

ORWELLIAN LAWSPEAK INFILTRATES LEGAL EDUCATION

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The vocabulary of the law academy has been revised and redefined while new word combinations have been given ideological content. It is the result of an Orwellian Newspeak campaign that is energized by two sources—the Politically Correct (“PC”) apparatus that dominates and shapes the university culture, and the Coalition, three political groups seeking control of legal education.

In university politics, PC functions on two levels. In its broad context it is a movement to shift the focus of interest and research from exclusive concern with Western civilization to an appreciation of other cultures. This group includes an aggressive sub-movement who uses issue-focused PC tactics to achieve political domination of the university agenda. It is this latter version of PC that fertilizes a parallel campaign in the law academy.

The attack comes from feminists, African Americans who comprise the critical race theory movement, and crits (critical legal studies). They view the traditional liberal values that have guided the academy as a conscious manifestation of a series of “isms,” including sexism, racism, and classism. To the Coalition, the appropriate solution is the total extinction of liberal conventions by use of an adaptation of George Orwell’s 1984 system of language manipulation. The adaptation is Lawspeak.

In vocabulary evolution, words acquire secondary meanings. For example, among the secondary meanings of “free” is that it embodies an open, democratic, and non-interventionalist form of government. This is one of the most accepted of its secondary meanings, one with positive Fourth of July imagery. Another secondary meaning is evidenced by the phrase “my dog is free of fleas,” another positive image. Newspeak can change these references in two steps. First, the accepted secondary meanings of the target word are expunged. Next, the old meanings are replaced with new carefully crafted, ideologically biased secondary meanings. The result under Orwellian Newspeak manipulation

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is that *free* would mean hate, war, or *oldthink* (which, in Orwell's Newspeak, was associated with "wickedness and decadence").¹

Coalition Lawspeak relies on the conditioning effects of the PC vocabulary. After a decade of evangelism, PC spin specialists have compiled a dictionary of words with self-serving positive and negative secondary meanings. They enlisted the aid of popular culture and mainstream media in engineering new word definitions. Despite lingering resistance, PC has successfully gained control of university language.

"White male," now received by the audience as the compound word *whitemale*, is the Coalition's *oldthink*. The mention of *whitemale* is like throwing a stone in a pond to produce a circle of small waves—except that in this case it creates a ripple effect of negative secondary meanings. Ripple words include *authoritarian*, *hierarchy*, *rational*, *objective*, and *individualist*. *Authoritarian* summons notions of male dominance and *oppression*. *Hierarchy* denies the existence of equality. To be *rational* and *objective* is to reject *emotion* and *empathy*. The *individualist* is self-centered, out to acquire material things at the expense of others. Other negative secondary meanings of *whitemale* include *homophobia* and *patriarchy*, both of which are perceived to describe *victimization*.

In the Coalition's Lawspeak, *whitemale*, with its vast range of secondary meanings, is used aggressively to subvert the establishment. For starters, legal education as an institution is tagged as *whitemale*. The secondary meanings of *whitemale*—*authoritarian* (*oppressive*) and *individualist* (*selfish* and *competitive*)—linger in the classrooms to describe the daily experiences of coping in law school.

High on the list of Lawspeak targets is the Socratic Method. Students come to law school with politically correct convictions and revolutionary aspirations, only to be brainwashed by "the technique." Lawspeak has blanketed the Socratic Method with the *whitemale* imagery so that even former pop culture icon Professor Kingsfield is now a cross of Stalin, J. Edgar Hoover, and Hitler. The rap on Socratic abuse is that it demands *linear* and *analytical* thinking. These two words combine to produce secondary meanings of *coldness* and *impersonality*, while creating

1. GEORGE ORWELL, 1984 250 (Signet 1949).

a system that exults gamesmanship over deconstruction and *sensitivity*.

The playing field for the revolution is in the law journals. The side that manages the skew of scholarship dictates thought and consequences. The Coalition's strategy is slam dunk "in your face": first, discredit establishment scholarship with Lawspeak *trashing*, and then, replace it with Coalition *wisdom*.

Trashing is the Lawspeak word for no holds barred criticism of the establishment's imperialistic work. "[T]rashing is fun. I love trashing . . .," a crit gleefully brags.² In *trashing* the word *dominant* is ubiquitous. For example, *dominant writers* are accused of writing about the *dominant ideology*. They engage in *dominant discourse*. The message is clear: an arrogant *whitemale* regime is forcing its views on a defenseless minority group of Coalition scholars and naive students. Moreover, *whitemale* writers all religiously follow the same script of *objectivity*, *analysis*, and *rationality*, words that convey well-known negative secondary meanings. The controlling Lawspeak term is *majoritarian standards* for scholarship, which in practice translates to the imposition by *dominant scholars* of standards that keep Coalition writing from acceptance by the academy.

The Coalition disdains the mainstream practitioner and the profession. Most Coalition members come to legal education with limited practical experience and are fond of narrating the horrors of practice—especially work in large firms. Lawspeak targets the large "mega" law firm as the proxy for the evils of the profession. This allows the Coalition to get a free ride on the prevailing negative word *elitism* that is a secondary meaning already associated with mega "white shoe" Wall Street firms.

Lawspeak describes the mega firm as being the ultimate machine of organization and *rational* behavior. *Rational* implies making excessive profits representing polluters, white collar criminals, and multinational corporations while foreclosing on poor farmers. Mega firm partners do not care about the homeless. The term corporate law is given secondary meanings of vicious *capitalism*, *Wall Street chicanery*, and worst of all, *Reaganism*.

To emphasize how evil the profession is, Lawspeak uses the contrast technique: create an enlightened alternative to show how sinister the targeted word really is. The Coalition contrasts

2. Alan D. Freeman, *Truth and Mystification In Legal Scholarship*, 90 YALE L.J. 1229, 1230 (1981).

public interest law to corporate law practice. In school catalogues and media blitzes the public interest spin conveys secondary meanings of *empathy*, *caring*, and *altruism*. In law schools, public interest clinics are used to showcase activist Coalition members and student resisters of the *dominant ideology*, and to ridicule *corporate nerds* (students who thrive on corporate law courses).

PC and Coalition Lawspeak owe a heavy debt to Jacques Derrida and his colleagues in deconstruction. Familiar words like *patriarchy*, *hierarchy*, and *whitemale* come from the deconstruction vocabulary. One of the key words in deconstruction Newspeak is *privilege*, as in "deconstruction shows that the text offers no privileged meaning."³ With a twist of the Newspeak spin, deconstruction strikes down the privileged meaning—the truth—and opens the gate for any interpretation; everyone is "right." Coalition Lawspeak uses *privilege* for similar purposes except the everyone who is right is them.

In triggering secondary meaning, *privilege* has a symbiotic and synergistic relationship with *whitemale*—mention *whitemale* and you think *privilege*, think *privilege* and *whitemale* immediately comes to mind. Combined or individually, the two terms produce an eclectic range of secondary meanings: *dominant*, *oppressive*, *meritocratic*, *authoritarian*, *insider*, *elite*, *homophobic*, *patriarchic*, etc.

Interacting with *whitemale*, *privilege* plays another role in Lawspeak by confirming the existence of *victims*. *Victims* are the good people—like members of the Coalition—who are plagued by the poisons of *patriarchy*, *authoritarianism*, and other negative secondary meanings. They are *outsiders*, who are humiliated by numerous *agony experiences* (instances of *abuse* and *oppression*). It is from *victimhood* that the Coalition gets status and achieves superiority over the *whitemale*. They speak and think in a different and unique *voice of empathy*, *altruism*, *nurture*, and *care*.

If the success of Lawspeak is determined by conversion, it is a done deal. Listen to *whitemale* faculty and *corporate nerd* students, and you will be surprised at how frequently they rely on Lawspeak. Then go to the true test—how much of your vocabulary is Lawspeak?

3. "A deconstruction, then, shows the text resolutely refusing to offer any privileged reading . . ." JOHN M. ELLIS, AGAINST DECONSTRUCTION 69 (1989).