Diverse Discursive Contextualization of Audience, Place, and Power in Legal Communication: Review of Vijay K. Bhatia, Christoph A. Hafner, Lindsay Miller, and Anne Wagner (Editors): Transparency, Power, and Control: Perspectives on Legal Communication

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Through a rich variety of theoretical approaches and contextual applications, *Transparency, Power and Control: Perspectives on Legal Communication*, Editors Vijay K. Bhatia, Christoph A. Hafner, Lindsay Miller, and Anne Wagner have edited a critically engaged volume on the mechanisms of power and control present as well as absent in legal communication. Legal communication, or the way in which law speaks to us, speaks through us, and invites or rejects audience participation, “encompasses complex relations across a diversity of languages, cultures and different orientations arising from their confrontations within space and time” (1). The volume’s range of contributing authors provides rich commentary on the diverse subject of legal communication through a spectrum of disciplinary, institutional, and global depth. This book allows us to see how law works through contextual applications that range from Chinese and Australian statutory interpretation to Polish legal discourse to the legislative texts of the European Union. Additionally, contextualized approaches in the book develop a praxis approach through sexting, sound as a contested resource, terrorism, and the celebrity personifications of power embodied in David Beckham and crafted by Andy Warhol to further illuminate and explore the communicative reaches and abilities of law. In the tradition of legal pluralism, the book encourages us to witness law’s involvement in our own lives insofar as “cultural ‘embeddedness’ is a key notion in effective, transparent and clear legal communication, which involves analyzing the power of social institutions included in the language itself but not limited to it” (1).

The book is divided into two parts. The first part “Theorizing Transparency, Power, and Control in Legal Communication” examines the ways in which we think about what law is telling us and as well as failing to communicate. In these chapters, we can conceptualize legal communication in a variety of theoretical approaches.
For Deborah Cao, “linguistic clarity and certainty in law and transparency are interconnected” (14). In her work on statutory interpretation in China and Australia, she asserts the indeterminacy of language yields an opaqueness to law as the foundation of legal communication is itself muddied through the medium of language. Power that is spoken, but not clearly articulated, can be a source of disempowerment by virtue of its inaccessibility. Celina Frade, in her chapter on legal conditionals in international contracts, echoes Cao by viewing the absence of lingual clarity in this legal language as contributing to legal disempowerment as “conditional contracts are essential to our understanding of how legal discourse is construed, used and interpreted” (34). In her work on Polish legal discourse, Irena Szczepankowska considers the empowering role that social norms play in the evolution of language, and how this transformation acts in response to language that operates as a form of legal culture. Through the social conventions and cultural understandings that have sculpted language over generations, the resultant legal understandings reflects this trend and can serve to improve the democratic aspects of how law works with regard to other languages in an international context. She asserts “the style of legislative speech acts and the communication of values performed in legal texts embrace the rules of legislation” (64).

Law is the coding of social and cultural values. These values are communicated through the language of law used in the legal contexts of legislation, legal application, as well as in the social understandings and cultural manifestations of law. Rhetorically, however, legal standards are not solely limited to language, for as Anita Soboleva points out, audience plays a key role. Whether this audience is expert or universal, the use of emotion in legal articulation can hide rather than expose rational appeals for justice. With this in mind, legal communication is often written down rather than verbally presented. In their chapter on contracts, André Bélanger and Andy van Drom describe legal communication in terms of the multiple voices and the origins of these voices within legal frameworks. “Words, formulations and statements conveyed by different actors’ discourses are considered to be memory carriers in and of themselves, rather than the actors who utter them” (91). They further note “the consideration of language production as social practice is thus imperative” (97). In this way, legal communication is an activity with competing social parameters in which participants may be speaking the language of law but to an audience where “different speakers talk in their own language” (111).

In his article on the power of language in the multicultural organization of the European Union, Colin Robertson considers the power and control held by the written text as “each treaty is an act, and therefore sign, of transfer of power” (113). Communication is therefore made tangible through legal documents that convey an understanding of the rights associated with such documents. However, without knowledge or understanding of these documents, those rights are difficult to access. In his chapter on governmental legitimacy, M. Douglass Bellis addresses the absence of rights in conjunction with the presence or absence of transparency in power. In the context of the United States, Bellis reminds us that the same social norms and rules that shape a populace serve as the backbone to a legitimate government whose control is subject to the consent of the governed. The implication of this relationship for legal communication means that if the governed cannot
contribute to or understand law as it governs, then the government’s validity can be challenged as failing the requirement of transparency. In this way, legal communication is the insurance for the protection of human rights insofar as “the ultimate decision, whether informed or not, must be in the hands of the people, though, in order to satisfy the rule of consent” (142).

The second part of the book “Visualizing and Contextualizing Transparency, Power, and Control” considers possible contextual applications of how legal communication operates. In the case of sexting, or the sending of naked photos using the cell phone, Michelle L. Wirth considers the interpretation of facts in legal and social frameworks of right and wrong. She examines the meanings of legal terms, such as victim, perpetrator and accomplice, in light of implicit associations and social beliefs concerning age and sex. In asking “who is doing the seeing?,” Wirth analyzes assumptions within the realm of legal communication that subjectify rather than objectify certain legal actions and consequences. Rationally, values in such legal frameworks codify social expectations that may lag behind technological advancements that challenge evolving social thinking. This examination of normative thinking is what Anita Lam challenges in her chapter on the legal frameworks of risk and terrorism where “the post-9/11 American cultural landscape is the dominance of the catastrophic imagination” (167). In her analysis of Peter Jackson’s recent film _The Two Towers_, Lam weighs the controversial and often classified actions of George W. Bush in the war on terror against the demise of human rights and civil liberties. Through film analogy, she reminds us “risk is ultimately construed as a symbolic totem or device that might either save or destroy our world, either bringing us closer to the light of transparent revelation through surveillance schemes, or binding us to the darkness associated with the state’s abuse of power and control” (178). In this way, the lack of transparency in legal communication can harm our rights in the face of power and authority that claims to act in our best interest.

Knowledge is a resource. In his chapter on multicultural soundscapes, Massimo Leone examines air as a resource that empowers the multicultural and multi-religious environment in which sensory communication can be legally acknowledged and protected. Leone contends “developing the intersection between legal studies and a sensuous semio-geography is fundamental in order to analyse the phenomenology of belonging in present-day multicultural and multi-religious cities” (190). In this way, sound and the expression of feelings, smells, and related sensory communications, become a statement of rights in communities where dominant sounds, or even mandates of silence, can be contested. Here, as in prior chapters, normativity is once again in dispute through that which is heard. Maria Giannacopoulos speaks about this idea of colonialistic normativity in her chapter on re-examining the social intention behind anti-terror laws in Australia. She tells us that in the Australian context, “the law must ensure, through its legally violent processes, that white law remains the strongest forms of violence in order to continue to secure the nation as a white possession” (214). Giannacopoulos contributes to studies of whiteness in which power is framed against the backdrop of authority and control.

In law, whiteness can be normatively under-challenged if we assume law to be without color. Giannacopoulos reminds us to see that which is not readily seen.
Similarly, David Tan examines the cultural ramifications of whiteness in his chapter on David Beckham and the political speech parameters of the First Amendment of the US Constitution. He argues that “from a cultural studies perspective, the political agenda of counterpublics or subaltern groups may be best communicated to mainstream society through the use of widely recognized celebrity signs to which the public have ascribed particular representative values or characteristics” (231). For Tan, Beckham embodies a dominant white standard of heteronormativity. To challenge figures like Beckham is to challenge layers of cultural hegemony and power through available legal avenues such as the First Amendment’s freedom of speech clause. Olive Watts echoes this sentiment of response to socio-legalized culture through the political imagery of Andy Warhol’s artwork. In his analysis, “Warhol consciously focuses on images that point to a failure in the smooth running of capitalist, disciplinary society” (244). Watts urges us to look and see beyond the surface of imagery conveyed and created through legal communication. “Underneath all knowledge and imagery in the disciplinary society is not neutrality but a position, the position of the hidden master” (258). In this way, Watts expands the associations of power and control associated with culture to the imagery and myths associated with law and authority.

In conclusion, this richly complex volume illustrates the complexity of legal communication found in legal texts and formal documents as well as in cultural, political, and social examples of authority and governance. Power and the counter response to that power through calls for transparency and the reclamation of rights is one thread that unites each of the chapters and the editorial premise of the book. In this way, the volume’s contribution to the field of legal studies, legal semiotics, law and society, and other socio-legal avenues of scholarship is vast. To resonate the editors’ assertion that “the issues raised in this volume are important, not only for academic study, but also for us to better understand the world we live in, and how we interact with it” (10), I would affirm that this book, with its wonderfully rich nuances, approaches, and ideas, inspires its readers to see law as it happens in everyday life in ways that are not always so readily apparent.