

BOOK REVIEW

Law, Judges and Visual Culture

by Leslie J Moran. Abingdon: Routledge, 2020, 260 pp (£120 hardback; £33.29 e book) ISBN: 978-1-13-861861-9

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I can think of no context, other than this book, where the inclusion of Mr Justice George Honyman, with his magnificent eyebrows, and ‘Judge’ Robert Rinder, in spangles, makes perfect sense.¹ These strange bedfellows are characters in *Law, Judges and Visual Culture* by Professor Leslie J Moran, an examination and analysis of images of judges which have been ‘confined, literally and metaphorically, to the margins’² and which Moran has described as ‘a neglected, sometimes poorly understood and underused source of data’.³ The neglect of such images is by no means the fault of Professor Moran, who has engaged with visual scholarship over the last decade to underline its importance as a component of judicial biography and public understanding of the judiciary.⁴

It is refreshing to read a book examining the public perception of law which focuses upon sources other than the written word. Moran traces the development of public understanding of the judiciary through images, both static and moving, and popular culture.⁵

The overarching theme of the book is the ‘role of pictures in the formation and dissemination of the judiciary as a legal institution’.⁶ Moran examines judicial images, beginning with portraiture, moving on to early photography, and ending with depictions on the small screen (both fictional and factual).

The themes of the making, managing, and viewing of images are interwoven to consider images in isolation, and then as playing an important role in the visibility and public perception of the judiciary. Moran explains that pictures are not adjuncts or mere illustrations but an important facet of the public face of judges and the administration of justice.

The volume is divided broadly into two sections, addressing respectively static images and moving images. The introduction sets out Moran’s thesis and explains the genesis of the research: institutional legitimacy grounded in Jeremy Bentham’s adage: ‘Publicity is the very soul of justice... It keeps the judge himself, while trying, under trial’.⁷

¹Sir George Essex Honyman (1819–1875) was a commercial lawyer and Judge of the Court of Common Pleas. Robert Rinder is a barrister, and star of Judge *Rinder*, an arbitration-based reality TV court programme.

²LJ Moran *Law, Judges and Visual Culture* (Routledge, 2020) p 1.

³LJ Moran ‘Judicial pictures as legal life – writing data and a research method’ (2015) 42(1) *Journal of Law and Society* 74.

⁴Including LJ Moran ‘“Every picture tells a story” – picturing judicial biography’ (2014) 14(1) *Legal Information Management* 14; LJ Moran ‘A previously unexplored encounter: the English judiciary, carte De visite and photography as a form of mass media’ (2018) 14 *International Journal of Law in Context* 539.

⁵Moran’s work ranges from examination and discussion of identity politics and law, to hate crime, and, latterly, law and visual culture. He has carried out research over several years on law and visual culture and his earlier work is expanded in this book.

⁶Moran, above n 2, p 1.

⁷J Bentham ‘Draft organisation of judicial establishments, compared with that of the National Assembly [of France], with a commentary on the same’ (1790) in J Bowring (ed) *The Works of Jeremy Bentham* (1843) p 381.

Having reviewed the literature and explained the context for his research in Chapter 1, Chapters 2 to 5 deal with traditional images: first, paintings in the Inns of Court, the Royal Courts of Justice, and the National Portrait Gallery; and secondly, the Victorian phenomenon of cartes de visite. Judges embraced the carte enthusiastically.⁸ The examination of cartes de visite, a wholly neglected source for research into the judiciary until alighted on by Moran, is particularly interesting. The pocket-sized images of judges were sought-after to fill collectors' albums. As Moran explains, 'Negotiating swaps with other album owners was another social practice associated with acquisition'.⁹ One can imagine Victorians exchanging judicial cartes de visite in their parlours in the manner of football cards: 'I will swap you two Pollocks for a Lush'. Moran refers to the cartes as 'unremarkable portraits'. However, as he demonstrates, the mundane was in fact extraordinary, as judges' images were consumed as artifacts for close examination.

Moran analyses what can be deduced from the image itself and the framing of the image. The photographs were perceived by contemporary viewers as novel and truthful. Some judges were presented as 'the embodiment of the values and virtues of the state office he occupies' yet the framing of some suggests 'bourgeois respectability'.¹⁰ In Chapter 5 Moran discusses the images within the context of the collector's album. The cartes de visite brought the judges into the drawing rooms of the nation.

The contents of the albums helped establish the judges as celebrities.¹¹ The accessibility of the portraits in their 'imagined communities' highlights the importance of context in constructing meaning. The presentation challenged the elite perception of judges.

Moran then considers moving images of judges, both real and imagined. Chapters 6 and 7 discuss a fictional portrayal: Martin Shaw as Judge John Deed. In the TV series, *Judge John Deed*, rather than being a marginal figure, the judge is the centre of the action.¹² The lack of public access means that television portrayals become the way in which the judiciary is understood by the public. Moran analyses journalists' reactions to *Judge John Deed* as a proxy for public reactions. He suggests that Deed, as a maverick, caring and compassionate judge, presented a model of an ideal judge. The drama showed an imagining of the workings of the court and the role of the judge when the court room did not allow camera access. Moran explores the use of camera angles to establish an image of the judge and present the viewer with an intimate perspective on judicial work otherwise unavailable.

From a fictional judge, the discussion turns to the televising of the Supreme Court and the light that this shines onto judicial work. Chapters 8 and 9 discuss the roll-back from the judicial retreat from the public eye, which began when cameras were banned in court in the early twentieth century.¹³ In the 2009 reforms, the Supreme Court was granted permission to televise proceedings.¹⁴ Moran draws parallels with the fictional Judge Deed in examining the camera angles used by the Supreme Court camera crews. In the same way that Deed is at the centre of the fictional drama, the recordings of the Supreme Court hearings place the judge giving the leading judgment in the spotlight. Moran discusses the distinction between an objective presentation of events in an arena not specifically set up for filming – 'just filming' – and the alternative that is making 'a piece of television'.¹⁵ Moran argues that viewers used to watching small screen courtroom drama find the presentation of the Supreme Court hearings familiar.

⁸They may have been emboldened by the enthusiasm of the monarch. Queen Victoria and the Royal family both collected, and were portrayed, on cartes de visite.

⁹Moran, above n 2, p 87.

¹⁰Moran, above n 2, p 81.

¹¹Published by the London Stereoscopic Company.

¹²Moran, above n 2, p 109.

¹³Criminal Justice Act 1925, s 41. The chapters draw upon scholarship from film and media studies.

¹⁴Constitutional Reform Act 2005. The Crown Court (Recording and Broadcasting) Order 2020, SI 2020/637, allows judges' sentencing remarks to be broadcast. High Court and Senior Circuit judges sitting in the Crown Court can be filmed if permission is obtained from the judiciary in advance.

¹⁵Moran, above n 2, p 195.

Finally, in Chapter 10, Moran turns to a surprising topic linked to the popular depiction of the judiciary. What is widely referred to as the ‘cultural turn’ is illustrated by an exuberant discussion of Judge Rinder and *Strictly Come Dancing*.¹⁶ Rinder’s appearance on *Strictly* propelled him to the fore as a ‘judge’ at the centre of the action.¹⁷ Rinder embraced the popular tropes of the courts: gavels, the scales of justice, and judicial dress. Rinder, and Deed, represent the public perception of the judiciary – necessary because of the absence of actual judges from the public consciousness.

The chapters in *Law, Judges and Visual Culture* can be read as case studies. Each chapter analyses a different presentation of the judiciary and considers the role of images in ‘humanising’ the judiciary. Moran establishes that the perception of judges, and their role in society, results from a joint enterprise in which photographers, the media, curators and the public itself all play a role. When the chapters are considered together, the changes in depictions of judges, and their visibility, can be fully appreciated. The pictures, their display, location, and mode of display impact on the viewer. Understanding the judiciary is dependent upon how the image is presented and consumed by the public.

In a fascinating book centred on images, it is sad that the cover is one of the abstract patterns preferred by some publishers. Garish covers, reminiscent of a 1980s stationery shop, put the book at a disadvantage in a busy market. The swirls do not entice. Generic covers offer nothing to distinguish EU law from equity; crime from criminology. Moran’s book emphasises the importance and vitality of the visual. He writes vividly about portraits and their display in the splendour of the Royal Courts of Justice.¹⁸ He brings to life the broadcasting of hearings in the Supreme Court and underlines the importance of the effect of the careful visual framing of judges and their actions.¹⁹ And yet the publisher has wasted an opportunity to capitalise on this. In a similar vein, and no criticism of the author, the pictures in the text lose impact in black and white. The richness of the gold lace on Lord Phillips’ gown can only be imagined.²⁰ The impression made by sepia tones on the carte de visite, contrasted with the red type of the frame is missed in monochrome.²¹

Many readers will be encouraged to read the book in e format – surely pictures for the electronic format could be in colour, even if the cost of hard-copy colour is prohibitive. *Law, Judges and Visual Culture* is an important book which offers a new layer to any consideration of judges, their lives, and work, and the consumption of understanding of the judiciary by the public. It is advisable to view the cover as wrapping paper which, when opened, reveals the gift inside.

In legal scholarship the visual is sometimes overlooked. Professor Moran’s book offers ‘a fundamental challenge to judicial research by questioning what counts as a legitimate object of research’.²² He is successful in establishing that images, in the diverse forms he identifies, are not merely diverting but central to the public perception of judges and the law. *Law, Judges and Visual Culture* is for legal scholars, but is also important for art historians, sociologists, social and cultural historians, and those who study film and television. This book is a readable entry into visual possibilities for legal scholarship. The chapters cover a panorama, but Moran leaves space for further exploration. There is room to expand Moran’s thesis into the depiction of judges in print media and ephemera such as cigarette cards. The discussion of the portrayal on the small screen could be extended to cinema.

The rich possibilities of the visual and what it adds to the study of the law is exciting. Moran underlines that images of judges are central to understanding the popular perception of the judiciary as a legal institution.

Moran suggests, ‘As key players in rule of law democracies, the visibility, or lack of visibility, of judges is an important issue in need of urgent attention’. This book analyses different types of visibility

¹⁶LJ Moran ‘Legal studies after the cultural turn: a case study of judicial research’ in S Roseneil and S Frosh (eds) *Social Research after the Cultural Turn* (London: Palgrave Macmillan, 2012).

¹⁷Although Rinder is a barrister and not a judge.

¹⁸Moran, above n 2, ch 3.

¹⁹Ibid, ch 9.

²⁰Ibid, photograph of Lord Phillips recto Contents page.

²¹Ibid, carte de visite in ch 4.

²²Moran, above n 2, p 2.

and illuminates issues that are increasingly important in an age of social media and the curation of image. Moran adds to the widening body of work on the visual and encourages scholars who research the presentation and role of law within society to interpret what is presented and establish the wider impact of the visual. I look forward to weaving more images into my research and teaching, and opening new vistas for law students to develop their visual education. Moran's discussion of the making, managing, and viewing of images of the judiciary brings fresh dimensions to discussion of the judiciary, the public perception of their work, and the role of material culture in establishing the place of the judiciary in society.