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**Leslie J. Moran. *Law, Judges and Visual Culture*. Routledge. 2021. ISBN: 978-1-138-61861-9 (hbk), £120, ISBN: 978-0-429-46112-5 (ebk), £33.29**

Studies of law and visual culture address important aspects of symbols of justice,<sup>1</sup> the courtroom venue itself,<sup>2</sup> and how representations of harm, justice and violence possess a transformative power.<sup>3</sup> These investigations employ various approaches across the social sciences and the humanities, which points to the fact that the performativity of the law is not rooted in one discipline. Some socio-legal writers are developing exciting work relevant to this area. These studies on the legal/judicial biography also engage with visual culture: photographs are part of the personal archive of the subject of the biography.<sup>4</sup> In other investigations, the life story of the individual behind a legal principle starts with the subject's image.<sup>5</sup>

With *Law, Judges and Visual Culture*, Moran offers an engaging and invaluable study on visualising law, more specifically, of visualising judges. How we engage with the visual portrayal of a judge is a fascinating and salient starting point. After all, judges should reflect society and societal values: this should be represented by a diverse judicial bench and accompanied by a setting that also demonstrates diversity, equality, independence, and a respect for the rule of law.<sup>6</sup> At the heart of the matter is the management of the judicial image, involving its reproduction and dissemination. Questions posed through a socio-legal lens inevitably will flag up concerns about the interests at play and any visible or hidden agendas that can be identified. To answer this, a deeper look into the management of images, or the control over their dissemination, reveals that depictions of judges, in portraiture, for example, go back centuries. The way that the public display of representations of law has been controlled by authorities is a legal historical record of the perceived threat that some images posed.<sup>7</sup>

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<sup>1</sup> Judith Resnik and Dennis E Curtis, *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms* (Yale University Press 2011).

<sup>2</sup> Shailish Kumar, 'Interpreting the scales of justice: architecture, symbolism and semiotics of the Supreme Court of India' (2017) 30 *The International Journal for the Semiotics of Law* 637.

<sup>3</sup> Eamonn Carrabine, 'Just Images: Aesthetics, Ethics and Visual Criminology' (2012) 52 *The British Journal of Criminology* 463.

<sup>4</sup> See Fiona Cownie, 'The United Kingdom's First Woman Law Professor: An Archerian Analysis' (2015) 42 *Journal of Law and Society* 127 and Linda Mulcahy and David Sugarman, 'Introduction: Legal Life Writing and Marginalized Subjects and Sources', (2015) 42 *Journal of Law and Society* 1.

<sup>5</sup> Agata Fijalkowski, 'Tadeusz Cyprian: Polish war crimes prosecutor and photographer' (2021) 15 *Law and Humanities* 47.

<sup>6</sup> Kate Malleon, 'Diversity in the Judiciary: The Case For Positive Action' (2009) 36 *Journal of Law and Society* 376.

<sup>7</sup> See generally Costas Douzinas and Lynda Nead, eds., *Law and the Image: the authority of art and the aesthetics of law* (University of Chicago Press 1999).

Moran organises his book in chronological order, starting with a historical analysis of judicial portraiture and its relevant formats. The author frames questions within Bentham's notion of the '1000 eyes' and Baum's work on visual culture and audiences.<sup>8</sup> This framework is used to make the point that making judges visible is another way to make the law transparent and judges accountable; this is a regulatory function as well as a feature of engaging with democracy.

Moran focuses on the common law. The adversarial nature of the common law lends itself to an examination via a theatrical lens but is not confined to it. In fact, in common law the judge is the neutral party in the 'spar' between the prosecutor and defence lawyer. Cassidy observes that 'a number of influential scholars [...] have noted [that] drama and law in ancient Greek society were both instances of agon'; in other words, a set of fixed rules and sacred format guided a contest that pitted two parties against each other.<sup>9</sup> People's fascination with judges does exist, and it is more likely to be held for senior judges – such as Lady Hale or Ruth Bader Ginsburg.<sup>10</sup> Moran's objective is to make engagement with pictures of judges more accessible, by investigating judicial visibility over time and in different formats. But it is not without its challenges, and certain concerns arise, with respect to the appropriateness of this endeavour, or whether the public is simply not engaging with what is already before them. One of the key critiques in visual culture concerns the audience's ability to 'see' and 'read' judges and understand the subject matter.<sup>11</sup> This is a question of visual literacy.

Where research in law and visual culture has examined portraits of judges, the same visual codes and hierarchies of law as in painted portraits are found<sup>12</sup> For example, because of the over-representation of men in law a discourse that centres on masculinity and masculine attributes marginalises women and their role in legal developments, past and present. Also, as noted above, portraits may offer traces and clues of individual legal life stories, to use in legal life writing. While not portraits, the main point of portraiture for many researchers working in

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<sup>8</sup> Leslie J. Moran, *Law, Visual Culture and Judges* (Routledge 2021), 6-7. Moran cites Jeremy Bentham, *The Collected Works of Jeremy Bentham*, Vol 4 (Lea and Blanchard 1844) and Lawrence Baum, *Judges and Their Audiences: A Perspective on Judicial Behavior* (Princeton University Press 2006).

<sup>9</sup> Julie A Cassidy, *The Enemy on Trial: Early Soviet Courts on Stage and Screen* (Northern Illinois University Press 2000) 8.

<sup>10</sup> Lady Hale: 'My Desert Island Judgments? Number one would probably be the prorogation case', 11 Jan 2020, *The Guardian*: <https://www.theguardian.com/law/2020/jan/11/lady-hale-desert-island-judgments-prorogation-case-simon-hattenstone> <last accessed 9 August 2021>.

<sup>11</sup> Peter Burke, *Eyewitnessing: The Uses of Images as Historical Evidence* (Reaktion, 2001), 13.

<sup>12</sup> Nikki Godden-Rasul, 'Portraits of Women in Law: Re-envisioning Gender, law and the Professions in Law Schools', (2019) 39 *Legal Studies* 415.

law, humanities, or in both fields, is that a photograph records that someone was in front of a camera when the photo was taken, at the time referred to as ‘presence’.<sup>13</sup> Whether an image can tell us anything about how people looked is difficult to know. An individual will look different depending on how a photo has been made - including conventions of genre and aesthetics. A professional portrait will differ from other kinds of shots. Taking a photograph of someone can be both political and visual; we confront a ‘complexity of entangled relations’ between various actors and their peculiar interests and agendas.<sup>14</sup>

Three general themes arise from the way that Moran embarks on his ambitious project, and which broadly concern (1) visual culture of the judiciary; (2) storytelling about judges within visual frames; and (3) the future of visual depictions of judges.

Concerning the first point, Moran unfolds for readers the ways the public engaged with, and were marginalised from, the visual depictions of judges, owing to the iconoclastic tendencies within common law.<sup>15</sup> Judicial portraiture was an important way to convey information about senior judicial officials in the 17<sup>th</sup> to 20<sup>th</sup> centuries. Moran addresses the differences and commonalities by looking at a variety of factors including the posture, judicial costume, who the judge is pictured with, or the existence of props. All of these are used to create a sense of drama surrounding the judge, and the viewer’s gaze is manipulated in a certain way to read the picture. As Moran rightly notes, the majority of those painted were white and male, with whiteness and masculinity symbolising the virtues and values on display. Women were not allowed to study law until 1919, and the first woman, Dame Elizabeth Lane, to be elected to High Court was not until 1965.<sup>16</sup> But visual literacy for Moran means that diversity can be read into these painted pictures, even when they only depict a select few.

To develop the discussion, Moran turns the reader’s attention to the halls of the remarkable French Gothic building, the Royal Courts of Justice (RCJ) in London. This part of the discussion is relevant to the way we read pictures by thinking about what is present and absent from its walls. Humanities and socio-legal writers have noted how walls ‘speak’.<sup>17</sup> Likewise, visitors to the RCJ record their thoughts on the pictures they see in reviews on travel websites<sup>18</sup>; in other words, they engage with the brick and mortar. Moran spends some time

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<sup>13</sup> Roland Barthes, *Camera Lucida* (Vintage, 2000) 87.

<sup>14</sup> Ariella Azoulay, ‘The Lethal Art of Portraiture’, (2015) 8 *Photography and Culture* 213, 214.

<sup>15</sup>For example see Douzinas and Nead.

<sup>16</sup> Moran (n 8) 42.

<sup>17</sup> Krisztina Fehérváry, *Politics and Color and Concrete* (Indiana University Press, 2013) and Agata Fijalkowski and Sigrun L Valderhaug, ‘Legal Decisions, Affective Justice, and ‘Moving On?’’, (2017) 7 *Oñati Socio-legal Series*, 337. Available at <https://ssrn.com/abstract=297720> <last accessed 9 August 2021>.

<sup>18</sup> Moran (n 8) 47.

reflecting on the significance of John Lavery's painting *High Treason, Court of Criminal Appeal: The Trial of Roger Casemont* from 1916. It no longer hangs at the RCJ, and it undertook quite a journey before it reached Dublin; the work was not without controversy connected with the *Casemont* case itself, and what its absence from the walls of the RCJ and appearance at the Honorable Society in Kings Inns in Dublin represents.<sup>19</sup> Lavery's painting provokes a series of uncomfortable and important questions about ownership and the kinds of values that are meant to be depicted. Lavery himself was photographed by the German-Jewish photographer Gerty Simon. The *Daily Sketch* reported that Simon 'likes 'shooting 'painters because they understand exactly what she wants in the way of compositions, lighting and pose'.<sup>20</sup> By focusing on Lavery's painting, Moran address the missed opportunities to reach the audience with clearer messages about the meaning of law and justice. Again, Moran sees this narrative in what is not present, or readily apparent.

In his analyses of *carte-de-visite* judicial portraits,<sup>21</sup> where the size of the portraits enabled a certain intimacy in that they could be held close, the author reflects on their meaning and capacity for storytelling, relating to the second theme. In terms of storytelling, Moran uses as a theoretical framework Anderson's notion of imagined communities.<sup>22</sup> The albums of judicial portraits connect the imagines communities of a legal dynasty, the legal professional community, and wider society.

But the storytelling also extends to the way in which the judges is portrayed on stage and on screen. Cassiday, in her seminal work on early Soviet courts,<sup>23</sup> identifies Russia's avant-garde tradition at the root of Soviet show trials. Theatre and cinema at that time had the capacity to transform the human spirit, via this specific aesthetic lens and tradition. Law was excellent subject matter with its authority coming from good or evil or friend or foe, a tension that never dulls for spectators. In his study of Russian folklore, for example, Propp discusses the relationship between the characters as one of struggle.<sup>24</sup> All good stories have a plot that engages the reader because of what is at stake. Likewise, Moran's explanation of the television drama series *Judge John Deed*, in chapters 6 and 7, with a High Court judge at the centre of

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<sup>19</sup> Ibid 62.

<sup>20</sup> Wiener Holocaust Library Exhibition [online], 'Berlin/London: the Lost Photographs of Gerty Simon', <https://wienerholocaustlibrary.org/exhibition/berlin-london-the-lost-photographs-of-gerty-simon> <last accessed 9 August 2021>.

<sup>21</sup> *Carte-de-visite* portraits are a type of small photograph.

<sup>22</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Verso 1983).

<sup>23</sup> See generally Cassiday (n 9).

<sup>24</sup> Vladimir Propp, *The Russian Folktale*, trans. Sibelan Forrester (Wayne State University Press 2012).

the story, could be considered via the lens of screenwriting. Consistent with Propp, a successful drama series will capture viewers if there is a ‘hook’; good stories are strange and startling.<sup>25</sup> The episodes require cliff-hangers and developed character biographies that show the hero/anti-hero as accessible if he/she believes in what they are doing. The spotlight on the judge works if his/her world is an integral part of his/her character biography. In other words, our visual literacy reinserts the world into the life account of the judge and into the cases he/she is adjudicating. As more viewers take part in the process of watching and following the series, it is clear that our knowledge will be informed by inclusions and exclusions, with or without our knowledge. The viewer becomes part of the judge’s imagined community, with the assistance of the screenwriter.

Concerning the third theme, in the chapter, ‘Strictly Judge Rinder’, Moran develops key themes of reproduction in his analysis of mass consumption to address the way the community connects with judges via an individual who was already known in the public eye. The industry and communications teams working in the high courts are keen to make judges more accessible and use social media in a savvy way to achieve this goal: an astute reader will note the awareness of the social and cultural implications as a means to shape the aesthetics of legitimate authority. Moran revisits the components that made up judicial portraiture to his analysis of Judicial Summary Videos (JSV) and how the viewer’s visual literacy has and can improve. A better understanding of the way that individuals interact with pictures of judges rests with further work on the social and cultural context, especially looking at the role and impact of social media in the way we read pictures.

The range of issues that Moran explores shows that the author has considered the subject matter in depth and through various perspectives. Moran draws on archival materials and engages in empirical work regarding Judge Rinder’s visibility and JSVs. Overall, *Law, Visual Culture and Judges* makes a compelling argument. Moran’s choice to study common law subjects, in specific collections and venues, allows him to draw a clear trajectory of the evolution of the visual depiction of judges, broadly understood, to the present day.

Because Moran’s purpose is to showcase judicial visibility, considerations of the way that judges were depicted by other artists and themselves, as well as the media, and how these were constructed within the common law and applied in courtroom and non-courtroom settings, is logical. In 11 chapters Moran engages his reader by pointing to what has been

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<sup>25</sup> Adam Gopnik, ‘Can Science Explain Why We Tell Stories?’ *The New Yorker* (18 May 2012) <https://www.newyorker.com/books/page-turner/can-science-explain-why-we-tell-stories> <accessed 9 August 2021>.

excluded from this discourse and bringing it back into it. Of particular interest is Moran's chapter on 'Afterword on Judicial Pictures', where the author tackles the technological and institutional developments that shape present reproduction and dissemination of judicial pictures. In this chapter, Moran reminds us that the UK Supreme Court's position that it strives to distance itself from the kind of attention-seeking produced by mass media attention is not sustainable, because it relies on cultural practices that are in tune with the mass media industry. However, the author points to the format of the JSVs (a small screen picture) that is not popular in mass media production.<sup>26</sup> 'The combination of greater transparency and mass communication of that transparency poses particular challenges for the judiciary'.<sup>27</sup> Through all of these texts, Moran argues that the consumption of the images needs to be set into the social and cultural frame.

Moran's book is an invaluable addition to the field. It provides a significant resource to anyone researching law and visual culture and sets out key questions on which to undertake comparative work and apply these questions to other jurisdictions. Moran correctly notes that the topic of how we are to understand these depictions of judges continues to be understudied. This is an important contribution and one that should encourage us to continue to search for pictures of judges.

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<sup>26</sup> Moran (n 8) 235.

<sup>27</sup> Ibid 237.