

REVIEW ESSAY

The Unwritten Law of Files

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Abstract. This review article brings into dialogue Cornelia Vismann's *Files and the Hong Kong film The Unwritten Law* (1985). It discusses the originality and contribution of Vismann's work, and further draws on her analysis to investigate the construction of legal identity in the film.

Keywords: Vismann, files, law and film, Asian cinema

Cornelia Vismann, *Files: Law and Media Technology*, trans. Geoffrey Winthrop-Young (Stanford: Stanford University Press, 2008).

In the Hong Kong film *The Unwritten Law* (1985), one of the most enduring representations of the law in Asian cinema, the audience is given a shot of three representatives of the law—the barrister, Chi Pang Lau; the solicitor instructing him; and Lau's faithful paralegal—going into the courtroom in anticipation of the final trial in which Lau must argue against a set of seemingly irrefutable facts to defend a woman who he knows is innocent. This brief scene, which on the surface seems transitory and unremarkable, raises interesting questions about legal identity because, tucked securely under the arm of each person, on the side facing the camera and therefore displayed prominently before the audience, are large files that presumably contain all the documents related to the trial. These files draw attention to themselves; they are positioned so as to appear at the center of the screen, and they also stand out because their colors contrast with those of the suits worn by the people carrying them. It is not an accident that the files are displayed so prominently: they can be read as signals of the three men's official involvement in the trial

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at hand and therefore as visual markers of their status as representatives of the law. To be part of the law is to exist in a symbiotic relationship with the folders and binders constituting legal proceedings, a complaint often heard by over-worked lawyers. Furthermore, the three legal figures are doubly marked by files in that they are not so much walking as deliberately marching—*filing*—into the law building.

Cornelia Vismann's book is the first sustained investigation of the centrality of files to the law. I will return to *The Unwritten Law* in the latter part of the essay by examining its reflection and critique of law in light of Vismann's argument. Her book begins by noting that, in contrast to other disciplines such as linguistics, history, and sociology, legal studies have paid little attention to the materiality of files and have instead chosen to focus on the content of law at the expense of its form. Vismann aims to fill this intellectual lacuna by focusing on "the media-technological conditions of files and recording devices" in the legal arena.¹ In other words, she probes the ways in which administrative acts of transmission, storage, cancellation, modification, and deletion write the history of the law. She establishes her theoretical framework by positing a productively broad definition of "file," a term that she interprets as one encompassing any item, concept, or process "which generates a certain type of law."² The breadth of this definition enables her to bring within the ambit of her analysis both concrete objects on which the law is inscribed (such as scrolls and parchments) as well as more metaphorical formulations (such as icons on a computer or methods of information storage). Law, in turn, is defined in similarly expansive terms as "a repository of forms of authoritarian and administrative acts that assume concrete shape in files."³ Vismann's shift to the materiality of the law forms the basis of her argument that "law and files mutually determine each other." Files are the material on which law is written and without which it cannot exist, and they also contribute to the self-definition of law differentially by embodying precisely that which it is not. The author's clear theoretical focus enables her to move confidently across cultures and historical periods as she seeks to "translate files as they appear over time into a genealogy of law."⁴

Vismann sets up her theoretical framework by positing a new reading of Claude Lévi-Strauss's "The Writing Lesson" in *Tristes Tropiques*, a reading that both builds upon and deviates from Jacques Derrida's critique of the same episode in *Of Grammatology*. In "The Writing Lesson," the anthropologist describes an encounter in which he distributes writing material to members of

the Nambikwara tribe in the Brazilian jungle. Since the Nambikwara people have no written language, they are at a loss as to how to use the material and soon lose interest, except for the chief, who mimics comprehension and apes the act of communication through writing. Lévi-Strauss argues for the primacy of orality by casting writing as a violent intrusion into the world of the Brazilian tribe. Derrida argues against the phonocentricism of Lévi-Strauss's interpretation of the incident; he notes that the anthropologist's discussion is underpinned by the assumption that writing functions as "the criterion of historicity or cultural value," and demonstrates that his privileging of orality over writing forms the basis of a kind of unacknowledged Western anthropological ethnocentrism.⁵ Vismann intervenes in the debate about the significance of orality and literacy by pointing out that the interaction between the anthropologist and the tribe is significant beyond the sole context of speech and writing. According to her, one crucial part of the chieftain's response, overlooked by both Lévi-Strauss and Derrida, is that he compiles lists: lists that regulate the exchange of items, lists that determine the recipient of objects, lists that demonstrate his power as the chieftain.

By highlighting the centrality of the compilation of lists in this episode, Vismann recasts the encounter as an "inquiry into the origin of the law" that "leads not to a state of pure orality or to forms of writing . . . but to administrative record keeping."⁶ In other words, Vismann's interpretation posits "a different history of the law" that "has as its point of departure administrative records." Vismann frames this history with two further texts: Franz Kafka's "Before the Law" and Herman Melville's "Bartleby the Scrivener." With a keen ear for double and etymological meanings, she argues that Kafka's parable captures the way in which the law seems forever promised or announced, but also forever deferred or out of reach, at a time before modern law as such came into existence. Melville's tale represents the other end of Vismann's narrative because it marks the decline of the chancery and its replacement by the modern office.

Vismann's investigation into the textuality of law begins with Rome. By focusing on the double meaning of *acta* as both "acts" and "files," she points out that the overdetermination of the word encapsulates the changing relationship between imperial acts and imperial files. Initially, the file was tied to speech, for the written command had to be read out aloud to its intended recipient before it could be considered delivered. With the rise of Senate power, however, there was a shift in emphasis from act to file, for accompanying this rise of power

was the need to keep minutes, so that the meaning of *acta* shifted towards writing and recording and away from its association with oral pronouncements. Vismann argues that this shift marks a crucial moment in legal history, for it was the moment at which “writing inscribes itself into the sphere of the force of law.”⁷⁷ From this point on, the law only recognizes as real what it has itself recorded, and anything that is not within its textual universe of recorded information is deemed not to exist, a legal attitude captured in the maxim *Quod non est in actis non est in mundo*. The law therefore becomes a self-referential system, relying on files and records to construct its vision of the world and itself being constructed through files and records. At the end, “it believes only what is written—more precisely, what it has itself written down.”⁷⁸

In addition to strictly legal categories, Vismann demonstrates that files contribute to the formation of the three major entities on which the law is based: truth, the subject, and the state. While she makes a valuable contribution to the discussion of the discursive construction of the first two categories, her analysis of the crucial role that files played in the formation of nationhood and empire truly demonstrates the potential of interdisciplinary research for recuperating phenomena that often fall between the gaps of traditional disciplinary investigation. For example, she shows that the material in the archives of Rome functioned as public mementos allowing the Roman Empire to legitimate itself through recourse to its own history: the archives became a form of “state-sponsored politics with the past, an official instruction to forget and remember.”⁷⁹ Another example, taken from an instance closer to our own time, is the way in which the Nazis made use of files to create a narrative of legitimate racial descent and hence of national history: Vismann points out that after 1933, the Nazi government’s research into ancestry centered on retired records; the data from Church registries enabled the issuance of certificates of racial descent that in turn formed the basis for the denial of employment in some party and administrative offices. By shifting her focus from content or policy to the textuality of law, Vismann invites the reader to revisit familiar episodes in history from a renewed perspective.

The remaining chapters chart the vicissitudes of the file across time, and the narrative intersects with the rise and fall of various institutions and materials that competed with files for dominance. The rise of documents, for example, confined files to a shadowy existence for a period, while the later rise of registries reconsolidated the importance of files. Vismann also examines the conflict between secretaries (who were trained in language and poetry) and

jurists (who were trained in the law) in the 1700s, and recaptures the way in which Frederick Wilhelm I's move to abolish the flowery style of the secretaries in favor of simplicity and directness led to the decline of the former.

Vismann's investigation concludes by bringing the reader back to our own time. Of particular originality and interest is her discussion of the Stasi records. The Stasi Files Act both enabled and strictly regulated access to one's own file kept in the *Staatssicherheitsdienst*, or the former East German Ministry for State Security. Vismann shows that while the legislation seems to hold out the promise of full access, the complete file is nothing but a fantasy: the file that one receives is already pre-read by a third party, its content is already pre-edited, and parts of the file would already have been deleted. The process of cancellation, whereby the law both promises and forbids, offers and defers, with which Vismann begins her genealogy is shown to be operative in the late twentieth century, and "the pre-read file that is deemed safe for inspection is, ultimately, a cancelled file." And lest the reader believe that the significance of files is solely confined to politically charged scenarios such as that of the Stasi records, Vismann concludes by reminding us that, in the era of digital technology, our lives are inextricably intertwined with files: "[F]aced with electronic facilities of communication, the bureaucratic principle of filing things . . . is once again emphasized. Auto-protocol features save data from complete decontextualisation and immaterialization, thus retaining the filing principle, even in the digital domain."¹⁰

The demonstration that a relationship of mutual determination between files and the law persists even across time periods and geographical contexts is one of the great strengths of Vismann's argument. In keeping with her productively wide cultural and geographical ambit, I would like to bring Vismann's discussion even further afield, to the screening of the law in East Asia, and to show that her insight into the reciprocal determination of law and files can be usefully deployed as part of an analysis of *The Unwritten Law's* critique of legal rules, institutions, and actors.

As a fresh graduate from law school in London, the young Lau returns to Hong Kong and embarks upon his career as a barrister. He is told of a mysterious case involving a prostitute who allegedly murdered one of her clients by strangling him with a rope. No lawyer is willing to defend the prostitute because the dead man was the son of a prominent local businessman. Moreover, the defendant cannot afford the legal fees involved in a trial. Moved by the pleas of the defendant's "sisters"—the other prostitutes who live in

the defendant's shared house and who are willing to pool their hard-earned money together to hire a lawyer for the defendant—Lau agrees to take up the case. As the tale unfolds, we gradually realize that the dead man was prone to sexual violence, and had used a rope to bind the defendant to a chair for his sexual gratification. The defendant therefore accidentally killed him in self-defense, but the testimony of a lowly prostitute was unlikely to carry much weight in the court. As the defendant herself realized, "I'll be found guilty anyway. . . . He was the son of a billionaire, and I'm nothing but a cheap whore. No one is going to believe what I say." The twist in the story is that Lau, who grew up in an orphanage, is unknowingly acting as the attorney for his mother; the defendant had been forced to give up her child to an orphanage because of financial constraints and succumbed to a life of prostitution and violence in part to pay for her son's legal education abroad. Already we begin to see the contours of two separate domains in the film: the world of law, with its august courts and its busy offices, and another world, composed of humble orphanages and shady brothels.

One of the most striking aspects of the film is the ubiquity of files in the domain of law: ring binders permeate the law office, files are spread out on the tables in the courtroom during the trial, and paper folders accompany the lawyers and their clerks when they are in transit. At first glance, files seem to be no more than background to the main story, a prop for creating a legal *effêt de réel*. Yet the film's insistence on the inextricability of files to the image of the law office, the lawyer, and the courtroom suggests that their significance lies beyond functioning as mere background.

Read in light of Vismann's argument about the mutual determination of files and the law, the proliferation of files on the screen can be read as a specific visual mode of creating legal identity—the file is not a simple auxiliary tool of legal actors, it is what brings law and the lawyer into existence in the first place. "Would you mind leaving the file?" Lau says to the solicitor who approaches him to take up the case early on in the film, and the solicitor immediately hands him a thick paper folder. Not only does the file inaugurate Lau's official involvement in the trial, it also marks the beginning of his first case as a barrister. In other words, the file visually marks the end of Lau's student days and creates his new identity as a legal actor; it is through his handling of the file that the student becomes interpolated as part of the legal machinery. Unsurprisingly, as Lau becomes more deeply invested in the law—his growth as a lawyer takes a toll on his personal life and causes him to neglect his girlfriend—the files in his

office proliferate, and by the third sequence in his office the shelves and desk of the previously empty room are already covered in files. The increase in files therefore bears witness to his progress in the realm of law but also signals his consequent withdrawal from the realm of love.

As Lau prepares for the final courtroom confrontation, there is a long sequence in which he is shown putting on the clothing traditionally worn by barristers in court; this is a moment in which the film visually enacts for the audience the sartorial construction of legal identity. With a song about justice in the background, Lau is shown putting on a winged collar, white bands, a wig, and a long black robe, so that by the end of the scene, he is transformed from ordinary mortal into lawyer. In other words, the various pieces of clothing function as judicial accessories that underline Lau's legal status. Significantly, a file is placed on the table together with these accessories, and it is the last item that Lau adds to his sartorial repertoire before he walks into the courtroom. The final image of Lau in this sequence—wig on head, robe on shoulders, file in hand—again seems to connote the indissociability of the file from the lawyer: the file is as symbolic of the law as the judicial wig or robe.

Not only do files create the identity of the lawyer, they also mediate the relationship between lawyers. At the initial stages of his investigations, Lau requests a meeting with his adversary, Yim, the Chief Prosecutor in the case against the prostitute. The purpose of this first encounter between the two main legal actors is for Lau to obtain a file containing the statement of a store owner who had sold the defendant a rope, the instrument that she was later accused of using to murder her client. Yim is initially reluctant to give up the file, but relents when Lau threatens to retrieve it through a court order. The encounter between the two lawyers can be said to be textually mediated from the start: their first direct confrontation occurs in the context of their competition for access to a file. Whoever has this important piece of evidence gains the upper hand in the proceedings, so the circulation of the file influences the position of each legal subject within the courtroom. Moreover, while not quite a Lacanian purloined letter, the file nonetheless establishes a personal animosity between Lau and Yim that supplements their official adversarial relationship within the courtroom, and is thereby part of the structure of determination in their differential construction of legal selfhood as prosecutor and defense lawyer.

Files, then, are an integral part of the film's visual definition of legal identity. However, the law that Lau swears allegiance to is—to quote Peter Goodrich—a

“demon law” that denies justice and grants love no place within its jurisdiction.¹¹ This dimension of law is made amply clear in the climax of the film. By this point, Lau has successfully argued his case against the prosecution, but the latter has one final witness who has the potential to undo his entire success. In an unexpected turn of events, the prosecutor summons to the court Sister Maria, the retired nun who once acted as Head of the orphanage in which Lau grew up. Sister Maria steps into the witness box, places her hand on the Bible, and swears, “in the name of God, to tell the truth, the whole truth, and nothing but the truth.” The prosecutor then demands that she reveal the relationship between Lau and the defendant: “Is Lau the son of the defendant? . . . Yes or no?” If she testifies that there exists a mother-son relationship between them, then the court’s verdict would be invalid and the judge would have to order a retrial. In light of her oath, her answer would necessarily be detrimental to Lau. In a moment of extreme dramatic tension, the camera zooms in on the witness, who looks straight at the prosecutor, clutches the crucifix hanging in front of her chest, and gives the only answer that satisfies the demands of justice. She lies: “I’m very sorry, Mr. Yim . . . NO!”

It is worthwhile to pause over this lie at the heart of the trial and consider its jurisprudential significance. In strictly legal terms, her lie constitutes an act of perjury and should be deemed both legally unacceptable and morally reprehensible. Yet far from eliciting condemnation, Sister Maria’s answer brought tears to a generation of Asian filmgoers: we realize, to our relief, that justice has been achieved; a mother’s love for her son has triumphed and her self-sacrifice for the future of her child has not been in vain. The film anticipates the response of the audience by re-enacting it in the jury members, who applaud the nun’s answer and who continue their cheering and their standing ovation as she slowly walks out of the courtroom. Justice in *The Unwritten Law* is linked with maternal love, a conception of justice echoing Maria Aristomedou’s argument that legal theory ought to attack patriarchal legal assumptions and shift its focus back to the figure of the mother in order to imagine “a different truth, a different law, a different reality.”¹² Paradoxically, justice is here achieved not because of the law, but in spite of it: the law tries to frame the defendant as a murderer and expose the hidden relationship, and it is the act of perjury that ensures that the innocent gets acquitted and that the defendant’s ardent wish to keep her maternity hidden becomes granted.

Sister Maria’s mendacious speech act gives rise to this paradox because it has the effect of revealing the coexistence of two domains of law in the film.

These two domains are not of equal status: one of them establishes itself as the legitimate, sovereign legal authority, while the other becomes sidelined and is only presented in a disjointed and fragmentary form. The first domain is the law of the barristers and of the courtroom that purports to maintain order and justice in society, but that, as we have seen, perpetuates the power of the privileged few at the expense of the poor, the uneducated, and the disenfranchised. This domain is characterized by the rigid application of rules and the privileging of argument based on logic and rationality. Much of the trial scene is concerned with Lau's dismantling of the evidence from the prosecution, and his success is largely premised on his ability to reveal the logical inconsistencies of the witnesses from the opposing side.

This law of rules, rationality, and technicality is associated with the world of men, and the judge, the barristers, the solicitors, and the law clerks are all male. The gender bias of the law is evident from the very beginning of the film; there are no women present at the law school graduation ceremony that precedes Lau's return to Hong Kong, and the picture taken of the graduating class of law students shows a male professor surrounded by a group of virtually identically clad young men in shirts, ties, and gowns.¹³ Legal knowledge is represented as a distinctly male possession; female exclusion begins at law school and continues to operate within the law courts.

Not only does the law acquire a gender, it is also racially marked as a colonial construct. As noted above, the film opens with Lau's graduation in London, and his reputation precedes him in Hong Kong in part because he is "properly trained at a law school in England." His background as an English-trained lawyer arouses both admiration and envy. The film depicts the Hong Kong legal system as a pale imitation of its English original; it suggests that to be trained as a lawyer in the imperial center is to be superior to those who are educated in the outskirts of empire. Moreover, it is no coincidence that the judge in the trial scene—the supposed arbiter of justice and the most powerful man in the courtroom—is a white man. The people from the upper echelons of society also define themselves according to the conventions of their imperial masters. Lau's first encounter with this society occurs because his girlfriend's father, who also happens to be a barrister, invites him to a cocktail reception. The sequence of the reception opens with a shot of a Western-style chandelier, and the camera moves downwards until its focus rests on a bottle of champagne being poured out by a disembodied hand from the side of the screen. A piano plays lightly in the background. The people at this reception are dressed in Western attire,

and Lau himself puts on a dinner jacket in an attempt to fit in. The music, the lighting, the props, the clothing, and the dialogue combine to form a colonial simulation of a Western-style cocktail reception.

The other domain is the world of the brothels and the orphanage, and the laws here are conventions and bonds that regulate the interaction of the people in the space outside the courtroom and the law offices. In contrast to the emphasis on rational debate and logical argumentation appealing to the brain that characterizes the male, colonial law, the operations of this domain appeal to the heart and can be read as a species of what Goodrich calls “the law of the courts of love”: the premise of the discourse here includes the love of a mother for her child, the love of the prostitutes for their “sister,” and the love of the Head of an orphanage for the children under her care. When the prostitutes first approach Lau to take on the case, they appeal to his feelings of sympathy rather than to his professionalism: “Mr. Lau, please be kind and save my sister, she really is innocent.” The Chinese expression for being kind can be transliterated as “doing good with your heart.” Later on, when Lau agrees to take up the case, one of the defendant’s “sisters” notes that a lawyer “with such a good heart will surely get rewarded in life.” The appeal to the heart underlines that a different premise exists for the rules governing human interaction in this outside space, one based on self-sacrifice, affection, and empathy. The Chinese title of the film is “Love Outside of the Law,” and the transliteration of the title lends further support to the interpretation of the narrative as a competition between the law of the colonial courts and the law of love. Yet the film never grants the law of love full status as law: as a minor jurisprudence, it belongs to “a much larger and as yet unwritten history of repressed, forgotten and failed jurisdictions.”¹⁴ In other words, the male, colonial law consistently seeks to assert itself as the sole legal domain in the film, and the dynamics of the laws of love are sidelined as illegitimate, marginal, and inconsequential. The most explicit rejection of the law of love, the most obvious moment of its banishment from the law, is in the exchange between Lau and his girlfriend’s father, a seasoned barrister. In an attempt to convince Lau not to take up his mother’s case, the older lawyer recounts how, as a young man, he had been so upset after his first client was given the death sentence that he developed insomnia and lost his appetite for an entire month. However, he concludes by noting that “reality is reality, and we have to let go of many things because we simply can’t change them.” His own transformation from mortal to lawyer, then, was tantamount to a movement away from

feelings of empathy, pity, and love; the true lawyer should not shed a tear even over the death of the person he is fighting to save.

Like its purportedly dominant jurisprudential counterpart, the law of love is itself marked by gender and race. As a set of attitudes and conventions governing the behavior of nuns and prostitutes, the law of love can be seen as a form of feminine justice. The casting of the law of women to the world of non-law in the film can thus be understood as part of the *antirrhetic* stance of Western law, which establishes its own authority differentially by representing women as outsiders and figures of ignorance.¹⁵ Moreover, just as male law is represented as colonial law, so the law of women is represented as a specifically local law. In contrast to the French champagne, Western music, foreign dances, and English dinner jackets that characterize the social world of barristers and judges, the film takes pains to depict the social world of the prostitutes as a Chinese arena. The only sustained vision of this world is given in the sequence in which Lau visits the brothel in an attempt to gather more information favorable to the defendant's case. As we enter the brothel, we hear traditional Chinese opera music playing from the radio. A Chinese altar for paying homage to household deities hangs prominently on the wall facing the camera, and pieces of red paper in Chinese writing (which are supposed to bring luck) make up the remainder of the décor. The prostitutes are often dressed in traditional cheongsam and drink Chinese tea rather than Western wine. In both gender and racial terms, everything about the conventions and philosophy of love is represented as the opposite of the domain of law, and this difference in representation can be understood as part of the repression of love from the law, of its relegation to a space that the film depicts as an emphatically non-legal one.

However, if there is one thing to be learned from the Freudian conception of the unconscious, it is that the mechanism of repression is never perfect. That which is repressed often finds its way back to the surface narrative of the supposedly monolithic and unitary law. The trial of Lau's mother can be read as a moment in which the repressed reemerges, and a number of events and personalities in the trial can be interpreted as symptoms signaling this return. There is, first and foremost, the figure of Lau himself. Part of the reason why Lau is such a charismatic lawyer, and why he differs from his counterparts, is that he springs from the Other domain. In other words, his background in the orphanage and the hidden maternal link between him and the world of the prostitutes means that he is a subject split between his legal training in the demon law on the one hand, and his innate sense of justice and of the limits of the law he

practices stemming from his affiliation with the domain of love on the other. He is therefore able to bring back an element of love into the juridical domain: while his opponent appeals to the jury's mind by asking them to "think" about the scenario in his summing up, Lau appeals to their hearts by insisting that "outside the law, there is conscience." He argues that they should come to a verdict not based on a purportedly rational or evident analysis of the facts, but on their innate sense of justice. Lau's closing argument demonstrates that the law of love forms the unwritten law of *The Unwritten Law*.

The moments of silence in the film can also be interpreted as a means through which the repressed jurisprudence of love reappears. When the defendant first realizes that the promising young barrister offering to defend her is in fact her son, and that any exposure of their relationship would ruin his career, she refuses to allow him to continue acting as her counsel. An enraged and deeply hurt Lau demands an explanation for her decision, but she looks away and shakes her head. The true reason lies beyond legal comprehension and can only be expressed in her tears. And tears, as we saw above, are part of a language that a lawyer does not—indeed cannot—understand.

And finally, there is Sister Maria's lie, or the paradox of the achievement of justice through an illegal act of perjury, a paradox that uncovers the repression and return of a minor jurisprudence of love. This jurisprudence brings to the surface the inadequacies of the dominant legal framework and highlights the potential of an "Other" law in securing a just outcome. Moreover, perhaps we have been too hasty to characterize Sister Maria's answer to the prosecutor as an unequivocal lie. Perhaps there is another dimension to her response, one that we can glimpse only if we learn to see beyond the dominance of the male, colonial law and recognize the unwritten law that both sustains and challenges it. When the prosecutor asks Sister Maria to verify the history of Lau, she answers: "In my eyes, it is of no importance whether the woman in the dock actually gave birth to the child. What is of importance is whether she cared for and loved the child, to the extent that she would sacrifice her own life for him. Only a woman who can love so selflessly and so unconditionally deserves to be called a mother." As a legal actor in the domain of modern law, the prosecutor is unable to understand the full import of Sister Maria's answer. Nothing in the files that constitute his legal identity as the prosecutor in the case—none of the affidavits, none of the statements, none of the written rules—can enable him to fully comprehend the multiple meanings of what he calls the nun's "philosophising." Yet we, as the audience, know that the defendant has loved and made

sacrifices for her son in the way described by the witness. While it is a lie in a literal sense, Sister Maria's response to the question of whether the defendant is Lau's mother is therefore also a truthful "yes," for the defendant has loved her child the way only a true mother can. The truth of love is articulated—can only be articulated—obliquely, silently, in between the lines of the discourse in the courtroom. By refusing any easy categorization as truth or falsehood, betrayal or faith, the mendacious speech act functions as a destabilizing force in the trial that subverts, however momentarily, conventional legal distinctions. And this destabilization is what enables Sister Maria's "No!" to expose the weakness of the sovereign patriarchal, colonial law, to mark the return of the repressed, unwritten law, and thereby to bring about a just outcome to the trial. By showing that files contribute to the creation of legal identity and therefore participate in a filmic critique of the law, *The Unwritten Law* suggests that Vismann's argument can be extended far beyond her chosen geographical and disciplinary contexts, a suggestion that attests to the power of her analysis.

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1. Cornelia Vismann, *Files: Law and Media Technology*, trans. Geoffrey Winthrop-Young (Stanford: Stanford University Press, 2008), xii.
 2. *Id.* at xii.
 3. *Id.* at xiii.
 4. *Id.* at 13.
 5. Jacques Derrida, *Of Grammatology*, trans. Gayatri Chakravorty Spivak (Baltimore: Johns Hopkins University Press, 1976), 121.
 6. See Vismann, *supra* note 1, at 4.
 7. *Id.* at 56.
 8. *Id.* at 56–57.
 9. *Id.* at 58.
 10. *Id.* at 164.
 11. Peter Goodrich, *Law in the Courts of Love* (New York: Routledge, 1996), vii.
 12. Maria Aristodemou, *Law and Literature: Journeys from Her to Eternity* (Oxford: Oxford University Press, 2000), 283.
 13. For a discussion of the possible homoerotic attachments of male law students to their professor in another filmic context, see William MacNeil's discussion of *The Paper Chase* in *Lex Populi: The Jurisprudence of Popular Culture* (Stanford: Stanford University Press, 2007), 97–116. MacNeil's work advocates a "jurisprudential" reading of film and popular culture and is an inspiration for my own thinking on law and film.
 14. See Goodrich, *supra* note 11, at 2.
 15. See Peter Goodrich, *Oedipus Lex: Psychoanalysis, History, Law* (Berkeley: University of California Press, 1995).