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Iconological subversion of the law in P.D. James's A Certain Justice

The law loves and fears images, it both prohibits and organizes its own operation in a highly spectacular and visual manner. (Douzinas 1977, 12)

"Iconology" turned out to be not just the science of icons, but the political psychology of icons, the study of iconophobia, iconophilia, and the struggle between iconoclasm and idolatry. (Mitchell 1986, 3)

Introduction

If for centuries philosophers stressed the difference between law and art (art is sensuality and freedom, frivolity, extravagance; law is reason and power, social and political necessity, conventions and rules), still law has always been concerned with the control of images, with a governance of perception, with the regulation of the visible as strictly linked to the invisible. The control of images became a means of influencing ideologies, of guiding mental *idola*. Although the law had to keep people under control, it also had to have recourse to a kind of official self-fashioning consisting in ritualistic behaviour and language, in codes and stereotypes which would make the legal system immediately recognisable and intimidating. The important effects of images on the public imagination are too great for the law not to try to exploit them in its favour: therefore if a rebellion against the law is plotted that rebellion too must take place through images.

The appearance of the *Law ands* trend of thought is part of the broadening self- awareness of legalistic studies and comes into the sphere of competing perspectives of inquiry: "law and society," "law and economics," "law and literature" are by now well assessed. "Law and art" is probably the most recent of those interdisciplinary research studies; it situates scholars into a community of inquiry. As law has always been concerned with the visual, and since law and aesthetics are strictly intertwined, lately a host of critical studies has arisen developing a specific iconology of law. Law is made up of spoken and unspoken contents, of verbal and non-verbal (or iconic) elements. The emphasis put on the complementarity between law and its self-fashioning is consistent with the use of imagery by the justice system, by power itself. We are dealing with the imposition of a model of law on society as a model of great prestige, with its symbolic power as one of the forces permanently at work in all systems of law.

A Certain Justice

P.D.James's novel A Certain Justice (1997) belongs to the genre of the legal-thriller, that is, a thriller grounded in the world of law and lawyers, in particular in the world of a law firm. A famous lawyer, Venetia Aldridge, is killed in her studio, behind a locked door; her head is covered with the typical court wig, and is drenched with blood. In the course of the novel we realize that she had been a very skilful lawyer, very devoted to her profession, even to the point of sacrificing her family life to it. The law had been for her a sort of religion: she seemed to be a high priestess of

that lay religion. But her very ability had allowed a murderer to go unacquitted, hence a subsequent new murder. The plot is further complicated by a subplot, that represents the web of revenge which ensnares Venetia and her daughter Octavia.

All through the novel we have frequent statements concerning the power of the law, its insistence on public images, its ability to perform. Law takes on iconic aspects; it is rooted in performance, in self-fashioning, in well-measured behaviour. At the same time the widespread hatred of the law, considered unjust, is transformed into a desecration of the image of the law itself, which in this case consists in the defilement of the lawyer's body.

Such defilement has a symbolic function: this perturbing image, that comes back over and over again in the text, represents a palympsest of significations. On the one hand it reproduces the iconology of the lawyer, sitting at her desk intent on work, papers in hand, wig on her head. On the other hand, given the desecration of the body with blood poured over the wig, it represents a violent reaction to the power of law and a subversion of its decree "Do not kill." Such a decree represents a binding rule both in ethics and in the justice system, so the murderer becomes the symbol of a violent mutiny against a social code. The death scene, in its statuary aspect, is a work of art; its negativity requires decoding. If the law needs to be set right, if it requires an investigation which could make sense of its violation and restore the subverted social order (an interpretation, a reading of details, a thorough investigation), so the scene, in its artistic setting (the placing of the body, the wig, the surroundings) represents a sort of literary/dramatic text to be deconstructed. In both texts, the legal and the literary, the essence of meaning is concealed by its very accessibility.

The presentation of imagistic elements in texts, textual elements in images is, in other words, a familiar practice which might be 'defamiliarized' by understanding it as a transgression, an act of (sometimes ritual) violence involving an incorporation of the symbolic Other into the generic Self. (Mitchell 157)

The Iconography of Law as Connected to Power

PD James' novel is centred on law, seen in its iconographic mode, and strictly connected to an idea of power and to the control of the image. "He looked more like a professional rugger player than a lawyer, though not when he wore his wig. Then the face became an impressive mask of judicial gravitas." (James 162)

The edifice, "on the western boundary of the Middle Temple" where the law offices are located, creates an actual space that epitomizes law itself: it not only represents the threshold and the vehicle to justice, but it also embodies the legal system; it establishes boundaries between the "within" and the "beyond" the law. The building where Venetia has her studio establishes the place of legality, the theatre, ecclesia, the site of enunciation. It becomes the place of reference where the power of the law can be enacted. The structure of the building is at the same time the representation of social power and of its legitimacy, it constitutes the conjunction of reason and law. Therefore the violation of the body of a lawyer within her own room becomes a symbolic threat to the sacrality of the law itself, a violation of boundaries, the breaking down of a barrier against the socially unacceptable. The description of long corridors and series of rooms leading up to the lawyer's studio suggests architectonically how deeply within the legal system the violation has taken place. This layering of spaces suggests a contraposition between an exterior space, common to all the clerks and cleaning staff, and an inner, secluded space, limited to authorised

practitioners. Venetia Aldridge's closed door, which is still locked, reminds us of Kafka's "Before the Law," where the closed door opens only to the "custodians" of the law.

Iconographically, the door separates those who are within the law from those who are not, from the "lay" ones. The endless succession of corridors and doors makes us feel constantly on edge, on bifurcating thresholds that produce a sensation of being at once inside and outside the law. The murder that has violated this "sanctified" threshold, because of the intent to kill, brings its attack against the very foundations of the law. In fact the first gesture of justice is architectonic and symbolic: it delimits an actual space which attempts to keep moral indignation and public passions at bay; it aims at establishing "the rules of the game" as well as the actors of the legal performance. The legal space (the court in particular) serves to create barriers between the public and the actors of the legal event and the impurity of the criminal act, which is as ambivalent as the sacred act.

The architectural complex of legal offices, seen in its symbolic function, does not merely indicate the presence of authority, but it also has a prescriptive function, enforcing the signs of power. The judicial space is centred on a vacuum, a sacred circle (in this case the lawyer's room) which must necessarily be distanced from the profane space. Absence (the interdiction to enter the lawyer's room unless invited) enhances the sacred: this distance represents the "dieu caché" of justice. The separation from the rest of the world is the essence of the "temple" of justice of the lawyers'space and of the tribunal palace.

The essence of good judgement depends on the ritual frame; the act of judging and the ritual connected with it share a common attempt to reach a double distancing: both from primeval violence and from the injustice lurking inside a legal response. (see Garapon 2001)

Such architectural space epitomizes the attempt to re-create the world by reorganizing it according to certain rules. The relationship between form and norm constitutes the essential experience of justice: it represents the sacralization of an order that has been violated by the crime. The connection between form and norm reveals the vulnerability of the social group: the violation of the norm often leads to conflict. What society tries to conquer through this sacralization of space is order; it is almost a way of organizing the universe. Such a concept of order allows us to define the nature of the crime, the social response to it (the ritual), the aim pursued by the rite (universal harmony), the intellectual instruments which will be used (the law) and the material ones (the ritualistic tools). (Garapon 29)

Unusual professional constraints surround the figure of a lawyer, who must often work in isolation in order to study and apply the law rigorously. "The law is fully formed and hidden, waiting for the act of judgement to reveal it. The Common Law might then be imagined as an on-going form of ritual revelation." (Evans 6)

Aldridge's room therefore represents the continuous deferral of the law, represents the "sancta sanctorum" in which religion and law are intertwined. In fact very few people are admitted inside Aldridge's studio and the room is always kept locked.

The heavy oak door was locked. This was not in itself particularly surprising; members of Chambers who wanted to leave important papers on their desks did sometimes lock their rooms before leaving. But it was more usual to leave the oak unlocked and to secure only the inner door. (James 117)

Derrida asserts that not only does literature simultaneously depend on and interrogate laws, but the law—the continual subject of narratives—can only be understood as self-contradictory, lacking in pure essence, and structurally related to what Derrida terms différance or, in its non-metaphysical sense, "literature". Being before the law is therefore not wholly distinguishable from being before the literary text. This is what Derrida asserts in "Before the Law" where he re-examines Kafka's parable.

The Ritual of the Law and of the Desecration of the Law

The ritual of the law is the very force of the law itself: the law is embedded in ritual, in custom, in repetition and also, according to what Freud asserts in "The Future of an Illusion," on repression of man's instincts. Being a means to keep violence at bay, the law is instituted in violence and itself reflects violence. In fact the purpose of trials is to prosecute and punish, to condemn or acquit; hence the fear of the law that men experience whenever they happen to clash against it. "Law's rites, vestments, ceremonies, and texts depict the face or screen of a series of institutional violences." (Goodrich 68)

Because the law is embedded in ritual, even the killing of a lawyer has to be ritualistic: the statuary image of the dead lawyer gives form to an antirrhetic polemical image that brings to the forefront the trauma of repressed powerlessness. If the icon is rooted in pomp and circumstance (see the paraphernalia generally connected to the iconic vision of the law), the idol is linked to obscenity, immodesty and concupiscence of the eye. The will to subvert the official image of the law is made evident here: the "rhetoric of iconoclasm" that pervades Western criticism finds a climax in this scene. The antirrhetic gives face to evil, to the sedition that is harboured within any positive form. "The horror. The abomination of that blood-bloated wig now seemed a grotesque but not unfitting comment on a career which had begun so full of promise [...]" (James 205)

A ritual activity can be defined as the creation of a correspondence between an image and a physical reality which turns ordinary things into a matter of revelation. Therefore the slaughter of Venetia follows the pattern of a wilful act that becomes iconographic because it attacks point by point the paraphernalia pertaining to a lawyer's characteristic activity and his/her jurisdictional power. The particularly visual scene of Venetia's murdered body, with its insistence on colours and smell, makes this central passage in the book a focal antirrhetic image of the violation of law.

The antirrhetic image connected to the rebellion against the law runs throughout the novel. In fact we have another potent image of blood that challenges the orderly universe of the law: Garry Ashe's picture of his dead aunt. The picture is particularly obscene and it suggests a strongly voyeuristic and even psychopathic pathology in Ashe who has taken it. Besides indulging in gory details – the gaping mouth of the corpse, the gash that severs the woman's throat, the blood dripping to the floor – the picture is by Octavia' immediately connected to fear of the police, that is of the law: "Who took it? [...] you phoned the police? [...] weren't you afraid the police would find it?" [...] A strip of film is easy to hide." (James 80)

The violence of the picture is so subversive that when Octavia hears some knocking at the door she panics, grabs the print, cuts it into pieces and throws the fragments into the lavatory. Once again the obscenity, the mocking of the law, is enhanced by an image that reveals more about the murder of Garry Ashes' aunt than what we have suspected so far.

The taboo of the law is another interesting topic triggered by this scene. Garry has evidently displaced his murderous action into a rationalized system of discourse, where the bloody scene itself is elaborated and translated into the institutional dimension of limits. For Garry the picture is inserted into the limits imposed by the law ("You cannot be tried twice for the same offence"): the beyond the law (the murder, the obscene voyeuristic picture) is circumscribed "within the legal system," while Octavia is still aware of the category of the negative. She still views the "inside" and the "beyond" philologically: thus for her the picture is particularly subversive. She connects it to the category of "crime and punishment," to the problematic of interdiction.

Octavia in the text is in love with Garry Ashe. This love represents Garry's revenge against a society that had always rejected him; but it also represents Janet Carpenter's revenge against Venetia Aldrige, who had acquitted Garry Ashe of her granddaughter's murder. "I didn't use the word "revenge" then. I saw myself in a less ignoble role, setting out to redress an injustice, to teach a lesson" writes Janet Carpenter in her letter (James 342).

[...] the state is the sacred place of the Totem, wherever it takes hold, whatever its constitutional form may be, the religious or mythical space of the discourse called upon to guarantee the foundations without which the law would remain unthinkable. (Legendre 952)

The Taboo of the Law

The viewing of the picture makes Octavia feel separated from the space of the law: she feels an emptiness and an "écart" through the category of negativity. This representation of death creates a vacuum, a diverse cultural space that re-organizes symbolic life. The picture gives form to a new language that re-reads the law, even the language of representation. What emerges is the other dimension of the law, that of the taboo: the interdictions expressed by the law are in fact connected to the idea of the taboo. The fact itself that Octavia views this picture encircles her inside the forbidden space of the taboo. She has the impression that she is partaking of the criminal act implicit in the picture and reacts to the knocking on the door as if she herself were the culprit. The crime (abstract because not committed on the spot) and the representation of the crime (physical in the materiality of the picture) come to coincide: it is an endless repetition. The forbidden by the law and enacted by the picture "soils" the viewer, enwraps her in a dimension of blood and sin, creates in her a bond with the crime itself, what Legendre calls the "binding bond". (954)³ She is in the grip of the representation of incest and of murder: Garry in fact had been reared by a series of foster parents. He has lived with his aunt only for about a year, but she filled to some extent the role of a mother, so we are facing a case of Oedipal incest ending in murder. In this case the law undergoes a treble violation: violation of the filial sexual norms, violation of the decree not to kill, violation of the legal system itself through an iconological representation of a violent death. What is particularly perturbing in this scene is the surfacing through an icon (the photograph) of a displaced impulse towards the murder of the "father" ingrained in humankind (Octavia herself hated her mother) which is kept at bay by legal institutions.

The bafflement, and the sardonic grin connected to Garry's success in evading punishment, is shockingly evident in the sentence quoted in part above: "You cannot be tried twice for the same offence. Didn't you know that?" (James 82), where he exploits the law in order to evade it. He sounds exultant in his final challenge to the law and here we can really speak of psychic investment in the power of the image.

Moreover, another interpretation is suggested by this horrific picture: the photo witnesses a truth that exists only as a trace. Such morbid insistence on death is the mark of the failure of the law that did not manage to bring the culprit to justice. The image here becomes a potent denunciation of the absence of the law: it is an image that testifies to an absence of justice; it is the representability of an absence. It does not testifiy to a success of the juridical system but to its failure: so much so that Octavia immediately connects it to Garry's so far unproved crime. The absence of the law is made visible by this defiled body. Both bodies (Garry's aunt's and Venetia's) therefore converge towards this terrible denunciation of the law.

Law as Archaic Ritual

The whole paraphernalia of the trial, with the intimidating presence of wigs and robes, is defined in the text as an "archaic ritual" (James, 7). But still the ritual process testifies to the imperatives of justice and whenever some parts of this ritual are discredited justice itself is "tainted with

³ "By the expression 'binding bond' I mean therefore the part of the juridical system which binds these elements, in order to institute the subject'.

distrust". (James 8) The insistence on ritualistic performance is very much stressed in the novel, for example in the passage when Garry Ashe is going to be cross-examined.

He wasn't going to be cheated out of his final public performance.[...] He was the most important person in the courtroom. It was for him that a judge in his scarlet robe sat to the right of the carved royal arms, for him that twelve men and women sat there listening patiently for hour after hour, for him that the distinguished members of the Bar in their wigs and gowns questioned, crossquestioned and argued. (James 17)

The lawyer herself, Venetia Aldridge, thinks of her positon and of her defendant's as that of actors working together,

who had played opposite each other for years, recognizing each other's signals, judging each pause for its effectiveness, being careful not to spoil the other's most powerful moment, not because of affection or even mutual respect, but because this was a double act and its success depended on that instinctive understanding in which each contributed to the desired end. (James 18)

Trials are constantly described as performance, where each participant occupies a definite position: the judge on the bench, the two lawyers sitting facing the judge's seat at the two sides, the witness sitting facing the audience, and the lawyers acting out their speeches through body language, gesture and emphatic tone of voice, all rhetorical devices. Therefore Ashe's insistence on his part being played correctly suggests his being aware of the theatricality of the whole situation.

What the law represents for the stability of society is emphasised over and over again: "law has to do with justice, with people's rights, their liberty, their freedom" (James 26): the law is necessary to make society whole, to create stability. People need to believe in justice: if justice is denied this would imperil the freedom of the state (as we read in Shakespeare's *The Merchant of Venice*).

"Legal theory creates an imaginary picture of law as ordered, systemic, closed, coherent and hermeneutically stable, while art and literature are anarchic, open and free." (Douzinas 1977, 6) The control of the image has always been connected to power. Throughout the history of Western culture art has been variously treated: either with caution and hostility by some religions (Judaism for example) or as a means of education (the Good and the Beautiful for the Greeks); either as dangerous to the spiritual growth of the young (Plato) or as a model of perfection. P.D.James' novel contraposes these two opposite views of the image. On the one hand the theatrical/artistic mode in the lawyer's action connects it to an accepted iconology of the law; on the other hand the degradation of this image brings about a strong criticism of the lawyer's action itself. The horror of the artistic construction of Venetia's death is particularly subversive precisely because, according to classic interpretations, such as those of the Greeks and of Lessing, art should portray beauty. If law wishes to control society through a rhetorical/artistic self-fashioning, the subversion of the law can take place through the subversion of the image. We view the replacement of the legal word with the legal image: the dreadful image of the law at the sight of Venetia's dead body is connected to juridical hermeneutics because in fact it represents a revenge against a bad or sinful use of the law (according to the person who had to bear with the injustice of justice). If tyrannical power uses the control of images for its ends, in this novel the legal power, perceived as tyrannical, is fought against precisely through the breaking down of an accepted iconological image.

As Goodrich asserts, "The writing and re-writing of the law took place around the destruction of an idol." (ix) Goodrich contraposes icon to idol, saying that "the icon represented the exclusion of a difference that the image threatened to express;" (224) we may therefore infer that the

ritualistic performance in trials represents the accepted icon of the law, where the law manages to transmit a sense of power that would otherwise be physically invisible. In the same way if the "idol was a feigned image, it was res mortua, the image of a dead thing, and its very death, or better still repression, allowed the direct opposition of the idol to the icon." (224) Therefore the image of the dead lawyer annihilates the official image of the law, brings to the surface the repressed antagonism to the law, stresses the alienation from the law, it becomes idolatrous and subversive. It gives rise to the presence of an opposed order of imagination.

The murderer does not accept the rigid application of the law, which has brought about an unjust sentence; therefore he destroys the lawyer, considered as the idol of the law. In the same way Mrs. Carpenter wishes to destroy the lawyer because she in her turn considers Venetia as the iconic figure of the law, its embodiment. "The regulation of exterior images was directed at control of interior images, mental idols or unseen signs." (Goodrich, x) The iconic figure of the lawyer becomes the projection of law seen as an inner image, an immaterial image made tangible.

"Just as the canon law held that the church did not inhabit a territory (ecclesia non habet territorium) the law of the land was also conceived as extending from the realm of appearance and of corporeal presence to a territory and space of the mind." (Goodrich 9) The desecration of the lawyer is the trace of an "ancient grudge" against law itself.

[...] this murder, bloody, obscene, with its overtones of madness and revenge, to demonstrate how fragile was that elegant, complicated bridge of order and reason which the law had constructed down the centuries over the abyss of social and psychological chaos. (James 205)

The excess of leniency on the part of the law (in the past, the murder by Garry Ashe had led to acquittal because of the law's incapacity to bring justice) becomes a symptom of in-equity. In this case the concept of equity implies the application of more rigorous rules, because it is their missing application which has caused injustice. Paradoxically, here equity means going back to the rigid application of the law. The "spirit of the law" is invoked as the grounding principle of institutional life: rethinking the legal institution in terms of the history of its failure. "MOAB killed Aldridge because of her job. The quarrel wasn't with the woman, it was with the lawyer." (James 226)

Damnatio Memoriae

Another important point is at stake in the scene of Venetia's desecrated body: the law is based on the word (written or oral), on *logos*, language and reason; images speak directly to the senses and to the psyche. Here the relationship law/images goes upside down, in so far as the dialectical model centred on the axis icon/word becomes a dialectic of presence (of the law) and absence (the loss of the law in the murder). The experience of this new image of the law as refusal and absence, where the revenge against the injustice of justice becomes an iconic revenge, is a revenge

Venetia's actual murderer is a lawyer, Ulrick, whose brother committed suicide in the past because of Venetia's father and now he sees his own adored niece threatened by Venetia again. "My turn to continue this interesting fabrication. So let us suppose that all the suppressed emotions of an essentially private man come together. Long years of guilt, disgust with himself, anger that this woman whose family have already harmed his so irrevocably should be planning more destruction. The paper knife was on the desk[...]" (James 429).

The concept of equity has been the subject of a long debate across the centuries. Generally it has been asserted that equity is more subjective and redresses the rigour of the law. See Daniela Carpi ed., The Concept of Equity. An Interdisciplinary Assessment, Winter, Heidelberg, 2007; Daniela Carpi ed., Practising Equity, Addressing Law. Equity in Law and Literature, Winter, Heidelberg, 2008.

that tries to kill the law by insisting on its iconic aspect; it denounces the absence of a presence (law should be at the roots of society). As in the case of statues of tyrants that are overturned once these tyrants are deposed, in the novel the figure of the law, whose emblem is the figure of the lawyer, is overturned in a real process of damnatio memoriae, where the iconic aspect of the law is effaced by means of a disgusting substance (Hubert's fial of blood). The statuary effect of Venetia in her death takes on an emblematic character: the attack is waged against the legal system of representation. The situation is that of a rebellion against a "system of symbolic representations that reflects an historical situation of domination by a particular class, and which serves to conceal the historical character and class bias of that system under guises of naturalness and universality". (Mitchell 4)

The law appears to be an ideological system marked by falsity and oppression, and also rooted in imagery which re-enacts the ancient struggle between idolatry and iconoclasm. "As in Kafka's story *Before the Law* the law is always somewhere else, in the next room, deferred and unseen, awesome in its power, a sign of the transcendent apprehended in its absence." (Douzinas 2000, 825)

As the law itself is unrepresentable, we can only know it through its paraphernalia of wig, robes, fur or silk. It becomes a paradox of blindness and insight, to use an expression by Paul De Man. Moreover, the "mental image" of hatred for the lawyer nourished by the murderer becomes the "physical" one of the desecrated body, thus marking an interdependence between the two notions of lawyer as villain and lawyer as a disgusting dead body. "It is because an image cannot be seen as such without a paradoxical trick of consciousness, an ability to see something as 'there' and 'not there' at the same time." (Mitchell 17)

The sign, in this case Venetia's attire in death, marks the alienation of the subject (the law as entity, as subject). The law is made visible and made alienated, just to mark and emphasise the dichotomy between the law seen as a transcendent entity, as a sort of lay religion, as a universal quest for absolute justice, and its inapplicability and failure.

We can assert that we are witnessing a case of "literary iconology" which, according to Mitchell,

[...] invites us to pay special attention to the presence of visual, spatial and pictorial motifs in all literary texts: architecture as a metaphor for literary form; painting, film and the theatre as metaphors for literary representation; emblematic images as incapsulations of literary meaning; scenes (depicted or described) as symbolic settings for action and projections of mental states [...] (155)

Conclusion

Thus my demonstration of the failure of the law, my denunciation of the law in this text (as I have argued elsewhere in the course of my law-and-literature research) as an empty shell devoid of certitude, may perhaps serve as a renewal of the way we envision the law, may contribute to the undoing-and-rebuilding of the object "law" as happened at the beginning of the century with cubism, which reviewed the mimetic representation of the "objet d'art".

Cubism was a revolution of thought, in the sense that it accomplished an undoing (défaite) of the object. It conquered the belief in the imperialism of appearances [...] That was at the time considered to be a violation of logic, but it was followed by a renewal of thought in painting. (Legendre 961)

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