

# Judging pictures: a case study of portraits of the Chief Justices, Supreme Court of New South Wales

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## Abstract

*This essay is about portraits: judicial portraits. It offers a case study of the interface between law and visual culture. Its object of enquiry is a collection of pictures (painted and photographic), depicting the sixteen Chief Justices of the Supreme Court of New South Wales, Australia, from 1824 to the present day. The original paintings hang in the Banco Court, Sydney. The photographs and digital copies of all the images are on the Court's website. Beginning with a brief review of socio-legal scholarship on the judiciary, the essay explores existing work on the visual image of the judge. In response to the limitations of that research, the paper turns to art historical scholarship to facilitate an analysis of the aesthetic and technological factors (the continuities and changes) that shape and generate the meaning of these judicial images. It explores the relevance of context upon meaning. The paper demonstrates a number of methodological approaches and reflects upon the contribution that a study of judicial pictures may make to socio-legal scholarship.*

## 1 Introduction

This is an essay about portraits, judicial portraits: both painted and photographic images of the judiciary. The visual objects that make up this case-study are a series of judicial portraits that span a period from 1824 to the present day. They are pictures of the sixteen Chief Justices of the Supreme Court of New South Wales, Australia. This dataset includes fifteen painted portraits that represent all but the current Chief Justice displayed in or near the Banco Court (the Chief Justice's court),<sup>1</sup> on the thirteenth floor of the New South Wales Supreme Court building, Sydney, Australia. It also includes pictures of sixteen Chief Justices found on the website of the Supreme Court.<sup>2</sup> In that context, the pictures of the first thirteen Chief Justices are digital photographic copies of the painted portraits and the rest (the last three Chief Justices) are photographic portraits. Burke (2001, p. 28) suggests that a dataset such as this (a series of pictures of the same subject over a period of time) is particularly valuable. It provides opportunities not only to study the aesthetics and the meanings that the pictures have in common but it also creates the possibility of identifying and examining differences between them. Minor changes, Burke suggests, may be indicative of changes of major significance. In

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1 There is other artwork in the other public areas of the Court, including a small number of painted portraits of past Presidents of the Court of Appeal: Sir Frederick Jordan, Sir Bernard Sugarman and Justice Michael Kirby. They are displayed in the President's Court on the twelfth floor.

2 [www.lawlink.nsw.gov.au/lawlink/supreme\\_court/ll\\_sc.nsf/pages/SCO\\_chiefjudges](http://www.lawlink.nsw.gov.au/lawlink/supreme_court/ll_sc.nsf/pages/SCO_chiefjudges) [last accessed 29 June 2009].

undertaking this project, I begin with a few words about the wider context of judicial research and scholarly developments in the social sciences and legal scholarship that have extended the research agenda to incorporate visual culture. I then examine existing legal scholarship on visual images of judges. After considering the insights and limitations of this work, I turn to a wider body of art historical scholarship on portraiture. The objective here is to identify some of the key themes of relevance to a study of visual images of judges. Two subgenres of portraiture scholarship have particular significance: studies of portraits of members of particular professions or occupations and work on 'state' and 'official' portraits. The remainder of the paper then applies the insights drawn from this and other relevant scholarship to an analysis of the portraits of the Chief Justices of New South Wales. At the end of the paper I offer some reflections on the methods used.

As Epstein and Knight (2004) note in their survey of judicial research falling under the banner of 'Law and Society' scholarship, this is a large, diverse and growing area of scholarly activity. Much of this work has its origins in the US and much of it continues to be focused on that jurisdiction, but it is also beginning to develop in other jurisdictional contexts.<sup>3</sup> It is predominantly empirical (both quantitative and qualitative), which they define as 'research based on observations of the world' both direct, for example by way of interviews or surveys, and indirect, relying on secondary sources, especially databases of legislation and decided cases (pp. 174–75). It comes from a variety of social science contexts – sociology, anthropology and political science – as well as law. Under the catholic banner of 'Law and Society', a variety of methodological tools are used to analyse the data, ranging from the simple categorisation of survey data or archives, to the use of multivariate analysis or the textual analysis of interview transcripts or decided cases. When the more traditional black-letter common law legal scholarship is added, the judicial research agenda focuses on secondary written texts and the methodology is one of literary analysis.

In every discipline and area of research, to paraphrase sociologist Pierre Bourdieu (Bourdieu, Boltanski and Whiteside, 1965/1990, p. 1), there exists a hierarchy of legitimate objects of study. Research focusing on the judiciary is no different. Be it under Law and Society's broad banner or the more narrowly drawn boundaries of black-letter research, a hierarchy of legitimate objects of judicial research and legitimate methodologies are expressed or assumed. Within the complex crowded research landscape of sociojudicial studies mapped by Epstein and Knight, judicial portraits might be a rather surprising choice of objects for a study of the judiciary. At best they might be low down the hierarchy of legitimate objects of research, or at worst off the radar screen of serious research.

But what counts as a serious object of legal research is changing. One key development noted within the community of scholars researching law as a social phenomenon is a blurring of disciplinary boundaries between the social sciences and the humanities (Sarat, 2004; Sarat and Simon, 2003). In part this echoes the cultural turn in social sciences,<sup>4</sup> in which culture has become central to understanding society, as a key site of social formation rather, than a second-order phenomenon merely reflecting other more fundamental social, political and economic processes. Research that explores visual culture is a part of that development and one that is impacting upon the study of law.<sup>5</sup> But in Epstein and Knight's survey there is little evidence of these disciplinary and substantive changes impacting on judicial research. This is both a limitation of their survey and an

3 There is a growing body of empirical judicial research in Australia. Kathy Mack and Sharyn Anleu are undertaking a large socio-legal empirical study of the whole of the Australian judiciary (Anleu and Mack, 2005; Mack and Anleu, 2007). For details of their project see <http://ehlt.flinders.edu.au/law/judicialresearch/> [last accessed 29 June 2009]. See also Lynch and Williams (2007) and Pierce (2006).

4 There are far too many monographs and scholarly articles to list. They can be found under a range of headings: visual sociology, visual anthropology, visual culture, visual methodologies. *Visual Sociology* is a key journal in the field.

5 For example, see Denvir (1991), Douzinas and Nead (1990), Feignenson *et al.* (2005), Meyer (1993), Sherwin *et al.* (2006).

effect of their characterisation of ‘what counts’ as research in that area of study. It is not a limitation of judicial research per se. For example, they make no reference to scholarship on judicial biography and autobiography that extends the boundary of research on the judiciary in the direction of law and literature scholarship.<sup>6</sup> Research exploring courts, judges and visual culture, be it in relation to the now well-established policy domain of cameras in courts<sup>7</sup> or exploring judicial use of visual images in legal proceedings,<sup>8</sup> is also missing. One area of burgeoning Law and Society scholarship engaging with visual culture of potential relevance to this study of judicial portraits is the work on the depiction of law in film and television.<sup>9</sup>

## 2 Existing scholarship on the visual image of the judge

Scholarship on the visual representation of judges in film and television crosses the spectrum of factual and fictional representations. However, research on the former (television news, documentary) is rare (Moran, 2008a). Slotnick and Segal’s *Television News and the Supreme Court* (1998) is an exception,<sup>10</sup> but it is an exception with severe limits. The importance of the visual is recognised (it plays a key role, engaging the audience, widening appeal, generating the emotional dynamics of news, adding a heightened sense of realism), but the authors pay little attention to the form of those visual images, how the visual images are made or how an audience sees or doesn’t see them. Research on the judiciary in visual fiction is a little more promising. Ross Levi’s thematic analysis of American English language ‘legal cinema’ (predominantly courtroom drama), identified a significant number of films (251 titles) with ‘judge’ in the plot-line descriptions.<sup>11</sup> While not quite equal to the number of ‘hits’ when using ‘lawyer’ (366 titles), it does suggest that judges are significant figures in ‘legal cinema’ (Levi 2005, p. xi). However, in the final instance, existing scholarship suggests the judge is a marginal figure in ‘legal cinema’; rarely central to the moral dilemmas, narrative or character development that tend to be associated with lawyers and advocates (Black, 2005). Nor does the addition of television seem to change this state of affairs (Jarvis and Joseph, 1998; Kleinhans and Morris, 2004). Reality TV is perhaps the exception (Lovell Banks, 2003) and the most frequently cited example is *Judge Judy* (Kohm, 2006). The absence of lawyers from reality TV judge shows seems to have the effect of putting the judge and the performance of judicial authority at the centre of the picture (Christie, 1999). Are there other and earlier visual formats in which the judge is at the centre of the picture? Is there research that examines these images?

## 3 On judicial portraiture

Judicial portraits are another and a much older cultural form that puts the judge at the centre of the visual image. What, if anything, does existing legal scholarship tell us about this type of judicial image and image making? The little published work that does exist falls into two types. One is a small group

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- 6 For example, see Krugman Ray (1999; 2004/2005), Posner (1995), Thomson (1985), Howard (1971).
- 7 A useful summary of the large multi-jurisdictional body of work that exists on this topic is to be found in Stepniak (2008).
- 8 For example, see Biber (2007), Karpin (2002) and Silbey (2004).
- 9 Key texts include Chase (2002), Denvir (1996), Greenfield *et al.* (2009), Jarvis and Joseph (1998), Kamir (2006), Moran *et al.* (2004), Villez (2005).
- 10 This area is dominated by work on newspapers; see Bybee (2007), Davis (1994) and Haltom (1998). Most of the existing work is US-focused. An example from Canada is Sauvageau *et al.* (2006). In general, the visual dimension of news reports has been ignored (Zeiler, 2005).
- 11 His sample is the online ‘International Movie Database’, using terms such as ‘lawyer’, ‘jury’ and ‘judge’ to explore the profile of each of these legal characters.

of texts, made up of short notes published in legal professional journals recording decisions to commission portraits, detailing unveiling ceremonies and the (re)hanging<sup>12</sup> of judicial portraits.<sup>13</sup> These texts provide some, albeit limited, evidence of the production and use of judicial portraits.

Legal historical scholarship is the second type of work making reference to judicial visual images: sculpture, brasses and painting. This is an example of legal scholars using visual images as historical 'evidence', for example of styles and changes in judicial dress (Baker, 1975; 1978). Little or no attention is paid to the history, nature, purpose or use of the judicial image per se. Despite this limitation, the work has particular value. It makes a small but important contribution to the history of the visual images of identified individual holders of judicial office. It suggests that the production of judicial images of named or identifiable individuals is a long-established practice in the Common Law, with its origins in the fourteenth century, probably beginning with effigies and other forms of funeral monument.<sup>14</sup> In the context of this long history, the lack of scholarship examining their nature, history, significance or use is rather surprising.

#### 4 On portraiture

Nor am I able to report that portraiture, neglected by legal scholars, has been the subject of extensive and rigorous study in more pertinent disciplines, such as art history. If there is no art historical scholarship on portraits of the judiciary to assist my studies, scholarship on portraiture in general does have considerable relevance (Brilliant, 1991; Piper, 1957; Pope-Hennessy, 1966; West, 2004; Woodall, 1997). And two particular bodies of art historical work on portraiture have a close substantive affinity with judicial portraiture: work on portraits of members of professions, and state and official portraits.

General portraiture scholarship suggests that, at least since the nineteenth century, portraiture is informed by the dual demands that the visual image should not only produce the physical likeness of the sitter but also represent the truth of the character and personality of the sitter (Brilliant, 1991). A second important finding of this work is that portraiture has played a key role in debates about the nature and meaning of identity, recognition, representation and subjectivity (Brilliant, 1991; Soussloff, 2006). But these insights need to be put in context, as art history scholarship also suggests that portraits of the judiciary may have rather specific qualities and characteristics; they are not merely portraits of individuals. The dual demands of likeness and truth, and the role of portraiture in identity formation, may take on rather idiosyncratic forms in that context. This is where work on portraits of professionals, and state and official portraits is of great assistance.

As portraits of legal professionals and portraits of state officials, judicial portraits are a distinct subgenre of portraiture. Portraits of members of professions, Jordanova (2000) argues, have particular characteristics and functions. They play a double role in identity formation, first in the self-fashioning of the identity of the individual sitter and secondly in the fashioning of the identity of the institution. The individual's image is fabricated according to the abstract ideas, values and virtues associated with the institution and the collective. Through the sitter's image, these institutional values and virtues are not only made, but are made visible, public and accessible. Not only does the making of the visual image play a role in the construction and representation of the identity of the individual sitter, it also plays an extremely important role in the composition and construction of collective identities; the identity of the institution (Jordanova, 2000, pp. 14–15). Judicial portraits are also state portraits, which

12 Re-hanging tends to be associated with new court buildings.

13 Typical examples of this literature include Anon. (1967), Anon. (1991) and Scott (1919). For exceptions to this, see Brunet (1994) and Moran (2007). On other legal portraits, see Goodrich (2006).

14 Seals are another early form of judicial image; see Brand (2006).

Jenkins defines as a distinctive type of portraiture, being representations of rulers or their deputies. As state portraits, the nature of the dual function of the portrait shifts. The image of the individual sitter is fashioned by, and is made to embody and thereby represent, a set of abstract principles, qualities and characteristics of the state (Jenkins, 1947, p. 1). This is achieved, she argues, by resort to special methods of handling the sitter, using distinctive aesthetic codes designed to give visual form to a particular set of institutional attributes, characteristics and qualities, particularly concerned with social and political rank. But Rosenblum (2006) argues that this should not detract us from the fact that these portraits still function as an empirical record 'of the unique facts of each sitter, an individual to be mistaken for no one else' (p. 22). This begs the question about the balance between the institutional demands of state portraits and the imperatives of likeness and truth strongly associated with portraiture more generally.

## 5 Pictures of 'scarlet and ermine'

A glance at the portraits that make up the dataset of this study, conveniently collected together in the leaflet entitled *Chief Justices of New South Wales* (see Appendix A),<sup>15</sup> may lead you to the common conclusion that these visual images are unworthy of serious consideration; 'bland ... and ... predictable ... dismissed as vacuous statements and indifferent art' (Townsend-Gault, 1988, pp. 511–512). But I would echo Townsend-Gault's call to resist such a conclusion as the pictures have much to offer.<sup>16</sup> The art history scholarship noted above suggests that these judicial pictures not only record the unique features of the individual judicial office-holder, but fashion that subject according to the values and virtues of the institution, thereby making those values and virtues visible and public. Attention to minor detail is essential. Minor changes, various scholars have noted, are indicative of major institutional social, political, philosophical and cultural transformations (Brilliant, 1991; Burke, 2001, pp. 69–71; Schama, 1986).

The portraits of the Chief Justices of New South Wales use a limited visual language. Full or three-quarter body poses dominate. The visual preoccupation is the body of the judge, not the face. The face of the sitter, the part of the body that perhaps most clearly differentiates one sitter from another and has well-established associations with the character and individuality of the sitter, makes up a relatively small part of the image. Nor is the overarching objective to represent a perfect likeness of the individual's physical body: far from it. The sitter's particular physicality tends to be largely obscured and overwhelmed. The body is little more than a device to hold and display the insignia of office. The voluminous robes and other paraphernalia of judicial dress dominate the painted surface. In those jurisdictions where wigs are still worn (such as New South Wales), individualising characteristics such as hair colour and style, the shape of the face, and the ears are obscured. Facial expressions are standardised; all depict gravity, an enduring austerity, a sturdy tranquillity and deep introspection. It is an austere aesthetics that negates individuality and threatens to render invisible many visible differences, such as gender.<sup>17</sup>

Nor does this exhaust the similarities between the portraits. A majority set the figure of the judge against a dark background with little or no detail visible. Props, if not absent altogether, are strictly limited (the book is the exception). Both of these compositional features work to minimise distractions and orientate the viewer's gaze to the symbols of office that cover the body of the sitter. How are we to make sense of these images?

15 The leaflet should be used with some caution. The images are edited: cropped. This affects their overall composition. The accompanying text draws upon Bennet (1977).

16 This reaction to the pictures is worthy of study in its own right.

17 See, for example, the portrait of Dame Elizabeth Butler Sloss by Christian Courrèges in the collection of London's National Portrait Gallery. [www.npg.org.uk/live/search/portrait.asp?search=ss& sText=Butler+Sloss& LinkID=mpo6468& rNo=1& role=sit](http://www.npg.org.uk/live/search/portrait.asp?search=ss& sText=Butler+Sloss& LinkID=mpo6468& rNo=1& role=sit) [last accessed 29 June 2009].

This is a visual language that shapes the image of the subject according to the need to represent the individual as a member of society's social, political and institutional elites; through symbols of legitimate power, rightful status and valid authority. In the first instance it is an aesthetics long associated with the sovereign. Any image of the sovereign's body is always an image of a double body (Kantorowicz, 1957); representing the physical/natural body and the body as a symbol that expresses the character and qualities of the institution (cf. Strong, 1977; 1987). Depictions of the judge, as the sovereign's representative, follow this tradition of portraying a double body; both natural and symbolic. Likeness and individuality in the judicial portrait are produced according to a rigorous aesthetic language associated with the values and virtues of the judicial institution. The symbols craft the sitter's identity and generate recognition of the subject by way of some very particular attributes, of majesty, independence, integrity, gravity, dispassion and impartiality. And this is far from being an exhaustive list. Flaws, blemishes, imperfections and idiosyncrasies are of little relevance. The subject is made in the image of an exemplar: the embodiment of the ideal. The addition of a book connects these virtues to a dedication to the word of the law. In this pictorial tradition, the differentiation of one sitter from another is not an aesthetic preoccupation. The opposite is the case; visual continuity is used to shape each judicial subject by way of the virtues of sameness, repetition, endurance and consistency.

Even within this aesthetic tradition it would be wrong to conclude that its slavish reproduction totally erases differences between the various office-holders. But it does suggest that idiosyncrasy has to be made in the service of these virtues. Space permits only one example. The portrait of Chief Justice Kerr (1972–74) is distinctive because of a minor difference; he is bare-headed, holding his full bottom wig. One reading of this by retired Supreme Court judge Roddy Meagher was that the hand-held wig captures something of Chief Justice Kerr's personality: in this case his vanity. Kerr, Meagher explained, was known to be particularly proud of his full head of hair (Meagher, 2007). A biographical note that accompanies a reproduction of Kerr's painted portrait in a book, *Portraits of the Chief Justices of New South Wales*, supports another reading. During the short period of time Kerr occupied the post of Chief Justice, Bennett explains, he played a key role in developing new administrative structures, reducing the bureaucratic burden affecting the judges; 'The Chief Justice, by force of his personality has achieved these results' (Bennett, 1977, p. 61). The wig in the hand, flouting centuries of tradition, may be a reference to not just the personality of the office-holder but the fashioning of that personality as a sign of a particular (and maybe changing) quality and virtue of the institution: a strong personality, a moderniser, efficiency and superior management skills.

If the preoccupation of my analysis so far has been the identification and analysis of the visual language that is common to the portraits that make up this dataset, I now want to examine a number of visual 'differences'. The first is the portrait of the Honourable Sir Laurence Street (Chief Justice from 1974 to 1988). It is a photographic portrait. It provides an opportunity to reflect upon the impact of the technology of the camera upon the judicial image. A picture of Chief Justice Murray Gleeson (1988–1998), attached to his biographical file on the Court website, is the basis for a second reflection, this time focusing on aesthetics. The pose is radically different, a cropped image concentrating on the sitter's head and shoulders. Symbols of judicial office appear to be totally missing. How are we to make sense of this very different judicial portrait?

## 6 The impact of technology on judicial portraits

The photograph of Chief Justice Laurence Street<sup>18</sup> is not a copy of the painted portrait that hangs in the vestibule of the Banco Court. There are some things, some assumptions and expectations, that

<sup>18</sup> It can be viewed at Appendix A or via the court website.

the painted and photographic portraits of this judge share. The first is the empirical quality of the picture. Both painted and photographic portraits depict that particular individual; both are a record of his existence. But this is also the point at which the two formats begin to separate. The surface of the painted image tends to display signs of the fabrication of the image, particularly the painter's marks: the brush strokes. This may raise doubts about the empirical qualities of a portrait. Was it painted from life?<sup>19</sup> It may also draw attention to the truth claims of portraiture; the signs of the artist's work may be read as evidence of the manipulation that is taken as a necessary part of making the painted image of the sitter. Key assumptions about the nature of a photographic picture threaten to erase these concerns. John Tagg (1998) explains:

'there is an existential connection between "the *necessarily* real thing which has been placed before the lens" and the photographic image: "every photograph is somehow co-natural with its referent". What the photograph asserts is the overwhelming truth that "the thing has been there": this is a reality which once existed' (p. 1)

This 'realist position' emphasises the strong indexical qualities associated with the photographic image; the picture is an unmediated record of the thing in front of the camera. The technology reinforces 'the realist position' by way of its apparent capacity to record objects in minute detail, offering an antidote to the more evident mediations of painted portraits, perfecting and idealising the sitter (especially the face) or erasing the subject under symbols of office. Understood as a process that 'merely' records, photography threatens to erase the impact of the image maker (and one could add the sitter and the commissioning parties) upon image making.

How do these realist assumptions impact on photographic portraits of judges? To answer that question I turn to a collection of thirty-five photographic portraits of Chief Justice Laurence Street in the State Library of New South Wales. It includes the photographic portrait in this case study. All date from 1974, the time of Street's appointment.<sup>20</sup> The library catalogue tells us only of the institutional origin of the pictures: the New South Wales Government Printing Office. The image maker is nameless.

The thirty-five photographs show Chief Justice Street in thirty-five different poses. In some he stands, in others he sits. Sometimes he is immediately before the camera, sometimes behind a desk. He stands to the side of the desk, by a marble fireplace or by a chair. There is less variation in the backdrop (a wall of books). Props are limited (the book again). The pose varies; sometimes the book is held close, high on the chest with both hands, sometimes with one hand, sometimes at waist height. The face also varies: looking to the left, right, direct at the camera/viewer, sometimes down. The expression tends to be fixed with an enduring, inner depth. But sometimes he has a benign smile. And then there is the question of the use of judicial robes. Scarlet, ermine and full bottom wig make an appearance in maybe half of the images. In others he wears a smart, plain and sober business suit. And this far from exhausts the differences.

The existence of these thirty-five photographs challenges the 'realist' assumptions of photographic portraits of the judiciary, as collectively they are evidence of the work that goes into forming the photographic image of the judge. While each photographic portrait of Chief Justice Street does indeed record a single moment in which the sitter appeared before the camera, captured in previously unimaginable detail, that single moment depends upon (and needs to be reconnected to) a longer process of picture making and image management involving many social interactions, evaluations and decisions that impact upon the look of the image.

19 Some portraits (Chief Justices Jordan, Evatt and Herron) were painted after the death of the office-holder (Bennett, 1977, p. 5).

20 The images can be accessed from the State Library of New South Wales; see [www.sl.nsw.gov.au/](http://www.sl.nsw.gov.au/).

Of particular interest here is the way in which many of these thirty-five images show a clear connection between the different technology of image production, the camera, and the aesthetics of a picture-making tradition (painting) that long predates the advent of the camera. Many of the poses, backgrounds, props, etc. found in the photographic portraits draw upon a pre-photographic visual language of judicial portraiture. The different technology of image making does not, in this example, lead to the wholesale abandonment of the earlier aesthetic tradition associated with another type and technology of image production.

Applying these insights to the photographic portrait of Chief Justice Street, what conclusions can be drawn about the impact of photography upon the image of Chief Justices? One conclusion is that the photographic image is unremarkable; its difference is barely recognisable. It is still an image that forms the subject of the picture according to an older visual language that represents the subject as a member of a political and institutional elite. Here, the technology of the camera is connected to this older aesthetic tradition. The camera reproduces this aesthetic code in a new medium. Tagg (1998, p. 57) suggests that this may work to attach the 'aura' of the older pictorial tradition (in this instance, the painted image) to the photographic image. Rather than abolishing what Walter Benjamin (1973) called the 'cult' value of the painted picture, this photographic portrait seems to reproduce it and redeploy it (Latour and Lowe, forthcoming).

At the same time, this image of Chief Justice Street is also something of a dramatic departure from all of the images in my dataset that preceded it.<sup>21</sup> In comparison with all of the earlier images, it is unrivalled in its empirical qualities: in its ability to capture the detail of the individual office-holder (the shape of his face and hands, in the likeness of his eyes, and so on) and in the accuracy of the reproduction. The time the image of the Chief Justice is produced has also changed. The painted portrait is made and displayed at the end of the institutional life of the office holder. The photograph was produced at the start of his period in office, suggesting that the photographic portrait may have a different function, and a different institutional life than the painted portrait. The cost and ease of production and reproduction are reduced, potentially widening the circulation of the judicial image.

## 7 Towards a new aesthetics?

In the second reflection I want to consider the photographic portrait of Chief Justice Gleeson attached to his biographical sketch on the Court website (see Appendix B). Unlike the painted portrait of Chief Justice Gleeson that hangs in the Banco Court or the photographic portrait that graces the *Chief Justices* pdf file, the photographic image on his biographical page is aesthetically very different from the other images in the dataset. This picture makes no reference to the 'scarlet and ermine' tradition. The face, not the body, dominates, taking up over half of the picture. The little clothing visible takes the form of a business suit, a white shirt and a conservative tie. There appear to be no references to the symbols or props of judicial office. The composition and the pose of the face are also different. This is a 'head on' or a 'frontal' pose, not a three-quarter face. The gaze is direct, positioning the viewer at the same level as the sitter.

The focus upon the sitter's head and shoulders is one that art historians associate with 'informal' portraits (Piper, 1957, p. 161). It is a pose and a scale associated with intimacy, familiarity and closeness between the sitter and the viewer, rather than remoteness, distance and hierarchy. It is a format commonly found in private, not public, settings. The head and shoulders pose is associated with the depiction of individual character and personality rather than an office or institution. But the use of this visual language in a picture that graces the Supreme Court website suggests that it is an

21 I am not suggesting that this is the first photographic image of a Chief Justice of New South Wales. See the picture collection of the State Library of New South Wales for earlier photographs.



aesthetics that has official support and currency. We ought not to forget that this is a portrait of a judge. It is still a 'state' portrait.

As such it needs to be understood within the picture-making tradition set out above in which the sitter is portrayed as the embodiment of the qualities and virtues of the institution. Allard (2006), commenting upon the emergence in the nineteenth century of the use of this intimate and informal style to portray important political figures, explains that the emphasis upon the individuality of the sitter rather than the symbols of office expresses 'democratic and bourgeois principles' (p. 82). The qualities and characteristics of the institution and the social status attached to the elite in this new context are not, he suggests, missing but are now coded in a different way. Status now has to be represented using a certain discretion. It is now 'not so much [what] is shown as the manner in which it is shown that betokens dignity and exemplarity of the illustrious man' (p. 83). The character expressed in the face of the sitter now carries much of the burden of representing the institution.

Does this emphasis upon the face of the individual reveal more about the office-holder as an individual? Historians of photography have traced the emergence of the 'head and shoulders' composition, the development and use of the full-face pose, the horizontal gaze, the blank background. All appear in photographic portraiture used to develop the 'sciences' of physiognomy and phrenology, in anthropological projects seeking to establish taxonomies of civilisations, cultures, racial and ethnic categories, in medical and criminological projects dedicated to the identification of the signs of pathology and deviance. It is an aesthetics associated with and designed to fashion, not the image of the powerful and the elite in a society, but to produce the image of the weak, the dispossessed and the marginal in society. It is an aesthetics associated with new strategies of governance, with enhanced surveillance and increased subordination (Tagg, 1998, p. 5). A feature common to these projects was a desire to capture the individuality of the sitter in order to position the subject of the picture within a grid of meaning that enabled the viewer to differentiate between the normal and the pathological. While the camera appeared to be capable of capturing an abundance of detail, in order to be useful this detail had to be managed: to be reduced. The head and shoulder composition produces 'more' information by means of an aesthetics that simplifies: reducing the information. It is a composition that works like a caricature.

The aesthetics that informs the head and shoulder portrait of Chief Justice Gleeson produces something of a paradox. On the one hand it uses a visual language associated with intimacy, and greater openness, offering greater insight into the truth of the sitter by way of emphasising the head and face. And at the same time that aesthetics generates the identity of the subject by stripping away detail, by reducing the information. When applied to the image of a Chief Justice, these insights leave us with a conundrum. What does an image informed by the head and shoulder aesthetics communicate about the office of Chief Justice and about this particular office-holder?

When we look at the cropped photo portrait of Chief Justice Gleeson, what we see, in relation to the other images in this case-study, is something of a radical (modernising) departure. It potentially suggests a judicial subject and institution refashioned for a bourgeois democracy, shorn of the trappings of aristocratic elitism. It also connotes an institution that offers a new intimacy and a new openness between the judiciary, as a powerful political elite, and the viewer, the people. It may also suggest something of a new emphasis upon the individuality of the office-holder as a key judicial virtue and a new way of fashioning the legitimacy of judicial office. Its veracity may also suggest that a new willingness to be public is also a judicial virtue: the idiosyncrasies of the individual's character and personality are not now to be erased, but put on display.

At the same time, it is an image that resorts to a visual language that reduces information. This is a face that has had individual variation taken out by way of standardisation. As an aesthetics that 'makes public', it achieves that goal by reducing the information it makes public. When used to fashion (to make public) the institution of the judge, rather than being a subject that is obscured by the clutter of the 'scarlet and ermine', now the individual and institutional subject is obscured in an

unexpected manner. The face itself becomes not only the symbol that reveals but also the symbol that obscures and renders opaque the individual and the institution. In many respects the face has become the visual assemblage that does the same symbolic work that the 'scarlet and ermine' tradition is now associated with.

## 8 Hanging the judicial heads

If the meaning of the images is in part produced in and through the visual language and the composition of the picture, work by scholars such as Marcia Pointon (1993) draws attention to the importance of context (the organisation and use of images) upon meaning. In the final section of this paper, I want to briefly examine 'the hanging' of the portraits to consider the contribution that location and organisation make to their meanings. I begin with the painted portraits that are displayed in or near the Banco Court. Thereafter I briefly consider the impact of their reproduction in other locations, in Bennett's book the *Portraits of the Chief Justices of New South Wales*, and on the website of the Court.

The painted portraits of the Chief Justices all hang in or adjacent to the Banco Court;<sup>22</sup> the largest and most elaborately and expensively furnished Court in the Supreme Court building. It is both a working courtroom and the court where key ceremonial events take place. The display of the painted portraits in this particular location highlights their status as precious objects, and as symbolic objects.

Inside the courtroom, paintings cover three walls. Looking from the bench the sequence begins on the extreme right with the portrait of the first Chief Justice, Sir Francis Forbes (1823–1837). It ends on the far left with the portrait of Chief Justice Gleeson (1988–1998), who preceded the current office-holder. Chronological succession and temporal continuity appear to be the organising principles of the hang. But such a conclusion would be wrong.

The fourth and final portrait on the first wall breaks the chronological order. It is not of the fourth Chief Justice, the Honourable Sir James Martin (1873–1886), who is depicted in the scarlet and ermine robes, but a portrait of the fifth office-holder, Chief Justice Sir Julian Emanuel Salomons (12–27 November 1886). This is a small painting that shows the head and shoulders of the sitter dressed in civilian clothes.<sup>23</sup> But the abandonment of chronological continuity is not the wholesale abandonment of the organising principle of continuity. We need to reconsider the method of depiction. Now the visualisation of continuity takes priority. The portrait of the fifth Chief Justice hangs out of chronological sequence as it shares a palette of sombre browns and black in common with the other pictures on that wall.<sup>24</sup> Somewhat perversely, the visualisation of institutional continuity disrupts the chronological continuity, relegating it to secondary significance.

On the other two walls of the Court, again strict chronology is sacrificed to visual continuity. At least one picture (of Chief Justice Martin, 1873–1886) is out of sequence, and the pictures of other Chief Justices are 'missing'. What connects the pictures is the visual spectacle of colour and composition; expanses of scarlet, ripples of white fur trim and judicial wigs, pose, sparse backgrounds and limited props. Their similarity visualises and celebrates the enduring virtues and values of judicial authority.

22 The current office-holder's painted portrait is not displayed in public until after leaving office.

23 Salomons was a controversial appointee, holding office for a mere fifteen days. The portrait of him on display in the Banco Court was a gift from his granddaughters, presented in 1977.

24 Also being the 'last' (or 'first') painting on the wall reduces its potential to visually fracture or break continuity.

The 'missing' portraits of four of the Chief Justices hang outside the Court above stairs leading to the Court's public seating. What factors inform this hanging? A shared aesthetics is one answer.<sup>25</sup> All are of a similar size: large imposing full-body portraits. All of the subjects are standing, dressed in the scarlet and ermine robes and full bottom wig. Positioned high on the walls above the viewer, the hanging exacerbates the compositional emphasis upon the body, further obscuring the face. Another organising principle is genealogy. This is not just institutional (representing the transmission of power from office-holder to office-holder) but also biological: of father and son. Three of the four portraits depict members of the same family, the Street family, who occupied the office of Chief Justice of New South Wales. Their display has another important quality. Placed high in a lofty void above the open-sided stairs that lead into the Court, the pictures almost disappear into the darkness. The judicial figures loom over the viewer. The hanging offers perhaps the most vivid and memorable visual performance of judicial authority as majesty and awe.

Before leaving the Banco Court, I want to make one final point about the hanging in that location. It dates from 1977 and marks a dramatic shift. On that date, much of the business of the Supreme Court was relocated from the old to the new courthouse. It is a key moment in the modernisation of the Court, moving from an aging courthouse with its origins and aesthetics in the nineteenth century (part classical, part gothic) to a new office complex, with a brutalist concrete machine aesthetic. It is a radical break with the past; with tradition. The movement of the portraits mirrors this movement from old to the new but produces an effect that one might not expect. The relocation and re-hanging represents something of a perverse break with the past. The new hanging stages a vision of continuity and tradition that had not previously existed. Prior to the move the portraits had been dispersed in various courts and corridors (Bennett, 1977, p. 4). In short, the hanging puts judicial portraiture to work to fashion the new departure as tradition: as an event embedded in legal and institutional continuity (Hobsbawm and Ranger 1992).

It is important not to forget that these portraits are in a fixed location. As such, their audience is limited to those who are in or near the court on the thirteenth floor of the building. As such the 'public' nature of these images, and their audience, is somewhat confined. While not limited to the judges, the legal professionals that use the court and the officials that work in the courts, with the exception of the litigants, the mass public is not their main audience.

Technology (the printing press, the camera and more recently the Internet) potentially changes this, increasing the size, broadening the geographical impact and shifting the compositional balance of the audience away from predominantly a Court-based audience. The role and impact of the printing press, in facilitating these changes, is hardly a new state of affairs. The reproduction of painted state portraits (prints, etchings, drawings) with the avowed aim of widening dissemination has a long history (Clayton, 2006; Montrose, 1999; Pointon, 1993). An example of printing being used to widen dissemination of the portraits in this study is found in the context of a book, *Portraits of the Chief Justices of New South Wales*, commissioned to coincide with the move to the new courthouse. Through that book, Chief Justice Laurence Street wanted to make these pictures 'more accessible to the public' (Bennett, 1977, p. 4). More recent technology, the Internet, also has a potential to change (widen) access, though there is a need for caution here. The portraits on the Court website are a very small part of a large complex website containing a wide variety of court and law information. The chances of the public viewing the portraits on the web may be as unlikely as them viewing the original portraits in the Banco Court.

These relocations impact not only upon the way the pictures are displayed, but also on their composition and thereby potentially on their meaning. Again space dictates that I only give one example. In Bennett's book, chronology is the overriding factor influencing the display of the

25 Shortage of space on the walls in the courtroom may be another explanation.

pictures. They are organised according to the needs of strict temporal succession. Does this undermine the role of the visual in representing the continuity? In short the answer is 'no'. But a different approach to visualising continuity is to be found in this book. Now all the pictures are edited. All are the same size. Some are severely edited. This affects the composition. No full-body portraits remain. The edit emphasises the head and the upper part of the body. The signs of office diminish in importance. The effect is a greater concordance between the temporal and the aesthetic.<sup>26</sup> Last but not least, the pictures now work in conjunction with an accompanying text, which if read narrates the meaning of the picture or adds a visual dimension to the text.

## 8 A few methodological notes

Finally, a few notes on methodology. If the rise in the study of visual culture, especially in sociology, has generated methodological reflection and changes in methodological practices (Prosser, 1998; Pink, 2001; Rose, 2001) in that discipline, there is less evidence of this taking place in socio-legal scholarship on visual culture. For example, in the 'Introduction' to the edited collection *Law's Moving Image* (2004), my colleagues and I complained that in much law and film scholarship the visual aspects of film are largely ignored. In another reflection on methodology in this context, Gies (2008) has noted the continuing failure of scholars working on law and visual media to undertake audience research that is common in other disciplinary contexts where visual media is studied. In the limited space available here I want to briefly comment on the methodologies used in this paper to explore the interface between the judiciary and visual culture and outline some of the limitations and alternatives, and thereby raise the profile of methodological issues in socio-legal visual research.

One approach used in this paper is content analysis; identifying judicial portraits, cataloguing their key and recurring compositional characteristics and noting changes that take place over time. A second methodological approach draws upon semiology (sometimes called semiotics). Again the focus is on the image itself, but this time the objective is to explore and analyse the particular way the aesthetics and the technologies of image making work to generate meanings. And there has been some reference to the way in which changes in the image may form and echo institutional changes over time.<sup>27</sup> One problem with both of these approaches is that they work with the assumption that meaning and meaning making can be limited to that which is inside the frame of the image. One way in which this essay seeks to break out of this limitation is by making some reference to aesthetics as a historical and institutional phenomenon. The art historical scholarship referred to above notes that changes in portraiture are closely associated with wider changes in politics and in social and institutional formations. All impact upon the ability of the images to make (and sometime to fail to make) meanings that are legible. The impact of changing technology upon visual image making and meaning making is another contextual factor, as scholarship on the camera and photography shows, and may have a profound effect on the nature and meanings generated by way of visual images.

There are also limitations to this study and references in the paper to other methodological approaches that I have not been able to explore in detail. One is the role of the audience upon meaning making.<sup>28</sup> In the process of presenting this paper and the accompanying images at various

26 This effect is exacerbated in their reproduction on the pdf leaflet; the edit is even more extreme.

27 There is, of course, much potential to develop and situate the picture analysis in the context of more traditional studies of the historical, constitutional, political and cultural changes taking place in New South Wales and Australia more generally. John Bennett, whose work on the Chief Justices of New South Wales is referred to here, has written many biographies of Australian judges that explore the judicial history of Australia. Also see Blackshield *et al.*'s (2001) edited volume on the High Court of Australia.

28 The impact of audience upon meaning has also been a theme in literary studies (particularly when informed by post-structuralism), though not a theme taken up widely by law and literature scholars.

seminars, I have become acutely aware of the multiplicity of readings judicial pictures may generate, some of which have been incorporated into this analysis. Much of the paper explores the meaning of existing objects. New data, generated by way of interviews (for example in the reference to an interview I undertook with Justice Roddy Meagher), has only played a small part in this particular paper.<sup>29</sup>

## 9 Conclusion

Epstein and Knight's (2004) survey of socio-judicial research shows that it is not only an area of scholarship that is alive and well but also a significant growth area. If their overview points to the rich multidisciplinary nature of that research, my point of departure is that their conceptualisation of that research landscape is problematic. It fails to recognise judicial research that acknowledges the importance of culture in the formation of social and institutional legal relations and work that refuses to be limited by a strict disciplinary division between the social sciences and the humanities. There is a body of research that is beginning to explore the formation of judicial authority in culture, particularly through the popular medium of newspapers. And, work on film and television has put visual culture firmly on that agenda. But my argument is that work on visual culture and the judiciary is poorly developed. More specifically, too little attention has been paid to the visual. This paper turns to art historical scholarship on portraiture and work on photography to interrogate the visual aspects of a judicial cultural phenomenon, portraits of judges in a particular common-law setting. Using a small sample of pictures, it explores the visual language that this tradition of judicial image making draws upon and offers an analysis of the way that this aesthetic tradition works to make the meaning of judicial authority in visual culture. It also seeks to explore and understand the impact and effect that technological and aesthetic changes have upon visual representations of judicial authority and the judicial institution. But standing alone, this paper can offer little more than a fragment of what has the potential to be a much bigger project on judicial image making and judicial image management.

Judicial portraits, as pictures of a key legal institution and office-holders in that institution, commissioned by the legal profession and viewed almost exclusively by members of that profession, and sometimes put on display for a wider public audience, offer an opportunity to examine the nature and role of visual culture in the formation of individual and institutional subjects. The argument developed here suggests that through portraiture, individuals, groups and institutions fashion and make public a range of key ideas, values and virtues about law in general and the judge in particular. Their role in the formation of the identities of not only those who are the subjects of these pictures, and the professions and the institutions that they embody, but also the audiences that view them, is little understood. If many of the images considered in this paper visualise the judge and the Chief Justice in particular according to an aesthetics long associated with representations of the sovereign and aristocratic and landed elites there is some evidence that it is a visual language that is being abandoned in the fashioning of new institutional qualities and virtues. But my analysis suggests that the modernising project resorts to an aesthetics that is also fraught and problematic.

While technological change, the advent of the camera, may have little apparent effect upon the aesthetic traditions central to the depiction of the judiciary, it does have the potential to contribute to making pictures of the judiciary more easily and more cheaply available both for elite consumption and for mass circulation. But the potential for mass dissemination of these images does not necessarily mean that they will be more widely spread or that they will be seen. Easier access and wider circulation may turn what were once revered precious objects keenly observed into valueless

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29 I have generated and used data from interviews with image makers and the subjects of judicial portraits in other contexts (Moran, 2008b; 2009).

disposable objects, ignored, deleted. An ironic effect of an epoch defined by way of the rise and rise of visual culture may be the production of an indifference to the visual and new invisibilities.

My objectives for this paper are modest. If it has communicated some of the potential of studying the interface between the judiciary and visual culture and some of the methodological approaches and challenges of that project, then I for one will be satisfied that it has achieved its modest objectives. Redrawing the boundaries of the canon of judicial research either generally or under the banner of scholarship that explores law as a complex of social and cultural relations is a rather bigger project and may take a little longer, but it is also one I want to engage with.

## Appendix A

Chief Justices of New South Wales leaflet is reproduced here with the permission of the Supreme Court of NSW (see footnote 2) as a facsimile and a PDF can also be viewed in colour online as ‘Supplementary data’ at Cambridge Journals Online: [www.journals.cup.org/abstract\\_S1744552309990139](http://www.journals.cup.org/abstract_S1744552309990139).

# Chief Justices of New South Wales

**SIR FRANCIS FORBES**  
*Chief Justice 1823–1837*



The first Chief Justice of New South Wales, Sir Francis Forbes, was appointed to oversee the reform of the administration of law and order in the colony of New South Wales, following the inquiry into the colony's affairs by Commissioner Bigge. He was keen to grant

greater jurisdiction to the local courts which had previously been administered from England. As the colony judge, many of the judgments he made were still cited as authority and remain relevant today. He said that ‘*If he has any increase of endurance, ever since I have been in this Colony to raise the character of the Supreme Court in the opinion and confidence of the colonists; that I have striven hard to preserve its independence and to prevent its being supposed to be capable of being influenced.*’



**SIR JAMES DOWLING**  
*Chief Justice 1837–1844*

James Dowling succeeded Sir Francis Forbes in 1837 as Chief Justice of New South Wales and like his predecessor, he worked himself to death, a ‘*victim to scrupulous anxiety and excessive toil in the discharge of his judicial duties.*’

He kept meticulous records of the cases tried before him and these survive today in State Records New South Wales. An urbane and well-mannered man, he survived several attempts by other judges to displace him from the office, but his superior knowledge of the law. He was much liked by the legal profession and was renowned for his support and encouragement of younger members of the Bar.



**THE RIGHT HON. SIR ALFRED STEPHEN,**  
**G.C.M.G., C.B.**  
*Chief Justice 1844–1873*

Alfred Stephen was sworn in as a puisne (or junior) judge in New South Wales in 1839 and later the Legislative Assembly, suffered as a result of his lack of qualifications as a barrister. After his successful admission to the Bar in 1857, Martin was able to fulfil the requirements

of the position. Appointed Premier and Attorney General (New South Wales) in 1865, Sir Alfred Stephen, with Sir Henry Parkes in a busy program of legislative activity which included the passing of many laws designed to promote social reform. He was renowned as a master of legal principle and court practice. Many of his judgments, particularly those in the area of commercial and common law, command respect today as legal precedents and models of judicial expression.



**THE HON. SIR JAMES MARTIN**  
*Chief Justice 1873–1886*

The early career of Sir James Martin as a member of the NSW Legislative Council and later the Legislative Assembly, suffered as a result of his lack of qualifications as a barrister. After his successful admission to the Bar in 1857, Martin was able to fulfil the requirements

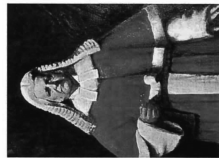
of the position. Appointed Premier and Attorney General (New South Wales) in 1865, Sir Alfred Stephen, with Sir Henry Parkes in a busy program of legislative activity which included the passing of many laws designed to promote social reform. He was renowned as a master of legal principle and court practice. Many of his judgments, particularly those in the area of commercial and common law, command respect today as legal precedents and models of judicial expression.

**SIR JULIAN EMANUEL SALOMONS**  
*Chief Justice 12/27 November 1886*



The appointment of Julian Emanuel Salomons as Chief Justice of New South Wales began and ended in controversy. He was a young man with education in England and the support of the Jewish community in Sydney and was admitted to the New South Wales Bar in 1861.

His unconventional style of charging set fees and aggressive demonstrative advocacy attracted much criticism, but he achieved the status of a great celebrity in a number of years. In 1897 he was elected to the Legislative Council and was defeated in the election to win. His determination to win. Consequently his appointment as Chief Justice came as a surprise to many of his judicial colleagues. Within two weeks, he had resigned, driven out under pressure from a number in the legal profession who did not consider him a suitable candidate for the position.



**THE RIGHT HON. SIR FREDERICK MATTHEW DARLEY, G.C.M.G.**  
*Chief Justice 1886–1910*

Attracted by the opportunity for work in Australia, Frederick Darley left his native Ireland and sought admission to the New South Wales Bar in 1862. In 1868 Darley accepted a nomination to the Legislative Council and there he acted as an independent member,

unswayed by the government of the day. His contributions to debate in Parliament, particularly in matters of public works and the administration of justice, were considered to be models of clear argument. He was often called upon to draft or revise legislation. As Chief Justice, ‘*he wore his robes as though born to them*’ and his judgments and decisions were highly regarded as forthright and pragmatic.



**THE HON. SIR WILLIAM CULLEN,**  
**K.C.M.G., LL.D.**  
*Chief Justice 1910–1925*

The first Australian born Chief Justice of New South Wales was William Portus Cullen who was appointed on 28 January 1910. Prior to his appointment to the Bench he served at the Bar before his election to the Legislative Assembly as the member for Camden. Following his

defeat three years later, Cullen was nominated as a member of the NSW Legislative Council, where he supported Sir Henry Parker plan for Federation. He was a sound jurist, a capable administrator with an extensive knowledge of the law and a fearless and independent voice. During his term as Chief Justice of New South Wales, he greatly increased the efficiency of the court and cleared an enormous backlog of cases.



**THE HON. SIR PHILIP WHISTLER STREET,**  
**K.C.M.G.**  
*Chief Justice 1925–1934*

The appointment of Philip Whistler Street as Chief Justice of New South Wales in 1925 established the tradition of elevating a senior judge to the position of Chief Justice. Until then, previous Chief Justices had been directly involved in the legislative work of

government in addition to their judicial work. Street presided over the Supreme Court during a period of great turmoil which arose out of the legal, commercial and social problems created by the First World War and the Great Depression. He was also involved in matters of a constitutional nature, including attempts to introduce legislation to abolish the Upper House of Parliament and the dismissal of the Lang Government.

# Chief Justices of New South Wales

**THE HON. SIR  
FREDERICK RICHARD  
JORDAN, K.C.M.G.**  
*Chief Justice 1934-1949*



Frederick Jordan was gifted in the mastery of law and applied his talent to the execution and application of the law in a complex legal system. With his capability he carried a heavy responsibility in administering justice at a time of inadequate manpower and resources, and in interpreting and enforcing emergency laws and regulations during World War II. Despite the difficulties, Jordan maintained the composure and dignity of the court and according to Sir Kenneth Street, his successor, his pronouncements were "influencing in the extra dispositions of the law".

**THE HON. SIR  
KENNETH WHISTLER  
STREET, K.C.M.G., K.S.J.**  
*Chief Justice 1949-1960*



The second member of the Street family to serve as Chief Justice of New South Wales was Kenneth Whistler Street. The Hon. Sir Whistler Street During the term of office, he tackled the number of Judges of the Supreme Court in response to the huge increase in litigation which followed World War II. He also improved and expanded the number of courtrooms and support facilities for the Supreme Court. Sir Leslie Heron remarked of him, "He had a scholarly and erudite knowledge of English literature and a fine command of its language, much of which you will see translated into those illuminating judgments that he gave from his bench."

**THE RIGHT HON.  
HERBERT VERE EVART,  
LL.D.**  
*Chief Justice 1960-1962*



During his unique career, Herbert Vere Ewart made a significant contribution to law, scholarship, international relations and politics in Australia. Dr Ewart was remembered for "adhering to a high standard of integrity and profundity of mind, some of the judgments expressed views of the law that were well in advance of his Honour's time". Following his resignation from the High Court in 1940, Ewart pursued a political career in the Curtin and Chifley Governments, culminating in his appointment to the British War Cabinet and to the General Assembly of the United Nations Organisation.

**THE HON. SIR LESLIE  
JAMES HERRON, K.B.E.,  
C.M.G., K.S.J.**  
*Chief Justice 1962-1972*



Following a successful career in common law cases and a leading advocate in jury trials, Leslie James Heron was appointed Chief Justice of New South Wales on 25 October 1962. He held the view that his long experience with the daily work of the court and his wide ranging interests, particularly in sport "may have endowed me with that even greater quality of a judge, namely, sound judgment". He saw the work of the court "to determine issues, criminal and civil, which arise in an orderly society between citizens in their daily commercial and social activities, and to preserve law and order in the community".

**THE RIGHT HON. SIR  
JOHN ROBERT KERR,  
A.K., G.C.M.G., K.S.J.**  
*Chief Justice 1972-1974*



During his time as Chief Justice of New South Wales, John Kerr implemented major reforms under the Supreme Court Act of 1970, and established an Executive Office to bridge the administrative and judicial responsibilities of the court. He oversaw the construction of new accommodation for the Federal and the State law court building in Queens Square. A distinguished lawyer, diplomat, with a brilliant academic mind, Kerr was an enthusiastic supporter of legal aid, legal reform and legal education. Sir John Kerr resigned from the office of Chief Justice of New South Wales in 1974 to accept the position of Governor-General of Australia.

**THE HON. SIR  
LAURENCE WHISTLER  
STREET, K.C.M.G., K.S.J.**  
*Chief Justice 1974-1988*



Three generations of the Street family have occupied the position of Chief Justice of New South Wales during the 20th century. Sir Laurence Street's distinguished career began as a legal practitioner, specialising in equity, admiralty, in law and commercial law and in 1965 he was appointed a Judge of Appeal on the Bench in Equity. Following his appointment as Chief Justice of New South Wales in 1974, Sir Laurence became Lieutenant-Governor of New South Wales, as had his father and grandfather before him.

**THE HON. ANTHONY  
MURRAY GLEESON, AC**  
*Chief Justice 1988-1998*



Murray Gleeson resigned his commission as Chief Justice of New South Wales to take up the appointment of Chief Justice of the High Court of Australia. During his term of office in the Supreme Court he implemented major reforms to the administration of the court, resulting in increased efficiency. His judgments demonstrated an unflinching adherence to legal principles, saying "The principle of law in question do exist merely to protect the private interests of a person in securing a fair trial in respect of alleged crimes. They protect the interests of the public in having persons who are accused of crime in our community dealt with by the system established for the administration of justice according to law."

**THE HON. JAMES  
JACOB SPIGELMAN**  
*Chief Justice from 1998*



At his swearing-in ceremony, the present Chief Justice, The Honourable James Spigelman noted that "We are the inheritors of an 800 year old tradition which represents one of the most extraordinary constructs. The common law and the adversary system - a manifestation of the power of society's dialogue - is one of the greatest manifestations of the human capacity for self-identification and the ability that has ever been devised... The judgments of this Court are part of a broader public discourse, by which our society and polity affirm its core values, apply them and adapts them to changing circumstances."



## Appendix B

Supreme Court of New South Wales web file photograph of The Honourable Anthony Murray Gleeson Chief Justice Supreme Court New South Wales 1988–1998 is reproduced here with the permission of the Supreme Court of NSW ([www.lawlink.nsw.gov.au/lawlink/supreme\\_court/II\\_sc.nsf/pages/SCO\\_cjgleeson](http://www.lawlink.nsw.gov.au/lawlink/supreme_court/II_sc.nsf/pages/SCO_cjgleeson)) as a facsimile and a PDF can also be viewed in colour online as ‘Supplementary data’ at Cambridge Journals Online: [www.journals.cup.org/abstract\\_S1744552309990139](http://www.journals.cup.org/abstract_S1744552309990139).



## References

- ALLARD, Sébastien (2006) ‘The Status Portrait’ in Nicholas Grimshaw, Thomas Grenon, Henri Loyrette, and Caroline Beamish (eds) *Citizens and Kings: Portraits in the age of revolution 1760–1830*. London: Royal Academy Publications, 80–109.
- ANLEU, Sharyn Roach and MACK, Kathy (2005) ‘Magistrates Everyday Work and Emotional Labour’, *Journal of Law and Society* 32: 590–614.
- ANON. (1967) ‘The Right Honourable Sir Harold Barrowclough CJ’, *The New Zealand Law Journal* 300–303.
- ANON. (1991) ‘Judicial Portraits’ *New Zealand Law Journal* 122–24.
- BAKER, John H. (1975) ‘A History of Gowns Worn at the English Bar’, *Costume: The Journal of the Costume Society* 9: 15–27.
- BAKER, John H. (1978) ‘A History of English Judges’ Robes’, *Costume: The Journal of the Costume Society* 11: 27–39.
- BENJAMIN, Walter (1973) ‘The Work of Art in the Age of Mechanical Reproduction’ in Walter Benjamin *Illuminations*, London: Fontana Press, 211–45.
- BENNETT, John M. (1977) *Portraits of the Chief Justices of New South Wales 1824–1977*. St Ives, NSW: John Ferguson.
- BIBER, Katherine (2007) *Captive Images: Race, Crime, Photography*. Abingdon: Routledge.
- BLACK, Donald A. (2005) ‘Narrative Determination and the Figure of the Judge’ in Michael Freeman (ed.) *Law and Popular Culture, Current Legal Issues* 7: 677–87.
- BLACKSHIELD, Anthony, COPER, Michael and WILLIAMS, George (2001) *The Oxford Companion to the High Court of Australia*. Oxford: Oxford University Press.
- BOURDIEU, Pierre, BOLTANSKI, Luc and WHITESIDE, Shaun (1965/1990) *Photography: a Middle-brow Art* [trans. Shaun Whiteside]. Oxford: Polity.

- BRAND, Paul (2006) 'Stanton [Staunton] Hervey' *Oxford Dictionary of National Biography*. Oxford: Oxford University Press. Available at [www.oxforddnb.com/view/article/26326](http://www.oxforddnb.com/view/article/26326) [last accessed 29 June 2009].
- BRILLIANT, Richard (1991) *Portraiture*. London: Reaktion.
- BRUNET, Elise (1994) 'Of Patrons, Immortality and Art: the History and Management of the Law Society of Upper Canada Portrait Collection', *The Law Society Gazette*, XXVIII: 272–87.
- BURKE, Peter (2001) *Eyewitnessing: The Uses of Images as Historical Evidence*. London: Reaktion.
- BYBEE, Keith J. (ed.) (2007) *Bench Press: The Collision of Courts, Politics and the Media*. Palo Alto: Stanford University Press.
- CHASE, Anthony (2002) *Movies on Trial: The Legal System on the Silver Screen*. New York: New Press.
- CHRISTIE, Suzanne (1999) 'Judge Judy: The Courtroom as Classroom', *Australian Feminist Law Journal* 13: 86–97.
- CLAYTON, Tim (2006) 'The Role of Prints and Printmakers in the Diffusion of Portraiture' in Nicholas Grimshaw, Thomas Grenon, Henri Loyrette and Caroline Beamish (eds) *Citizens and Kings: Portraits in the Age of Revolution 1760–1830*. London: Royal Academy Publications, 50–58.
- DAVIS, Richard (1994) *Decisions and Images: The Supreme Court and the Press*. Englewood Cliffs, NJ: Prentice Hall.
- DENVIR, John (1991) 'Introduction' to Special Issue on 'Legal Reelism', *Legal Studies Forum* 15: 3–17.
- DENVIR, John (1996) *Legal Reelism: Movies as Legal Texts*. Urbana: University of Illinois Press.
- DOUZINAS, Costas and NEAD, Lynn (eds) (1990) *Law and the Image: The Authority of Art and the Aesthetics of Law*. Chicago: Chicago University Press.
- EPSTEIN, Lee and KNIGHT, Jack (2004) 'Courts and Judges' in Austin Sarat (ed.) *The Blackwell Companion to Law and Society*. Malden, MA: Blackwell, 170–95.
- FEIGNENSON, Neal, SHERWIN, Richard and SPIESEL, Christina (2005) 'Law in the Age of Images: The Challenge of Visual Literacy' in Anne Wagner, Tracey Summerfield, F. Samir and Benavides Vanegas (eds) *Contemporary Issues of the Semiotics of Law: Cultural and Symbolic Analysis of Law in a Global Context*. Oxford: Hart Publishing, 231–55.
- GIES, Lieve. (2008) *Law and the Media: The Future of an Uneasy Relationship*. Abingdon: Routledge-Cavendish.
- GOODRICH, Peter (2006) 'Looking at the Overlooked: Portraits of Law School Deans', *Buffalo Law Review* 54: 833–61.
- GREENFIELD, Steve, OSBORN, Guy and ROBSON, Peter (2009), *Film and the Law*, 2nd edn. Oxford: Hart Publishing.
- HALTOM, William (1998) *Reporting on the Courts: How the Mass Media Cover Judicial Actions*. Chicago: Nelson Hall.
- HOBBSBAWM, Eric and RANGER, Terence (eds) (1992) *The Invention of Tradition*. Cambridge: Cambridge University Press.
- HOWARD, Woodford (1971) 'Judicial Biography and the Behavioural Sciences', *The American Political Science Review* 65: 704–715.
- JARVIS, Robert M. and JOSEPH, Paul R. (eds) (1998) *Prime Time Law: Fictional Television as Legal Narrative*. Durham, NC: Carolina Academic Press.
- JENKINS, Marianna (1947) *The State Portrait: Its Origins and Evolution*. New York: College Art Association.
- JORDANOVA, Ludmilla (2000) *Defining Features: Scientific and Medical Portraits 1660–2000*. London: Reaktion.
- KAMIR, Orit. (2006) *Framed: Women in Law and Film*. Durham NC: Duke University Press.
- KANTOROWICZ, Earnest H. (1957) *The King's Two Bodies*. Princeton, Princeton University Press.
- KARPIN, Isabel (2002) 'She's Watching the Judges: Media Feedback Loops and What Judges Notice' in Margaret Thornton (ed.) *Romancing the Tomes: Popular Culture, Law and Feminism*. London: Cavendish Publishing, 47–65.

- KLEINHANS, Chuck and MORRIS, Rick (2004) 'Court TV: The Evolution of a Reality Format' in Susan Murray and Laurie Oullette (eds) *Reality TV: Remaking Television Culture*. New York: New York University Press, 157–75.
- KOHN, Steven A. (2006) 'The People's Law Versus Judge Judy Justice: Two Models of Law in American Reality-based Courtroom TV', *Law and Society* 40: 693–727.
- KRUGMAN RAY, Laura (1999) 'The Romantic Jurisprudence of Justice William O. Douglas', *University of Pittsburgh Law Review* 60: 707–774.
- KRUGMAN RAY, Laura (2004–2005) 'Lives of the Justices: Supreme Court Autobiographies', *Connecticut Law Review* 37: 233–320.
- LATOUR, Bruno, and LOWE, Adam (forthcoming) 'The Migration of the Aura, or How to Explore the Original through its Facsimiles' in Thomas Bartscherer (ed.) *Switching Codes*. Chicago: Chicago University Press, 1–18.
- LEVI, ROSS (2005) *The Celluloid Courtroom: A History of Legal Cinema*. Westport: Prager.
- LOVELL BANKS, Taunya (2003) 'Will the Real Judge Stand Up: Virtual Integration on TV Reality Court Shows' *Picturing Justice: The on-line journal of law and popular culture*, www.usfca.edu/pj/realjudge\_banks.htm [last accessed 25 August 2009].
- LYNCH, Andrew and WILLIAMS, George (2007) 'The High Court on Constitutional Law: The 2006 Statistics', *University of New South Wales Law Journal* 30: 188–203.
- MACK, Kathy and ANLEU, Sharyn Roach (2007) "'Getting Through the List": Judgecraft and Legitimacy in the Lower Courts', *Social and Legal Studies* 16: 341–61.
- MEAGHER, Roddy (2007) 'Interview 17 April 2007'. Transcript on file with the author.
- MEYER, Philip. N. (1993) 'Visual Literacy and the Legal Culture: Reading Film as Text in the Law School Setting', *Legal Studies Forum* 17: 73–94.
- MONTROSE, Louis A. (1999) 'Idols of the Queen: Policy, Gender and the Picturing of Elizabeth I', *Representations* 68: 108–161.
- MORAN, Leslie J. (2007) 'Judicial Portraits' *Portrait* 24: 24–27.
- MORAN, Leslie J. (2008a) 'Projecting the Judge: a Case Study in the Cultural Lives of the judiciary' in Austin Sarat (ed.), 'Law and Film: Essays on the State of the Field', a special edition of *Studies in Law, Politics and Society* 46: 1–24.
- MORAN, Leslie J. (2008b) 'Judicial Bodies as Sexual Bodies: A Tale of Two Portraits', *Australian Feminist Law Journal* 29: 91–108.
- MORAN, Leslie J. (2009) 'Researching the Irrelevant and the Invisible: Sexual Diversity in the Judiciary', *Feminist Theory* [at press].
- MORAN, Leslie J., SANDON, Emma, LOIZIDOU, Elena and CHRISTIE, Ian (eds) (2004) *Law's Moving Image*. London: Cavendish.
- PIERCE, JASON L. (2006) *Inside the Mason Court Revolution: The High Court of Australia Transformed*. Durham, NC: Carolina Academic Press.
- PINK, Sarah (2001) *Doing Visual Ethnography*. London: Sage.
- PIPER, David (1957) *The English Face*. London: Thames Hudson.
- POINTON, Marcia (1993) *Hanging the Head: Portraiture and Social Formation in Eighteenth-century England*. New Haven: Yale University Press.
- POPE-HENNESSY, John (1966) *The Portrait in the Renaissance*. New York: Phaidon.
- POSNER, Richard (1995) 'Judicial Biography', *New York University Law Review* 70: 502–523.
- PROSSER, Jon (1998) *Image-based Research*. London: Falmer Press.
- ROSE, Gillian (2001) *Visual Methodologies*. London: Sage.
- ROSENBLUM, Robert (2006) 'Portraiture: Facts Versus Fiction' in Nicholas Grimshaw, Thomas Grenon, Henri Loyrette and Caroline Beamish (eds) *Citizens and Kings: Portraits in the Age of Revolution 1760–1830*. London: Royal Academy Publications, 14–24.

- SARAT, Austin (2004) 'Vitality amidst Fragmentation: On the Emergence of Postrealist Law and Society Scholarship' in Austin Sarat (ed.), *The Blackwell Companion to Law and Society*. Malden, MA: Blackwell, 1–12.
- SARAT, Austin and SIMON, Jonathan (eds) (2003) *Cultural Analysis, Cultural Studies, and the Law*. Durham, NC: Duke University Press.
- SAUVAGEAU, Florian, SCHNEIDERMAN, David and TARAS, David (2006) *The Last Word: Media Coverage of the Supreme Court of Canada*. Vancouver: UBC Press.
- SCHAMA, Simon (1986) 'The Domestication of Majesty: Royal Family Portraiture, 1500–1850', *Journal of Interdisciplinary History* 17: 155–83.
- SCOTT, William (1919) 'Roster of Judges of the Supreme Court of Appeals of Virginia 1779–1919', *Virginia Law Register* 5: 185–88.
- SHERWIN, Richard, FEIGENSON, Neal and SPIESEL, Christina (2006) 'Law in the Digital Age: How Visual Communication Technologies are Transforming the Practice, Theory and Teaching of Law', *Boston University Journal of Science and Technology Law* 12: 227–70.
- SILBEY, Jessica M. (2004) 'Judges as Film Critics: New Approaches to Filmic Evidence', *University of Michigan Journal of Law Reform* 37: 492–571.
- SLOTNIK, Elliot E. and SEGAL, Jennifer A. (1998) *Television News and the Supreme Court: All the News That's Fit to Air?* Cambridge: Cambridge University Press.
- SOUSSLOFF, Catherine (2006) *The Subject in Art: Portraiture and the Birth of the Modern*. Durham, NC: Duke University Press.
- STEPNIAK, Daniel (2008) *Audio-visual Coverage of Courts: A Comparative Analysis*. Cambridge: Cambridge University Press.
- STRONG, Roy (1977) *The Cult of Elizabeth: Elizabethan Portraiture and Pageantry*. London: Thames and Hudson.
- STRONG, Roy (1987) *Gloriana: The Portraits of Queen Elizabeth I*. London: Thames and Hudson.
- TAGG, John (1998) *The Burden of Representation: Essays on Photographies and Histories*. Basingstoke: Macmillan.
- THOMSON, John A. (1985) 'Judicial Biography: Some Tentative Observations on the Australian Enterprise', *University of New South Wales Law Journal* 8: 380–400.
- TOWNSEND-GAULT, Charlotte. (1988) 'Symbolic Facades: Official Portraits in British Institutions since 1920', *Art History* 11: 511–26.
- VILLEZ, Barbara (2005) *Séries Télé: Visions de la Justice*. Paris: University Press.
- WEST, Shearer (2004) *Portraiture*. Oxford: Oxford University Press.
- Woodall Joanne (ed.) (1997) *Portraiture: Facing the Subject*. Manchester: Manchester University Press.
- ZEILER, Barbie (2005) 'Journalism through the Camera's Eye' in Stuart Allan (ed.) *Journalism: Critical Issues*. Milton Keynes: Open University Press, 167–76.