

Book Review

Gary Watt: *Dress, Law and Naked Truth. A Cultural Study of Fashion and Form.* Bloomsbury, London 2013.

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As I read Gary Watt's new book, *Dress, Law and Naked Truth* I kept having flashbacks. I was naked. I can't now remember the year but I do remember the event and location. It was the Socio-Legal Studies Association conference in Leeds. I got naked while giving a paper at an academic conference. More specifically as I delivered the paper I took my clothes off. First the jacket; I had arrived rather overdressed in a full suit, collar and tie. The tie came next. After the boots it was the trousers; till I was naked. Not stark bollock naked, which the Oxford English Dictionary (OED) explains is 'absolutely without clothing', just naked. As the OED explains, 'naked' can include clothing: 'wearing only undergarments'. And so there I stood in my 'undergarments'. I then re-dressed. I put on a different garb: blue denim jeans, check shirt, open neck collar. At some point in the paper I think I described it as a 'clone look'. As my sartorial performance unfolded so did the topic at the heart of the presentation: the police use of clothing and gesture to incite and seduce other men into performing a variety of criminalised genital gestures and acts in public toilets. Police statements found in the Metropolitan Police archive now housed in the National Archive in London were the source of data and inspiration for my study. They record in great detail a police performance of temptation, seduction and criminalisation in central London: its movements, gestures, props and its costumes. I was particularly interested in the way the police, as the embodiment of law demonstrated an intimate knowledge of, and skill in inhabiting, the clothing and manners of the other, a threatening contagious disorder, then associated with criminal acts and pathological subjects, as part of a

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strategy to bring disorderly bodies to order through the law (Moran 1996, Chs 5 and 6). My flashbacks of this academic event were a very visceral reaction prompted by the central theme of Watt's new book that dress functions as an economy of signs through which order and disorder shape and make public the subject and more specifically make that subject a legal subject.

Gary Watt doesn't get naked in *Dress, Law and Naked Truth*. Not in the literal sense. But his book is a project that seeks to expose and lay bare. It peels off the layers of meaning that the author identifies as evidence of a complex web of interconnections tying law to dress and vice versa; 'that dress is law and law is dress' (Watt 2013, xvii). They are, Watt argues, 'culturally equivalent'. He explains the nature of this cultural equivalence in the following terms:

What I mean by cultural equivalence is that a culture finds meaning in dress by relating it to law through metaphorical language (and vice versa, that it finds meaning in law by relating it to dress), and that such metaphorical meanings reveal close functional, semiotic and aesthetic similarity between law and dress. (Watt 2013, 36.)

The common denominator shared by both dress and law is an association with making, representing and institutionalising social order.

The opening chapter, 'Dress is Law' takes the form of an etymological striptease. Inspired by legal terms such as 'vested interests', 'arrangement', 'decency', 'habit' and 'custom' and the ghostly presence in these and other terms of reference of words that denote dress, Watt searches for the reason for this:

The very word 'dress' ultimately derives from **reg-*, which is precisely the same Proto-Indo European (PIE) root that gives modern European languages and legal systems their most basic word-set for legal order (the set which includes 'rule', 'right', 'director', 'rex', 'regulation' and so forth). (Watt 2013, 2.)

They have a common linguistic root that Watt dates 'Around the period 4500-4000 BC' (Watt 2013, 3). The approach adopted in this chapter exemplifies Watt's characterisation of the project as a whole. It offers, 'an analytical appreciation of perennial connections and tensions between dress and law' (Watt 2013, xvii).

Chapter 2 entitled 'Foundations of the State of Dress' turns to a different type of origin: one that is located in myths and storytelling. In the beginning was *The Epic of Gilgamesh*, an ancient Sumerian tale. It tells of the origin of society by way of a story that weaves together clothing and the foundation of political society, 'civil life' (Watt 2013, 18). For those, who, like me, are unfamiliar with *The Epic of Gilgamesh* the author's reference to the story of the fig leaf in the Garden of Eden is a more recognizable tale, in which a covering of the body is a founding gesture that has wide ranging ontological, social and political significance. From this point of departure the author explores dress and its administration as a semiotics through which the order of things and its institutions are created, put into operation and enforced.

The third and final foundational chapter is entitled 'Shakespeare on Proof and

Fabricated Truth'. In this chapter we fast forward from the mythical mists of time immemorial to the edge of modernity in Europe, 16th century England. The focus is the other central theme of this book: 'Naked Truth'. As the title of the chapter indicates the link between truth, dress and law is in the idea that in law truth is fabricated. The word 'fabricated' adds a rather ironic twist to this epistemological issue, suggesting that this model of 'truth' is all about 'falsehood'. Watt's argument is that truth is made; it is an effect, rather than an essence or a cause. The legal world of telling the truth and establishing the truth is used to explore the intimate relationship between truth and devices dedicated to truth making. In the justice process in general and the trial in particular the event, the moment when order is violated, is both the point of origin of the legal process and the constant preoccupation of the process of justice that is and will always remain a tantalising beckoning absence. Without the absolute certainty of divine revelation for guidance the best that can be hoped for is a recreation of the event through an elaborate set of rules and principles that shape the representation of the event in the justice process. The evidential standards of 'on a balance of probabilities' or 'beyond a reasonable doubt' make it plain for all to see that there is no investment here in a juridical expectation of absolute 'truth'.

For Watt a key term in law's lexicon of truth is 'proof'. He turns to one of the greatest English fabricators of imagined worlds, the playwright William Shakespeare, to trace the meaning of 'proof' and more specifically the associations between fabrication, costume and truth. Watt pulls out quotations from a variety of Shakespearean texts that highlight proof's association with testing, putting on trial, questioning, and clothing, or to be more precise a very particular form of clothing: armour.

The second half of the book takes the form of a number of case studies. Chapter 4 'The Face the Law Makes' explores the peculiarities of legal dress and the legal professional preoccupation with dress. Chapter 5 'Addressing the Naked and Unfolding the Veil' takes as its point of departure a number of court cases. One focus is a number of criminal trials involving Stephen Gough, who the UK media have dubbed 'the naked rambler'. Gough has been arrested 28 times and counting. He has made numerous appearances sometimes 'naked', in courtrooms in England and Wales and Scotland. He has spent more than six years in prison because of his sartorial practices in public places. 'The so called Islamic veil' (Watt 2013, 131) is the other piece of dress that has become something of a preoccupation in several western jurisdictions. In this chapter cases from the US and France are considered.

This book is a very ambitious project. The chapter on legal dress is a good example of this. 'The Face the Law Makes' explores the topic of legal dress by way of a rich assortment of materials from a variety of disciplines; fashion theory and history, cultural studies, semiotics, sociology as well as a wide range of legal scholarship. In addition to the writings of Shakespeare and Dickens, the 19th century lithographs of Daumier and 21st century photographs, as well as contemporary British television courtroom drama, *Silk*, are all woven into the relatively short space of a forty page chapter. Its temporal sweep is large: from the 16th to the 21st century. The

jurisdictional range incorporates both common law and civil law, and stretches from the 'global' to the local, specifically 'London' and 'Paris'. In both the breadth of approach and its subject matter this chapter shares with the other chapters the potential to be in itself the basis for a book length study.¹ On the positive side this makes the book a rich and tantalising resource for those interested by the issues raised in the book and keen to develop research in this area. On the negative side it can at times make for a frustrating read.

The chapter on Shakespeare is a case in point. Why turn to Shakespeare? The citation of Shakespeare performs a number of functions. The name and time of Shakespeare functions here as another mythical origin. 'Shakespeare' works as a sign of the high culture origins of all that is English. Law and literature's appropriation of Shakespeare gives this cultural origin a legal twist. The citation of Shakespeare's texts and the use of quotations is all part of an argument that seeks to persuade the reader that Shakespeare is the great legislator of the modern age.

At best Shakespeare is more a convenient accident. He was writing at a moment of great change. His writing career spans a time to paraphrase Marx and Engels (1967) when all fixed, fast frozen relations were being swept away. The social and political order that had been solid in the Pre-Reformation epoch had melted into air and was being reinvented. All that had been holy according to Rome had, depending on your point of view, been rendered profane or saved, reinvented, resurrected, made holy again, by way of a new regime. This was an epoch when iconoclasm was all the rage. Smashing images because of their heretical depictions, temptations to falsehood and error was taking place at the same time that there was a frenzy of making and circulating new images, establishing and showing new truths (Latour 2002; Montrose 1999; Strong 1977 and 1987; Tittler 2007). It is therefore no surprise to find a preoccupation with proof and truth as a theme in the Shakespearean imagination. But to expect Shakespeare to embody and reveal the rich complexity of the social, cultural and political forces that shaped and continue to shape the Common Law imagination is to put an impossible burden on one source.

I want to offer two reflections that engage with substantive aspects of Watt's study. The first concerns the 'face' referred to in the chapter title, 'The Face the Law Makes'. The 'face' of the chapter's title is not a reference to a particular part of the body, the head, but a term that highlights the importance of the surface of things; of that which is presented for view. The body is the primary surface in question. The chapter explores the robes, uniforms, pinstripes, that shroud and shape the human body as they make visible the signs through which the meaning of the judicial body and the body of the legal profession is made and made public. With the exception of some references to the wig, consideration of the face as the head is largely absent. My criticism is concerned with the way this face is neglected in Watt's study.

This is something of a surprise as earlier in the book in an aside Watt notes that

¹ Watt does make reference to existing studies such as works by Hargreaves-Maudsley (1963) and Hunt (1996). Ruthann Robson's most recent work (2013) explores dress by way of seven chapters that gather together an array of US reported decisions that address the legal regulation of dress.

‘all faces are in a sense “put on” and as such fit within a commonly used definition of ‘dress’ (Watt 2013, 6). My argument is that when it comes to the judiciary and the legal profession putting on the face, the head has become increasingly important focus for dressing the subject.

I turn to portraiture to demonstrate the point. More specifically I want to explore this by way of a picture of the first President of the Supreme Court of the United Kingdom, Lord Phillips who held that office from 2009 to 2012 (Figure 1).



Figure 1. Lord Phillips first President of the Supreme Court of the United Kingdom 2009-1012. © Supreme Court

Figure 1 is one of a larger collection of portraits of Justices, past and present, of the Supreme Court of the United Kingdom. All were commissioned by the Court and made by a professional photographer.

Watt includes one of the commissioned pictures in the chapter on legal dress that shows Lord Phillips (Watt 2013, 84).² It is not the picture shown here but another one. It is an injudiciously cropped group shot showing five members of the court.³ His choice of picture is significant. The judges are depicted in full body poses: sitting and standing. These poses emphasise the body of the sitter rather than the face. The dominance of the body is of particular significance. These are poses particularly associated with portraits that are preoccupied with the display of symbols, and more particularly symbols of authority: state portraiture (Jenkins 1947; Townsend-Gault 1988). The limited space allocated to the face in this style of composition represents its relative insignificance. Clothes are an important dimension of these portraits as they are used in the picture to represent the values and virtues of the institution that the sitters, in this case the Justices, individually and collectively embody. The physical body of each sitter is little more than a mannequin upon which the symbols

² The court has twelve Justices. One, Justice Neuberger resigned shortly after the opening of the court to take up another judicial post. He returned to the court in 2012 as the second President of the Supreme Court.

³ The picture was taken on the day the court opened. On that day eleven Justices were sworn in as the judges of the new court. One post was vacant. Six of the Justices have been edited out of the picture that appears in Watt's book. View the full group shot at <http://www.theguardian.com/law/2010/jun/07/religion-judiciary-supreme-court> (Accessed 21 March 2014).

of office are put on display (Moran 2012; 2013).

As befits his preoccupation with judicial clothing, approximately two thirds of the picture he uses is devoted to the robes that adorn their bodies. The Justices are wearing their ceremonial judicial robes; they wear no robes when conducting the day to day business of the court. The black and white reproduction in the book barely hints at the splendour of these sumptuous gowns: edged in a thick golden trim, the long sleeves liberally covered in symbolic embroidered clasps of woven gold thread. A golden arch sits at the top of each sleeve into which is embroidered the four heraldic elements that make up the court's official emblem: a five-petalled wild red and white rose, the green leaves of a leek, a purple thistle and a light blue five-petalled flax flower.⁴ The twelve gowns are reported to have cost just under £140,000 (Anon 2009). The use of this particular picture by Watt offers an illustration that echoes the argument that the robes, uniforms, stripes etc., that cover the body are all important.

In stark contrast to this is the head and shoulder portrait of Lord Phillips. Like the other portrait this too is a state portrait. It puts on display symbols that represent the values of the institution, and more particularly symbols of legitimate judicial authority. This particular portrait and others like it accompany short biographical notes about the Justices past and present on the court's website. They have also been used for other purposes. Sian Lewis, the court's first Head of Communications explained: 'They are more for identification purposes as much as anything [...] we have a picture of each of them on the back of one of the leaflets that explains how we operate. It is so that when people come in they can see who is sitting...' (Lewis 2009).

The reference to 'identification' here draws attention to the way this style of head and shoulder portraiture is associated with recording the distinctive features of the sitter through a preoccupation with the head. The head, in a full-face pose, dominates taking up about half of the picture. Little of the sitter's body is visible. The subject's gaze is direct into the camera lens, engaging the viewer, inviting scrutiny. Little clothing is visible. The background is devoid of detail and characteristically uniform in colour and texture.⁵ Other common uses of this style of portrait are passport photographs and police identification 'mug shots' (Moran 2012; Tagg 1998).

It is a style of judicial portraiture that is now commonplace. As a judicial portrait it is in sharp contrast to the generally larger scale three quarter and full body official judicial portrait considered above. The small scale close cropped head and shoulders composition prioritises the face. Clothing is noticeable by its absence or at best severely restricted, confined to the subject's neck and shoulders and shown as ordinary business wear. Judicial robes and props are also noticeable by their absence. All in all it is a very different composition. It points to a very different approach to

⁴ The four symbols represent the jurisdictions that come together to make this the highest court in the United Kingdom; the rose of England, the Welsh leek, the thistle of Scotland and the blue flax flower for Northern Ireland.

⁵ It is a form of portraiture that is common on the websites of law firms and barristers' chambers.

judicial dressing. Not one that is covered by Watt.

Allard, commenting upon the emergence in the 19th century of this intimate and informal style of portraiture in the context of images of important political figures suggests that the emphasis upon the head, the individuality of the sitter, rather than the symbols of office expresses 'democratic and bourgeois principles' (Allard 2006, 82). The qualities and characteristics of the institution and the social status attached to the post and the post holders are, he suggests, not so much missing but are now coded in a different way. Status now has to be represented using a certain discretion. Status is now, 'not so much [what] is shown as the manner in which it is shown that betokens dignity and exemplarity of the illustrious man...' (Ibid., 83). The lack of background, costume and props emphasises the importance of the face. The face of the sitter now carries much of the burden of representing the institution. So how is the face worn in these portraits?

When we look at the photo portrait of Lord Phillips what do we see? The head is the 'face', the symbolic assemblage, par excellence. We see a judicial subject whose individual features are clearly depicted, free from the obscuring effects of the symbolic regalia of judicial office. The face is open and engaging. The gaze of the sitter places them at the same level as the viewer. That together with the gentle smile draws the viewer in, inviting inspection. Through this preoccupation with the face these pictures represent their subjects as the embodiment of openness, visibility, transparency and proximity; all of which are virtues of this judicial institution. The 'temptations of realism' are at their most seductive here when viewing photographic images. This makes the truth of these institutional values seductively immediate and easy on the eye (Burke 2001, 21; Tagg 1998).

My second brief reflection focuses on 'the naked rambler' who is one of the subjects covered in chapter 5 of the book and referenced in the chapter's title, 'Addressing the Naked and Unfolding the Veil'. In part my concern is with the use of the word 'naked'. It engages my unease about the lack of attention to detail in the book.

For Watt 'naked' means, 'an absence of dress' (Watt 2013, 8). This seems to fit the 'stark bullock naked' approach to 'naked'. If that is the case then putting the legal proceedings that involve Stephen Gough, the so called 'naked rambler', under the chapter title 'Addressing the Naked and Unfolding the Veil' is a misdescription. A Google image search brings up many photographic images of Mr Gough rambling 'naked' including several that record the time and nature of some of his many arrests.⁶ He is not, 'naked' as in 'stark bollock naked'. He inevitably wears socks and robust walking boots. On many occasions he is 'naked' wearing a back pack, hat and scarf. This is a form of 'naked' I referred to earlier to in the opening paragraph; one that involves a particular economy of undress. The cases involving Gough are not so much about an absence of dress but more about the presence or absence of particular items of clothing and the display of particular parts of the male anatomy. They are

6 For example see <http://jamesstewart.photoshelter.com/image/I00009dN.mllVS9A> (Accessed 21 March 2014).

cases about genital dress and 'absence of genital dress'. Precision is necessary if we are to make sense of the law and dress interface.

Related to this is a need for greater precision and attention to the detail of the offences Mr Gough has been charged with during his criminal career. Watt pays most attention to proceedings relating to contempt of court allegations that arose out of an appearance by Mr Gough 'naked' in court. Appearing 'naked' in court Watt explains was described by the appeal court judge as the performance of a 'crime of public indecency' in the face of the court (Watt 2013, 128-129). At other points in the discussion of Mr Gough's legal career there is also a reference to a 'breach of the peace' offence. Section 63 of the Sexual Offences Act 2003 is also mentioned though it is not clear whether Mr Gough was ever charged with or found guilty of this offence, of intentionally exposing one's genitals and intending that someone will see them and be caused alarm and distress. A brief internet search also reveals that Mr Gough has been made the subject of an 'anti-social behaviour order' (ASBO) and sent to prison for breach of the terms of an ASBO (Anon 2014). The ASBO procedure is formally a civil rather than a criminal matter. It signals a rather different approach to regulating 'low level' behaviour thought to be threatening to 'good order'. The lower standard of proof associated with civil law is indicative of a creeping expansion of control by way of a strategy of 'defining down' (Garland 1996).

'Indecency', 'breach of the peace', 'sexual', 'ASBO', and there may be others, as legal categories and regimes through which the economy of dress and undress is made sense of are all worthy of much more consideration. Each draws attention to a range of different separate and connected intelligibilities through which the symbolic body of the subject is made sense of, both at different points of time and at the same time (Moran 1996, Ch. 4). Each in their different ways connects bodies, 'dress', and economies of dress and undress to social and legal order in particular and potentially different ways. The lack of attention to these different intelligibilities in Watt's analysis of the legal preoccupation with Mr Gough is a missed opportunity to put some real flesh on the bones of the general argument that law and dress are intimately connected.

In a single book that runs to a little over one hundred and fifty pages calling for more in an already brimming cornucopia needs to be approached with caution lest it appear to be asking for the impossible. Each chapter of Watt's book is teeming with ideas, webs of associations, examples, insights all of which I wanted to see developed further. But a more select approach by the author giving the book a more specific focus might have been one way of managing the richness of the topic of this book, opening up opportunities for a more in depth theoretical or historical study or a study with a specifically more contemporary focus. As it stands this book is a useful and tempting point of departure. It hints at many avenues for researchers to pursue.

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