

## Chapter Six

### Stories Prod Us to See Our Education and Ourselves in a More Critical Light

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For students whose recent training stresses precise, structured, and explicit analysis, the inferential and expressive freedom of . . . fiction can be disorienting. . . . Some students may have so successfully [acquired a legal mindset] that expressive prose no longer communicates anything . . . .

—Alexander Scherr & Hillary Farber, *Popular Culture as a Lens on Legal Professionalism*<sup>1</sup>

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[There is a kind of reader who] recognizes that life is saturated with predicaments and contingencies—losses, dramas, illnesses, disappointments, deaths—twists of fate and chance . . . . This reader wants to be taken into the raw materials of life . . . to witness people troubled and trying to make sense of the fixes in which they've found themselves . . . .

—Arthur P. Bochner, *Coming to Narrative: A Personal History of Paradigm Change in the Human Sciences*<sup>2</sup>

Some years ago, William, one of my students, commented in a journal he was writing for an Introduction to Law course that he found the first year of law school disorienting. He contended it was like being dropped into a drama well underway before he arrived. He felt like he had, in some weird way, missed the days and months in which the introduction to law and guidance on the study of law had taken place; he had, he said, the persistent feeling that he had missed the beginning of his legal education. He had the sense that there was something he could have been told that would have made his law school studies more

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<sup>1</sup> Alexander Scherr & Hillary Farber, "Popular Culture as a Lens on Legal Professionalism," 55 *S.C. L. Rev.* 351, 378 (2003).

<sup>2</sup> Arthur P. Bochner, *COMING TO NARRATIVE: A PERSONAL HISTORY OF PARADIGM CHANGE IN THE HUMAN SCIENCES* 22-23 (Walnut Creek, California: Left Coast Press, 2014).

productive, something that would have addressed his disorienting anxiety. William found that throughout his first year, he felt he was constantly playing catch-up, trying to reconstruct in his own mind a beginning that he had, by no fault of his own, inadvertently missed. In *Lawyers and Literature*, I want to alert you to the real possibility that in our work with stories, you may, like William, feel like you have walked into a movie already underway. As you read the stories in *Lawyers and Literature*, there is the hope that you will get a glimpse—a hint—of what you have missed in your education.

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You pay for law school with a sack full of cash and loans; you mortgage your future for the promise that you will get in law school what you will need to become a lawyer. Some of you find, at some point, that you are paying for your legal education with more than borrowed dollars; submitting yourself to a law school regime of training is costly.

If there is *something* more than the desire for a secure future that brings you to law school, the question is whether you can tap into it as a resource to help you make your way through law school and become the lawyer you imagine you will be. You will find lawyer stories of considerable value in your quest, if you happen to be in search of that elusive *something* that can help you figure out what it means to *live* and *survive* and *thrive* as a student and as a lawyer.

I suspect that there is something more than law-is-a-good-paying-job that brought you to study law and that prompted the idea that you might want to be a lawyer, something more that brings you to a *Lawyers and Literature* course. When I set off to college to become an engineer, it wasn't because I thought that engineers were well-paid. I was trying to make real a phantasy—a fiction I had come to embrace about the kind of person I imagined I was going to be.

Roberston Davies makes an observation about how students leave the university and “put their brains in cold storage.” Being a law student you may not think of law school as a time when you give your brain a rest but you might consider Davies' concern:

I have known far too many university graduates, in this country and in my own [Canada], who, as soon as they have received the diploma which declares them to be of Certified Intelligence, put their brains in cold storage and never use them again until they are hauled away to the mortuary. What, you will say, do you speak thus of our doctors, our lawyers, our—God bless us all—our graduates in business administration? Yes, I do. Surely we all know scores of professional men and women

who, apart from their professional concerns, seem not to have enough brains to butter a biscuit. They probably had intelligence once. But when their university had given them its blessing, they thought that enough had been done for one lifetime.<sup>3</sup>

Law school, by avowal and traditions of the discipline, keeps you focused on what Davies calls “professional concerns.” Keep in mind that these “professional concerns” have been subject to scrutiny and criticism for well over half the history of modern day legal education as it was envisioned and first rolled-out by Christopher Columbus Langdell in 1870. Our “professional concerns” leave us with this perplexing question: Is there a sensibility, a way of knowing, a way of being in the world, that gets drummed out of you, or suppressed, or beaten back as we go about training you the way we do in law school?

The assumption, at once simple and profound, is that by keeping your eye on “professional concerns”—learning to think like a lawyer—you will learn to be a lawyer. But is thinking like a lawyer enough? Is it possible that there are other kinds of thinking that you might need to have at your disposal? Here is Robertson Davies again:

Anybody who cares about the matter knows that the intellect requires constant attention and renewal. The notion that someone who has graduated from a university has thereby been victualled for a long voyage through life as an intelligent human creature, is totally contradicted by common observation. And when I speak of intellect, you must not suppose that I mean merely that . . . power to reason about the ordinary concerns of life and to reach conclusions from given facts . . . . I use “intellect” to include all that vast realm of thinking and feeling that goes beyond the merely puzzle-solving work of the mind and establishes, so to speak, the very fabric and atmosphere in which life is lived and from which it is perceived. And when I talk of education I have no desire to belittle the powers of reason, but only to assert the power of *feeling*, the power of *sympathy* in the true meaning of that word, which enlarges our understanding of every aspect of our lives.<sup>4</sup>

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<sup>3</sup> Robertson Davies, *READING AND WRITING* 11-12 (Salt Lake City: University of Utah Press, special ed., 1993). Davies, in an essay on reading, observes that “[n]ot all readers are prepared, at all times, to make independent judgments. But the failure of modern education to equip them to do so even when they have the inclination creates a serious gap in modern culture.” Robertson Davies, *A VOICE FROM THE ATTIC: ESSAYS ON THE ART OF READING* 32 (New York: Penguin Books, rev. ed., 1990).

<sup>4</sup> Davies, *READING AND WRITING*, *id.* at 12.

We recruit for legal training those who have learned how to be successful students—relatively successful, successful in some school-oriented defined reality of success—then you get to law school and you find that being what you once thought yourself to be—a student who follows directions—may not be enough. We subject you to a regime of training, and we expect you to be more than passive note-takers who do nothing more in your reading, and in class, than prepare for exams. We want to teach you to be smart, to have the wherewithal to practice smart law. By smart, I think this means we expect lawyers to have a keen intelligence. We want you to have the capacity, the will, the inner resources, to be smart, savvy, and intelligent. We want you to have a kind of practical wisdom, but we don't talk much about this practical wisdom is to be acquired because we fear we don't know how to teach you to be what we—and you—want you to be. So, we leave concerns about the practice of wisdom to be addressed by you on your own time. I have a sense that being wise in the practice of law means you will need the ability to bring a story sensibility to your work as a lawyer. I suspect that what we want is an intellect of the kind Robertson Davies talks about, an intellect that “include[s] all that vast realm of thinking and feeling that goes beyond the merely puzzle-solving work of the mind and establishes, so to speak, the very fabric and atmosphere in which life is lived and from which it is perceived.” We want you to be a student and a lawyer who is thoughtful and reflective.

When you first take up the study of law, law school can be exciting in that it promises—and initially may appear to live up to the promise—to be more than “merely puzzle-solving work.” Then, weariness settles in; you realize that law school tends to herd many students to a bottom-line perspective, be far more about legal puzzle-solving than it is a study of law woven into the “fabric and atmosphere in which life is lived and from which it is perceived.” Some of you may find that what law school ultimately offers you is a decent, if limited, vocational training; more questionable is the law school promise of an education.

One way, and by no means the only way, to take seriously the fear of what we might be and become if we give ourselves over to “the merely puzzle-solving work of the mind” encouraged in law school is to use stories to probe that part of your intellect that gets ignored or set aside when you take up the “professional concerns” that can so totally absorb your energies as a student of law. When we read lawyer stories and try to put them to use, we find we are exercising part of our intellect that lies beyond the intelligence we use in legal problem-solving (and in the archaeological work you do in reading judicial opinions to collect and catalog legal rules for use in legal problem-solving). As valuable as

problem-focused thinking may be, it may not be enough. Some problems require more than rational assessment; there is more to practical wisdom than weighing and balancing alternatives. The head divorced from the heart is a prescription for trouble. Lawyers need intuition and imagination, just as they need clear thinking and good problem-solving skills.<sup>5</sup>

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I realize, of course, that a course in which the primary texts used in legal education—judicial opinions—are set aside and replaced with short stories, novels, and poetry is something of a curious creature. During the course of your legal education, you are asked to read several thousand judicial opinions and are expected to acquire an intimate familiarity with the structure of these texts, texts that, for some of you, on first reading, may have seemed quite peculiar. Further, you are expected to learn—some might say intuit—how to use what you find in these judicial opinions to make legal arguments that allow you to resolve legal problems presented by a particular set of facts. Oddly enough, we do virtually nothing to help you understand that judicial opinions also happen to be stories with cultural, political, and personal narratives embedded in them (unless you happen to have a Constitutional Law teacher who might introduce you to Supreme Court judicial opinions as narratives)<sup>6</sup>; we don't inform you that a judicial opinion happens to be a small fragment of the case represented in a judicial opinion is a truncated story. And, what do we do, if anything, to help you see that lawyers are storytellers? Again, little or nothing, unless a clinic teacher,

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<sup>5</sup> We might be reminded that C.G. Jung outlined four basic psychological functions or orientations: thinking, feeling, sensation, and intuition. Many professionals find they are far more comfortable with matters of intellect (we do, of course, loudly celebrate “legal thinking” in legal education) than with feeling, and many professionals seem to have a deep mistrust of intuition. If feeling, intuition, and imagination are to be translated into skills that a lawyer can use, then they must be educated. Literature provides the “texts” and the “exercises” we need for study and education of feeling and imagination.

<sup>6</sup> If you have not had the good fortune of being introduced to law as narrative, and you happen to have found this idea lurking in your Constitutional Law course, you might want to peruse a text that serves as an excellent introduction to both narrative and narrative jurisprudence. See Anthony G. Amsterdam & Jerome Bruner, *MINDING THE LAW* (Cambridge, Massachusetts: Harvard University Press, 2000). See also, Lewis H. LaRue, *CONSTITUTIONAL LAW AS FICTION: NARRATIVE IN THE RHETORIC OF AUTHORITY* (University Park, Pennsylvania: Pennsylvania State University Press, 1995).

has introduced you to legal storytelling.<sup>7</sup> Legal education might be a radically different kind of place if we redesigned the curriculum to give more attention to the story sensibilities you will need as a lawyer.

***Student Questions About the Work  
They Do With Stories***

**I'm curious about your own experience of law school. Is there something in your history as a student that makes you a relentless critic of legal education?** I've written often about legal education, and, yes, much of it has a critical-bent, but it would be a mistake to read into this critical writing that my own law school experience was in any way a distasteful experience. There is much to be appreciated and prized in what skilled law teachers teach; I had the good fortune of having some extraordinary teachers. Legal education turned out, for me, to be a far better education than I was able to cobble together in my undergraduate years. To give up what I learned as a student of law would be an unfathomable loss.

**You sometimes talk about how students focus on answers and how this “answer orientation” becomes a mindset that results in a suspicion of tough questions and a disdain for reflection. Do you really see this as a problem?** Obviously, when the client comes to the lawyer, he is looking for answers—and at times, the solace gained from wise counseling. What the lawyer must do, I would argue, is help the client find an answer to a legal problem *and* help the client find a place for the questions that arise from his legal situation. These questions will, inevitably, take the lawyer beyond the reign of legal rules and resolution of legal issues in a court of law.

But it's not just clients and lawyers we're talking about here. Jacob Needleman, a philosopher, notes that “[o]ur culture has generally tended to solve its problems without experiencing its questions. That is our

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<sup>7</sup> If you were not introduced to Gerry Spence's work on legal storytelling by a clinic teacher, I would note that no student who expects to be involved in litigation should leave law school without reading, Gerry Spence's work. See Gerry Spence, *WIN YOUR CASE: HOW TO PRESENT, PERSUADE, PREVAIL—EVERY PLACE, EVERY TIME* (New York: St. Martin's Press, 2005). Spence's *Win Your Case* is a far more serious and instructive book than the subtitle might suggest. If the idea of pursuing your education as a lawyer beyond what your teachers present to you appeals to you, I recommend that you read everything Gerry Spence has written.

genius as a civilization, but it is also our pathology.”<sup>8</sup> Obviously, I think you will be a better student, I will be a better teacher, and you will be better educated as a lawyer, if you learn to honor questions more, and adopt fewer readily-formulated answers. A good story is more likely to pose a question than offer a ready-made answer; stories pose questions we did not know we had a need to ask.

**It might be helpful here, again, for you to ask you to remind us of the purpose you see in having us read stories about fictional lawyers?** Let me respond to your question in a somewhat oblique way: The purpose in reading a particular story lies in the experience—the intrinsic and intangible worth—that follows from being exposed to a finely-crafted good story. To put it in a way that may sound obscure, the purpose of reading a story lies in the intricacies of the story—intricacies of language, character, and situation.

Keep in mind that the stories we read were not written for law students; you are not reading texts that were specifically designed to sharpen your legal thinking or your professional skills. An author creates a story for his or her own purpose. Consequently, the stories we read stand on their own quite apart from any purpose I might have in mind when I borrow a story for use in *Lawyers and Literature*.

And yes, of course, I have a purpose, actually a number of purposes, in mind when I ask you to read stories. I’m reminded of a confession I found some years ago buried in a law review article: “Authors of course materials . . . package their biases in subtle but effective ways, through their selection, organization, and emphasis of materials.”<sup>9</sup> To be purposefully obscure, I might say, the purpose of the course is embedded—encoded (knowing as I do that some of my biases are so thoroughly disguised that even I do not recognize them)—in the stories you are asked to read and in the questions I pose that invite you to talk about the stories.

Now, to stay clear of further obscurity, I can tell you my purpose in introducing you to lawyer stories in *Lawyers and Literature* is to prompt you to reflect on your life as a lawyer, and the way this life is “composed”

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<sup>8</sup> Jacob Needleman, *THE HEART OF PHILOSOPHY* 7 (New York: Alfred A. Knopf, 1982).

<sup>9</sup> Thomas E. Baker & James E. Viator, *Not Another Constitutional Law Course: A Proposal to Teach a Course on the Constitution*, 76 Iowa L. Rev. 739 (1991).

out of something more than legal rules and legal doctrines, something more than the lawyer skills that you learn in law school.

It's not the day-to-day work day of lawyers that I want to explore in *Lawyers and Literature*, but the lawyer as a person. What I seek in stories—beyond their entertainment, the pleasure we have in reading them, and in the possibility of edification—is the gravitational pull the stories exert that prompts us to pose and to reflect on questions raised by the story: Who is this lawyer in the story? Do I have the skills of observation and a language to adequately address this lawyer in the story, this story? Does this fiction—this story—have a place in my own life? And, if it does, where? How? What fictions do I embrace as a student on my journey to be a lawyer? You may, I think, find it surprising how difficult it can be to respond to such questions.

Law students are sometimes resistant to the simple notion that learning how to be a lawyer is, in reality, a way of learning to be a person, and that learning to be alive—living the great *adventure*—is not the intuitively straight-forward endeavor we sometimes assume it will be. Some students are firmly convinced, based on the lives they live and the lives they see lived around them, that being a lawyer and being a person are basically different enterprises and that one may engage in the one without undue concern for the other. One finds in fiction a warning that this “two worlds” approach in life—one world that will contain and defines your legal practice and a different world where one lives one's personal life—will be challenged by the lives we actually end up living.

**You talk, affectionately, about reading, and suggest that we need new strategies for reading stories. Are you trying to say that the way we read in *Lawyers and Literature* is different from the way we have all, already, learned to read?** The relationship between law school prescribed reading and what might be called reflective reading turns out to be rather complex. It is complex in that some reading skills migrate from text to text, genre to genre, without our conscious awareness of what reading skills you are using and how you adapt these skills as you move from one textual situation to the next. You may find that reading judicial opinions and reading stories seem, at least initially, to have absolutely nothing in common. Readers of lawyer stories learn quickly enough they are not reading judicial opinions. Stories make different demands on us; they push us to confront again and again two basic questions: How am I to read? What can I do with this story?

A constant diet of law school prescribed reading of judicial opinions can make reading stories feel a bit strange. Rule-extractive, IRAC-focused reading of judicial opinions and the imaginative reading required to work with a story can feel like entirely different enterprises. Reading cases—outlining the facts, issues, arguments, case holding—doing a case autopsy—provides you with a blind man’s feel for the parts of the legal elephant you touch in law school.<sup>10</sup> When you read cases and learn to do it with a law school purpose in mind—to find a rule of law, and to locate the rule as a part of a legal doctrine—you may conclude that when this black-letter law work is done, the “reading” is done. A teacher may plead with you to chart the drift, movement, and subtle nuance of legal doctrinal developments, or puzzle over the juxtaposition of conflicting policy arguments, but then you tap into the underground stream of the law school *shadow curriculum*, and realize that what a good many of your teachers really want is to have you identify and articulate the rules found in judicial opinions (and learn to apply these rules in the

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<sup>10</sup> I refer here to the feel a student gets for the practice of law by reading law cases, drawing on John Godfrey Saxe’s rendition of an old Southeast Asian tale that Saxe called “The Blind Men and the Elephant.” See John Godfrey Saxe, *THE POEMS OF JOHN GODFREY SAXE* 135-136 (Boston: Houghton, Mifflin & Co., Complete Edition, 1884) (Saxe identifies “The Blind Men and the Elephant” as a “Hindoo fable.”). For the historical origins of the fable and its place in legal scholarship, see David M. Zlotnick, *The Buddha’s Parable and Legal Rhetoric*, 58 Wash. & Lee L. Rev. 957 (2001).

Saxe’s version of “The Blind Men and the Elephant” begins:

It was six men of Indostan  
To learning much inclined,  
Who went to see the Elephant  
(Though all of them were blind),  
That each by observation  
Might satisfy his mind.

The six men conclude that the elephant is like a wall, snake, spear, tree, fan, a rope, depending upon where they touch. What follows is a heated debate about the elephant; in Saxe’s version of the tale, the conflict is not resolved. He ends the poem with a “moral”:

So oft in theologic wars,  
The disputants, I ween,  
Rail on in utter ignorance  
Of what each other mean,  
And prate about an Elephant  
Not one of them has seen!

John Godfrey Saxe (1816-1887) was, interestingly enough, a lawyer and a poet.

methodical way a judge does to resolve a legal issue). It doesn't take long to realize that in reading stories, there's something quite different at stake. In *Lawyers and Literature*, we exploit and deconstruct the stark differences we perceive and experience when we read stories instead of judicial opinions.

The *purpose* in reading a story, in contrast to the fixed targets we so often pursue in reading judicial opinions, may leave you with the sense of trying to hit a moving target. We read one story and find a purpose (this may happen retrospectively, when we have time to think about a story, or when we spend time together and talk about the story. We read another story and find that we have embraced a different purpose. Our purpose depends on what we find in the story we are reading. In contrast, we tend to read judicial opinions with a fixed, pre-packaged purpose; in literary reading our purpose is shaped and subsequently reshaped by what we read and what we find in a particular story. We often find what we are looking for in the story itself; sometimes we find a purpose for reading the story only when we talk about a story. The point is simply this: we are trying to get beyond limited purpose, law school prescribed, reading.

**What do you mean by “literary reading”?** One way to think about the kind of literary reading we do in *Lawyers and Literature* is to ask of the stories: what kind of demand does the story make on me? In *Lawyers and Literature*, we read a story and then we try to talk about the story. When we talk about a story, we are basically trying to learn what particular demands a story makes on us. What kind of person does the story ask you to be? Would this story have you be a different person than you now imagine yourself to be? What resources do you need to be the kind of reader—the kind of person—the story demands of you?

James Boyd White, a law and humanities scholar, argues that a literary text “defines an ideal reader whom it asks its audience to become . . . .” From the perspective of the ideal reader,

the reading of a text is guided by two central questions: first, what possibilities for perception and response, for judgment and feeling, does this text seek to realize in me? Second, what do I think of such a project? In other words, as the reader works through a text he is

always asking who the “ideal reader” of this text is, and deciding whether he wishes to become such a [reader].<sup>11</sup>

Following White’s observation, we might ask: what stands in your way of being an “ideal reader” (however you might set out to define such a reader)? When we talk about a particular story, how do your colleagues present themselves as candidates for being the “ideal reader”?

When we read lawyer stories, I ask you to be a different kind of person than you are asked to be in Contracts or Administrative Law. The character I have in mind for you as a reader is that of the forager, open to thinking anew about the ways we cut ourselves off from the lives we live—the secret lives we want to live. The reading of lawyer stories can be a pleasure, and at the same time, a resource that prompts us to reexamine the fictions we draw on and build-in to our thinking about what it means to be a lawyer. I ask you to be open to the possibility that reading stories may demand a different way of thinking than the thinking you find prescribed in other law school courses.

If lawyer stories provide a hedge against the narrow intellectual confines of legal education—and I think they do—we will need strategies for reading lawyer fiction that take us in a different direction (sufficiently different that our conversation about the stories we read can look and feel so different that we find our conversation about stories annoying, strange, a little odd. Moving away from the reductive, instrumental, limited-purpose strategy we use to read judicial opinions takes us into unknown territory.

**Can you be more explicit about how some of the stories we read will present us with characters that push us to the margins of our familiar world?** Following up on the way you phrased this question, I might take the liberty to begin with my own, perhaps strange, take on things: Life proceeds in the way it does: (a) it goes easy, (b) not so easy. You have problems with time: (a) not enough time to do what needs to be done; (b) you feel like, when it comes to time, that you have been short-changed; (c) you feel like precious time has been stolen from you; (d) you accept what time you have, realist that you are; (e) time is a gift (and it is presented to you with a notice that “no return is permitted”). You think of yourself as (a) a loner, (b) surrounded by a

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<sup>11</sup> James Boyd White, *Law as Language: Reading Law and Reading Literature*, 60 Tex. L. Rev. 415, 429-430 (1982).

wonderful circle of friends; you have (a) quite few friends, (b) more friends that you can find time to be with. You are (a) in an intimate relationship; (b) you live alone; (c) you are trying to figure out how to get out of what was once an intimate relationship. You are (a) living what you want to think is a normal life, (b) living a life that has the patina of normalcy but is clearly, even to you, not so normal at all. You know yourself to be a reader who is (a) in constant search of good stories and whatever new perspectives on “troubles” they might reveal; (b) you tell yourself you are not looking for trouble, but trouble seems to find you, (c) you see no great need to befriend stories that don’t easily fit into your on-going way of life. All in all, life is: (a) just the way you expect it to be; (b) more than a little topsy-turvy; (c) life is, to put it simply, downright odd.

Here you are in this liminal place and phase, in your life—a story arrives. You didn’t select the story; you didn’t seek it out. What you know is this: the story shows up on your doorstep. Maybe it matters that the story arrives in a law school course. This makes the story a part of the world you know—the story is simply an assignment. The story, being assigned, means more work, more preparation for class. Or, you find—maybe for reasons not entirely clear to you—that the story leaks out of the “assignment” box in which you so summarily placed it (of course you label things to keep your life as simple as possible). Now, what you find is that the label—*this story is an assignment*—doesn’t seem to fit and then you find you are still reading the story in your mind. A character or characters in the story leave the marked confines of the story and take up residence in your thinking. You continue to listen to the way that a character (or characters) give voice to their concerns, the troubles they have in and with the world. The story turns out, in the way you now think about it, to be perplexing and a bit puzzling. This story has shown up on your doorstep, stranger that it was and is, and you find the stranger intriguing.

There is always, with any stranger, a possibility that the stranger is up to no good. We are taught, wisely enough, to be suspicious of strangers. Dangers abound. I’m not here to suggest otherwise. But, let’s say that, with your usual penchant for caution, you assess the situation and decide that the stranger is not a menace and poses no real danger to you; new possibilities abound. You might think of the stranger in a story—the story itself may be strange—as an outsider. As a law student, you have spent considerable time and expense and emotional resources in becoming an insider. Insiders have a tendency to want to shield

themselves from the alien ways of outsiders.<sup>12</sup> The question is simply this: how will you try to position yourself in relation to these outsiders and their alien ways?

There may be times in our lives when we seek to get beyond the small worlds we inhabit. I spent several decades traveling in Mexico and South America, Africa, China, Sarawak, Malaysia, Thailand, and Laos. During these travels, I made several trips to the remote islands of Indonesia—known locally as Nusa Tenggara. Whenever I showed up in a remote village, I was inevitably asked: *Where do you come from? What brought you to our village? Where will you go from here?* These villagers were curious about the stranger that had shown up in their village; a traveler doesn't appear in the village every day. The villagers wanted to know who I was: Are you married? What is your job? What is your country like? I saw in these questions an eagerness to know something about the stranger that has shown up in the village, something about the world I inhabited, a world that lays a great distance from the village in which our meeting takes place.

We may think we no longer live in tribal villages of the kind I visited in the Indonesian islands east of Bali, yet, we sit huddled around the campfire, apprehensive about the world that lurks in the darkness beyond the light, beyond the shadow half-light where we can still distinguish between man and beast, beast and tree. The Stranger appears out of this half-light.

Let's say you are a student: you know that you have set out on a long journey. You are curious about the world in which you find yourself, curious about what lies ahead and the conditions you will encounter on the path that lies before you. Obviously, you will encounter strangers along the way. Some strangers have little to offer; others provide momentary escape from the monotony of your own thoughts. But with good fortune, you will run into a stranger who turns out to be a delight to talk with, someone whose presence makes clear what it means to be a well-seasoned traveler who possesses a wisdom that comes from

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<sup>12</sup> Like my fellow law teachers, I am paid to train you to be a lawyer. I am an insider. When I lead you away from your focused regime of vocational training and try to locate a context—and a critical perspective—a literary perspective for this training, I become an outsider, a centaur among the true believers. On the idea of the law student as centaur, see J.S. Marcus's story, "Centaur," in J.S. Marcus, *THE ART OF CARTOGRAPHY* 17-23 (New York: Alfred A. Knopf, 1991).

having been open to so much that is new and different, and yes, having had the courage to confront possible threats one might face in an unknown world.

Here is a different version of the stranger story: You are walking along the sea shoreline—you might think of it as the shoreline of your own life. The walk is pleasant and there are few distractions from the miscellany of thoughts rambling around in your head. You are drawn out of your reverie of occluded thoughts when you see a green-tinted bottle lying in the sand. Curious, you pick up the bottle; it appears to have a coil of paper in it. You chuckle to yourself: *message in a bottle*. If the mood doesn't strike you right, you might throw the bottle back out to sea—no time for messages, no time for diversions, staying clear of anything that spells of mystery. Or, prudent and responsible—dutiful—you carry the bottle to the nearest trash barrel, and dispose of it as unsightly litter. More likely, I would think, you are curious enough to want to get the paper out of the bottle and see if it might indeed be a message of some kind.<sup>13</sup> It matters quite little, at this point, that you are giving yourself over to what a rationalist might view as nonsense.

When you return from your walk, the bottle accompanies you home, and you try to figure out how to get the paper out of the bottle: do you smash the bottle or find a way to extract the paper without breaking the bottle? Insignificant question. Perhaps not. After you get beyond this little hurdle of how to deal with the bottle and the extraction of what you think might be a message of some kind, you end up with a miniature scroll that appears to be the text of an abbreviated story. Having come this far, is it inconceivable that you would put the writing aside without reading it? Of course, you will read it! And when you do, let's say you find, that in some eerie way, the little story seems to have been written for you. And if the story does connect, you may pause to muse about this new—as if by magic—connection some stranger, someone you do not know, someone who has written this story, and made it possible for the

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<sup>13</sup> I am not the first and undoubtedly will not be the last to tell this tale of the *message in a bottle*. Here is the poet Edward Hirsch's version: "Imagine you have gone down to the shore and there, amidst the other debris—the seaweed and rotten wood, the crushed cans and dead fish—you find an unlikely looking bottle from the past. You bring it home and discover a message inside. This letter, so strange and disturbing, seems to have been making its way toward someone for a long time, and now that someone turns out to be you." Edward Hirsch, *HOW TO READ A POEM: AND FALL IN LOVE WITH POETRY 1-2* (New York: Harcourt, Brace & Co., 1999).

story to find its way to you. And how can it be that *you* would be the one to find it the bottle—the message—the message that turns out to be a story. And, yes, of course, it's possible that you may read the story and conclude that the story was not written for you, perhaps for someone else, but not for you. That would make the message in the bottle another story, wouldn't it?

**If stories are messages in a bottle, should we ask, who would put a story in a bottle and cast it out to sea? Who would think that this stranger to stranger communication could ever make any meaningful sense?** You read the story and decide it was written for you (and if not for you, for someone else), and you are still left with the question—who wrote it? You may, more likely if you have a connection to the story, attempt to imagine an *author*. Who would go to the trouble of writing this particular story, putting it in a bottle, and casting it off on a long sea voyage? Who, one might ask, has a need to create *fictions* for strangers—strangers like you—to read? And if the fiction wasn't written for you, then who?

Out of curiosity, you might ask: How did this story come into existence? Who would find a need to tell this story? Was the author of the story you found in the bottle a *fellow traveler*? Perhaps, someone drawn to solitude by misgivings about the world? Someone with a need to reimagine human potential in a troubled world?<sup>14</sup> Has the author found a way to withdraw from the world, a withdrawal that has made possible the story that has turned up in the bottle that washed ashore?

We might look at this imagined withdrawal and see it as part and parcel of what we think of as the literary enterprise: a story expresses particular concerns for and about the world and the place of the story's

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<sup>14</sup> "[W]riting is a solitary activity, it is nevertheless, I think, a reaching out, a kind of 'message in a bottle' to quote the Shoah poet Paul Celan, a kind of gesture towards connection that says: 'I was here' or even 'Are you out there? Can you hear me?'" Sarah Waisvisz, "A Certain Kind of Room of One's Own," posted on Sign: Newsletter for Graduate Studies in English @ Carleton <website>. With this prompt from Sarah Waisvisz, I find Paul Celan telling us that "A poem, as a manifestation of language and thus essentially dialogue, can be a message in a bottle, sent out in the—not always greatly hopeful—belief that somewhere and sometime it could wash up on land, on heartland perhaps. Poems in this sense too are under way: they are making toward something." Josh Felstiner, *PAUL CELAN: POET, SURVIVOR, JEW 115* (New Haven, Connecticut: Yale University Press, 2001). When I ask student s in Lawyers and Literature to read poems, I think of the poems as messages in a bottle.

characters in the world of the story. The question is whether and how you see yourself as a character in this drama—either the drama of the story or the drama in which you cast yourself as a reader of the story. You may be surprised to find that the author's story and her characters' puzzlement about the world and their experience of the world, echoes in your own life. What the author has done is capture, in story form—perhaps in some coded fashion—her discovery of the world that invites you to reflect on the author's discovery and to make some discovery or other of your own.

An author—a writer—a man or woman carrying with them a palpable sadness about the world—what is this author to do? Withdraw from the world, paradoxically, to engage the world in a way that engages the reader? The author's writing about the world, produced with unimaginable effort, is sent out into a world of strangers where the story—poem—book—awaits discovery by still other solitary souls, let's say, a person who has decided to take a walk on the shoreline, a person like you.

Something else to contemplate: the author may know something—exactly what may be difficult to articulate—about stories and the possibilities held out to us by a literary text—that is, the author may know something about “literature.” The author, in a story, makes no pronouncement about what she may know or about what you—the reader—should know to read the story. What the author says is this: *I have a story I want to tell you. I will tell you the story and it may mean something to you, and it may not. You may take pleasure in what you find familiar, and this may mean that you shy away from what you find alien and strange. Or, you may actually seek out what you know to be strange, odd, perplexing, perverse. In this world of stories, there are no guarantees that what we know as familiar will remain so, or that we can take in the stranger without taking on some of his ways. Absent any guarantee of familiarity, surprise and delight remain possible.* Exactly where the author gets this impulse to tell us a story, to awaken us from slumber, we may never know. How the author got from knowing something about the world to knowing something about the intrinsic worth of a story may lie forever entangled in the mystery we invite when we say, *tell me a story.*

**We have, I fear, gotten a bit off the beaten path. On a more practical note, we hear you, at times, talk about the strategies we use in reading stories. Can you comment on this idea of**

**“reading strategies”?** One way to be a strategy-oriented reader is to constantly assess the way you find yourself reading. Pause from time to time and ask: What am I reading? How am I trying to get beyond the immediate surface of words laid out before me? In my reading of this story, am I doing anything other than looking for the plot? What kind of relationship do I have with the language of the story? How do I respond to the story, to the characters I find in it? Do the story and its characters jolt me awake? What do I bring to the story that gets in the way of responding to particular characters, and to particular aspects of the story?

I find this observation of Peter Rabinowitz rather astute: “[A] reader can only make sense of a text in the same way he or she makes sense of anything else in the world: by applying a series of strategies to simplify it—by highlighting, by making symbolic, and by otherwise patterning it.”<sup>15</sup> Rabinowitz is talking about strategies applied to a specific text. We might want, more broadly, to think about how strategies—and the absence of strategies—play out in our own reading: 1) the way you read a story that may have been strongly influenced by the way you have undertaken your law school reading; 2) stories make a demand of you and you try to address or resist this demand; 3) your purpose in reading stories may be inflexible, so inflexible that it does not change as you move from story to story; 4) you read so that you allow the story itself to speak to you; 5) stories may help you become more aware of the meta-questions that surround and pervade your reading and push you to ask—*what am I doing as a reader when I read this story?*

**What do you mean when you say—let the story speak to you?** When we work with stories, we need a good measure of curiosity. Curiosity that prompts the reader to ask: What kind of life has the lawyer (or other characters) in the story made for himself or herself? How does it matter to me that the lawyer is sad, tired, perplexed, crazy? Of what interest is this lawyer’s particular condition (and the way she thinks about herself and her world)? How is the condition and the situation of the lawyer (or lawyers) in this story related to how I now try to imagine my own life as a lawyer? You will see in these questions what lies beyond us as we attempt, in whatever way we can, to connect to a story.

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<sup>15</sup> Peter J. Rabinowitz, *BEFORE READING: NARRATIVE CONVENTIONS AND THE POLITICS OF INTERPRETATION* 19 (Ithaca, New York: Cornell University Press, 1987).

**In your view, how does a reader connect to a story?** As a teacher, I am always interested in how you connect to a particular story. I introduce you to a story and pose questions that push us to reflect on the story. My questions suggest my own interest in the story; I pose questions that implicitly lay out a justification for asking you to read the story. I help create—being a teacher who stands forever ready to comment on a story and to raise questions about the story—an illusion: *I am the conduit to the story.*

My connection to the story—implicit and explicit—is, of course, no guarantee that you will connect to the story. I cannot simply hand over *my* connection to the story to *you*. (I can give you no assurance that I will not at times attempt to do exactly what I have just said I cannot do.) Your connection to the story, when it comes through me, is something like what happens when you use a laptop computer and rely on the laptop's battery as a power source. The battery keeps the computer up and running for a limited number of hours, then you get that beeped warning: "Save files. Connect with a different power source." A teacher—like the battery power source in a laptop—gets you a few hours connect-time, then you must find a different power source. I am, at best, a temporary connection to the story, a temporary source of power for helping you see what may be going on in the story. The real connection—and power—lies not in me, but in you and in the story.

**Can you talk a bit more about this idea of connecting to a story?**

I'm not sure I can provide you with anything that would look like a map or a manual. Keep in mind that in the background of all your reading, with every story, you deal with basic questions, questions that help you locate the story: What is this story doing here (in the course)? What am I supposed to do with this story when I talk about the story in class? How am I to talk about this story with fellow students, with someone who purports to be teaching the story and is an advocate of the story? How am I supposed to make use of the story in my education as a lawyer (along with everything else I am supposed to be doing in law school)? How will I ever find a place for myself in the world of law?<sup>16</sup> These questions, shaping our reading as they do, beckon to us from off-stage

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<sup>16</sup> One might think of the stories you read in *Lawyers and Literature* as meditations on the way we find a place for ourselves in the world: Ask of the story, and the stranger you find in it, what are you trying to say about the way home? Having a home? Not being at home? Getting away from home? Returning home? Finding a place for one's self in the world that actually feels like home? Carrying a sense of home around with you?

while our more immediate focus is on a particular story and the characters we find in the story.<sup>17</sup>

You might think of me as an engaged reader; I have sought out my own connections to the story and I now invite you to join a small community of readers who read a story together where a significant part of the work we do is to trace our connections to the story (think of the resources of a group of readers who each bring their own reading to the story).<sup>18</sup> When we confirm and articulate our connections to stories we read we reveal the maps we use in our *travels in reading*—travels that take us *into* and *beyond* the story. It helps if we find that a story has its own power, the power to demand something of us, the power to induce in us a desire to find and establish a working connection to the story.<sup>19</sup>

In more prosaic terms, you might think of connecting to a story this way: some of the lawyer characters we find in stories intrigue us because they seem to speak to us directly about the world we inhabit and the situation we imagine ourselves to be in. Other fictional lawyers are so puzzling to us they seem to have descended on us from another planet. We identify with some fictional lawyers; to others, we are quite indifferent.

When you cozy up to a fictional character *and* when you keep a character at arm's length, you say something about yourself as a reader. You may, as well, be saying something about how you see yourself as a lawyer. When we carry on this conversation about our identification with and the way we try to distance ourselves from particular fictional

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<sup>17</sup> The meta-question—*how do I read?*—always offstage, can easily be forgotten. This meta-question stands in contrast to the more immediate question we have about how you connect with a story by being willing to hang-out for a time with the protagonist—or other characters—in the story. Drawing on a different metaphor and image, you might think of getting your hands into the dirt of the story. To switch metaphors yet again, note that it is one thing to watch the potter throw the clay, still another to find the clay in your own hands, holding the clay on the wheel, sensing how hard it can be to use the wheel to form the clay to make what you want it to be.

<sup>18</sup> On this idea of a community of readers and how a sense of community can be realized in our reading, see Stanley Fish, *IS THERE A TEXT IN THIS CLASS? THE AUTHORITY OF INTERPRETATIVE COMMUNITIES* (Cambridge, Massachusetts: Harvard University Press, 1980).

<sup>19</sup> One analogy here might be falling in love—with all the connections to another person this kind of “falling” brings to mind.

lawyers, we circle around an inevitable question: who am I when I read this story in the way I do?<sup>20</sup>

Let's say you read a story and you say quietly to yourself: *This story is wonderful. It expresses something I've long known about life, something I didn't quite know how to articulate.* The story fits you as a reader; it's a bit like putting on a pair of Ecco shoes that fit so well that your first inclination is to wear them every day. Giving the story a thumbs-up is easy enough to do; you see the problem in reading a story more clearly when you try to translate your sense of excited discovery that the story has made possible into an articulation, an explanation, of your regard for the story. Getting from appreciation ("I like this story") to articulation ("this is what I see in this story") marks the path of a literary reader.

You don't have to fall in love with a story or experience an immediate connection with it to know that you want to be able to articulate your engagement with the story. Getting your hands on, in, and around a story is a matter of saying, "I'm going to do something with this story whether I'm fond of the story or not."<sup>21</sup> You might read a story and say to herself, "I'll read and work with this story even if it wears me to a frazzle." And yes, there may be times when you have to admit that you don't have the time, disposition, or skills to plumb the depths of a story, or, for that matter, you may lack the willingness or need to plumb the mysteries that reside in the inner recesses of your own life. But, if you find you are backing away from story after story, you may be saying more about yourself as a reader than you would readily and willingly admit. An engaged reading of a story depends not only on the surface currents and what lies in the deep waters of the story, but on the mystery of who you are as a reader when you attempt to comprehend something you initially think of as elusive, or something that you find

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<sup>20</sup> Lawyer stories, when we focus on the characters we find in the stories, prompt us to ask of ourselves: Who am I? What am I doing? What am I becoming? At what cost? For the student who has come to the troubling conclusion that to be a lawyer, she must live one life as a lawyer and a different life as a person, lawyer stories invite us to reflect on the demand that we live in "two worlds." On the "two worlds" phenomenon, see Thomas L. Shaffer, *The Legal Ethics of the Two Kingdoms*, 17 Val. U. L. Rev. 1 (1983).

<sup>21</sup> Let's say you read a story, and when you finish it, you readily admit that you don't much care for the story and you don't want to be bothered with finding a connection to the story. When this happens, you can walk away from the story—*well, that was a waste of time*—or you can find a resource—somewhere—that will help you connect to the story.

you are tempted to dismiss, or even a story you have found pleasure in reading.<sup>22</sup>

In *Lawyers and Literature*, it's not just a matter of liking or disliking a story; we all respond to a story in this fundamental, thumbs-up or thumbs-down kind of way. We know well-enough that when we read a story, we are not simply trying to describe the story's characters and the plot of the story (if the story can be said to have a plot). We read in an engaged, literary way when we devise not only a conclusion about the story but an argument or a context or a framework for this conclusion. In law school, you learn early on that a lawyer's judgment is not simply a matter of reaching a legal conclusion, important as that legal conclusion may be; a lawyer's judgment turns on the arguments that are arrayed in support of a legal conclusion.<sup>23</sup>

**One evening in class you mentioned a diagnostic strategy for reading. Could you talk more about this strategy?** One way you might look at a story is to imagine that you are a physician or a psychotherapist who is inevitably thinking—diagnosis. Look at a character in a story, as a writer might, and ask: What kind of trouble, what kind of problem, might be so present in a life that it rises to the surface, becomes so visible, and so disruptive, it cannot be ignored? Imagine an author saying to herself: *There is something wrong here. I want my character in this story to work through this festering problem in her life (or fail to do so).* My task, the protagonist might say—or the reader might say on a character's behalf—or a writer might say to himself as he writes—is to figure out how this problem manifests itself in this particular character's life. A reader might go on to say to herself, I want to hang around the scene until I can begin to see more clearly how the character lives with what has been diagnosed (or how the

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<sup>22</sup> Think about the world as it is known to the character in the story: What kind of world does the fictional lawyer inhabit? What kind of enticement, what kind of appeal, does this protagonist have for me? Is it an inviting world, or a world that you can claim to know nothing about? Is it possible that you might think more clearly about yourself and your world if you knew more about the world of the protagonist?

<sup>23</sup> In *Criminal Law*, I tell students that, basically, most of the time, we know what the legal problem is and we know or can quickly enough determine the applicable legal rules. The real problem, for the student, is articulating what he knows based on legal rules that can be translated into a succinct and persuasive argument in support of a particular legal conclusion.

character fails to diagnose what the reader can see that the character does not).

I turn to fiction—novels—short stories—poetry—to get a better sense of what has gone wrong. I seek out stories that will allow me to see what has gone wrong for the protagonist and how the protagonist responds to the odd turn that her life has taken. A character in one of Leslie Marmon Silko's novels has this to say about stories: "I will tell you something about stories. They aren't entertainment. Don't be fooled. They are all we have, you see, all we have to fight off illness and death. You don't have anything if you don't have the stories."<sup>24</sup> With stories you can immerse your self—with the characters in the story—in the lived *particulars* of the dark places a story's characters inhabit.<sup>25</sup>

You might think about reading a story from the perspective of a character in a story who comes to the realization that something has gone wrong in his life. There is something wrong enough that it needs to be addressed, something that cannot easily be ignored and so we ask: What has gone wrong in this character's life, in this lawyer's life, in my own life? Or maybe we don't see that anything has gone wrong, but rather that life has taken an odd turn. Let's say we have a story in which the lawyer discovers, as the story unfolds, that he has become, in his own eyes, a bit odd, or that he has become a different person or lived

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<sup>24</sup> Leslie Marmon Silko, *CEREMONY 2* (New York: Viking, 1977).

<sup>25</sup> One way to proceed here is to admit, at least to yourself, that you are a little crazy. It may not be showing all that much . . . still . . . *you know*. We're not talking—yet—about the you'll-be-locked-up kind of crazy. Crazy in a way that allows you to pass as a law student. You think of this crazy as simply not being 100% yourself. I'm talking crazy here in the way that Will Barrett, the lawyer protagonist in Walker Percy's novel, *The Second Coming*, talks about being crazy. Will Barrett admits to himself that "some-thing might be wrong." Here is the way Barrett puts it: "For some time he had been feeling depressed without knowing why. In fact, he didn't even realize he was depressed. Rather was it the world and life around him which seemed to grow more senseless and farcical with each passing day." Barrett thinks he is a little crazy when he looks around and sees

The lives of other people seemed even more farcical than his own. It astonished him that as farcical as most peoples' lives were, they generally gave no sign of it. . . . How did they manage to deceive themselves and even appear to live normally, work as usual, play golf, tell jokes, argue politics? Was he crazy or was it rather the case that other people went to any length to disguise from themselves the fact that their lives were farcical? He couldn't decide.

Walker Percy, *THE SECOND COMING* 3, 4, 8 (New York: Farrar, Straus & Giroux, 1980).

a different life than he once imagined he would be living. In diagnosis and self-discovery, we have the making of a story.

**You sometimes talk about working with a story. Can you say anything further about how this work is done?** This idea of working with a story is baked-in to the Lawyers and Literature course; working with stories is the work the course demands of you. Working with the story is another way of talking about how you connect to the story, and how you try to think and talk and write about—write with—the characters you find in a particular story, or how you use what you find in the stories to talk about yourself and the situation in which you now find yourself.<sup>26</sup>

One way to think about the stories you read in Lawyers and Literature is that they elicit an argument; we readers argue with each other about the characters and the fictional world these characters inhabit. A story creates for the reader the particulars of arguments that we have with ourselves and with other readers about just who the character in the story is—that is, how we are to read the character, and how to read the story.<sup>27</sup>

Reading a story is not just a matter of reading words—you know this perfectly well—reading is all about the arguments we create for and with and about what we read.

I sometimes think of these connection/engagement/argument aspects of the reader's work as being, fundamentally, a way of figuring out how to put the story to use. Mark Edmundson, in *Why Read?* puts the problem this way: "Does it [the work of literature/the story] offer paths one might take, modes of seeing and saying and doing that we can put into action

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<sup>26</sup> So here is the point for those of us who prescribe fiction as a part of a law student's reading diet: "We wish to understand how it is that experiences of fictional narrative accumulate to have an impact on the knowledge, attitudes, and expectations readers bring to bear on the judgments they make in everyday life." Richard J. Gerrig & David N. Rapp, *Psychological Processes Underlying Literary Impact*, 25 (2) *Poetics Today* 265, 266 (2004).

<sup>27</sup> You may, in your argument, claim that the story has a subtle complexity, and it is this complexity that you want to try to expose and express. Or, on the contrary, you might want to claim that the story had, for all its pretext and its language, quite little to offer a reader. Even the story with little to offer requires argument.

in the world? How, in other words, does the vision at hand, the author's vision, intersect with—or combat—your own vision of experience . . . ?”<sup>28</sup>

**When we talk about “working with stories” and how we go about doing that, you seem to take our thinking about stories in different directions. Are you aware of this?** I don't think you'd find the course at all interesting if we tried to read every story in exactly the same way, posing for every story the same questions. For that matter, do you really want all your teachers in your traditional courses to push you to read cases in exactly the same way?

You are right to note that there is not a single way to work with stories. And yet, I think you will detect a pattern in the way we work—story to story—week to week. And yes, at times, it can seem like we invent a new way to look at each story we read.

Initially, we work with a story in a quite basic way: we want to try to see—by way of observation of our own reading—what sinks in and makes its way through our reader filter of first impression. These first impressions may appear, initially, to be purely superficial observations and yet, when we pursue them, they seem to have a value. I ask: “What do you think about this story?” You respond: “I didn't care much for it.” You know there may be a follow-up question. Let's suppose it goes something like this: “Tell us why you didn't care for the story? How did it fail to capture your attention?” Once we start down this path, first impressions begin to look like they might count for something. We begin to see how Peter Rabinowitz can claim that “looking at readers' starting points can help us understand *how* interpretation comes about and what its implications are—not the implications of the particular texts at hand, but the implications of the very means we use as we go about making sense of them.”<sup>29</sup>

The way we listen to a story—how the story speaks to us—and the way we envision the power of the story and imagine the voice(s) of the story—depends not only on the story but on what we bring to the story. One way to deal with a story is simply not deal with it. The reader, emperor in her own land, decrees: *This story has nothing to offer me*. We know that however a story may speak to us and whatever a story may demand of an engaged reader, the way the story speaks and the demands made

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<sup>28</sup> Mark Edmundson, *WHY READ?* 74 (New York: Bloomsbury, 2004).

<sup>29</sup> Rabinowitz, *BEFORE READING*, *supra* note 13, at 3.

by the story are mediated and filtered through a reader's experience—through the reader's education.

We see the reader filter at work whenever there is a strong reaction to a story, particularly when a reader is captured and captivated by a story, or, in contrast, when a reader can summon only a dutiful, the-teacher-says-I-must-read-this-story kind of reading. Some stories speak to us quite directly; the reader says to herself *this story feels like it was written purposely for me*. With other stories, there is so little connection that a reader finds herself saying, *this story is a waste of my time*.

When we read a story, we carry with us into the reading other stories; we carry into our reading a host of scripts and rhetorical stances that we have learned to use to deal with stories. We find, when we start digging beneath the surface of first impressions that cognitive predispositions unconsciously shape the way we read (like the way they shape the way we think and speak); we have mental maps etched with cognitive pathways,<sup>30</sup> bio-programs, and cultural narratives that shape the roles we enact and the habits we embrace as readers of stories.<sup>31</sup> With our interior maps, introjected (and inter-woven) cultural narratives, imprints of family dramas, and a reservoir of seemingly miscellaneous memories, we have *baggage* that we take with us into any reading of stories about lawyers.

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<sup>30</sup> See Pierre Schlag, *Missing Pieces: A Cognitive Approach to Law*, 67 Tex. L. Rev. 1195 (1989).

<sup>31</sup> Mary Catherine Bateson contends that "[o]ur cultural narratives are becoming more complicated and ambiguous" and that our "culturally given plotlines are likely to mislead." Mary Catherine Bateson, *PERIPHERAL VISION* 83 (New York: HarperCollins, 1994).