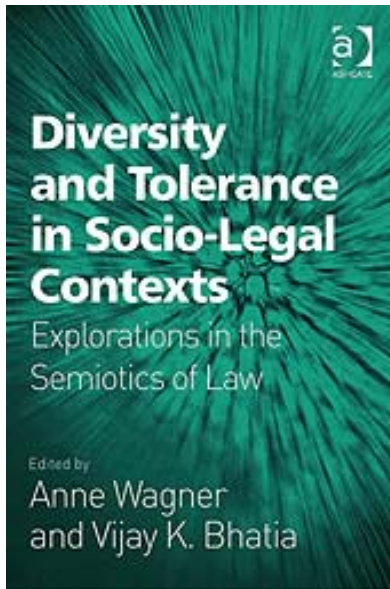


Book Review



Diversity and Tolerance in Socio-Legal Contexts Exploration in the Semiotics of Law

Anne Wagner and Vijay K. Bhatia (eds.)

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Anne Wagner is a specialist in the semiotics of law and Vijay K. Bhatia has published widely on legal discourse. As editors of this volume they bring together case studies on a wide variety of topics related to *diversity* and *tolerance*. Furnishing proof that alertness towards the dynamics of meaning, symbols and signs in socio-legal contexts is needed, the work offers multiple reflections on the concepts of tolerance and diversity in various legal systems and cultures as well as a variety of perspectives on how to analyze, apply and exploit laws.

In her foreword Sophie Caccaguidi observes that today tolerance is conceived as an ‘ethical virtue’ “based on the respect of an individual’s fundamental rights and freedoms expressed and protected by political and legal institutions” (p. xvii), whereas diversity prompts the idea of plurality of racial, ethnic, religious and linguistic minority groups. She points out that the twelve case studies dealt with in this book bear on *disadvantage* due to race, class, gender, religion, education, nationality, handicap, minority status and regional origin.



Wagner and Bhatia explain in the introduction that in Part I, entitled “The Semiotic Foundation of Diversity and Tolerance”, the relationship between the language of law and its power is addressed, whereas in Part II entitled “Case Analyses of Diversity and Tolerance” the interplay of tolerance and diversity under visual, legislative and interpretative perspectives is discussed.

In the conclusion to the volume Christopher Candlin stresses that the exploration of discourse includes focusing on processes and products. It goes beyond exploring language per se and takes aboard interaction, context, location, co-construction and semiotically multimodal aspects of communication.

We first briefly summarize the six aspects of the semiotic foundations of diversity and tolerance as highlighted in part one.

In “Tolerance, Pluralism and 'Fighting Faiths': Seeking the Sources of US Constitutional Meaning” Frederick Lewis shows the implications of the use of the vague and extremely general words in the US Constitution. He arrives at the interesting conclusion that one of the central challenges for modern diversifying society is to create a new broader sense of ‘we’.

“When the Law Speaks’: Acts of Intolerance, Threats to Group-Identity, and Confidence in Law and Rights” by Ira Strauber shows how the law can speak in terms of the favored social construction approach to race and ethnicity rather than a generally disfavored essentialist or scientific approach. The focal point for her analysis is a 1987 USA Supreme Court case holding the decision that Jews and Arabs were eligible, despite their contemporary status as belonging to the Caucasian race, “to seek redress under nineteenth-century Federal civil rights provisions prohibiting racial discrimination” (p. 21)

Isabell Petrinic’s contribution “Mediated Semiosis in the Courtroom: Non-Verbal Communicators and the Usefulness of Audio Video Technology as a Tool by which to Oversee Justice” deals with audio-visual link technology in today’s courtrooms in Australia and is about how the inmate can appear in court without physically leaving the correctional centre. The interesting notion of *proxemics* is brought to the fore and it is stated that much more research is needed into the communicative properties of the audio-visual medium since at this point the benefits and risks of the emerging technologies cannot be accurately evaluated.

In “The Roma Way” Istvan H. Szilagyi reports on two empirical studies in the field of legal and cultural anthropology concerning the Roma people and attempts a semiotic interpretation of his two studies. He shows how Hungarian law, which formally meets the standards of the Rule of Law, becomes a means of rejection and stigmatization resulting in the segregation of Gypsy minorities in what has come to be known as the *Gypsy trial*. As was observed the Roma do not understand the specific legal terminology in court and the Gypsy trial can be interpreted as a rite, a sequence of acts lacking inherent meaning. The Gypsies have the conviction that they always lose anyway in a *gadjos* court. The rite is at the basis of the maintenance of a system of mutual prejudice. The author advocates the attempt to make real legal disputes out of these cases, instead of preserving them as empty, meaningless rites. What was observed by Szilagyi is that the Roma really are different and the majority of society and its institutions are incapable of doing anything else about this otherness but stigmatizing and rejecting. He believes the solution is in tolerance that can be reached through communication among the different members and groups of a society.



Pamela Hobbs' contribution "«Une Certaine Idée de l'Homme, une Certaine Idée de la France': The Rhetorical Construction of Tolerance in French Political Discourse » starts from the question: "what is a nation?" to which the French historian Ernest Renan replied in 1947 that the nation is a political unit characterized by affective ties. The importance of the role of public discourse is illustrated in promoting national unity. Different rhetorical strategies of French politicians are compared and the conviction of all of them that the real problem in contemporary France is not *the* republican model, but an insufficient mobilization of the French people to turn it into a reality.

In "Shifts in the Concept of War: New War Terminology and its Legal Consequences" Hanneke van Schooten shows that expressions like *a state is at war* and *declaration of war* (as e.g. contained in the Dutch Constitution) have fallen into disuse. Conflicts are now described as *police actions*, *peacekeeping operations*, *missions*, *armed conflicts*, a terminology often leading to confusion. The author makes reference to the Eric O. trial (2005) in the Netherlands to illustrate the effects of the unclear legal status of hostilities during the peacekeeping mission in Iraq and legal uncertainty about their status and the consequences for military personnel participating in international peacekeeping missions.

Part two consists of the following six case analyses of diversity and tolerance.

"Branding Barcelona: Semiotic Considerations in Contemporary Sovereignty" by John Brigham deals with the notion of semiotic sovereignty and applies it to the contemporary sovereignty of Barcelona, the city in Catalonia presenting itself to the world with *style* as the key to the brand that is Barcelona. He tries to understand the semiotic context for the nationalistic movement of Catalonia in its symbols.

In "Legality beyond the Scope of Policy" Sarah Marusek deals with the interaction of formal and informal law and questions to what extent law enforces or discourages tolerance. She uses the example of handicapped parking spaces that are overwhelmingly vacant and reflects on the power of legal regulations and its relation to tolerance through law and diversity.

Tracey Summerfield & Alec McHoul discuss how a canvas by 50 indigenous artists representing country south of Fitzroy Crossing in Western Australia served as a bridge between two cultural systems in "On sight/On Site: Visuality in Native Title Claims: Can We Even Speak?". The indigenous people map their lands in a visual medium to meet the requirements for establishing native title in an Australian legal system based on white knowledge systems. This case is used to illustrate that a basic rule of communication is to accept the other's *footing*, the basis on which any human communication can take place.

The profound effects of racial and class bias in the process towards the right to an education in the USA is dealt with by William Pencak in "Race, Class and the Supreme Court: Rodriguez v. San Antonio Independent School District (1973)" Several cases are used to illustrate "the limits of white America's toleration for its racially diverse population to achieve the full rights of citizenship as mandated by the Constitution" (p.167)

In "Legal Terms across Communities: Divergence behind Convergence in Law" Le Cheng and King Kui Sin claim that even though legal terms are generally considered to have self-referential meaning, most of them acquire their meaning in a given context. The authors argue



that legal terms do not carry inherent meaning but only denote in a particular temporal and spatial context. Jurisprudence seeks how meaning was created. Using data from mainland China, Hong Kong, Macau and Taiwan, the authors demonstrate diversity and try to defend legal terms as signs while at the same time showing that it is necessary to tolerate terminological diversity.

In the final chapter entitled “Women as Legal Subjects and Objects in Contemporary China” Deborah Cao suggests that women are tolerated but not treated as real equals in contemporary China regardless of the fact that equality between the sexes has been part of the Chinese Communist Party from its early days and that under the Chinese constitution women enjoy equal rights to men in all spheres of life. The author believes that Chinese women are describable as both subjects and objects (women are still subject to trade) in the legal process with both positive and negative implications for women’s rights. She argues that the rights of Chinese women and their liberation will not be achieved unless equality at home is first obtained. This will require a fundamental change involving all members of society and the Chinese culture as a whole.

This book will be of interest to specialists in different disciplines related to LSP and special language communication especially those taking an interest in (legal) intercultural or transcultural communication like specialists in translation and interpretation studies, cultural mediators, terminologists. Because of the broad perspective and the critical stance the contributing authors take in their case studies, this book will also inspire a wide audience of readers without a background in law.
