

Editorial

This is our last editorial as chief editors of Nofo.

After the relaunch of the journal in 2012 as ‘Interdisciplinary Journal of Law and Justice’ along with a renewed international board, we have been privileged to take the journal in the direction we thought most interesting. It is now time for us to step down from our task as editors and pass on the baton to the next generation, who will take the journal in their own chosen direction.

We began our journey with a special issue on Law and Humanities, followed by another special issue on Democratic Judgment. However, the journal has never been constrained by disciplinary boundaries or buzzwords. During these last six years, our working premise has been to publish scholarship of the highest quality with the aim of building bridges between law and other humanistic and social endeavours. It is our sincere belief that we have accomplished that goal.

This, our last issue, is no exception. We are proud of the articles here presented and of the variety of approaches they embody.

Samuel Chambers, ‘On Norms and Opposition’ addresses the debate on queer theory. This was sparked by a special issue of the journal *Differences*, where guest editors Robyn Wiegman and Elizabeth Wilson took queer theory to task for its apparent inability to come to terms with norms—calling instead for a ‘queer theory without antinormativity’. This, to some of their critics, sounded like another form of ‘normativity’. Rather than enter that debate as framed, Chambers takes a step back to reflect on the status, meaning, and conditions of possibility of opposition to norms. He asks: what type of opposition can be mobilized to resist normative forces and normalizing practices (for example heteronormativity)?

Chambers proposes a kind of archaeology to probe into a shift in the 18th century, detected by Foucault, towards a new mechanism of power (biopower) that operated at the expense of juridical power; he contrasts this to François Ewald’s analysis of norms (relied on by Wiegman and Wilson) that grew out of, but parted ways from, Foucault on a number of key issues. In the course of his parsing, Chambers proposes an important analytical distinction between ‘norms’, ‘normativity’, and ‘normalization’, and for each of these terms mobilizes different kinds of opposition. So, whereas norms are not just averages but distributions across a range and built into social expectations and structures, normativity is the name for power relations produced when a norm becomes significant within a particular social order, in

turn sustained by a *dispositif* of power and forms of normalization that uphold and enforce those norms. While it makes little sense to be ‘against norms’ in general, Chambers surmises that, in the sense elaborated, ‘antinormativity’ becomes not just viable theoretically, but sometimes also necessary politically.

Our next article as its point of departure takes up the title of our journal—a topic that had also inspired Antaki (2014) and MacDonald (2014) in an earlier issue. James Martell, in ‘A Weak Anti-foundationalism: Law at the Vanishing Point’, enquires into what an anti-foundational law might look like, by engaging with the work of some major thinkers in this tradition: Nietzsche, Benjamin, Agamben, and Negri. Martell observes that, near the end of their argument, anti-foundational thinkers invariably show reluctance to completely eliminate the foundation they seek to eschew. The question is then not so much ‘can there be law without foundation?’, but ‘why do anti-foundational thinkers hold on to a vanishingly small piece of it?’

From Nietzsche’s *Thus Spoke Zarathustra* Martel rescues the figure of the ‘Law unfulfiller’ who stops short of the goal of endless production of completed tasks (e.g., writing law tablets). From Benjamin, a form of divine law emerges that at its core is only a cipher to be interpreted and wrestled with, sometimes even abandoned, as a way of life. He notes Agamben’s concept of ‘inoperative law’ that seeks to deactivate (sovereign) law, though not without hesitation. Finally, Martel engages with Antonio Negri’s reading of Spinoza, where the vertical and hierarchical forces of power are very nearly eliminated, though not completely.

As read by Martel, these thinkers seek not so much to destroy the foundations of law as to maximally oppose law. Martel calls this ‘weak anti-foundationalism’, not because it lacks strength or is powerless, but rather because it decides to hold back over that which it struggles about. In his view, anti-foundationalism is at its best when it does not declare total victory and puts itself in place as another foundation; it is a human (not divine) power to resist metaphysics, combat mythic violence, as well as false projections of sovereignty and legal authority.

If the two first essays theoretically engage with norms and the foundations of law, the next article is more empirical in orientation. Gunilla Carstensen and Leif Dahlberg’s ‘Court Interpreting as Emotional Work: A Pilot Study in Swedish Law Courts’ is an ethnographic study about the work of interpreters in public law courts in Sweden. Based on a series of interviews with interpreters, judges, and lawyers, their study analyses the role of interpreters and how the quality of their work can be improved. Carstensen and Dahlberg argue that interpreting consists in more than a simple word by word transfer from the source language to the target language; interpreters are cultural brokers, too. This can generate tensions between the professional rules that regulate their work and the requirements of doing their job to the best of their abilities. In the course of the essay, Carstensen and Dahlberg consider whether and how to interpret specific cultural differences, particular body language and intonation, varying degrees of power distance, or what is being said implicitly between the lines.

One interesting aspect uncovered in the study is the importance of the emotional

role of interpreters. While the ideal interpreter is someone whose presence remains invisible ('to be but not be seen'), interpreters can and often do generate a sense of calm in the person whose language is being translated, helping to dissolve tense situations, or toning down rude or even insulting expressions by prosecutors. Carstensen and Dahlberg's study reveals the existence of significant knowledge deficits among the various actors, deficits that can affect the conditions for interpreting as well as the principle of legal certainty. The authors conclude with certain areas where their study could be further developed, as well as with recommendations for improving the education and training of interpreters and the functionality of media technology in the courtroom.

We have grouped the last three essays in this issue as exponents of law and film scholarship, which they approach in diverse ways.

Barry Collins's essay critically analyses the concept of Human Rights Cinema. This sprang up in the early 1990s and has its own official network, run by Amnesty International, and even a Charter, which insists on a commitment to the 'truthful' depiction of human rights violations. Collins problematizes the nature of 'truthfulness' through an engagement with Joshua Oppenheimer's documentary *The Act of Killing* (2012), which deals with the mass killings that took place in Indonesia in 1965–66, during the upheavals leading to President Suharto's accession to power.

This is not the first time that we have published work on this 'bizarre' documentary (Sherwin, 2014). Arguably, *The Act of Killing* does not fit easily within the canon of Human Rights Cinema: for one, the film attempts to unsettle its spectators by continually blurring the boundary between fact and fiction, fantasy and 'reality', in what the director has called 'a documentary of the imagination'. Further, the film does not present its audience with factual evidence of crimes committed in Indonesia; moreover, it actually renders impossible the act of 'bearing witness'. More importantly, the film offers the spectator no external meta-position from which to judge, no position of the rational observer within a given normative system. All in all, Collins argues that *The Act of Killing* not only challenges the ideas of truthfulness, authority, and spectatorship presupposed by Human Rights Cinema, but it also provides a lens through which to critique the understanding of human rights predominant in the very notion of Human Rights Cinema itself.

Continuing in the filmic register, our next article shifts attention towards the sensorial aspects of law. It is often argued that law must be visually seen in order to be effective. However, in 'Law's Resonance and Undercover Performances in Gangster Films' Anita Lam highlights instead the aural and synesthetic dimensions of law-in-action. Lam deploys the sonic metaphor of resonance—simultaneously understood as synchronicity, oscillation, and vibration—to think through the ways in which the 'undercover force of law' operates, by means of the figure of the double agent, and disrupts the visual-centric character of law.

Through an analysis of two gangster films—the American movie *The Departed* (2006) and its Hong Kong predecessor *Infernal Affairs* (2002)—that innovatively present the cellular phone as an important addition to the arsenal of sonic technologies,

Lam examines how law can ‘tune in’ and ‘make contact’ through technologically-mediated performances. In these films undercover work is communicated through fingers tapping and ears decoding, but never transformed into written text that can be potentially intercepted by prying eyes. Likewise, the ringing or vibrating cellphone is not only a tool for ‘blowing’ the cover of double agents and for ‘identifying’ moles, but also a constant reminder of an agent’s moral obligations and professional duties. The cellphone features as an aural instrument of self-revelation that, due to its sonic characteristics, promotes the instability, fluidity and multiplicity of identity.

While reassessing the relevance of examining sonic technologies in film, Lam does not wish to reproduce the ‘litany of differences’ between hearing and seeing; quite the opposite, in fact, Lam aims to disrupt and disturb the conventional division of sight and sound. She argues that a focus on the synesthetic pairings of sound and image offers an important counterpoint to the dominance of visual-centric analyses and understanding of law in scholarship.

Our concluding article deals with zombies, as symbolic representations of community and law. In ‘The Litigating Dead: Zombie Jurisprudence in Contemporary Popular Culture’ William MacNeil tackles some of the arguments and interpretations of zombies in the literature. According to critics, the recent popular proliferation of zombie narratives suggests a collective failure of imagination: that what the trope of the zombie signifies is the very *impossibility* of thinking outside the prevailing logics of consumption—or Capital. According to this reading, zombie fiction presents us with a stark choice: either we accept the current system of globalized Capital as it stands, or we risk descending into some anarchic ‘war of all against all’, of which the zombie apocalypse is emblematic. MacNeil challenges that reading by examining the ways in which popular zombie fiction provides us with alternatives, even suggesting solutions to the current impasses of the political-economic predicament in which we find ourselves. Each of these texts gives its respective audience some ‘fresh brains’ by which to reimagine the social contract and, through it, an(O)ther Law: one which is squarely situated within the ‘ethics of the Real’ and, in its challenge to zombie jurisdictional dominion, interpellates all of us as the ‘litigating dead’.

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