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Charley's Corner:

And the Word Was Law . . .

by Charles R. Dyer, Director of Libraries, San Diego County Public Law Library

Nothing in this column represents the view of my Library or its Board of Trustees. These are just my personal opinions.

Before I begin my regular column, I would like to congratulate ourselves and AALL membership as a whole for letting non-librarians become members. Of course, we need to continue to work to get participation from trustees at the national level.

I noticed that, of the 32 people running for the 16 seats on the ALA Council, four are public library trustees. Our new by-laws do not allow trustees to run for elected positions, and, of course, the ALA Council is a different horse from the AALL Executive Board. Nevertheless, we should be able to get trustees on AALL committees. And who knows? Now, on to my column:

While reading the National Law Journal one day, I read about Craig Courter, partner at Seltzer, Caplan, Wilkins & McMahon right here in San Diego. He became so intrigued with computers that he now does mostly litigation support and information technology. We invited Craig to speaking at one of our brown bag lectures at the library. He showed us how to use clips of videoed depositions while cross examining witnesses. I remember one clip in particular: A woman was asked whether she had ever dated this particular fellow employee. She said no, but her body language most definitely said yes.

The presentation reminded me of the *Star Trek* episode when Spock was on trial for commandeering a ship to return Captain Pike to the world where he would live in an imagined state (the aliens would trick his mind), rather than continue to live as a quadriplegic. That trial was conducted entirely with video evidence. The trial was recorded by video by the ship's computer. That future is not far away. We are already convicting criminals identified by security cameras, not to mention arraigning them by video here in San Diego.

Leonard Shlain, in *The Alphabet vs. the Goddess: The Conflict between Word and Image* (Penguin/Arcana 1998), theorizes that the creation of an alphabet form of writing some three thousand years ago promoted left-brain linear thinking and masculine, monotheistic religions, which replaced image-based feminine religions and caused the ascendance of our male warlike hunter nature over our female hearth-provider gatherer nature. The return in the 20th Century of recording large amounts of information by images, he believes, is causing a revolution, leading to a more balanced use of both sides of our brain and, he hopes, a more balanced use of the loving, caring, nurturing feminine qualities that exist in each of us.

Shlain notes that linear thinking is absolutely essential for much of modern progress, such as science and written laws that rule over all men, and he does not suggest that the pendulum should swing back completely the other way.

As I observe successive upgrades to the Internet's capacity to transmit audio-visual material, and we get books with CD-ROMs and website supplements, often with extensive audio-video content, it is becoming apparent that the current paradigm shift is not just from hard

copy to digital, but to a mix of types of content. So, if, as Marshall McLuhan says, "the medium is the message," then, alas, we are getting a lot of the proverbial mixed messages.

Bibliographical and indexed information is, by its very nature, written and alphabetical. Putting information in a classified arrangement and imposing subject fields into the catalog has always added a hierarchical pattern to knowledge, thus promoting a certain hegemony with regard to the information placed therein. Libraries have always had a pecking order, reflective of the dominant political order. The Dewey Decimal Classification has been notoriously English language and European biased. In L.C. classification, the arrangement of books in the sciences and professions all reflect the current political thought. Reference librarians, predominantly female in the 20th Century, although not before then, become good at circumventing the limitations of the arrangement by employing the heuristic device of "hunching," based on their Gestalt sense of the whole. They have an image, if you will, of where that information might reside.

How will law, based almost entirely on written word, deal with image-based knowledge. I don't know. Maybe, when a statute or case creates a class or draws a distinction, we'll get a picture or a moving video. Sort of like the punch line to the joke: "When you look up the definition in the dictionary, there's his picture."

It's going to be an interesting new century for both lawyers and librarians.