sentiments, but not necessarily the understanding of language that his perception of legal language implies. All language has, in a sense, been “pre-chewed,” but legal language may be a special victim of this process given its intricate professional history and, most especially, the role that the notion of precedent has played in creating a system that urges us to repeat what has been said before.

Kafka’s metaphor suggests that language—often conceived as a dynamic system subject to constant change and growth—has in some way been abused by the legal profession. Reflecting Kafka’s sentiments, Professor Getman evokes the image of a petrified legal language devoid of animation. Those who use legal language, he explains, depend necessarily on a “common vocabulary” to facilitate the “goal of treating like cases alike” so that the legal system can “avoid prejudice” and “transcend invidious distinctions.”³ They “respond[] to complex emotional situations in terms of abstract rules” and, in so doing, perpetuate a “use of language that removes some of the feeling and empathy that are part of ordinary human discourse.”⁴ Sawdust sums it up nicely; the tree has been chopped, the wood ground and reground, leaving us with only the residue of a once vital structure. One way he proposes to revitalize the language would be to resurrect what he calls the “human” voice. By this he does not mean that we should speak in the simplistic, monosyllabic two-line sentences sometimes associated with “plain English.” He means something much richer and more complex, something akin to William

* Adjunct Assistant Professor, Indiana University School of Law. Ph.D. 1980, English and Comparative Literature, Columbia University.

1. E. PAWEL, *THE NIGHTMARE OF REASON* 125 (1985).

2. *Id.* at 122.

3. Getman, *Voices*, 66 *TEXAS L. REV.* 577, 577-78 (1988).

4. *Id.* at 578.

Wordsworth's desire, almost 200 years ago, to liberate poetic language from the "arbitrary and capricious habits of expression."⁵ Getman too, as I understand him, would have lawyers become less dependent upon those habits of expression that seem to result in an overly general, euphemistic, and lifeless professional style.

To define the "human" voice, however, is not such an easy task, for every voice we speak is ultimately human, whether professional, scholarly, literary, scientific, or whatever. These names for describing different kinds of voices are, among other things, ways of labeling the different discourses we speak and the different communities to which we belong.⁶ The human voice, in a more limited sense, would be the voice of ordinary folk, and Getman suggests that, as ordinary folk, we tap into the resources available to us in that capacity of being.

Can one unfreeze, so to speak, the professional voice and liberate its elusive, protean, "human" relative? I think so. But to do so would require a conscious awareness of how language works (to the extent that we can understand it), not so much as an abstract grammatical system but rather as an organic structure composed of different voices and systems of thought. We would need to open ourselves to the rich possibilities of language, sensitizing ourselves especially to the dynamic relationship between the individual voice or speech act and the community of language in which it is rooted. There is no pure individual voice, nor for that matter is there a pure professional voice. What we take to be a personal voice remains, regardless of its idiosyncracies, a hybrid of the different voices we hear, assimilate, reject, adopt, and learn, both consciously and unconsciously, from birth on. When we write as lawyers (more often than when we speak), we tend to abuse both our personal and professional voices, largely out of misconceptions about the way language functions within both the self and society.

To illustrate the particular dynamics between the individual speech act and the social code that sustains it, I would like to return to the scene from *Huckleberry Finn* that Getman discusses.⁷ Huck and Jim are floating down the Mississippi on a raft. The language describes the setting as it might "really" appear: "The river was very wide, and was walled with

5. W. WORDSWORTH, *Preface to the Second Edition of Lyrical Ballads* (1800), in *SELECTED POEMS AND PREFACES* 445, 447 (J. Stillinger ed. 1965).

6. Stanley Fish calls them "interpretive communities." See, e.g., S. FISH, *IS THERE A TEXT IN THIS CLASS?* 97-111 (1980). James Boyd White uses words like "language," "culture," and "community" sometimes interchangeably to demonstrate the inextricable bond between language and the culture or community in which it is found. See J. WHITE, *HERACLES' BOW: ESSAYS ON THE RHETORIC AND POETICS OF THE LAW* 107-38 (1985); J. WHITE, *WHEN WORDS LOSE THEIR MEANINGS* 3-23 (1984).

7. Getman, *supra* note 3, at 587-88.

solid timber on both sides; you couldn't see a break in it hardly ever, or a light."⁸ Twain's wording accentuates, too, Huck and Jim's isolation from the society to which each belongs—the river is “walled” on both sides by “solid” timber. This fact controls their subsequent dialogue. On the raft alone, they are thrown back on themselves, cut off, figuratively speaking, from the social controls that operate back home. Jim is giving voice to fantasies he could never have articulated on shore: how once he was free he would save up enough money to buy his wife back, how the two of them would work to buy their two children, and “if their master wouldn't sell them, they'd get an Ab'litionist to go and steal them.”⁹

Outside the boundaries of his social community, Jim is feeling his oats. Huck's response, however, is more complex: “It most froze me to hear such talk. He [Jim] wouldn't ever dared to talk such talk in his life before.”¹⁰ The only words Huck can find to interpret or cope with the black man's words are those he has internalized from the society in which he has grown up. From the perspective of that society, Huck is “wrong” not to turn Jim over to the authorities. As he grapples with his conscience, Huck echoes the attitudes embedded in the language of his society: “[G]ive a nigger an inch and he'll take an ell.” Thinks I, this is what comes of my not thinking. Here was this nigger which I had as good as helped to run away, coming right out flat-footed and saying he would steal his children” The old saying Huck recites to himself and his response to Jim's notion of stealing his children from a man who “hadn't ever done me no harm”¹¹ derive from a system of thought that led to a distorted form of justice. Such systematic distortions, innocently embedded in everyday language, are capable of evolving into more formal and rigidly professional attitudes and styles. Huck is intuitively aware of some injustice here, but he does not have the words to articulate its character. Thinking within the ethical and social terms of his society, he resolves with great difficulty to paddle ashore under the guise of finding out whether they had reached Cairo (and freedom) and then to turn Jim in. But when Jim says, “you's de bes' fren' Jim's ever had,” Huck is unmanned: “it seemed to kind of take the tuck all out of me.”¹² Jim is defining his relation to Huck, not in the context of master-slave or white-black, but in new and nonracial terms. His language momentarily escapes the dominating system through which he and Huck had been forced to define themselves. Huck the scruffy urchin even becomes in

8. M. TWAIN, *THE ADVENTURES OF HUCKLEBERRY FINN* 106 (1985).

9. *Id.* at 124.

10. *Id.*

11. *Id.*

12. *Id.* at 125.

Jim's eyes "a white genlman": "Dah you goes, de ole true Huck; de on'y white genlman dat ever kep' his promise to ole Jim."¹³ The racial overtones are transcended here as "genlman" takes on meanings of true gentleness and humanity. Huck, who is all the while struggling to bring himself to do what he thinks is "right," feels wretched. Caught between two different ways of thinking and speaking, he is not quite able to see that the "right" thing to do is, in his own words, the "wrong" thing. The labels put him in a bind which he escapes only by changing the words: "So I reckoned I wouldn't bother no more about it, but after this always do whichever come handiest at the time."¹⁴ In his struggle to free himself from inherited ways of thinking, he opens up a different linguistic space by using the term "handiest," establishing a different standard that could generate a new language, and perhaps, in time, a new social condition. Through his own language, Huck implies a new system of thought that would enable blacks and whites to live together as friends. Huck's thinking is eminently rational, but only if one ignores the context of white southern society in the mid-nineteenth century—that is, if one ignores the law of precedent.

In Twain's world, the social voice, identified with a particular part of the American South, is made up of different individual voices—professional and common, white and black, male and female—but the voice of power and law generally is that of the white male. For blacks the struggle against this voice has been an integral and largely conscious, though rarely articulate, part of their lives. But for most whites this voice, like Huck's, only gradually gives way to another, less formalized voice, one that must strike out on its own, without benefit of authority or validation, and find its way much as Huck and Jim set out to find Cairo. I do not mean to imply that social and individual voices are distinct units of discourse with no overlap; rather, these voices depend on each other for their being: we and Huck can only strike out within a given social and linguistic context. The language of society, like the language of a novel, is a system of varied and opposing voices continually developing and renewing itself. These voices do not all have equal time and value, but they guarantee, in the view of Mikhail Bakhtin, a perpetual linguistic and intellectual revolution which guards against the hegemony of any single "language of truth" or "official language" in a society, against ossification and stagnation in thought.¹⁵ Through Huck, Twain illustrates the

13. *Id.*

14. *Id.* at 128.

15. See M. BAKHTIN, *THE DIALOGIC IMAGINATION* 64-68, 262-75 (M. Holquist ed.; C. Emerson & M. Holquist trans. 1981).

intricate process by which the human voice in all of its complexity wages battle against stereotyping and sterility.

The drama we see taking place among languages in *Huckleberry Finn* is the drama of our own linguistic and social lives, and law students need to be more aware of its dynamic. As members of the legal community, they speak a special discourse and can be said to belong to an "interpretive community."¹⁶ They also participate in other discourses that constitute the system of language as a whole. In teaching writing to law school students, I notice a conscious effort on their part to erase any sign of nonprofessional discourse. In their efforts to survive the first year, they somehow learn that this is what they ought to do. They come to view the law as a tool for achieving objectivity and even "truth," concepts that they perceive to have some absolute and fixed value. Some part of the self, in other words, seems to swallow whole, without recognizing it, the language of "right" and power with which Huck begins to quarrel. The dialogue in which I invite my students to engage is similar to the one Huck has with himself. I urge them, in a sense, to hop on a raft and, rather than parrot the worst of legal expression, to examine both their own language and that of other legal and literary authors, exploring the assumptions and preconceptions that underlie these writings. The students are, at times, as uncomfortable as Huck, fearful of the prospect of forging a new language and a new order out of a wider range of experiences and voices than is usually expected in a legal context. At the same time, however, most come to see that there is not just one "right" way to state their case. They begin to see that much of what they write is "wrong," not necessarily because the content is "wrong," but because their language fails to reflect the unavoidable fact of their membership in a larger community from which they derive their fundamental linguistic abilities and to which, as mediators from the world of law, they must communicate. Some failure is inevitable, for like Huck, we inherit ways of thinking that become ways of speaking, and we risk becoming partially blinded by the very formulas we strive to master. But like Huck, too we need to be alert to the limitations of formulas and to the ideologies buried within them so that we may avoid their potentially rigid grip.

My own thought on these matters continues to be influenced by my reading of literature, a reading that is reinforced by contemporary work in linguistics, psychoanalysis, and the philosophy of language. For my purposes here I must limit my comments to certain notions that have

16. See S. FISH, *supra* note 6, at 97-111.

been fruitful in my work with the language of law students, especially those notions explored by twentieth-century thinkers about relationships among different language components. What most concerns me here is a distinction introduced by Ferdinand de Saussure between *langue* and *parole*—between the system of language (the code) and the individual act of speaking.¹⁷ This dichotomy was taken up by Marxist dialecticians who quarreled with Saussure's claim that the two "languages" operated according to different principles.¹⁸ For Saussure speech (*parole*) cannot be the object of linguistic study because it lacks inner unity and validity: "speech is many-sided and heterogeneous; . . . we cannot put it into any category of human facts, for we cannot discover its unity."¹⁹ *Parole* is "individual," "heterogeneous," and "more or less accidental."²⁰ *Langue*, by contrast, is a "self-contained whole and principle of classification"; it is "social" as opposed to individual, "essential" as opposed to heterogeneous and random.²¹ Within the closed world of *langue*, sign relates to sign according to precise laws governing the system of language itself. The wayward utterance abandoned by Saussure, however, comes to play a central role in the analysis of language and communication. Bakhtin breaks down Saussure's opposition between speech and language by claiming that the true center of linguistic reality "is not the abstract system of linguistic forms, not the isolated monologic utterance, and not the psychophysiological act of its implementation, but the social event of verbal interaction implemented in an utterance or utterances."²² In Bakhtin's view one cannot exclude any element of language—in this case the individual utterance (*parole*)—and say that it operates according to principles different from those of the system as a whole, for *langue* and *parole* are interdependent, or rather, products of a complex psychosocial, political context in which both the spoken and unspoken have their say.²³

Students of law tend to see legal language as an exclusive discourse operating according to principles which they can define only as somehow objective. They trust that such a prose exists—out there, in the law,

17. F. SAUSSURE, *COURSE IN GENERAL LINGUISTICS* 9-15 (W. Baskin trans. 1959).

18. See generally V. VOLOSINOV, *MARXISM AND THE PHILOSOPHY OF LANGUAGE* 59-61 (L. Matejka & I.R. Titunik trans. 1973) [hereinafter M. BAKHTIN] (critically presenting Saussure's dichotomy between *langue* and *parole*). Experts disagree on the authorship of this text. Since it was originally translated in 1973, new materials have come to light suggesting that much of the text was written by Bakhtin. By using Bakhtin's name here, I am following the common view that the ideas in the book reflect an intense period of collaboration and discussion and belong to the intellectual movement most often associated with the name of Bakhtin.

19. F. SAUSSURE, *supra* note 17, at 9.

20. *Id.*

21. *Id.* at 9, 14.

22. M. BAKHTIN, *supra* note 18, at 94.

23. *Id.* at 93-97.

somewhere. Like the countryman in Kafka's parable *Before the Law*, they sit and wait before the towering, bearded figure of the gatekeeper, hoping to be admitted to this privileged discourse.²⁴ The enigmatic drama depicted here invites us to spin a fantasy about the students' attitudes toward language. The typical student might feel quite comfortable with Saussure's distinction between *parole* and *langue*; *parole* would represent that which is "subjective" (particular, biased, random, individual, unprofessional, and to be avoided), while *langue* would refer to that which is "objective" (general, unbiased, essential, noble, professional, and to be coveted). For this mythical student, "subjective" language implies a bundle of dubious associations that must be fenced off lest some irrational force disrupt the logical rigor of his thought or expression. This force the student imagines must be kept quietly behind bars. But like other psychic energies, it does not stay put. Evidence of its presence seeps out in the structural gaps left by dangling modifiers and obscure references, or sallies forth, in its worst manifestations, as racist or sexist innuendo. Writers who give in to the temptation to dissociate themselves from this other voice fail to understand how such a splitting-off impoverishes their style. In seeking an objective voice, they relinquish not only structural coherence but detail and rhythm, color and texture, thereby draining the words of their rhetorical power. The purged, objective voice that results fails to reach their audience in a meaningful way.

Bakhtin permits us, as certain novels and poems do, to think about language as a network of discourses that animate one another. Legal discourse could also be said to operate according to similar principles, principles that are not founded in any general theory of grammar or objectivity, but in the extra-linguistic context in which each utterance occurs. As Bakhtin phrases it, expression is determined "by the actual conditions of the given utterance—above all, by its *immediate social situation* Each person's inner world and thought has its stabilized *social audience* that comprises the environment in which reasons, motives, values, and so on, are fashioned."²⁵ In the dialectic between inner and outer, or social, voice, Bakhtin emphasizes the extraverbal context within which each unique utterance occurs, including the social setting, the knowledge of the speakers, and the assumptions that allow for certain things to remain unspoken.²⁶

If we follow out these threads of thought, the scene for the utterance becomes extremely complex. We have speakers and listeners, each with

24. F. KAFKA, *Before the Law*, in *THE COMPLETE STORIES* 3, 3-4 (N. Glatner ed. 1971).

25. M. BAKHTIN, *supra* note 18, at 85-86.

26. *Id.*

different backgrounds, each developing a language within a particular social and economic setting. Each has passed through various stages of language learning, including what psychologist Lev Vygotsky has called social, egocentric, and inner speech.²⁷ As children, according to Vygotsky, we first begin to understand words as "indicators."²⁸ Child and adult agree on the reference, and this agreement makes verbal interaction possible; the child, however, has not mastered the concepts that go with the words. As the child is exposed to the linguistic norms of his speech community, he gradually inherits the conceptual baggage that accompanies the word. Egocentric speech, an outgrowth of social speech and not definitely separated from it, represents the next phase in the child's acquisition of meaning.²⁹ This "speech for oneself" emerges "from its social collaborative forms of behavior into the sphere of an individual's psychological functions [C]hildren begin to converse with themselves exactly as they had earlier conversed with others."³⁰ With both social and egocentric speech, the child's response depends on an external utterance. With inner speech the child has internalized the speech act and no longer needs the external word to control his sign forms. Inner speech is quasi-social in that it has origins in social speech, but its structure and function are different—they are psychological in nature. Vygotsky notes that "even if we could record inner speech on a phonograph it would be condensed, fragmentary, disconnected, unrecognizable, and incomprehensible in comparison to external speech."³¹

This sketch of Vygotsky's view, oversimplified as it is, suggests the intricate, even isomorphic nature of the relationship between external and internal activity. In asserting that inner mental functions are internalized social relationships, Vygotsky appears to envision a situation in which the individual and society, or individual speech and social language, eventually reflect one another. But this is not the case. He specifically rejects the notion that external and internal processes become copies of one another: "[I]t goes without saying that internalization transforms the process itself and changes its structure and functions."³²

27. See L. VYGOTSKY, *THOUGHT AND LANGUAGE* 19 (E. Haufmann & G. Vukar ed. & trans. 1962).

28. See Vygotsky, *The Development of Higher Forms of Attention in Childhood*, in *THE CONCEPT OF ACTIVITY IN SOVIET PSYCHOLOGY* 189, 219 (J. Wertsch ed. & trans. 1981).

29. L. VYGOTSKY, *supra* note 27, at 129-30, 138.

30. L. VYGOTSKY, *SELECTED PSYCHOLOGICAL RESEARCH* 87 (1956), *quoted in* Wertsch & Stone, *The Concept of Internalization in Vygotsky's Account of the Genesis of Higher Mental Functions*, in *CULTURE, COMMUNICATION, AND COGNITION: VYGOTSKIAN PERSPECTIVES* 162, 173 (J. Wertsch ed. 1985).

31. Wertsch & Stone, *supra* note 30, at 173.

32. Vygotsky, *The Genesis of Higher Mental Functions*, in *THE CONCEPT OF ACTIVITY IN SOVIET PSYCHOLOGY*, *supra* note 28, at 144, 163. Other thinkers, including Melanie Klein, D.W.

Vygotsky imagines a dynamic relationship among these different kinds of speech through which the child eventually comes to master the meanings embodied in adult speech. These speech structures become the basic structures of his thinking.³³

If we accept Vygotsky's characterization of language, the distinction between subjective and objective voice becomes more difficult to define. An individual speaker's voice could be defined not by its singularity but by the infinitely complex cross-fertilization of objective (social) and subjective (quasi-social), of inner and outer voices. Verbal activity, then, can be seen as essentially dialogic; the word is both subjective and objective, or as Bakhtin says, it is a "two-sided act":

It is determined equally by *whose* word it is and *for whom* it is meant. As word, it is precisely *the product of the reciprocal relationship between speaker and listener, addresser and addressee*. . . . I give myself verbal shape from another's point of view, ultimately, from the point of view of the community to which I belong. A word is a bridge thrown between myself and another. . . . A word is a territory shared by both addresser and addressee, by the speaker and his interlocutor.³⁴

This reciprocal relationship does not fix the word's meaning. Speaker and listener together bring to the word their own associative bundles, derived from past voicings and experiences, which overlap within the territory of the word. The overlap is by no means complete; two speakers are continually re-creating, in a sense, both word and self in the course of a dialogue.

I doubt that most of us perceive ourselves in such a dynamic relationship to language. We take language for granted and rarely meditate upon its mysteries. But lawyers, because they communicate with different audiences, need more than a fleeting acquaintance with the voices that make up not merely the law, but their nonlegal selves and their listeners as well. Our world, like Twain's, is populated by characters, each of whom has his own "cultural map of experience."³⁵ We can envision within a single culture a dizzying variety of inner maps whose lines and dots converge only at a few points. Imagine what is happening around these points of convergence, or how difficult it would be to develop such points between two or more of these maps. Daily experience attests to

Winnicott, Margaret Mahler, and Julia Kristeva have extended Vygotsky's exploration of the processes of internalization.

33. For a detailed and easily available account of the child's entry into the processes of language, see L. VYGOTSKY, *supra* note 27, at 19.

34. M. BAKHTIN, *supra* note 18, at 86.

35. This metaphor comes from Dickerson, *Toward a Legal Dialectic*, 61 IND. L.J. 315, 318 (1985).

the difficulty; we know how frustrating it can be to communicate a subtle emotion or idea to another, especially when tension or conflict is present. Lawyers exist, at one level, to resolve disputes that arise out of these failures to communicate—they attempt to bring the lines on the maps closer together.

The distorted domination of the “professional” voice in the field of law arises in part from a lack of sensitivity to these lines or voices. Students believe that one of the purposes of law school is to learn how to manipulate legal language, and they are right. But instead of understanding legal discourse as a dynamic product of complex historical, social, and personal forces, they treat it as an independent rational structure, built up of stable denotations that correspond to an objective reality. They fail to recognize that discourse is itself a polyphonic construct, coloring and colored by human experience.

Philip Kissam, one of many law professors to have addressed the problem of legal writing, suggests that law schools have inadvertently fostered a limited, professional attitude toward language by failing “to employ the writing process as an effective learning device.”³⁶ Instead of encouraging lawyers to read, write, and think critically and independently, teachers focus on the “finished product,” the “appropriate form,” or the “right answers.” Students come to expect that “every written product should be a finished product in terms of form, style, and substantive answers” and will not attempt to say anything “not found in an authoritative text.”³⁷ Words like “right,” “appropriate,” and “authoritative” give students the illusion that the source of correctness lies less in their own analysis of a problem than in the language of the law itself. Many students, however, are incapable of structuring a critical analysis in *any* language because they have not undergone the rigorous training that should accompany undergraduate study of literature or philosophy, training that would permit them to entertain, among other things, the notion that no text is absolutely authoritative.

Why, we might ask, do students seek out those linguistic forms that frame human experience within legal categories? No doubt they rely on formulaic language as a crutch in mastering the complex system of laws. But must that frame determine the perspective from which they view the manifold experiences and languages of the people they think and write about? Perhaps we are witnessing here an impulse, more active in children than in adults, to see language as an embodiment of actual exper-

36. Kissam, *Thinking (By Writing) About Legal Writing*, 40 VAND. L. REV. 135, 142 (1987).

37. *Id.* at 147-48.

iences or desires. The law, like religion, contains the formal means for structuring the dreams and confusion of human existence.³⁸ At its best, it is constantly in the process of creating and re-creating the language that enables society to control its passionate and violent outbursts. At its worst, it becomes an ideological tool designed to silence the voices of opposition. But confused initiates, ill-prepared for the linguistic labyrinth they are entering and overly dependent upon a natural tendency to confound language and real experience, orient themselves by unconsciously assuming the objectivity of legal formulations. Following in a Saussurian mode, they allow little space for those seemingly random or subjective elements of language that are an inevitable part of any utterance. In other words, by appealing to the frame of the law, they arrest the play of those social and psychological voices that constitute not only the personal self but the discourses within which that self functions. Some writers might feel that such voices are antagonistic to the very practice of law. Others, and I include myself, might agree that the law depends on them and, most especially, on our being able to hear them. We need to hear Huck in his struggle to find the words that would allow him to function as a human being, a struggle that forces him outside the formal boundaries of the law. Huck was able to generate a language, a fiction, and most of us, when pressed, have enough wit to lie.³⁹ But not everyone has the ability to articulate a case that runs deeply counter to culture.

Prospective lawyers cannot hear these inarticulate voicings if they persist in thinking that their words give access to an objective reality agreed upon by all readers; if they suppose that the job of writing, like the law itself, is primarily a mechanical matter of learning the rules and applying them to particular situations; if they are content to lean on authority and parrot traditional forms. In so doing, they resign a vital part of their own authority as writers, hiding behind the veil of a predigested, overly general, or rigid prose style. They pass on their responsibility to the next in line, the readers, who must, in any case, interpret and rewrite the text for themselves.

One of my students, a woman who had returned to school after raising a family, came to my class at the end of her third year, convinced it was her "last chance." She thought her writing was inadequate because

38. See Lawrence, *Human Voice and Democratic Political Culture: The Crisis of True Professionalism*, 66 TEXAS L. REV. 641, 641 (1988).

39. When paddling ashore to turn Jim in, Huck lies to the authorities who are looking for runaway slaves. More specifically, he tells a story about his sick father on the raft, a story that demonstrates the triumph of Huck's intuitive sense of justice over his shore-trained conscience. See M. TWAIN, *supra* note 8, at 126-27.

she could not conform to what she supposed to be the "ideal legal style." From one perspective she was right. Her writing was disorganized, with serious flaws in her ranging sentences and in the overall construction of her arguments. Her prose was cluttered by her efforts to sound like a lawyer. But from another perspective one could detect beneath this clutter an innate sense of dramatic structure and a repressed vitality. Many voices were vying for the limelight, but no one had ever suggested to her that at least some of them could be integrated within a legal style. She seemed to have spent years trying to erase them, trying to whitewash her prose and with it her identity. Like many of my students, this woman thought that to write legal prose we must give up all those other voices that she had inherited, learned, or created; she was unaware that the law itself was constituted by a polyphony of voices. True, to be "successful" in her work she had to master certain conventions of legal writing and observe the practices of normative English grammar and diction. But in her efforts to do so she did not need to outlaw the sources of verbal identity on which all effective writing depends.