

Portraits of judges

- What? asked K... pretending on purpose, not to understand.

- Isn't that a judge sitting in that chair?

« Yes, said the painter, but not a great one? He's never sat on a throne like that. »

« And yet he had himself painted in such a dignified pose? He looks the president of the court! »

« Yes, these men are quite vain », the painter responded. « But the high authority authorizes them to be portrayed that way. It prescribes exactly how they have the right to be painted ».

[...]

« So, what's the judge's name », he asked point-blank.

« I'm not authorized to tell », the painter responded.

Franz Kafka, *The Trial*.

You cannot photograph a judge with impunity. In Kafka's *The Trial*, it is well worth remembering that Joseph K. learns his most significant lesson about justice from Totorelli, the painter recommended by one of the industrialists who are his clients... Maybe this is because the portraitist, whether yesterday's painter, or today's photographer, always steals something away from justice. Not surprisingly, the ancient fear of images and their power endures to this day in certain cultures. Portraits - this is what makes them both strong and threatening - are said to have the *inquisitorial* power of capturing "the soul", that is - to elaborate on the judicial metaphor - of investigating into a meaning which otherwise remains off limits and laying it bare. Thus does Christian Courrèges in the series unveil hidden meanings - admittedly a paradoxical expression when speaking of judges in wigs - in a process which is made all the more effective by juxtaposition of two legal systems, the British and the French.

One might expect distinctions between representatives of two legal systems which could not be further apart: civil law and common law¹. But instead, we are surprised by their similarities. The symbolic elements of their costumes are essentially the same: the chromatic scale, dominated by gold, white, black and red, the tie or neck-collar in lace or fabric, the draping of the robes, the wide cut of the clothes (particularly of the sleeves), the dalmatic², the fur, the train that certain judges hold in one hand (French robes are also equipped with one, but it is attached to the inside of the garment). And the wig? true, we do not have wigs on this side of the English Channel, but we do have *mortiers* - caps that evoke the royal crown - donned here by certain French magistrates in preparation for the trial of the flash.

Today's viewer will find that all these judges, though different, seem equally anachronistic: their costumes are from another age. Which age? The various influences are so well melded that it is truly difficult to say. The black, worn both by young French magistrates and certain English judges, is incontestably of clerical origin, whereas the purple is an attribute of sovereignty. The majestic garb worn by the president of the highest court of appeal in France is practically identical to the coronation attire worn by the kings of France - paradoxical, to say the least, in a country that boasts of having definitively rid of the monarchy, and what's more, after a trial. Unless, following our initial hypothesis, we consider that the pictures give the lie to that same old song of republic and surreptitiously preserves, despite the official ideology, a monarchical image which we could not do without. As - who knows? - the French were thus trying to make amends with the murder father figure, and purge an unconscious sense of guilt. It is being in a Buñuel film: monarchy subsists, but no one seems to recognize its presence. The reign of the visible organizes a collective form of blindness (did we not say that images are subversive?).

This resemblance between the judges in a monarchy (albeit a very constitutional monarchy) and their colleagues in a republic - a simile liable to upset the Phrygian caps of certain revolutionary fundamentals - can be analyzed from both sides of the fence: as a confession of the impossibility of ridding ourselves of age-old tutelary powers, or as a sign of the possibility of our rising above national differences...to build a future together through the memory of a shared past. These great judges are also the little soldiers of Europe, Europe in the legal sense than the political. People who attire themselves in such a way necessarily share a common language. At a time when Heads of State are battling over a constitution, judges are patiently elaborating a Europe ruled by law, and laying a foundation of judicial unity.

These judges express themselves only in the present tense; but for them, the present has the value of the imperative, it is the tense of the time immemorial, like that the common law which is said to be an « unbroken fabric »; They are the contemporaries of the authors of the *code civil* (whose bicentennial is being celebrated this year), of lord Mansfield (Montesquieu friend's), and of Jean Monnet. Maybe this is what explains that aristocratic air, to tell the truth, seems to fit the English so much better than their continental colleagues; we see this in their faces, as well as in their posture – less forced on that side of the Channel – and even more so, in the way they hold their hands. The hands of the English judges are incontestably nobler, more aristocratic. Appropriately enough, it is on a glove held by one of these hands appears the royal motto to be seen in the series, « *Honni soit qui mal y pense* ». Some of the French judges let their arms dangle as if, having just left the courtroom, their dramatic gesturing now over, they don't quite know what to do with their hands; two young magistrates have solved the problem by crossing their arms, which gives them a look of self-assurance.

These faces are timeless; they have not aged once since the 18th century; if they do not seem to grow old, maybe it is because they have always been so. Even the youngest look mature. But then again, come to think of it, these characters are more than just mature, or old: they are themselves timeless. Their costume releases them from the grip of time, delivers them from finitude, and even seems to free them of their bodies' weight; they become nothing more than body doubles of the king.

Most of these costumes are not worn for ordinary hearings: they are reserved for the ceremonies of the opening of legal year during which all these lords – and many others as well – form a procession, or for the solemn court hearings of the Autumn. These costumes are for show, in the true sense of the word, which is to say they are intended to be shown only during those very special occasions that draw large crowds and eager journalists. The public space, Hannah Arendt reminds us, is by definition a place for show. A judge *is* his outfit; this is so true that English judges don't even own robes, which are merely loaned to them for the duration of their office. These insignia of power will continue to be handed down like legal precedents, and will endure through time like our old courthouse walls, open to all who enter them – the great figures as well as the strange bedfellows who temporarily inhabit them... unless a revolutionary storm devastates the courts of Britain. Take a good look at these costumes: in a few months they may have disappeared. They will have taken up permanent residence in the showcases of the Royal Courts of Justice, where they are put on display in the interim between solemn events. A strong wind of reform is blowing over the country – the current government, after all, did get rid of the Lord Chancellor in a single night⁹. The most conservative country is not necessarily the one we think... The English ministry has launched an Internet survey to find out what the British people think of their judges' costume. And you? What do you think? Will this collection of portraits change the way you see them?

Let's try to forget the costumes a minute – if that's possible- so that we can concentrate on the faces... unless that is precisely the function of the robe, of its repeated appearance on each judge: to make the face stand out. Here, the role of the robe hides the entire body, leaving only the face visible.

In this photographs, the body is dramatized, the attitudes affected, the gestures composed. Does this make them artificial? No – for these men are nothing but their professional function. It is the opposite – to make them look natural – that would be hypocritical: can you imagine a judge in full dress behind the wheel of his car, or in the courthouse cafeteria? True, the ideology of authenticity that dominates our times, and the current predilection for what goes on behind the scenes over actual events, have, with the help of television, inured us to such hypocrisy; but these figures bear witness to another age of communication which, to borrow the categories of mediology stood halfway between the iconic and the indexical. Yes, these judges have posed, and that is why they interest us. In their pose, they not only tell us something about the institution of justice, they also give us an idea of how they conceive of they role, and of the image they want to project. In spite of themselves, they reveal a truth about themselves that shines through these photos. Their *habitus*, as Bourdieu would say speaks on their behalf. The photographer has not stolen from them; he has only captured what remained hidden...

Austere, serious, severe... The French judges definitely look the part. The English judges too, you'd say – except that their part isn't the same! French judges are used to speaking to people, meeting them face-to-face, even if it's only to give them « the evil eye »- whereas the function of the common law judge dictates that that he keep a distance from the ordinary man, whom he never addresses. His role is to listen to speeches and to arbitrate cross-examinations, so relaxed? In some of them, you can detect a hint of provocation, an edge of mockery, which says more about their independence than any constitution (the British, by the way, still don't have one!).

Why do these faces look so familiar to us? We have already seen them in the painting of Larguillierre or Hogarth. Obviously the portrait of the English councillor owes much to Van Dyck's famous painting of a magistrate.⁴ However the trustee in the work by the Flemish master is seated, his robe is all black, and the look on his blotchy face is at once satisfied and the touch austere; the photographer on the other hand has chosen to show his models standing (even the judges of the bench), which reinforces their hieratic aspect, while cutting them off below the knees, which has the effect of bringing them closer to us. We look them straight in the face – not from the side, like Van Dyck's magistrate, who seems to have just interrupted a conversation to turn and look at us. The uniform deep red background gives the collection of portraits its unity. No sets and no props, either: not a single codebook, constitution, or parchment in hand. The face-to-face meeting between judge and spectator is unmediated and abstract from time. The judges are at once pure function pure individuality, creating an altogether modern representation of judicial power, freed of context and limited to the men themselves.

Christian Courrèges has in this manner organized quite an unusual encounter between us, the viewers, and the judges. Unlike the judges that Titorelli painted, we know their names and titles. Let us boldly meet their gaze, and not be intimidated by self-assurance; after all, do they not exist through our vision of them that is thanks to our trust? These photos derive their strength from a curious and paradoxical combination of aristocratic distance and democratic proximity: the official attire of these judges draws them away from us, while their faces draw us near; in the lies the whole dilemma of the modern man: he has discovered that aristocratic elements are essential to making a democracy work – a fact Tocqueville understood very early on.

This is why these photos are so alive: the judges want to be seen, and we enjoy seeing them close up. We have left the age of Kafka and the official painters behind. Today, we have the right to photograph judges – here's the proof – and to meet them eye-to-eye.

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1 Common law is an Anglo-Saxon legal system in which preference is given to the judge's rulings and court precedents over legislation and executive law.

2 A round garment worn round the shoulders by only the highest-level magistrates: the President and Attorney-general of Appeals Court, the English Chief of Justice.

3 The government of Tony Blair has, in fact, decided to reform the function of the Lord Chancellor, who, in addition to being a judge, is a member of the Cabinet, minister of justice, and Speaker of the House of Lords.

4 Exhibited at Jacquemard-André Museum in Paris.