

# Ways of (Legal) Seeing: Law and the Interdisciplinary Imagination

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*Elizabeth Huang completed her undergraduate degree in Law at Trinity College, Cambridge, before reading for the BCL at Magdalen College, Oxford, where she was the Vinerian proxime accessit. She is particularly interested by the intersections of law, technology, society, and art (sometimes all four at once) and has written elsewhere on the 'audience as jury' in Shakespearean theatre. Outside of her academic interests, she has edited several publications, including The Mays Anthology.*

*I would like to thank Anthony Julius, Peter Goodrich, and Carey Young for their unbounded generosity of time, ideas, and energy in contributing to our very first, fledgling issue. I am also grateful to Alexander (Sami) Kardos-Nyheim for his liberality in offering me the space to explore these ideas, and I express my admiration of his vision in bringing the Journal together.*

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In the opening essay of *Ways of Seeing*, John Berger writes, 'We only see what we look at. To look is an act of choice. As a result of this act, what we see is brought within our reach ... we are always looking at the relation between things and ourselves.'<sup>1</sup> Rereading the book recently, I was struck by the urgency of Berger's writing—an urgency derived from his sense that art had undergone a process of 'mystification', fogging the vision of those, outside the cultural elite, who wished to see it clearly in culturally and historically legible terms.<sup>2</sup> Studying law, first as an undergraduate and then as a graduate student, I had the feeling that law, too, has been similarly mystified. If law in the world is the preserve of a professional class of solicitors, barristers, and judges, law in the university seemed the even more rarefied domain of an intellectual class of professors and academics.<sup>3</sup> How, then, is the ordinary citizen to see the law and (to borrow Berger's words) bring it within reach, other than as its subject?

Our present socio-economic-political circumstances lay bare the consequences of law's mystification. The use and abuse of law, to give some recent examples, in service of goals ranging from the protection of public health to the curtailment of protest rights, go under-scrutinised in public discourse if law and its domain remain concealed from view. This concealment is not only physically literal—the barred doors of the court—but, more troublingly, also

intellectual. The lack of civic education in 'legal literacy', and the disciplinary narrowness of legal training, constrain, at the conceptual level, our capacity to imagine and reimagine law. To look at law without seeing it and to live with law without looking at it, is to be blind to a central feature of the relations between ourselves and each other—and the societies we live in. These concerns informed the themes upon which I invited contributors to reflect. What do we see when we consider law from diverse perspectives? How does law see itself? How should we characterise the relationship between law and the arts? How can interdisciplinarity expand or clarify our understandings of law? Finally, then, the set-up: an artist (Carey Young), an academic (Peter Goodrich), and a lawyer (Anthony Julius) walk into a bar<sup>4</sup> ... this segment of the *Journal* draws together their insights, ruminations, and varied voices in a fresh cocktail of ideas for your consumption.

Carey Young's piece, 'Justice Must Be Seen to Be Done', explores and challenges the notion that the relationship between law and the arts must always be one of confinement and commodification. She proposes instead that artists approach law as a 'medium for them to work with, like paint'. Young draws attention to law's many theatrical qualities—its theatre of judgement, its symbolic

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1 John Berger, *Ways of Seeing* (Penguin 1972) 8–9.

2 *ibid* 11.

3 I do not tread new ground here—a rich body of work exploring such themes can be found in socio-legal studies, feminist legal theory, and elsewhere, eg Erik Larson and Patrick Schmidt (eds), *The Law and Society Reader II* (NYU Press 2014).

4 This is, of course, a gross oversimplification. Carey Young, whose work is held in public collections such as the Tate Gallery and Centre Pompidou, lectures widely and teaches as an Associate Professor at the Slade School of Fine Art. Peter Goodrich, Professor of Law at the Cardozo School of Law, is also an accomplished filmmaker. Anthony Julius, Deputy Chairman at Mishcon de Reya, is concurrently Professor of Law and the Arts at UCL.

costumes, its ritual roles, all riddled with ‘gaps, elisions, and silences’—that make it a paradoxical and enigmatic subject, ripe for artistic investigation. Young’s piece, particularly her comments on blind justice and the legal spectator, should be considered in conjunction with her video installation *Palais de Justice* (2017), from which stills are included. Filmed without permission, *Palais de Justice* juxtaposes carefully composed scenes of female judges and advocates glimpsed at work through the porthole-like windows of the courtroom, against the vast, echoing, seemingly empty architecture of the Palais, the material incarnation of law’s patriarchal power. *in camera*—legal Latin for ‘private’ proceedings—takes on a tantalising double meaning. In the eye of the camera lens, the chamber is opened to a new audience. Law is presented as suitable subject matter for an artist’s enquiry. The legal spectator becomes (simultaneously?) an aesthetic witness. By drawing our attention to the many tensions—openness/closure, liberation/oppression, text/image—inherent in law, Young offers us a fascinating and expansive artist’s account of law.

In characteristically zestful and erudite style, Peter Goodrich in ‘Remediation’ offers us a further examination of a Palais de Justice—not the one in Brussels, but rather the new Palais de Justice on the outskirts of Paris. Describing it as a ‘faceless mausoleum of legal acts that effectuates the trompe-l’œil of being a window into invisible proceedings’, he argues that its ostensibly transparent glass façade operates in fact as an opaque reflective surface, deflecting scrutiny and refusing visibility. Goodrich expands this into a wider critique of ‘juridical optical desire ... the rules that control looking and being viewed’ in the courtroom. He suggests that law’s strict control of its image reflects its anxieties about being seen and re-presented (‘remediated’) by its own subjects, and thus becoming vulnerable to critique and counternarratives. Using the case of Stephen Gough, ‘the Naked Rambler’, as a vivid illustration, Goodrich explores the critical ancillary question of ‘what cannot be seen and so is blinded from [juridical] vision’ through analysis of two courtroom sketches of Gough by artist Isobel Williams. He addresses the irony of a blind justice which oversteps its mandate—acts *ultra vires*—by refusing to look at even that which it ought to see and consider. The wordless eloquence of Williams’ drawings, and Goodrich’s readings of legal symbols and spaces, open a fresh, provocative interface between law and the visual, outside the hermetically and hermeneutically sealed world of the legal text.

In both Carey Young’s and Peter Goodrich’s contributions, we see the richness of the interdisciplinary imagination at work. In my interview with Anthony Julius, we address the matter directly. Julius discusses ‘the unnaturalness of the disciplinary’, arguing that it is the ‘confining, not the unconfinement that needs to be justified’. Julius’ own teaching embodies this attitude strikingly: he offers undergraduate law students courses in Shakespeare’s sonnets and the nineteenth-century industrial novel. In them, literature is positioned as a pedagogical foil to the law, providing new interpretative methodologies, genres, and forms for students to examine and synthesise. Julius advocates interdisciplinarity as a commitment akin to friendship: wide-ranging, non-exclusive, but also serious, carrying with it its own duties and obligations. On the relationship between law and the arts (to return to where we began), Julius highlights its inherent tensions—‘art exasperates law, law oppresses art’—yet suggests that this is simultaneously a generative relationship, which stimulates even as it seeks to constrain. This dynamic of oppression and exasperation is realised most palpably in the issue of censorship, a topic on which Anthony Julius is preparing to publish a new book, *Shameless Authors*. Another manifestation of law’s divisions between

openness/closure and liberation/oppression, censorship is a form of manufactured public blindness, a redaction that renders material unviewable beyond the controlled sphere of politico-legal decision-makers—we cannot see what we are prevented from looking at. Julius makes a powerful case for interdisciplinarity as the ground of intellectual enquiry and provides a brilliant example of how to integrate different disciplinary perspectives in one’s life and work.

That then, is my brief, biased, and bitty summary of the pieces that follow. I hope I have persuaded you that they are worth reading in full, and as a dialogue. Each arriving from a unique starting point, together they provide a diverse set of examples of the breadth and creativity of the interdisciplinary imagination. The texts demonstrate the myriad ways in which the creative energy generated by the friction between law and the arts can be harnessed to generate new frameworks and fresh perspectives with which to understand law. A final knot remains, however. If these critiques are to circulate more widely outside the Academy, we will also require different ways of communicating law—methods, perhaps, that move away from text and embrace the visual.<sup>5</sup> The motif of seeing/blindness which weaves through this segment shows that it matters where the law—through its agents and servants—chooses to cast its gaze, avert its eyes, or even block ours. Our response, in the face of this all-seeing ocular authority, should be to look right back, to subject the law to scrutiny, to interpret and reinterpret its symbols and images—but to do so we need more widely spread and more welcoming approaches to legal literacy. Taking the interdisciplinary imagination seriously is a start.

5 Fascinating and innovative work is being done in this area by projects such as ‘The Less Textual Legal Gallery’, ‘a showcase for legal learning and communications focusing on alternative visual modalities’ (<<https://tldr.legal/about-us.html>>), and the Stanford Legal Design Lab (<<https://www.legaltechdesign.com/our-projects/>>), which seeks to ‘advance legal innovation and access to justice’ through interdisciplinary, user-focused design projects.