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Popular Culture and Legal Pluralism: Narrative as Law. By Wendy A. Adams [book review]

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Popular Culture and Legal Pluralism: Narrative as law. By Wendy A. Adams. London, New York: Routledge, 2017. Pp. 218. ISBN: 978-1-4094-6545-4. UK£ 110.00; US\$ 149.95.

Wendy Adams' book is published in Routledge's "Law, Justice, and Power" series, edited by Austin Sarat. For those who do not know Amherst Professor Sarat, and his project in cultural studies of law, I would like to briefly introduce his work using the words of Yale Professor Peter Brooks:

Sarat's proposal of a "cultural studies of law" risks giving us a formula for impotence. I say this in part because I believe the cultural studies model offers no panacea. In the humanities, we have seen cultural studies become a kind of hotel lobby where all disciplines can hang out, brought together in a self-satisfied discourse on the implication of knowledge with power, on the marginal and the hegemonic; a somewhat desultory conversation at times because cultural studies as a field or a metadiscipline has not really proposed any powerful new theory or analytic model.¹

Adams, who teaches law at McGill University, belongs to this school of thought, and, as expected, her writing is refreshingly cosmopolitan and interdisciplinary. Her project is to build a "legal narrative," which is a framework for popular culture as law, where illegal acts could easily become re-imagined in an alternative legality. She argues that "legal texts originating with the state may well be of less significance in creating legal meaning in our lives than the representations of law in popular culture." Adams illustrates her work with examples of critical dystopia and the beliefs and behaviors of eco/animal-terrorists. She aims to demonstrate how such acts might be understood as shared narrative and normative commitments that constitute law just as fully as does the state when it legislates and adjudicates. But does she succeed? Not if you are not already convinced by her argument.

At times, while reading her book, I thought I was watching John Waters' "Serial Mom," especially its end about the risk associated with breaking the cultural taboo of wearing white shoes past Labor Day. For those who are not fans of Waters' movie, the culturally ignorant juror played by Patty Hearst swiftly meets her deadly punishment for that transgression. Eventually, Adams' book escapes such circuitous space governed by seen (i.e. the law for you and me) and unseen rules that live in someone's imagination (i.e. Waters' Mom character). When it does, the book gathers real steam and the argument goes somewhere. The cathartic moment comes when Adams admits that there is no support for her thesis that "popular culture might function as legal authority without the necessity of translation into state law." Then, she gets my attention, but it won't get a prisoner out of jail.

Adams draws upon theories of critical legal pluralism and psychological theories of narrative identity, and develops her argument in favor of popular culture as legal authority, unmediated by translation into state law. When she stays at that level, her work is just another jargonistic brick in the legal pluralist wall. But Adams knows that if she wants to create a workable concept she has to explain its desirability. In narrating our identities, she argues, we draw upon collective cultural narratives, and our narrative/nomos obligational selves become the nexus for law and popular culture as mutually constitutive discourse. The first part of her thesis made me wish she stopped there. In narrating our identity, we become what we narrate, even if it is imagined, as long as we assume the normativity, the obligations of which come with that identity. How I wish she focused on this thesis, rather than add the wild assertion that popular culture can ever be law in itself. That ambitious addition desiccates the power from the subversiveness of her would-have-been thesis. Proof that I am not far off in my guess is Adams' own statement: "The significance of popular culture narratives for our narrative/nomos obligational selves is that in the process of telling stories of ourselves, we become the people in the stories we tell."

At this point it becomes obvious that a pluralist legal analysis is desirable because the examining subject matter suddenly broadens beyond what is possible through the restricted perspective of state law alone. As far as the second part of her argument, John Waters' "Serial Mom" makes a more persuasive case in favor of the

¹ Peter Brooks, *A Slightly Polemical Comment on Austin Sarat*, 10 Yale J.L. & Humanities 409 (1998).

normativity of popular culture unfiltered by state law. Again, that could be because I am not the intended audience. For academics and scholars interested in popular culture as law, Adams' book is a must read.

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International Law and Empire: Historical Explorations. Edited by Marti Koskenniemi, Walter Rech, and Manuel Jiménez Fonesca. Oxford, New York: Oxford University Press, 2017. Pp. xvi, 395. ISBN: 978-0-19-879557-5. UK £80.00; US\$105.00.

International Law and Empire is a compelling set of fifteen 15 essays, written by a wide variety of legal and historical scholars from across the globe. It is compiled as a chapter-by-chapter examination of the complicated and often symbiotic relationship between international law and empire over a 400- year period. Beginning with a nod to the introduction of international law in the Roman Empire, this book focuses on the evolution of views and the interplay of law and empire from the sixteenth through mid-twentieth century. Through these essays, this book successfully illuminates “the complexity and ambivalence of th[e] imperial involvement and of international law’s role in structuring world governance.”

The comprehensive preface outlines various deficiencies in previous attempts to fully analyze the complicated relationship between international law and empire. The editors explain the purpose of dividing the book’s essays into four distinct parts (1. Epistemologies of Empire and International Law; 2. Legal Discourses of Empire; 3. Managing Empire: Imperial Administration and Diplomacy; and 4. A Legal Critique of Empire?), give brief summaries of each part, and discuss the significance of interweaving these parts. The preface also includes a clear and concise explanation of why the editors have intentionally structured the book by thematic historical critiques rather than by cultural lines or religious perspectives.

The preface is followed by Koskenniemi’s well-developed and attention-grabbing introduction into the chaotic and ever-evolving dichotomous view of law and empire. He acknowledges that both stem from a place of power, which sets the tone for the coming essays’ elucidations of how international law has been viewed as both unifying the world (empires) and creating an ever expanding hegemony. This introduction provides an exceptionally thorough history of early international law and its significance in developing the differing perspectives that are focused on throughout this book.

Following the preface, the book shifts seamlessly from one part to the other, beginning with three essays in Part I that explore the problematic philosophical conceptualization of many Western legal and political commentators in their attempts to explore the relationship between law and empire. This segues naturally into Part II, which analyzes the role of precise international language and vocabularies in advancing imperial and colonial ends. Containing five essays, Part II paints an internationally well-rounded and captivating study of the significance of this legal discourse. Part III is therefore essential in continuing the book’s discussion, focusing on the institutional organization of the empire from international diplomatic practices to the underlying importance of securing imperial power for various empires. The final four essays comprising Part IV are perhaps the most thought provoking and round out the book with an exploration into critiquing possibilities in international law. As suggested by the question mark in its title, Part IV is less assertive and more explorative of the evolving nature of the study of law and empire.

While portions of this book are historically and theoretically dense, the overall concepts and commentaries provide for a gratifying understanding of the complexities in the intertwining relationship of law and empire. These essays provide a comprehensive understanding of the importance of considering and understanding the interplay of international law and empire for the both the novice and expert scholar.

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