



## Carey Young's *Palais de Justice*

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### ABSTRACT

The symposium for this issue comprises six responses to the video artwork *Palais de Justice* (2017) by artist Carey Young. The video presents a study of the life of Brussels' vast, late-nineteenth-century court building. In *Palais de Justice*, Young presents 'a legal system seemingly centered on, and perhaps controlled by women'. The respondents are Jeanne Gaakeer, Ruth Herz, Joan Kee, Linda Mulcahy, Jeremy Pilcher and Gary Watt. Jeanne Gaakeer and Ruth Herz have the distinction of being, not only internationally respected scholars, but also experienced judges. Jeanne Gaakeer is a judge practicing in the Netherlands and Ruth Herz was formerly a judge in Germany. The six responses are followed by the artist's own reflections on her artwork and her response to the commentators' responses. Joan Kee writes that 'Young highlights access as a key entry point for thinking about the law. Who can avail themselves of the law? Who may enter (or exit) the courts? Who is excluded and by whose authority? The surreptitious looking and peering that define the experience of watching the film suggests how these questions deny ready answers'.

**KEYWORDS** *Palais de Justice*; Brussels; architecture; documentary; clandestine; camera; lens; women judges; women lawyers; art

The symposium for this issue comprises six responses to the video artwork *Palais de Justice* (2017) by artist Carey Young. The work has a seemingly inexhaustible capacity to generate intellectual and instinctual responses, and a whole book might have been devoted to the issues it raises. It certainly supplies an irresistible stimulus to scholars at the intersection of law and humanities. The respondents in this instance are Jeanne Gaakeer,<sup>1</sup> Ruth Herz,<sup>2</sup> Joan Kee,<sup>3</sup> Linda Mulcahy,<sup>4</sup> Jeremy Pilcher<sup>5</sup> and Gary

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Watt.<sup>6</sup> The first two names in that list have the distinction of being, not only internationally respected scholars, but also experienced judges. Jeanne Gaakeer is a judge practicing in the Netherlands and Ruth Herz was formerly a judge in Germany. The six responses are followed by the artist's own reflections on her artwork and her response to the commentators' responses. In *Palais de Justice*, Young presents 'a legal system seemingly centered on, and perhaps controlled by women'.<sup>7</sup> From an English perspective the fantasy is certainly timely and may not be entirely fanciful. In England, the Sex Disqualification (Removal) Act 1919 was followed in 1920 by the first admission of women to the Inns of Court, and in 1922 the pioneers were called to the bar and the first woman entered legal practice. As this symposium goes to print, with the centenary of the 1919 statute on the horizon, it is notable that in England today the majority of new entrants to the traditional legal professions are female.

### Jeanne Gaakeer, 'A Picture Held Us Captive'

Allow me to start with a trigger warning. Carey Young is on my turf. I am a member of the Dutch judiciary. So my viewing is undoubtedly informed and deformed by my professional culture as the guide of my expectancies and reflections,<sup>8</sup> not least because I am also an avid fan of 'judge' films.

On first viewing Carey Young's art video *Palais de Justice*, I was reminded of the French philosopher Blaise Pascal's famous notion that we can only think by way of images. Young's focus on female justices made me think of the interconnection of the visual and legal iconography.<sup>9</sup> Firstly, in the sense that this video as a work of art it sits squarely in the tradition of the *exemplae iustitiae*, the allegorical and educative paintings, sculptures and tapestries adorning the courtrooms of the Ancien Régime which served both as a symbol of the virtue of justice and the legitimacy of the worldly order of good governance, legislation and the administration of justice. Ambrogio Lorenzetti's frescos in the Palazzo Pubblico in Siena are the *locus classicus* of this bond of the pictorial and the jurisprudential.<sup>10</sup>

Secondly, it made me think of the odd discrepancy, at least from our contemporary perspective, between the depiction of Justice since times

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<sup>7</sup><[www.careyyoung.com/palais-de-justice/](http://www.careyyoung.com/palais-de-justice/)>.

<sup>8</sup>RK Sherwin, 'Law, Metaphysics, and the New Iconoclasm' (2007) 11 *Law Text Culture* 70, 70, 'Every culture has its own way of imagining the real'.

<sup>9</sup>I use the term 'justices' because the Palais de Justice is the seat of the court of appeal and the court of cassation.

<sup>10</sup>For legal iconography, see S Huygebaert et al (eds), *The Art of Law, three centuries of justice depicted* (Lannoo 2016); J Resnik and DE Curtis, *Representing Justice, Invention, Controversy, and Rights in City-States and Democratic Courtrooms* (Yale University Press 2011); W Schild, *Bilder von Recht und Gerechtigkeit* (DuMont 1995); R Jacob, *Images de la Justice, essai sur l'iconographie judiciaire du Moyen Âge à l'âge classique* (Garapon/Le Léopard d'Or 1994).

immemorial as a woman – with or without the blindfold<sup>11</sup> – and the fact that, Deborah in the Bible Book of Judges excepted, women have long been considered unfit for the judiciary. At the 1933 meeting of the Dutch society for criminal law, the debate – as fierce as it was insightful – centred on whether the influx of female judges might not result in male judges falling for the charms of their new colleagues, the gist of it being that if and when women would be allowed to enter the judiciary, one would have to opt for elderly women. What was more, the female psyche was deemed unfit for service in the criminal law section because of the monstrous aspects of crime that women would be unable to come to terms with. It comes as no surprise, then, that when the first female judge in the Netherlands was at last appointed it was in the juvenile court.<sup>12</sup> So it is fitting that Young focuses on female magistrates.

### **Sublime spatiality**

What else in this work of art triggered my attention and held me captive?<sup>13</sup> In other words, which narratives do Young's visual images evoke? Definitely a narrative of spatiality. The video opens with a young man, casually dressed and leisurely descending a flight of steps. Has he already been in one of the courtrooms? Did his case end well? Does he return to the humdrum life outside this awesome, intimidating building? So far no carnage on this staircase, if we recall the one on the well-known steps on the Odessa waterfront in Eisenstein's 1925 film *Battleship Potemkin*. The Palais de Justice sits firmly in the tradition of European,<sup>14</sup> nineteenth-century court architecture inspired by Benthamite ideals of surveillance and repression, with huge staircases meeting in an immense hall, an intimidating space for every human Lilliputian who comes to seek justice. One thing is certain, this space is sublime. Its floor is decorated by the *sol iustitiae*, symbolic also of Christ's justice. It is worth noting that all older courts also have a flight of steps at the entrance of the building, symbolizing the literal and figurative elevation of human problems out of their spaces of origin and into the sacral space where one can tell

<sup>11</sup>Originally, the Lady Justice was represented without the blindfold, as one who sees clearly the facts and circumstances of the case before her. We now think of the blindfold as a sign of impartiality, but this was not always the case. When in 1494 Wilhelm Brandt's *Narrenschiff* was published, justice was seen to wear a blindfold. The caption on its frontispiece says that whoever is eager to start legal proceedings rather than settle disputes amicably is a fool who makes truth and justice blind by his incessant quarrelling.

<sup>12</sup>It should be noted that in the early twentieth century England and Ireland already had around 900 female justices of the peace, Scotland had 200.

<sup>13</sup>L Wittgenstein, *Philosophical Investigations* (Blackwell 1992 [1953]), para 115, 'A picture held us captive. And we could not get outside it, for it lay in our language and language seemed to repeat it to us inexorably'.

<sup>14</sup>The U.S. Supreme Court has spiral staircases. On its architecture, see BS Christen, 'Cass Gilbert's United States Supreme Court and the Comprehensive Planning Deal' in S Tiefenbrun (ed), *Law and the Arts* (Greenwood Press 1999) 239, and, generally, NW Spaulding, 'The Enclosure of Justice: Courthouse Architecture, Due Process, and the Dead Metaphor of Trial' (2012) 24 *Yale Journal of Law and the Humanities* 311.

one's story and be heard by an impartial third party. Surely there is irony in the fact that the Palais de Justice was built on Gallows Hill where earlier on convicted criminals were hanged. This is also to ask what narrative this building as a public space tells us and whether its aesthetics affect the people in it. Later on in the video, a court employee crossing the hall with a cart (probably for the transportation of files) looks as if he has become so used to it that he can't be bothered, and so do the men standing guard. But how about that lawyer ascending? Is it his *Lift to the Scaffold* as in Louis Malle's 1958 film (*Ascenseur pour L'Échafaud*)? And how about the female lawyer seated in the window sill, like a legal Mrs Robinson with only her lower leg visible? Is she going to snare someone in her legal net or will one of the female judges be able to stop her in time?<sup>15</sup>

### **Performance: female justices**

A shot of a big door before the law is followed by a view on an empty chair, the as yet empty seat of authority and power, later on repeated by a view of a courtroom with three empty chairs, waiting for the judicial panel to arrive. The serenity of these scenes is enhanced by a view on a wall on which a number of robes are waiting to be used, and a view of a female artist, seated on the steps, who is busy drawing the part of the Palais that Young is filming. This subtle Russian doll-effect returns twice later on when we see a male lawyer pacing up and down in front of the door to the courtroom and the camera, waiting for his cue to enter, and a woman with a cap who, like the camera, looks through the window.

To me, the scene shifts dramatically when we exchange the open hall for the confined space of the courtroom. In it, judicial faces hold us captive through what, on first impression, evoked the image of round portholes of a submarine. I began to wonder whether these justices were perhaps anxious to get out? Are both viewer and viewed wondering what the world looks like on the other side? Or are we talking here in terms of peepholes for security through which the justices look from the inside to the outside to assess those approaching the courtroom? Obviously the images we see are not distorted in the way in which a peephole in a door distorts, but as viewers we are so to speak eavesdropping at the keyhole and because we only see cuttings the image that we see is actually blown-up.

In the sense that a judicial hearing is theatrical, what kind of performance in the sense Julie Stone Peters delineates it, i.e. 'law as performance (expressive legal events and practices themselves)', do Young's justices practice?<sup>16</sup> It is as

<sup>15</sup>I am reminded here of the iconic cover of the Simon and Garfunkel album of *The Graduate*.

<sup>16</sup>JS Peters, 'Law as Performance: Historical Interpretation, Objects, Lexicons, and other Methodological Problems' in ES Anker and B Meyler (eds), *New Directions in Law and Literature* (Oxford University

if, like the universal Lady Justice, these magistrates look us straight into the eye. The female judicial gaze, unhindered by a blindfold, penetrates the viewer because of the specific way in which Young captures it through the window. Turned the other way around, perhaps the pensive, reflective gaze becomes the blindfold or the mask to hide the private persona. We also see a female justice glancing through the file before her – the stack of files next to her indicative of that day's caseload – seemingly unperturbed by the fact that a number of lawyers enter the room. Most justices just listen, their body language perhaps indicative of their interest in what the lawyers plead. What I found disturbingly alienating was that as a viewer you have no idea what kind of case is being discussed in the courtroom and who is who. From the way in which the people are positioned in the courtroom – bearing witness to the importance of form in legal practice<sup>17</sup> – you can deduce, at least if you are a legal professional, that this one is a female lawyer, that one a female party to a case, while another is perhaps a female prosecutor. Yet the scenes remain enigmatic, like a Vermeer painting, until they fade away like the Cheshire cat. And that is probably how most lay people experience their day in court, full of amazement at the ritualized action.

## Conclusion

A couple of days after my viewings of the video I went to the cinema to see *So Help me God*, a documentary about the idiosyncratic method of working of the Brussels examining magistrate Anne Gruwez.<sup>18</sup> Same building, totally different narrative. Totally different also from *10e Chambre Instants d'Audiences*, a documentary about the way in which a female judge in a Parisian district court conducts criminal cases: no subtle female gaze there, but a judge who gets more and more frustrated by the defendants' narratives and lame excuses as the day progresses.<sup>19</sup> What Young's video offered me by way of a mirror for magistrates<sup>20</sup> is the reminder that each legal culture has its specific symbols – did you also notice the funny furry shawl dancing on the shoulders of the robes of some lawyers?<sup>21</sup> – and, more importantly, that when you are inside a practice it is very difficult to understand how others experience that very practice. Yet that is exactly what legal

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Press 2017) 193, 204. See also JS Peters, 'Legal Performance Good and Bad' (2008) 4 *Law, Culture and the Humanities* 179.

<sup>17</sup>Cf. C Vismann, *Files, Law and Media Technology* (Stanford University Press, Stanford 2008).

<sup>18</sup>Directed by J Libon and Y Hinant, 2017.

<sup>19</sup>Directed by R Depardon, 2004.

<sup>20</sup>In the sense of the term William Baldwin gave it in his 1559 collection of emblematic stories warning judges not to disregard their professional duties and ethics. See W Baldwin, *The Mirror for Magistrates* (Cambridge University Press [1559] 1960).

<sup>21</sup>It is the 'epitoga' which those with a doctorate are allowed to wear. Today synthetic fur has replaced the ermine and white rabbit of the days of yore.

professionals should try to do, if only because 'Des sottises d'autrui, nous vivons au Palais'.<sup>22</sup>

### Ruth Herz, 'The Crumbling Relic of the Past: Justitia Resurrected'

Carey Young has chosen the colossal Palais de Justice of Brussels, perhaps the most outstanding architectural achievement of similar courthouses erected in the second half of the nineteenth century all over continental Europe, for her intriguing and moving video work. The palatial courts embodied the democratization and independence of the judiciary, following the Napoleonic wars and the spring of nations in 1848. Constructed as most imposing temples they represented from their incipience an unresolved ambivalence, so adequately reflected in Young's work. The assumed openness of justice and yet the inaccessibility to the public at large. The video well demonstrates the paucity of public presence in the palace which was the purpose of its construction in the first place. In a subversive way Young seems to attempt to bridge the two by introducing the viewers to and leading them through the grand interior with its majestic hallways, vestibules, corridors, staircases and marble floors. The angles she chooses for shooting the video amplify the sense of the scale and opulence of the vast building. It evokes a Greek temple, a temple of justice with its symmetry and columns. She also leads the viewers to the wooden panelling inside the courtrooms which refer to the Greek marble columns, continuing the architectural narrative.

The camera reveals how the vast spaces dwarf the people moving inside it. Like ants they seem to know where they are going in the maze-like building, although it seems to me a mystery how one can possibly find one's way in such a labyrinth. It reminded even me, a former judge, of Piranesi's prison drawings. That is clearly not the feeling the judges and lawyers have moving rapidly across the huge spaces on their way to work.

Young keeps the courthouse in the dark light of its interior which enhances the sense of theatrical drama which we associate with courts. This calls for a remedy so the judges can find the light in the word, the written files and the codes of law for their decision-making process. Young does that beautifully by showing off the different lighting devices such as a small reading lamp placed on the bench, a palatial chandelier or by letting daylight fall into the courtroom through a widow in the style of the classical Dutch painters, like Vermeer.

I was as much struck by Young's focus on judicial artefacts, particularly the files, which contain all the relevant information for a case, but are despite their centrality usually replaced by the books of law or the judicial paraphernalia in

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<sup>22</sup>See N Boileau, *Oeuvres Politiques*, Épitre II, 1669, available at <http://www.crcrosnier.fr/mur1/prt1/boileau1.htm>. We make a living at the Palace (of Justice) from the follies of others' (author's translation).

the imagery of justice. The files are, as Vismann<sup>23</sup> has shown, not simply administrative tools but the mediators and the processors of the legal practice. In some scenes, Young lets us share her view of the female judges deeply engrossed in studying the files and making their mark in them with a pen. The pen with which they will eventually write their decision? On the other hand, her gaze reinforces the general image of the formality of the judicial process and how it relies on the written word and the codes of law, perhaps at the expense of the people standing trial. The camera following the files being transported along the corridors of the court building enhances the feeling of the human-beings reduced to collated papers through a bureaucratic procedure. Rather intriguingly, the building produces sound in the video without a human behind it, while we watch the judges speak without hearing the sounds they make.

Young did not get permission to film inside the court rooms and so resorted to a clandestine peeping through round portholes in the courtroom doors. She lets us peer into a courtroom with three empty judges' chairs behind the bench. The chairs, I believe, symbolize judges who are thinking, feeling, even fantasizing by escaping out of the building when gazing out of the window while at work. A painting hangs on the wall above the bench. It shows a pontifical male judge pointing his finger authoritatively. To me this image instructs the judges sitting below it how to think and how to decide, by following previous (male) judicial decisions. It reminded me of Michelangelo's statue of Moses holding on to the stone tablets with the Ten Commandments.

This scene is but an introduction, by way of a contrast, to the presentation of the female judges which is the focal point of her work. They possess the power and they decide, in a world that is still generally perceived as male. In one take she contrasts the rack of robes for the women under the row of portraits, all of male judges who had worn them before. In her project men only play supporting roles such as lawyers, some waiting nervously outside a courtroom for a female judge to let them in, as security personnel or as a factotum slowly transporting the files on a trolley through the corridors. Young has so beautifully succeeded in capturing the female judges in action. They are completely lacking the customary self-important, self-satisfied, pompous behaviour and hubris some male judges tend to display. Her female judges master the law and are in full control of the proceedings, projecting a quiet, concentrated and natural authority. This is what women in power look like. They bring to mind the high priestesses of the temple of justice. Throughout the video they show independence, competence and empathy. Young also portrays female lawyers, arguing their cases before wise female judges.

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<sup>23</sup>Vismann (n 17).

I was deeply moved by the portrayal of women judges in the world, once dominated by male judges despite the image of *Justitia* as female, having myself witnessed the shift from the bench throughout my career. Only 10% of judges were female when I was appointed a judge in Germany. In the absence of a model female judge I was forced to invent one for myself. Like most of my female colleagues, I have also had to endure condescending comments from my male colleagues who were doing precisely the same job as I was. When entering the court building late in the morning it was not uncommon for a male colleague to greet me with a remark: 'Oh you probably had to take care of your household and therefore couldn't come as early as I did'. When I did not join my colleagues for lunch in the court cafeteria I would be rebuffed with: 'You probably have to rush home to have lunch with your children'. Not to mention inappropriate 'benevolent' flatteries such as: 'you are our lucky charm!'.

Today about half of all judges in most continental European countries are women while in England and Wales they still make less than a quarter of the judiciary. Those figures do not tell the full story of gender inequality amongst the judges. Much also depends on the visibility and influence of women on the judiciary and society as a whole. Lady Brenda Hale the president of the supreme court of England and Wales, certainly serves as model for men and women in the judiciary. The president of Germany's *Bundesgerichtshof* (Federal Court of Justice) is a woman. Let us also not forget that a female judge in Norway earned much praise as she presided over the trial against Breivik in 2012.<sup>24</sup> There is a growing public interest in female judges.<sup>25</sup> However, women are still considered by many to be more emotional than men also in their professional behaviour although it is not substantiated by any hard data. This is why I find Young's perceptive images of the female judges at work in the Palais de Justice, projecting humane, quiet, yet emphatic authority so powerful.

Nevertheless, the phrase 'feminisation of the judiciary' seems to have a negative ring to it. Does it demean the profession and make men stay away from it? I fear there are further, more serious effects which are implied in the darkness and the clandestine aspects of Young's video of which she has made excellent conceptual use. This reminded me of the strategy the French judge Pierre Cavellat<sup>26</sup> used, when he entered the courtroom hiding pens and pencils in the sleeve of his robe. He then used them to secretly

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<sup>24</sup>Wenche Elizabeth Arntzen presided over the trial of Anders Breivik in 2012 following the 2011 Norway attacks killing 77 mostly very young people.

<sup>25</sup>*RBG* documentary film about U.S. Supreme Court Justice Ruth Bader Ginsburg, 2018; R Bader Ginsburg with M Hartnett and W Williams, *My Own Words* (Simon & Schuster, New York, NY 2016); S Sotomayor, *My Beloved World* (Alfred A Knopf, New York, NY 2013); *Portraits of a Lady* TV film portrait of the judge Sandra Day O'Connor 2008; *The Judge*, documentary film about the first woman judge to appointed to the Middle East's religious courts, 2017.

<sup>26</sup>R Herz, *The Art of Justice* (Hart Publishing, Oxford 2012).



draw the scenes unfolding before him. Cameras are banned from court when it is in session in most European countries including Belgium. Even though one of the reasons given for this is the concern for the people involved in the trials, watching court proceedings secretly through peepholes seems to blatantly clash with the notion of open courts. Young's work, therefore, challenges the accepted axiom: 'Justice must not only be done, but must be seen to be done'. The question I feel the video raises is whether we are hiding the proceedings and decisions made in the courts? Not only because women are becoming so significant in the judiciary but for several other reasons. There is a growing tendency to marginalize the courts of law in favour of private contractual regulation, especially through large global firms. In family law, contract law, and even criminal law, mediation, where decisions are made out of sight, is partially replacing traditional trials.

And yet, at the same time, there is a call for transparency of the courts. That discussion seems to centre on the introduction of cameras into the courts. But fairness and impartiality, the concepts at the heart of justice, are not always the main concern of the media carrying cameras which appear to be far more interested in celebrities and high profile cases. This choice of cases introduces a false emphasis of reality so that our bread-and-butter cases eventually disappear and become 'secret'. This is precisely what Young's video magnificently contradicts by penetrating the veneer of the temple, imbued with silent secret symbols which are discernible only to the knowing. Her exposition is so important, for law students who are usually introduced to the judicial process through the law books and academia, but are scarcely exposed to the workings, intricacies and physicality of the courts in their day to day realities.

Young's extraordinary gaze is as significant to the public at large, few of whom ever personally experience the court, whose perceptions are therefore shaped mostly by media reporting and by fictional depiction in films, television series, or by literature. Her work further raises questions concerning the mass media's claim of making the court more accessible and interesting to the public, serving as translators of the legal proceedings making them understandable to the public. Rather than assuming an observant post they often end up presenting their own version, thereby challenging, if not substituting the judiciary.

This leads me to a final observation, which relates to the notion of the 'vanishing' trials. Seen from the present perspective, Young points out that the building's vastness cannot hide the fact that the magnificent palaces of justice, which had mushroomed all over Europe throughout the second part of the nineteenth century, symbolizing the significance of the judiciary as a pillar of democracy, seem to be in 'a state of perpetual crumbling'. When they are replaced by new court buildings they are erected away from the city centres, as is the case with my own court in Cologne. In the process, they lose their recognizable features, ending up looking like any other indistinct office building.

## Joan Kee, 'A Spy in the Castle of Law'

My first impression of *Palais de Justice* was of an extended game of 'I Spy', the childhood guessing game tasking its players to figure out what they are in fact looking at. A series of filmed moments spliced together to produce a different sense of time, Young's work is hardly narrative, yet it nevertheless asks viewers to puzzle their own stories of what inhabiting justice might mean. Denied permission to film in the Palais de Justice, the imposing neo-Baroque nineteenth-century courthouse in Brussels, Young highlights access as a key entry point for thinking about the law. Who can avail themselves of the law? Who may enter (or exit) the courts? Who is excluded and by whose authority? The surreptitious looking and peering that define the experience of watching the film suggests how these questions deny ready answers.

Young opens with a bird's eye view of the court exterior. A lone individual descends a massive staircase from a great distance, his proportions dwarfed by those of the court, reputedly the largest building erected in the nineteenth century. The court's overwhelming scale hints at the mass displacement its construction precipitated, as well as its reputation as a byword of unfettered state power, one that drew the attention of Adolf Hitler who instructed his chief architect Albert Speer to draw the Palais in detail.<sup>27</sup> The film then cuts to a view of the courthouse doors, eventually leading the viewer to a giant peephole resembling a huge eye. Against wooden panelling, a swivel chair is visible in profile, fixed in a distinct space accessible only from a distance. Here Young dramatically reduces the scale from that of the epic – the LAW in all-capitals – to the local, possibly even the domestic. Heightening the shift in scale is the camera's sudden turn to a young woman sitting on the giant staircase, sketching the columns of the courthouse. Her hair tied up in a messy bun precariously secured by a pencil, she perches her bare feet on extra sheets of paper, thus performing blatant familiarity that defies the cumbersome formality of her immediate surroundings. More women take liberties with the authority of the courthouse: we next see a profile view of crossed legs. They dangle from a window seat, and the casual, vaguely sensuous pose strikes a distinct contrast to the heavy ponderous tread of black-coated judges we hear in the background. In this scene as well as in the one immediately preceding it, the women treat the interior spaces of the Palais de Justice as they would their living room. One of the provocations made by the film then, is to ask what it means to imagine the courtroom as a domestic space activated by visibly female bodies making themselves at home.

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<sup>27</sup>Jonathan Charley, 'Violent Stone: The City of Dialectical Justice – Three Tales from Court' in Jonathan Simon, Nicholas Temple and Renée Tobe (eds), *Architecture and Justice: Judicial Meanings in the Public Realm* (Taylor and Francis, London 2016) 158.

These opening shots efficiently set up one of the main points of the film, namely to present a legal space decisively occupied by women. The occupation may be in an official capacity, as the film makes clear through numerous, if fleeting scenes of female judges and advocates, or on a more informal basis. To me this read as an invitation to further speculate on what kind of history might have led to this imagined present of a world of law administered by women. While volumes have been written on criminal women and women as victims, far less ink has been spilled on women playing an active role in the administration and enforcement of law. I thought of the All-Woman Supreme Court of Texas in 1925, a singular episode in the history of U.S. law concerning masculinist conflicts of interest.<sup>28</sup> The case arose when the 'Woodmen of the World', a fraternal organization claimed ownership over two tracts of land. Boasting an extensive membership, the Woodmen happened to include every male lawyer and judge so that it seemed impossible to fairly adjudicate the legal dispute at hand. Accordingly, women were tasked to serve on the court that would decide the case, no easy challenge given that there were less than 30 registered women attorneys in the entire state. Taking place 30 years before women in Texas could serve on juries, yet decided the same year a woman became state governor, the All-Woman Supreme Court was a stark reminder of how the institution of law often lags behind the pace of law-making. Not until 2015 would any U.S. state have a female majority on its supreme court.

Today the All-Woman Supreme Court is largely forgotten, a bit of curious trivia that would interest only the most diehard legal history buffs. Yet by repeatedly depicting women in charge of litigation and juridical decision-making, Young picks up on the cues left by the All-Woman Supreme Court that might lead us towards a woman-centric legal history. That the cases taking place within the world of *Palais de Justice* are exclusively decided by women reads as a riposte to the sedimented prejudices that continue to bar women from exercising legal authority. Women, as the masculinist assumption goes, are too emotional and thus less suited to judge. One recalls how in the former Soviet Union, women were barred from deciding cases involving military service on the grounds that they lacked sufficient knowledge because they never saw active duty. Only when a woman commanded political power could she assume the function of a judge. Yet gender differences exert real and significant impact on decisions pertaining to tort, family and criminal law; here I recall the all-women courts in India established by various non-governmental organizations and modelled after

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<sup>28</sup>The case was described by Hattie Henenberg, one of the women tapped to preside over the case. Henenberg, 'Women of the Supreme Court of Texas' (August 1932) 2 *Women Lawyers' Journal* 16. Following the case, Henenberg became an assistant attorney general for Texas.

mosque communities ('the jama'at') that largely preside over domestic abuse issues.

*Palais de Justice* is a paean to the impact of presence. But it also makes a case for the importance of female judges by stressing the role of perspective. An uncanny sense of detachment pervades the space she creates, yet, the force of the feminine impresses itself against the mind. Several shots resemble fleeting miniature Vermeer portraits, still lifes of deep intellectual activity. For this reason, the moments that endure longest are of the series of back-of-head shots towards the last third of the film. Split ends, bad trims, untamed frizz are all par for the course. Accustomed, perhaps, to constant scrutiny as an extreme minority in a male-dominated field, one woman self-consciously tucks part of her mane over her shoulder. Yet there is also something untamed about these constant shots of hair, particularly after the 14-minute mark where images of long-haired jurists become frequent. Unbound, the hair drapes the women like a protective cloak, a mantle of femininity worn as proudly as the long judges' robes.

In one scene, the camera lingers on the hastily wound bun of one jurist, calling to mind one of the most Instagrammed images of 2017. Lee Jung-mi, the acting Chief Justice of South Korea's highest court and its only female member presided over the impeachment of former South Korean president Park Geun-hye. In the world's most digitally networked country, the image of Lee with two pink plastic hair rollers dangling from the back of her head immediately went viral. To a Korean audience weary of ruling class excess, including the deposed president who was allegedly getting her own hair done during the first desperate hours of the Sewol ferry disaster of 2014, the biggest civil disaster in recent Korean history resulting in the deaths of over 300 passengers, the wayward curlers epitomized virtue-signaling of the highest order. Likewise in *Palais de Justice*, the female jurist bends her head over a sheaf of documents; she is too busy to prioritize vanity.

Men are seen but not heard. Women do the work of law. They wield the power of the word, and although we cannot hear their voices, we nonetheless spy their impassioned gestures and deliberate actions. Emotion, or at least an awareness of its power, is very much a part of legal doing. In one scene, an older judge strategically removes her glasses as if to establish a more personal connection to another woman pleading before her. The single possible exception to this all-woman world takes place at the 11-minute mark, where a bespectacled individual in juridical robes is cooling his heels outside the inner sanctum of the courtroom. He turns. He apparently spots the camera, its presence causing deep disapprobation as his facial expression of neutrality, even mild boredom dissolves into thinly concealed distaste. As if to deny Young's camera any further satisfaction, he turns resolutely away. Still, the camera maintains its even gaze. His response offers an interesting complement to the female gaze. One judge appears to look directly into the

camera, a moment of recognition that is unsettling, not only for placing the female body under scrutiny but also for subtly reminding viewers of the extent to which female authority figures are constantly watched. Another female jurist peers over her thick-rimmed glasses with an icy look, as if to stare down the camera.

Spending more time with the film, we realize it is a meditation on space and looking. That the issue has real import is borne out by the myriad regulations directed against cameras and photography. In the U.S., cameras were prohibited from entering courtrooms since 1946. It was more than a half-century later that a bill would be introduced to amend the prohibition. The American Bar Association, the largest U.S. professional organization for lawyers, contended that video might make law more accessible should cameras be allowed. *Palais de Justice* tries the truth of that conviction, by opening to public view scenes ordinarily unseen by the citizenry law serves. Adding to the weight of the film is the number of potential legal and extra-legal risks involved. That the artist engaged a Belgian lawyer, Annick Mottet, using her own funds exemplifies how creating contemporary art increasingly means having to reduce personal liability. Young eventually obtained permission to film nearly all of the people who appear in the work, a telling reminder how participation framed in an artistic context, particularly in Euro-American jurisdictions, must now account for legal definitions of consent. Although *Palais de Justice* may lull us into focusing only on visible imagery, the circumstances of its creation underscore how contemporary art's real substrate may be its unseen entanglement with the law.

But *Palais de Justice* hardly rehearses the familiar trope of the renegade artist challenging the law; its very creation throws into sharp relief the edges of law, where personal choice, feeling and even whim determine the scope of legal action. As Young has observed, security guards could have ordered her and her assistant to cease filming but did not when the artist spoke to them through the language of law, or in this case, the argumentation Mottet provided her.<sup>29</sup> Yet the judges who appeared in the film granted their consent *ex post facto*, likely because of how Young's Belgian lawyer went to considerable lengths to personally explain the work to each individual.<sup>30</sup> *Palais de Justice* thus illustrates how the operation of law frequently depends on uncodified interpersonal communication for which no standard compass exists.

There is also a sense of nostalgia permeating the film, an allusion, perhaps, to the numbered days of the court. In recent years, the Palais has been known more for its dilapidation than for its grandeur. Like a condemned prisoner, the

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<sup>29</sup>Carey Young, written communication to Gary Watt, 17 August 2018.

<sup>30</sup>*ibid.*

court's days are perhaps numbered. Only through acts like *Palais de Justice* can it live beyond its physical demise. The life of law depends on memory.

In *Palais de Justice* Young pits different epistemologies against each other: text versus performance/sensory approaches. Save for ambient murmurs echoing throughout the vast courthouse, the lack of spoken dialogue directs our attention to the roles that atmosphere, affect and duration play in making law legible. While there is no shortage of critique regarding the law and the shortcomings of those charged with its enactment, *Palais de Justice* has us wonder if art is uniquely situated to reveal the true measure of both law's blindness and vision. In an age of surveillance, the obligation to look back has never been more urgent.

### Linda Mulcahy, 'Before the Law'

Carey Young's film about the Palais de Justice in Brussels is an enthralling account of a nineteenth-century courthouse and the people who use it. She shows us a world of sepia hues with occasional hints of muted yellow. This technique prepares us for a journey a round a building that its architect Joseph Poelaert consciously chose to associate with the old. Filmed without the permission of the authorities or inhabitants of the courthouse that we see, Young transforms viewers into voyeurs whose understanding of what is going on is always incomplete. We see partial views of people in reflections, hidden in recesses, behind pillars or obscured by others. We cannot hear what is being said on the other side of the glass portal. We have interrupted sightlines. We frequently see reflections of things; the backs of heads rather than faces. We are witnesses but rendered unreliable. The film never places us at the centre of the performances being played out in the courtrooms. The inhabitants of these rooms are always seen through round oak framed portals. These mark the boundary between the public hall of the courthouse and the inner sanctum of the courtroom where justice is meted out, and turn the experience of watching this film into a peep show. A full or logical account of what happens within the sacred space of the courtroom remains forever a mystery. This is a story about law where we don't know what rules has been violated or what obligation has been abandoned. Like Josef K we always stand on the outside looking in.

Despite these absences this short film tells us much about the phenomenology of law. It is undoubtedly an important contribution to the burgeoning literature on the jurisprudence of the senses and will be of particular interest to socio-legal and critical scholars interested in understanding how law is experienced from the bottom up.<sup>31</sup> It provides us with a

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<sup>31</sup>On this point see for example L. Mulcahy, E. Rowden and Kirsten Orr, 'Introduction: Making Sense of Law: Pungency, Feel and Rhythm' Special Issue (2016) 14(2) *Law Culture and Humanities* 219–41.

unique understanding of the everyday sociology of rhythms, sounds, absences and time unmediated by official permissions. Unburdened by a spoken narrative the film allows us to experience the mundanity of legal proceedings and the interminably slow pace of law. What appears orderly to the insiders who choreograph the trial seems haphazard to the lay outsider. Narrative is replaced with a soundtrack which presents us with the constant noise of voices and shoes from mouths and feet that we can never see or identify.

The legal world portrayed in this film is not one in which litigants or the laity play centre stage. Rather they are something of an irrelevance. We observe people without gowns arriving for court who might be witnesses, spectators, victims, claimants or defendants but we can't be sure. We are shown a young girl in a woollen hat waiting for her turn to appear before a judge, but this is largely a film about lawyers. Instead of the cut and thrust of legal dramas which saturate Anglo-American legal culture, we frequently see pensive judges, sitting quietly and just thinking. We also see people just waiting. Waiting in corridors and recesses, waiting at the door of the court, waiting inside the court to be listened to. This is a subject that is reinforced by the soundtrack in which we hear the constant noise of the footsteps in the environs of the court. Never have I been so conscious of what the French call *la salle des pas perdu*. A literal translation of this phrase would be the room of the lost feet, but it is also understood as denoting the place where litigants lose both their steps and their time or as the hall of the lost causes.

The notes that accompany this film on Carey Young's website focus on the presence of so many women in authority and this is certainly one of its features that makes it so potent.<sup>32</sup> When we see an early shot of empty gowns in an unoccupied robing room we have no idea that so many of them will be filled by women. This makes the film a gift for feminist scholars and teachers because of the images it provides of courtrooms in which men are in the minority and women are in control. Female judges ignore male advocates, indicate when they can and cannot speak and make them wait. The women judges we see appear comfortable with their authority and wear it casually. This interpretation is reinforced by the occasional shots in which they look directly into camera and hold our gaze. There is no hint of imposter syndrome here. The focus on women on the bench directing proceedings is a particular delight for those of us who live in a jurisdiction with arguably the worst record for judicial diversity in the developed world. This film encourages us to imagine a different future; it is a fantasy that helps us to imagine a different politics and a different way of being.

For all the focus on emancipatory politics this achievement has to be placed in the unavoidable context of the architecture of the courthouse in

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<sup>32</sup>[www.careyyoung.com/palais-de-justice/](http://www.careyyoung.com/palais-de-justice/).

which the women sit. This provides a constant reminder of the intensely hierarchical and patriarchal world in which such fantasies are inevitably situated. This film is as much about the architecture of the law court as the people who inhabit it. This point is made in the scenes in which we see rooms uninhabited and sparsely inhabited or where we simply see people being dwarfed by the building. The power of the built environment to reflect political, social and economic values in a tangible form has long been used in attempts by the state to create, mobilize and appease its many publics. The power of architecture was well understood by nineteenth-century European powers which used architecture to construct and reflect newly emerging ideas of collective identity based on the notion of the nation state.<sup>33</sup> It is equally true of the grand law courts on which resources were lavished in Europe during this era to reflect the importance and civic pride of the towns, cities and nations they served.<sup>34</sup> Law courts like the one in Brussels can be characterized as part of a repertoire of cultural symbols that play a critical role in the social construction of the political imagination of the typically male elite. They stand as monuments to the patriarchal societies from which contemporary legal systems have emerged.

Taking nearly twenty years to build and completed in 1883, those who commissioned and designed the Palais de Justice in Brussels clearly saw its construction as an opportunity to proclaim Belgium's accomplishments on the world stage. It is reputed to be the largest building constructed in the nineteenth century and is bigger than St Peter's Basilica in Rome. In common with the numerous civic buildings across industrialized nations and colonial powers of the West in the nineteenth century it draws on architectural styles associated with temples and cathedrals in order to prompt an attitude of reverence towards the law.<sup>35</sup> This is evident from the monumentality of the courthouse shown in this film, its classical columns, porticoes, use of expensive marble, elaborate mosaic floors and busts of Roman jurists. The wealth of those who have commissioned this project is also clear from the intricate ceilings, rich wooden panels within the courtrooms and architectural detailing.

Buildings of this kind are not only symbols of a past power and politics, they continue to affect behaviour in more egalitarian ages. Research has established a clear link between the form a building takes and the sorts of

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<sup>33</sup>P Jones, *The Sociology of Architecture: Constructing Identities* (Oxford University Press, Oxford 2011).

<sup>34</sup>C Graham, *Ordering Law: The Architectural and Social History of the English Law Court to 1914* (Ashgate, Hampshire 2017).

<sup>35</sup>K Dovey, *Becoming Places: Urbanism/Architecture/Identity/Power* (Routledge, London 2009); S Brayer, 'Foreword' in S Flanders (ed), *Celebrating the Courthouse: A Guide for Architects, Their Clients and the Public* (W. W. Norton, New York 2006); O Chase, *Culture and Ritual* (New York University Press, New York 2005); P Haldar, 'In and Out of Court: On Topographies of Law and the Architecture of Court Buildings' (1994) 7(2) *International Journal for the Semiotics of Law* 185–200; B Wardle, 'Legal Facades' (2016) 25(4) *Griffith Law Review* 525–51.



behaviours likely within it. It has been argued that exterior and interior design provides us with a spatial syntax which affects people as they move through space and establishes who and what are in or out of place.<sup>36</sup> This means that victims, defendants, jurors and spectators do not have fixed courthouse identities with which they enter the building. Instead they acquire them in the process of approaching and moving through the public spaces of the courthouse entrance and waiting rooms, to the central performance hub of the courtroom, and beyond to the 'private' hidden spaces of cells, jury rooms, segregated circulation routes and isolated video suites. Architecture can be seen as providing the material pre-conditions for patterns of movement, encounter and avoidance, or what Gibson has referred to as 'affordances'.<sup>37</sup> By way of example, empirical research suggests that long pathways, yards, small or covered up windows and hidden doorways provide negative environmental cues about whether people feel welcome in a place.<sup>38</sup> Human behaviour has also been found to be influenced by room size, shape, architectural materials, features, furnishings and finishes. Viewed in this way it become apparent how places or the palace being discussed here put us in our place.

Generations of criminological and sociological scholars have also drawn our attention to the ways in which courthouse design can operate to undermine the egalitarian ideals so often represented by the scales of justice.<sup>39</sup> The organization of space has been shown to have a paralysing effect on lay users and contribute to degradation rituals.<sup>40</sup> Participants in Carlen's ethnographic study complained of the sterile theatricality of the court in which temporal and spatial conventions were successfully managed to produce a disciplined display of justice in which the laity were excluded from effective participation.<sup>41</sup> Over a decade later, Paul Rock's 1993 study of Wood Green Crown Court drew attention to hierarchies of space within the courthouse in which court staff viewed the public areas as dangerous and constantly on the

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<sup>36</sup>B Hillier and J Hanson, *The Social Logic of Space* (Cambridge University Press, Cambridge 1989).

<sup>37</sup>J Gibson, 'The Theory of Affordances' in R Shaw and J Bransford (eds), *Perceiving, Acting, and Knowing: Towards an Ecological Psychology* (Wiley, New York 1977).

<sup>38</sup>A Clinton and A Devlin, 'Is this Really a Police Station?: Police Department Exteriors and Judgments of Authority, Professionalism and Approachability' (2011) 31 *Journal of Environmental Psychology* 393–406.

<sup>39</sup>SR Anleu and K Mack, 'Magistrates' Everyday Work and Emotional Labour' (2005) 32(4) *Journal of Law and Society* 590–614; K Mack and S Anleu, 'Performing Impartiality: Judicial Demeanor and Legitimacy' (2010) 35(1) *Law & Social Inquiry* 137–73; K Mack and S Anleu, 'Getting Through the List: Judgecraft and Legitimacy in the Lower Courts' (2007) 16(3) *Social & Legal Studies* 341–61; M Travers, 'Sentencing in the Children's Court: An Ethnographic Perspective' (2007) 7(1) *Youth Justice* 21–35; M Travers, 'Business as Usual? Bail Decision Making and "Micro Politics" in an Australian Magistrates Court' (2017) 42(2) *Law & Social Inquiry* 325–46.

<sup>40</sup>L Mulcahy, 'Putting the Defendant in Their Place: Why Do We Still Use the Dock in Criminal Proceedings?' (2013) 53(6) *British Journal of Criminology* 1139–56; L Mulcahy, *Legal Architecture: Justice, Due Process and the Place of Law* (Routledge, London 2011).

<sup>41</sup>P Carlen, 'Remedial Routines for the Maintenance of Control in Magistrates' Courts' (1974) 1(2) *British Journal of Law and Society* 101–17; *Magistrates' Justice* (Blackwells, Oxford 1976); 'The Staging of Magistrates' Justice' (1976) 16(1) *The British Journal of Criminology* 48–55.

brink of disorder.<sup>42</sup> Other studies have described the ways in which the spatial configuration of a courthouse can cause anxiety for lay users by rendering them out of place, locating them in close proximity to their adversary and generating psychological strain.<sup>43</sup> More recently still, research has drawn attention to the ways in which jurors, victims, witnesses, defendants, supporters and spectators experience the courtroom as outsiders just as we do in this film. With baffling rituals solemnized through the design of space, arcane language and dress, the courtroom experience for these participants is more often perceived as something remote, foreign and elite rather than accessible, legible and equitable.<sup>44</sup> These findings begin to hint at the ways in which the internal configurations of the courthouse can impact on the ability of citizens to effectively participate in the justice system and realize or undermine its egalitarian ideals. In this film we experience the perspective of the outsider waiting to be admitted to law and rendered subservient by the scale of a building and its many excesses.

### Jeremy Pilcher, 'Nolite te bastardes carborundorum'<sup>45</sup>

The hall is immense. An anonymous figure slowly descends an imposing staircase that transects the vast architectural space. The stationary view looks into an interior in which I have never stood. I imagine that this must be the Palais de Justice. Other expansive galleries are gazed upon. The windows there are provide a diffuse light. Lamps are widely dispersed. People emerge into, and move purposively through, sepulchral atriums as their footfalls reverberate away into the pervasive stillness. This vast edifice provokes me to seek a narrative that may account for such monumental spaces, which suggest a structure with substantial foundations.<sup>46</sup> I am incited to seek out the story of a courthouse erected in the middle of the nineteenth century for a newly independent Belgium. I find that this colossal building, situated above the historic centre of Brussels, is apparently known as 'a monument to nineteenth-century eclecticism' and was built in a 'Neo-Baroque style, with classical as well as ancient Near Eastern architectural details redolent of the world's oldest

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<sup>42</sup>P Rock, *The Social World of an English Crown Court: Witness and Professionals in the Crown Court Centre at Wood Green* (Clarendon Press, Oxford 1993).

<sup>43</sup>J Shapland, J Willmore and P Duff, *Victims in the Criminal Justice System* (Cambridge University Press, Cambridge 1985).

<sup>44</sup>J Jacobson, G Hunter and A Kirby, *Inside Crown Court: Personal Experiences and Questions of Legitimacy* (University of Bristol Policy Press, Bristol 2015).

<sup>45</sup>M Atwood, *The Handmaid's Tale* (Vintage 1996) 101.

<sup>46</sup>J Derrida, 'Before the Law' in D. Attridge (ed), *Acts of Literature* (Routledge 1992), 191; J Derrida, 'Passions: "An Oblique Offering"' in T Dutoit (ed), *On the Name* (Stanford University Press 1995); J Derrida, 'The Spatial Arts: An Interview with Jacques Derrida' in P Brunette and D Wills (eds), *Deconstruction and the Visual Arts: Art, Media, Architecture* (CUP 1994) 13.



Installation view, Carey Young, *Palais de Justice*, Paula Cooper Gallery, New York, 2017. © Carey Young. Courtesy Paula Cooper Gallery, New York. Photo: Steven Probert.

known legal systems'.<sup>47</sup> This heterogeneity implies an effort to create a place in which lawyering is understood to deploy timeless and universal truths to solve the problems of humanity.<sup>48</sup> Yet the very proliferation of styles suggests to me anxiety resulting from the paradoxical need for the law to be 'without history, genesis, or any possible derivation' as a basis for its claim to 'categorical authority'.<sup>49</sup>

Legal gowns hanging in a line on a wall are echoed above by a row of images of, no doubt esteemed, men. I gather that statues of men of law from antiquity, including Demosthenes and Cicero, stand in the central

<sup>47</sup>World Monuments Fund, 'Brussels Palace of Justice' <[www.wmf.org/project/brussels-palace-justice](http://www.wmf.org/project/brussels-palace-justice)> accessed 27 July 2018; UNESCO, 'The Brussels Courthouse' <<http://whc.unesco.org/en/tentativelists/5357/>> accessed 28 July 2018; C Meeks, 'Creative Eclecticism' (1953) 12(4) *Journal of the Society of Architectural Historians* 15.

<sup>48</sup>GP Lopez, 'Lay Lawyering' (1984–1985) 32 *UCLA L Rev* 1, 2.

<sup>49</sup>Derrida (n 46) 191.



Still from *Palais de Justice*, 2017 single-channel HD video (from 4K); 16:9, color, quadraphonic sound; 17 mins 58 secs. © Carey Young. Courtesy Paula Cooper Gallery, New York.

portico.<sup>50</sup> According to Cicero, the best orator is one ‘whose speech instructs, delights and moves the minds of his audience’.<sup>51</sup> It is such men who have uttered the narratives that have guided ‘the process of understanding, applying and interpreting laws, for that which cannot contain any stories has to be mediated by them’.<sup>52</sup> The tales we tell, and those that are told about us, translate the relationship between our experiences of the world and how we are understood by others. It may be that ‘Stories and storytelling de-emphasize the logical and resurrect the emotive and intuitive’<sup>53</sup> but integrated within them are values and assumptions that reflect the shared and dominant standards of those by whom they are produced and circulated.<sup>54</sup> There is a

<sup>50</sup>World Monuments Fund (n 47).

<sup>51</sup>MT Cicero, ‘De Optimo Genere Oratorum’ in EH Warmington (ed), *On Invention. The Best Kind of Orator. Topics* (Harvard University Press 1949) 357.

<sup>52</sup>Vismann (n 17).

<sup>53</sup>Lopez (n 48) 10.

<sup>54</sup>Lopez (n 48); B Wilson, ‘Will Women Judges Really Make a Difference?’ (1990) 28 (3) *Osgoode Hall Law Journal* 507, 510; J-F Lyotard, *The Differend: Phrases in Dispute* (University of Minnesota Press 1983).

compulsion in the iteration and re-iteration of persuasive narratives that constrains the contingency of the world as much as it brings about change.<sup>55</sup> It must not be forgotten:

There is at least one crucial difference between an event of law and an event of art, no matter how dramatic they both are: *a work of art cannot sentence to death*. A trial, unlike art, is grounded in the sanctioned legal violence it has the power (and sometimes the duty) to enact.<sup>56</sup>

Judges have the power within the law to determine how ‘super performative’ legal force is used to fabricate the world.<sup>57</sup> Baroness Hale put it bluntly, when she described how as a judge of the Family Division of the High Court of England and Wales, ‘most of my time was spent oppressing women: specifically mothers’.<sup>58</sup>

The stories we tell through the law may implicitly, ‘acknowledge, perhaps to an uncomfortable degree that we can only aspire to be neutral, certain and in control’.<sup>59</sup> Yet this is typically disavowed as appeals are made to ‘natural law, self-evident truths, or God’ in an effort to avoid the abyss underneath the foundation of all laws.<sup>60</sup> My experience of *Palais de Justice* is that it seeks to do more than solve, ‘the problem of “how to translate knowing into telling” by employing forms of communication that mirror our way of knowing’.<sup>61</sup> A looming door dominates the screen. Other doors appear but this time with round portals of opaque glass through which jurists are glimpsed as ‘through a glass, darkly’.<sup>62</sup> In the movement from room to room the proceedings are inaudible.<sup>63</sup> Hands, hair, and faces illuminated obliquely by glancing light are regarded intently. Expressions appear pensive and eyes distant. Doors are not made open. There are no greetings. There is no acknowledgement of presence. This is a clandestine visitation. *Palais de Justice* surreptitiously moves me paratactically around the series of rooms and there seems to be ‘no place from which the entire architecture of barriers

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<sup>55</sup>S Marks, ‘False Contingency’ (2009) 62(1) *Current Legal Problems* 1; J Pilcher, ‘State Britain and the Art of (Im)proper Democratic Protest’ *Law, Culture and Humanities*, 1 January 2016 <<https://doi.org/10.1177/1743872115625433>>.

<sup>56</sup>S Felman, ‘A Ghost in the House of Justice: Death and the Language of the Law’ in A Sarat and J Simon (eds), *Cultural Analysis, Cultural Studies, and the Law* (Duke University Press 2003), 278 [italics in the original].

<sup>57</sup>Peters (n 16) 185.

<sup>58</sup>B Hale and R Hunter, ‘A Conversation with Baroness Hale’ (2008) 16 *Feminist Legal Studies* 237, 246; B Hale, ‘The View from Court 45’ (1999) 11 *Child and Family Law Quarterly* 377, 377.

<sup>59</sup>Lopez (n 48) 10.

<sup>60</sup>WW Sokoloff, ‘Between Justice and Legality: Derrida on Decision’ (2005) 58(2) *Political Research Quarterly* 341, 343.

<sup>61</sup>Lopez (n 48) 9.

<sup>62</sup>1 Corinthians 13:12 (King James Version).

<sup>63</sup>*Audi alteram partem* (‘let the other side be heard as well’) is regarded as fundamental to justice. C Douzinas and R Warrington in *Postmodern Jurisprudence: The Law of the Text in the Text of the Law* (Routledge 1994) 176 propose that it ‘shows the law concerned to hear the concrete person who comes before it, rather than to calculate and adjudicate the general qualities and characteristics of the abstracted legal person’.

can be grasped, none that renders comprehensible the master plan that appears to control everything'.<sup>64</sup> It occurs to me no effort is made to provide a sense-making narrative and, in the process, the assertion of a dominant universal and ahistorical rationality articulated in the architecture of the Palais de Justice is resisted.<sup>65</sup> The secretive gaze brings with it a proliferation of questions. I find myself speculating as to whether justice is, was, or will ever be, served in these places of judgment. *Palais de Justice* prefers not to answer me. I am incited to reflect on the bind in which judges are placed when deciding. The law applies to all and must not be enforced arbitrarily and yet the ways in which each case is different must be respected: 'Each case is other, each decision is different and requires an absolutely unique interpretation, which no existing, coded rule can or ought to guarantee absolutely'.<sup>66</sup>

I am aware of a dull underlying roar that swells and diminishes over time. *Palais de Justice* echoes with the subdued sounds of the impersonal operations of a legal system. Encompassed within this insistent noise footfalls and the sounds of muscles acting and blood flowing resonate. In my virtual experience of the Palais de Justice I hear the sounds of bodies that are present in their absence. Yet, the frozen stone of this building is not there as a memorial to the convicted criminals who in medieval times, before the trial replaced the scaffold, were hanged on the hill on which stands the Palais de Justice.<sup>67</sup> Nor has it been erected as a symbol of the thousands of homes demolished in order to enable the construction of this edifice as a place for judges to mete out justice in the name of the equal and non-arbitrary enforcement of the law. The teletechnological experience of *Palais de Justice* impels me to look beyond a simplistic opposition between the living and the dead to the 'ghost of the undecidable',<sup>68</sup> which haunts every decision. Drucilla Cornell employs Derrida to make the point that, 'if legal orders erase their mystical foundation of authority and masquerade as justice, they are "rotten". Regimes that conceal their origin in violence eliminate the basis for their own contestation'.<sup>69</sup> The Palais de Justice is built on an iron frame that is now rusting. The whole edifice, including the huge dome over the Salle des Pas Perdus,<sup>70</sup> is rotting from within. But to be reminded of the frailty of the law should not be a concern for 'One cannot love a monument, a work of architecture, an institution as such except in an experience itself

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<sup>64</sup>Vismann (n 17) 18.

<sup>65</sup>R West, 'Law's Emotions' (2015) 19(4) *Richmond Journal of Law and the Public Interest* 339, 340.

<sup>66</sup>J Derrida, 'Force De Loi: Le "Fondement Mystique De L'Autorite"' [Force of Law: The "Mystical Foundation of Authority"] (1989–1990) 11 *Cardozo L Rev* 920, 961.

<sup>67</sup>UNESCO, 'The Brussels Courthouse' <<http://whc.unesco.org/en/tentativelists/5357/>> accessed 28 July 2018; L Farmer, 'Secret Trials and Public Justice' in A Sarat, L Douglas and M Merrill Umphrey (eds), *The Secrets of Law* (Stanford University Press 2006).

<sup>68</sup>Derrida (n 66) 963.

<sup>69</sup>Sokoloff (n 60) 343 citing D Cornell, *The Philosophy of the Limit* (Routledge 1992) 167 and see Derrida (n 66) 999.

<sup>70</sup>This is translated as 'Hall of Lost Footsteps', World Monuments Fund (n 47).

precarious in its fragility: it hasn't always been there, it will not always be there, it is finite'.<sup>71</sup> The finitude of the eclectic monumentality of the Palais de Justice is indicated by the scaffolding, erected around the immense building to protect the public from falling masonry, which is itself now rusty. Christopher Woodward observes that 'When we contemplate ruins, we contemplate our own future' and when it comes to justice this should not be forgotten because, 'justice is never present; it is always to come'.<sup>72</sup>

In *Palais de Justice* no glimpse is to be had outside the Palais de Justice. The judges, who emerge out of the stygian gloom of the interiors that are peered into, are women. I am reminded of Justice Shirley S. Abrahamson writing of the day in 1976 that an 'improbability had become a reality: a woman was named to the formerly all-male Wisconsin Supreme Court'; and of Madame Justice Bertha Wilson's recollection of her appointment to the Supreme Court of Canada in 1982; or of Baroness Hale of Richmond, who was the first woman to be appointed to a Lord of Appeal in Ordinary in 2004.<sup>73</sup> The binding rules and precedents of the law have led some to question whether 'women judges simply become assimilated into the masculine legal culture'. But despite the constraints of the law, 'this does not mean that the feminist judge is compelled, in Berns's terms, to "become one with the law she speaks"'.<sup>74</sup> Or, to put it another way, it is possible for the lawyer to act 'within the code contrary to the code'. As Derrida describes, this involved Nelson Mandela recounting his 'life in order to explain, or rather to justify, the transgression of a professional rule'.<sup>75</sup> Abrahamson proposes, when those who ask whether women judges will make a difference to justice, what they 'are really asking [is] whether there is any special sensitivity that a person's background might bring to the court'.<sup>76</sup> Whilst 'we cannot not respond in a way that both reaffirms and transforms our heritage for the future-to-come' at the same time 'there are forces that work against the inevitable – it is possible to deny this responsibility in one's own actions or one can be denied that responsibility by others'.<sup>77</sup> For me, *Palais de Justice* is an invitation to reflect on the extent to which, in the future-to-come, the ways in which shared legal heritages may not only be reiterated but also transformed by 'focusing on the realities of people's lives rather than on narrow doctrinal

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<sup>71</sup>Derrida (n 66) 1009.

<sup>72</sup>C Woodward, *In Ruins* (Chatto and Windus 2001) 2; Sokoloff (n 60) 344.

<sup>73</sup>SS Abrahamson, 'The Woman has Robes: Four Questions' (1984) 14(3) *Golden Gate University Law Review* 489; Wilson (n 54) 507; Hale and Hunter (n 58) 3

<sup>74</sup>R Hunter, 'Can Feminist Judges Make a Difference?' (2008) 15(1–2) *International Journal of the Legal Profession* 7, 22. Quoting S. Berns, *To Speak as a Judge: Difference, Voice and Power* (Aldershot, Ashgate 1999) 53.

<sup>75</sup>J Derrida, 'Admiration of Nelson Mandela, or the Laws of Reflection' (2014) 26(1) *Law & Literature* 9, 24

<sup>76</sup>Abrahamson (n 73) 493.

<sup>77</sup>R Diprose, 'Derrida and the Extraordinary Responsibility of Inheriting the Future-to-come' (2006) 16(3) *Social Semiotics* 435, 441.

issues<sup>78</sup> in acknowledgement of the abyss that haunts the law's claims to provide order in society.

### Gary Watt, 'In Camera Lucida'

Carey Young's 2017 artwork *Palais de Justice* is a video study of the life of Brussels' vast, late-nineteenth-century neo-classical court building. Two years of observation and many hours of footage have been sculpted into 18 finely delineated minutes. It is a monumental achievement. Opening with establishing shots of the exterior colonnade and the imposing main entrance door, the video proceeds to guide us into the cavernous internal architecture and then into more intimate shots of the space and the individuals in it. Accompanying the sights there is a quadrophonic soundtrack on which I will say something before the end. Through deft composition, editing and sequencing, the shots feel as precisely crafted as the building itself. In no shot does the camera pan or zoom, thereby enhancing the viewer's sense of architectural stability. We are participants in the stone, as if viewing the movements of humans and changes in human society with the building's own eyes. Framed by the legislated boundaries of the lens and the artist's chosen points of view, the shots pass a gallery of painterly scenes across the viewer's gaze. The work is cinematic certainly, but as such it is also pictorial. In retrospect we replay selected scenes on the mind's screen: the initial shot of a solitary young male citizen in sportswear descending towards us down the centre of a grand external stairway, hands in pockets; the motionless shot of judicial robes – black with white ermine – hanging below a gallery of antique drawings of male lawyers (most of them depicted standing up, paused mid-advocacy); and most memorable of all, the numerous shots of female advocates seen from behind and female judges seen face-on – mostly stolen clandestinely through the portholes of courtroom doors by a long-range lens. Hauntingly, one senses that the circular glass window of the courtroom door – and not just the female eyes we see beyond – is returning the gaze that is imposed upon it by the circular glass window of the camera lens. Pauses in the shot compel us to look at the circular glass window, and not merely through it. The result is alienating. We feel the edifice of the building, of law, looking back at us. The lawyers look at us too, and sometimes they have a hunted look as we fix them in our sights. Everyone here is prey, observing everything, seeing nothing. All are lured, all are lulled. The camera never zooms, but a zoom-like effect is produced throughout the piece as scenic long shots give way to medium close-up shots (e.g. waist-up shots of individuals and groups) and eventually to true close-ups (e.g. head shots of individuals). After minute 4'16 we never, with

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<sup>78</sup>Hunter (n 74) 12.



one brief exception, return to the spacious panoramic shots that open the piece. At minute 4'17, the first frame is a pair of porthole windows shown in elliptical semi-profile like a pair of spectacles or eyes. The image constitutes a rhetorical call to attention – a visual command to 'look closer'; a visual equivalent to the common law's traditional spoken call to hear – 'oyez, oyez'. Briefly, a male figure walks in a blink across one of the porthole eyes and disappears from shot. This is immediately followed by the shot of the gallery of antique drawings mentioned earlier, and by successive shots, in two different courtrooms, of a grandly framed antique oil painting hanging behind a vacant row of judges' chairs. The artist, having compelled us to look, now invites us to look with the critical eye that art demands.

Coming a good while after this, the exceptional return to long-shot is significant. Immediately following a rare close-up study of a male advocate – this one lingering outside a courtroom door and peering, like us, through the porthole window – we are presented at 11'42 with a long-shot scene of a male porter slowly pushing a tall wire trolley of files towards us before he disappears from shot. We are allowed a few seconds' pause for thought upon the empty corridor before a new long-shot appears (12'08–12'24) in which a solitary male advocate is seen ascending the grand staircase before he, too, turns aside and disappears from view. The video then switches immediately back to a porthole where we see the strong silhouette profile of a young female advocate, back-lit by the daylight of a large window. Her long blonde hair contrasts with the bald pate of an older man who can be dimly seen sitting between us with his back to the viewer and his eyes on her. The closer we pry the more we see ourselves as viewers, in all our femaleness, maleness and lawyerliness.

One can find within the video a structural symmetry that is in keeping with its architectural subject. As I see it, three notional pillars divide the piece into four sections of roughly 4.5 minutes long. The first section is a framing study comprising mostly architectural context. It ends at 4'17. At 4'50 we have the first medium close-up shot of judge in a court room viewed through the portal window of the courtroom door. The camera focuses on the window, leaving the judicial figure as a tantalizing and yet discernably female blur; a locket cameo captured behind cloudy crystal glass. The artist is here re-framing our traditional artistic appreciation and thereby provoking us to re-think our traditional ways of regarding women in law. More cameos follow, with the female faces clearly seen.

At the centre point (8'52–9'12) we move beyond the frame of the porthole window, if not quite through it. In close-up we see a sustained out-of-focus shot of the back of a blonde-haired lawyer making her submissions in court. She leaves the shot to reveal, in focus, the face of the female judge sitting at the bench beyond. The judge's eyes do not follow the departing advocate, but stare strangely, as in a stupor, into the vacated space. This is

followed by a shot of another judge apparently alone. She turns face-on to us and seems to gaze disconcertingly into our lens. Has our furtive voyeurism has been found out? A similar shot immediately follows. We feel gazed upon. We feel judged. Yet despite the compelling evidence of our own eyes, the artist confirms that the judge could not have been aware of the camera prying at long-range.<sup>79</sup>

At the three-quarter point, we find ourselves in the middle of one of the most powerful sustained shots of the entire piece (13'18–14'05): a female head, again blonde-haired, but wearing a black beanie hat. She, like us, is an outsider looking into the court room; out of court and out-of-focus. At 13'32 – almost the exact three-quarter point of the piece – our fellow viewer scrutinizes the screen of her mobile phone. Perhaps she is checking messages or checking the time. Like us, she is waiting and seeking, looking for answers in the glass. It recalls for this viewer Dickens's description in the first chapter of *Bleak House* (1852–1853) of 'the uninitiated from the streets' who 'peep in through the glass panes in the door' to see nothing but fog. The *Palais de Justice* judges have their counterpart in Dickens's Lord Chancellor who is depicted 'directing his contemplation to the lantern in the roof, where he can see nothing but fog'. They look blankly out but cannot see our spying eyes. They are as alienated by the legal edifice as we are.

The concluding quarter of the video, with the shift to intimate viewing at close quarters, can be said to begin proper at 14'44 with first full close-up shot. Nearly the entire frame is taken up by the upper back and lower head of an advocate in rear view. We can see the shine of the black silk at the collar of her gown and the fine pleating at the top of her sleeves and the piping along the yoke. Thereafter we engage in intimate contemplation of the back of women's heads, culminating at 16'02 in extreme close-up. The advocate's tussled, unruly blonde hair fills a large space and a large time (16'02–17'23). The art of hairdressing, as advocacy, as video editing, lies in managing the threads.

With that thought, I want to attempt to locate Carey Young's *Palais de Justice* within the tradition of lawyers and court buildings in modern representative art. In particular, I will attempt to show some points of similarity and synergy between Young's work and the work of Dickens's contemporary, the French artist Honoré Daumier (1808–1879). Daumier is most famous amongst lawyers for his lithographic depictions of the legal profession at work in the Palais de Justice, Paris. These were produced mostly in the late

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<sup>79</sup>After the film was completed, Annick Mottet, a Brussels-based lawyer who gave legal advice to Carey Young during the making of *Palais de Justice*, painstakingly identified the judges – not a simple task since over 7000 lawyers and judges work at the Palais – and met with all of them individually, to inform them of the project. She confirmed that none had known of the filming, or of Young's project, except one who had caught Young in the act of filming her, and who gave Young permission to continue to film, after requiring the artist to articulate and defend her project in court.

1840s, but as construction commenced on the Palais de Justice in Brussels in 1866, Daumier was still producing fine work. He died the same year as the architect of the Palais de Justice in Brussels, just a few years before the building's completion.

Honoré Daumier was productive at a time when the legal profession across Western Europe was exclusively male. He could hardly have foreseen that in 2018 there would be jurisdictions (the U.K. is one) in which more women than men would be entering the legal profession. Still less would he have invented Carey Young's imagined legal world in which every judge is female. Yet, despite striking points of difference between the two artists' creative media, their gender politics, and their historical period, their works have certain formal similarities that might suggest a shared appreciation for certain timeless features of law in culture.

One obvious point of formal affinity between Young and Daumier is their mutual appreciation for the lawyer in the context of their professional costume and in the context of the court building. A lawyer's costume is part of their performance and can be said to form the lawyer every bit as much as the lawyer performs through it. The costume dresses the lawyer, which is to say (etymologically) that it 'directs' the lawyer, not only in the theatrical sense by exerting a physical and psychological influence on the lawyer's rhetorical action, but also to the extent that dress is part of the ritual accoutrement by which the lawyer is ordained for their profession. The architecture of the court building and the decor and fittings of the individual courtroom perform a similar function – dressing the lawyer in an outer layer that is as much a sign of their professional order as their costume. It is notable that while the women are busy in court, the great staircases are reserved for men. In the opening shot, a young man walks down. Later, a male lawyer ascends. This recalls a striking image in Daumier's lithographic series *Les Gens de Justice* in which the artist presents two lawyers walking down the stony steps of the grand staircase of the Palais de Justice (LD1372, *Le Charivari*, 8 February 1848). The picture portrays an architectural joke. The lawyers' faces are stony and cold as if presenting an architectural face-on profile of the legal edifice. The lines of the clothing are rigid and regulated. The robes and collar tabs fall straight down. The clue to the architectural metaphor is in the legend: 'Grand Escalier, Palais du Justice: Vue de Faces'. In Daumier's depiction the lawyers are at one, not merely with their costume, but with the architectural world wherein they move; the stage whereon they perform. The lawyers have been incorporated into the edifice of the law. In Young's video, the male subjects – young man, porter, advocate – suffer a laborious relationship to the space. They walk, they ferry, they wait outside. The architecture dominates them as it did in Daumier's day. They drone within the hive. Will the women, the inheritors, escape their fate? Can they resist the encroaching walls? If I could summarize

Young's achievement in a line, and I cannot, it would be to say that she has helped us to feel something more disturbing and more deeply alienating than the sense of being excluded from the legal temple; for she has helped us to feel, and perhaps to fear, what it is to become the building itself. And all throughout, lulling us and indoctrinating us, we are barely aware of the hypnotic soundtrack – the continuous indistinct murmur of invisible men; the ancient incantation of the temple.<sup>80</sup>

### Carey Young, 'Open Justice'

Justice must be seen to be done: it must be visible. *Justitia* is a woman, yet law's structures and systems privilege men. Law is a 'structure of the imagination'.<sup>81</sup> Justice must have an interior eye, according to Peter Goodrich.<sup>82</sup> These ideas were organizing principles in my video *Palais de Justice*, a 2017 artistic work, which I filmed and edited over two years. Developing my ongoing body of artistic work which addresses the facades, aesthetics, performances and languages of law, the work was shot at Belgium's main working courthouse, as has been amply detailed in the accompanying essays by Jeanne Gaakeer, Ruth Herz, Joan Kee, Jeremy Pilcher and Gary Watt. In this brief text I shall attempt to respond to certain of the many insightful, sometimes flattering points made here, whilst also conveying my own thoughts on the work.

The building captivated me right from my first visit. Aside from its terrible roots in Belgian colonial wealth and power, and its innate symbolism in terms of the 'power to punish',<sup>83</sup> here was a monumental labyrinth, designed to express law in terms of the sublime. Yet, as many of these essays note, it has long been in a state of slow disintegration. Indeed, the architect, Joseph Polaert, was partly inspired by work of the English Romantic painter John Martin, whose signature aesthetic included depictions of apocalyptic ruins, as if the Brussels Palais de Justice was always already envisioned in its present, slowly crumbling state.<sup>84</sup> (Derrida's comment that 'in the beginning,

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<sup>80</sup>As a companion piece to, or comparator with, Carey Young's *Palais de Justice*, readers may be interested in the 15-minute animation *Daumier's Law* (Dir: Geoff Dunbar) which won the BAFTA Award for Best British Short Animation in 1992. Arising from an idea by Paul and Linda McCartney, it pairs Paul McCartney's music with animations derived from the legal caricatures of Honoré Daumier.

<sup>81</sup>D Graeber, *Utopia of Rules: On Technology, Stupidity and the Secret Joys of Bureaucracy* (Melville House, Brooklyn 2016) 72.

<sup>82</sup>P Goodrich, *Legal Emblems and the Art of Law* (Cambridge University Press, Cambridge, UK 2013) 16.

<sup>83</sup>M Foucault, *Discipline and Punish* (Penguin, London 1991) 116.

<sup>84</sup>P Loze, *Une architecture monumentale et symbolique*, in J-P Buyle and D v Gerven (eds), *Justice pour le palais* (Filipson Editions, Brussels 2014) 35. Several writers here also note the references to Vermeer. I believe that Polaert was very well acquainted with the work of Vermeer and Van Eyck (for example, *The Marriage of the Arnolfini*, 1434), due to the many instances of side-window lighting he used as courtroom illumination. The resemblance of certain of my shots to Vermeer paintings, and of judicial figures rendered with Rembrandt-esque lighting, should be clarified with this observation.

there is ruin',<sup>85</sup> is surely apt here.) It also seemed to me so disorientingly extensive in scale, and so riddled with signs of decay (holes in courtroom carpets, graffiti on interior walls, broken panes of glass) – perhaps a victim of Belgium's political and linguistic divisions – that it was somehow in a zone of neutrality, beyond anyone's full control. Such a sense of possible anarchy was palpable, and undeniably inspiring. I felt that I could take a risk to film there repeatedly, and in what turned out to be a rather brazen way: a method that could perhaps never be possible anywhere else. At each visit, turning each corner I expected to be caught, expelled, banned or even locked up for my surreptitious, yet overt filming,<sup>86</sup> especially after I had requested, and been refused official permission to film.<sup>87</sup> But such was the building's Byzantine endlessness, the fact of occasional tourists and news crews wandering the many public areas, and the willingness of security to generally let me continue after I had given them one excuse or another,<sup>88</sup> that it was always possible to set up and steal a quick shot, well in plain sight, and then keep moving onwards, always nomadic, perhaps fugitive, but with the tempting promise of yet more evocative judicial tableaux around every corner.

The concept of filming only female judges in dialectical relationship to the building's innate patriarchal symbolism, and then editing it into a sequence that would convey a kind of speculative-fictional proposition about women controlling the administration of 'justice' – came quickly, and was based on real events: the preponderance of female judges repeatedly on view at the Palais. By keeping my camera equipment as minimal as possible, and through the sheer fact of being a woman,<sup>89</sup> nobody seemed to take me all that seriously, or to consider me as a threat, which was in fact my desired intention. Remaining unnoticed is advantageous for the documentarian, even if one is intent on weaving a fiction. One requires invisibility, also, to be a voyeur. The peepholes of the circular windows in most courtroom doors – constructed for the principle of 'open justice' – acted as my lens-like viewing devices. There are many such motifs in the work: eyes, gazes,

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<sup>85</sup>J Derrida, *Memoirs of the Blind*, as included in B Dillon (ed), *Whitechapel: Documents of Contemporary Art: Ruins* (Whitechapel Gallery, London and MIT Press, Cambridge, MA) 42.

<sup>86</sup>A camera, mounted on a tripod, pointing directly into a courtroom is never going to be concealed, even if I was not stopped or questioned during the majority of the hundreds of shots which I created.

<sup>87</sup>The Court President refused permission 'for reasons of terrorism', as he apparently did for all non-journalistic filming requests. Given that I could hardly include myself as a threat of this sort, and that my small tripod would not be in anyone's way in practical terms, and also given the many tourists wandering the building with cameras, and the fact that the building was out of copyright, I decided to ignore his ruling. This was further supported by legal advice sought from Annick Mottet of Belgian law firm Lydian, that according to Belgian laws around the 'right of personal portrayal', which were developed through case law, since the judges and anyone on the bench were public figures, revealing themselves in public during the trial, they were not protected by any right to privacy in my footage.

<sup>88</sup>Police and security guards were convinced enough by Annick Mottet's legal argumentation, as described above, that they always allowed me to keep filming.

<sup>89</sup>It was often my camera assistant (a man) who was approached for questioning, as if he was the director, despite the fact I was the one behind the camera.

glances, vignettes, apertures, lenses: a conflation of law and lenses, and perhaps of law itself as a lens or viewing device. The window's surface captured reflections, creating a 360-degree field of vision that allowed me to surveil action taking place behind the camera as well as in front, and creating a glassy aesthetic which suggests a floating unreality to proceedings in court, and a disjunctured sense of time.

'The closer we pry, the more we see ourselves as viewers'; 'we are participants in the stone', says Watt. It is this idea of complicity which interests me. The artist stares down the judge, via the camera's apparatus, and the viewer acts as witness, by proxy. The judge, whether staring into space or looking at her court, appears to meet the camera's gaze, and through that, the viewer, in a kind of Barthesian 'punctum' which chills us as we watch. The work sets up a kind of power relation, or stand-off: artistic versus legal judgement; artistic power versus judicial power. A judge's power, as prime mover in law's 'system of obedience',<sup>90</sup> is obvious. The judge's power is transmitted through the body of the punished – relations which go right through the 'depths of society', as Foucault notes,<sup>91</sup> and here, also into the depths of the Palais, its lower floors devoted to prison cells.

An artist's power, on the other hand, is more mercurial and fleeting, but nevertheless, not to be ignored in the sense of artistic free speech and its amplification through art galleries and other circulation platforms, and their reach into the public domain over time – the 'image-world will outlast us all', posits Sontag.<sup>92</sup> In this sense, the work gives me the chance to insert a certain idea of female judicial power into the public imagination. Not the only one in filmic terms, as has been noted by Gaakeer and Herz, but nevertheless, when projected in galleries at the intended size of 7 metres wide, it is undeniably sculptural, perhaps even monumental. I may have stolen these momentary images of the judges, or even 'possessed' the judges through my camera,<sup>93</sup> but what I gave back, I believe, was a respectful and perhaps even flattering portrayal of female intellectuals at work, despite the possible 'moral ambiguity of looking'.<sup>94</sup> We do not know what trials were in progress, of course. It would not have been ethical to include such details, and neither did it seem creatively productive when the goal was to conjure a fantasy: the idea that women were in control of this courthouse, of a judicial system, perhaps even of administering 'justice' more widely. As a thought proposition, let alone a political projectile, we could run with it and see where it takes us.

<sup>90</sup>PJ Williams, *The Alchemy of Race and Rights* (Harvard University Press, Cambridge, MA new edn 1992) 138.

<sup>91</sup>Foucault (n 83) 27.

<sup>92</sup>S Sontag, *On Photography* (Penguin, London 1977) 11.

<sup>93</sup>*ibid* 14.

<sup>94</sup>L Mulvey, *Visual Pleasure and Narrative Cinema* (1975 3(1) *Screen*, 6–18) reprinted in L Brady and M Cohen (eds), *Film Theory and Criticism: Introductory Readings* (Oxford University Press, Oxford 1999) 746–57.

Adding detail would have confused the matter at hand. The piece is on some level about illusions, although not necessarily utopias, even if it depicts real events.

The soundtrack to the work aimed to develop this quasi-documentary aspect further. Instead of using only the sound from the action depicted, the soundtrack consists of a mix of the building's sounds to create a distinctive 'sonic environment', an abstraction of the Palais' unique auditory personality. Installed with four high speakers in a gallery, it is a distinctive and important part of the work's atmosphere and mood. At the Palais, one is struck by the very particular, somewhat hallucinatory auditory experience of the building's boundless acoustic textures, eddies and reflections. The lengthy stairwells and marble-clad corridors, which open on to the main hall, funnel in layers of footsteps from different bodies at varied distances: the faraway guards and police with their heavy rubber-soled gait and jangling keys, the hurrying female lawyers in stilettos, the confident tip-tap-tip of the male lawyers in their fine leather soles.

Through all this weave the male voices, carrying further and amplified by myriad polished stone surfaces, and which act as the defining, almost 'choral' and undeniably spectral sound of the building: the sounds of discussion of trials in progress, of guards and police gossiping ... all intermingling like endless circling ghosts of the patriarchal judicial system. 'Bodies that are present in their absence', as Pilcher notes. If Piranesi is invoked in the piece, as Herz suggests, it is perhaps best to imagine him within the sonic aspect of this work. I wondered, ultimately, if this is the sound of law, with all its traces of Empire and the domination of the weak, the poor, the feminine, or the subaltern, amplified and mirrored by shining stone. Mulcahy is right when she speaks of this work in relation to the jurisprudence of the senses. The experience of the law is, in part, a sensate one. Artists are uniquely able to explore this. How does law make us feel? How does it act on the body? How can 'we' enter the domain of the law and change it for the better? Can an art gallery act as a better environment to consider these questions than a courthouse? These are large and affective questions, which visual art can confront directly.

Various of these essays suggest that there is no narrative to the work. But it has a structure and a flow. In essence, the first third introduces us to the building and sets us up for ideas of theatricality (dramatic spotlighting as lawyers scurry across the main hall) and for the multiplicity of patriarchal imagery (such as the plentiful paintings and drawings of male judges). We are introduced to the idea of women as interlopers or occupiers, and as individuals – whether casually swinging crossed, bare legs, in a well-lit nook, or drawing (the young girl sketching the building a kind of stand-in for myself, and the idea of 'accuracy', which this film does not attempt). Kee insightfully notes a kind of domesticity here, or at least, of insouciant women (including myself) making themselves at home. We segue into the main phase of the

film, and begin to spy on women judges through portholes in the court doors. We see a progression of female judges, presiding over many different trials. Women are seen in control – sometimes, of all-female courts, in which judges, bailiffs and litigants are also women. Gradually throughout this sequence, men also appear. But once one has the idea in mind that men are somehow excluded from, or minor characters within this courthouse, we may see them as somehow pathetic. Male lawyers, puffily performing their best selves, aim to convince women judges who scarcely bestow attention, or who look scathingly bored by their efforts. A male lawyer stares lengthily and bemusedly at the camera, and waits outside a courtroom for a female judge who never lets let him in, the high handles on the doors minimizing his height, as if he is a child. An old janitor wheels his trolley slowly through a gloomy basement, a lifetime's servitude summed up in a hunch and a shuffle. These men appear as minor players once we have in mind the idea of a court dominated by women. We may, I hope, reverse our ideas of what is normal and expected in relation to law. Here, men wait, they ask, they may not receive anything much: least of all, the attention of the judge, or indeed the artist. They are solitary bit players. The focus, indeed the focal point, was always the judge. The female gaze here is direct and unwavering.

In the final third of the piece comes its crux. Now we move closer, homing in on younger female lawyers seen from behind, in moments of address to the judicial bench. Through long, paparazzi-style lenses, we focus on details and textures: necks, ears, hands and hair. I wanted to convey a sense of tenderness and tactility – or the desire to touch. Here, the uncompromising female gaze suggested by the earlier portions of the film becomes more ambiguous – we move into a phase of doubt and perhaps ambiguity. The soundtrack (here comprising recordings from the dank basement corridors between the family courts and the prison cells, mixed with distant babble of female voices) suggests proximity and even claustrophobia. Here, the camera, and perhaps the viewer, luxuriates in looking at women, through a series of long takes. But we are intruding. Is this the scopophilic view of the peeping tom? Are we looking at women, or are we just thinking about the act of looking at women? And is this, in court, a sexual or perhaps perverse pleasure? Is the camera always gendered, in any case? These shots have a long duration, and since the camera does not move, but the bodies depicted do, we become more aware of the hard edges of the frame. Here the fixed camera suggests more of an empathy with the static court architecture than with the court's perpetual ebb and flow of bodies, words and lives. In the final shot, a confident litigant walks directly past the camera, through a door, and into the court's half-focused interior. As the door slowly closes behind her, and the door's reflections start to capture the light of the outside world beyond, we may for the first moment begin to feel excluded, the end of our 'inhabiting



justice' as Kee describes, as if the semi-fictional court's world will continue without us, beyond the brief interlude of this film.

### **Disclosure statement**

No potential conflict of interest was reported by the authors.