

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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