



Sociology of Legal Images

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INTRODUCTION

Images form an essential part of the way that we communicate jurisprudential concepts or construct, challenge and understand law and socio-legal phenomena. Despite the ubiquity of images in society the social sciences have been surprisingly slow to recognise the visual or visual culture as a distinct field of inquiry. In the period before the mid-twentieth century, the task of analysing images was largely left to the discipline of art history where the focus was on the acquisition of knowledge about particular painters, genres, styles, techniques as well as determination of provenance and taste. The visual turn in the academy has since given way to a rapid burgeoning of interest in the field, or what Jay (2002) has described as the arrival of an ‘academic juggernaut’. We now talk of visual culture, visual criminology, visual anthropology, visual geography, visual sociology, visual jurisprudence and even visual prudence. These various sub-disciplines are grounded in the idea that valid sociological insight in society can be acquired by observing, analyzing and theorizing its visual manifestations (Pauwels 2010).

Within the academy there has always been a strict hierarchy of legitimate objects of study that is sometimes expressed, but often assumed and this had led to a marginalisation of studies of the image in law schools. As this has changed we have seen the emergence of a broad range of new source materials in discussions of law, including legal icons, fine art, *emblemata*, sculpture, photographs, documentaries, fictional films, cartoons, graffiti, images

in broadsides and newspapers, judicial portraiture, *carte de visite*, mugshots, police photography and abandoned legal evidence.¹ These new forays into law and visual culture demonstrate the ways in which what constitutes a serious object of law and society research can evolve. By way of example, studies of law and the image provide an important reminder that, in many cultures, art and literature have always been central elements to the performance, embodiment and recognition of law. Manderson (2015) has also argued that one of the major tasks of twenty-first century research is to begin to challenge the extent to which theories of law and image would benefit from exposure to forgotten images from colonial pasts.

As many have noted, attention to the sociology of legal images is becoming increasingly important because of the proliferation of the production and widespread dissemination of electronic images which now form such an important part of how we communicate (Goodrich 2011). Vissman (2008) has suggested that images seem to be literally pouring from the sky, and Sherwin (1995, 2011) has argued that new technologies have transformed the social and cultural practices of legal meaning, requiring new forms of visual eloquence within the legal academy. The widespread use of surveillance cameras, multimedia displays, video links in courts and computer simulations of evidence have facilitated a new invasion of the visual into the law's realm. Legal scholars are now raising a host of important sociological and methodological issues about how we should approach, understand and use images in our work as we increasingly inhabit a digital matrix of synthetic images (Sherwin 1995; Loizos 2000). For Sarat (2011) mass mediated images should be seen to be as powerful, pervasive and important as other social forces, such as

¹ See for instance Goodrich 2014; Biber 2018; Douzinas and Nead 1999; Moran et al. 2012; Young 2005; MacNeil 2007; Mulcahy 2015.

globalisation, neo-colonialism and human rights, in shaping and transforming legal life, prompting a shift from law in books and law in action to law in images.

The visual turn has also had a significant impact on the ways that we now think about ways of doing socio-legal research. Recent decades have seen a new interest in using images as data in their own right rather than as adjuncts to words or numbers. While images have often been used as illustrations of a sociological phenomenon, it has been less common to treat them as the subject of analysis in their own right. By way of example, the study of visual representations of justice represent a break with a long tradition of a fetish with the written and spoken word in legal scholarship and education (Goodrich 1986). The opening section of this essay considers the distinctive characteristics of images that render them different from numbers or text. It then goes on to consider what the image can tell us about the way that legal power operates through images, before going on to consider what images can tell us about how law is experienced and resisted. The concluding section discusses the ways in which the image can be used as a tool in the production of knowledge about law.

THE DISTINCTIVE CHARACTERISTICS OF IMAGES

Images are generally taken to be more anarchic than text or numbers. Unlike the text which must be read in English from the left to the right, line after line, images can be entered at any place in the visual field and the sense of a prescribed order in reading words or columns is absent. When we observe an image, we may well grasp the simultaneous presence of many disparate things within one frame. The result is that images have the potential to reveal a ‘multiplicity of othernesses and differences’ which are for the most part silenced in texts. For some commentators, a picture has a density in its depiction of ideas and forces which can be easy to acknowledge but difficult to decipher. Douzinas and Nead have suggested that images

can be understood as sensual, with the power to short circuit reason without the interpolation or intervention of language or interpretation. In a similar vein, Manderson (2015) has argued that like sound, vision draws out memories and associations which may offer incomparable and divergent paths to the interpretation of the legal world. In short, they have a complexity in their depiction of the relationship of ideas and forces that should not be underestimated.

Scholars have also drawn attention to the many ways in which law as a discipline has been anchored in the reification of the text at the expense of the image. In literate societies law is generally associated with tablets, books, scrolls, case reports, plea rolls, writs and written codes. Such is the importance of the written record of law that the book has become part of the iconography of western law, frequently placed alongside images of Justitia or lawgivers such as Moses. In doing so the law book has become a symbol, a figure of truth and record, an object of reverence (Goodrich 2011). This reification of the text reflects more than a preference for the written word. Many civilisations and religions have not only embraced the word but retained a suspicion of the image (Douzinas 2000). This has been particularly evident in European cultures since the Protestant reformation, after which the images have tended to be treated as an anathema to modern legal systems that rely on reason and rationality. Leading to a fundamental alteration of the meaning given to images, it has been argued that the resulting iconophobia facilitated the construction of a binary divide between the image and the text in which the image was linked to imagination, creativity and playfulness, and legal texts to control, discipline and sobriety (Douzinas and Nead 1999). Viewed in this way, images have been said to speak directly to the senses, affect the psyche, address the labile elements of the self and avoid the calming intervention of logos. The painter or viewer of art is conceived of as free, desiring with gender and history, while the judge or litigant must be constrained, rational and genderless (Douzinas 2000). While one discipline aspires to ambiguity or multiple interpretations, the other aspires to semantic

certainty. For Vismann (2008), jurists also fear being seduced or persuaded by images because of their ability to attack the order of regimes that may have been intact for centuries.

The contention that images such as realist paintings, photographs or film are capable of reflecting ‘reality’ has been much debated and few would now argue that images are straightforward representations of objects, though the temptations of realism still exist. This is particularly true of the photograph, which has most frequently had its epistemological status discussed (Moran 2015). Instead of trusting to the integrity of the image it is now much more common to talk about ways of seeing the hermeneutics of seeing, cultural relativism, imagistic signifiers or visual narratives (Jay 2002). As Berger (1973) argued in *Ways of Seeing*, what we see is always influenced by a host of learnt expectations about the nature of truth, civilisation, form, taste, class and gender. Paying attention to who makes images, how they are made and their purpose also compels us to focus on the discursive or cultural context in which they are produced (Mitchell 2013).

This does not necessarily mean that we can only ‘read’ images as a form of culturally specific discourse in the same way as we might read text. Rather than being arbitrary signifiers of things, as words are, it has been argued that images confer an element of indexicality, evidentiary connection or trace with the things they seek to represent. Though much critiqued, this claim demands to be taken seriously by sociologists of images because of the possibility it promises of images transcending cultural codes, which are central to their power. Jay (2002) has argued that the attraction of images derives from the contention that they are not necessarily entirely subsumed under the protocols of specific cultures. Examples of the capacity of the visual to liberate themselves from linguistic and cultural constraints include images of pornography or human suffering (see further, Sontag 2003). For the sociologist, this renders images critical to understandings of the world because of the possibility that they reflect transcultural expressions of concepts of law and justice.

IMAGES OF LAW PRODUCED BY THE STATE

Legendre (1994) has argued that a secure legal order can be characterised by the command that it has over image production and use; making images work for legal regimes so that they no longer have to be feared in the ways rehearsed above. Viewed in this way the vocabulary that law develops in relation to the regulation and control of image focuses on such concepts as ownership, privacy, obscenity and reliability. Within the field of evidence images have typically been designated as having no more than the status of secondary evidence, used as a mere illustration of the stories that emerge in the course of oral or written testimony (Mnookin 1998). In his work on evidential images Haldar (2008) has drawn attention to the ways in which legal rules decide what images can be admitted as evidence, how their provenance can be determined, that they are not false images but produced as far as possible through an *acheiropoietic* process. More recently it is noticeable that while legal systems across the world have embraced the use of video technology for use by witnesses and others required to appear in court, courts have been keen to restrict the use of still images and films of the court being transmitted to those outside (Mulcahy 2018). This reflects what Mohr (1999) has argued is a tendency to strictly police the boundaries of law's traditional and sacred performance spaces.

Law has also been intimately involved in the politics of visibility through its regulation of images and control of the production of legal iconography. Power regimes commonly ensure that the images they commission or sanction have an emblematic character which speaks to the ideals of the regime or its rhetoric. Art and architecture have long played a strategic role in supporting and legitimising power structures and in doing so have been used as the handmaidens of established states and emerging political elites. Narratives about the heroic artist who breaks new boundaries are common, but the lack of impetus for artists to

violate the bureaucratic or political boundaries of the state also need to be acknowledged in this context. The icon invites the imagination to link vision to a certain type of moral ordering. A notable example in an English context is the visually rich English Assize processions and religious services which saw judges and their retinue process from county boundaries to Assize courts accompanied by the local legal and political elite, from the Middle Ages until the 1970s (Graham 2003). Others have focused on the role that legal robes and wigs have played in visual displays that legitimise trials as special sorts of events (Watt 2013). Attention has also been drawn to images in the tradition of *exempla virtutis* (examples of virtue) in public places that identified moral acts to be imitated. Included in this category are the many paintings of the Last Judgement that were displayed in town halls, which served to remind judges and litigants who attended trials that their fate ultimately lay in God's hands (Resnik and Curtis 2011). A key theme to emerge from research on state sanctioned images is that they have tended to conform to certain codes about the sort of messages that powerful legal and political elites expect to be portrayed; what Douzinas (2000) has referred to as an economy of permitted images.

Of all the many state sanctioned representations of justice in the public sphere, it is images of Justitia that have received the most focus amongst western sociologists of legal images. Legal systems that draw on European legal traditions can be confident that a woman with a sword and scales will be instantly recognised as an emblem of justice. The cultural resonance of Justitia is such that representations of this commanding and authoritative figure can be traced back centuries to a variety of forms including paintings, stain glass, pottery, jewellery, tarot cards, stamps, coins and product labels. Statues of formidable Justitias are also commonly seen on historic and contemporary justice facilities and government buildings across the Americas, Australia and Europe. Capers (2006) has suggested that from the Renaissance onwards standardised images of Justitia became so ubiquitous in courthouses,

law books and law schools that representations developed the weight of a 'given'. Others have suggested that they have become a modern quasi-religious and quasi-political icon (Resnik and Curtis 2011). Operating at the level of legal myth, Justitia has become a vital weapon in the armoury of those keen to preserve the status quo (see further Manderson 2015).

The state has much to gain in appropriating her aspirations to higher ideals. Curtis and Resnik (1986) have argued that trepidation about the fact that judgments are rendered by all too mortal judges has meant that states have attempted to disassociate the notion of justice administered in their courts from human fallibility. This is reflected in the rhetoric behind the range of props which have accompanied depictions of Justitia, which include the book or tablet, the sword, fasces or bundles of lictor rods, cornucopias, orbs and globes, skulls, dogs, snakes, ostriches and cranes, each of which focused on particular attributes associated with fairness. By way of example the book signifies the importance of authoritative legal texts and the raised sword the importance of justice not bending to favour one side (see further Resnik and Curtis 2011). Justice is also frequently represented as a beautiful virgin, apparently exempt from passion and uncorrupted by flattery or gifts. In other instances she has also been accompanied by a jug or basin to reflect the importance of judges and litigants being pure of soul and clean of hand. The meaning of the blindfold, said to represent Justitia's failure to be tempted by appearances or the need for inner reflection, has also been much debated in scholarly circles (Jay 1999; Resnik and Curtis 2011; Goodrich 2012).

Image making and image management is of particular importance to legal elites. This is well illustrated in Les Moran's (2009) work on judicial portraiture, an established cultural form with its origins in the fourteenth century which clearly reflects the notion of an economy of permitted images and code in action. He argues that since the nineteenth century judicial portraiture has been understood as much more than portraits of individuals. Rather,

judicial portraits have played a double role in identity formation by fashioning the identity of the sitter and the institution that they represent. In focusing on the institution these images play an important role in the composition and construction of collective identities. Moran observes that full or three-quarter body poses dominate judicial portraits and that the focus is commonly on the body clothed in judicial garb rather than the face of the judge, surmising that 'The body is little more than a device to hold and display the insignia of office' (Moran 2009, 299). Facial expressions are routinely standardised and depict gravity, austerity, a sturdy tranquillity and deep introspection. Props are strictly limited with the book being the exception.

The visual codes employed by the state have not necessarily remained static. Each epoch develops its own regime of visibility, amounting to the complex administration of an era's available ways of seeing (Douzinas 2008). According to Jay (1999) signs of the impartiality of justice, symbolised most obviously in her blindfold, were particularly important to the new, bourgeois culture of the early modern period which strove to leave behind the personalism of private feudal justice. Viewed from this perspective it was no coincidence that statues and fountains of blindfolded Justitia were placed in town squares and newly erected civic buildings in which a nascent public sphere was in the process of emerging. Resnik and Curtis (2011) have also drawn attention to the ways in which medieval portraits of corrupt judges being punished, such as the *Flaying of the Corrupt Judge* by the Flemish artist Gerard David, provided opportunities for the Belgian State to make clear that judges were subservient to, rather than independent of, their paymaster at a time when proto-democratic practices were only beginning to emerge. In a similar vein, Moran (2009) draws our attention to the ways in which recent photographic portraits of judges have departed from the template used for oil paintings, adopting a more informal head and shoulders pose that

focuses more on the face. He suggests that this is evidence of judicial subjects and institutions being refashioned for a bourgeois democracy shorn of the trappings of aristocratic elitism.

The ways in which states fashion an economy of permitted images can also be seen by reference to the sorts of images they control and ban. Law and legal system have, for instance, been active in regulating images depicting judges and the legal system when they have not been produced or sanctioned by state actors. It has been suggested that we can understand that the banning of photography in English courts in 1925 was a way of keeping legal image production away from the mass media and the tabloid papers in particular (Nead 2002). Despite the fact that parliamentarians claimed that the purpose of the ban was to protect vulnerable members of the public, it actually did a much better job of preserving the interests of the judiciary and the state against a backdrop of fears about an increasingly disrespectful populace. More particularly, it has been suggested that the ban allowed the state to take back its monopoly over the production, management and consumption of images of judges and other key actors in the courtroom in an effort to reimpose social order and retain the mystery of law (Mulcahy 2018). Elsewhere, Asimow et al. (2005) discuss early attempts to regulate the film industry in the United States in order to ensure that legal professionals were not shown in a bad light. For law and society scholars, the focus in these examples is on maintaining the myth of legal ideals and law on the books.

These ways of thinking about the interface of law and the visual through state sanctioned images can be distinguished from studies of the ways in which technologies have promoted the visual capture of law's subjects by the state. No account of the sociology of legal images would, for instance, be complete without an exploration of the role that the photograph played in a modern criminal justice system largely designed to manage the criminality of a semi-literate population. The invention of the photograph in the early nineteenth century quite literally changed the way people saw crime and criminals, and the

photographic conventions established during this period continue to dominate much contemporary thinking about how criminals are expected to look and be. The photograph has been used to create documentary images of the arrested and incarcerated, and the resulting mugshots emblematic of the new technologies of power that have become possible in the criminal justice system since the nineteenth century. Accounts of the mugshot have commonly been grounded in a Foucauldian understanding of the emergence of new technologies of power designed to produce docile bodies, or what Tagg (1988) has famously called the burden of representation. Viewed from this perspective, mugshots showing compliant prisoners of the state, provide an excellent, if not an ideal, exemplar of the biopolitics of power in modernity. Mugshots in the nineteenth century became part of a sophisticated tracking system which allowed bodies to be observed across time and place. Throughout the world they also prompted the need for, and were closely associated with, another major phenomenon linked to the age of reform: the archive. People arrested by the police or sent to prison in the Victorian era were the first to experience a new form of multiple incarceration by the state, which involved physical capture by the police, mechanical capture by the camera, bureaucratic capture by archives and synoptic surveillance in rogues' galleries. The advent of the mugshot allowed the bodies of criminals to be classified, analysed and ordered in the absence of the person.

IMAGES OF LAW FROM THE BOTTOM UP

The power of the image in law's empire can also be seen from a radically different angle. Visuality can also be seen as playing a major role in engaging law's subjects and audiences by involving the populace in debates about it (Moran 2009). The visual turn in the social sciences has facilitated an increased sensitivity to the many ways in which people learn

about, reflect on and critique law. Moving away from the traditional repertoire of legal icons used by the state to symbolise the ideas of justice, such as images of Justitia, scales, trees or Xie Zhi, sociologists of legal images have paid increasing attention to popular culture in their attempts to understand how law and legal concepts are represented visually and alternative normative possibilities debated through images. The result has been a discernible growth in the discussions of the role that law plays in everyday life. This attention to the ways in which stories are told about law has served to decanonise the traditional subjects of legal scholarship, such as those rehearsed above (Sarat 2011).

Distinguishing themselves from traditional studies of art history that focused on style, technique and ‘high’ culture, proponents of visual culture and the new art history that emerged in the 1970s have demonstrated a new democratic impulse by paying attention to forms of art and image making that has previously been ignored (Harris 2001). This finds expression in the increasing willingness to take all manifestations of our visual environment seriously, not only those deliberately created for aesthetic effects. By way of example, Gillian Rose includes discussions of paintings, photographs, films, televised soaps and adverts in her book on *Visual Methodologies* (Rose 2016). A growing number of socio-legal scholars have added comic books, cartoons, street art, children’s books and newspapers to this collection in their attempts to explore the way that legal subjects think about law. Seen in this way, the visual offers up new possibilities to take seriously sub-aesthetic, marginal and non-canonical images in our mapping of law in the everyday, and to question the ontological and status of the text and to re-examine traditional notions of who produces, manages and beholds legal images. It allows us to go one step beyond images of the legal system produced by political elites or film magnates and to subject to serious analysis the images produced by users or watchers of the legal system, such as street artists and smart phone photographers.

The engagement of popular culture with law has a long heritage. Studies of comics and graphic novels can, for instance, chase their origins to the broadsheets and newspapers aimed at mass circulation in earlier centuries, with publications such as *The Illustrated Police News*, one of Britain's earliest tabloids, being exclusively dedicated to reporting stories about crimes and trials. The importance of these popular representations of law, which rely so heavily on the image, is that they promoted legal discourse independently of the formal institutions of law and their prescribed discourse. In addition to educating or miseducating citizens about the workings of law and the legal system, these outlets also had the potential to project alternative visions of justice to those promoted by the legal system. Looking at law through the lens of popular culture prompts important discussions about legal consciousness and grounded theories which focus on what the populace expects of law, and imagine it could be. The proliferation of images of law occasioned by the invention of photography and moving images has heightened our awareness of the importance of the image-law dynamic, and has become a rich source of study for sociologists of law. Writers have, for instance, drawn attention to the interest that spectators of the legal system share in relation to drama, violence, illicit imagery and rituals of punishment (Sherman 2011), while others have suggested that the interest of the film industry in law and justice stems from the particular relationship that law has to violence and the primal anxiety about the tension between violence and legitimate authority that the public nurse (Mezey 2011).

The subversive potential of popular culture is also of interest to sociologists of law interested in the gap between the rhetoric and reality of the legal system. Visual representations of justice have, for instance, done much to undermine the claim of the state to deliver justice that is fair and impartial. In his account of Gustav Klimt's depiction of *Jurisprudence*, commissioned by the University of Vienna at the beginning of the twentieth century, Manderson (2015) draws attention to the scandal caused by the depiction of legal

beings as objects both degraded and rendered vulnerable by law. He argues that the implication of law in violent and oppressive acts provides a critique of legal formalism that has survived long after the work was first shown, and is predictive of the relationship between sovereignty and bare life. Elsewhere, artworks such as the murals in the Mexican Supreme Court have been used to implicate the justice system in the abuse of human rights or to expose the ways in which idealised visions of justice in public art works served the particular needs of middle class industrialists in the nineteenth century. Artists' depictions of Justitia as black, communist and working class, or in need of counsel, have also served to expose taken for granted assumptions that Justitia is of high status, apolitical and white (Resnik and Curtis 2011; Mulcahy 2013).

The placement of non-commissioned art in public places without the permission of those who own the walls on which it is placed provides an excellent example of the ways in which new ways of understanding property, authority and citizenship can be facilitated through the production of art work. There is now significant academic literature about street art, which traces the growing importance of this social and global phenomenon. Sociologists have conducted a range of empirical studies that have focused on various characteristics of the movement, including: attempts to understand the motivations of street artists and graffiti writers; the association of graffiti and street art with discourses of dirt and disorder; the norms and practices which allow street artists to be defined as a subculture, and attitudes to the regulation of the work produced (Cresswell 1992; Halsey and Young 2006; Flessas and Mulcahy 2018). Young's (2013) work on the topic draws particular attention to the links between street art in imagining and creating publicity in which there exists a radical 'commons of the image' and the challenges that this poses to regimes of property, community and authority.

Scholars have also drawn attention to the ways in which technology continues to challenge state regulation of the production of legal images. The advent of handheld and cheap cameras has democratised the production of images of law and created citizen journalists who produce photographs of law in practice. Attempts by the state to manage this modern phenomenon include such things as bans on the taking of photographs of the police by the general public.² Bourdieu (1990) has suggested that what makes modern photography so troublesome to legal, social and political elites is the fact that unlike the other visual arts or ‘noble’ cultural practise it requires little or no training, is universally accessible and indifferent to the rules of propriety which govern the aesthetic consumption of the privileged classes. Examples of citizen journalism in relation to law can be seen on YouTube, with its regular diet of films of violent outbursts in courts, arrests or escapes taken on the mobile phones of lay spectators.³ These form a distinctive counter narrative to state choreographed images of the justice system.

VISUAL METHODOLOGIES AND METHODS

Sociologists of legal images have also attended to questions about how we analyse images and the use to which they can be put in research. For some, visual research is still a rather dispersed and ill-defined domain within the social sciences and in need of a more unified

² In a UK setting, see further Section 76 of the Counter Terrorism Act 2008 and the Criminal Justice Act 1925.

³ An example can be seen on YouTube, which shows an arrest of a juvenile for jaywalking involving approximately nine officers with an onlooker shouting at the police officer to stop because ‘He’s just a kid’.

conceptual and methodological framework for dealing vigilantly with the specifics of this relatively new way of scholarly thinking. Useful distinctions have been drawn between ‘found’ images and those created by the researcher in the data collection process, but it has been argued that attention also needs to be paid to the provenance of images, the purpose for which they were made or commissioned, the aesthetic tradition to which they belong, and their production, management and consumption (Pauwels 2010). Perhaps, most importantly, there is a need to acquire knowledge of the representational cultures to which images of law and legal phenomena belong. This gives rise to a plethora of questions. What work is an image doing? Who is being represented and how? What effect does an image have on our understanding of norms and deviance? What societal conventions govern the production of images and how does this allow us to decode what we see? Methodologists are also increasingly interested in moving away from the idea of images as data toward discussion of the ways in which images can be used as tools in the production of knowledge. Images could, for instance, be used during interviews as a way of eliciting passive memories.

It has been argued that close attention needs to be paid to the different physical properties which impact on the ways in images make meaning in the legal arena. Oil paintings, photographs and comics all have different textures and conventions that govern their production. This observation also applied equally to the ways in which an image is framed. A gilded frame in an art gallery may, for instance, convey a stronger sense of an image being precious or revered than one which sits within the synthetic surround of a computer screen or the gaudy straplines of a tabloid newspaper designed to shock or surprise us (Moran 2015). The framing of images in the legal arena is of particular significance as new technologies are increasingly being used to ‘beam’ people into court to give evidence. The increasing use of videolink technology has led to ‘dispersed’ courtrooms in which people appear in court from offices, video suites, police stations and prisons. No longer positioned in

the special places designated for trials, the design of which has taken centuries to evolve (Mohr 1999; Graham 2003; Mulcahy 2010; Mulcahy and Rowden 2019), videolink has the potential to disrupt the physical boundaries of law's theatre and to frame people in radically different ways. No longer set against the backdrop of wooden panelling in a room designed for legal performances, those who appear in court from a distance may now be set against the backdrop of a bland office environment, or signifiers of incarceration (McKay 2018).

Size may also be important and call for a grander setting for display. Moran (2009) has also drawn attention to the importance of the order in which images appear when displayed. In the case of judicial portraits he observed that their presentation within courthouses can serve to promote a sense of visual institutional continuity, whether in the form of chronologies of the sitters that held a particular post, shared aesthetic qualities, or even a genealogy. The captions or descriptions that appear alongside images will also impact on their reception. As Sontag (2003) reminds us in the context of her work on the photograph, all images wait to be explained or falsified by their caption. A final consideration for the sociologist of legal images is a consideration of absence; the experiences, traits, people and ideals that are missing from the representation of law, legal subjects and legal phenomena. Studies of judicial portraiture in a European context commonly draw attention to the absence of women and people of colour. Studies of mugshots alert us to the fact that most prison populations are made up of the impoverished and marginalised in society. In these, the absence of images also has much to say about who is valorised, marginalised and regulated in a society. As Vissman (2008) has suggested in the context of the regulation of permitted images, the blank created by the ban provides the law with its own visibility.

CONCLUSION

Law's relationship to images has often been assumed or ignored, but has rarely been the subject of detailed scrutiny until recently. We are now witnessing a rapid expansion of the field, its sources and the theoretical frameworks being used to unravel the law-image dynamic. Recent scholarship has drawn our attention to the work that images can do in constructing and reconstructing ideological hegemony and myths about law through the creation of symbols. This compels sociologists to understand and interrogate visual codes, the impact they have on behaviour and the power structures or accounts of the world they support. These tasks are ever more important in a world saturated by images and seduced by the ability to circulate them widely and instantaneously. Even more compelling to socio-legal scholars interested in how the law operates from the margins is the power of the image to subvert or challenge prevailing accounts of law which fudge the distinction between law on the books and experiences of it.

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