SUSAN PHILIPS, *Ideology in the language of judges: How judges practice law, politics, and courtroom control.* (Oxford studies in anthropological linguistics, 17.) Oxford & New York: Oxford University Press, 1998. Pp. xvii, 205. Hb $59.00, pb $29.95.

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In a time when some scholars are bemoaning an apparent drop in attention to the role of ideology in legal settings, Philips's new book comes as a welcome intervention. The author uses fine-grained analysis of courtroom language to reveal the pervasive influence of ideology on trial court judges' practices. Followers of Philips's pioneering work on legal language will not be disappointed; the volume lives up to the exacting standard she set for the field in her early articles on courtroom (and classroom) discourse. The study uses discourse analysis of guilty pleas in an Arizona criminal court to uncover how wider social-structural and political divisions are affecting the administration of justice – a process mediated by ideology and enacted in the minute details of linguistic exchanges.

Philips begins the analysis by tracing a historical shift in the US from elected to appointed trial court judges – a movement generally understood as leading toward "merit selection" and away from overtly political input to judicial selection. Indeed, Philips uses her interview data to document that the judges in her study generally see their activities on the bench as impartial and non-ideological. But the study goes on to demonstrate that this supposedly non-ideological element of our justice system is in fact deeply influenced by political ideology. Philips uses a sophisticated combination of attention to linguistic detail and thoughtful deployment of social theory to unpack the process. The result is a telling demonstration of how linguistic analysis can shed light on pressing social problems.

Philips continues with an interesting discussion of the connection between spoken and textual legal language. As Conley & O'Barr observed years ago (1990:11), scholarly attention to the relationship between textual and spoken language in US law – or, indeed, linguistic analysis of textual language alone – has been surprisingly sparse. Here Philips builds from foundational work on INTERTEXTUALITY by Briggs & Bauman 1992 to examine how trial court judges' spoken practices are related to the legal texts by which they are supposed to be bound. The texts at hand are Rule 17 of the *Arizona Rules of Criminal Procedure*, and case law interpreting that rule. Rule 17 governs "pleas of guilty and no contest"; it specifies that the trial judge is obliged to "advise the defendant of his rights and of the consequences of pleading guilty or no contest," to "determine the voluntariness and intelligence of the plea," and to determine that the defen-

dant understands the written plea agreement. The wording of the rule in several places requires that the judge "address the defendant personally in open court" and determine that the defendant understands all that is required by law for the procedure to be valid. However, the case law interpreting the rule does not appear to require that the judge personally perform this function; instead, appellate court opinions mandate only that the written "record" for the case as a whole shall contain evidence that defendants have been fully informed about and have understood all that was required by law, and that their decisions were voluntary.

Faced with what Philips dubs "genre-specific ideological diversity within the written law," trial judges settle comfortably in the middle – doing less than would be required by the rule, but more than specified by the case law. She outlines the ways in which trial court judges "organize the sequential structure of the procedure into topical COHERENCIES that index and create an intertextual relationship with the written law," and she argues convincingly that the judges have formed an interpretive community that shares core understandings about the relationship between written and spoken legal language. In the process, they manage to obscure a considerable INTERTEXTUAL gap (to use Briggs & Bauman's terminology) by describing what they are doing as if the indexical connection between governing legal text and spoken enactments were transparent and unproblematic. They also clearly exhibit some interpretive agency when they take approaches that are not completely dictated by the relevant legal texts.

Philips next documents structured differences among judges in the details of their approaches. All the judges in the study take some kind of middle ground between the different approaches indicated by legal rule and case law; but one set of judges, whom Philips terms "record-oriented," clearly come closer to the case law in their practices. These judges focus more on whether the legal record meets the stated requirements than on whether actual interactions with defendants reveal the legally mandated levels of understanding and voluntariness. Another set of judges, termed "procedure-oriented," focus much more on whether the process of verbal interaction in the courtroom itself evidences the requisite degrees of understanding and voluntariness on the part of the defendants. Philips documents these differences with both qualitative and quantitative methods, combining observational and interview data. For example, record-oriented judges report that they aim at using a relatively fixed verbal routine in handling guilty pleas, while procedure-oriented judges aspire to more variable verbal scripts. Indeed, procedure-oriented judges evidence more variability in sequencing of topics, in variation within topics, and in the wording of elements within topics. Employing a kind of questioning omitted by the other judges, they also ask defendants about their social and educational backgrounds (in an attempt to ascertain levels of comprehension). In inquiring about defendants' understanding of constitutional rights, these judges employ more comprehension checks and elaborate more on what the rights are than do the record-

oriented judges. When testing for an adequate factual basis underlying the plea, the procedure-oriented judges tend to use open-ended questions to invite a confessional narrative, rather than attempting to limit defendants' accounts through use of yes/no questions. In quantitative terms, Philips demonstrates that these judges use more *wh*-questions, elicit a higher average number of responses from defendants, and take a longer time with each plea (meaning that they also process fewer pleas per day than do their record-oriented counterparts).

It thus becomes apparent that there are patterned differences in the handling of guilty pleas by these trial judges – differences that Philips convincingly links to divergent political ideologies. The more conservative judges tend to be more record-oriented (a position predictable from a political approach that seeks to minimize state intervention), and they leave individuals more to their own devices in dealing with difficulties. The more liberal judges intervene to a greater degree, asking about defendants' social backgrounds, permitting defendants openings for developing their own narratives, and attempting to double-check the validity of the plea during the courtroom process. This approach has clear affinities with a political ideology that encourages more state intervention and is also differentially concerned with power inequalities that might limit the ability of individuals to handle difficulties by themselves. Thus, Philips reveals a fairly dramatic difference in legal practice, structured by political ideology, that is not overtly recognized by judges, by official accounts of trial judges' work, or by the general public.

Although Philips declines to focus centrally on the role of linguistic ideology in producing this outcome (194, n.11), she has brilliantly outlined a core position for metalinguistic constructs in the allocation and masking of power in legal settings. The judges, guided by professional norms, direct attention to very particular visions of intertextual relations; and it is precisely for this reason that the political structuring of their discourse is rendered invisible. Philips points to the increasing control of the organized bar over judicial selection as one factor in this process: when there is less overt involvement of political parties in choosing judges, there is more pressure for judges to represent their practices as above politics – as being more about "professionalism" than about raw political ideologies. As Philips ably demonstrates, this may mask the extent of political involvement at the levels of both judicial selection and actual courtroom practice. However, as she clearly recognizes, there is an even more fundamental level at which an emphasis on "professionalism" contributes to this masking of politics: the appeal to a monolithic "legal interpretive framework" that undergirds "the claims of lawyers to a universalistic scientific and moral epistemology and to direct apprehension of this epistemology by an individual mind rather than a SOCIOCULTURAL mind" (82). In other words, metalinguistic ideology regarding the relationship of text to spoken practice conceals the politically laden, structured diversity found in judges' actual use of language – despite judges' own

metalinguistic assertions to the contrary. The shared "professional" ideology about the role of governing texts at the level of trial courts plays a crucial role in creating the illusion of a shared, apolitical judicial praxis. Philips introduces the concept of "ideological polysemy" to capture the way multiple levels of ideology may be implicated in a single utterance.

Not content with this level of complexity and nuance, Philips moves on to examine judges' ideologies of courtroom control – conceptions that rely to a great extent on shared "common-sense" understandings. Once again, she unpacks a politically structured patterning that is not overtly acknowledged, this time connecting more liberal judges with practices that appear to invite more resistance from defendants, and that therefore open the possibility of more loss of control.

Surely this is more than enough ground to cover in any one study. Thus, in wondering about other aspects of the judicial practices that Philips analyzes, I am probably asking for another study rather than pointing to any deficiency in the present work. There are two areas about which I found myself wanting to hear more: the question of defendants' resistance, and the role of linguistic ideology. Although the study is clearly aimed at the top of the power hierarchy in courts, Philips does deal with the question of resistance, particularly in her analysis of courtroom control. Her poignant description of a defendant who refuses to withdraw his plea – even as the judge directs that the record show a withdrawal by the defendant – left me wanting to know more about defendants' perspectives on this entire process. Similarly, Philips provides us with much information on the role of linguistic ideology, as I have indicated; this also beckons those of us engaged in the study of language ideologies to further rumination on the important place of metalinguistic structuring in the dynamics that Philips analyzes.

For generations, scholars studying social theory, anthropology, law, and linguistics have struggled to map the structuring of social and power relations through language. As Philips points out, it has been a continuing challenge to link precise observations of language use and structure with meaningful social analysis. Important work by Michael Silverstein, Jane Hill, John Gumperz, Susan Gal, Bambi Schieffelin, Kathryn Woolard, and others has now pointed the way toward a more integrative approach to the study of language use, language structure, and social power. Achieving this integrative approach to the analysis of language and society is clearly a burning issue for the newest generation of scholars who work at this crucial intersection – and, of course, this is especially the case for those who study legal language. Although we have long understood that law is a key site for unraveling the interaction of linguistic detail and social power, it is only recently that research by fieldworkers like William O'Barr, John Conley, and Bryna Bogoch has pushed the field to ask how language practices in legal settings are systematically connected with law's role in structuring social inequalities. Happily, Philips now joins a handful of others – Gregory Matoesian and Susan Hirsch come to mind – in providing detailed analysis of the constitution of social power in and through legal language.