

# **THE LAW AND THE LICENSE: EXPLORING THE USE OF THE VENTRILOQUAL APPROACH AS A FRAMEWORK TO SURFACE POWER/AUTHORITY**

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The paper proposes the use of the Ventriloqual Approach as a framework for studying the dialogue between a county clerk and some applicants for a marriage license for same-sex couples to surface power/authority.

The Ventriloqual Approach sees communication as “not only a matter of people speaking or writing to each other, but that other things are continuously inviting and expressing themselves in day-to-day interactions” (Cooren 2011, p. 11) referring other things to agents. Being an agent means being able to act or speak “on behalf of principal” (Taylor and Van Every 2000 as cited by Cooren 2006, p. 82). It assumes action is shared between human and non-human agents that are configured upstream and downstream in a chain of agency. Upstream agents refer to agents that animate (such as principles, values, policy, etc.) interlocutors and what they “make present or represent in their interactions”, while downstream agents refer to the signs that interlocutors produce “whether under the form of texts, gestures, kinesic expressions, and what they do or make interlocutors do”. (Cooren 2010, p. 57). Within this framework, “various sources of authority—understood as forms of agency-- can be invoked or mobilized in a given interaction or dialogue” (Cooren 2010, p. 75) .

The approach involves a three-step process of:

1. recording interactions as they happen or collecting recorded interactions;
2. identifying markers through which a variety of figures appeared to recurrently and iteratively express themselves in the interactions; and
3. understanding or hearing what the figures are made to say (or do).

The analysis will show the configuration of agents from two points of view-- from the point of view of the county clerk and from the point of view of the applicants-- each views issuance of license-- one denying it the other demanding it-- as under the authority of a law—one originating/emanating from God the other from the Supreme Court. For instance, analyzing the excerpts from lines 14 to 34 would surface the differing configuration of agents/authority. The blue markers follow the point of view of the county clerk, Kim, the green markers the point of view of the applicant named David.

14 KIM: I just want to let you know that we are not issuing marriage licenses [today=  
15 OTHER: [Why?  
16 KIM: =pending, [hum  
17 OTHER: [((yelling)) contempt to court  
18 DAVID: What appeal if left?  
19 KIM: pending the appeal [that of the Six Circuit  
20 DAVID: [it has been denied  
21 KIM: The appeal to stay has been denied, [so  
22 DAVID: [right, the induction is the order is that you  
23 are supposed to issue marriage licenses  
24 KIM: and we are not issuing marriage licenses today.  
25 DAVID: the Supreme Court denied your stay  
26 KIM: we are not issuing marriage licenses today sir.  
27 DAVID: based on what?  
28 KIM: I would ask you all to (.) go ahead  
29 DAVID: why are you not issuing marriage licenses today?  
30 KIM: because, I'm not  
31 DAVID: Wh[y  
32 WHITE: [under whose authority? (0.5) are you not issuing licen[ses?  
33 KIM: [under God's  
34 authority

The “licenses”, the “the appeal to stay” and “God's authority” figured in the chain of agency from the county clerk's point of view, the “licenses”, “the appeal”, “the order” and the “Supreme Court” from the applicant's point of view. Each configuration surfaces the authority (the law that acted on behalf of a principal) that moves an act (the issuance or the non-issuance of a license). The same shall be illustrated in the rest of the analysis.

## References

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