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## Focus: Law, Fashion and Identities

DOI 10.1515/pol-2016-0001

It is only shallow people who do not judge by appearances. The true mystery of the world is the visible, not the invisible.

Oscar Wilde, *The Picture of Dorian Gray* (1891)

The wildean aphorism, opening this focus dedicated to “Law, Fashion and Identities,” introduces the idea of appearance – often associated with the concept of clothing and the fashion world, and with the same implication of superficiality and evanescence – and unveils the tight net of nuances that make appearance not merely a matter of external surfaces of the self, but also an important index of personal identity as well as legal identity. In the symbolic realm, then, dress and appearance acquire a dense representative value, becoming essential resources within cultural and social structures, precisely because of “the purpose [they] serve [...] in social differentiation and social integration, the psychological needs [they are] said to satisfy, and, not least of all, [their] implications for modern economic life.”<sup>1</sup> Since fashion does not refer simply to clothes, but to clothes in relation to body, identity and society, exploring the ways in which clothing performs in literature, culture and legal culture implies recognizing that our material, political, legal, psychological and also intellectual lives are woven into the fabric of fashion. Law is deeply rooted in the shimmering bodily declinations that the research/analysis lays out in this focus; that is, the recurring of fundamental concepts – fashion/body, law/norm, text, identity – on which it is important to focus our critical attention. Aware of the fact that any definition calls for its specific cultural and social implications, the act of identifying and analysing the intertextual composition that connects the meanings of these terms is key to understanding the role of these human and linguistic constructs in verbal and nonverbal communication about individual identity and society.

As the opening aphorism clearly reveals, fashion, when related to the body, can be considered as an expression that turns the body into both the form and content of a precise pursuit of identity. Moreover, the confirmation that fashion

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1 Fred Davis, *Fashion, Culture and Identity* (Chicago: The University of Chicago Press, 1992), 4.

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and clothing – the material fabric of the fashion system – are “far deeper than skin-deep, and indeed ha[ve] affected religion, morals, sex, marriage, and most of our social activities and institutions through the ages”<sup>2</sup> has led to the codification of a critical lens, fashion theory, whose rationale can be found in a number of fundamental sociological analyses of the beginning of the Twentieth century, in Walter Benjamin’s philosophical works, and in that part of structural linguistic investigation which conceives dress and fashion as a semiological system governed by laws similar to those of all sign systems, in particular language.

Since, within fashion theory, fashion can be treated as a manufactured cultural object, Yuniya Kawamura, in a contemporary sociological perspective, has suggested introducing a new academic discipline called “fashion-ology,”<sup>3</sup> designating a sociological investigation of fashion which considers fashion itself as a system of institutions that produces the concept as well as the phenomenon of fashion, as both a cultural practice and a symbolic product. The interdisciplinary approach to fashion theory that characterizes this focus creates the possibility of drawing upon the humanities – including art, film, literature, performing arts, philosophy, and photography – which in turn make the fashion system a special dimension of material culture, of the history of the body and of the theory of perception.

The present appropriation of the expression “fashion system” evokes the reflections of Roland Barthes on clothing and fashion and, in particular, his study *The Fashion System* (1983). It is precisely in this critical work that Barthes elaborates the passage to a theory of fashion as social discourse, shifting his concern from real clothing to clothing that has been transformed by the modern system of signification. “It thus seemed unreasonable,” he asserts, “to place the reality of clothing before the discourse of fashion: true reason would in fact have us proceed from the instituting discourse to the reality which it constitutes.”<sup>4</sup> As the title of Barthes’ study suggests, fashion is not considered as a social fact having a singular identity, but as a set of social relations and communicative systems necessary to the very existence of a sense of fashion itself. In being both a system and a collective activity, clothing, according to the early structuralist perspective of Barthes, resembles language. The lack of exact knowledge of the unconscious symbolism of a visual language, such as that of clothing, endowed, according to some critics, with its own distinctive grammar, syntax and vocabulary, denotes the chief difficulty in understanding fashion. Not only do forms,

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2 Lawrence Langner, *The Importance of Wearing Clothes* (New York: Hastings House, 1959), IX.

3 Yuniya Kawamura *Fashion-ology: An Introduction to Fashion Studies* (Oxford: Berg, 2005).

4 Roland Barthes, *The Fashion System* (New York: Hill and Wang, 1983), XI.

colours, textures, postures, and other expressive elements acquire a symbolic value often unconscious in given cultures, but also “tend to have quite different symbolic references in different areas.”<sup>5</sup>

These are the theoretical bases deeply rooted in the contemporary assumption that the fashion system creates the cultural and aesthetic representations of the dressed body and that clothing fulfils the function of a body, which it represents, as a second skin, a social and legal mediation. It is precisely here that we witness a semantic shift of the concept of body. Through law and its enactments, the body, from naked surface progressively turns into writing – as pointed out by thinkers such as Jacques Derrida and Jean-Luc Nancy – into a place of writing, a hyper-textual net that connects the different meanings which are fundamental for the definition of the legal and social practices of any historical period. The body and the dressed body thus turn out to be texts, places of existence where the signs are traced by the societal practices of the law. It is worth recalling, at this point, the etymological origin of a term used – or used in the past – as a synonym of uniform, in Italian *divisa* and in French *devise*, which originated in the latin verb *divisare* in its sense of “dress” and “allegorical phrase” or “motto.” The uniform then would not only be *costume*<sup>6</sup> in a sociocultural syntax that defines it within the sphere of the ritual functions of the dress in traditional cultures, but also an actual principle of behaviour, written onto one’s own body.

This example, together with the recurring parallels between textile and language and the use of vestimentary or textile metaphors in written texts, literature and language, reveals a deep consciousness of the ancient link between text and texture, often making the textile a structural indication for other textual levels and intersections. As Barthes points out in *The Pleasure of the Text* (1973):

*Text* means *Tissue*; but whereas hitherto we have always taken this tissue as a product, a ready-made veil, behind which lies, more or less hidden, meaning (truth), we are now emphasizing, in the tissue, the generative idea that the text is made, is worked out in a perpetual interweaving; lost in this tissue – this texture – the subject unmakes himself, like a spider dissolving in the constructive secretions of its web.<sup>7</sup>

The text, as outlined by Barthes’ etymological metaphor, is a modelled tissue, stemming from an infinite interweaving in fruitful relationship of mutual

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<sup>5</sup> Edward Sapir, “Fashion” (1931) in *The Collected Works of Edward Sapir*, eds. Regina Darnell and Judith T. Irvine (Berlin, New York: Mouton de Gruyter, 1999), 269.

<sup>6</sup> Barthes, *The Fashion System*.

<sup>7</sup> Roland Barthes, *The Pleasure of the Text* (Oxford: Blackwell, 1995), 64.

influence between text and culture. If the body and the dressed body become texts, they are texts precisely because they are places of existence of the plural signs traced by custom, legal and social techniques and practices, and as such they are grounds for a precise political and legal functionality. The pleasure of the text/body/dressed body is linked to a conscious gaze, a gaze so close as to be able to catch its texture, and the sociocultural knots that reveal how unsystematic fragments of vestimentary behaviour are absorbed into a normative structure. Through law and its practices, both the body and clothing – as a form of architecturisation of the body taken to the extreme by the aesthetics of fashion – from naked surface gradually turn into places of writing. Moreover, not only does the body withdraw from the power of the subject in order to become the very subject, existence, perspective onto the world and within the world-as several interpreters (Nancy, Derrida) of modern philosophy have argued – but it is also the dressed body that defines and sets up such a world, including its legal aspects. It is precisely when one tries to unweave or “embellish” the twine of text, texture, clothing and legal system, that Gary Watt’s study *Dress, Law and Naked Truth* (2013) becomes an essential reference.<sup>8</sup> The author, who offers an original interdisciplinary approach which links the body of dress scholarship with an integrated philosophy of dress and law, lifts the veil that obscures the link between the seemingly superficial subject of fashion and the serious realm of the law, in order to demonstrate the deep philosophic connections between them. According to Watt,

not only do law and dress distinguish human civil society from animal modes of life, but also, within civil society, dress and adornment mediate between the bare human individual and the social group in a way that parallels law’s function as a mediator between the individual and society.<sup>9</sup>

If dress and law as fundamental structuring devices for our global societies are used to set boundaries, establishing rules or offering designated routes to conformity, then fashion, much like the contemporary world itself, creates spaces of uniformity and conformity as well as spaces of conflict, as it increasingly becomes a multi-faceted scene in which vestimentary signs and individual and social identity dialogue and translate each other. Since appearance influences social and legal interaction, the individual dressed body is central to the construction of a recognizable identity. At the same time, social and political structures play an important role in perpetuating and institutionalizing

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<sup>8</sup> Gary Watt, *Dress, Law and Naked Truth* (London: Bloomsbury, 2013).

<sup>9</sup> Watt, *Dress, Law and Naked Truth*, 5.

appearance as a criterion of belonging. Within this double and ambiguous level of contact/conflict between the individual and the real, the body, turned public by fashion and clothing, becomes a self-aware social declaration, the result of a conciliation with the legal systems and the production and information systems; that is, a body joining the economic, social and legal development and transformation.

The relationship between rule and social identity has been thoroughly investigated by Francesco Migliorino who attributes the internalisation of the normative sphere to the social construction of the self, and to the creation of an internal – and therefore metaphoric – space which is intrinsically intertwined with the rules of language and practices. If the “self” is a social and cultural product, it therefore coexists with the rule; in fact, it finds there the very reason of its existence.<sup>10</sup> Equally, in this sense, the rule dictated by the fashion system becomes the essential vehicle of the subject’s social construction and his/her social visibility. This exhaustive issue demonstrates precisely how dress shapes and is shaped by social, economic and legal processes and phenomena such as time, space, class, gender, power and religion.

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When looking at fashion in its different manifestations, there is an essential dimension that is more elusive than others, the role of time and history. What is “in fashion” at the present moment was – by definition – *not* in fashion last year, and will – by the same logic – be “out of fashion” next year. Everybody knows this. At the same time, fashion operates not only through a negative dialectic, but also through repetitions, variations, and, of course, reversals. If time and history thus are essential elements of fashion, how should we understand them in relation to the nexus of fashion, subjectivity and law? An important role of law – and also of fashion – is to produce and maintain social stability. The most obvious way to do this through clothing is, as Watt analyses in his reading of *The Lord of the Flies*, through the use of uniforms. However, also temporary fads and even anti-fashion can be seen as uniforms, which can be illustrated by a comment made by the artist Frank Zappa, who in a concert responded to a heckler by saying: “Everyone in this room is wearing a uniform, don’t kid yourself.”<sup>11</sup> This suggests that even those individuals who try to resist uniformity and fashion may fall prey to its totalizing grasp. By the same token, it can be argued that also what is “out of fashion” is defined by fashion.

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<sup>10</sup> Francesco Migliorino, *Il corpo come testo* (Torino: Bollati Boringhieri, 2008), 18.

<sup>11</sup> Recorded on the album by The Mothers of Invention, *Burnt Weeny Sandwich* (1970).

What we can learn from this is that fashion is essential both for the cultural production of the present moment and for our understanding of the present as on one hand a passing through – a movement from outside to inside and then back “out” again – and on the other as traversed by iterations of past experiences and anticipations (premonitions) of things to come (what Edmund Husserl calls retention and protention).<sup>12</sup> That is, fashion is the law of present moment, it is the condition of its appearance. In this regard one can connect once again to the aphorism from Oscar Wilde. Far from being something transient, appearances are the manifestations of underlying movements and structures.

To produce and to maintain social stability through uniformity is to a large extent synonymous with undoing social uncertainties and anxieties, in particular those regarding social hierarchies and gender differences. It is therefore not surprising that a primary function of fashion is to produce and to stabilize social differences, in particular differences in gender. This is perhaps too obvious to be worth stating, but fashion is always gendered, also when claiming to be unisex (e. g. uniforms, jeans fashion). (In fact, one could perhaps even say it is always gendered, *in particular when it comes to unisex fashion*, since it potentially produces uncertainties.)

The fashion system, then, is an institution that creates and maintains social difference, and as most social institutions, it is instituted on top of – i. e. based on – another institution. As Pierre Bourdieu writes:

The institution is an act of social magic that either can create [social] difference *ex nihilo* or, and this is most frequently the case, exploiting pre-existing differences in some way, such as the biological differences between the sexes [...]. The fact remains that, as one can see in the case of social classes, it is almost always a question of continuums, of continuous distributions [...]. Nevertheless, the social magic always succeeds in producing a discontinuity from a continuum.<sup>13</sup>

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<sup>12</sup> Edmund Husserl, *On the Phenomenology of the Consciousness of Internal Time (1893–1917)*, trans. John B. Brough (Dordrecht: Kluwer, 1991), section 40.

<sup>13</sup> Pierre Bourdieu, “Les rites comme actes d’institution” (1981), *Actes de la recherche en sciences sociales* 43 (1982): 59–60 (also published as “Les rites d’institution” in *Langage et pouvoir symbolique*, édition révisée et augmentée (Paris: Seuil, 2001), 178–179) [“L’institution est un acte de magie sociale qui peut créer la différence [sociale] *ex nihilo* ou bien, et c’est le cas le plus fréquent, exploiter en quelque sorte des différences préexistantes, comme les différences biologiques entre les sexes [...]. Il rest que, comme on le voit bien dans le cas des classes sociales, on a presque toujours affaire de continuums, des distributions continues [...]. Pourtant la magie sociale parvient toujours à produire du discontinu avec le continu.”]

From this we learn that fashion, as institution, co-exists with other institutions in society, primarily to reinforce them but also at times to challenge them. Thus jeans fashion challenges the notion that fashion should be expensive and exclusive; it has a progressive and democratic meaning diametrically opposite to *haute couture*. But also expensive fashion can challenge existing social norms, such as Yves-Saint Laurent's tuxedo *Le Smoking* (1966) for women.<sup>14</sup>

A well-known social convention is that you should never dress in more expensive and exclusive clothes than your social superiors, in particular in the workplace. Thus even if the profession demands a uniform dress code, such as suits, you should not wear more expensive suits or ties than your seniors. If you challenge this convention there is a risk that you will be considered as insubordinate, that you do not know your place.

Dress and fashion is not only a way for you and others to index your social identity, but also your personal identity. That is, although there is usually – perhaps always – a certain uniformity in dress within social groups – defined by age, ethnicity, profession or lifestyle – there is also space for adding a personal touch, making a statement about yourself as a person. This can for instance be a style of tie, a shoe model or the way that you wear your clothes (e.g. shirt outside your pants).

The connection between fashion and identity is complicated – and made more interesting – by the fact that both fashion and identity are fundamentally social and collective phenomena. Fashion and identity are ways to adhere to a group, also when trying to distinguish oneself from the group. Although school uniforms may not be considered a prime example of fashion, they nevertheless function according to the same logic, imposing uniformity in terms of dress. It is generally observed – and also permitted – that pupils don their shirts, ties or jackets in ways to express their individual differences. The tie can be tied loosely, the shirt halfway out of the pants, the sleeves of the jacket rolled up. This behaviour can be contrasted with military uniforms that do not allow for such expressions of individuality; but also here the clothes cannot completely cover over differences in body shape and posture. This observation helps us understand the condition – and the production – of the particular, or the singular, as that which is at the same time part of a whole but not exhausted by the whole.

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<sup>14</sup> Paula Reed, *Fifty Fashion Looks that Changed the 1960s* (London: Conran Octopus, 2012), 70–71.

However, group identities are always multiple, we are always members of several groups, although we rarely have to perform several roles at the same time (at least consciously). There is always a choice to be made, which association we want to stress – or on the contrary to de-emphasise. This can also be seen in how we dress, or rather change dress, according to the social occasion.

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The above observations indicate that fashion is a multifaceted phenomenon that needs to be studied from multiple perspectives using a variety of methods and theoretical and conceptual frameworks. The essays collected in this special section seek to explore the protean ways in which clothing performs in literature and popular culture, absorbing and retaining the effects of political power and articulating the subjectivities and aesthetic characteristics of a given culture. The contributors to this special issue consider different approaches to the relationship between fashion, dress and the body and offer analyses that cover different historical periods and take into consideration multiple forms of language and of discourse, from literature to cinema and theatre, from law to augmented reality.

The issue opens with the essays of Paolo Heritier and Isabelle Letellier which critically analyse the theoretical framework of the relationship between dressing and the law. Heritier points out that the study of the relationship between fashion and institutions could represent a new approach in the theoretical analysis of fashion. Heritier introduces the critical works of Simmel, Lotman, Volli and Legendre and a semiotic-juridical perspective in order to demonstrate that the topic of fashion can be linked to an anthropological-juridical perspective and a juridical conception of fashion as a normative institution. A complex historical-juridical analysis of the notion of *Corpus Iuris* (Kantorowicz) reveals the value of the medieval notion of *corpus mysticum* as a fictional body, referring to a political context that is both liturgical and ritualistic. The reference to this idea thus passes from the *Corpus Iuris Civilis* of medieval canonical law to the modern aesthetic signification – fictional and iconic – of the notion of the political body, referring to the modern state, and then to the fictional and stylised bodies of the models in a fashion show. In the conclusion of his article, Heritier suggests reintroducing the secularised juridical and theological lexis for the aesthetic relationship between the natural body and the fictitious body, seen as a mystical and political body, considered to be present in the practices of dressing and Twentieth-century fashion.

Isabelle Letellier starts her essay from the well-known postulate of gender as a social construct. She maintains that gender as a social construct should not



hide its “real” dimension. That is, social constructs participate in what Lacan calls the “Real.” In this perspective, gender is conceived as a symptom built by the subject to protect itself against castration. The subject is therefore tied to its gender as it is tied to its symptom – in the psychoanalytical sense. It builds the image of gender in order to be able to enter into a relationship with the Other. In this way, the imaginization of gender makes it possible – paradoxically – for the subject to access the impossibility of a sexual relationship. According to Letellier, the psychoanalytical approach to the construction of gender does not contradict its social determination. However, one may stress that social determination according to psychoanalysis cannot but be introduced by the symptom, that is by the subject itself and through the fantasized construction of its relationship with the Other. In Letellier’s perspective, to read the psychoanalytical interpretation of gender with the notion of institution developed by Merleau-Ponty is particularly relevant for two reasons. First, it overcomes the opposition between the subject and the social which are both instituted and instituting at the same time. Second, Lacan’s theory of “sinthome” that reads the symptom in terms of sexual relationship implicitly refers to Merleau-Ponty’s notion of institution.

The next group of essays – by Giada Goracci, Paola Carbone, Chiara Battisti and Mara Logaldo – deals in different ways with the relationship between fashion and performance. In her contribution, Goracci offers an insight into gender performativity and heteronormativity through marriage in a period, the “Roaring Twenties,” in which sexual and gender politics could not be put under scrutiny. In particular she focuses her analysis on the American actress and author Mae West, highlighting how her vamp persona and the elaborated iconography that she crafted on her character gave birth to a meticulous semiotics of the body that eventually undermined the American social context of the time, fostering on the one hand an image of heterosexual desire and on the other an appealing icon to a gay male market. A close analysis of the radical approach that Mae West brought into theatrical presentations, reveals that she incorporated performance into socio-political strategy, aiming at exerting her independent and creative spirit in her art form and, hence, in the world at large. West’s plays provided insight into the ever-changing practises of gender relationships and paved the way for new perspectives on the interrelations between politics and the performing arts. In her essay Goracci ventures a queer-oriented perspective on West’s charismatic character and on the intertwined effects that tie semiotics to body language, especially focussing on the plays *Sex* (1926) and *The Drag* (1927).

Paola Carbone studies the Indian context at the beginning of the Twentieth century. She examines how fashion mediates our knowledge of human

relationships in Indian literature in English from an anthropological perspective of the value of clothing in Indian culture. In the first part of the essay, Carbone analyses the importance Gandhi's *khadi* had for the independence of India and the role it plays in Mulk Raj Anand's novel *Untouchable* (1935). Indian traditional clothes became the ideal symbol of Indian cultural, spiritual, legal, and political identities. The second part is about the way the *sari* and *salwaar kameez* shaped Indian femininity and Indian women's dignity. Dress is viewed as a situated bodily practice which makes social and cultural values visually intelligible. In the study, she does not refer to clothing as "fashion," but rather as dignity, human rights, discrimination, and justice in order to underline how a piece of garment can be highly identitarian of a single individual and highly identitarian of a political ideal.

Chiara Battisti analyses a contemporary revision of the fairy tale *Beauty and the Beast* as re-told by Angela Carter in "The Tiger's Bride" (1979). The essay intertwines two distinct theoretical strands: one centres on the concept of "skin" and its role as idiom of personhood and identity, the other on the notion of the dressed/undressed body, its political power and the manner in which clothing acts as a form of embodiment. The essay focuses on the notions of body/skin and the dressed body as telling traces of the cultural negotiations of identity and difference by analysing the transformation of Beauty into an animal and the figure of The Beast, as a strange being in a dimension between human and animal. It is argued that it is the movement of these bodies – naked, clothed and masked – in a liminal zone, an area of exclusion, that makes them into the powerful destroyers of the rules of normalcy and allows them to deconstruct the normative perspectives of biopolitics, defined by Michel Foucault as the extension of state control over both the physical and political bodies of a population.

In the essay "Augmented Bodies: Functional and Rhetorical Uses of Augmented Reality in Fashion," Mara Logaldo shifts the perspective to the field of augmented Reality (AR), which is increasingly changing our perception of the world. She analyses how the spreading of Quick Response (QR), Radio Frequency (RFID) and AR tags has provided ways to enrich physical items with digital information. By a process of alignment the codes can be read by the cameras contained in handheld devices or special equipment and add computer-generated contents – including 3-D imagery – to real objects in real time. As a result, we feel we belong to a multi-layered dimension, to a mixed environment where the real and the virtual partly overlap. Fashion has been among the most responsive domains to this new technology. Applications of AR in the field have already been numerous and diverse: from Magic Mirrors in department stores to 3-D features in fashion magazines; from augmented fashion shows, where models are covered with tags or transformed into

walking holograms, to advertisements consisting exclusively of more or less magnified QR codes. Bodies are thus at the same time augmented and encrypted, offered to the eye of the digital camera to be transfigured and turned into a secret language which, among other functions, can also have that of becoming a powerful tool to bypass censorship.

The last three essays, by Daniela Carpi, Gary Watt and Leif Dahlberg, provide readings of artworks, literary works and advertising. The essay by Daniela Carpi focuses on the body and the dressed body as a world of social relations and as an important factor in the construction of identity in the Renaissance period. Carpi analyses cloth as a metaphor of power in the portraits of Elizabeth I. These paintings, together with other iconological representations of her sovereignty, embody her personal way to advertise her own power and keep her subjects within the fascination of her figure. By commissioning portraits of the Queen, her courtiers both expressed their loyalty to her and helped to develop the wide range of emblems and visual devices through which her propaganda could be promulgated. The analysis of the symbols interwoven with the dresses which enwrapped the Queen in her portraits conveys both the social situation of the period and Elizabeth's will to impose her figure as divine so as to stress her legitimacy to the throne. The problem of power, legitimacy and legality are all intertwined in the dresses: the yarn that is spun by the painter's brush represents the rules that keep society together. It symbolises the legal system with all its paraphernalia and anticipates an awareness for those in power to advertise their image which typifies our age. The fundamental function of clothing in making or unmaking a person's status within society is often used in Renaissance plays. For instance, Carpi considers several passages of Shakespeare's *The Taming of the Shrew*, where clothing is clearly connected to authority and it becomes the central device in the taming process itself.

Gary Watt reads William Golding's *Lord of the Flies* in terms of dress, and specifically with regard to the nature of dress and law as structurally identical partners in the scheme of social norms. In the novel, the form of the dress may change from clothes to painted masks, but the fundamental fact of dress remains. The boys' relationship to rules can be read in a similar way. Instead of reading the story in terms of descent from law and order to lawlessness and disorder, it is read in terms of the on-going presence of rules of some sort. The form of the rules changes, but the essential fact of government by rules remains. Watt argues that dress and law are constant in the novel and that Golding is warning us, through the parallel performance of law and dress, that we should suspect that external indicators of civilization are hollow; that we should be

cynical about all systems of norms established by society and look, instead, to be saved by individual insight and self-sacrifice.

Leif Dahlberg closes this special issue by focusing on a fashion advertising campaign for Louis Vuitton. He approaches advertising as a form of continuous, running commentary that society makes on itself, and through which the researcher can access social imaginary significations. The essay unearths a plethora of meanings in this example of fashion advertising. In particular, Dahlberg analyses how the advertising for Louis Vuitton represents community as an absence of community; in other words as a deficit that the brand somehow is able to rectify. In this way, the essay attempts to probe and explore contemporary conceptions of political community.

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