

nce the early twentieth century, contemporary art and theory have creatively challenged the status of representation. During that time, the court of law has come to rely on a variety of new representational modes and technologies, including an increasing extent of the law is present on screen, and the use of photographs, video documents, audio recordings, used as evidence are not entirely distinct from their correlates in contemporary art, cinema and mass media. What questions does the law pose in the age of digital representation, judgment and justice cross borders between art and the law? Through the contribution of internationally renowned artists and scholars, this anthology explores how images, staging and new media aesthetics affect the judicial system in relation to fundamental concepts such as truth and representation.

**JULIE A. CASSIDAY
COSTAS DOUZINAS
PETER GOODRICH
PYEEL HALDAR
MARTIN JAY
RICHARD MOHR
JUDY RADUL
AVITAL RONELL
EYAL SIVAN
CORNELIA VISMANN**

A THOUSAND EYES : MEDIA TECHNOLOGY, LAW AND AESTHETICS

A THOUSAND EYES:

**MEDIA TECHNOLOGY, LAW
AND
AESTHETICS**

**Edited by
Marit Paasche & Judy Radul**

**Marit
Paasche
&
Judy
Radul**

 **HEMLE ONSTAD
ART CENTRE**



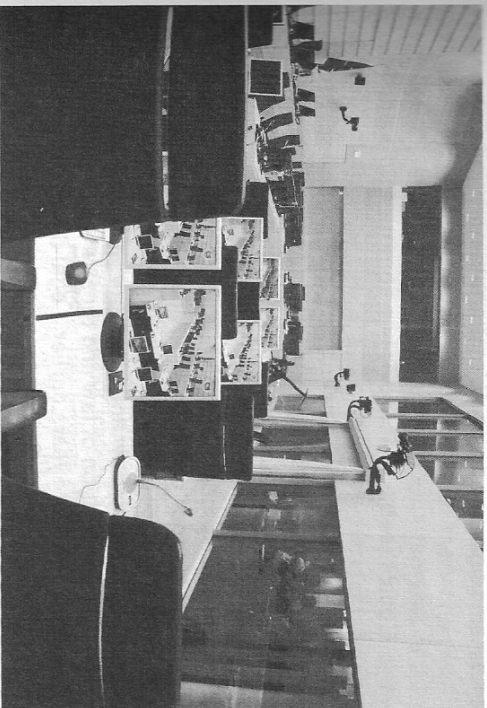
Sternberg Press *



Sternberg Press *

Video Chamber

Judy Radul



International Criminal Court, the Hague, Netherlands.
View from defense side of the court, live feed from court cameras,
appearing on all monitors. Photo: Judy Radul.

Is it not astounding that the video camera has infiltrated the court of law – a space whose very definition is enclosure? Video cameras appear to extend the effect of glass and mirrors considered by Walter Benjamin in the *Arcades Project*: “The increasing transparency of glass in colourless glazing draws the outer world into the interior space, while covering the walls with mirrors projects the image of the interior space into the outer world. In either case the ‘wall’, as a container of space, is deprived of its significance.”¹¹ But video cameras are a different type of glazing, they allow a bunker to appear permeable. They necessitate our engagement with questions concerning spatial enclosures, visual fictions, reflections, and phantoms.

This text travels by paroxysms of attention between ideas and instances whose correspondence therefore becomes topologically worn. However, once inscribed, these contiguous neighbour ideas must be complicated by a second story, an effigy level, an airspace comprised of through-the-lens-views-from-everywhere(s) connecting pathless intervals. In cutting and joining ideas, their inextricability increases and an assemblage reveals itself.

— Court theatre

If, for the purposes of argument, one categorically differentiates between theatre and video, one can say that before the incursion of video, the court was a theatrical space. That definition of theatricality would have to encompass the literary, as jurisprudence has long recognized the reiterative, text based foundations of the law, and the theatrical aspects of the trial. The growing acceptance by the 1980s of the field of study devoted to "law and literature" attests to this recognition. But the relation of law and theatre was already addressed hundreds of years earlier. Legal theorist and historian of rhetoric, Peter Goodrich, points out that in Justinian's *Digest of Roman Law* (seventh century A.D.) there existed "The prohibition against acting on stage ... on pain of *infamia* (loss of citizenship or civil death)."² In a recent essay Subha Mukherji comments that this relation was and remains a "paradoxical combination of proximity and rivalry between law and rhetoric."³ Likewise, Goodrich's entry outlines,

Both practices were determined by forms and conditions of representation. Rhetoric, a discipline that originated in the legal context of persuasion – often called *theatrum veritatis et iustitiae* (the theatre of truth and justice) – was 'the medium through which the drama of law was ... played out'; it focused on the performative and argumentative aspects of legal procedure. But the legal tradition itself developed a resistance to acknowledging the fundamentally rhetorical character of legality, going back to Plato's distinction between performance and law, or rather, between verbal performance and the theatre of justice, which was meant to persuade to a truth beyond artifice.⁴

— Theatre and court as spatial arts

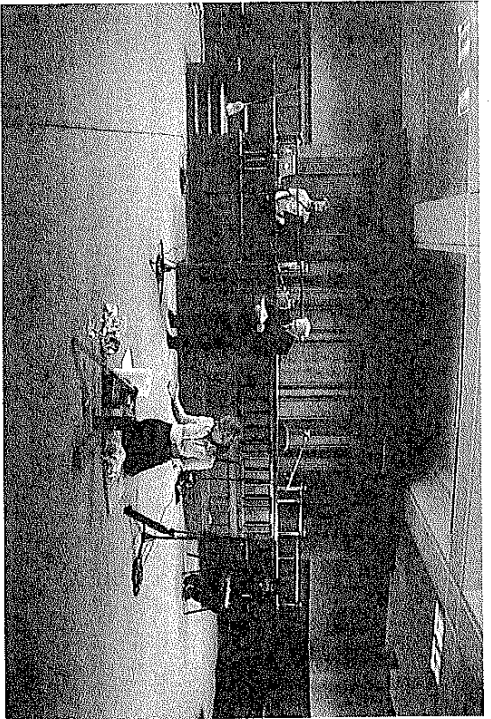
In addition to the theatrical aspects of the legal trial⁵ (evindenced by an emphasis on rhetorical argument, dramatic retelling and ceremonial staging) more salient to our current discussion is the court's alignment with theatre as an art, dependent on spatial arrangement and division. The primary spatial division characteristic of the traditional theatre is that between the players and audience. From there one can discuss the history of theatre in terms of architectures and proxemics, which arrange and rearrange audience and players and frame or disavow the "stage picture" as distinct from the audience behind the "4th (fourth) wall." Richard Mohr writes in relation to the court of law that historically the court too is bound to a site; its location is fundamental:

Dating back to Ancient Greece, courts have been held in special places. Homer described the 'polished stones in a sacred circle' which defined the place where the elders decided disputes.... Legal doctrine itself demands the court be fixed in place ... Major tensions arise, in courthouse architecture and in law between the place of the court and the other places of which the court must take account: the sites of crimes or injuries, places where witnesses are, and places accessible to the public.⁶

Not only are the courts themselves fixed in space, but also the players in the court drama are assigned a physical location from which they don't deviate.

The metonymies "the bench" and "the bar," are used respectively to refer to the judiciary and the lawyers, and give to each the name of the aspect of the built environment by which they assume and maintain their position. This alignment of subject position with physical location concretizes a rigidity of roles and writes the court *mise en scene* in stone, wood, and carpet (and now Cat-5 cable, screens, microphones, etc). In court, *where* you are, is *who* you are.

So the court is fixed in location, and the players are fixed in a location in the court. However, the introduction of technology such as CCT (closed circuit television) cameras, and presentation television monitors, breaks up this real time-real place



Judy Radul and Geoffrey Farmer, *Room 302*, (2005).
Video installation, video still.
Courtesy the artist and Catriona Jeffries Gallery.

of the court theatre while, paradoxically, reinforcing it. Mohr writes about maps and photographs as the first incursion of "other spaces" into the court. However, this ability to bring all images and relevant materials into the court eliminates the necessity for the court to venture off site (a tour of a mining disaster is the example Mohr gives). Thereby the court becomes more anchored in a specific place, incorporating signs and signifiers of other places and times, but becoming monolithic and unmovable. Legal theorist Kirsten Anker documents an instance of a court coping with requirements to conduct activities off site. During the land claims of Australian Aboriginal people there arose a revealing conflict between two different cultural conceptions of space. The supposed neutrality of the courthouse as a place to speak one's claim is in sharp contrast to the law of many of the aboriginal peoples who recognize traditional "legal" obligations concerning provenance or rights to stories, songs, and particularly to speaking of the land. In essence their laws and ways forbade them from speaking of land unless they were on the land; the land is not an abstract object. This being-in-place is referred to as being "on country" and it became necessary for the court itself to become mobile and conduct proceedings at a number of sites related to the land claims. As a related part of the process a giant painting) was made and people who couldn't testify directly on their land, testified while standing on this painting as a manifestation of the land.

The painting is referred to as the Ngunnara Canvas and was presented at the National Native Title Tribunal in 1997. Anker writes about it thus:

In evidence, the painting illustrates the rights (such as those indicated by boundaries), the origin of those rights in a system of law (such as Dreaming stories) and facilitates the oral evidence of the witnesses. The very production of the painting tends to the proof, following *Yorta Yorta*, that these people not only hold the requisite knowledge about their country, but continue to practice it as law. The painting succeeds in proving this in large part because, according to the painters' ways of seeing things, the designs are so intricately bound up in the land that 'they are the same thing', that walking on the painting 'brings [the] country up closer'.⁷

Anker also offers a description of the set up of the court of law when it established itself "on country":

Even in a desert setting the idiom of order familiar in courtroom architecture (Halder, 1994) is apparent: during the Mirinwung-Gajerrong hearing, a picnic table was transformed into a judges' bench with a red cloth; maps and stacks of legal papers reinforced the value of the written word; the judge and the lawyers sat on raised chairs and heard from witnesses while they, too were sitting in chairs rather than on the ground; microphones designated who the court would listen to; the whole arrangement enhanced the position of the judge – the performance was for him, who sat in objective distance from it all.⁸

The exception proves the rule, and the continued presence of the court in a stable physical location is underway (for instance) in the building of a permanent International Criminal Court in the Hague. Cases are pursued by this new court (founded on the Rome statute of 1998), when it is deemed too dangerous or destabilizing to hold the trial in the country of the crimes. This purpose-built building has yet to break ground, however its functions will no doubt be based on experiences gained in the recent manifestations of other "state of the art," CCT equipped, fully electronic, security conscious courtrooms. These sites include the building used since 1997

For the International Criminal Tribunal for the Former Yugoslavia, retrofitted into a former insurance building) and the courtrooms and many floors of administrative offices at the interim location of the International Criminal Court in the Voorburg neighborhood of the Hague.

— Geometry of theatre and cinema

With the assertion that the court, again, like theatre, is an art relying on spatial arrangement, I want to further specify this space as "geometric" and to consider this geometry as a point from which to observe how video functions *in* and *of* the court. It is Roland Barthes who plainly calls theatre a geometric art, writing on Diderot and the idea of theatrical tableau in "Diderot, Brecht, Eisenstein" from 1973. Here, Barthes asserts this relationship between geometry and theatre:

The theatre is precisely that practice which calculates the place of things *as they are observed*: if I set the spectacle here, the spectator will see this; if I put it elsewhere, he will not, and I can avail myself of this masking effect and play on the illusion it provides. The stage is the line which stands across the path of the optic pencil, tracing at once the point at which it is brought to a stop and, as it were, the threshold of its ramification. Thus is founded — against music (against the text) — *representation*.⁹

The statement above is in the first paragraph of the short essay, which concludes with the confirmation below regarding the geometric and thereby legal (concerned with meaning) nature of theatrical and cinematic representation. Barthes finds these forms *representational*, relating to already existing structures of meaning and not "open" to expansive interpretation in the ways of music and text,

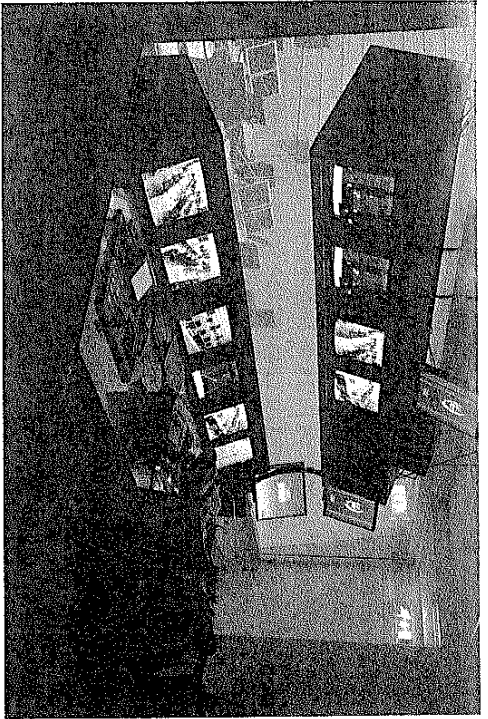
In the theatre, in the cinema, in traditional literature, things are always seen *from somewhere*. Here we have the geometrical foundation of representation: a fetishist subject is required to cut out the tableau. This point of meaning is always the Law: law of society, law of struggle, law of meaning. Thus all militant art cannot be but representational, legal.¹⁰

The contemporary court of law is a literal demonstration of a legal-theatrical geometry. It is (most often) laid out with strict rules and acute awareness of sightlines of the participants and the audience.¹¹ One perhaps surprising rendition of this geometry is courts in which the demand that the witness face the judge directly, results in witnesses sitting with their back to the audience. In the case of the International Criminal Court in the Hague, the attending audience can see the proceedings quite clearly through the glass wall, which divides the court from the viewers. However they are only able, due to the layout described above, to see the witness' face through the closed circuit multi camera system, the feeds from which are cut to a monitor mounted in the viewing gallery.

Barthes visualizes these geometries as necessarily anchored by the viewer's cone of vision — a single point of identification which "frames, focuses, enunciates" and thereby, authors. It seems the theatrical tableau can be epic, politically engaged, and militant, but it can't be "open." In the same paragraph Barthes slips without much comment from the geometry of theatre to the geometry of cinema, and here he finds an instance whereby an authoring point of view can be superseded by a non-human or supernatural gaze.

In order for representation to be really bereft of origin and exceed its geometrical nature without ceasing to be representation, the price that must be paid is enormous — no less than death. In Dreyer's *Vampyr* ... the camera moves from house to cemetery recording *what the dead man sees*: such is the extreme limit at which representation is outplayed; the spectator can no longer take up any position, for he cannot identify his eye with the closed eyes of the dead man; the tableau has no point of departure, no support, it gapes open. Everything that goes on before this limit is reached (and this is the case of the work of Brecht and Eisenstein) can only be legal: in the long run, it is the Law of the Party which cuts out the epic scene, the filmic shot, it is this law which looks, frames, focuses, enunciates ...¹²

The theatre and the camera both instantiate a "legal" gaze aligned with a subject who experiences (it)self as the author of the image. However, contra to Barthes, there is a reading



From the International Criminal Court, the Hague, Netherlands. Audiovideo control booth. Photo: Judy Radul.

whereby the dead eye of the protagonist in *Vampyr* isn't at odds with the camera eye, but rather acts out its blind, non-aligned, illegal, *machinic* gaze. In his 1973 text above, Barthes assumes the identification of eye and camera, but the increasing presence of automated cameras, such as that in your laptop or phone, eliminates the need to bring the camera to your eye and align their vision. This kind of beside-human view separates the geometry of the camera from that of the theatre. In his consideration of "machine vision" American theorist John Johnston takes up Deleuze's liberation of the eye (and the camera) from its role as a "fixed organ" to "an indeterminate, polyvalent, organ."¹³ To extend the idea of "machinic vision" Johnston finds it essential to return to Deleuze's concept of a deterritorialized consciousness whose inside-outside permeability shifts notions of what constitutes perception. He validates Deleuze's almost prophetic concepts by cross-reference with developments in cognitive neuroscience, which reconsider previous centralized and top-down models of perception.

When Deleuze turns to the cinema of the brain ... a more complex topology becomes necessary, one in which inside and outside communicate, and circuits of information exchange allow the brain, following the eye, to be in turn deterritorialized....¹⁴

Perception is tracked in relation to a range of distributed cognitive functions, which Johnston says "brings cognitive science into alignment with Deleuze (and Guattari)'s concept of the assemblage."¹⁵

In *Cinema 1*, Deleuze writes about Soviet Film maker Dziga Vertov's "kino eye" and (a) montage that "is the pure vision of a non-human eye, of an eye which would be in things ... any point whatsoever in space itself perceives all the points on which it acts, or which act on it.... That is the definition of objectivity, 'to see without boundaries or distances'."¹⁶ It is this tension between a potential radical objectivity of the camera – an objectivity not based on a metaphor of critical distance but a multiplicity of points of view and the asserted objectivity of the Judge that are in tension. The *status* of distributed perception and machinic vision, in relation to the witness (who may now be a camera), the judge (who may now be a camera), and the perpetrator (who may be the dead camera eye of a range of "smart" bombs and war machines) is impossible to definitively recon here. However acknowledging these new distributed, refracted, geometries of vision helps contextualize the current state of the court cameras, anxiously mandated it seems to remain inside the mid-twentieth century visual codes of television (talking heads, static cameras, wide, medium, close shots intercutting at regular rhythms).

In my art work, particularly recent work with moving cameras, I have made use of a lens geometry, which I think of as the architecture of the lens – a space not delineated by walls, but demarcated by the continuous, shifting potential of the lens view. However, unlike a theatrical stage frame machine, animated (pan tilt zoom) lens space is not fixed, but moving and virtual. This space doesn't surround the subject as much as traverse it.

The expanded cinema works of Anthony McCall offer an example of a transition between theatrical cinema and a more architectonic conception of lens and light. Art historian and theorist George Baker writes insightfully on these and other issues in his extended essay "Film Beyond its Limits" in which he focuses on McCall's period of "solid light films." From 1973 to 1975, McCall made such works as the famous

Line Describing a Cone. These works play with a material manifestation of film as light. They are distinctly geometric, reinforcing the cone of light from the projector by converting it into the "image" and substituting it for the cinematic "drama." Baker opens with a quote from Gilles Deleuze which applies to the both/and (rather than either/or) insistence on sculpture and cinema in McCall's work, but Deleuze's words also evoke the border traced by the vectors of light issuing from the projector lens,

Multiplicity is precisely in the "and" which is different in nature from elementary components and collections of them ... AND is neither one thing nor the other, it's always in-between, between two things: it's the borderline, there's always a border, a line of flight or flow, only we don't see it, because it's the least perceptible of things. And yet it's along this line of flight that things come to pass, becomings evolve, revolutions take shape.¹⁷

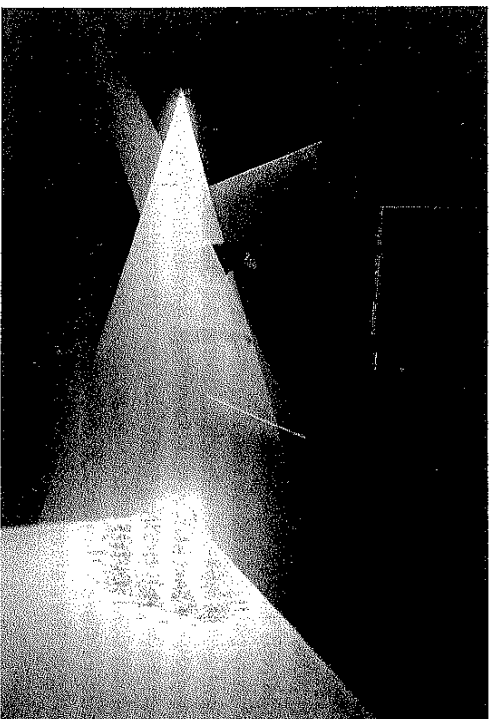
The idea of "multiplicity" has become familiar, while the geometry of *potentia* described by Deleuze's "line of flight" purposefully resists symbolization – it moves from somewhere to somewhere, a trajectory, not a boundary, infinitely more open than the cut out which frames stage and cinema tableau (as described by Barthes. To put it simply McCall's films are an instance in which we shift focus from the frame (of the viewer/screen) to the impossible "focus" on the pathway of light and sight itself.

In omitting the camera (or at least any indexical gaze) from the production process the identification in Baker's solid light films is not between a camera eye and the viewer's eye. Viewers can bathe together in an expansive middle space; a path of illumination between the projector – that with its centered projective beam becomes a proxy subject – and the delimited rectangle of light, which is its objective result.¹⁸ However, in McCall's next works, the "long films," the projections are less seductive and have more of a relation to architecture than sculpture, coinciding with architectural planes, and "pushing" people against walls and the floor. In these works Baker discerns a more "disciplinary" dimension:

In *Long Film for Four Projectors*, the lessons of the form of the plane – its physical embodiment of a barrier or a limit – and the incorporative form of the cone came together in that paradoxical wedding of distance and continuity which since the outset of McCall's work seems to have been his formal (and political) goal.... While pushing the spectator's interaction with the field and the form of film to a new extreme, *Four Projected Movements* becomes, however, rather unlike the other solid light films. In its solidity it seems to take on what Michel Foucault would call a "disciplinary" dimension, as if film had been infected by its crossing of the limits of architecture, only to allow us to feel in an aching corporeal way the limiting core of architecture itself.... As film takes on the shape and parameters of architecture only to display the limitations of the form it has inhabited, we understand anew what it means for a form to transgress the limits of its form to "correspond" to the limits of another.¹⁹

The presence of the "disciplinary dimension" exists when architecture (perhaps every upright wall) and video (perhaps every frame) are designed to correspond. Baker describes McCall's transgression of the limits of one form (cinema) to take up those of another (first sculpture then architecture) as a "double movement." Similarly in the work with computer controlled cameras I locate this double movement in the way the cameras seem to function between cinema and

Anthony McCall, *Long Film for Four Projectors* (1974).
Installation view (2003). Courtesy the artist.
Photograph: Hank Graber.





Still from *The Sealed Room* (1909)
by D.W. Griffiths.

surveillance. The work doesn't suggest that cinema and surveillance are the same, but that they form a double dimension, coexisting in the same images, or more precisely in the inquisitorial camera movements that produce the images. (The recent emergence of a viable 3D cinema offers a deeper depth, anchoring reality not in the narratives – which necessitate fantastic settings – but through the binocular perceptual apparatus on the viewer. However the camera(s) double vision is revealed when viewed with “glasses off,” and non-aligned perspectives ghost the image.)

— Out of frame and sealed rooms

In pondering the superimposition of built space and lens space it may be worth remarking that built space, although it may partition an environment, is fundamentally part of a contiguity, one room leads to the next, the door opens to a street and the street to a field. The lens delimits space in a different way finding its terminus in the videographic frame which selects from contiguous space and therefore continuously refers to an “out of frame” just beyond the cone of vision of the camera.²⁰

An instance of the out of frame which can be easily overlooked – as it is neither to the left or right above or below the frame – is the space between the camera and the picture plane of the scene. This space can be activated by objects in the foreground and within the cone of view of the camera, however when it is left blank it reinforces the sense of the camera as seeing in cuboid, rather than an expanding cone, a projection. D.W. Griffith's 1909 short *The Sealed Room* imagines the plane of the film as synonymous with the fourth wall. This recognition of film's concretization of the fourth wall (that boundary between the actors and audience, which is only imaginary in theatre) allows him to produce the effect of two people suffocating in a room. As the subjects gasp for air in their walled up room, it is the apparatus that produces their suffocation. Their gasping for air, although highly theatrical, would never have made sense on the proscenium stage, but rather relies on the camera's frame to seal the fourth wall, which it simultaneously appears to look “through.”

The court is also a sealed room – whose very function depends on being formally separated (by space, language, procedure) from an exterior scene, which it is set up to judge. What happens to this sealed room as cameras and screens are increasingly built in? The inside world of the court and the outside world of “evidence” intermingle on these screens. Formally opposite to the centrally radiating views of a panopticon, in new courtrooms the cameras are mounted on the walls and face inward producing a total coverage of the interior. The trial chamber is a core, reinforced with lead and concrete, around which runs a careful frame of separate spaces and passageways. Inside this chamber the lens geometry exerts a further pressure (lets call it a visual pressure, or image pressure) on the interior. Perhaps this camera-covered courtroom is an interior, which can no longer be represented as a void; the space is inverted by camera origami, which unfolds the cube. Perhaps it is not a space at all, as it could be argued that it is continuously experienced on LCD flat screen rather than in three dimensions. This unfolding is a direct result of the court's aspiration to a kind of openness, however, like so many of the dialectical potentials triggered by official forays into representation, this openness produces a new mode of containment.

— Uncanny entrance breaks the seal

Imagining an "interior" relates to, and is related differently by, theatre and video. To imagine oneself theatrically involves the desire to be seen on stage, to be encompassed by an architectonic environment, to play to the rafters and the back row of the auditorium. One imagines oneself as a subject centered by the space and the many eyes on just one. The desire to be seen by a video camera is quite different, it is a desire to appear at a distance from oneself. Video couples the desire to be seen with the desire to see from the point of view of the camera, in the absence of any "encompassing" space that brings myself and my audience together. As Franz Kafka and Louis Althusser have shown, the law also functions as an entity one imagines oneself in front of, or confronted by. In the new technological court of law (as well as other cultural spaces) one finds oneself within both a theatrical and a videographic play subject of these divergent apparatuses. I imagine myself testifying "to" the judge. She looks down at me, and I up at her. However, video evidence (even redirected to the judge through witness testimony) can function to disturb this intersubjective power geometry. Another slight shift would occur if I speak to the judge by video link from the prison. She will likely appear on a monitor, and I will naturally face the monitor, as the camera is not near the center of the monitor, the impression will not be that I am looking directly at her.

— Video in the court: 'Rejouer les Crimes'

Legal theorist Cornelia Vismann in her 2001 essay "Rejouer les Crimes: Theater vs. Video," considers the introduction of video, surveillance tapes, for instance, as evidence. She suggests that the linguistic and theatrical "play" of the courts is turned into a "replay" through the presence of video. Video evidence also threatens to displace the judge as the author of the court performance. She writes:

Under the guidance of a judge, the medium [of video playback] loses its autonomy, so that video pictures appear merely to assist the hermeneutic task of a judge, and not so as to help in the reconstruction of the facts. The delegation of truth finding to the institutional interpreter

elegantly allows the law to forget that the surveillance camera, and its counterpart in court, the monitor, is in the structural position of the institutional third. Judges merely share the throne with the medium.... Despite these strategies of legal domination, the emergence of a video does impact on the effectiveness and the propriety of the theatrical staging of justice. Above all, it inserts words into the mouth of the inquisitor who can hence only repeat what is displayed on the monitor – a consequence that seems to radicalize what the metaphor of theater invoked from the beginning.²¹ The emergence of video assumes the functional place of the script for the theater or play of justice. If this conclusion seems far-fetched, one must at least acknowledge that the emergence of videotapes in trials disturb the classical alliance between stage and court. Certainly it renders the mediating strategies of the theater of justice visible, even if it does not implement them fully in the techniques actually used.²²

As Vismann suggests the video acting as a script reinforces the existing "citational" aspect of court, where speech is based on previous testimony. However, she suggests that the "classical" alliance, one in which the mediating strategies – the control of utterances that the court institutes through its rules of testimony and evidence – have become part of its more visible or audible articulation. When the judge requests that something should be "rewound" or played back a second time, these requests also enter the record. More to Vismann's point is that the judge or lawyers are in effect given a script by the images that exist on the monitor. To some extent this will be a visual script, and the hermeneutic task will become deciphering what is seen. This is in distinction to testimony, which opens itself to reason whereby further inquiry can be made into the set of previously articulated statements and written records.

— The need to connect to the "outside"

When I attended the Charles Taylor Trial (at the Special Court for Sierra Leone, a precursor to ICC trials and done in the same courtroom) I could observe the live feed of at least six live cameras on the court walls mixed to a single channel montage on the court monitors. The same feed is

(web)streamed. The court has adopted a television aesthetic, primarily the camera is focused on a head and shoulders shot of the speaker (as would be solely the case in courts where the camera is automated by voice activation) but the switching between cameras maintains a rhythm and regularly cuts to wide shots and reaction shots and sometimes when not much is happening, a close-up of a pensive court clerk, may fill the screen, in a kind of moody "cut away."

Through the same cameras and screens that the court employs to solve its problem of constituency – the fact that its audience may be in Sierra Leone, or Serbia – the outside leaves and enters this sealed environment as document and evidence. What seems notable to me is not only that the court controls its image, but that this image then reappears as documentary or news footage, seamlessly interlaced with footage gathered by news cameras. All these images will be mounted together and underscored with a typical informational voiceover. And, not coincidentally, that footage, perhaps of the streets of Freetown, or the jungle of Sierra Leone, may be the same footage called as evidence. When the footage shot in court is supplied to news agencies and re-cut into a story, the segment may begin with a news announcer, cut to a clip of Charles Taylor and his lawyers in court, cut to a shot "on the ground" of militia with guns in the jungle of what appears to be Sierra Leone, then a wide shot of the court, a close-up of the judge, and so on.

What is stunning to me is that this montage between the inside and the outside of the court, seems to bring together what it actually holds apart; the incommensurate inside and outside. This cut between the court and the jungle of Africa may function on a semiotic level, it may make sense as a story, but on the level of spatial politics it represents an impossibility. The trial must not take place "in" the jungle or in Africa. That is why the Hague court exists: to function at a spatial (nation) remove. The court can only relate to what is brought within its bounds. It bears no relation to what is exterior. One could argue, that this confluence of images is just the effect of the inherent possibilities of editing and video. But this is to elide the images produced by the court, as the trial, with images recorded for a range of other interests, primarily news reportage. This is to accept that these

are "cameras in court" rather than "cameras as court" or at least to skip this difference. Perhaps "news" stands between cinema and the court – each becoming its own visual system. The building of the court, now with cameras as an integral aspect of its structure, becomes a system of recording and transmission. The chamber of the court, reasserts its etymological relation to the camera, and becomes the apparatus. In this case, the court is a camera. Rather than reproducing the feed from the court cameras real "reportage" of the court would show the cameras looking at the court and the court players, looking at an image of the African jungle on banks of monitors inside the court – frames within frames, no outside.

—
And yet perhaps no outside or inside,
only phantoms?

Not only does video broadcast the court beyond its walls but also the video monitor is naturalized as a window by way of which what is "outside" can enter the court as evidence.²⁸ Paul Virilio has theorized that since the 70s the television screen functions as a window and takes on an architectural aspect in North American homes. But what enters through this screen, as framed images, is more coded than life or "the outside" seen through a window. On the other hand, these framed images, entering the court through the video window, are of a very different order than spoken or written testimony. The articulation of visual (as opposed to linguistic) codes stretched the feasibility of semiotics in the seventies and eighties. What Barthes calls the "analogical plentitude" – the overabundance of information and relation that every frame of an image imparts – presents possibly insurmountable challenges for producing laws of interpretation of a visual code.

Suffice to say here that the implications and destabilizations produced by visual technologies in the court are being grasped with by new contortions of legal action and ritual. In this situation, examining other moments of unstable spatial boundaries may be illuminating. Historian and theorist of cinema, Tom Gunning, writes about the early nineteenth-century, when the uncanny shock of the outside (break and) entering the bourgeois interior registers across a number of cultural

forms. New uncertain limits of inside and outside can be read in novel architectural use of mirrors and windows, in detective fiction through crimes involving visual complexities, and particularly in Walter Benjamin's writing on the arcades.

Gunning addresses this constellation in his essay "The Exterior as Interior: Benjamin's Optical Detective." Not entirely unlike the video screens in court, instances in the nineteenth and early twentieth-century detective fiction poignantly incorporate what Gunning calls "scenes in which complex optical situations reveal the entrance of the criminal into the midst of apparent bourgeois order."²⁴ He goes on to detail a scene from Green's novel *The Woman in the Alcove* where the particular arrangement of mirrors and windows in a "supper room" allows the detective, who is also a witness in the story, to see an apparition of the killer through a chance-alignment of surfaces, which bounce the reflection from one to the next. Gunning historicizes the "common theme of uncanny vision, or the sudden appearance of another scene within this one."²⁵ The anxiety that the rational order and homely details of the bourgeois interior are in fact a thin mask for an uncanny torture chamber, continues to pervade the horror genres. However, instead of imagining a scenic space through which a geometry of vision ricochets, the *entire* middle American scene is presented as a brightly colored surface or veil, as epitomized in the work of David Lynch.

I have already mentioned an essay by Cornelia Vismann, and the case from the 1980's at the center of her text likewise attests to the uncanny appearance of one scene within another but now, not by way of mirrors, but by way of a video recording shown in court. It is the case of Corporal Lortie, a disgruntled member of the Canadian forces. In 1984, Lortie stormed into the National Assembly of Quebec building and killed three Quebec government employees. He intended to kill Rene Levesque, the premier of the province, and apparently shouted: "The Quebec Assembly has the face of my father."²⁶ The exceptional element, which enables Vismann's thesis vis-à-vis video re-scripting the theatre of the court, is that the whole scene is registered on surveillance videotape. During the trial the tape is played repeatedly, but Lortie is unable to associate himself with the image. Like the

characters in the novel Gunning mentions, when the scene appears before Lortie on video playback, he is confused by the exteriority and unable to speak from the first person position required by the law. Vismann quotes Lortie and offers an analysis:

... I cannot say this was not me, this was I. What more can I say? His internal struggle gives an idea of the violence of the concept of identity: 'Physically it is my appearance, but I have no recollection of my being in this situation.' Nevertheless, I see I am supposed to see me.' The images with which the accused was confronted were arranged within a specific setting so that they assume the quality of mirror images – they are *reduced* to mirror images. The dimension of time, the asynchronicity between acting and watching the action, which characterizes the medium of video in contrast to a mirror, is simply erased from the trial-setting. The accused is expected to integrate the impersonal, restored images into his recollection.²⁷

In all these instances of the exterior projected inwards by mirrors and video, is not the simple contiguous extension of the interior, but something foreign and difficult to integrate. Gunning elaborates on Benjamin's thinking on the relationship between the ideologically charged bourgeois interior of the nineteenth-century and the street, in his writing on the Paris arcades, whose style and function produced both anxiety and pleasure in their comingling of street and interior. Gunning writes:

Performing an essential and canny transformation of Freud's method, Benjamin explains such experiences in terms of the conflict between individual and collective psychologies that capitalism engenders. The unconscious that operates in Benjamin's arcades, while certainly not unrelated to Freud's analysis of dreams and parapraxis opens itself up to the invasion of social history. This invasion operates via the optical unconscious that Benjamin describes in "The Work of Art" essay, a perceptual mechanism that takes in more than it can consciously account for... These optical experiences of a sudden invasion of the interior by the exterior, and *visa versa*, undermine maintaining any absolute separation between the realms.²⁸

It is clear that the power of lawlessness is strong and the setting into which it may be released has to be stage managed by way of careful control of entrance, appearance, spatial organization and utterance. Video (its entrance into the trial paved by maps and photographs) has the potential to play havoc with these codes as it introduces a visual and durational bias into this theatre whose absolute rule remains the careful transduction of experience into language. Testimony advances by the back and forth of detailed question and answer, the restriction of physical gesture and idiomatic speech risks neutralizing content to suspend judgment, to glean information rather than impressions from witness accounts. One of the most uncanny aspects of attending trials is being subject to narratives of murder, torture, the minutia of expert testimony on weapons, etc. all of which are asked to assume the same impassive tone. The rational, procedural, abstract mode of the trial constitutes a force, which must be in contradiction to the physical violence of the acts it judges. What kind of force is constituted by video seems yet to be articulated, however from Benjamin to Deleuze there is a positing of moving images and montage as a more affective, molecular, order sometimes closer to the fermentation of raw properties of thought than the sign system of language.

— The middle (surface of the reflection)

Sometimes the former king or the indicted president does not identify with the court's power. Sometimes no one recognizes him/herself when the court holds up a mirror. Sometimes the right hand doesn't know what the left hand is doing. I was investigating mirrors and I came upon this box: the Ramachandran mirror box for healing phantom limb pain.²⁸ It stuck with me because it reminded me of something — a theatre, or a work by the artist Dan Graham. Simultaneously, I came upon the text by Jack Spicer quoted on the front inside flap of this book. A text against representation, or more to the point: a text enthusiastic about non-literal, literary resemblances, about *correspondences*. Correspondences as Spicer describes them seem like one variant of the assemblage described by Gilles Deleuze (a quote pertaining to the assemblage is found on the back inside flap of this book). For Spicer being open to the resonance by which one thing can conjure

another, perhaps quite different, thing, is how we get something *real* into a poem. Correspondences are how we cross paths with the dead — Spicer is writing to Federico Garcia Lorca, dead some twenty-one years in 1957 when the piece is written. Incidentally, to side step some of the baggage of being an originator, Spicer referred to his later work as a poetry of dictation, externalizing the creative source as if from a radio broadcast, or outside voices. (Actually, phantom voices may not be so incidental. Where as in an anecdote in Gunning's text, Freud doesn't recognize himself in a mirror and Corporal Lortie doesn't recognize his video image, Jack Spicer sees himself reflected through correspondence with the dead.)

How do phantom hands and mirror boxes relate to the law? Phantom limbs correspond with phantom heads. Floating sovereign heads, which we imagine are still attached to power appear on coins, crests, portrait busts, they are heads of state that can become heads on platters. Their insistence on semblance makes them vulnerable to being toppled, to disembodiment. These doubles resonate with the medieval legal theological practice of "the king's two bodies" as related by Ernst Kantorowicz in his 1957 book of the same name. Here Kantorowicz describes in detail all the medieval precedents for the fourteenth to seventeenth century practice of royal funeral effigies, which he finds rooted in British tradition. (At Berkeley Kantorowicz was also an influential teacher of Jack Spicer and the Berkeley Renaissance Poets informing their commitment to history).

In this book Kantorowicz traces the legal, philosophical and material contortions required to maintain the belief that the king had a "natural body" and a "body politic." Supplementing the physical body of the king was the body politic that was "immutable through time" and constituted the "Dignitas" — the real continuity of royal being and power. Kantorowicz writes; "The King's Two Bodies thus form one unit indivisible, each being fully contained in the other. However, doubt cannot arise concerning the superiority of the body politic over the body natural."²⁹ It was at the time of death that illusion and representability of the sovereign power. The somewhat bizarre practice of displaying a physical effigy made

of leather, wood and plaster was introduced in 1327 with the funeral of Edward II.³¹ By the sixteenth-century the effigy was eclipsing the body of the mortal king in the funerary rites.³² The parading of both the immortal body (as an effigy) and the real body (below in a coffin), demonstrated, according to Kantorowicz "the concurrence of two heterogeneous ideas: the triumph of Death and the triumph over Death." Manifesting this heterogeneity with conviction resulted in some peculiar prohibitions.

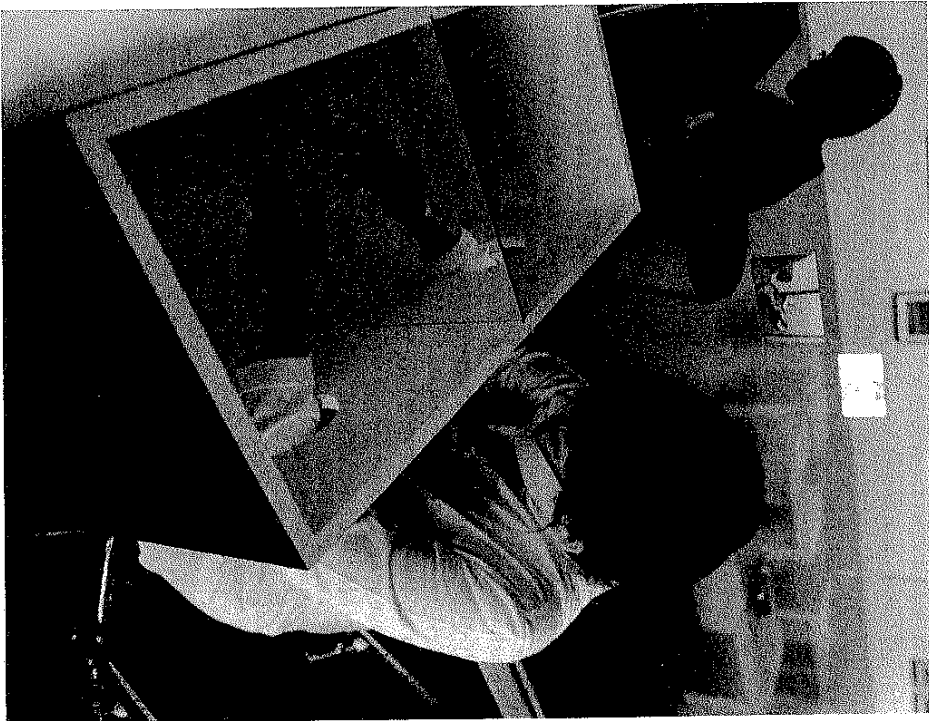
When, for example, Francis I's successor, King Henry II of France, came to asperse the body of his father, it was not the body in effigy but the real corpse which finally replaced again the effigy lying in state. It seems that the new king could not come to visit the image because the image was treated as the live king in his Dignity. Apparently one of the two kings, either the demised or the living one (though *one* only), had to represent that immortal Dignity.³³

What correspondences arise from bringing the King's Two Bodies and Ramachandran mirror box for healing phantom limb pain into an assemblage? Of course I don't mean to suggest that there is anything hard-wired in our brains that produces our rulers in double form. But we do seem to be better at considering entities that at least *appear* to exist.



Tomb of Henry Chichele, Archbishop of Canterbury. It shows an effigy on top and a representation of the mortal body below (1424-26). Canterbury Cathedral: Photo: Terry Praef

Judy Radul, *World Rehearsal Court* (2009). Multimedia installation, installation view 2010, detail: mirror box. Courtesy the artist and Media City Seoul.



An abstract entity such as a phantom arm or a phantom king appears operative only when we encounter it in physical effigy. Effigies of a dispersed continuity of power of "the people" are more difficult to concoct, and often result in the de facto veneration of singular form or figure. The International Criminal Court similarly requires a single figure(s) to be held accountable at the top of a systemic wrong. The process of the court works to "reincorporate" the guilty actions with the will of the accused – often a former head of state. (The assignment of blame to the body politic, who permitted or committed crimes under the accused's authority, is

more complicated). The arcane contortions medieval jurists needed to preserve the dual nature or "body natural" and *dignitas* remind us that this playing with mirrors and effigies risks revealing that what is fictional is not the effigy but the divide between fiction, representation and the real.

Perhaps then, there is a wider range of phantoms, many more than the king's two bodies, which we continue to invent. The phantom need not be a mimetic construction coercing us to fragile identifications with a real that must be continually shored up with violence and law. As Ramachandran says in his Jocular bestseller style:

[T]here is a deeper message here: *Your own body* is a phantom, one that your brain has temporarily constructed purely for convenience. For your entire life, you've been walking around assuming that your "self" is anchored to a single body that remains stable and permanent at least until death.... Yet these experiments suggest the exact opposite – that your body image, despite all its appearance of durability, is an entirely transitory internal construct that can be profoundly modified with just a few simple tricks.³⁴

One wonders about the engineering of the reverse mirror box – the theatre, or video architecture – which performs the opposite of the "Christological" preservation of kingly power through effigy production. "Using one illusion to erase another doesn't seem very surprising after all," as Ramachandran states.³⁵ How might we imaginatively assemble and operate current and future apparatus, mirror boxes, black boxes, cameras, simulators, and the like, to uncramp or disassociate "illusion" itself.

1 Benjamin, Walter, *The Arcades Project*, ed. ed. Rolf Tiedemann (Cambridge, Mass.: Belknap Press, 1999), 541.

2 Walter Benjamin is quoting A.G. Meyer on the Crystal Palace of 1851.

3 Peter Goodrich, "Law" in *Encyclopedia of Rhetoric*, ed. Thomas O. Sloane (Oxford: Oxford University Press, 2001), 418.

4 Sùbha Mukherji, "Law and Representation in Early Modern Drama," excerpt (Cambridge: Cambridge University Press, 2006), http://jass-seis.cambridge.org/05218510355/extract/0521850365_excerpt.htm.

5 Peter Goodrich, "Law" in *Encyclopedia of Rhetoric*, ed. Thomas O. Sloane (Oxford: Oxford University Press, 2001), 418.

6 I am referring very generally to practices of law that emphasize trials in open court, primarily stemming from the Babylon/Roman/British traditions. In my own work, the new International Criminal Court, based on the Rome Statute of 1998, and its precursors such as the International Criminal Tribunal for the Former Yugoslavia and the Special Court for Sierra Leone, are exemplary.

7 Richard Mohr, "In Between: Power and Procedure Where the Court Meets the Public Sphere," included in this volume.

8 Kristin Anker, "The Truth in Painting: Cultural artifacts as proof of native title," *Law Text Culture*, vol. 9, (2005): 100

9 *Ibid.*: 113, 114.

10 Roland Barthes, "Diderot, Brecht, Eisenstein" in *Image-Music-Text*, trans. Stephen Heath (New York: Hill and Wang, 1977), 69. Barthes goes on to define representation: "Representation is not defined directly by imitation; even if one gets rid of notions of the 'real' or the 'vraisemblable' of the 'copy' there will still be representation for so long as a subject (author, reader, spectator, voyeur) casts his gaze toward a horizon on which he cuts out the base of a triangle, his eye (or his mind) forming the apex."

11 This "fetishist" subject is one who "cuts out the scene" and must attach meaning, perhaps disproportionate meaning to a fragment, or proxy, and who also may identify a point of view

12 as his/her own. Barthes, "Diderot, Brecht Eisenstein," 72, 76.

13 For instance, legal scholar Linda Mulcahy discusses the 813 page British Court Standards and Design Guide detailing extensive rules for courtroom layout in "Architects of Justice: the Politics of Courtroom Design," *Social & Legal Studies*, vol. 16 (2007): 383

14 Barthes, *Ibid.*, 76.

15 John Johnston, "Machinic Vision," *Critical Inquiry* 26 (Autumn 1999): 33. Johnston quotes Deleuze in *Francis Bacon: Logique de la sensation* (Paris: Editions de la Différence 1981), 37.

16 *Ibid.*, 47.

17 *Ibid.*, 43

18 Gilles Deleuze, *Cinema 1, The Movement Image*, trans. Hugh Tomlinson, Barbara Habbertiam (Minneapolis: University of Minnesota Press, 1986), 81.

19 George Baker, "Film Beyond Its Limits," *Grey Room*, no. 25 (fall 2006): 92-125.

20 Baker states, "Cinema... had always been involved in a kind of false capitulation of the social body. McCall countered this capture not by simply dissecting the logic of cinematic identification and incorporation – by countering puritanically the false pleasures of cinematic illusion – but by collectivizing the process, by sexualizing it, by making it excessive, physical and quite literally real." *Ibid.* 110.

21 *Ibid.* 112

22 Of course, built spaces can also be characterized by their relation to the out-of-frame. In the theatre these are enacted by the "wings," the backstage, and the audience area.

23 Vismann, Cornelia. "'Rejouer Les Crimes,' 'Theater vs. Video,'" *Cardozo Studies in Law and Literature*, vol. 13, no. 1 (2001): 132–133. Vismann continues: "As in every play the drama in the courtroom follows a text. Every word spoken by the accused is already a quotation."

24 *Ibid.* 133

25 See "The Third Window: An Interview with Paul Virilio," in *Global Television* (Cambridge, MA: MIT Press, 1988), 185–197.

- 24 Tom Gunning, "The Exterior as Intérieur: Benjamin's Optical Detective," *Boundary 2*, vol. 30, no. 1, *Benjamin Now: Critical Encounters with The Arcades Project* (2003): 121
- 25 *Ibid.*, 125
- 26 Vismann compares the study of this case by historian of law and psychoanalysis, Pierre Legendre, to Foucault's writing on the case of Pierre Rivière in "Théâtre and Vidéo Réjouer Les Crimes."
- 27 *Ibid.*, 130.
- 28 Tom Gunning, "The Exterior as Intérieur: Benjamin's Optical Detective," *boundary 2*, vol. 30, no. 1 (Spring 2003): 121
- 29 The mirror box is a therapeutic tool devised by neuroscientist V. S. Ramachandran. The principle is that an amputee suffering from a phantom limb, uses a mirror, positioned so that the existing hand is reflected in place of the missing hand. By moving the existing hand, and looking at the real hand and the reflection, thus seeing "both" hands moving, the sensation that the missing hand is moving is created. Through repeated use this device has apparently given relief to those suffering from phantom limb pain. The effect for those with two limbs is also eerie, if after moving both hands for some time, one stops moving the hand that isn't seen, but keeps moving the reflected hand, the sensation remains that both hands are moving.
- 30 Ernst Hartwig Kantorowicz, *The King's Two Bodies: A Study of Medieval Political Theology* (Princeton, N. J.: Princeton University Press, 1997), 9.
- 31 *Ibid.*, 420.
- 32 *Ibid.*, 423.
- 33 *Ibid.*, 429.
- 34 V. S. Ramachandran and Sandra Blakeslee, *Phantoms in the Brain: Probing the Mysteries of the Human Mind* (New York: Harper Collins, 1998), 61–62.
- 35 *Ibid.*, 58.