

*Visualizing Law in the Age of the Digital Baroque: Arabesques and Entanglements.* By Richard K. Sherwin. New York, N.Y. : Routledge, 2011. 256 p. ISBN: 978-0-415-61293-7 (Paperback) \$42.95.

*“We love the image and we hate it. We crave its enhancement and fear its deceit.”* (p. 31)

Everywhere we look these days we are confronted with a continuous cascade of images. These visual expressions are often trying to persuade us to purchase some product, support a cause, or alert us to an upcoming event. We regularly see actual and simulated representations and are prepared to accept what we see as both real and truthful. On crime shows like *CSI* for example we are zoomed in to follow the destructive path of a digital bullet as it passes through someone's body or witness the deleterious effects of a virtual toxin as it spreads through human tissue. In what Richard K. Sherwin describes in *Visualizing Law in the Age of the Digital Baroque* as “unprecedented powers of creative visualization” the unreal is made real and the invisible made visible.

We've grown accustomed to this visual environment and have developed some skills that help us to filter and interpret what we perceive. However, as Sherwin notes, textual and visual meaning operate in fundamentally different ways:

*“Visual truth, like visibility itself, is a construct. As Benjamin Cardozo observed nearly a century ago in regard to judgments in general, making sense of an image involves a wide array of implicit (which is to say, unconscious) meaning shaping factors, such as education, experience, class, ideology, and character. When judges fail to recognize this fact and unreflectively use their visual common sense to trump, and thus exclude, the common sense of others, this raises serious concerns about the search for truth and justice in particular cases.”* (p. 39-40)

What happens to the practice of law when these same sophisticated visual techniques are applied in the courtroom and become common place tools in a lawyer's repertoire? Sherwin examines this question and considers how a legal practice traditionally “steeped in words” must now work with the “visual jurisprudence” that has emerged in today's courtrooms.

In a wider sense Sherwin is also arguing for a “radical reconceptualization of law.” (p. 121) He questions the legitimacy and authority of law in a digital world where visual expressions are presented against a backdrop informed by the “magical realism of pop science.” (p. 64) He explores four primary aspects of law on the screen: the interaction of the image with the viewer's learned cultural and cognitive templates (*visual memes*); our sense of visual delight (*visual sensation*); our ability to escape into the visual image and the possibility of experiencing an alternative moral position (*visual unconscious*); and our longing for a knowledge that leads to greater understanding (*visual sublime*). (p. 57) He investigates these “forms of law's screen life” within the context of semiotics, epistemology, our collective metaphysical anxiety and the sublime.

Sherwin draws a wonderful parallel between baroque and contemporary cultures equating the rise of modernity, that coincided with the mass production of printed texts, with our current transition from a text-based rhetoric to a pervasive digital sensibility. He uses the term “iconoclasm” which he describes as the “recurrent oscillation between belief and suspicion that shapes and informs the digital baroque culture of our time.” (p. 36) In today's courtroom we will frequently see surveillance videos, crime scene documentaries, animated re-enactments of accidents or crimes, or fMRIs representing the state of a defendant's brain. Sherwin asks how the court can ensure justice without the means to consistently

and objectively validate and trust the images associated with each legal case.

This is a well-reasoned mixture of legal theory, philosophy, cultural psychology and art. Sherwin provides a useful critique of Legal Realism suggesting that our “residual Cartesianism” impedes a satisfactory integration of “textual and visual storytelling into the mainstream of legal theory and pedagogy.” (p. 128) He touches on the work of a number of philosophers focusing on what he calls a “post-Cartesian juncture” (p. 32) and explores the difficult task of uncovering meaning in a contemporary context where “signifiers may refer to other signifiers *ad infinitum* with no necessary correlation to a signified.” (p. 31) I find it refreshing that Sherwin also refers to the creative work of contemporary filmmakers such as Andy and Larry Wachowski (*The Matrix*), David Lynch (*Mulholland Drive*) and Christopher Nolan (*Inception*) to illustrate the “dream within dreams” nature of baroque thought. He also supports his narrative with eight colour plates and a handful of black and white pictures of historical works of art. Extensive notes and a lengthy bibliography will benefit anyone interested in pursuing this interdisciplinary exploration of law's place in contemporary society.

Despite the fact that we are awash in images at almost every turn Sherwin suggests that we don't often think about visual literacy which is problematic because, as he points out, “humans are notoriously blind to their own prejudices.” (p. 40) This is an important book that succeeds in raising our awareness for a more robust application of visual literacy within the context of the courtroom and the administration of justice. Although at times challenging this is an extremely readable book that rewards a close reading. A highly recommended addition to any legal theory collection and for anyone interested in exploring our place in this brave neo-baroque world.

*F. Tim Knight*  
*Head of Technical Services*  
*Osgoode Hall Law School Library*  
*York University*