

Law, Judges and Visual Culture

By Leslie J. Moran. New York: Routledge, 2021. 260 pp. \$128 (hardback). ISBN: 9781138618619

Sometime in the early 2000s I saw The Honourable Michael McHugh AC QC get on a 380 bus in Sydney. As an older passenger, and a respected Justice of the High Court of Australia, I felt that somebody ought to offer him their seat. Nobody knew who he was. Eventually he took the least desirable seat, facing backwards, and a schoolboy spread his homework partially across His Honour's lap. That Sydney commuters don't recognize their most superior judicial officers is supposed to be a point of pride; judges can safely catch public transport, can experience everyday life, and there is no special treatment for the person who wrote my favourite judgments on the laws of evidence.

Judicial visibility is the subject of Leslie J. Moran's book *Law, Judges and Visual Culture*. Whether and how to look at judges, what they look like, and where these judicial images appear are inquiries examined in this accessible and substantial work of scholarship. Well-known for his work on law and sexuality and hate crimes, Moran is also a contributor to research examining law's representation in popular culture, and particularly visual culture. In this book, Moran has focused on images of judges, whether they appear in formal portraits, *cartes-de-visite*, and on television, primarily in England and Wales. A photograph reproduced in the book's frontispiece, taken by the author, shows a judicial procession in central London in 2009, moving through roadworks. In their ornate robes, three bespectacled white men walk among bollards, barricades and earth-moving machinery as a uniformed policeman stands guard. Walking down streets or catching buses are examples of seeing judges in unexpected places. However, most of Moran's book is concerned with how judges are visualized as being in their proper place, presiding, deliberating and delivering judgment.

At the outset, Moran states, "A central argument of the book is that pictures of judges have long played an important role in generating and circulating understandings of the judiciary as a legal institution" (1). Moran locates his study within the core principles of open justice, with transparency, accountability and visibility functioning as central tenets of the judicial office.

The book begins with formal painted portraits. Moran examines 42 paintings – judicial portraits – from the 17th to the 20th centuries. These are mostly senior judges, and they are held in the National Portrait Gallery and the Government Art Collection. Almost all of these are on loan to the Royal Courts of Justice in London, home of the highest courts in England and Wales (24). Moran takes us on a guided tour of these paintings, and sets out the history of their making and exhibition. Initially intended as something to "show" members of the public – courthouse tourists – only a minority of these paintings are hung in areas accessible to the public (48-9). Moran himself has access to all areas, and tells us that the primary audience for most of the portraits is other judges and their staff (57). For Moran this comes as "no surprise" (64) as many of these portraits were commissioned by judges, and judges have a "preoccupation with their institutional self-image", thereby producing and consuming judicial portraits in perpetuation of the tradition in which they govern their own representations (64). He notes that many of the portraits are hung high on the walls, making them difficult to appraise, their captions difficult to read, and with titles illegible through the accumulated dust and grime (58). The display of these portraits serves as a striking contrast to the idea of open justice.

Moran's analysis of judicial portraits themselves focuses on the nature of identity, power and status, as well as recognition and subjectivity (31). Moran writes, "common to all is an attempt to evoke the presence of the sitter as a judge in and through the picture" (2) and he notes later, "there is little attempt to differentiate one judicial body from another" (33).

Collectively, their costumes, props, posture and visage announce: I am a judge. Whilst most of Moran's attention is given to looking at what is visible within the frame, he also gives consideration to gender, race, ethnicity and sexuality (25). Unsurprisingly, this attention discloses that masculinity and whiteness are enduring attributes of the judicial body.

Next, we are introduced to the strange genre of judicial *cartes-de-visite*. Made primarily between the 1860s and 1880s, large collections of judicial *cartes* survive in the collections of Lincoln's Inn and London's National Portrait Gallery. All these bewigged senior white men look the same to me, staring affectlessly towards the middle-right distance. Admittedly, the Hon. Justice Brett has a cleft chin, and the Rt. Hon. Lord Selborne has a recessed chin. The Hon. Justice Honyman seems to have a very hairy neck, but this could also be an artefact of the quality of image reproduction in the book (72-3). Here, Moran is showing us the role of photographic technologies in this new genre of judicial portraiture. He also demonstrates that he can see far more in these images than I noticed: he points to an uncomfortable collar, fleshy jowls, folds, wrinkles, overbite, hooded eyelid, a full lower lip (76-8).

That these photographs are "idiosyncratic and less flattering" contradicts the tendency of official portraiture to "idealise and perfect" the judicial figure; these little cheap photos on their flimsy cards are neither transcendent nor timeless (76). Importantly, Moran reminds us that viewing these images now makes it "difficult to imagine the magic and shock" and also the "novelty" of these photographs at the time of their creation (81). That judicial officers might be photographed at all, and that those images should portray their flaws and their individuality, itself represented a significant shift in judicial openness, transparency and authenticity. Demonstrating that judges were authentic, individual and human was one of the achievements of judicial *cartes-de-visite*, and they marked a turn which would eventually yield such judicial characters as Judge Judy, Judge Mathis, Judge Rinder (the latter is the subject of Chapter 10) as well as fictional productions such as *Judge John Deed* (examined in Chapters 6 and 7).

In 2009, when the new UK Supreme Court was inaugurated, cameras were installed in the refurbished building. All proceedings in this new jurisdiction would be audio-visually recorded, and these recordings were to be available to the media and others, upon request. Some proceedings were broadcast live on Sky News, and the court launched its YouTube channel in 2013, which focuses on Judicial Summary Videos (155-6; also chapter 9). Here is where Moran squarely examines matters of open justice, transparency, and the relationship between the courts and the news media. For Moran, debates about cameras in courts are "intimately connected to debates about institutional transparency" (160). Moran undertakes a detailed analysis of the challenges and processes by which these courts co-exist with cameras, including interviewing key personnel about the careful negotiations, the protocols and the processes by which open justice is facilitated.

Moran's book reminds us that judges are both people and symbols. It is written in the broader contexts of legal biography and legal life writing, diversity and social inclusion of the judiciary, and official and unofficial representations of justice (and judges) in popular and literary culture. Moran traces the shifting technologies that produce judicial images, and the changing audiences for them. Images of judges are produced, managed and consumed within specific socio-cultural moments, and they circulate in an increasingly crowded cultural domain. Moran argues that the project of improving judicial visibility is bound up with that of improving judicial legitimacy, and that this sometimes backfires (237-8). Moran also accepts that visibility is not always synonymous with transparency, and that achieving open justice is an ongoing challenge. Moran's work is a timely reminder, and also an invitation, to examine judges – as individuals and as an institution of power – by scrutinizing the moments when they become culturally visible. Moran's idiosyncratic approach follows what must be his own

cultural preferences – the shows he enjoys watching, the architecture he admires – as it also displays his striking ability to pay attention to small yet significant details and reveals that judicial visibility is often a carefully choreographed performance.

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