

## JUDGING A BOOK BY ITS COVER

### The Deployment (and) Unsettling of Familial Images on Family Law Textbook Covers

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An individual's legal identity can be constituted by a multitude of often-complex notions, and is not necessarily of their own construction. Legal discourse has a significant role to play in the construction of an individual's legal identity and can apply to gender identity as much as any other. This construction can occur not just through what is written or said, but also by and through the image(s) of law. The image presented to the viewer is *prescriptive* in both its nature and operation. This paper deliberately chooses a medium which is often omitted from analysis — the front cover of an undergraduate textbook — and offers a 'reading' of some of the images that are selected to adorn certain text family law textbooks. It argues that the cover can be read as visual rhetoric as powerful and as constitutive of legal identity as the written words within the book. If left unchallenged, law's cultural prejudices are often shielded from critical examination, leaving the operation of 'power' and 'truth' within discourse to continue uncritiqued and unquestioned.

## Introduction

There is nothing more fit to be looked at than the outside of a book.<sup>1</sup>

Last year, 2008, marked the 25-year anniversary of the first edition of Hoggett and Pearl's *The Family, Law and Society*.<sup>2</sup> This quarter-century has seen significant, fundamental and wide-reaching changes in family law. Some of those legislative changes have included *The Children Act 1989*, the *Human Rights Act 1988*, the *Civil Partnership Act 2004* and the *Human Fertilisation and Embryology Act 1991*, which have wrought deep changes upon the landscape of family law and indeed upon the discourse of family law. Twenty-five years ago, the idea that same-sex couples could enter into a legally recognised union and adopt children would have seemed far fetched. However,

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<sup>1</sup> Peacock (2006), p 250.

<sup>2</sup> Hoggett, B. and Pearl, D. (1983) *The Family, Law and Society* (Butterworths, London). The 6th edition was published in 2008.

while statute and the common law have changed, there are aspects of family law discourse that have not. The discourse of the pictures and symbols found on the front cover of textbooks has not changed much over the last 25 years. The ‘type’ of family represented can still be read as constituting a familial identity which is (amongst others) heterosexual, able bodied, white and married. Through an exploration of the images deployed on the cover of a small number of family law textbooks published within that period, this paper traces the use of hetero-normative pictures, symbols that associate ‘law’ with ‘family’.

Law’s legitimacy is achieved and maintained not only through written discourse, but also through what I have termed ‘visual’ rhetoric. While there is a rich stream of work examining the power of law’s visual symbols and icons in other contexts, the same cannot be said about other ‘common’ visual symbols, such as textbook covers, which have not been addressed to a similar extent. It is this gap that this paper seeks to explore.

Goodrich’s work in this area is particularly noteworthy. He has argued that: ‘A reading of the legal text which ignores the power of its imagery ... is a reading which is in many senses beside the point.’<sup>3</sup> Goodrich’s 1990 book, *Languages of Law, From Logics of Memory to Nomadic Masks*, is one of the few ‘law books’ to include pictures. It explores some of the origins of the common law, arguing that the representation of legality have become the only reality in a postmodern culture.<sup>4</sup> Kvelson’s work has utilised legal semiotics to argue that law can be read as a system of symbols and signs which ‘evolves continuously to correspond with and to represent changing norms and the social consciousness of any given community’.<sup>5</sup> Jackson usefully explored the relationship between the object and the sign, suggesting that the sign can be influenced by the object and can be read as a passive element, with the object being the active element in interpreting any meaning given to the sign.<sup>6</sup>

Douzinis and Nead provide an illuminating interrogation of the diverse relationships between law and the artistic image, exploring and uncovering what they argue is the hidden interdependence between law and art in relation to (amongst others) iconolatry and iconoclasm, and that the law ‘arranges, distributes and policies its own image through icons of authority and sovereignty, tradition and fidelity’.<sup>7</sup> Other authors have explored the power of the image to law in other contexts. Raffield, for example, provides an illuminating analysis of the importance of clothes and their symbolic representational importance, particularly in the nineteenth century:

The representational power of clothes and their capacity to embody institutional authority, while simultaneously delineating social status, was

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<sup>3</sup> Goodrich (1991), pp 236–38.

<sup>4</sup> Goodrich (1991), p 11.

<sup>5</sup> Kvelson (1988), p 4.

<sup>6</sup> Jackson (1985), pp 14–15.

<sup>7</sup> Douzinis and Nead (1999), p 9.

of particular concern to Sixteenth Century legislators, as the nation-state supplanted the feudal model of Society.<sup>8</sup>

There is a link here between the representation power referred to by Raffield and the prescriptive power of that which is represented. For example, the ‘nuclear’ family is often portrayed visually. Constant repetition of a particular visual representation of the family operates upon the subject to reinforce the dominant ideology of the heterosexual and family. This visual portrayal tends to be in a manner consistent with its written image. Part of the ‘problem’ of trying to unsettle dominant familial constructions has been the ‘invisibility’ of alternative discourses. Even within the academy itself, the problem of invisibility continues. At the level of undergraduate studies, while the students may (hopefully) be encouraged to think critically about law, the main ‘tools’ used for this are, of course, textbooks<sup>9</sup>. These immediately present the viewer with images of the family that are *prescriptive* in nature and operation.

One of the purposes of law is to effect particular behaviours in individuals — to compel individuals to do, or not to do, a certain thing by acting as a form of social control:

The purpose of all legal enactments, judicial pronouncements, contracts, and other legal acts is to influence men’s [sic] behaviour and direct them in certain ways. The legal language must be viewed primarily as a means to this end. It is an instrument of social control and social intercourse.<sup>10</sup>

Arguably, law’s image(s), seek the same objective. Legendre’s suggestion that the image of law seeks to capture the soul of law’s subject would seem to support the assertion made in this paper that law’s *raison d’être* is to exercise control over both identity and behaviour: ‘the power of institutions is a product of their use of images’.<sup>11</sup> Indeed, as succinctly pointed out by Raffield, ‘[there is an] implicit relationship between the manipulation of the image and the emotional attachment of the subject to the authority of law’.<sup>12</sup> In order to effectively exercise control over an individual’s identity, law uses discourse to communicate and perpetuate its ideology. If an analysis of legal writing can be useful in uncovering and explaining the meanings contained within it, then it can be similarly useful to explore the notion that legal language uses visual discourse to communicate its ideology in relation to family.

Derrida, for example, argues that ‘text’ is a process of interpretation, and is not necessarily limited to writing.<sup>13</sup> In other words, ‘meaning’ is not inherent in any piece of writing, picture or sign, nor in what they refer to; rather, it results

<sup>8</sup> Raffield (2002), p 129.

<sup>9</sup> In recent times perhaps even more so, given the stretching of *all* resources.

<sup>10</sup> Olivecrona (1962), p 177.

<sup>11</sup> Goodrich (1997), p 258.

<sup>12</sup> Raffield (2002), p 131.

<sup>13</sup> Derrida (1978), p 281.

from the relationship between the observer and the visual image. It is this which leads Derrida to argue that: 'There is nothing outside of the text.'<sup>14</sup> Thus, a Derridean approach would suggest that any meaning given to structures (without which nothing exists for us) includes and implicates any observers of those structures. Further, to observe is to interact; the observer constitutes themselves as a subject in relation to the visual image. At the same time, the subject is also the observed; the visual image is reflected back at the subject as an imperative. In this respect, then, legal vision has a duality of purpose.

Each subject of law interacts with the pictures and symbols presented. The meaning of the pictures on the cover of a textbook do not exist within the picture, or within what the picture refers to; rather, the meaning exists only as the relationship between the viewer and the textbook cover. The vision presented to the viewer produces 'experience' through interaction with the meanings associated with signs and symbols. In other words, legal subjects experience the effects of law's interaction, and the meaning given to the symbol. Law's vision, however, is an imperative: it masks the 'life' experience of the legal subject or subjectively lived experience.

Law's languages therefore extend beyond written rhetoric to include pictures and symbols, which can be read as deploying, reproducing and thereby privileging certain familial arrangements.

While there has been a growing body of work in the area of law and the visual image concerning the importance of symbolism within legal culture, this has largely been restricted to studies of *written* rhetoric.<sup>15</sup> Further, there appears to be little work on the importance of symbolism of visual rhetoric within legal culture with regard to the humble textbook.

One exception to this is Anne Bottomley, who has explored the impact of the pictures used on land law books. Whilst Bottomley acknowledges that some might consider the cover to be relatively unimportant ('simply packaging to the text'<sup>16</sup>), she nevertheless argues that the image on the cover of the text is capable of reproducing perceptions of the boundaries to real property:<sup>17</sup>

intriguing patterns do emerge and do lend themselves to a reading of the covers themselves as a kind of text of law. Real property books are characterised by a focus on landscape. Indeed landscape in the sense in which it is most often evocatively used in the country — rural landscape. Other images could have been chosen; they are available. Instead the dominant ideology has utilised not only rural landscape but also the major English artists who have been themselves melded into a tradition of 'Englishness' ... The uses of such imagery might not be consciously

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<sup>14</sup> Derrida (1976), p 158.

<sup>15</sup> However, there has been considerable amount of work outside of legal research, especially in art criticism. See, for example, Saint-Martin (1990).

<sup>16</sup> Bottomley (1996), p 116.

<sup>17</sup> Bottomley (1996), p 116.

invoking narratives associated with traditional identity but is surely reproducing them.<sup>18</sup>

Bottomley therefore disavows ‘deep truth’ analysis and is specifically not making a semiotics argument here; rather, she is making an argument for a different ‘reading’ of the image in the reproduction of a particular legal identity.<sup>19</sup>

Symbols and pictures, therefore, are worthy of attention as having meaning attributed to them:

Objects are human constructs and not self existing entities with intrinsic natures — meanings do not reside within objects ... but rather emerge out of the process of interpretation by which definitions are created and used.<sup>20</sup>

In other words, the picture does not have an independent meaning; it is always symbolic of something else. The picture is intended to be representative of that which is ‘real’ and to take the place of the content. Stripped of any cultural, social or legal interpretations, the picture has no inherent meaning. It becomes important only when the subjective subject superimposes meaning. The subject brings a certain approach to interpretation; however, this is not arbitrary — it depends on certain contextual clues. Peirce, for example, argues that these self-imposed meanings and interpretations are constantly being reinterpreted when social-legal values change. Peirce uses the notion of ‘interpretant’ to explore this, arguing that signs are interpreted according to contexts and that, in a world without interpretants, the symbol of the sickle and hammer would just be a picture of a sickle and hammer instead of being read as symbolic of the Soviet Union.<sup>21</sup> In other words, we need new versions and interpretations to allow for our current prejudice. As Smart points out: ‘It’s vital to remember that the meanings of representations are not immutable or unitary, although there may be dominant forms of interpretation.’<sup>22</sup> Therefore, pictures can be read as interpretative constructs whose process of assembly is a theme worthy of study in its own right.

In the context of ‘the family’, this can be interpreted in two ways: first, familial pictures can be read as being representative of the ‘real’ family, a family which is stated to exist in both reality and actuality; and second, familial pictures can be read to signify exactly the opposite — that is, they can symbolise that which is not ‘real’. In this second context, the ‘familial’ picture is used to symbolise and promote a familial ideology.

This dual purpose serves its function well. It can be used as both as a model or prototype for an idealised conception of future families, and as a reflection of

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<sup>18</sup> Bottomley (1996), p 116.

<sup>19</sup> Bottomley (1998), pp 206–28.

<sup>20</sup> Plummer (1975), p 11.

<sup>21</sup> Eco (1976), p 1471.

<sup>22</sup> Smart (1989), p 136.

previous families. When used in these ways, the familial picture therefore continuously reproduces and reinforces its own symbolic legitimacy.

Pictorial images directly impose a concept on the viewer's mind in the form of graphic and vivid images, in ways that the written word cannot. Pictorial images have a more immediate and emotive effect than text. For example, starvation in the Third World can be read about in terms of written rhetoric, but it is most likely that public opinion will only be moved to action once these images appear in pictorial form, on television. Indeed, as Raffield points out, the power of the image 'lies in its capacity to generate an emotional response'.<sup>23</sup> The transfer and communication of a particular meaning can be achieved through the perception of an image on a single page. This phenomenon is particularly prevalent in the imagery used to adorn various undergraduate law textbooks. For the picture on a textbook (more than the often complex and difficult to remember text inside), reduces the concept of the family to the single picture or image which is being represented. The image lends itself to family law in particular, for the reproduction of an image on a textbook is analogous to 'the family' itself; it relies upon reproduction, succession, passing down, exclusivity, and so forth.

In many respects, the choice of the picture on the front of the textbook is a commercial marketing choice. What is chosen is chosen for reasons of increasing the book's marketability and salability. A conscious choice is made first to have a picture, and second about what specific picture. Otherwise, all books (whether textbooks or not) would have plain covers, thereby saving on printing costs, royalties, and so forth.<sup>24</sup> In marketing and commercial terms, the appearance of a book is of great importance to the publisher. Powers, for example, traces the development of the dust jacket from what he describes as 'utilitarian' to a powerful modern-day marketing tool and modern art form.<sup>25</sup> Not only can a particular cover have a major impact on the number of sales; it also helped to launch major publishing brands (Penguin and Bloomsbury being such examples). Given this, it can be seen that the presence of a picture is both an example of 'legal symbolism' and 'commercial art'. In many respects, it matters not who (author or publisher) chose the cover, or for what reason. What matters for the purposes of this paper is the impact the book cover has on the subject who views it. The book cover has the same impact on the subject, regardless of who chose the picture and the rationale underlying the choice.

The operation of this system of prejudices can be self-replicating. Given the 'imperative' demands made by the image, it is an intended outcome that the subject of law (in this instance, the law student) will subconsciously ingest and then reproduce a particular conception of the family, in very much the same way as law is reproductive of its own image — reproduction follows conception. In other words, we can say that, at the meeting of author and publisher, the idea of using a picture is *conceived*, then the picture is *reproduced* on the front cover of

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<sup>23</sup> Raffield (2002), p 148.

<sup>24</sup> Indeed, until the late nineteenth century, book covers were merely dust jackets used to protect the book and provide information about the publishers.

<sup>25</sup> Powers (2001), p 9.

the book, which in turn can play a significant part in reproducing a particular familial arrangement — that of the hetero-normative family.

This prejudiced conception and reproduction engenders imagery, which in turn supports the cultural prejudice. Arguably, this is an example of the fact that if the same thing is repeated or reproduced enough times in enough ways, it becomes accepted as the ‘norm’. In this context, a symbol can originate as the symbol of the ‘reality’, but continues to be the symbol after the ‘reality’ has disappeared — it becomes a symbol of a fiction. During this process, it is ‘forgotten’ that the symbol derives its legitimacy from legal and socially gendered constructs, and that these constructs are directly reliant on the essentialist family. What is also ‘forgotten’ is the presence of those established as ‘outside’ the familial symbol — the most obvious examples being families headed by a sole parent and same-sex families. What is ‘remembered’ is recalled through the associations contained within these representations of the image. Similarly, what is forgotten is therefore repressed, and the repression must occur if the interpretative process of construction of the heterosexual family is to take place: it occurs on a routine, ‘taken for granted’ basis. Therefore, the familial symbol attempts to ‘control’ what is remembered and what is forgotten. The power exercised by the picture or symbol masks those images which ‘law’ does not want to see. In other words, ‘law’ is analogous to a mirror — only the ‘desired’ image is reflected back to the observer:

The art of law ... is to be understood precisely as an art, as the construction of a mirror image, a portrait or icon that will serve both to represent and reflect. It represents in a perfect form the face of power, it portrays the absent cause of law, the other time of authority, while equally reflecting back to the subject of law the image of its own otherness, the mask or persona of legal subjectivity.<sup>26</sup>

In exploring the issues mentioned above, I concentrate on six undergraduate family law textbooks; *Bromley's Family Law*,<sup>27</sup> *Law and the Family*<sup>28</sup> and *The Family, Law and Society* (third and fourth editions),<sup>29</sup> *Same Sex Relationships — From ‘Odious Crime’ to ‘Gay Marriage’*<sup>30</sup> and *Cohabitation, Marriage and the Law: Social Change and Legal Reform in the 21st Century*.<sup>31</sup>

The first of these, *Bromley's Family Law*, 8th edition, presents us with an image on the front cover which is of four figures who are depicted in outline only. The four figures are two adults and two children. As all the figures are shown in relief, it is only by looking at the outline of the figures that it becomes possible to determine that what is represented can be read as a family. By the stylised nature of the height and shape of these adult outlines, it can be assumed

<sup>26</sup> Goodrich (1989), p 110.

<sup>27</sup> Bromley and Lowe (1992).

<sup>28</sup> Dewar (1992).

<sup>29</sup> Hoggett and Pearl (1991, 1996).

<sup>30</sup> Cretney (2006).

<sup>31</sup> Barlow et al. (2005).



that one is male and one is female. By using imagery in this particular way, the book serves to promote one example of familial arrangement — that of two parents of opposite sexes with two children — as ‘the’ family. In other words, the imagery becomes ideological in the sense of conflating a particular conception of the family with the idea of ‘the’ family *per se*, thereby disguising its own relatively contingent status. The symbol of a nuclear family becomes the symbol for all families, due to a process of constant reinforcement and lack of critique. Other issues are raised by the appearance of the outlined figures. For example, the shorter of the two adult figures (presumably the female) is represented by long hair, the other (presumably the male) by short hair. Therefore, not only does the book promote a particular familial arrangement (ie heterosexual), it also prescribes how the individuals within that arrangement should be constructed, by both elaborating and then reinforcing the symbiotic nature of gender and sexuality within that familial relationship.

The symbols on the front cover of *Bromley’s Family Law* are therefore restricted to a particularly narrow understanding of what a family is. Perhaps more importantly, it acts as a very wide exclusionary understanding of what a family is not. This notion of what a family is (as depicted by the cover), is reproduced and continued by the written rhetoric contained within the covers.

How, then, is this depiction carried out and on what basis? How is the cultural construction routinely carried out? What are its assumptions and value judgments?

Presumably, the front cover of *Bromley’s Family Law* is stating that the length of hair is representative of perceived notions of femininity and masculinity. The symbolic picture on the book cover states that to be male is to have short hair, and to be female is to have long hair. However, this is quite plainly nonsensical. Here, the images of ‘femininity’ and ‘masculinity’ are therefore revealed to be crude stereotypes — a complete fiction. *Bromley’s Family Law* therefore uses legal and cultural constructions of gender to depict yet another socio-legal construction.

The front cover of *Bromley’s Family Law* was presumably chosen because it was considered representative of a particular conceptual image of the family. The image on the front cover offers itself up as being representative of the ‘essence’ of the family, which of course rests on the assumption that there is such a thing as an ‘essential family’. In addition to this, if such an assumption is made, the ‘essence’ is identifiable as the particular ‘thing’ it is without which it would not be identified as that ‘thing’.<sup>32</sup> In this context, any given particular familial arrangement can be said to have certain common characteristics with any other given familial arrangement (such as love, companionship, cohabitation, and so forth), but it is important to stress that the socially constructed heterosexual nuclear family does not have a monopoly on the essence of the family. Yet the use of visual rhetoric on the book cover states this

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<sup>32</sup> Perhaps, in this context, the publishers and/or author of this particular book could legitimately be described as committed proponents of essentialism — that is, that a definition describes or reveals the essence of a thing and/or of the perfect ideal form of which it is an imperfect copy.



to be the case. The book cover states that there is an ideal family. Raffield echoes this in his analysis of the importance of legal attire: 'Control and manipulation of the image became the principle means whereby the ideal subject of law could be defined and recognised.'<sup>33</sup>

The rhetorically powerful and influential nature of this pictorial representation should not be under-estimated. The first thing the reader sees every time the book is picked up is the visual rhetoric, which invents a context for the act of reading the content. This, in turn, is reinforced by the official sounding wording of the title, *Bromley's Family Law*, which is stamped authoritatively on top of the cover across the pictorial images. It becomes apparent, then, that the field of vision on *Bromley's Family Law* is limited to one of reflection, proselytising and structuring. Thus, the wording on the front cover reinforces and legitimates the pictorial representation and, of course, vice versa. Bottomley argues that the cover of the property law textbook is a 'map' to the rest of the book:<sup>34</sup> 'The cover becomes the frontier between two territories; a window into the text and a window from the text onto the world.'<sup>35</sup>

The 'window' is there to be looked through. It also frames a selected 'slice' of 'reality' in a particular way and structures the frame of visibility. These 'windows' allow any perception of the law to be gazed at but, as we have seen with *Bromley's Family Law*, the (window of) opportunity is invariably not taken. The image(s) used are 'safe' and easily recognisable:

they draw on an accepted aesthetics; and in this sense could be seen as rather safe and boring, they do not confront any of the problems of, for instance, non-figurative contemporary art but rather reproduce images we can all recognise and understand. They therefore do not utilise images or techniques which could signal that there are not only contemporary issues here, but issues which may be unsettling, difficult to recognise in the landscape.<sup>36</sup>

When this approach is applied to the cover of *Bromley's Family Law*, it becomes clear that not only does the cover act as a window on the text and vice versa, it presents a 'safe' and 'cosy' image of the family. There is nothing to suggest that there is or can be more to 'a family' than mother, father and children. Equally, there is nothing to suggest that there is, or can be more to 'family law' than that law which is designed to 'deal' with this particular pictorial image. *Bromley's Family Law*, in other words, does nothing to 'rock the (family) boat'. There is nothing to suggest that a family headed, for example, by a same-sex couple would be an equally valid familial alternative to the image of a family that this particular text represents. It is interesting to note, therefore, that in the index of *Bromley's Family Law* there are no listings or

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<sup>33</sup> Raffield (2002), p 141.

<sup>34</sup> Bottomley (1993).

<sup>35</sup> Bottomley (1993), p 3.

<sup>36</sup> Bottomley (1993), p 7.

references to homosexuals or lesbians, whereas in Dewar's book there are three listings for homosexuals.<sup>37</sup>

A question could be raised, however: if this is a book on family law, not sexuality or gender, why *should* there be any references to lesbian, homosexual or heterosexual? In response, I would suggest that the act of asking this question is an exclusionary one. To not include references to lesbian, homosexual or heterosexual is to state that these concepts are irrelevant to the legal construction of family. On the contrary, such concepts clearly should have a significant role, but are excluded and marginalised as only (hetero)sexuality is deemed to be relevant.

The next family textbooks I wish to briefly consider are the third and fourth editions of Hoggett and Pearl's *The Family, Law and Society*.<sup>38</sup> The cover of the third edition features a photograph depicting Egyptian carvings of four figures (two adults and two children). The image presented to the viewer leaves no doubt about the sex of the two adults — they are male and female, as are the two children. Like the cover of *Bromley's Family Law*, the picture can be read as representative of the 'traditional heterosexual nuclear family', yet the book professes to cover a wider range of 'family law' subjects than others.<sup>39</sup> In other words, the book professes to cover a wide range of issues and, in comparison to other similar books, it probably does. However, its outward appearance still remains as 'conservative' as *Bromley's Family Law*; it still presents the observer with a similar heterosexist agenda. Given the use of an image from antiquity, there is a notion of 'timelessness' here — the idea that this is the way that families have always been.

Thus, if we accept the symbolism and iconography of what is presented on the front cover as reflecting the content of the book, then perhaps the book is not as 'ground breaking' as it would have us believe. The symbol and the icon 'encapsulate' the 'essence' of that which is being symbolised — in this case, 'a' family and the text contained within the book. Yet this striving to express a static 'essence' requires a process of symbolism which can never be free of the gender politics and assumptions out of which it emerges, and which its own practices further support and sustain. In other words, because the essence may be difficult to determine or pin down, this can explain and uncover some of the tensions in the ongoing attempts to present the family as stable and unchanging.

The differences between the third and fourth editions are quite striking. The fourth edition uses a portrait of a family<sup>40</sup> consisting of seven individuals: two

<sup>37</sup> The listings are: cohabitation; custody of children; and marriages void. See page 537'. Incidentally, 'lesbians' do not appear in the index.

<sup>38</sup> Hoggett and Pearl (1991).

<sup>39</sup> On the back cover it is stated that 'with the first edition they produced a source book of ground breaking scope and depth. With the second edition they have stuck to this task with the inclusion of an even more varied range of interesting and instructive extracts.'

<sup>40</sup> The picture is a reproduction of a painting by Harry More Gordon, titled *Interior with Dalmatian and Family*, dated 1994.

adults and five children.<sup>41</sup> The family in this painting is pictured in ‘domestic’ setting — a lounge.<sup>42</sup> The adult woman is seated, and dressed in what are apparently casual clothes. She is also wearing a ring on the third finger of her left hand — it is possible to surmise, therefore, that she is married to the adult man. While there could be any number of possible permutation of this family (fostered, adopted, step, and so on), the picture can be read as representing or symbolising a biologically constituted family. The viewer’s eye is drawn particularly to the two adults portrayed in the picture. They are slightly off centre, but nevertheless occupy central positions. The adult male, who we can assume is the biological father, is standing behind the (presumed biological) mother and, although he too is apparently dressed casually, his clothes appear more formal than those of the mother as he is wearing a jacket and tie. The more formal attire of the man could be attributed to him usually inhabiting the public space of the office; he is either returning from or about to depart to the office. The five children are variously seated and standing. They are either side and slightly set back from the parents. All the figures which could be considered female in the group have longer hair than the males. This family can be read as being moulded into the basic building block of society — the respectable family of which law approves. The ‘conventionality’ of the family depicted is obvious. The depiction and representation of heterosexuality is felt strongly; even within this heterosexual conventionality there are other ‘rules’ complied with, even down to the length of hair — not only of the parents, but the children as well.

In the preface to the fourth edition, the authors mention that they have welcomed two new authors, ‘who are members of a new generation of law teachers and can take the book on towards the next century’. They go on to state that: ‘As always there is no shortage of new developments to think about. It is hard to remember what life was like before the *Children Act 1989*; but many of the old debates have been replaced with others.’<sup>43</sup> The written rhetoric clearly acknowledges ‘new developments’ and ‘new debates’, yet this awareness is not reflected on the front cover. The wording on the back cover states that:

Particular emphasis is given to policy issues arising out of state intervention in family life and support for families in crisis or at risk, opening the book up to students on sociology, social work, social policy and history courses as well as anyone interested in family law or family policy.

The book itself, then, clearly promotes itself as appealing to an audience wider than ‘just’ law students. This wording suggests the book is aiming to be inclusive rather than exclusive in its reach. However, I would argue that the ‘inclusiveness’ implied in the written rhetoric is not reflected in the visual rhetoric. Again, the first rhetoric encountered by the student is the visual image

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<sup>41</sup> Incidentally, all of them are white.

<sup>42</sup> From their surroundings, it would seem reasonable to suggest the family is ‘middle income’.

<sup>43</sup> At p v.

presented to them on the front cover and, while most students would not consciously notice textbook covers until and unless they were pointed out to them, such covers add to the general (legal) culture.<sup>44</sup>

There are, of course, different methodologies at play when choosing the cover of a textbook. The cover can be specially designed and commissioned for the book (*Bromley's Family Law* being one such example); alternatively, like the 4th edition of Hoggett and Pearl's book, they can be drawn from existing paintings. On the front cover of Dewar's *Law and the Family*, we are presented with a reproduction of Diego Velasquez's *Las Meninas*.<sup>45</sup> The picture depicts a mixture of servants and the Spanish royal family, one of whom is the Infanta Margarita. The King and Queen and the painter himself are visible to us, the viewer, but only via their reflections in a mirror, which hangs on a back wall of the painting.

The painting is an interpretation of a family; it is merely one way of reading the family. This interpretation is, in turn, used as the front cover of a textbook to represent 'a' family. In other words, we have a reproduction of an interpretation, used first as a symbol to reflect the context of the book, and second as a symbol for 'a' family generally. This links again to ideas of perception and viewing, and how we, as observers, view and observe. By depicting an 'extended' family, the painting clearly allows for the definitional boundaries of 'family' to be drawn wider than *Bromley's Family Law* (which depicts a nuclear family).

According to Foucault, the 'observer' is able to observe visual knowledge from an external perspective. Foucault's work can facilitate the examination of the relationship(s) between text and pictures. To Foucault, *Las Meninas* exemplified this assumption.<sup>46</sup> In his first chapter of *The Order of Things*, Foucault argued that *Las Meninas* was a reading of how the representation of the visual is an example of the representation of power. In other words, according to Foucault's analysis of the painting, that which is outside the painting gives meaning to what is inside. The textbook cover is similarly 'outside' the text contained therein. The picture on the outside of the book gives meaning to what is inside, and can be read as simultaneously defining and

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<sup>44</sup> Two further books are worthy of brief mention. On the front cover of *Cohabitation, Marriage and the Law Social Change and Legal Reform in the 21st Century* (Barlow et al., 2005), the viewer is presented with yet more visual discourse. What is symbolic about this cover is that the pictorial representation chosen comprises two heterosexual individuals. Discourse includes imagery, and that imagery is symbolic of the continuing socio-legal construction of identity as heterosexual. On the cover of *Same Sex Relationships: From 'Odious Crime' to 'Gay Marriage'* (Cretney, 2006), the use of pink and blue confetti on the cover of this book has obvious gender performance connotations, and it is reasonable for the undergraduate student to assume (even on a subconscious level) that this is a 'legitimate' representation of the family.

<sup>45</sup> Oil on canvas. Museo del Prado, Madrid, Spain. The title refers to the ladies in waiting who accompany the Infanta Margarita. It was completed in 1656. It was originally referred to as *La Familia* ('The Family'): Levey (1971), p 147.

<sup>46</sup> Foucault (1970).

producing the objects of knowledge. The pictorial representation used on Dewar's book can act as a reflection of the text contained within it.<sup>47</sup>

### Some Conclusions

This paper has suggested that there is a particular way of 'reading' textbook covers. In so doing, it has privileged one particular form of analysis. I make no excuse for that. There are indeed a significant number of 'readings' that can be offered in relation to any picture or visual image, not just those on a textbook. The analysis offered here has concerned itself mainly with exploring the dominant ideology of gender expectations and the promotion of heteronormatively on textbook covers. I recognize, however, that this paper forms only a small part of the debate and does not pretend to address or answer all of the many problems associated with the interactions of image, law and family. There is a great deal of further work which can be done in this area, and many more complexities and nuances to be uncovered. There is, of course, a multitude of different ways of seeing and reading textbook covers. One of the purposes of this paper has been to suggest that legal culture privileges particular familial forms via visual rhetoric, not to suggest that one particular form of visual rhetoric should be privileged over another. In the light of this, I would propose that the pictures and symbols appearing on textbooks should be the subject of continuing debate, challenge and scrutiny. Symbols are capable of constituting visual rhetoric, and as such they impact on the observer in constructing and shaping the observer's perception of familial arrangements. This 'constructing' and 'shaping' constitutes a process of repetition in which layer upon layer is added over previous images, drawing from them a series of presumed linkages and reinforcing the symbols' legitimacy. Legal culture thus promotes a particular familial arrangement through the repetition of the symbol. It is this repetition that is used to justify a series of legal symbols which are embedded in a 'closed and sterile symbolic field' of endless repetition.<sup>48</sup> If it is important to be aware of that which attempts to construct or obstruct perception, to uncover previously unseen interpretations or hidden meanings, then visual rhetoric should not be excluded from scrutiny.

Further, if such constructs are not recognised as being 'mere' constructs, they then become treated as absolutes — and there is nothing absolute in a picture or symbol. The above discussion has, I hope, gone some way towards illustrating this. There are many possible images and symbols from which to choose the subject-matter of a textbook cover, but the 'impact' of that choice is as important for visual rhetoric as it is for written rhetoric. What is chosen

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<sup>47</sup> One review of *Law and the Family* stated that it was a 'refreshing approach to the subject, a stimulating and invigorating read and a good introduction to law and the family today. Not many of its problems would have been known by Velasquez whose Meninas graces the cover — what I wonder were the publishers or the author intending to convey by reproducing this classic? Not surely that time stands still!' Freeman, M. (1994) SPTL, Spring.

<sup>48</sup> McCahery (1993), p , 397-421.

therefore has the potential to become visual rhetoric, which is just as important as the written rhetoric contained within the covers.

Visual rhetoric provides a symbolic imperative, a 'template' that makes certain demands on any subject, not just a legal subject. It instructs the observer as to how families and the individuals within that familial group should be constituted (even to the extent of proscribing hair length). Visual rhetoric demands that families be structured along prescriptive notions of identity, the individuals within that family being clearly defined and understood in gendered and sexualised terms. One of the consequences of not engaging in a continuing debate, challenge and scrutiny of images is that there will be familial groups which continue to be omitted from representation. Familial groups which are not represented in the picture or image are not seen by viewer, nor do they see themselves reflected in the visual rhetoric (such as same-sex families), and are consequently placed lower down the legal hierarchy — sometimes to the point of complete exclusion.

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