

Book Notes: Laws Dream of a Common Knowledge, by Mariana Valverde

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BOOK NOTES

LAW'S DREAM OF A COMMON KNOWLEDGE BY MARIANA VALVERDE (PRINCETON AND OXFORD: PRINCETON UNIVERSITY PRESS, 2003). Pp. x + 247. Bibliography, index. From the "Cultural Lives of Law" series, ed. Austin Sarat. USD \$35.00/£22.95 cloth.

BY BRENT ARNOLD

In this theoretical work, Mariana Valverde contributes to an understanding of law that moves "beyond the dichotomy of science versus experience." Arguing against existing metatheories which describe the "professionalization" and "medicalization" of law, Valverde resists attempts to reduce the evolution of law to unidirectional narratives by instead examining the way in which law produces (or rather "constitutes") various hybrid knowledges which are neither scientific nor reducible to the experience of the average person. Valverde describes her approach as "dermatological" in that it avoids interpreting these knowledges; rather than searching for "hidden interests" or "determinative structural relations," it seeks only to document empirically their development by the judges, public servants, and private citizens to whom it falls to make law function on a day-to-day basis.

Valverde presents these knowledges through a number of case studies. She shows how Canadian judges interpret obscenity law in terms of potential harm, relying on a standard of social harm as perceived by the national community as "ventriloquized" by the judges themselves. She next examines how the "clues-driven" investigation of crimes of immorality relies less on scientific tests than on a hybrid of common sense and archival knowledge, as exemplified by the significance of semen in various contexts. Human rights cases involving mayoral declarations for Gay Pride Days map a current trend in which homosexuality is understood not as act or individual identity, but as a culturally defined lifestyle. The devolution of responsibility for preventing drunk driving to bar owners and employees reveals the nature and complexity of common knowledge, while the enforcement of liquor prohibitions applied to status Indians highlights the development of administrative and public understandings of "Indianness" and alcoholism. The studies are summarized as instances wherein "actors manage to seize" on "flows of power and knowledge. . . to create an assemblage whose half-life can never be predicted."
