

Eyes on Law: Making Legal Research, Law and Justice Visible

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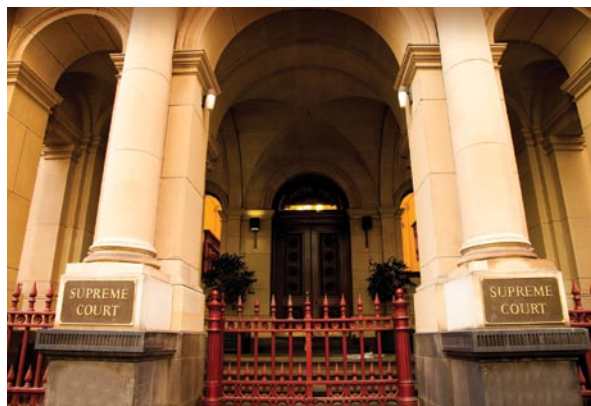
Law and legal narrative is normally written, understood and communicated by lawyers through the medium of the text. Although formal oral argument takes place in court it is only the written judgment, preserved for posterity in a law report, which endures beyond the memory of those involved in litigation, as visual records of the trial will, whether mobile or static, normally be subject to strict legal controls (Prince 1998). Consequently, legal practice, scholarship and education – in both civil and common law jurisdictions – all focus primarily on doctrinal analysis and mastery of legal texts, expressed in the form of the written word. In this brief essay we ask whether the photographic medium can capture successfully alternative representations of law and legal consciousness in novel ways that might facilitate the education of lawyers and the wider public. Can photography, often portrayed as a threat to an individual’s right of privacy, intellectual property or even national security, be used instead to make law more comprehensible and accessible for ordinary citizens?

This perspective should be seen as part of a ‘Beyond Text’ tradition in critical legal scholarship that dates back to the 1970s and explores how art, literature, film and even dance may challenge, if not supplant, traditional legal sources and boundaries that circumscribe the public’s awareness of law and legal research.¹ Despite the global movement promoting access to legal information and the fact that law impacts on us all, legal texts remain physically or intellectually inaccessible and tend to be read and understood by a closed professional elite. Our particular contribution seeks to displace legal texts as the exclusive repository of legal meaning by offering dynamic, colorful new images of law that may construct and promote alternative interpretations of legal reality. While other visual techniques such as cartography can be used to describe law’s physical and institutional presence (Economides et al. 1986, 172) and so make socio-legal research more visible, maps tell us more about those who supply (and research) legal services than how law is actually perceived by those whom it is supposed to serve. Photography, on the other hand, is a far more democratic medium that can capture a wider, almost limitless range of ordinary legal experience, particularly of non-professionals who observe, use or participate in the legal system, both now and in the future. We believe photography, with its power to shape and interpret popular culture, holds considerable untapped potential to contribute to public legal education, first by revealing obscure citizen perceptions of law outside the courts; and, second, by re-defining how the public might engage more creatively with the legal system of the future. Photography of law, lawyers and legal institutions in

marginal social spaces could serve to highlight the existence of different kinds of legal relationship and challenge the myth that law resides only in ‘black letter’ texts produced and interpreted in buildings whose architecture is styled in the classical tradition. Popular perceptions of law and justice usually reflect dominant images of the criminal justice system: typically judges wearing robes and wigs, holding a gavel and using arcane formal language in imposing buildings with Doric columns that, while claiming to uphold ‘equality before the law,’ in fact signal authority and power in order to command, if not demand, the respect of citizens (Fig. 1). Here justice is anything but ‘accessible’ and is firmly located behind closed gates and doors.

Popular media (film and TV portrayals of the legal profession), court architecture and legal processes all seem to conspire in reinforcing such clichéd images, the most ubiquitous being the blindfolded lady holding the scales of justice in one hand with a sword in the other. While modern court buildings sometimes create an atmosphere more hospitable for litigants, most have been designed to communicate to the wider public the authority and dignity of law (see further Resnik and Curtis 2010). The County Court in Melbourne is an example of modernist architecture that presents a far more welcoming façade for justice (Fig. 2).

Justice departments normally select formal rather than informal images of justice when choosing visual content for official publications in order to maintain social and physical distance between the public and the legal profession. Yet it is possible to imagine different more lively ways of representing justice that invite citizens to see law not as something



1. *Supreme Court, Melbourne.*



2. *County Court, Melbourne.*

that disciplines them but rather as a tool that could assist in the pursuit of their social or economic goals, something not to be feared but rather as a resource to be used. Photography can capture and suggest the dynamic nature of the legal process and law’s management of changing, unpredictable relationships. One of Zoë’s photographs (Fig. 3) illustrates the potential of creative photography to



3. Court's (in)action?

challenge popular stereotypes of courts – and law – normally presented in a static, formal setting by highlighting the rapidly changing context of law in modern society.

Photography may also have potential in university legal education. Instead of discussing the meaning of legal texts law students might be encouraged to take their own photographs of the ‘law in action’ and then analyze the latent meanings of law and justice to be found in the images (and emotions) they have momentarily captured. They might also usefully consider conflicting arguments that support controlling or circulating photographic images of the trial – does photography promote ‘open justice’ and public understanding of the legal process or does it subvert the integrity of the legal process? Can photography avoid some of the problems associated with televising trials?

Outside the courtroom we see an interesting new

role for professional photographers in participating in public legal education. Traditional images of justice (e.g. Fig. 1) might be replaced with more imaginative, even humorous interpretations that use color, manipulation and marketing techniques to make law less intimidating and more attractive to the wider public. Another of Zoë’s photographs (Fig. 4) presents a location where justice is re-located and questions are posed about where it is to be found and how one gets there.

We therefore see an interesting role for both professional and amateur photographers in deconstructing official images of justice and substituting these with new images that portray different roles for lawyers and judges in a more democratic society. As John Berger (1972, 182) has noted, photography is ‘...a weapon which we can use and which can be used against us.’



4. *Signposting Justice.*

References

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Note

1. See further Z. Bankowski, and G. Mungham. 1976. *Images of Law*. London: Routledge and the AHRC sponsored project 'Beyond Text in Legal Education': <http://www.law.ed.ac.uk/beyondtext/>; [mms://law-srvo.law.ed.ac.uk/external/beyondtext.wmv](https://law-srvo.law.ed.ac.uk/external/beyondtext.wmv)