

The Art of Justice: Reconfiguring the Courtroom Object

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the public shows but above all, the people of Newcastle who turned out in hundreds to support a new artwork.

Abstract

This research intervenes in the material culture of the courthouse to establish new rituals that inform public understandings of the law. Art installations installed in the courtroom critique the symbolic materiality of law's historical artifacts. The creation of objects, and their roles in new embodied courtroom performativities, challenge existing courthouse rituals and expose the need for new ones to convey revised messages to the public. The courtroom object at the centre of my research is the Admiralty's silver oar. It has its origins in the earliest admiralty court, during the reign of King Edward III in the 1360s. It was the only courtroom object processed to the gallows and it is still processed and displayed in courtrooms in the UK and globally today.

The PhD extends to the courthouse environment. Data gathered on courtroom acoustics revealed how the architecture and acoustics of the historic court silenced, or facilitated, those involved in judiciary processes. These datasets, along with visualisations of the sound movement within the space and archival research, were employed as a source for producing site-specific artwork. My work also examines representation and responsibility in contemporary public art in the courthouse and the woman's voice in historic sites of law and order. My PhD is cross-disciplinary, drawing on methods and approaches from Fine Art, Art History, and History. There is a 'moral value' approach to some western public courthouse commissions by artists and commissioners and evidence of a tendency for artists working site specifically in the courthouse to refer to established symbols of justice that are still widely recognised. My work is distinct from this, focusing on a historic symbol of justice that has become largely

redundant and, yet, is still in use today when so few of its viewers know what it represents.

Introduction

Eight years ago in 2011, I made a discovery. I came across a very small painting and a print in the National Maritime Museum in Greenwich, London. At that time I did not know that these small images would be the start of a journey that would uproot me, change my life and eventually end miles away in the North East of England. The unfolding story of the history behind the object of my discovery, the historic characters associated with it, the cruelty they exacted and the success of their resistive counterparts, informed a drive to shape public perceptions of courtrooms, their objects and rituals. It also made me aware of the forgotten women's voice in the history of resistance to naval impressment and generated public awareness of this issue. The account of this journey begins in chapter one that introduces the Admiralty silver oar, the historic object that informed the transformation of forgotten historic voices into a series of contemporary artworks made for, and given to, the people of Newcastle upon Tyne. The Admiralty silver oar is the historic mace of the British Admiralty; it dates to the 1360s, represents power, punishment and colonial ambition and is still processed into courtrooms today and is placed on the judge's bench when a mercantile trial is in session (Figure 1). It is the foremost object of focus in this study and it will be introduced and its bloody history and provenance described, before its place in popular culture in the eighteenth-century and its use today is explained. This account of the object's history and how I found it sets the scene for the following chapters which present an account of the production of a new, reconfigured oar made by me, with some critical differences in its purpose and materiality to those of its predecessors. The oar I produced has been exhibited in three very different contexts, the museum, the courthouse and the street. This

was done to purposefully highlight the object and its role in embodied courtroom performativities, challenging the existing role of the courthouse ritual involving the silver oar and exposing the need for new rituals to convey revised messages to the public.

I am an installation artist and also an art historian whose work relates to the law. Historical research and in particular research into legal history informs my practice, which can also include the archival object directly. The history of Newcastle upon Tyne and the research opportunities there in local archives and the accessibility of buildings related to maritime law offered the perfect location for this research study.

Current scholarship relating to this thesis is by those artists whose work addresses the locus of the law. There is a seeming increase of activity in this area in the last decade or so. In Spring 2019 I attended a conference at Westminster University hosted by their Law Department called *Listen to the Artists: Law, Art Justice*, an event that focused on sharing discussion between artists and scholars of law about art's *newly* forged connections to notions of law, justice and responsibility. Clashes and negotiations with power are in fact not so new for many artists across many mediums and decades, addressing many differing topics. Practice that specifically address questions of ritual that become embodied law are however less evident. Despite a small but steadily increasing number of both British and global artists working with law's locus, I can find no single artist, apart from me who is reconfiguring the courtroom object. Certainly no other artist is working with the Admiralty silver oar, which as this thesis will explain, is a rare object in itself. This PhD study makes a new contribution to the

field of artistic practice. It does so by analysing new literature - contemporary academics are also writing about topics that relate to the locus of the law which overlap with issues addressed by some artists, issues such as acoustics in legal spaces and architecture in courtrooms. It exploits the power of visual art to creatively interrogate historical accounts of social injustice and maritime authority through the use of materiality and spectator engagement, thereby provoking and contributing to current socio-historical debates on injustice, and understanding of the value of object-based historical enquiry to practice-led research. It also applies new practice and methodologies – the making of my own version of the Admiralty silver oar court object called *My Bloody Oar* (2017), a sculpture and a performative tool to carry a new message to new audiences via a street procession. *My Bloody Oar* (2017) is an eight-foot long, solid walnut sculpture of an oar with engraved silver details on the 67 centimetre wide blade and down the full length of the handle (see Chapter 2 for full details).

0.1 Definitions and Parameters of the Research

In this research the locus of the law means *where* the law is administered, as opposed to the *operations* of the law or who or how it is administered. The lawmakers themselves it could be argued are the locus of the law. They are the embodiment of the law, but here I want to make the difference clear that this differs to the architectural structures that house the legal business, and the artworks.

There are very few artists in Britain making work about the law. These are, it transpired, usually situated within a locus of the law or they are about one. The

courthouse itself appears in almost all works, either as the location for exhibiting the artwork, or in works about the courthouse that are displayed elsewhere.¹

In exception to this I want to provide an example here of a work about the *operations* of the law by London based artist Susan Schuppli, in order to make my differentiation clear. Schuppli's *Can the Sun Lie?* (2013) takes it's title from a question asked in a US court in 1886, at the time photographs entered juridical proceedings. This film explores the role of material evidence provided by nature and claims of truth that depend upon it. There is an image of the courtroom in the film but Schuppli's focus is on truth claims reanimated by current debates on climate change, indigenous storytelling traditions and scientific expertise. The Inuit, Schuppli states, have observed that the stars are no longer where they should be and the sun sets further west, no-one listens to them.² The film questions whether the realities presented by photographs in court are incontrovertible and addresses the relationship between lay and scientific knowledge in the advent of the digital. This work, as opposed to referencing the locus of the law, presents questions about how the law is administered and the reliability of evidence.

I use the term locus of the *law* as opposed to *the* locus of *justice* very specifically.

Employing the term 'justice' raises questions of whether an artwork can be

¹ There are other loci of the law apart from the courthouse such as police stations and prisons. *Inside: Artists and Writers in Reading Prison*, by Artangel (2016) comprised 23 artists and writers in the empty prison, who responded to Oscar Wilde's incarceration there in 1895-97 and *De Profundis*,

the letter he wrote from his prison cell. Although the prison is a location of the law, because the focus in this study is on the courtroom object, it will centre on those artists concerned with making art in or about courthouses and courtrooms.

² Schuppli, Susan, *Can the Sun Lie?* <http://susanschuppli.com/writing/can-the-sun-lie-3/> *Forensis: The Architecture of Public Truth*. Ed. Forensic Architecture, Berlin: Sternberg Press, (2014): p.56-64.

perceived as being about an act or a site of justice or more complicatedly, an injustice. The term justice also widens the context. For example, Ori Gersht's incisive *Will you Dance for Me* (2011) is a work about the locus of injustice and punishment. A 15-year-old female prisoner in a Nazi concentration camp, a young dancer before the war, is forced by the Nazi guards to dance barefoot in the snow, for days. Gersht's film shows her, now in her nineties, reflecting on the experience and her accomplishments as a dancer in her life since then, whilst the camera pans across the bleak snowy landscape on the site of the former camp (Figure 2). I found this an engaging film about a single locus of injustice that was part of a much wider network of crimes against humanity, but to include such concerns of injustice within my own research for the PhD would make the parameters way too broad.

British photographer Chloe Dewe-Mathews' *Shot at Dawn* (2014) (Figure 3) is a series of photographs taken at dawn on sites in France where allied soldiers during WWI were shot for cowardice. These are sites where law was implemented, but they are not sites of the law. A forthcoming book by Lucy Finchett-Maddock (2019) entitled *How do Artists Engage with the Location of Power Within and Beyond the Law?* rightfully suggests there are actual locations of power beyond designated spaces of law and order in a physical sense and this is what Gersht and Dewe-Mathews are addressing.

I discovered the two artworks by Gersht and Dewe-Mathews a long time before I embarked on making *My Bloody Oar*. They were in part what led me to single out a print of the pirate's hanging at Execution Dock, which I found in the Maritime Museum, London in 2016. Like my experience at Saschenhausen with the

autopsy table described in detail in Chapter 1, they were both directly and indirectly about the death site, the contentious site. These difficult spaces are the boundary interface between the law, and acts that we may think of as beyond the law, are played out, like the inconceivable, unthinkable injustices highlighted by Gersht and Dewe-Mathews. These sites resonated with me in the process of making the work as much as did the locations of the law themselves. Those loci of the law, the courthouses, bore a strange relationship, a tension, a reassuring balance of law and order compared to the horror of the woman's experience in Gersht's piece and the executed men referred to in Dewe-Mathews work when the measured, reasoned power of the law appears to be absent or have broken down. These occasions of the perceived absence of law are interesting in themselves, what fills that void? Gersht and Dewe-Mathews show us.

0.2 Research Questions

This PhD set out to disseminate information, promote enquiry and contribute to debate and discussions by answering a series of research questions, the primary one being: *How can reconfiguring an historic courtroom object as a new artwork expose, challenge and revise the original messages conveyed by the Admiralty silver oar?* The original role of the silver oar was as a signifier of the power of the Admiralty, British colonial power, and punishment, in particular the death penalty. Today the role of the silver oar is as a ceremonial mace that is processed into the courtroom in a mercantile hearing and placed before the Judge's bench. This question was answered through practice and resulted in the production of the courtroom object *My Bloody Oar* (2017) that was employed as a tool to answer the question both in and outside the courtroom environment. A

secondary research question that most closely relates to this primary one is *How can practice based contemporary art research, question the validity of continuing court rituals?* The silver oar is part of a performed courtroom ritual in its procession into court. This question asks what the role of *My Bloody Oar* and the performed artworks it featured in was in questioning the validity of courtroom rituals that involve the silver oar today.

The other secondary questions are: *What critical, conceptual and creative currency is to be had from employing established symbols of justice in a contemporary art practice concerned with the law?* Contextual research undertaken into other contemporary artists working with the subject of the Law, both in and outside the courthouse environment, revealed a tendency to refer to historic, established symbols of justice. This is explored in Chapter two along with a critique of how my work both relates to and differs from such approaches. A further sub-question *emerged* during the course of the study as a result of this evidence that contemporary artists refer to established symbols of justice. It asks *How and why placing art in the courthouse could convey moral value, for whom, under which circumstances, and to what extent those variables are stable?* An in-depth investigation of moral value and an analysis of what constitutes this philosophically is beyond the parameters of this research but some aspects are explored in Chapter 2. This tendency is particularly evidenced through the work of artists who have been commissioned to produce work in courthouses (again demonstrated in a global context) and also explored in Chapter 2. As a consequence of developments during the research, specifically after exhibiting the first of the four of my works *Kiss the Wooden Lady* (2018), my focus moved from purely maritime jurisprudence to also encompass 'spaces'

of the law. This was due to developing an understanding of the impactful role of site in relation to exhibiting the work and also a link I discovered between the original host venue of *Kiss the Wooden Lady*, Trinity House, Newcastle, which will be described in full detail in Chapter 3, and the local Guildhall courtroom. Trinity House accommodates a small wooden oar that was processed into the Guildhall courtroom when the admiralty court was in session.

This research into the relevance of site also initiated the last of the sub-questions *What is the role of context and site in relation to interpreting and representing the object of law?* In Chapter 4 this was addressed through courtroom acoustics and how contemporary artworks in the courtroom that are based on its acoustics can make the viewer aware of something they probably never considered in terms of the placement of elements in a courtroom, which is addressed directly in my work *Courting Power* (2018).

The critique of the symbolic materiality of historical artefacts is used as a means to explore how practice-led research can inform, influence and appraise public understandings of maritime jurisprudence and history through installations. There was not a research question around materiality directly, although it proved highly relevant to choices made when constructing *My Bloody Oar*.

This study had originally set out to address broader themes of the postcolonial, for example, how could the Admiralty Silver Oar, signifying colonial and imperial power, punishment and ambition, be used as a primary source to investigate historical and contemporary perspectives on these issues? The idea that the Admiralty Silver Oar was going to be employed as a subject in practice-led

research to investigate and critique socio-historical perspectives on imperial justice and power in ways that meaningfully inform fine art theory and practice was, in fact found to be too broad. The research questions mutated, much like the silver oar's meanings, over time. However, a relationship between historical research into the material culture of maritime law, its objects, and its capacity to creatively inform and innovate fine art practice and historical knowledge was one area of interest which underpinned the development of the research questions.

To explain exactly what the admiralty silver oar is, the story starts in chapter one at the National Maritime Museum in Greenwich, London, and then describes a short, but fundamentally influential walk I took. This opening chapter also introduces the history of the Admiralty silver oar. It describes how I discovered this object and presents its origins. It tells of the eighteenth-century social context when the oar was at its height of public presence and how this silver oar was represented in the wider cultural context in satire, theatre and literature. After the introduction to the silver oar and its history, the second of the five chapters presents *My Bloody Oar*, an object made by me, which features in subsequent artworks. This Chapter 2 looks at the methodologies of how and why I made *My Bloody Oar*, along with the rationale for the decisions involved in its production that relate to its materiality. The remainder of this second chapter introduces other artists who, like myself, address the locus of the law and courtroom objects in their work. This is done to provide a context for *My Bloody Oar* and the rest of my artworks that are described in the following chapters. It begins with other British artists working in this field and develops to encompass artists working on the same topic in the global context.

Chapter three introduces the first of four main artworks *Kiss the Wooden Lady* (2018) made to investigate the key concerns of the research. It addressed two of the research questions, firstly: *How can reconfiguring an historic courtroom object as a new artwork expose, challenge and revise the original messages conveyed by the Admiralty silver oar?* Secondly, *What is the role of context and site in relation to interpreting and representing the object of law?* The chapter offers an introduction to Trinity House Newcastle, a site connected with the locus of the law and the host venue for *Kiss the Wooden Lady*. It describes the archival research and discoveries I made in Trinity House that went on to inform the work, the most significant being the unexpected emergent theme of women's resistance to naval impressment that arose through consulting archival documents. The exhibition was held at Trinity House because, although it is outside the *locus* of the law the admiralty silver oar, unlike any other court object has close associations with the maritime community, as described in full detail in Chapter 3. I learned from exploring the silver oar in the maritime context that I needed to extend this enquiry to the context of the courthouse. Specific links between Trinity House and the local Guildhall Courthouse emerged during my research, specifically that the courtroom at the Guildhall held the admiralty court and that Trinity House are the keepers of the wooden Admiralty oar dating from 1605 that was used as a mace on the Judge's bench when that Admiralty court was in session.

These discoveries led to the production of my second artwork described in Chapter four, *Courting Power* (2018). This was a sound installation situated in the historic Newcastle Guildhall courtroom itself. Because of its location in the

courtroom it directly addressed the research question *What is the role of context and site in relation to interpreting and representing the object of law?* Courting Power moved *My Bloody Oar* from *Kiss the Wooden Lady* at Trinity House, a site connected with maritime history and the silver oar straight to another artwork installed within the *actual locus* of the law. It did this to question the role of context and site in relation to interpreting and representing the object. This was explored further in my fourth artwork *Carry the Woman You Forgot*. Chapter 4 (4.3) describes the court object and their related rituals in more detail, using specific examples in order to show that the rituals that some were part of and others still remain included in, often reflect the evolution of legal processes over time. I examine their significance for today's participants in courthouses and for the audiences of my work.

Chapter five looks at my third and fourth artworks, *Carry the Woman You Forgot* (2018) and *No Whole Truths* (2019). *Carry the Woman You Forgot* was a public procession of the courtroom object *My Bloody Oar* from the Guildhall courthouse to Trinity House, Newcastle. *How can practice based contemporary art research, question the validity of continuing court rituals? How can reconfiguring an historic courtroom object as a new artwork expose, challenge and revise the original messages conveyed by the Admiralty silver oar?* *No Whole Truths* (2019) was made at the very end of the research project and was set, unlike the other three works, in a contemporary art gallery. The methodology and theory feature throughout all the chapters, supporting the works as they are presented.

The primary method in this practice-based research PhD is the production of artworks. However, although the main research outputs are visual arts practice based, this PhD involves three different methods as the production of these practical artworks depended upon: the analysis of historic archival documents, material experiments and numerical data. These three methods are all manifest within the artworks themselves. Historic documents found through the archival research either informed or were included directly in the physical artworks that were installed in public venues around Newcastle-upon-Tyne. Some of these historic archival documents had never been displayed in public before. These are referred to and in some cases illustrated in each chapter and a critical analysis of how they informed the development of the artworks, and the complexities of presenting historic archival documents in an art context, is also discussed. Theory is also embedded throughout the thesis and relates to the archive and its relationship to my practice. The numerical data relates to the courtroom acoustics at the Guildhall courtroom Newcastle; this data was used solely to inform the artwork output. This would perhaps make an interesting future study that could involve a comparison with the acoustics with another courtroom, which is addressed in the conclusion of this thesis. The materiality of *My Bloody Oar* was explored through a series of controlled experiments using lead, porcelain, plaster and wood. These small-scale models eventually led to the production of the large wooden oar.

The thesis ends by showing that when change in the area of ritual and object hood in the legal sphere takes the shape of an active, morphing and interactive artwork, made for, and given to, the public, it becomes a dynamic agent that has the power to highlight comparisons with other forms of legal ritual. It can call for

change and add to debates to potentially modernise a sometimes-isolated and redundant ritual, conveying a message for today's audiences about its real history, dark and also fascinating as that may be, and redress our part in the performance. Historic and embedded rituals that involve ancient objects in the sphere of the law, other than the silver oar, persevere and, perhaps after all, there is nothing wrong with this. This thesis ends not by pointing out that we do not need ritual in the law; but that in some cases we need new ones. For example, new research into rituals that are responsive such as those necessitated by evolving modern technologies in courts today and, perhaps, the impact these could potentially have on the experience of the testifying witness out of court via a virtual video link instead of in person. The definition of rituals and the reasons why we have them in court are explained in Chapter 5, which cites some historic cases of such rituals in the court through the centuries.

Crucially this thesis highlights that modern day courtrooms continue to share the same space as older, historic rituals and ritual objects of ancient law. These when performed through a contemporary arts practice, can be made to resonate for a present-day audience and, specifically in this case, can be animated through performance and employed to carry a message about their unquestioned past.

This study highlights the symbolism of the ritual object such as the silver oar and its role in embodied courtroom performativities, questioning the existing role of the courthouse ritual and presenting potential new rituals and new objects as being one direct way to convey revised messages to the public, explored later in Chapters 3 and 5.

This of course depends what those messages are. The investigations in this study show that issues such as the woman's voice in court resonates with today's audiences. The new message carried by my artworks shows us something else as well, that these historic objects are actually malleable, changeable, and that sometimes so too are those individuals in the institutions that use them. The artworks also informed people about an aspect of the past that few people might be aware of. It highlighted and questioned the relationship between the past and present in terms of ritual objects and court conventions. It hijacked these rituals and ritual objects in order to tell an alternative story which was about the woman's voice, lost over time. It will show us how people respond to a sculpture of a silver oar in public spaces outside the court and that long dead visual signifiers seemingly lost for today's audiences, in certain circumstances, can still provoke anger. The message on *My Bloody Oar* as it was paraded through the streets like a bodily form on the shoulders of the military, should ultimately have read *I am not as dead as you think*.

The journey begins in Chapter 1 with a walk through London.

Chapter 1: Searching for the Silver Oar

In the National Maritime Museum Greenwich, London, hangs a painting of Nelson's Funeral Procession on the Thames by Daniel Turner (1782-c.1828). It is a small picture made in 1807, the painting itself measures just 584mm x1066mm (Figure 4). The stately procession shows the ship carrying Nelson's body on board a black-canopied vessel at the bottom right of the image. A set of watermen's stairs on the left ascends from the river water, to the North bank of the Thames above. The procession left Greenwich Hospital for Whitehall; the cavalcade was so long that the head reached St Paul's before the tail left the Admiralty.³ After an initially underwhelming encounter with the diminutive artwork, intrigue emerged. I pondered over what the location of the watermens' stairs and the riverbank looked like now at that same site shown in the painting. Questions arose surrounding the authenticity of the location, of that exact site today, and whether and how it might be different to funerary procession route seen in the painting. This questioning did not materialize 'out of the blue' but resonated with work I had begun years earlier in the late 1990s concerning the alleged 'exact' site of historic events. I was at the time allured by an advert I had seen on the London Underground for the Tower of London, which read, "*Stand Exactly Where Henry VIII's Wives were Beheaded*". As a marketing ploy this was rather seductive, but scepticism crept in and the thoughts began to arise: the

³<http://collections.rmg.co.uk/collections/objects/12061.html#OYJvWOjKAaOiYaq2.99> Checked on 27 April 2019

ground moves over time, there was no such thing as the 'exact site', how do they know this is the exact spot, and importantly what compels us to want to stand on the 'exact' spot where an historical event occurred. My resultant piece of visual artwork *Wo Ist Hitler's Grab?* (1999) (Figure 5) (translated Where is Hitler's Grave?) arose from a period of intensive research at the Imperial War Museum London into contemporary images of these alleged sites. The British medias' frenetic reporting on the subject at the time of my research became apparent and many accounts of alleged locations ranged from fractions of the skull materialising in a Moscow archive, to a waste disposal car park in Magdeburg Germany and a child's playground in Berlin. The media sensationalized the subject and the public appetite for the subject was macabrely propagated by the media coverage.

I was intrigued to see what the site of Nelson's funerary procession looked like, although this intrigue was less about the man and more about the ceremonious spectacle one could imagine passing through that space. In the case of the watermens' stairs, they might have been replaced or disappeared altogether. Without further deliberation I walked on the South bank of the Thames, following what would have been the last stages of the water-borne journey taken by the flotilla that left from Greenwich. I reached the point on the south bank of the river directly opposite the Whitehall Stairs on the North bank, up which Nelson's body was conveyed to lay in state. The concrete façade in view across the water clearly showed the steps and the 1923 Royal Air Force memorial dedicated to the Royal Air Force and all the Air Forces casualties in World War One and World War Two, towered above them on the Victoria Embankment - a white plinth with a golden eagle, wings spread on the top. Further research into these

sets of waterman's stairs revealed there were in all approximately 300 such sets along both banks of the Thames, which once served the passengers of the river taxis and the tradesmen in their ascent to the shore, today the livelihoods of the last watermen and women are at risk.⁴ Many of the staircases were destroyed in the Blitz during the Second World War, but eleven still remained operational at the time of my walk. I consulted a copy of Rocque's map of London (1746) in which all the then stairs along the Thames are depicted. The Whitehall stairs were on the map and at a cursory glance down river on the map I saw the others, many long gone. A particular set of stairs stood out at Execution Dock in Wapping. Execution Dock was the site where pirates in the jurisdiction of the admiralty courts were executed, and it appears on Rocque's map of London.

During my research into these historic stairs, I found an image at the Caird Library (1752), in the National Maritime Museum London, which presented a Thames-side execution. The scene of the impending hanging showed the condemned prisoner and the caption below it declared '*A Pirate Hanged at Execution Dock*' (Figure 6), the same location that had piqued my interest on Rocque's map. The condemned man waits on the scaffold, the noose around his neck, whilst a clergyman addresses him. On the left of the image a marshal on horseback observes whilst holding an object. It is not immediately obvious that he is holding anything at all, but on inspection a thin pole can be seen, held vertically in the direction of the prisoner. This object is the Admiralty silver oar. I had happened upon an object of totemic importance, which was already known to some historians, academics, military personnel and staff at various museums.

⁴ Barkham, P. *After 450 years, Thames watermen pass into history and warn of disaster* (Tues 2 January 2007)

<http://www.theguardian.com/uk/2007/jan/02/britishidentity.patrickbarkham>

checked on 2 May 2019

This discovery, however, resonated strongly with my personal interest in historic sites associated with death, what they mean to us today, and making artwork about the objects connected with them. This same interest would later develop a more refined focus on the Law and courtroom objects because as will be explained, the silver oar is an important and much overlooked item.

The image of the pirate's execution showing the silver oar is dated 1752, although the origins of the earliest admiralty court are thought to be during the reign of King Edward III in the 1360s, but this is speculative.⁵ It is further noted by Sweeney that these are, however, speculations by extremely learned authorities, Sir Travers Twiss (1809-1897) and later William Holdsworth (1871-1944), Regius Professor of Law at Oxford and Vinerian Professor of English Law at Oxford respectively. Merriman also argued the oar may date to 1363.⁶ The origins of the Admiralty court are uncertain but it is suggested in the "*Black Book of the Admiralty* (the earliest extant copy of which dates from about 1450) that the court was founded during the reign of Edward I (1272-1307)".⁷ Additionally, in 1361 a common law prosecution was cancelled because "it must be determined before our Admirals according to maritime law".⁸ The *Black Book of the Admiralty* spanned many monarchs' reigns and was a compilation of admiralty law, edited

⁵ Sweeney, Joseph C. *The Silver Oar and Other Maces of the Admiralty: Admiralty Jurisdiction in America and the British Empire*, Journal of Maritime Law and Commerce, Vol. 38 No.2 (April 2007) p.161

⁶ Merriman, Sir Frank Boyd. *The Symbol of Admiralty Jurisdiction*, <http://speeches.empireclub.org/61160/data?n=1> checked on 30 April 2019

⁷ Durston, Gregory. *The Admiralty Sessions 1536-1834 Maritime Crime and the Silver Oar*, (Cambridge Scholars Publishing, 2017) p.3

⁸ Senior, W. *The History of Maritime Law*, 38 *The Mariner's Mirror*, 260-275 (1952); Marsden, R. *The High Court of Admiralty in Relation to National History, Commerce and the Colonization of America AD. 1550-1650*, Transactions of the Royal Historical Society, Vol. XVI, pp. 69-96 (1902). Quoted in Joseph C. Sweeney, *The Silver Oar and Other Maces of the Admiralty: Admiralty Jurisdiction in America and the British Empire*, Journal of Maritime Law and Commerce, Vol. 38 No.2 (April 2007) p.161

by Sir Travis Twiss in the late 19th century. The Black Book contains the *Laws of Oleron*, the oral medieval sea laws committed to writing, incorporated in England in 1152 and attributed to Eleanor of Aquitaine or her son Richard I.⁹ There is therefore evidence that the Admiralty Court dates back many centuries and it has been proposed that the origins of the silver oar derive from weaponry used in twelfth century England.¹⁰ This is plausible. An object representing justice and power that evolved from weaponry is not an isolated occurrence. The symbol of Ancient Roman authority was the *Fasces*, which comprised a bundle of birch sticks and an axe blade, it signified the power of the magistrate and the birch rods and axe also signify punishment.

In the early stages of my research into the history of the oar as a functional object for rowing I undertook some observational drawing at the Discovery Museum in Newcastle. The museum's archaeologist showed me to a basement where there was a splendid collection of poison tipped arrows and other weaponry from Polynesia. I had requested to see some rowing paddles from this collection and that I might spend the day drawing them. Later the archaeologist returned to tell me that the object I had been labouring over all day was in fact a Papua New Guinean club used for human sacrifice that also doubled as a rowing paddle, another link between weaponry and the functional rowing implement which has evolved and endured throughout time.

The alleged oldest depiction of the silver oar in an image is in St Mary's priory church, Abergavenny, on the tomb of Dr David Lewis, admiralty judge and first

⁹ Adams, A. Woodman, R. *Light on the Waters The History of Trinity House 1514-2014* (The Corporation of Trinity House, London, 2013) p.161

¹⁰ Trinity House Fraternity Review, (Corporation of Trinity House, 2014) p.17

principal of Jesus College Oxford (d.1584). Lewis became a judge of the High Court of Admiralty in the reign of Elizabeth I. One of the panels holds the inscription 'the Sargant of the Admiraltee' and shows an Admiral, thought to be Jasper Swift, bearing the silver oar over his shoulder (Figure 7).

Today the silver oar of London is located outside the Admiralty Court in the Rolls Building in London after the court moved there in 2011 from the Royal Courts of Justice on the Strand. It rests horizontally in a glass case and is brought into the court for hearings and placed before the judge's bench. (Figure 1). I visited the Admiralty Court there which was a small modern courtroom furnished with microphones and the latest technology, the silver oar is right outside in the corridor, opposite the door. There is substantive evidence published about the history of admiralty law and its jurisdiction but not an overwhelming amount of evidence is available on the exact history of this particular silver oar and much of this originates in the late nineteenth-century. It bears the Tudor royal arms and a fouled anchor, the symbol of the admiralty, and several assay marks and dates. The engravings on the blade suggest successive re-making, repair and re-engraving. It can in part be dated to 1798-9, the mark of the silversmith below the blade is from the reign of George III (1760-1820) and this assay mark was first used in 1794.¹¹ William Pitts and Joseph Preedy were the goldsmiths.¹² The blade shows the arms of Henry VII at its tip (1485-1509) and the arms of James Stuart Duke of York and Lord High Admiral 1660-1673 and William Duke of Clarence. The button on the end of the handle is marked 'Jasper Swift, Marshal of the Admiralty' who is recorded as working for the Lord High Admiral in 1586,

¹¹ Sweeney, Joseph C. *The Silver Oar and Other Maces of the Admiralty: Admiralty Jurisdiction in America and the British Empire*, Journal of Maritime Law and Commerce, Vol. 38 No.2 (April 2007) p.160

¹² *Oar Maces of Admiralty*, (HMSO, 1966) plate 1, p.II

the same thought to be represented on the tomb of Dr David Lewis in Abergavenny. The accompanying literature alongside the London silver oar in the Rolls Building outside the Admiralty Court and its replica on display at Trinity House London, both state that it is probably the third oar mace since the inception of the admiralty court in the 1360s. Its predecessor, it claims, dated from 1559 and was probably melted down in the Civil War and that this third mace possibly celebrated the restoration and crowning of King Charles II.

Across the centuries to the present day there have been periods where the silver oar was largely forgotten, only to become resonant once again. It is still processed in naval courtrooms to the present day however, originally its power extended way beyond the confines of the courtroom. It held a major role in the governance of sea space where it was used as a warrant to board vessels and as a symbol of justice and the power of the law at naval executions.

For the general public today, the silver oar has connotations that are different to the power symbol it was 250 years ago. In the records of the Lord Chancellor's office held at the National Archives there is even a 1954 paper on the question of whether the admiralty marshal should carry the silver oar in a Westminster Abbey procession.¹³ The meaning of the object has shifted over time, across societal and cultural contexts. The silver oar has been the subject of study for academics in the fields of history, pirate studies (Jowitt, 2013) ;¹⁴ and in law

¹³ *Question whether the Admiralty Marshall should carry Silver Oar in Westminster Abbey procession* (1954) Reference LCO 2/6696, National Archives Kew

¹⁴ Jowitt, C. (2013) *Subversive Pirates? Representations of purser and Clinton 1583 – 1639 The Culture of Piracy, 1580–1630: English Literature and Seaborne Crime*, Ashgate Publishing, Ltd. Jowitt, C (2002) *Piracy and politics in*

(Sweeney, 2007).¹⁵ However, there appears to be no research on the silver oar as an evolving symbol, nor any involving contemporary art practice with its potential to reach new audiences. My practice most often has a close connection to historical research. Archival material and museum visits inform my process of conceiving and making art, prompting ideas for investigation, discovery and dissemination through visual art.

One of the very first practical exercises I undertook was to attempt to map the location of existing silver oars on a world map. After research into these locations I found that the quantity of admiralty silver oars in the UK is unknown; they are present in admiralty courts in port cities, such as Southampton, and boroughs with Admiralty jurisdiction such as Great Yarmouth, had their own silver oars.¹⁶ The London Silver oar is the prototype for those made for the Vice Admiralty courts.¹⁷ The oars bear differing insignia and are not direct copies of the London silver oar. They are smaller than functional rowing oars and the oar blades vary in shape. Some take the form of a rudder or a representation of the Roman steering oar, with some connotation I thought, of a Judge steering a course towards justice. The oars also still exist in mercantile courts in former British colonies across the globe such as Bermuda, Cape Town South Africa, Canberra Australia and in some private collections. The Bermuda oar is

Heywood and Rowley's Fortune by Land and Sea (1607-9) Renaissance Studies, Volume 16, Issue 2, pp. 217–233

¹⁵ Sweeney, Joseph. *The Silver Oar and Other Maces of the Admiralty: Admiralty Jurisdiction in America and the British Empire*, Journal of Maritime Law and Commerce, Vol. 38 No.2 (April 2007) p.160

¹⁶ Durston, Gregory (2017), p.116

¹⁷ *Silver Oar Maces of Admiralty*, (HMSO,1966) plate 1, p.II

described in detail in an article explaining its loan each year from the National Museum for the opening of the Admiralty Court.¹⁸

The Rolls Building is vast and stretches of several floors served with modern elevators and lounge areas and it contains many courtrooms as well as the Admiralty Court. In 2014 the Admiralty Court hosted a ceremonious handover of a silver replica of the London silver oar that was carefully made by the British Museum and handed to the Brethren of Trinity House London by the Hon. Mr Justice Teare, the Admiralty Judge (Figures 8a, 8b). This evidence of the relationship between the silver oar and the courtroom space, at this early stage, laid the foundations for what would later become the focal point of the study, explained further later in the thesis in Chapters 4 and 5.

Trinity House 'corporation' is a charity originally established by royal charter in 1514 to regulate pilotage on the River Thames and provide for aged seafarers. Today it safeguards shipping and seafarers across the UK and provides the aids to navigation as well as support and welfare for the seafaring community. It has a 'fraternity' of selected men and women called 'brethren' from across the nation's maritime sector.¹⁹ There are four Trinity Houses in the corporation in the UK. Of particular importance to this study is Trinity House, Newcastle upon Tyne. The archives and the building itself came to play a pivotal role in the development and direction of the research. It was within the archives of Trinity House, Newcastle that I discovered moving evidence of another act of state

¹⁸ Harris, Dr. Edward *Judgments on the "Old Year"* (*The Royal Gazette*, Feb 2, 2013) <http://www.royalgazette.com/article/20130202/ISLAND09/702029993>

¹⁹ Corporation of Trinity House, 2016 <https://www.trinityhouse.co.uk/about-us> checked on 2 May 2019

power that the Admiralty and the Royal Navy imposed in times of need - the practice of impressment, or forcing men into service within the Royal navy to fight. The Admiralty silver oar, the symbol of state power, associated by default with this national cause. This theme of impressment is expanded upon in Chapter 3 along with its role in the development of the research and the creation of the first work *Kiss the Wooden Lady* (2018) is explained. Trinity House was also the venue for *Kiss the Wooden Lady* (2018) and later in the project the object *My Bloody Oar* was processed to the building and accessioned into the collection of Trinity House for the people of Newcastle and future generations, presented in Chapter 5 *Carry the Woman You Forgot* (2018).

The association between the silver oar and Trinity House goes back centuries. The first reported case of nautical assessors assisting in the High Court of Admiralty is cited by Rumney and Wood as early as 1541, where there is a case of an oar mace being carried into Court by the Admiralty Marshal, followed by the Admiralty Judge and the Trinity Masters acting as assessors in court.²⁰ King Henry VIII granted the first Royal Charter for Trinity House on 20th May 1514²¹ and it is recorded that a Sir Thomas Spert, one master of the King's ship the *Mary Rose*, sat in on the Admiralty Court in 1536 as an expert assessor overseeing the courtroom proceedings from the perspective of an experienced nautical individual.²² The silver oar continued to be used in courtroom hearings over the centuries but publicly, in 1897, the *Times* published letters from two

²⁰ *Re. Rumney and Wood*. (1541) Selden Society Vol 6 102-104 trans p.213-215 quoted in Anthony Dickey, *The Province and Function of Assessors in English Courts*, Modern Law Review, Vol 33, September (1970), p.494

²¹ Adams, A. and Woodman, R. *Light on The Waters, The History of Trinity House 1514-2014*, (London, The Corporation of Trinity House, 2013) p.12

²² *ibid*, p.20

readers²³ who disputed the way the oar should be carried in procession.²⁴ The Caird Archive in the National Maritime Museum holds a small red, hardback scrapbook ca.1900 on the silver oar. Compiled with care by the anonymous owner it catalogues all the then contemporaneous cuttings about the silver oar from newspapers.²⁵ In 1966 an exhibition of silver oars from around the world was held at the National Maritime Museum London.²⁶ The black and white catalogue shows all the oars assembled in one place including the Bermuda oar, methodically presented with detailed accompanying descriptions (Figure 9). A number of modern oar maces have been created and presented to Admiralty Courts, for example, as recently as 2002 to the New Zealand High Court sitting in admiralty, to “celebrate special occasions or milestones in the Admiralty jurisdiction, or to commemorate the lives of distinguished maritime lawyers”.²⁷ The Silver Oar of admiralty processed at the Wapping executions, was shown publicly in an exhibition at the Museum of London Docklands called *Pirates: The Captain Kidd Story*, in 2011. When Captain Kidd was hung in 1701 the London silver oar would have been present at his hanging. His notoriety ensured he was interred in Newgate Prison instead of the admiralty prison normally used at the Marshalseas in Southwark. The last public viewing at the final maritime execution with that Silver Oar present was in 1830.

²³ Hope, W. H. St John. *The Silver Oar of the Admiralty* The Times (London England) Tuesday June 22, 1897; p. 14; issue 35236

²⁴ Jeune, F.H. *The Silver Oar of The Admiralty*, The Times (London, England) Saturday June 19, 1897, p5, Issue 35234 (644 words). An authority on the oar and expert on plate Wilfred J. Cripps had examined the silver oar, Jeune submits a note by Cripps, which he says ‘shatters some illusions’ but ‘still leaves very respectable antiquity to a portion of this symbol of Admiralty authority’.

²⁵ *The Silver Oar of the Admiralty*, ca.1900, call number 671.11:629.12.031.22, p.21

²⁶ *Silver Oar Maces of Admiralty*, (HMSO, 1966)

²⁷ Myburgh, P. Sutton, J. (2003) *The New Zealand Silver Oar Mace* ANZMarLawJl 7; (2003) 17 Australian and New Zealand Maritime Law Journal p.118.

This brief introduction to the history of the admiralty silver oar through to its role in courts today, demonstrated its longevity as a courtroom presence and totemic object in the public imagination. However, these historical accounts that have been cited so far, have not delivered any actual eyewitness accounts of the admiralty silver oar itself. There are some first-hand accounts that still exist, which provide fascinating evidence of the theatrical scenes of last journeys to the gallows that feature the silver oar, that today are, of course, extinguished by law. I will begin with some historic accounts of the silver oar making its way to the gallows in the public space of the street. This has direct relevance because later in the work *Carry the Woman you Forgot* (2018), the theme of street procession arises directly in the form of a contemporary street procession involving *My Bloody Oar*.

1.1 The Silver Oar in Procession

Over two hundred years before the last public execution at which the silver oar was present in 1830, Wapping's Execution Dock saw a public hanging of pirates in 1609, of which a witness describes the position of the silver oar in the procession from Marshalsea Prison in Southwark, to the execution site at Wapping,

...from the Marshalseys as the rest, they were conveyed in a barge to Wapping the silver oar borne before them as an embleme before their eyes, that riches they had looked for, and unjustly sought to find it at Sea, where the Captaine first,

and the other two after (as they confest they had deserved)
according to Judgement they suffred death.²⁸

The Marshalsea prison was close to the cloister of Southwark Cathedral, which was the site of the fourteenth century Admiralty Court.²⁹ Street processions of the silver oar from the place of incarceration to the gallows were public, well-attended, theatrical and ceremonial parades of some spectacle,

A number of peace officers on horseback would lead the procession, with officers belonging to the court of Admiralty immediately behind them. Usually these would include the Admiralty Marshall riding in a carriage, and the Deputy Marshall carrying the court's ceremonial silver oar. The city marshals would follow on horseback. The Sheriffs travelled in a coach, as did the Newgate Ordinary. The convict(s) would often be in a horse drawn cart (or two), often travelling with their coffins next to them, and would sit between the executioner and his assistant.³⁰

Clinton and Purser, the pirates on whom Heywood based his 1639 play *Fortune by Land and Sea*, were convicted and hung in 1583 and were described as being,

²⁸ Anon, *The Lives, apprehensions, arraignments, and executions, of the 19 late pyrate*, (London, E Alde, 1609) p.f1r. quoted in Durston, (2017) p.152

²⁹ Sweeney, Joseph C. *The Silver Oar and Other Maces of the Admiralty: Admiralty Jurisdiction in America and the British Empire*, Journal of Maritime Law and Commerce, Vol. 38 No.2 (April 2007) p.159

³⁰ Durston, Gregory. (2017) p.152

Brought by the Officers out of the Marshalsees, (with a Silver Oare borne before them) and conducted through Southwarke over the Bridge, through London, and so to Wapping, and to the place of execution there, where they appeared as brave in habite, as bold in spirit.³¹

More infamously, the pirate Captain William Kidd was hung on May 23 1701, an account that also describes the silver oar,

On Friday May 23rd 1701, these Persons following were conveyed from Newgate, to Execution Dock in Wapping, by the Officers of the Admiralty and others carrying the Silver Oar before them; according to the usual Custom, on such occasions.³²

The silver oar is also mentioned in the books of the Drs Commons, (1598) the society of civil lawyers as being carried into court.³³ Evidence shows that the silver oar appears in spaces of state control over the individual both in courts and at prisons, and also before the scaffold at the gallows in view of the public crowds who had witnessed the procession from the site of the prisoner's interment. This spectacle of street procession is in a public space which

³¹ Anon. *A True Relation of the Lives and Deaths of the two most Famous English Pyrats, Purser and Clinton, who lived in the Reigne of Queene Elizabeth* (1639), D1r – D1v.

³² Anon. *A True Account of the Behaviour, Confession and last Dying Speeches, of Captain William Kidd, and the rest of the Pirates, that were Executed at Execution Dock in Wapping, on Friday 23rd May. 1701.*

³³ Strype, John. *A Survey of the Cities of London and Westminster* http://www.hrionline.ac.uk/strype/TransformServlet?page=book1_154 checked 30 April 2019

becomes, on these processional occasions, a space of politicised and controlled state run spectacle, and a prefixed path to the death site that becomes coded by rules and ceremony. The public display by the admiralty of their punishment practices is hinted at in the eyewitness accounts above but the spectacle of the silver oar being processed through the streets before the condemned to the gallows was not the only ritual the Admiralty used as a deterrent and a symbol of state power. The bodies of the condemned would be left hanging in chains along the banks of the Thames until 3 river tides washed over them. Between 1752 and 1832 the admiralty hung 46% of their convicted murderers, this was more than any other court and for non-killing offences they hung 23 individuals, compared with 8 at the old bailey in same period.³⁴ Artworks such as the print of *Pirate Hanged at Execution Dock* (Figure 6) depict the scene including the silver oar, at the death site. A painting by William Clift in 1816, entitled *Thames Scenery! Gloomy Morning, Low Water Mark. Execution Dock. January 31st*, (Figure 10) shows the scene of an admiralty execution, however, Clift was located at the rear of the crowd and the oar is not visible, although it is likely to have been there at that date, given other evidence from the period. Eighteenth-century processions to the gallows are also explored in Hogarth's *Industry and Idleness* series of 12 plot-linked engravings created in 1747, in particular Hogarth's '*Idle Prentice*' (1748) shows the procession to the gallows at Tyburn (Figure 11). Although not admiralty executions these historic images of state run spectacle alongside those of the admiralty provided compelling imagery that provoked ideas relating to the 'site' of the law – within and outside the law court, audience and 'voices from the past'.

³⁴ Ward, Richard. *Switched Off at Execution Dock*, Conference Paper (Ward, 2018) from *1868 A Civilising Moment? Reflecting on 150 Since the Abolition of Public Execution*, Literary and Philosophical Society, Newcastle upon Tyne, April 2018.

Through my extensive historical research a picture began to develop of an object associated with the Law and its locus, that included the courtroom, the prison and the street procession to the gallows. This spanned the historic courtroom and jail to the admiralty courts of today such as Bermuda and the Admiralty Court at the Rolls Building, London.

1.2 The Silver Oar in Popular Culture

As depicted in popular visual culture of the 18th century, naval culture had a powerful omnipresence, and the oar appeared in satirical etchings and theatre as well as correspondence. For example, the seventeenth century play *Fortune by Land and Sea*, tells of the lives of two infamous pirates, Clinton and Purser and the script, set before their impending execution, proclaims, “How many gallant spirits, Equal with us in fame, shall this gulf swallow, And make this silver oar to blush in blood!”³⁵ There is a possibility that the Admirals and the pirates under their jurisdiction were the *cause célèbre* of their day and evidence of voices from both high and low culture indicate that the silver oar was a well-understood code of naval power and governance across society.

The Silver oar featured in an 1828 satirical etching, *The Silver oar versus the white wand or the helmsman*, which highlighted the Admiralty connection to the relationship between King George IV, the Duke of Wellington and the Duke of

³⁵ Heywood, T. Rowley. W. (1639) A true relation of the lives and deaths of two most famous English pyrats, Purser and Clinton who lived in the reigne of Queene Elizabeth, (London) quoted in Durston, p151. *Fortune by Land and Sea, a tragi-comedy*. <https://archive.org/details/fortunebylandsea00heyw> Online edition, full text, (Boston Mass, W B Clarke Company, 1899) p.116. Collection: Library of Congress, call number 7252613

Clarence - the future King William, then Duke of Clarence 1828.³⁶ The image makes reference to the disobedience of the Duke of Clarence for unauthorized activity and his dismissal as the Lord High Admiral. The Duke of Wellington was obliged to have the King call him to account and dismiss him.³⁷ As mentioned in the description of the London silver oar blade given earlier, it clearly shows the coats of arms of the two dukes, York and Clarence (Figure 12).

It is more widely referenced in literature, for example, as an object unconnected with admiralty courts a silver oar is referred to in Shakespeare's, *Anthony and Cleopatra*,

The barge she sat in, like a burnished throne,
Burned on the water. The poop was beaten gold,
Purple the sails, and so perfumed that
The winds were lovesick with them. The oars were silver,
Which to the tune of flutes kept stroke, and made
The water which they beat to follow faster,
As amorous of their strokes.
(Act II Scene II p.10).³⁸

It is possible that Shakespeare saw the silver oar in his lifetime. Arguably, Shakespeare knew the oar was a symbol of power, from the metaphorical 'ship

³⁶ Fairburn, (1828) pub. *The Silver oar – versus – the white wand – or – the helmsman*. Etching, National Maritime Museum, London, PAF3770 See Figure 7, *ibid*, photograph by the author (2017)

³⁷ <https://collections.rmg.co.uk/collections/objects/127905.html> checked on 2 May 2019

³⁸ Bate, J. and Rasmussen. E. eds. *The Tragedy of Anthony and Cleopatra William Shakespeare Complete Works 2.2* 220-235 (2007) p. 2181

of state' described by Plato in book VI of the Republic (c.380 BC), where he likens governance of a city-state to that of a naval vessel.³⁹ It is also possible Shakespeare knew of, and may have even seen the Admiralty silver oar in Wapping Dock; in 1599 the original Globe Theatre was built on the South bank of the River Thames,⁴⁰ and was rebuilt in 1997. In 1576 actor-manager James Burbage built the Theatre in Shoreditch, on the north side of the river, the first purpose-built playhouse in London and Shakespeare joined the resident company at the Theatre in the 1580s.⁴¹ As Sweeney observed the date on the oar stock confirms the existence of the admiralty court in 1586 (Sweeney, 2007). Shakespeare read Thomas North's translation of Plutarch's *Lives of the Noble Grecians and Romans*, 1579, in particular *The Life of Mark Anthony*, which gave form for his play about Anthony's relationship with Cleopatra in 1606.⁴² North describes 'oars of silver' in his account of Anthony's first meeting with Cleopatra. It is inconclusive whether Shakespeare saw the silver oar, but he was there in the local vicinity at the right time and he was known to appreciate a crowd pleaser. Questions arise as to whether the silver oar was in fact born of fiction or functionality; and further questions of why were they were described as being made of silver, as opposed to gold for example.

Actual images of the silver oar are seldom and they are mostly, apart from the tomb of Dr David Lewis (d.1584) (Figure 7) and the print of *Pirate Hanged at*

³⁹ Keyt, D. (2008) in Santas, Gerasimos. *The Blackwell Guide to Plato's Republic*. Chapter 10, p.189-213 [online]. Wiley-Blackwell.
<http://www.myilibrary.com?ID=23720>

⁴⁰ Carson, C. Karim-Cooper, F. *Shakespeare's Globe: A Theatrical Experiment*. (Cambridge University Press, 2008)

⁴¹ Dessen, A. *Elizabethan Stage Conventions and Modern Interpreters* (Cambridge University Press, 1985)

⁴² Maquerlot, J, and Willems, M. *Travel and Drama in Shakespeare's Time* (Cambridge University Press, 1996) p.4

Execution Dock (1752), (Figure 6) the preserve of popular culture, particularly in the 18th century. Written descriptions of the silver oar appear more commonly. In the 20th century for example, the silver oar appeared in a work of fiction, a novel by Howard Breslin called *The Silver Oar*. The 1954 novel was branded 'A Novel of the American Colonies'.⁴³ However it remains an elusive object, even today.

This theme of the oar in popular culture gave rise to a desire to explore its existing (if any) and potential relationship to contemporary culture. The oar is indeed elusive and does not have the same connotations it did 250 years ago. Could I still use this archaic and mysterious object to speak to contemporary audiences, generating interest and engagement in the relationship between the past and present? Questions of how *My Bloody Oar* would sit in the public imagination, developed directly from this research into the silver oar's representation in popular culture historically.

I ordered a copy of Breslin's 1954 book from the United States and attempted its inclusion in a studio-based installation whilst designing the work for *Kiss the Wooden Lady*. It is dated in its language, and the worn dust jacket is illuminated with a hand painting of a man in sailor's attire whisking the buxom woman away from the tall ship in port. Inside the dust jacket it describes 'the silver oar, 'the sight of it drained the blood from the cheek of the hardest buccaneer', and it went on to describe 'the saucy wench with flame-colored hair'. This rather unlikely source provided the germination of the idea to include the element of the oar's documentation in popular culture within the work. At this stage I had not ascertained how this might manifest. The construction of a Judge's chamber? A

⁴³ Breslin, Howard. *The Silver Oar*, (New York, Thomas Y. Crowell Company, 1954)

desk perhaps with a film documenting *Kiss the Wooden Lady* playing on a laptop? I had framed pictures of silver oars and antique woodcuts of Judge's portraits from around the world and experimented hanging these around a plinth. (The plinth later became an autopsy table in *Kiss the Wooden Lady* at Trinity House, described in detail in Chapter 3).

The idea of a Judge's chamber was a reference to my exploring, at that stage, other law spaces outside the courtroom. It was also an allusion to *Bartleby the Scrivener* (1853), Herman Melville's character in the book of the same title.⁴⁴ Set in the Lawyer's chambers, Bartleby the Lawyer's scrivener 'prefers not to' when requested to undertake a task. This is not about the silver oar specifically but it marked a broader approach to the idea of the 'law space' that was starting to develop. This exploration of 'oar meets law space' eventually left the safety of the studio and played out in an historic courtroom and the street.

1.3 The Language of the Silver oar

Dichotomies and tensions emerge by contrasting opposing views of the silver oar. Forty-five vice-admiralty courts were once established in British colonies from 1780 to 1860, these were abolished in 1890.⁴⁵ Though these courts were abolished, evidence shows that the judiciary system still displays the silver oar at some maritime hearings in the former British colonies. United States District Judge Haight at the 100th anniversary of the Maritime Law Association of the U.S. commented that the United Nations is made easier by "common concepts

⁴⁴ Melville, Herman. *Bartleby the Scrivener*, (Melville House Publishing, 2004)

⁴⁵ Sweeney, Joseph C. (2007) p.170

and shared legal language of the heritage of the silver oar and its courts”.⁴⁶ In contrast to Heywood and Rowney’s seventeenth-century account in of it’s ‘blushing with blood’, Haight says,

I invite you to consider the shape and the stillness of the Admiralty Oar: the beauty of its utilitarian simplicity. The oar has never changed. You sit in your ship, grasp the oar’s handle, place its blade in the water, pull, and the ship moves through the water: so humankind has been progressing over the waters since the beginning of recorded time [...] For the sea itself is eternally fascinating, and so are ships and those who go down to the sea in ships, who by their daring or distress, courage or cowardice, foresight or foolishness triumphs or tragedies of navigation, give employment to admiralty judges and lawyers, thereby generating that equally fascinating body of law that we call admiralty.⁴⁷

The legal language of the heritage of the silver oar and its courts implies it is a language separate from public discourse or even language of the courts outside mercantile hearings. These special rules feature in several academics’ arguments around the ceremonial within the admiralty court, which are highlighted in their observations of courtroom practice,

⁴⁶ *ibid* p.175

⁴⁷ Haight Junior, Charles S. United States District Judge, *Remarks on the Admiralty Silver Oar and the Admiralty History of the Court*, Benedict’s Maritime Bulletin Vol. 13, No. 1 First Quarter (2015) p.5

Admiralty is special – everyone knows this. The cases are named after ships; admiralty practitioners are “proctors”, not mere lawyers; until 1966 admiralty proceedings operated under different procedural rules; and federal judges sitting in their admiralty jurisdiction are wont to display a silver oar on the bench.⁴⁸

This ‘special-ness’ is echoed by Jarvis who notes in particular the increase of women in this field and the specific obstacles they have had to overcome, in a profession as admiralty lawyers, which was previously thought only proper for men.⁴⁹ It is necessary to acknowledge this ‘special-ness’ of admiralty law and the ritual it imposes not just in relation to objects but also to procedural rules. The symbolic order and ritual that belongs to naval judiciary practices are differentiated from other law practices in ritual and in those involved in the profession.

The women’s voice arises in this study in relation to the history of the silver oar and even the role of women in carrying the oar today. This is an object that is now a residual sign rather than a dominant one of Britain, the once great maritime nation. For publics now, arguably the oar has connotations different to the suppressive power symbol it was 200 years ago. The completed artworks created as part of this PhD were made in part to explore how the oar might be reconfigured in order to transform public response to the legal setting and its

⁴⁸ Young, Earnest, A. *It’s Just Water: Toward the Normalisation of Admiralty*, Journal of Maritime Law and Commerce, Vol.35 No.4 October (2004) p.469

⁴⁹ Jarvis, Robert M. *Sexual Equality and the Silver Oar: Lifting the Fog on Women, Ships and the Law of Admiralty*, Cardozo Law Review, Vol. 7 (1985-1986) p.93-97

objects. However, unexpectedly, what also developed as a significant aspect of the work was the 'woman's voice'.

1.4 Representing the Silver oar

The representational function of the oars presented in this chapter raises a question about truth and representation. I reconfigured the Admiralty silver oar and produced *My Bloody Oar*. This action is a strange dichotomy in that; in one regard it is a rebuttal of the oar and what it stands for, but in another there was an arising sense of responsibility to those who became involved in the study and their respective institutions. In his exploration of the reproduction of the truth in a representation, Mitchell writes that, "Responsible representation is a definition for truth, both as an epistemological question (the accuracy and faithfulness of a description to what it represents)" and that it is ethical - the notion that the 'representor' is responsible for the truth of a representation and to the audience or recipient of the representation.⁵⁰ It can be concluded that my silver oar is a reconfiguration of a representation, the silver oar being a representation of a rowing oar. This relates to the truth and Mitchell's key point in that, it is then therefore not the 'truth'. Whether *My Bloody Oar* is irresponsible as opposed to responsible representation or not is wholly subjective.

It is this description of representation that resonated most with me in making my decisions as to how far I was prepared to take the reconfiguration of my new oar - the reconfiguration of the representation, which, unknown to me at the time, was eventually to be received by the institution of Trinity House, Newcastle.

⁵⁰ *ibid* p.421

How this came about is explained in the next chapter, through the artwork entitled *Kiss the Wooden Lady*, exhibited at Trinity House, Newcastle in May 2018.

The notion of representation extends to the bearers of the oar (see *Carry the Woman You Forgot* Chapter 5). Responsibility, Mitchell says, “is representation, and vice versa” that representation is a form, an act of taking responsibility”. In this assertion Mitchell’s theory assumes that the original object is the truth, the ‘true’ object, and begs the question, what is irresponsible representation and what are its consequences? Arguably there is no ‘true’ object. There are multiplicities of truths and subjectivities and in the later chapters of this thesis these multiple perspectives are explored in the particular context of reconciling historic evidence with art practice. History is also a series of representations and this study seeks to reveal and destabilise the inherent power relations in historical representation too. When making my reconfiguration of the silver oar I wanted it to be different to the traditional versions of the silver oar I had researched. I wanted to test the reception of a version that was materially altered, to see how it was received by the institutions associated with the historical silver oar, such as Trinity House, but most importantly the message it conveyed was different.

1.5 Conclusion

Artists who explore the ‘remaking’ of courtroom objects according to the definition offered for this study (which is ‘to make a second or further time, or

differently, to reconstruct, to transform')⁵¹ are few, as we will see in the next chapter. No other artist is specifically referencing the silver oar. I consciously chose the silver oar as a ceremonial court object to be the focus of this study because it is at the heart of a nexus of relations of power and control in which it has a key-mediating role and, because it has been overlooked in the canonical works of courtroom objects and their histories. It links formal spaces of law and order to the public space of the street - through its role as a displayed court object and a processed symbol of state control on the journey to the gallows. Yet, despite these conscious decisions, it also chose me. Decades long fascination with the scaffold and the death site, but particularly the nexus of power relating to those spaces, has never abated. It meant that when I discovered the image of Nelson's funeral in the National Maritime Museum, an instant connection was forged with the subject matter.

It is an unusual court object in that it is still in use today as a ceremonial mace processed into court and placed before the judge. As well as being un-cited by the literature on court objects it has never been the subject of fine art research or practice, or explored as an object of an old order through which to convey new messages. Yet, for me it resonated with unique potential as the signifier of bodily punishment at the gallows, where no other state symbolic mace has been processed. Held up at the death site before the condemned prisoner as the final symbol of authority.

⁵¹ Oxford English Dictionary "remake, v.". OED Online. December 2018. Oxford University Press. <http://www.oed.com/view/Entry/162051> (accessed December 10, 2018).

There were other scaffold objects I could have chosen, (if this was my only concern) such as the Black Box, used to lure the unfortunate convicted individual from the holding cell to the scaffold without a fuss.⁵² The condemned were told it contained a pardon from the Monarch should they profess their sins with verve at the gallows to the assembled crowd. The box would then be opened to reveal nothing. However, the silver oar offered more complex correlated human interfaces to explore, in many different contexts such as power and the courtroom and the gallows procession and the pageant, both historically and today.

The fact that the selected court object is of maritime heritage is an important aspect of this research as outlined above. It did not remain however, paramount within, or the pivotal focus of, the study in itself. As the research progressed and I analysed and responded to the exhibition of work, my ideas developed and the focus changed. Several interwoven narrative threads evolved that included the silver oar courtroom object, the courtroom space itself and the woman's voice. The intention remained to employ the silver oar (in combination with the courtroom and the women's voice) to convey new messages to new audiences. I regarded the oar as a tool to unify all of these aspects. It became clear that in order to develop the work fully I needed to look not only at the silver oar as an object but also consider its context - the construction of power and governance in the silver oar's architectural environment, one cannot be explored without the other. This concern with site also encouraged ideas in relation to installation and the engagement of the contemporary audience.

⁵² Anon. *A Full Relation of the Contents of the Black Box With Some Other Remarkable Occurrences*. (London: s.n.1680)

Firstly however, in the next chapter I will outline how and why I came to make my version of the silver oar, *My Bloody Oar* (2017). This is presented in the context of other artists in the UK and in the wider global context who are concerned with making objects that relate to the law, in particular the locus of the Law.

Chapter 2: My Bloody Oar

There is a large pool of fresh blood on the newly carved oar blade. Six months into the oar's production, having learned how to turn wood and hand carve, this is my first injury. The blade is made of solid American black walnut; this particular piece of wood was imported to Britain from Missouri, USA. My choice of material and its origin were deliberate, a reference to former British colonial transatlantic activity, the forced subjugation of one nation potentially making a commodity such as wood, available to another. The large bloodstain quickly soaked deep into the grains of the walnut where it remains in the oar, a bodily trace of its maker. I attempted to erase all trace of my blood from the wood; working on it quickly in the knowledge that this oar was so near to completion. Currently no other artist is investigating aspects of the *maritime* legal system and its objects by producing a reconfigured courtroom object in the same way I do, to ask specifically how reconfiguring an historic courtroom object as a new artwork could expose, challenge and revise the original messages conveyed by the Admiralty silver oar.

My Bloody Oar (Figure 13) has a purpose: to highlight the past to provoke questions of the present and the future and to convey revised messages to the general public. It was an experiment, to see how far the historic court object can, or cannot, be changed and yet maintain acceptance in institutions of law and those associated with the law, these changes it transpired were accepted by institutions.

After an explanation of how and why *My Bloody Oar* was conceived, this chapter sets out to explore specifically from a fine art and art historical perspective artists within the UK who are making work specifically about the locus of the law. This includes those artists making contemporary artworks for courthouses, or artworks about the legal professions that are shown publicly, outside the context of the courthouse, and which concern the locus of the law. This is expanded to include artists working in the same way in the wider global context. It will argue that there is to some extent an emergent pattern of artists referencing established symbols of the justice system not only in Britain but globally and critique the 'moral value' approach to some western public courthouse commissions by artists and commissioners.

This survey relates to my practice by contextualising it, in order to both situate my research and artwork within the broader field of art relating to the law and to identify how my work is distinct and offers a unique contribution to contemporary art that focuses on the locus of the law. It will then explore the concept of reconfiguring a courtroom object and its representation.

2.1 Conceiving and making *My Bloody Oar*

The silver oar, it was concluded in the first chapter, is a rare object, even more so in the context of contemporary fine art and artists working with the subject of law, few of whom are concerned with exploring the 'remaking' of courtroom objects.

My Bloody Oar has been remade differently to existing admiralty silver oars; it has been transformed in size and shape. In this study, the term reconfigure will be taken as: to configure again or differently, to become adapted to a new task by altering its configuration.⁵³ The established symbols of justice that will be examined in the second section of this chapter; Lady Justice, the wig and robes, the raised hand signifying the gesture of truthfulness, are established in the sense they have existed for a long time and they are recognised and generally accepted. The admiralty silver oar is also an established symbol of justice in the sense that it has existed for a long time. However, the difference between the admiralty silver oar and these other symbols of justice is that the general public today does not so readily recognise it.

My Bloody Oar, although based on an established symbol of justice, has been remade. It is different to the Admiralty silver oar in shape, size, weight and material and it displays a new inscription. I wanted to produce *My Bloody Oar* when I realised the importance of exploring the relationship of court object to court ritual. Witnesses are given legal advice about how to play their roles, lawyers rehearse their lines, but object-hood also always has an interaction at the human interface. This simply means that the maces employed in ceremony and ritual in court (the silver oar's procession) and indeed, in their creation require human interaction. This interaction between object and human in this context meant it was necessary for me to look closely, when developing my ideas and my artworks, at the relationship of ritual in courthouses to the materiality of the objects involved, and ask questions about how and why the historically established object might be changed to make available new

⁵³ Shorter Oxford English Dictionary, Sixth Edition. Volume 2. N-Z (Oxford University Press, 2007) p.2490

meanings. This relationship is explored as the thesis moves forward, particularly in Chapter 5.

In order to demonstrate how I remade the admiralty silver oar courtroom object I need to describe how it was reconfigured. The following section explains how and why my oar differs from any other existing silver oar and also evidences my unique methodological approach in reconfiguring the courtroom object. It looks at the rationale for, and the form of, *My Bloody Oar*.

My first investigations into reconfiguring the Admiralty silver oar involved investigating the importance of its materiality and individuality. I made small multiples in a variety of materials; plaster, porcelain and vellum and lead. (Figures 14a, 14b, 14c). After testing this idea I realised small multiples were not a satisfactory end product, nor were transient materials. I decided these did not work for the purposes of the project, which I was starting to envisage as a more substantive presence in a public space. These small experiments made me realise I wanted one large oar made from wood and silver. The prototypes were also made from materials that were fragile, the porcelain came with the added risk that it may explode in a kiln firing, the lead was toxic and the vellum I realised, was not particularly easy to fill in a small 10 inch plaster mould of the oar when it was malleable and wet because it did not set readily.

My Bloody Oar is much larger than an admiralty silver oar, which is usually approximately 3 feet in length. I made it a little longer than an adult human being measuring 2070mm, to be borne aloft and horizontal, resting on the shoulders of its bearers like a human body. The shape of the oar blade is taken from the

silver oar made in London in 1697 held in the National Museum of Bermuda, as noted in the previous chapter. That oar was historically, and is still, taken into court there today to mark the ceremonial opening of the legal year in the Supreme Court, which has jurisdiction for the High Court of Admiralty. The handle (shaft) and the orb at the base were both my designs.

Evidence suggests the size and the means for bearing such a mace, matters. In 1897 the Times newspaper published two articles in successive editions which engaged readers in an intense debate about how the silver oar should be carried and the date of its origin and provenance. One author wrote on the subject of maces - and he concluded that silver oars are but maces, “since the proper way of carrying a mace is erect i.e. with head upwards – do not the London civic authorities, in lowering the mace, thereby surrender the special privilege conferred upon them in the 14th century, and still un-repealed?”⁵⁴ A special charter, he said, confirmed in 1354 that the King’s Sergeants were empowered to carry “gilt or silver or silvered maces adorned with the ensigns of our arms”. By purposely designing *My Bloody Oar*, oversize and to be carried like a body, I broke with and questioned these conventions. It is not merely the esoteric debate from the 19th century on the carrying of a mace which informed the decision to change the bearings of *My Bloody Oar*, after all only a very few members of the general public would understand this coded language of transporting maces correctly, or indeed what constitutes an offensive mace position, this knowledge may even be solely the preserve of military personnel. In changing the bearings and carrying the oar this way I wanted to reference the deceased and disempowered human body. This was important in relation to the

⁵⁴ Hope, W. H. St John. *The Silver Oar of the Admiralty*, The Times (London England) Tuesday June 22, 1897; pg. 14; issue 35236

themes that would be addressed later in the artwork *Kiss the Wooden Lady*. Themes of separation, dissent from tradition and as follows next, an experience I had whilst in Germany many years ago.

The oar became like a human character. This was most apparent in the artworks *Kiss the Wooden Lady* (2018) at Trinity House, Newcastle, and *The Hair Oar* (2017) (Figure 15) where the oar was presented horizontally on a self-made, tiled 'autopsy plinth'. This was based on a plinth in Saschenhausen Concentration Camp located outside Berlin, Germany, which I saw when I was twenty-one. At the camp that day there was just one other person in the mortuary laboratory with me; I waited for them to leave. I was then alone with what was the most confrontational object I had ever encountered. The white tiled slab in the camp mortuary laboratory had a raised lip to prevent the swirl of bodily fluids leaking onto the floor, an abject plughole and attached tap. Cold, tiled and grouted, sharp angled and sharp edged, I imagined it delivering cuts before any procedural cutting began. The grout, missing in places had blackened with time and former damp. I looked for fluid stains and traces of the human life once cast down on that surface. The rudimentary, solid bulk gave it an immediate and brutal presence. Autopsy tables built today to serve conventional ethical medical procedures are a significant departure from the 1940s slab, they feature smooth surfaces, tilting table beds and gadgetry. The walls were also tiled white all the way to the ceiling and a small cabinet hung on the wall. It seemed so ordinary. The view through the window was a modern built up housing estate. I wondered whether this view of a site of mass murder ever became mundane for the residents who overlooked it. If you were able to suspend your disbelief long enough it could appear to be a regular domestic

bathroom with a table. The windows were typically European, long in length and could be opened wide to provide ample light. The purpose for which it was constructed was practically incomprehensible without prior knowledge while standing there on that exact spot.

Years later, while thinking about how to present *My Bloody Oar*, the fact that it resonated with the character of a disempowered, deceased body triggered the idea of experimenting with the autopsy table format. This resonance was due to the deliberate bodily scale of the oar and the way it was carried. For me, it referenced the nameless, faceless thousands who had been separated by naval impressment, and the dead sentenced to hang, the oar borne before them. The oar needed to be supported while on display. I wanted it to stand-alone in the space of a large room but not on a conventional plinth. I was also concerned that it required additional visual references to support the idea of *My Bloody Oar* being a dead body so I produced a simple version of what I had seen at Saschenhausen on which to place the oar (Figure 13).

In *The Hair Oar* (2017) (Figure 15) the oar blade was replaced by a plume of long blonde hair. This hair was close in shade and length to my own, although somewhat blonder and less red. This was not a conscious decision although hair played a key role in childhood identity being an unusual ginger tone, and a source of countless trips to the hairdresser during my late teens and early twenties to dye it blonde. It was time to lay it out on the table. I purchased the hair from a specialist wig shop. It also resonated with the description of the hair belonging to the impressed husband of a woman who was successful in securing his release, a story that I unearthed during my explorations of the

Trinity House, Newcastle archives. Her story related to the silver oar because it was the symbol of Admiralty power, the same power that detained and forcibly removed her husband.

The addition of hair to this further reconfiguration of the courtroom object signified several connections: a military connection, a bodily connection and presented questions about the gender of the object. The addition of hair to the oar, which so far had been presumed male by audiences, and myself, rendered it more androgynous. Becoming less like the recognizable mace, it retained some of its military connection; the plume of hair referenced the armoured military headwear sometimes worn by personnel, a jet of hair that cascades from the crown of the headpiece, meticulously groomed and approximately two feet in length. The hair also denotes the human body. Replacing the wooden blade on *My Bloody Oar* with hair made an immediate connection to the body for the viewer, especially given its context upon the reconstructed autopsy slab. This bodily referent was deliberately built upon in *Carry the Woman You Forgot* (2018) when *My Bloody Oar*, complete with wooden blade rather than hair, was borne on the shoulders of two servicemen from the Royal Navy and Merchant Navy, like a coffin in a street procession from Newcastle Guildhall Courtroom to Trinity House, Newcastle, presented in the artwork discussed in Chapter 5, *Carry the Woman You Forgot* (2018).

In addition to its oversize dimensions and unorthodox position when carried, *My Bloody Oar* is made from walnut wood instead of silver. This decision was based on the impracticality and expense of constructing an oar on this scale from silver and that using a particular U.S.A. walnut, from Missouri in this case, pointed to

the former colonial link between the British Empire and North America. The British held Admiralty courts in the U.S.A. and admiralty oars from the British colonial period were found there. In 1965 the U.S.A. District Court in Chicago received a replica of 'The Oar of the Admiralty'⁵⁵ and, in 1995 the Chicago Tribune reported a six-foot oar, dipped in silver, mounted on the wall in the Federal Courthouse in Chicago.⁵⁶ A silver oar is also housed in the District Court for the Southern District of New York, (along with New South Wales, Massachusetts, Canada, Calcutta, Sri Lanka, and Bermuda).⁵⁷ For this connection to the U.S.A. North American Black walnut was chosen over English walnut (*Juglans Regia* or the 'royal nut of Jupiter'). The idea that the Silver oar had played a part in the subjugation of one people by another (UK over U.S.A.), thus making the commodity originally available was another reason American walnut was selected. The aesthetic of heavy solid walnut, perfectly made and polished to a luster, signified authority. Walnut is a dark hard wood, with a good marble patterning running through the grain. This provided a good contrast with the engraved solid silver banding I placed on the stock and plaque on the blade. The objective was not to make the oar look either old or contemporary, it should transcend connections to any particular time period. The natural finish of the wood was preserved and enhanced by an 'embalming' with oil.

⁵⁵ Rose, Leonard Commander. *The Silver Oar of The Admiralty*, JAG Journal, Vol. 21, July-August 1966, p.15

⁵⁶ Fegelman, Andrew, Janan, Hanna. *Admiralty Law Puts All in Same Boat*, Chicago Tribune, February 26, 1995.

⁵⁷ The Federal Court of Australia, *Admiralty and Maritime*
<https://www.fedcourt.gov.au/law-and-practice/national-practice-areas/admiralty/jurisdiction/the-oar-mace> checked on 28 September 2019

As previously explained *My Bloody Oar* was based on the shape and style of the Bermuda silver oar, made in 1697-8 by London Goldsmith Anthony Nelme.⁵⁸ Although I could not afford to make *My Bloody Oar* entirely of silver I wanted some representation of the original material to remain. Using a precious metal enhanced the impression of rarity and significance. I fashioned ornamental rings made of solid silver sheet on the stock and a small plate on the face of the oar blade. My original intention was to make these ornaments from South American silver, from which the admiralty silver oars were almost certainly made; there was significant trade between 1500-1800 of silver from South America, worldwide. However, sourcing this material and evidencing its provenance proved impossible. Whereas gold can be traced to an individual supplier and a mine as a result of an international agreement to prove that it did not originate from conflict areas, silver cannot. Instead the trade takes 'Eco Silver' to suppliers. It is not 'Fair-trade' silver but it is not sourced from a particular mine, but recycled and refined from scrap. The Eco Silver used on *My Bloody Oar* could originate from anywhere in the world, the possibilities regarding its provenance are many because it is recycled. This type of recycled silver was used to create the solid silver bands around the stock and the plaque on the blade. It was at least a possibility that a percentage, however small was originally from South America.

My Bloody Oar bears an inscription, engraved on the solid silver plaque on the oar's blade is a poem written by me called *The Message* (2018) (Video 2). The silver rings around the handle are engraved with the final lines of the seventeenth-century play *Fortune by Land and Sea* (Figure 16). This (as

⁵⁸ *Oar Maces of Admiralty*, National Maritime Museum (Great Britain) p18 plate 7, p11, plate 7, 1966, HMSO

previously explained) tells of the lives of two infamous pirates, Clinton and Purser and the script, set before their impending execution, proclaims, “How many gallant spirits, Equal with us in fame, shall this gulf swallow, And make this silver oar to blush in blood!”⁵⁹ This line had a strong impact upon me when I first read it. I felt it made a direct connection between the inanimate object of the silver oar, its morbid role at the gallows and the oar as corporeal. The introduction of silver assists *My Bloody Oar* to resonate with its referent - the admiralty silver oar. The introduction of the text assists in maintaining the view of the oar as a body or character when it exists in isolation away from its autopsy plinth or whilst being carried by naval officers.

The next section sets this research within the context of other artists in Britain and globally whose work, like mine, addresses the locus of the law and its objects. It also explains what is meant by the term *locus* of the law and how these works had an integral role in the development of my own artwork.

2.2 The British Context

The previous section described the making of *My Bloody Oar*, the decisions that related to its materiality, references to the historical provenance of those materials and how it was physically reconfigured as a new object. In order to explain how the work of contemporary British artists that focus on the locus of the law relates to my own practice and how my work is distinct from theirs this section examines these artists in order to identify and think through a range of issues that touch upon, or are in some cases central to, my own practice. For

⁵⁹ Heywood, T., Rowley. W., (1759) *Fortune by Land and Sea, a tragi-comedy*. <https://archive.org/details/fortunebylandsea00heyw>

example engaging with other artists' works in the field helped me to think through the archival work I undertook that informed my practice because some of their works also included the archival object or document, either in their research or in the artwork itself. The archival research is often where these works strongly relate to the process of my practice, in addition to the related subject matter of the Law and its locus.⁶⁰ Another reason for looking at these specific artists was to examine whether or how they explore the relationship of courtroom objects to ritual in court involving these objects. This helped to better understand the role *My Bloody Oar* could play as a new, reconfigured legal instrument. It transpired that there are in fact very few artists living and making work in Britain who address the Law at all in their practice, so all that were found are included.

The work of British artist Carey Young, reinforces my considerations in relation to the importance of the materiality of legal objects. Pegged on a domestic washing line in a green back garden are a courtroom wig and a long judge's robe.⁶¹ The wig and robes clearly signify the justice system, as understood by audiences in Britain. The robe is red with black trims; it weighs heavily, resting on the grass lawn beneath. The wig and robe appear slumped, hung together so the wig denotes the position of the judge's head at the neck opening of the robe. The wig is pegged so we only see the crown of its grey looped hair, as if obscuring the face underneath. The whole empty assemblage droops "the

⁶⁰ There are two caveats to note in relation to the examples of artists' work cited in this chapter. Firstly they are all examples by western artists working in western courthouses that are situated in democracies. The works in public areas of the courthouses are the only ones the general public can see and there will likely be other works which are only accessible to court staff and scholars. Secondly this is a compilation of artists whose work is about the locus of the law made from a British perspective and there is also not an extensive breadth of artists making work in this context.

⁶¹ Carey Young. *We the People*, (2014) C-type photograph 190 cm x 140 cm

costume subtly suggests a chrysalis or a moment of submission or servitude”.⁶² This piece entitled *We the People* (2013) (Figure 17) is a large colour photograph (190 x 124cms), exhibited in her show *Legal Fictions* (2013) at the Migros Museum, Zurich. *We the People* refers to the French judge and amateur artist Pierre Cavellat (1901-1995) who made art clandestinely whilst at the bench in court judging trials; the piece “compares the official state pomp and power of the judge with the private and vulnerable sphere of the body”.⁶³ The hung garments take on a cadaverous and gaunt human form, referencing the absent body. This work re-contextualises courtroom objects. The objects are shown outside the courthouse environment and in the quite unexpected setting of a back garden. We the audience do not know whether these judge’s robes are French or British or from any other nation but their symbolism, especially when shown together with the wig, is understood even though they are shown out of their expected context.

Like the wig and robes, *My Bloody Oar* is also a physical courtroom object. However, it is distinct from them in that, as an historic courtroom object, the oar has become largely redundant and although partially still in use today, few people know what it stands for. For this reason, when the oar is seen by the general public today outside the courthouse setting, it does not signify justice in the same way as the wig and robes because it does not have the same connotations it did 250 years ago. Young presents us with original judges regalia, *My Bloody Oar* is a reconfiguration of the Admiralty silver oar. It’s form and the materials it is made from do however, signify some sense of authority and

⁶² Young, Carey, *We the People*, (2013) C-type photograph 190 x 124 cm
<http://www.careyyoung.com/works#/we-the-people/>

⁶³ Ibid

ceremony. Also, several of my art installations are installed within an historic courtroom, reinforcing the oar as a symbol of the power of the law and directly critiquing the symbolic materiality of the courtroom object in the site where it is usually found.

Further works by Young signify a move away from employing the original courtroom object and are situated outside the courtroom site except for one, *Palais de Justice* (2017) uses the courthouse as the place for producing the film based work, later shown in a gallery space. Young critiques the patriarchal culture of law and explores the roles of female judges and lawyers in court. Filmed surreptitiously and without permission, Young captures the women in court through circular windows in courtroom doors, we watch justice as performance, as voyeurs (Figure 18). These are contemporary artworks that allow a glimpse of the stunning Palais de Justice courtroom and the fleeting glances from female characters therein as their gaze meets the camera and locks momentarily with ours, women with whom we would never engage in such prolonged eye contact. Another work by Young, *Before the Law* (2017) takes its title from Kafka's 1915 parable in which the protagonist is continually denied access to the law. It is a series of photographs of courthouse doorways. A red curtain over one entrance highlights the law's relationship to theatre, a frosted glass window presents an abstracted courtroom.

In my work I considered working with contemporary law courts but apart from the heavy restrictions on access I was concerned to maintain the historic link and allow direct audience engagement. Most of my completed works were exhibited within sites of historic resonance; the site itself becoming part of the

work, unmediated through film or photography. I did explore the use of photography in the series of photographs where I took *My Bloody Oar* to significant sites of historical maritime justice but felt that the visual connection was tenuous rather than reinforcing. This is expanded upon in Chapter 3. The last piece of work made as part of this research *No Whole Truths* (2019) also tested the use of the moving image and sound by presenting a video installation and *My Bloody Oar* in a contemporary art gallery. This is expanded upon in Chapter 5.

Young's *Uncertain Contract* (2008) is a performance piece in which an actor animatedly recites terms of a contract in front of a white backdrop, presented as an uncertain contract, open to interpretation. *Uncertain Contract* introduces the concept of quashing ambiguity, not just in the written word, the contract, but ambiguity in performance, in the legal context. This impact of performance in court on the veracity of testimony is something that also emerges in the work of one of the artists in the global context, Ilona Gaynor. The subject of performativity in court relates strongly to the Admiralty silver oar and *My Bloody Oar*, which are also both performed objects, in and out of court. This is expanded upon later in this chapter.

Young's extensive body of work is not directly concerned with challenging the existing role of courthouse *rituals* and courtroom objects are not being remade or situated directly within the courthouse. However, Young's work successfully calls the law's authority into question, highlighting its ambiguities and subjectivities.⁶⁴ My work is also concerned with this albeit from a different, historical perspective.

⁶⁴ Ibid

The making of *My Bloody Oar* was not to directly call law's authority into question, that was not the main objective, but to highlight the symbolic court object's significance both historically and today, and through comparisons of its past and present role expose the ambiguities and subjectivities such as the forgotten historic voices associated with those on the receiving end of the oar's power. For example, as described in Chapter 3, with the inclusion of the historic woman's voice in the installation *Kiss the Wooden Lady* (2018) and in Chapter 5 in *Carry the Woman you Forgot* (2018).

Artist John Stezaker gives us a different view inside the courtroom, but unlike Young's voyeurism on justice as performance in *Palais de Justice*, this view is fictitious. *The Trial* (1978) (Figure 19), and *The Oath* (1978) (Figure 20) are collages consisting of black and white photographs of film stills taken from a French courtroom scenario being played out in a 1950s film, and colour postcards. In *The Trial*, the accused is being restrained in the dock while a female barrister looks on. On the postcard an image of a turbulent waterfall is superimposed in the centre of the black and white photograph. In *The Oath* a woman stands in the dock, her right hand raised whilst swearing the oath of truthfulness. Her raised right hand disappears behind a postcard image of a Mediterranean sea and a ruined, columned temple, which is superimposed on the collage. By superimposing the postcards onto the court scenes the work becomes disconnected from its ordinary referent, it becomes a fragmented and remade body.⁶⁵ *The Oath* does not even show the actual hand, which is masked behind the postcard, only the raised arm to head height at a right angle is visible,

⁶⁵ Boldrick, Stacey, *Art Transformed, Matter and Translation in Contemporary Art* see p162 on John Stezaker in Barber, Tabitha and Boldrick Stacey Eds. *Art Under Attack, Histories of British Iconoclasm*, Tate Publishing, 2013

but it is understood through the background of the court setting and the fact that we understand the gesture. Despite this sign transformation, we can still read the signifiers. Here the symbol of justice is not an actual courtroom object but a symbol of a ritual act synonymous with court and justice. This work is also about the locus of the law. This particularly interested me because of the way the courtroom space is disrupted and how traditional courtroom gestures (rituals and object) might be obscured but remain recognisable as long as the context is coherent.

The next artist to discuss moves away from working within or addressing the theme of the legal space within the courtroom. On Clerkenwell Green, London, Banksy installed a sculpture called *Trust No-one* (2004) (Figure 21).⁶⁶ It is likely he could not make his point inside a court with his six meter high bronze statue of Lady Justice dressed as a prostitute - not that this necessarily would have been his intention - so she was installed in a public park. Her robes elevated to her waist, wearing a leather thong, thigh length leather boots and a garter containing dollars, she holds the scales of justice in her right hand and sword of justice in her left. It marked the "first anniversary of the death of Kevin Callan, a lorry driver who was the victim of a miscarriage of justice when he was convicted in 1991 for the murder of a four-year-old child".⁶⁷ The conviction was overturned in 1995. Clerkenwell Green was chosen because it was the site of Banksy's last arrest. Ultimately, Banksy's message was that the people trusted with our liberty could not be trusted. Here Banksy relies on the public's understanding of historic symbols of law, the allegorical personification as a woman, the authority of the

⁶⁶ Youngs, Ian. *Guerilla Artist in Statue Stunt*, (4 August 2004)
<http://news.bbc.co.uk/1/hi/entertainment/3537136.stm>

⁶⁷ *ibid*, <http://news.bbc.co.uk/1/hi/entertainment/3537136.stm>

sword and the balance of the scales in order to create a stark contrast to the usual reading. This point relates to *My Bloody Oar* and the public's understanding of historic symbols of law, because in contrast with Banksy's decision to use lady justice, the symbol I employed as a referent in my artwork cannot rely on the public's understanding of historic symbols in the same way as audiences today will not necessarily know what it stands for.

The works of these aforementioned British artists would appear to be different to one another, both in their materiality and their conceptual approaches to the theme of Law. They do, however, have certain stark commonalities. They all reference the vulnerable body. Young's *We the People* shows the private and vulnerable sphere of the body of the Judge in contrast with the pomp and power of the courtroom. Stezaker's *The Oath* shows us the vulnerable body of the witness on the stand, intimidatingly fixed by the accused man in the dock and forced to conform to the ritual and rules of court before the judge and jury. Banksy's *Trust No-one* literally exposes the female form to make his point about corruption in power and miscarriages of justice. He has not empowered the female form, but disempowered it by equating both the female form and female prostitution with distrust. Moreover, these artists all reference the female body at some point in their work about the legal professions. For example, Young's clandestinely filmed female judges and lawyers in court in *Palais De Justice*; Stezaker's female defendant swearing the oath of truthfulness; Banksy's Lady Justice. *My Bloody Oar* also represents both the female body and the vulnerable body (addressed in Chapter 3). It is deliberately made to reference the human form and be carried like a body and in *Carry the Woman you Forgot* (2018) it represents the women who fought against naval impressment. Highlighting the

commonality of the bodily in these works is not simply to draw comparisons with the Foucaultian conception of law as the 'commands of a sovereign backed by sanctions imposed on the bodies of the transgressors' which Hunt and Wickham (1998) identify as somewhat simplistic, if albeit common, view of law which equates 'law' with the punitive forms of criminal law'.⁶⁸ Although these works reference the body in some way, they are not particularly about the body of a transgressor; such a simple comparison that infers that the law and these works are only about the law's punitive forms would be naïve. These artists are not simply saying 'law is about sanctions placed on bodies' or punitive forms of criminal law. The theme of the bodily in the works of these contemporary British artists is an observation that does not exclude thinking around more discursive motivations that may have been held while making the works. These may be for example the power of the body in Young's *Palais de Justice* (2017). The photographs of the forms of the female Judges is not about sanctions placed upon the body, but as mentioned, the critique of the patriarchal culture of the law.

All the works discussed above also refer to established symbols of justice. Young's *Palais de Justice* (2017) refers to an established symbol of justice – the Judge in her regalia, in court. *Lady Justice* shown in Banksy's work, the origins of which date back to the cultures of ancient Greece and Rome;⁶⁹ the judge's wig and robes shown by Young in *We the People*; the gesture of the raised hand in the courtroom context swearing the oath of truthfulness in Stezaker's *The Oath*. These symbols of justice are established in the sense they have existed for a long time and they are recognised and generally accepted. These

⁶⁸ Hunt, Alan, Wickham, Gary. *Foucault and the Law, Towards a Sociology of Law as Governance*, (Pluto Press, 1998)

⁶⁹ Resnik, Judith, Curtis, Dennis. p.22

established, sometimes ancient, symbols associated with justice, their historic origins and evolution, are already well documented.⁷⁰ Artists working in courthouses, and those working beyond these spaces' on the subject of the legal professions in and beyond Britain sometimes refer to established symbols of justice. One reason is that these symbols of justice can be revered and also reviled and satirised because they are not (any longer) sacred symbols in the cultures in which the works are shown - oars can be remade differently, Lady Justice can be mocked. Another reason is that this sign system also implies a value system. Resnik claims we know this imagery of justice because we have been taught it and that "rulers regularly link themselves to the virtue Justice as they seek legitimacy for the laws that they make and enforce".⁷¹ The courtroom judge, according to Lincoln, is also not exempt from this and creates "'truth' from his interpretation of reality in order to assure the reinforcement and perpetuation of his own value system".⁷² The established imagery of justice is synchronic with this value system and, although artists can challenge it, this still reinforces and perpetuates that value system, somewhat inevitably, *My Bloody Oar* included. It is worth acknowledging there are multiple value systems, and that the artist also asserts their own; Banksy, directly employing the statue of Lady

⁷⁰ Goodrich, Peter *Devising Law a Short History of Legal Emblems in Emblems and the Art of Law, Orbiter Depicta as the Vision of Governance*. (Cambridge University Press. 2014). Resnik, Judith, Curtis, Dennis. *Representing Justice, Invention, Controversy, and Rights in City-States and Democratic Courtrooms*. Yale. P.20. The Balance in the Egyptian Book of the Dead, circa 1300 BC. Maat, the Egyptian female Goddess with an ostrich feather tucked in her headband, who within the Book of the Dead forms the scales with a pedestal base. Resnik and Curtis also cite other Egyptian deities associated with the 'decisional process'. P.19. In Babylonia - Mesopotamian Scales circa 2350-2100.

⁷¹ Resnik, Curtis, *The Changing Face of Justice, The visual vocabulary of courts is a transnational symbol of government*, Thursday 24 March 2011

<https://www.theguardian.com/law/2011/mar/24/changing-face-justice-judith-resnik>

⁷² Lincoln, Lissa. *Deleuze and Camus: Strange Encounters* p.177 in Laurent de Sutter and Kyle McGee Eds, *Deleuze and Law*, (Edinburgh University Press Ltd. 2012)

Justice or John Stezaker in his use of the witnesses raised hand gesture denoting the oath of 'truth' in the courtroom. All the artists discussed above perpetuate a value system, albeit perhaps unintentionally, including me.

Despite all of the issues explored above and the breadth of artworks that explore them, I could not find any 'commissioned' artworks by contemporary artists in functioning courthouses in Britain. I was interested to explore why this was. Through some rather extensive research I was able to discover one, although this was in a historic courtroom, a commission by British artist Paul Rooney at the Ripon Museums of Law and Order, in the Liberty Courtroom, Yorkshire. The Ripon courthouse was completed in 1830 and closed in 1998.⁷³ Therefore this is an historic court. The artists' brief only stipulated that they were seeking an artist interested in researching their archives and history and working closely with the staff and volunteers throughout the process.⁷⁴ Some identified themes were the Poor Law, deportation, the history of justice and law and order. A broad and exciting approach with little didactic instruction. Paul Rooney's *Stolen Things* (2019) (Figure 22) is a sound installation based on a 14-year-old girl's experience of the courtroom in 1853 where she was convicted for shoplifting. Unlike the previous British pieces, this site-specific piece does not visually refer to any established symbols of justice apart from being installed directly in a courtroom, the architecture itself is a symbol of justice. The words of the piece are spoken and sung from sources by museum volunteers who recount their childhood memories. This work by Rooney also involved archival research in the collections of the Ripon Museums of Law and Order. This resonated

⁷³ *Ripon Museums Courthouse*

https://riponmuseums.co.uk/museums/courthouse_museum/

⁷⁴ *Ripon Museums Trust Artist Brief*, (Ripon Museum Trust, 2019)

strongly with the archival work I undertook for *Kiss the Wooden Lady* (2018) at Trinity House, Newcastle. My archival research there explored the voice of an historic character (a letter I discovered from an impressed man's wife) and embedded the documents directly into my artwork. The voice of the convicted child in Rooney's work is literally sung by a local girl and is the focal point for the composition that "invokes the shouts from the courtroom public gallery with voices provided by more museum volunteers, with contemporary pop diva phrasing and Victorian church singing (Highside Singers) and which builds to a rowdy evocation of some liberatory mischief involving choir practice and a malfunctioning bellows organ".⁷⁵ This sound track is mixed with the chords of Taylor Swift's song 'I Did Something Bad', Jean Genet's novel 'The Thief's Journal', a *York Herald* court report and a Victorian child's hymn from the period, 'Do No Sinful Action'. In my work *Kiss the Wooden Lady* (2018) the use of song was integral to the piece, which is expanded on in the next Chapter 3.

In the wider global context there are a relatively high number of contemporary art commissions for *operational* courthouses, whereas only one of the few artworks in Britain addressing the subject of the law was a site-specific commission in an *historic* courtroom, a old court that can sometimes be closed to the general public, open only as part of a museum exhibit that does not function as a sessional court holding trials. Including Rooney's Ripon commission, my work was only one of two contemporary artworks situated in any kind of courtroom, functional or historic, in *Courting Power* (2018) and in the courthouse *Carry the Woman you Forgot* (2018). This is a rather nebulous area to say the least, and to

⁷⁵*Stolen Things by Artist and Musician Paul Rooney*,
<https://www.visitharrogate.co.uk/events/stolen-things-by-artist-and-musician-paul-rooney-p1332701>

claim with certainty why exactly this is, is speculative. It may imply for example, a lack of critical reflection on the law and its spaces. Then again, not all contemporary artworks commissioned for courthouses, as I determined when investigating examples from the United States (explained fully in the next section), are critically reflective in this way. Perhaps legal professionals in Britain are not interested in commissioning art as a means of critical reflection on their profession, although it is doubtful the legal professionals instigate art commissions themselves. The answers to this question were more readily addressed when I compared the lack of contemporary artworks in British courthouses with the relatively high number in the United States, and examined the reasons why this might be. This is dealt with in the next section on artists making work in or about the law's locus in the global context. Firstly it needs to be explained why, given that there are so few courthouse commissions in Britain, what is meant by artists who are working in or about, the *locus* of the law.

When discovering the artists' works as my research developed, I decided the criterion was to include only artists who, like me, make work that addresses primarily the *locus* of the law. As outlined in the introduction the locus of the law within my research means *where* the law is administered, as opposed to the *operations* of the law or who or how it is administered.

Each of the artworks discussed in this chapter which reference established symbols of justice, have also had a hand in shaping my practice by posing questions about the role of the established courtroom object when it is moved away from the locus of the law. Lady Justice in a public square, the robes in a domestic garden, these were instances that in part informed the choice I made to

remove *My Bloody Oar* from the courtroom to the public space of the street in *Carry the Woman you Forgot* (2018) (described in detail in Chapter 5).

The site of *Trust No-one* by Banksy was the site of his arrest and, what he may perceive as an injustice, could equally be perceived by a viewer as a locus of justice. Similarly in Dewe-Mathews' *Shot at Dawn* series, each site of execution is not a site of the law and applying the term locus of the law to them, negates the subjectivity of whether a work is about a perceived act of justice or injustice, it covers sites *of* the Law.

In addition to my research on British artist's that refer to established symbols of justice in their work, and reference the (vulnerable) body, a third emerging concept arose in relation to artists making work about the locus of the law in the global context: the idea of 'morality' in relation to art housed within the courthouse. This originates mainly from within Europe and relates to rules expressed by commissioners of art in some courthouses. This differs in respect to my own publicly exhibited artworks, which are not specifically commissioned and in many ways remain free from prescribed conditions. For example conditions that require the work to promote equality and values such as justice, as we shall see in subsequent chapters that describe my site-specific works.

2.3 The Global Context

The Helsinki District Court of Justice has become an art gallery. In addition to works commissioned over the years by the State Art Collection, the courthouse has received one of the widest collections of modern art in Finland, sourced from the Kiasma Museum of Contemporary Art.⁷⁶ Like the Helsinki District Court, some courthouses across the world contain works that are commissioned and some of these commissions involve specifications that artists should respond to the theme of justice. The court in Helsinki is unusual in that it received a large collection of modern art from a museum. This means that the majority of the works are pre-existing, works imported into the site.

Although the curating of contemporary artworks within such a context is extremely interesting, this aspect is not within the parameters of my PhD research. I am particularly concerned with artists who are commissioned to, or decide for themselves to make work in relation to, or to be sited within the locus of the law as described previously. Work such as Maryvonne Arnaud's piece entitled *Stories* (1998) (Figure 23) in the Palais de Justice, Melun, France, presents the viewer with the symbolic gesture of truth, signified by the raised open hand also used by Stezaker in *The Oath* (1978). This work housed within the courthouse shows a large flat open hand, palm up on the floor of the entrance foyer; the symbol of the swearing of an oath, the whole truth and nothing but the truth. This is a symbol of justice; it is also polysemic in that it signifies other meanings in different contexts, such as 'stop' or 'no' or raising a hand for attention, in entreating, or as a sign of being unarmed. Both Stezaker

⁷⁶ Glancey, Jonathan. *Spirit of Adventure*, The Guardian, Monday 13 March 2006. <https://www.theguardian.com/artanddesign/2006/mar/13/architecture>

and Arnaud have appropriated a symbol of a ritual act into their work - the raising of the open palm, a symbol of justice within the context of a courtroom. Arnaud's work however is site specific to the courthouse and the giant hand on the floor is shown in isolation, reading the isolated gesture relies on its site specificity in the context of the courthouse. This relationship between the reading of the artwork and the site became particularly relevant to my research as touched on previously.

Examples of artworks commissioned for a courthouse in Italy in 2018, twenty years after Arnaud produced *Stories*, provided some answers to my questions relating to why contemporary artists may make the kinds of work they do in courthouse buildings. The answer in this particular case relates to a transparent stipulation by the Palazzo di Giustizia that 'moral value' should be attached to these artworks. The Palazzo di Giustizia, Florence's courthouse in Nevoli, announced a competition in 2017 for artists to make for the courthouse. Subsequently, unveiled in May 2018 were Shigeru Saito's *Prima del Tramonto*, Before Sunrise; Antonio Violetta's *Giustizia*; J by Sislej Xhafa; Virginia Zanetti's *Il cielo stellato sopra di me, la legge morale in me – the starry sky above me, the moral law in me*; and *Metabole* by Mauro Pace, Saverio Villirillo and Gregorio De Luca Comandini. The call for applications was made possible by the application of a law. Law 717/1949 requires that all public bodies undertaking the construction of new buildings set aside a percentage of the projected costs in order to furnish those buildings with artworks. Florence is ironically one of the few municipalities to have actually applied this law.⁷⁷ As stated in the contest

⁷⁷ Cochrane, Harry. *Art at the Courthouse, Winning Entries to Decorate Palazzo di Giustizia*, May 23 2018. <http://www.theflorentine.net/news/2018/05/artworks-unveiled-palazzo-di-giustizia/>

rules, the art must “promote and underline the importance in our society of values such as justice, respect, equality, impartiality, and the rights and duties of individual human beings”⁷⁸ The contrast with the approach by Ripon Museum Trust to their artist brief discussed earlier in this section, is stark. It is important to note here however that the court in Florence is a working courthouse and that Ripon Museums of Law and Order is an historic court, no longer in use but open to the public.

‘J’ by Sislef Xhafa (Figure 24) is a 14-meter high metal J shape, placed upside down in the earth outside at the front of the courthouse, is a reflection on balance. ‘It is the walking stick that supports us, that can also metaphorically beat us’. Three times a day water spurts out of jets at the bottom. Xhafa says that this represents a ‘biological need’ when you are afraid.⁷⁹ It could also be claimed to connote a buried question mark. Zanetti’s *The Starry Sky Above Me, the Moral Law Within Me*, (Figure 25) takes its title from an assertion in Kant’s critique of practical reason (1788).⁸⁰ It is located inside the courthouse in the main vestibule. A large arch, tall enough for a person to walk through and roughly three metres long, is made of extremely thin metal, pierced to allow light to penetrate through the holes across the entire surface. These holes present the form of Virgo and Libra, the constellations which are related to Astraea, the ancient Greek goddess of justice and innocence, a direct reference to ancient symbols of justice.

These two works typify the works exhibited at the courthouse and although informative and conceptually engaging they lack any critique or exposure of the

⁷⁸ *ibid.*

⁷⁹ Taddei, Antonio. 23 May 2018 Interview with Sislej Xhafa
http://www.gazzettinodelchianti.it/stampa-articolo.php?id_articolo=20516

⁸⁰ Kant, Immanuel. *Critique of Practical Reason*, (Createspace, 2012)

legal system itself as manifest in Young's body of work discussed in the previous section of this chapter. Perhaps the temperance in this regard in the permanent works in Palazzo di Giustizia is created by the site specificity of the working courthouse, and the moral crusade of the exultant and somewhat didactic brief, itself a product of the law it would seem. The law that stipulates new buildings set aside a percentage of the projected costs to furnish the buildings with artworks can in fact be applied to any building, not just a courthouse. It is the gravitas of the moral approach here that is equated with the ancient and the established and the courthouse site.

Examples of contemporary artworks globally exhibited within the *actual* courtroom itself are in fact few.⁸¹ One example of a courthouse outside the United States of America inviting commissions as far back as the 1970s is The High Court of Australia, Canberra that opened in 1975. In 1976 artists were invited to undertake commissions for the courthouse. The brief stated "The High Court will be a powerful and dominating structure, and must be considered one of the most important buildings in Canberra from all points of view. It is equally important that the art works which contribute towards the visual realisation of

⁸¹ *Justice and Peace* 1973 by Andre Hambourg in the Main Courtroom of the Court of Justice of the European Communities is a large-scale pictorial frieze painting above and behind the judges bench that shows justice dressed in white. There are occasions when architects, as opposed to artists, have made interventions in the actual courtroom. These are not labeled in this study as artworks because architects are building their concept into the materiality of the building's structure, into the design of the building. For example, in the Salle d'audience, Palais de Justice, Nantes in France, the architect Jean Nouvel, 2000, designed the courtroom interior of wood stained deep red. The examples of artworks given here are distinct from the architectural designs in that they respond to the site in most cases after it has been built and, also usually to the theme of justice. A further example is the "giant gold flower" in the interior of the Great Courtroom of the Court of Justice of the European Communities, Luxembourg, made from steel mesh. Designed by French architect Dominique Perrault it resembles a fine chainmail that glows gold.

what this building means to the people of Australia, should also be of the highest calibre".⁸² Like the Palazzo Di Gustizia in Italy, it too states that its artwork collection should reflect the traditions, symbolism and practice of the law. The conceptual restrictions and moral considerations when not showing in a working court of law, are perhaps not manifest outside that context, the work does not get pre-laden with a contemporary moral urgency or dominated by the importance of the building.

A theme present in Zanetti's European based work resonates with a work in the US at Longbeach Courthouse, California called *Murmuration* (2013) (Figure 26) This permanent installation by Jennifer Steinkamp, shows giant ostrich feathers in an electronic LED display, which float around on a large steel mesh inside the entrance to the courthouse. Elevated and spanning a height over two floors they are affixed to the side of the open plan mezzanines overlooking the foyer below. The feather is a reference to Maat the ancient Egyptian Goddess of justice, who has been depicted wearing an ostrich feather in her headband. Again, this is not a piece that challenges the law or justice, more a simple referent, evidence that these ancient symbols of justice permeate different continents and cultures. Steinkamp's *Murmuration* is just one example from many in the U.S.A. of an installation in a courthouse. There is a canon of contemporary artworks that centers on courthouses in the United States, some of which have been produced by familiar names, stalwarts of the international artistic community. This is pretty unsurprising. The judiciary theme is prominent in American society and seems omnipresent in everyday life there; television cameras inside the courtroom, a public consciousness which starts with formally

⁸² High Court of Australia, *Artworks of the High Court*
<http://www.hcourt.gov.au/artworks>

collectively pledging allegiance to justice in school, attorneys on museum boards of directors, a written constitution. All this amounts to a conscious capitalising on the symbolic order of justice by extending it beyond the courtroom. This is not to say that one is a direct product of the other but to contrast it with few examples of contemporary artists being commissioned to make work in courtrooms and courthouses in Britain (as outlined previously). In this respect it is less part of everyday life in the UK, this is not something the research addresses directly but I do ask the viewer to consider more what is going on in the law courts and what they have inherited in relation to the history of the law that still affects them today.

In downtown Los Angeles the Courthouse occupies a vast space on one side of the ten storey white marbled atrium. Catherine Opie's piece *Yosemite Falls* (2015) (Figure 27), the highest waterfall in Yosemite National Park is depicted in six enormous panels each hanging on a separate ascending floor. From specific vantage points they all seem to converge together. Opie saw the piece as a metaphor for the scales of justice, an image and its mirror, hanging in balance.⁸³ The mirror refers to the river at the base of the falls which is depicted in the lower three panels, in it the waterfall above is reflected upside down, "she thought of it as the midpoint, the fulcrum of the scales".⁸⁴ Opie states, "looking around at the courtrooms this is when one's life is turned upside down - when gravity changes".⁸⁵ *Yosemite Falls* is a pictorial work that initially has a less immediate link with justice. Opie's work is an example of an artist who is not

⁸³ Levy, Ariel *Catherine Opie All American Subversive*. The New Yorker. March 03 2017
<https://www.newyorker.com/magazine/2017/03/13/catherine-opie-all-american-subversive>

⁸⁴ *ibid*

⁸⁵ *ibid*

referring to established symbols of justice directly; she cites established symbols of justice as her referent. Opie's reference to an object of the law is incredibly obscure, whereas my reference is very much closer to a specific object of the law. Opie shows us an entirely different way of going about this, without reconfiguring the object. I kept some reference to the original object.

Another artist who avoids directly employing an established symbol of justice in the courthouse setting is Ellsworth Kelly. A large-scale, but abstract work this time, spans the height and width of a courthouse atrium. *The Boston Panels* (1998) at the John Joseph Moakley United States Courthouse, Boston Massachusetts are twenty-one aluminum and enamel plates, bright blue, green, yellow, orange and black, eleven by thirteen feet. Their abstraction avoids any symbolic representation of justice and does not didactically specify what it should look like. My work sits interestingly between artists that use direct symbolism and objects and those who use obscure references with little or no direct reference, this is what makes my work unique and able to contribute something new to the field.

In some contrast, Jenny Holzer's 2003 Installation for the Nantes Courthouse is a text based work. The yellow LED screens of text travel along the thin pillars of the concrete supports in the vestibules. The text conveys excerpts from legal writings ranging from "the code of Hammurabi (c.1760BC) to quotes from victims of the Rwandan genocide (1994)...Holzer included comments from an array that included Confucius, Plato, Aristotle...Voltaire...Simone de Beauvoir".⁸⁶ Although text based, there is direct reference to symbols of the law

⁸⁶ Resnik, Judith Curtis Dennis p205-206

and that difficult concept 'justice'. I carefully considered the use of text on *My Bloody Oar*; the quote from play and the poem on the panel. My use of text in relation to the court object, was less direct, a phrase from a sixteenth-century play that stated this silver oar should be made to 'blush in blood', the signifiers it was hoped would help *My Bloody Oar* stand alone as an artwork in its own right without its plinth.

Several of the artists' works I've outlined above, who work abstractly but still inside the courthouse environment are still placing work directly within the locus of the law. Like the majority of British artists discussed earlier in this chapter who work outside the courthouse, there are also artists in the global context who do the same. Like their British counterparts they reference the locus of the law in works presented outside the courthouse in interesting ways, but their work is not a courthouse commission.

Examples of this that I found particularly inspirational in relation to my own practice are artists whose work addresses performance in the locus of the law. These performances in the context of the law are seemingly very different to the type of performed rituals involving the silver oar, but I believe that there are interesting associations. Ilona Gaynor's work usually focuses on legal application and implication, philosophies of crime and forensic science and involves both the locus of the law and the operations of law. Situated outside the courtroom, but cited here in this study because it directly addresses the locus of the law, *Courtroom: A Film* (2014) by Gaynor, shows performances in courtrooms from popular cinema and television. It is compressed; momentary film stills flash quickly in one-second intervals from, including amongst many

others *House of Cards*, *The Sopranos*, *Good Will Hunting* and *The Shawshank Redemption*. Her work *Objection* shown at the Design Museum, London in 2014, presents model sets that consider the staging of the courtroom and the role of performance in the veracity of testimony. Dioramas show how a director may begin to film a case. On the same theme in another of Gaynor's works called *The Lawyer* (2014) (Figure 28), pictures of Adolf Hitler rehearsing his oratory in front of a mirror in 1925 informed a photographic piece shot in a Moot Court at University College London. It imagines a lawyer practising dramatic gesturing ahead of a trial.⁸⁷ Here the role of persuasive rhetoric is linked to human performance and its relation to the veracity of testament is questioned. Gaynor's *The Lawyer*, like Stezaker's collage *The Oath* (1978) is based inside an moot courtroom, a set. Gaynor presents us with the embodied legal performance, similar to Carey Young's *Uncertain Contract* (2008) where the actor animatedly orates a contract against a white background. Gaynor and Young's works both highlight the ambiguities and subjectivities in the law.

As I researched, something of importance emerged, an observation about performance, particularly in court, as a subject observed by other artists, whether involving an object, such as the silver oar, or a performed monologue address. The thing that links persuasive rhetoric, human performance and objects in a court is a somewhat veritable and venerable, integrity. The veracity of testimony and credibility of the legal case and its relationship to the legal surroundings and courtroom objects is evidenced by an experiment on law students in the U.S.A. who were sent to two different settings to hear a legal

⁸⁷ Mairs, Jessica *Ilona Gaynor designs staging for a hypothetical court case*, September 2014 <https://www.dezeen.com/2014/09/15/ilona-gaynor-designers-in-residence-london-design-museum-staging-hypothetical-court-case/>

case, a classroom and a formal courtroom with historic fittings and judges in regalia. They perceived justice was more likely to be done in the second setting. This is described in more detail and analysed in Chapter 4.

This research does not set out to prove that the ritual of the silver oar in court impacts on perceptions of justice being delivered, this could only be very subjective and difficult to achieve conclusively even in a study designed to do so. The point is that the performed object and performed rhetoric abound in the same legal space and sometimes together. I just want to indicate at this juncture that this overlaps with the ritual performance of the silver oar in court, and perhaps these things are not separable. The Silver oar is a performed object, and I'm outlining here a possible link between venerability and human performance in court. I am questioning whether it too could potentially project veritable integrity, similar to those supported by the U.S. study findings. This is not only the subject of academic study, and other artists than I have picked up upon a potential link between persuasive rhetoric and objects in the legal setting. According to Gaynor, persuasive rhetoric and performance are not just limited to testimony in court. Gaynor points to two types of persuasive rhetoric. Firstly, in *The Lawyer* it was through the human performance and in another piece *Under Black Carpets* (2013) it is in the presentation of the objects that represent evidentiary materials, the object as witness.

Gaynor viewing the object as 'persuasive rhetoric' and 'witness' relates directly to my work *My Bloody Oar*. *Under Black Carpets* (2013) saw Gaynor in the Los Angeles Police Department (LAPD) Police Academy working in collaboration with the New York FBI Department of Justice and the LAPD archival department.

Under Black Carpets presents a study of the forensic aesthetics of five simultaneous bank heists in downtown LA. The bank heists are meticulously deconstructed. A dense numerical index relates to each artefact individually numbered and pinpointed on a grid, purposively curated to be confusing and complex like a police investigation. The distorted and multiple perspectives arising from the visual presentation of forensic aesthetics are called into question. The aesthetic dimension in forensics she claims includes its means of presentation, the theatrics of its delivery and its form of image and gesture.⁸⁸ The display and reading of the forms of forensic evidence that can inform legal and political decisions include DNA samples, nanotechnology, enhanced vision of electromagnetic microscopes and satellite surveillance. From retinal scans, biological remains, landscape topographies, to the remnants of destroyed buildings, forensics Gaynor says is not only about diagnostics but also about the rhetoric of persuasion.⁸⁹ This posed interesting questions about the use of objects that represent historical events in the absence of evidentiary materials⁹⁰ by asking 'what if' the object was not a 'witness'? *My Bloody Oar* and indeed the Admiralty silver oar are not objects that represent evidentiary materials, but both it could be said are object as *witness*. In my work *Kiss the Wooden Lady* (2018), which is discussed in the following chapter 3, *My Bloody Oar* signified as a witness to historic impressment events and a deceased body and *Courting Power* (2018) and *Carry the Woman You Forgot* (2018), ask the audience to become witness to the public procession of the oar in the street.

⁸⁸ Gaynor, Ilona, http://www.ilonagaynor.co.uk/Under_Black_Carpets/

⁸⁹ *ibid*

⁹⁰ *ibid*

Gaynor addresses forensic evidence in the law and its refractions. This raises questions about the evidentiary object as witness. As described, it is this concept of object as witness that is also an additional link to the Admiralty silver oar and *My Bloody Oar*, the witness to historic events, the dead body and the processed oar. The work by Gaynor differs from *My Bloody Oar* in that it's about indexical signs, where the signifier is caused by the signified, a trace. The importance of including Gaynor's work here is to make the point that persuasive rhetoric is not just confined to human performance. Ultimately, Gaynor points out the complexity and multiple perspectives that may possibly arise as a result of the presentation of evidence, indicating the importance of questioning modes of presentation in forensic aesthetics because of their capacity to inform important political and legal decisions. There is a seriousness about the taxonomic presentation of objects that can have the capacity to inform decisions made in the law. The reconfiguration of the silver oar into *My Bloody Oar* does not highlight an issue of such gravity and responsibility but it does highlight the potential for an object to operate as a quite a powerful piece of persuasive rhetoric of its own if performed in a particular context, particularly if the evidence of the law student experiment is anything to go by.

2.4 Conclusion

I have found no other artist globally who is directly reconfiguring the historic courtroom object. However recent artwork made about the law, both in Britain and the wider global context, often make reference to established symbols of justice. It could be concluded this rather reductive point that suggests artists simply refer to established symbols of justice does not take into account some

complexities. One such complexity being that the underpinning concept of the law itself is nebulous, even beyond the symbolic, many legal theorists have wrestled to determine and define the concept of the law. In other words using symbols to describe an indeterminate concept beyond the symbolic is relevant in the context of asking what *My Bloody Oar* actually is. Is it a symbol, or a new legal instrument? The answer is I see it as both. I'd like to say it is solely a new legal instrument, and claim to have created a brand new object that transcends the symbolic, but it is inescapably symbolic of the silver oar, especially when it is in its legal and maritime contexts, as we will see in the next Chapter.

The field of artist working with the law and in particular the *locus* of the law, within or outside the courtroom, both commissioned or self-initiated, is very small. There are British artists working today with the subject of the law that, like me reference the body. I have found only one whose work involves sound. This will become relevant to the discussion on my work *Courting Power* (2018) in Chapter 5, which was a sound work. It is common for both British and global artists refer to established and in the main, easily recognisable symbols of justice in their work but none have reconfigured a specific court object. Statements issued by courthouses globally that commission works on site often reference the values of justice and human duty, attaching moral value to these instructions. This phenomenon of setting out criteria to fulfil when making commissioned work for the courthouse is not a blanket instruction, in every courthouse commission I could find in every culture in every country. But it is most evident in commissions for working courthouses that have a concern for how the work reflects the ongoing business of the courthouse. I found work made for this context less likely to be critical or profoundly questioning.

Comparing Ripon Museums' artist brief and Rooney's *Stolen Things* (2019) with the Palazzo di Giustizia's instructions and the artists' commissioned works. Both courts are different, one historic and the other operational today. Although Rooney's project had a commissioning brief, there were no instructions to reflect human duty in the same way as the Palazzo di Giustizia. This raises an interesting question in relation to the difference in moral value and duty required in artworks made for an historic courtroom and one in use. Certainly in my own practice where I was not working to a commission brief and worked only with historic courtrooms, I felt able to make work that critically engaged and seriously questioned aspects of the law.

The obligation for artists to uphold a moral approach through their artworks when commissioned for working courts imposes ideals that are wholly appropriate for the administration of justice and the upholding of justice by the public but are a subjective exercise on behalf of the commissioning bodies. As for answering *why* public art in the courthouse would convey moral value and for whom, the answer is to uphold the value system of the commissioners.

The oar is involved in ritual performance inside and outside the courtroom. There are few artists referring to human performance in court and I could find none apart from me referencing this topic through practice involving a courtroom object. Gaynor explores performance in *The Lawyer* and in my own work *My Bloody Oar* also involves human performance in the historic courthouse setting. As my research developed this aspect of performance began to emerge as a sub-theme. The first of the works in the trilogy in this PhD, *Kiss the Wooden*

Lady that took place at Trinity House Newcastle in May 2018 involved an element of performance with *My Bloody Oar*, but out of the courtroom context. An analysis of this work is presented next.

Chapter 3: Staging the Courtroom Object

The previous chapter provided a context of artists whose work addresses the locus of the law. It may then seem incongruous that the first of the three artworks to be presented in this thesis was shown *outside* the locus of the law. *Kiss the Wooden Lady* interrogated the symbolism of the silver oar and considered its representational and material significance in relation to maritime power and punishment practices. This exhibition staged the courtroom object at Trinity House, Newcastle for good reason; the admiralty silver oar, unlike any other court object has close associations with the maritime community. At this stage it was not known that the following two artworks would be shown in the courthouse and, by exploring the object in its wider context first before its legal one, resulted in an unforeseen, emergent research theme that informed the physical artwork. This emergent theme occurred as a result of historic archival research at Trinity House and addressed the woman's voice in relation to naval impressment and maritime power.

The centuries old practice of impressment or taking men into naval service by forced recruitment was at its height in the late eighteenth and early nineteenth centuries. The press gangs, ordered by the Admiralty, would search the local pubs for seamen in order to sustain the navy in times of war. Both experienced seamen and, less frequently, non-seamen, were seized against their will. They were taken to a 'rendezvous' where they were confined and ordered to join the Royal Navy, sometimes leaving wives and children behind.⁹¹ The research

⁹¹ Taylor, Mrs Margaret, *Letter to Mr Thomas Taylor*, August 18th 1809, Trinity House Newcastle Archive, un-catalogued.

discoveries made at Trinity House into the characters associated with the consequences of the oar's power, would shape the identity and gender of *My Bloody Oar* when it eventually moved into the legal setting in the second and third case studies. They also informed *My Bloody Oar* not just in terms of its new shape, size, material and the way it would be carried, but they revised the message it would carry for today's publics. This revised message was to expose the need for a new ritual in the law involving the silver oar by taking into account the woman's voice, the need arises because this has been forgotten over the centuries in relation to naval impressment. It did this by drawing attention to what this object of law really signifies and its hidden histories. It exposed the agency that such a courtroom object, and potentially others too can possess (with some revision), to convey powerful messages today in their contemporary contexts.

3.1 Kiss the Wooden Lady

On an evening in May 2018 a crowd began to arrive at the resplendent panelled boardroom in Trinity House on the Newcastle Quayside. Trinity House possesses a rich history traceable back some 600 years and is connected to the silver oar through their role as nautical assessors in the admiralty court for centuries, when they processed into court following the admiralty silver oar. It also holds a small wooden oar d.1605, which was placed before the bench whenever the historic admiralty court in Newcastle Guildhall was in session. The House holds artifacts that include an extraordinary private collection of paintings, ship models, books, furniture, nautical instruments and artefacts from around the world. Animals preserved in black tar hang from the ceiling in the entrance

hallway, cayman, lizards and turtle. I had used the image of a solid red door from outside at Trinity House in my experiments with creating an installation for the *Hair Oar* (2017) on the autopsy plinth, several months before. I had been told, and took with a caveat as I could find no evidence to prove it, that impressed men had once been held in the room behind this red door, now the conservator's office. Men once stayed here before being escorted to the waiting tender on the River Tyne the next morning. I should have liked the time to investigate this further but as it was, the story ignited my imagination and the door made its way as a projection into one of my experimental installations back in the studio (Figure 29).

In this installation entitled *Kiss the Wooden Lady*, the reconfigured Silver oar - *My Bloody Oar*, made of solid walnut, was presented on a white tiled plinth in the Trinity House Banqueting Hall that dated from 1721 (Figure 30). The white tiled plinth was the one I made modelled on the autopsy table seen at Saschenhausen concentration camp and discussed in the chapter 1. The same plinth had also provided the plinth for the *Hair Oar* (2017). It was positioned, in the centre of the rather luxurious banqueting hall adjacent to the Board Room where people were milling, awaiting the announcement that would invite them next door into the Hall for a performance. The exact format of the performance had so far, been kept from them. The plinth was staged in the middle of the room on the patterned carpet, which stretched to the edge of the large room and met the dark oak panelled walls covered with very large paintings of nautical endeavours. *My Bloody Oar* rested on top, lit from above by a chandelier that featured half naked female nautical figureheads bearing the light fittings. The work was starkly juxtaposed with its surroundings and proved a challenging

encounter amongst the historic artefacts and ceremonious surroundings. The lights were low, the blinds drawn over the long Georgian windows. The room was completely cleared, save for *My Bloody Oar* on its plinth, and three singers from a highly talented local folk band, *The Tea Cups* who were positioned around it ready to sing in harmony, unaccompanied (Figure 31). Working in collaboration with *The Tea Cups*, two traditional songs that tell of the woman's plight as a result of impressment, *Here's the Tender Coming* (Soundtrack 1) and *The Weary Cutters*, were especially re-composed for performance at the opening of the exhibition.

An image of a handwritten letter was also projected onto the plinth. This was material I discovered in the Trinity House archives; specifically letters from a Mrs Margaret Taylor to her impressed husband during 1809. A Northumberland family had donated this material to the House around three years previously and it had not been catalogued or seen in public before. Mrs Taylor herself did not write the letter, dated August 19th 1809, the writer is male and an addendum on the final page reads that the writer of the letter sends his best respects to Mr Taylor, but it is written, as Mrs Taylor would have dictated it, in the first person. In it she reassures her husband "not to fret so much as to hurt yourself" and that she had secured his release for the exchange of two seafaring men of whom she wrote "I have got them in your room, the last of them went on board the tender on Wednesday and Captain Charlton has approved both of them"⁹² (Figure 32). Mrs Taylor was subsequently successful with her bargaining, used as leverage in securing her husband's release from the navy. The projection of this elegant calligraphy wrapped around the solid, white tiled structure.

⁹² Taylor, Mrs. Margaret, *Letter to Mr. Thomas Taylor*, August 18th 1809, Trinity House Newcastle Archive, un-catalogued.

The theme of women and impressment was unexpected, emergent and evolved from the discovery of Mrs Taylor's letters. This led to a precursory contextual enquiry which discovered a paucity of analysis of women's representations, particularly in images of impressment and how these representations compare with women's first hand perspectives of impressment and eyewitness accounts of their resistance to the press gang. Mrs Taylor's actions were one form of resistance, though not a physical attempt at rescue or confrontation against the press gang themselves. Women's acts of resistance and some imagery is documented in literature but authors have not addressed this from an art historical perspective, or whether, how, or why particular femininities may be constructed in these images.

Images show women and the press gang (Gillray, 1779) (Figure 33). Yet, I had found un-catalogued archival material (1809), not seen by the public, which documents the entirety of a woman's successful fight for her impressed husband's release which included her letters to him at sea and the agreements made with admiralty to secure him. Eyewitness accounts describe acts of violence and cunning, women who threw stones and brickbats at the press gang are recorded at South Shields⁹³ and women in Cork dramatically staged a false wake to protect a man from the press gang (1813).⁹⁴ In Bristol (1759) a "good-looking woman waylaid the sentinel on the tender in King's Road while her companion cut through the gratings to the hold to release twenty impressed

⁹³ Barrow, T. *Press Gangs, Trafalgar Geordies and North Country Seamen of Nelson's Navy 1793-1815*, (North East England Press, 2005) p.37

⁹⁴ Adkins, R. Adkins L. p.42 *Pressed*, in *Jack Tar, the Extraordinary Lives of Ordinary Seamen in Nelson's Navy*, Abacus, 2009.

men”.⁹⁵ Images depict the mournful or masculinised and riotous woman, when comparatively more sophisticated resistance to impressment existed by complainants. A sailor could be arrested for debt over £20⁹⁶ and of habeas corpus protests filed in the last 4 decades of the 18th century,⁹⁷ half were created by sailors’ spouses and impressment was by far the largest constituency.⁹⁸ Mary Wollenstonecraft identified impressment among the wrongs of women, which inspired my public exhibition entitled *Carry the Woman you Forgot* (2018), the third in the trilogy of works.⁹⁹ There is certainly a lack of an art historical approach to the subject and more pertinent to this thesis, a lack of artistic engagement.

The thought that Mrs Taylor may have been one of these determined women who legally petitioned for their husband’s release gave rise to an inclination to include the woman’s voice in the work directly, so I decided to incorporate the letter in the work on the plinth. This theme would be developed on the oar itself in the subsequent works in the form of a poem I wrote inspired by her letters. Research was undertaken into a link between Mrs Margaret Taylor and a potential plea she may have made for her husband’s release in the Mayor and Burgesses court held in the Guildhall courtroom approximately a quarter of a mile away from Trinity House on the Quayside. The aim of this search was to try and provide a link between the archival research findings from Trinity House

⁹⁵ TNA, Adm 1/1490 (Brown) 12 May 1759, cited in Rodgers, N. *Resisting the Press Gang: Trends, Patterns, and Dynamics in The Press Gang*, (Continuum, 2007) p.41

⁹⁶ Ibid. Rodgers, N. *Impressment and the Law* p.32

⁹⁷ Brunsman, D. *The Evil Necessity, British Naval Impressment in the 18th Century Atlantic World*, (University of Virginia Press, 2013) p.193

⁹⁸ Land, I. *Women and Impressment, New Scholarship on the Press Gang*, June 2015 <http://porttowns.port.ac.uk/press-gang-1/> checked September 2019

⁹⁹ Brunsman, D. *The Evil Necessity, British Naval Impressment in the 18th Century Atlantic World*, (University of Virginia Press, 2013) p.136

and the Guildhall Court (the site of my next planned work called *Courting Power* (2018). Mrs Margaret and Mr Thomas Taylor had a child, which is stated in her letter to him. It may have been that the absence of the impressed breadwinner and to avoid Mrs Taylor and her child being foisted on the parish, provided enough of a case for Mr Taylor's release from impressment. It is also possible that perhaps this case might have been detected by a local poor law officer and escalated to Mayoral level. Unfortunately, I could find no evidence of such a case after consulting the Tyne and Wear Archives, law and order records of the alphabetical lists and entry books pertaining to the Mayor and Burgesses court. The court-book for the Mayor's court for the year 1809 when the letter was written was absent from the holdings. I reluctantly concluded after these searches that no evidence existed if such a case had ever been heard.

However, it turned out that the case of Mrs Taylor was a much more intriguing one than had previously been imagined. Thomas Taylor was baptized on 25th July 1784. His apprenticeship indenture is signed, sealed and delivered on 20th September 1798, for seven years. He was apprenticed to Robert Gothard, a ship builder. There is evidence in the literature on the history of impressment that ship's carpenters had protection from impressment, but it did not stop the press gangs from taking men, perhaps Mr Taylor did not have his papers with him that would have proved his status as apprentice.¹⁰⁰ A letter from the

¹⁰⁰ Barrow, Tony, *Trafalgar Geordies*, (North East England Press, 2005) 41-42. Barrow offers an account of injustice concerning John Babbington Stoddard. Barrow states that as an apprentice ships carpenter, (like Taylor) Stoddard was entitled to protection from impressment. Stoddard was forced to serve in the Navy and then released but was impressed again and in Jan 1804 writes to his Mother to inform her he "had the misfortune to be presst [sic] yesterday for want of my indentures for my servitude as a carpenter" p.41. He asks she sends indentures and a bond to secure his release. As soon as he stepped ashore the press gang chased him and shot him dead. Of note the coroners inquest said he

Admiralty Office dated 3rd August 1809 sets out release terms to Mrs Taylor, that she should deliver two seamen or four landsmen in exchange for Mr Taylor. So between 28th September 1798 and 3rd August 1809 when Mrs Taylor wrote her first letter, there is lack of evidence as to how he could still be apprenticed eleven years later when he was signed up for seven. There is a possibility he was impressed again by accident after already having served his designated time in service, the second page of her letter to him at sea refers to his impressment on 13th July (1809). This point is interesting because it may have contributed to Mrs Taylor's success in securing his release, he would have 'done his time' already. His release certificate dated 30th August 1809 states he served as carpenter's crew from 12th July until 30th August 1809 on board HMS Ajax. It describes him as being 5ft 8inches tall and of fair complexion. In an experiment in the studio I projected this certificate onto the tiled plinth, so it wrapped around the structure, and placed the *Hair Oar* (2017) on top. The reference to blonde hair resonated with the words and strengthened the bodily link (Figure 34).

There is a receipt for funds paid to the Admiralty for 5 pounds and 5 shillings dated December 18th 1809, afforded to Mrs Taylor and paid to Admiralty by a Mrs Rutherford. It reads for getting a grant from the Admiralty for his discharge on finding substitutes.¹⁰¹ It appears Mrs Taylor still had to comply with the Admiralty's terms to ensure his release. She may have been connected;

had 'lost his presence of mind and drowned' quoted in Barrow, Haswell, G.H. *The Maister: A Century of Tyneside Life*, Walter Scott (London, 1896) p.63. Stoddard was murdered after serving in the navy *and* being wrongfully impressed, demonstrable that there were also male victims of the press gang as well as the women they left behind.

¹⁰¹ Admiralty, *Receipt for 5 Pounds 5 Shillings*, December 18, 1809, Trinity House Archive, Newcastle

perhaps she worked in service and the letters were written for her. There is no available correspondence between Admiralty and Mrs Taylor which evidences dialogue in the agreement of terms for the exchange of two seamen or four landsmen and how this was settled upon, nor do we know how Mrs Taylor managed to find and persuade the two seamen she says she had in Mr Taylor's room waiting to board the tender.

Continuing my investigations in the archive I found another interesting event connected to this story that occurred on 10th February 1812; George Foster Esq Mayor makes Mr Thomas Taylor a Free Burgess of Newcastle Upon Tyne. It is also recorded that Thomas was carpenter of the Tyne of Newcastle on 16th April 1815. This hopefully would have afforded him further protection from impressment, though the Napoleonic wars for which men were fervently impressed around Britain, were coming to an end by November 1815. Most likely his status as a ships carpenter merited this confirmation. Further research into how many cases resulted in impressed husbands being returned to their petitioning wives might illuminate whether Mrs Taylor's case was unusual, but that topic however interesting was not the immediate focus of my PhD questions.

I have included these details of the circumstances surrounding Mr Taylor's impressment because although I discovered them quite late into the PhD they became an integral part of the research story and had an impact on the direction the research took.

The exact circumstances of Mr Taylor's seizure are not known, and this, along with Mrs. Taylor's and thousands of other women's anguish and petitions to the

power of Admiralty, I could only imagine. Mrs Taylor's letter exemplifies trauma. Trauma and its relation to the archival document is not a new area of exploration for artists and the topic is sometimes explored through the direct use of archival photograph in artworks. An example is highlighted by Okuwi Enwezor, who points to the archive as being emblematic of trauma in Andy Warhol's *Race Riot* (1963) (Figure 35). The work uses a newspaper archive image of racist white police officers as they set upon crowds with dogs, the photograph capturing the ensuing carnage. It is a media presentation of visual history where 'considerations of the relationship between documentary information converge with aspects of witnessing and collective memory'.¹⁰² Comparatively, in a second example, Enwezor introduces trauma in Felix Gonzalez-Torres's *Untitled (Death by Gun)* (1990) (Figure 36), a series of black and white photographs appropriated from Time magazine archives, showing the 464 corpses of gunshot victims in a one-week period in 1989. The images are printed on sheets and are stacked in columns many hundreds high, for viewers to take away. Enwezor's point is that *Race Riot* "represents the monumentalisation of the document as history painting and Gonzalez-Torres memorializes the victims as a token of remembrance and mourning".¹⁰³ This observation by Enwezor gives context to the significance of the inclusion of Mrs Taylor's letters in *Kiss the Wooden Lady*, about which there are, two comments to make. Firstly the archive exists between evidence and document, public memory and private history.¹⁰⁴ The trauma in Mrs. Taylor's document is not public, it was not visible to the public, it is and was, not part of everyday media spectacle as *Race Riot* or the public distribution of *Death by Gun*. The objective in *Kiss the Wooden Lady* was not to

¹⁰² Enwezor, Okuwi, *Archive Fever*, p.26

¹⁰³ *ibid* p.28

¹⁰⁴ *ibid* p.26

interrogate archival systems, structures or archival documents. It did however involve appropriating the archival document and interpreting it with the aim of generating a new message through the exploration of the historic event. Secondly and critically, this work is not just about ways of thinking through historical events; it is about giving rise to a new way of *doing* - experimenting with ways of revising the existing ritual involving the silver oar and the messages it sends to the public, all this stems from the archival document. The existing ritual of the silver oar is that it is processed into some courtrooms and displayed in them, specifically those which hold admiralty or mercantile sessions. In the main the general public are not aware of this today, although once, especially in the eighteenth-century it was a very recognisable symbol of Admiralty law and punishment. The artworks I make reintroduce this symbolic object of law to today's audiences. I use it and the historic sites that I place it within to inform the audience of the dark history of the laws past and to make links to the present, in particular generating questions about the inheritance of such courtroom rituals and their validity today.

The letters in the work were not originally intended to serve as a memorial to Mrs. Taylor, but given the context of the rather mournful singing, autopsy slab and the bodily oar upon it, it could easily be interpreted as such. In a different way to Gonzalez I used the document as a token of remembrance and mourning, however not in the monumental form as in *Death by Gun*. Paul Ricouer says the development of positivist history at the end of the 19th century and start of the 20th marked the triumph of the document over the monument. He makes this claim in the context that "In its epistemological naiveté, positivism has at least

preserved the significance of the document, namely, that it functions as a trace left by the past".¹⁰⁵ He goes on to say,

What makes a monument suspect, even though it is often found in situ, is its obvious finality, its commemoration of events that its contemporaries – especially the most powerful among them – judged being worth of being integrated into the collective memory. Conversely the document even though it is collected and not simply inherited, seems to possess an objectivity opposed to the intention of the monument, which is meant to be edifying [...] documents turn out to be no less instituted than monuments are and no less edifying as regards power and those in power.¹⁰⁶

The intention to include Mrs. Taylor's letters in *Kiss the Wooden Lady* was not to create and perpetuate collective memory as the monument might, according to Ricouer's description. The piece was also not compiled to evoke a shrine to Mrs. Taylor, like Susan Hiller's *Monument*, (Figure 37) that depicts 41 memorial plaques that commemorate men women and children who died performing acts of heroism. What it in fact does is add rupture and discontinuity to the existing stories and presentations of impressment, creating the incidence of interruptions in homogenous manifestations of a single mind or of a collective mentality about

¹⁰⁵ Ricouer, Paul. *Archives, Documents, Traces*, 1978. The Archive, Documents of Contemporary Art, Charles Merewether Ed, (London Whitechapel Gallery, Cambridge, Massachusetts, MIT Press, 2006) p.68

¹⁰⁶ *ibid.*

what it means.¹⁰⁷ This is not the way the theme of impressment has been presented often in literature and as far as can be ascertained, never in art practice, which mostly tends to focus on the male experience. I am applying an informed, but subjective decision-making process to the interpretation of the letters in this context.

A more contemporaneous approach was also taken to the subject of impressment, with thoughts of including some oral history accounts in the piece of work. Responding to the knowledge that a local Northumberland family had donated the archival material on Mrs Taylor's attempt to have her husband released from impressment, three years before I began working with the Trinity House archive, I became curious about the value that living communities place today on their identity as descendants of an impressed family. In order to try and find out I initiated a public call across the North East for descendants of impressed families to give oral histories of their family stories (Figure 38). Unexpected respondent numbers produced more evidence of the women's voice. The epistemological viability of third generation impressment stories was not a concern in this instance as the aim was to investigate the current descendants' ideas of their own identities in relation to their communities today. These responses were potentially to have been included in *Kiss the Wooden Lady* but ultimately time constraints did not permit the next stage of gathering interviews to be undertaken. The responses to the call have been collated and wait as a future project.

¹⁰⁷ Foucault, Michel. *The Archaeology of Knowledge*, (Oxford, Routledge Classics, 2007) p.68

3.2 Singing to the Oar

Together with the members of *The Tea Cups* (Kate Locksley, Rosie Calvert, Will Finn) I had discussed re-working some traditional local folk songs that related to the theme of women and impressment. There are established tunes specific to Newcastle, in particular North Shields, about which the members had some reticence about re-working because they had concerns of how this might be received locally. This was enlightening and demonstrated the esteem in which the local folk song heritage was held. These local songs are part of a wider, national heritage of traditional songs about the press gang. My research uncovered songs of national import from the eighteenth century. *True Blue* or *The Press Gang* for example told of the woman's plight at the removal of the breadwinner and that this was an injustice and an action not befitting a country in which freedom was revered - 'to be prest is not due a Briton whose bosom sweet liberty warms'.¹⁰⁸ We collaboratively decided to rework *Here's The Tender Coming* in a minor key (which was well received) (Soundtrack 2).

Traditional songs also played an important part in the work of British artist Paul Rooney at Ripon Museum of Law and Order courthouse. In *Stolen Things* (2019) the theme of liberty was also explored through music. In the following section I want to compare Rooney's *Stolen Things* to my *Kiss the Wooden Lady* in order to facilitate the description of some of the decisions I made in relation to the use of music in the work.

¹⁰⁸ *True Blue, or, the press gang, a favorite song*. [London?], [1790?]. Eighteenth Century Collections Online. Gale. Newcastle University. Checked 10 May 2019

Rooney's approach to the use of traditional music differs from mine. The sound piece developed for his work in Ripon incorporates contemporary pop diva phrasing alongside the historic tunes; the chords of Taylor Swift's song 'I Did Something Bad' combine with extracts from Jean Genet's novel *The Thief's Journal*. Although reworked in a minor key the traditional song *Here's The Tender Coming* I used for *Kiss the Wooden Lady* remained very true to the original.

I explored further the context of the original music within the work, how it would have sounded in the centuries to which it belonged. Writer Emily Cockayne considers music heard in the public spaces of urban England between the mid-sixteenth and mid-eighteenth centuries during which people were unwillingly subjected to music that was cacophonous in public spaces.¹⁰⁹ Both Rooney's and my artworks use discord but mine does this through the re-composition of the traditional folk tune, its dissonance and discord in the minor key. Rooney's is through the compilation of texturing the sounds of various genres of music together and by including shouting.

The contexts in which the music would have been sung originally and the contexts of both *Kiss the Wooden Lady* in Trinity House and *Stolen Things* in Ripon courtroom were very different. *Here's the Tender Coming* would have been sung in public spaces, inns, streets and in private homes. The voice of the convicted child in Rooney's piece is sung by a local girl and is the focal point for the composition. Her statements invoke shouts from the courtroom public gallery

¹⁰⁹ Cockayne, Emily. *Cacophony, or vile scrapers on vile instruments: bad music in early modern English Towns*, Urban History, 29, 1 (2002) Cambridge University Press, p.36

(voices provided by more museum volunteers). His contemporary pop diva phrasing and Victorian church singing (Highside Singers) “builds to a rowdy evocation of some liberatory mischief involving choir practice and a malfunctioning bellows organ”.¹¹⁰ Using the songs away from their traditional context affects both pieces rather differently.

The words of Rooney’s piece are spoken and sung by museum volunteers who recount their childhood memories and this resonates with the oral histories given by the descendants of impressed families, which was planned for *Kiss the Wooden Lady*. Rooney’s voices are recorded and mixed and emanate from a surround sound artwork that played from speakers on a loop in the space of the museum courtroom for several weeks. *Kiss the Wooden Lady* was a one-night only performance event. The three singers were physically present in the dim room, circling the ‘body’ of *My Bloody Oar* and singing directly to it. The scene echoed with a sense of formal ceremony and the reverberation of the singers’ voices could be felt by the audience. It created a hushed and strangely moving atmosphere. One regular visitor to Trinity House remarked to me on the evening of the performance that after hearing the anti-impressment songs sung with discord and dissonance meant that they would never look at the paintings of the sea battles that furnished the walls in the banqueting hall where they were performed, in the same way again. The context resonated with the words of the song, ‘Here’s the tender coming pressing all the men’, ‘Here’s the tender coming, full of men-o’-war’.

¹¹⁰ <https://www.visitharrogate.co.uk/events/stolen-things-by-artist-and-musician-paul-rooney-p1332701>

3.3 Naming the work

The phrase 'kiss the wooden lady' is taken from the name of a punishment administered on board ships where a sailor was tied facing the mast with his hands lashed, and kicked in the buttocks by passing crew.¹¹¹ This is a direct reference to punishment that was closely linked to the silver oar, the symbolism of Admiralty power, punishment practices, colonial ambition and ultimately, death, as explained in earlier chapters. This title was chosen because its ambiguity also conveys an invitation to imagine the oar as a body on the slab, the kiss, perhaps a parting gesture of separation between partners, a kiss given to the silenced lady cast behind after her husband's seizure and forced impressment. The gender of the ship's mast is given as female and in applying this title to the work; the 'wooden lady' in the form of *My Bloody Oar* becomes gendered. Whilst the punishment theme from which the phrase originally derives is one of transgression on board ships, the theme of the parting kiss in this instance is not. This 'punishment' kiss characterises power, namely the power of the masculine order of impressment. The act of impressment would have instigated the necessity of a parting kiss, if there were time; often these partings were violent and involved the forced taking of men from their homes, streets or inns.

In the artwork *Kiss the Wooden Lady, My Bloody Oar*, fashioned from walnut and placed upon the 'autopsy table' makes a strong reference to the dead body of the wooden lady. The kiss expresses boundaries and cultural barriers to the kissing of the corpse, or even administering the kiss of life at the time Mrs. Taylor's letters were written. The reviving kiss is celebrated in Western European

¹¹¹ Breverton, Terry, *Breverton's Nautical Curiosities, A Book of the Sea*, (London, Quercus, 2010) p.143

culture from the Greeks to the present day, performed “following violent or sudden accidents in scenarios that are invariably unexpected and unceremonious”.¹¹² The act of ‘kissing the wooden lady’ does not imply a lascivious kiss, either upon the ship’s mast or the ‘dead’ wooden lady. Kissing a deceased person while he or she was laid out before burial was a familiar ritual in the eighteenth century and in some cultures still today.¹¹³ In the eighteenth century the impropriety of kissing recently dead bodies, especially the kiss of life, was wrought with off-putting elements which particularly related to instances of drowning, such as detritus from the water and the state of the victim’s mouth then would have been rather nasty as a result of poor diet, bad breath, and missing or foul teeth. Giving the kiss of life on a drowned body is a link to the dangers of seafaring life, the theme of drowning at sea resonating especially amongst those who were not able seamen such as Mrs Taylor’s husband who was a ship’s carpenter. I did not witness anyone kiss *My Bloody Oar* on the evening of the exhibition, but many people spontaneously touched it gently as it lay on the slab, stroking it with tender curiosity as if it were an object of luxury or perhaps they imagined the mortal it represented. People also had to bend over the work in order to view the engravings on the handle, the poem, *The Message*, was not yet on the blade, this came later for the piece *Carry the Woman You Forgot*, discussed in Chapter 5.

The oar on its plinth in the banqueting hall of Trinity House and the performance of *Here’s the Tender Coming* were not the only elements of the exhibition. After the main performance in the banqueting hall, the singers moved throughout the

¹¹² Davidson, Luke, *The kiss of life in the eighteenth century: the fate of an ambiguous kiss*, in Karen Harvey, (Ed) *The Kiss in History*, (Manchester, Manchester University Press, 2005) p.100

¹¹³ Nyrop, Christopher, *The Kiss and its History*, (1901, London, 1968) p.98

whole building, the audience following in their wake moving slowly and settling in the Master's Room, a small but decadent library with floor to ceiling book shelves crammed with historic nautical reference books. Previously I had carefully selected objects from the Trinity House collections that I was permitted to display in public, and positioned them on a table in the centre of the room. The singers surrounded the table and began to sing the second of the re-composed songs *The Weary Cutters*.

One of the objects on display, as explained in Chapter 1, was a replica of a small wooden oar mace (1605), the symbol of the water bailiff and the Admiralty Court in Newcastle, the original being mounted on the far wall of the Banqueting Hall in a slender glass case. I also included an antique print of the Lord Mayor's barges gathered upon the River Tyne at the Quayside in 1901 (Figure 39) when the small oar mace was processed through Newcastle from the Town Hall to the awaiting barge on Ascension Day. Both of these objects resonate with power, procession and ceremony and bore sharp contrast to the singular voice in the original letters from Mrs. Taylor, which were also displayed on the central table alongside them.

3.4 Links to Newcastle Admiralty Court

I was able to find evidence that the 1605 oar in my installation at Trinity House, was the exact oar used in the Newcastle admiralty court in the Guildhall (Figure 40). It bears the same inscription, and provides a strong link between my work, the admiralty oar and the Guildhall courtroom 200 yards away. Mackenzie writing

in 1827 offers the exact description of the oar that is currently held in Trinity House, being that which was processed before the Mayor,

Admiral jurisdiction was granted by King John and confirmed by succeeding princes, to the Mayor and Burgesses of Newcastle.. Lord Howard, of Effingham, was admiral of this port and the river Tyne from 1522 to 1605, when he resigned it to the Mayor and Burgesses, with power to hold a court of admiralty, &c. Brand says “The oar that has been carried or placed before the Mayor, as an ensign of authority in this court of admiralty, and which, by the date it bears, evidently appears to have been made in consequence of the above grant, is still preserved in the archives of Newcastle Upon Tyne. On one side is painted the royal arms, with A. R.R. Ja 4. On the other those of the town, with A. Dni.1606”. This court is held before the Mayor, at such times as he choses to direct. His deputy, the water bailiff, gives notice of all injuries done to the river and the breed of salmon, that offenders may be punished according to law. In Grey’s time it was held every Monday in the afternoon. This is a court of record for inrolling of deeds and evidences.¹¹⁴

The Mayor and Burgesses court was also certainly held at the Newcastle Guildhall courtroom, Mackenzie says,

¹¹⁴ Mackenzie, E., *A descriptive and Historical Account of the Town and Country of Newcastle Upon Tyne Including the Borough of Gateshead*. Volume I. 1827 p.630

That the mayor and Burgesses of the aforesaid town, and their successors, shall and may forever have and hold one court of record in the Guildhall of the aforesaid town.¹¹⁵

There is clearly a link between the small oar mace at Trinity House and the Admiralty Court in the Guildhall Courthouse. It is unfortunate that no link could be found between Mrs. Taylor and the Guildhall Courtroom. However, given that the silver oar was a courtroom object, as was the purpose of *My Bloody Oar*, this had a bearing on my decision to explore the site and context of the Guildhall courtroom for my next artwork.

Long before *Courting Power* had been conceived (the second of the four artworks and the one that I had situated in the Guildhall Courtroom), I spent a considerable amount of time over several weeks undertaking a research project that explored the significance of the historic site of law to the reading of *My Bloody Oar*; placing it in various historic courtrooms and sites of law more generally. Before I set off around the UK I conducted some research and realised that not all historic courts were the same, there were also only a few to which I could gain access. This would have a bearing on choices I made in developing my ideas for *Courting Power* as I discovered more about the history of courtroom objects and architecture.

¹¹⁵ Ibid, p.628

3.5 4Courts

4Courts was the title I gave to the research that resulted in placing and photographically recording *My Bloody Oar* in four diverse UK courtrooms. This eventually became a piece of work in its own right, a photographic montage. I initially wanted to gain access to operational courts but on enquiry, each time this was not permitted for security reasons. Initial deflation was followed by the realization that this actually focused the study in the historic courtroom and emerging ideas that connected past to present began to develop in the work instead. I had to think more creatively about how to unite the historic courtroom object with present day public. The culmination of this was the public procession in *Carry the Woman you Forgot* (2018). This in fact turned out to be an opportunity at the public interface I would not necessarily have been afforded in a secure currently operational courthouse. In fact it demonstrated, as will be explained in more detail later in Chapter 5, that the public responds quite differently to a courtroom object presented in a historic courthouse to when it is displayed in the street.

At the very beginning of what became dubbed 'the oar tour' I approached several historic courtrooms with public access to request that I take *My Bloody Oar*, some lighting and photographic equipment, into these spaces for a few hours to document the oar on the judge's bench in each venue. The courts I was kindly granted permission to shoot in were Ripon Museum of Law and order (1830), Knaresborough Castle Courthouse (14th century), Sir Walter Scott's courtroom Selkirk (1803), Scotland, and most recently access to the Guildhall courtroom, Newcastle (1656). These courts range from the Tudor period to the

early 19th century (Figures 41a, 41b). Each museum presented their court very differently. Some contained mannequins and text narratives displayed for the public. The two older courts at Newcastle Guildhall (closed to the public) and Knaresborough, had relatively little information. As I worked at each venue, the evolution of court processes and court architecture over the centuries became apparent. The Guildhall courtroom (1656) had barbs around the defendant's box and manacles affixed to the seating in there. However by 1830 in Ripon the defendants box had a cover to protect them from the pelting they received with objects from the public gallery. The space for the jury increased over time also.

My Bloody Oar was placed on the judge's bench in Ripon and Selkirk and on the clerks' benches at Knaresborough and the Guildhall. It was hard to imagine that in the court at Knaresborough, hearings had been held there for 600 years up until the 1970s. The court was exceptionally small, housed in one space approximately 9 by 5 meters. The area for those in attendance was situated on three shallow benches that shared the clerk's bench. The space between these benches and the table was so small I could barely fit around the table to position the oar on it. I had been given permission to do as I wished, so I took off my shoes and in my socks climbed up onto the judge's bench, which was literally one thick giant slab of oak, almost black with age that ran the width of the little courtroom. I could see the prisoner's trap door at the back of the room, which led to the cells via stairs below. I positioned and then spot lit my oar on the table and began shooting amidst many enquiries from a curious public who wanted to know about the object, not the court!

The aim in reviewing the oar in a courtroom context was to allow emergent thinking to occur during the procedure and afterwards when seeing the completed images produced as a framed photographic montage. I had not created a facsimile of a silver oar and was not attempting to assimilate 'what it really would have looked like' historically - this was not a re-enactment. They were not maritime courts, these are few in number and the only one known to me at the time was the admiralty court in the Rolls Building in London, which is still operational. However this did not matter for the purposes of placing the over-sized cumbersome body-like object in its legal context. Once I was satisfied I had enough practice of seeing *My Bloody Oar* within the context of a real historical legal context, I concluded I had exhausted touring the oar. Taking my oar to numerous additional courts, although extremely interesting, would not serve a useful purpose in the context of the overall research. The experience had taught me that *My Bloody Oar* in some ways sat comfortably within these contexts, the materiality of the dark walnut blending with the wooden panelling and oak tables in these rooms. Visitors who saw it in situ whilst I was taking photographs were intrigued and seemed to pick up on the tension between it appearing to belong and yet being incongruous. Placing *My Bloody Oar* on the Judge's bench altered its sense of power. It still I thought, strangely, had a reference to the body when no longer on the autopsy table. It reverted to being a symbol of law, but the body of the law. It was still imposing, cumbersome and the length of a body, oddly outsized on the bench and this did not change depending on the court in which it was placed.

I then became interested in further questioning this relationship between *My Bloody Oar* and the context in which it was situated. I needed to test how the

context altered the way in which it was read, and how it functioned, how it behaved outside its historic legal context. I stepped back from the historic courtroom and headed to an unlikely contemporary venue, Newcastle United football ground, St James Park. St James Park is not wholly unconnected with the gallows site. The Gallowgate End of the stadium was once the site of public hangings. Although I wanted to test the oar outside the historic courtroom I still wanted a site that held some reference to the law. I arrived at the stadium with the oar and photographed it at the Gallowgate End outside the venue, propped up vertically with the blade on the floor (Figure 42). Thoughts of requesting to take it onto the pitch and photograph it in the goal were tempting, better still on a match day. Unfortunately this project occurred out of the football season so I had to settle with puzzled passers-by as they moved past the oar, instead of the exposed bums of fans I had imagined flanking the oar after emerging from the bar in the grounds. The oar was dwarfed by the imposing modern architecture and signage of the stadium in contrast to the dominant presence it had been upon the judge's benches in the small courtrooms I had visited. The powerful agent seemed stripped of its dominance in this modern setting; the signifiers conveyed by the contemporary stadium signage too obscure to make a link to a gallows site. It had looked comedic amongst the mannequins in two of the courtroom settings but juxtaposed against a side door entrance to the stadium it seemed shrunken. It did however at the same time appear glorious in its lustrous finish, its materiality giving the game away - it did not belong there but somewhere more orderly and old.

4Courts and the archival research linking Trinity House to the Guildhall Courtroom in Newcastle, led to the decision to investigate the legal space itself,

without the inclusion of *My Bloody Oar*. I wanted to investigate what role the courtroom played in the rituals that took place there. The sound based artwork *Courting Power* (2018) was situated within the historic legal setting of the Guildhall Courtroom. This work bridged the transition from a site associated with the silver oar in Trinity House, to a site of the law.

3.6 Conclusion

The silver oar is still seen in courtroom ceremony today, *Kiss the Wooden Lady* informed the viewer of the history represented by the object and asked them not to forget. The installation was not specifically about the locus of law but it gave rise to archival research findings that further politicised the oar with the woman's voice. Further politicised because it was already altered in size and shape, making reference to the body and included text of the dissenting voice in the form of the lines of Heywood's 1639 play 'to make this silver oar blush with blood'. The links that emerged between Trinity House and the Guildhall courtroom, through the small oar mace at Trinity House (1606) and the admiralty court held at Guildhall, and searches for Mrs. Taylor's potential hearing there, paved the way for the next case study *Courting Power* (2018), a site-specific work made for the Guildhall courtroom. At this stage of the PhD research, the focus shifted to the legal setting. Findings from archival research about the darker history of the admiralty silver oar and what it symbolized for some families, began to prompt questions about what the object symbolizes today in courtroom rituals in which it plays a role. Is it still the symbol of warning, bereavement and mortality it once was?

The move to court shifted the focus towards examining the construction of power and governance in its architectural environment. The laws and rituals associated with the oar are extensions of the spaces it occupies; therefore, one cannot be explored without the other. I felt the research findings of *Kiss the Wooden Lady* exposed the need for new ritual involving this object and the place to start exploring this was an actual courtroom.

In the next chapter I move into the courtroom space to explore these ideas, specifically how the architecture of the courtroom and a historic court case became the drivers of the next case study, *Courting Power*.

Chapter 4: Courting Power

In Courting Power (2018) (Video 1) I explored how the acoustics and architecture of the unique seventeenth century courtroom at the Guildhall, Newcastle upon Tyne silenced or facilitated the voices of those involved in its judicial processes. Artistic and scientific approaches were employed in the investigation of the Guildhall court's rich acoustic history and historic archival documents dating from 1656 that discuss the acoustic dynamics of the courtroom also informed this site-specific sound artwork, installed in the court itself. The findings of the data collection on the acoustics in the court and how they relate to projections of the human voice may potentially have a bearing on power dynamics and performances in the court. A soundscape was built around the data collected on the court acoustics along with additional field recordings; these were all explored through the lens of an historic case heard in the court that specifically relates to the acoustics.

The installation explored the legal environment associated with the oar mace because, as concluded at the end of the last chapter, the ritual associated with this object is a powerful extension of the spaces it occupies; therefore one cannot be explored without the other. Without investigating the constructions of power that surround the oar in court, it would be impossible to fully understand the authority of the oar. Developments in courtroom architecture, types of building and the legal profession itself have evolved over the centuries¹¹⁶ yet ritual in the courtroom involving the silver oar appears to have remained the

¹¹⁶ Graham, Clare *Ordering Law, The Architectural and Social History of the English Law Court to 1914*, see Chapter 4 *Pressure and Change* (Ashgate, 2003) 115-156

same.¹¹⁷ I examined examples of courtroom rituals from history that involve objects, some of which no longer exist today, but they give context to the ritual of the silver oar in the court. This is key to isolating the silver oar within this group, as a tool through which to explore public perceptions of ritual in court today. First the Guildhall Courtroom and its rich history is introduced and evidence of the breadth of courts held there over the centuries gives the first indication of its link to Admiralty.

4.1 Courting Power

Courting Power was a dynamic sound work that brought 473 people to the Guildhall courtroom in Newcastle quayside. The courtroom is an imposing spectacle located on the first floor of the Guildhall building, a quarter of a mile away from Trinity House. On entering the courtroom for the first time, it is something to behold. Many members of the public would not have seen the court prior to the exhibition, as it remains closed. In a 90ft long room the court fittings are situated at the west end, the floor of the long hall is covered with

¹¹⁷ Sugarman, D. and Pue, W., Eds, *Lawyers and Vampires: Cultural Histories of Legal Professions*, David Lemmings *Ritual, Majesty and Mystery: Collective Life and Culture among English Barristers, Serjeants, and Judges c1500 – c.1830*, 26. Lemmings highlights an historical challenge to the symbolic representations of power and order within the legal profession, a paradigm shift in the position of those who are actually performing in the courtroom space. After c.1560 with a growth in litigation, he says lawyers transformed from their membership of ‘guild-like institutions’ to a larger collection of ‘individuals locked in unregulated competition for advantage’. Of import to this study he notes that “in these circumstances it is interesting that their traditional communal rituals became progressively discordant and divisive, as the winners – a new bar elite of crown counsel and law officers – challenged symbolic representations of the old order and affirmed their superior status over the ordinary barristers and serjeants”, p. 26.

black and white chequered marble paving, foot-worn and shining from over 450 years of tread (Figure 43). John Trollope designed the courtroom in 1655-1658.¹¹⁸ Commentators throughout the court's existence have commented on its exuberance and stately, enduring presence. Bourne describes it in 1736,

This building, as to its Form and Model, is of great Beauty, and withal very sumptuous. That Part of it, which is the Court itself, is a very stately Hall whose lofty Cieling [sic] is adorn'd with various Painting, and its floor laid with checker'd Marble. On the east end of it is a Dial, and the Entrance into the Merchant's Court. On the west are the Benches, where the Magistrates sit, raised considerably above the floor of the court, above which are the pictures of King Charles II and King James II, large as life. On the North a gallery for spectators; and on the South the Windows, which are very pretty, particularly that Window which is a Katherine-wheel, [sic] in which is a large Sun-dial of painted Glass, with this Motto, Ebeu Fugaces! Under this is a large balcony, which overlooks the River. Here it is that the Mayor and Sheriff keep their Courts, and the judges at Lammas hold the Assize. Here is kept the Guilds, the Court of Admiralty, &c.¹¹⁹

The court is little changed except for the paintings, which have gone, along with the window of painted glass. The supporting beams for the court

¹¹⁸ Faulkner, Thomas, Beacock, Peter, Jones, Paul. *Newcastle and Gateshead: Architecture and Heritage* (City of Newcastle upon Tyne, Tyne Bridge Publishing, 2014) p.34

¹¹⁹ Bourne, Rev. H., *History of Newcastle upon Tyne*, Chapter X, of the Lower Parts of the Town, (1736) p.125

furnishings are out of sight beneath some later Victorian fittings, but they appear original. The ceiling is hammer-beam and the coats of arms of the various Guild trades are affixed to them as depicted in (VIDEO 1). Mackenzie's *Descriptive Account of Newcastle* in 1827 says that the benches in the Court had just been recently enlarged. This would date the existing benches, or perhaps part of them, to the reign of George IV. In Mackenzie's commentary of the Guildhall Court in 1827 he observes the interior of the room has undergone few alterations, save the recent enlargement of the Benches in the court. He too also refers to the adjacent room to the Guildhall, as the Merchant's Court,

The Guildhall is a noble room 92 feet long and 30 feet broad. The ceiling is adorned with various paintings, and the floor laid with chequered marble....The Guildhall, as before observed is a spacious and magnificent court. The interior has undergone few alterations. The benches at the west end are considerably raised above the floor and have been recently enlarged. Here the assizes, quarter sessions, courts of requests, sheriffs courts &c. are held.¹²⁰

In the defendant's box today there remain two sets of iron restraining manacles and the iron barbs on top of the defendant box could intimidate even a visitor to an art installation. Fortification of the dock first became a common feature of courts in the Victorian era, nineteenth century debate focused on issues of

¹²⁰ Mackenzie, E. *A descriptive and Historical Account of the Town and Country of Newcastle Upon Tyne Including the Borough of Gateshead*. Volume I. (1827) p. 216

incarceration when there was a shift to the isolation of the defendant in an increasingly fortified dock.¹²¹

Formerly, I was looking for evidence of links to Trinity House, now the objective was to affirm links to the Admiralty and there is certainly evidence of Admiralty activity in Newcastle. There is one sole surviving court book in the Admiralty court records in Tyne and Wear Archives covering 1664 -1748. This court was re-signed to the Mayor and Burgesses in 1605 by Lord Effingham, Admiral to Newcastle Port and the River Tyne 1522-1605. This court it seems was never formally abolished. Both the Admiralty Court and the Mayor and Burgesses courts come under Newcastle Borough Courts in the TWA catalogue of Law and Order and this Admiralty court was held by the Mayor. In researching evidence of maritime links to the Guildhall Court, for the purposes of my sound installation, I found three. First, the Admiralty Court was held in the courtroom of the Guildhall, there is evidence from Bourne who describes the Guildhall in his account given above and other writers of the history of Newcastle. The Admiral to Newcastle port handed over the admiralty court to the Mayor and the guildhall was certainly the mayor's courtroom. Second, the Guildhall court was host to the Assize court sessions; the Assizes were the only courts that could deal with offences that carried the death penalty or transportation for life. The latter links to shipping and the river, though there is no evidence that even given the court's proximity to the Tyne, condemned offenders would have been brought out and transported direct aboard waiting ships but transport sentences were certainly commuted in this court as we shall see in this case study. On further investigation underneath the court fittings with an archaeologist we found

¹²¹ Mulcahy, Linda. *Legal Architecture: Justice, due process and the place of law*. (Routledge, 2011) p.68

no evidence of any stairs linking the defendant dock to the floor below or to outside. Thirdly the merchants or those who made their living by shipping were operating out of the Merchant's hall, the room at the end of the east wing, indicating that the building was used for all business connected with shipping. Architect John Dobson refurbished the Merchant Adventurers Hall in the 1820s, the panelled room at the east end of the Court Room. The Guildhall courtroom and the Merchant Adventurer's Hall were extremely decadent venues hosting a diverse range of activity over time. It was an exciting choice of venue to work with and appropriate in light of the developing connections uncovered by my research.

After these affirming discoveries I was astounded to find a paper dated 1656, given to the common council of Newcastle by John Trollope, the designer himself. In this paper he sets out his points about the courtroom acoustics, and this paper was to shape the next decision I would take with regard to how approach working with the space. On 29 December 1656 Trollope presented his paper that considered the practical elements of his new courtroom design, including his views on the acoustics of the courtroom. In the minute book of the Common Council of the same date there are listed 10 points he made relating to this subject.¹²² In particular,

7. Seventhly whether your worships will have all the court paved with black and white marble or no. If we board it, your worships will never

¹²² *Common Council Books 1650-1655*, Tyne and Wear Archives, MD/NC/2/2. p.390-391

hear one another speak, or be quiet for of the noise people will make.¹²³

Fig. 44. Redacted due to copyright

The materiality of the courtroom was being considered at its inception in terms of the impact it would have on the court proceedings over four centuries ago. I decided to conduct an experiment with modern technology to see whether the courtroom acoustics today were any different to how they may have been then, given the few changes undergone in the architecture of the room. This development informed the artwork and furthered the desire to explore whether or how the courtroom architecture and acoustics may have silenced or facilitated the voices of those involved in its judicial processes.

As part of this experiment, I worked with Apex Acoustics of Gateshead to produce Speech Transmission Index measurements, or how far the human voice travels and how loudly, which were taken in the Guildhall courtroom using combinations from almost all possible variable combinations of the areas around the court. For example, the judges bench was used as the source position for the sound emission, which was then sent to each and every possible receiver position in the court, e.g. judges bench to the defendant's cell; judges bench to

¹²³ Ibid p.391

the grand jury, etc., the locations of all the court areas are as illustrated in *Fig 44*.¹²⁴ The reason not all variables were measured was due to the inaccessibility of certain areas of the court on the grounds they were not structurally sound, for example the elevated jury stand seen on the left of the courtroom was not safe to ascend.

The measurements were taken with a normal level of background noise and the speaker with a normal voice level. The STI levels for these coordinates were measured in both the male and the female normal voice. Eleven sound receiver combinations were measured. In each combination of variables, there was only one discrepancy between the male and the female voice projection and that was between the judge's bench (A) and the grand jury (D), where the male normal voice was found to be Bad, at 0.28 and the female normal voice was found to be Poor at 0.30. All other numerical outputs in the combinations of source and receiver, although not the same, fell in the same designated labeled bracket for both the male and the female voices i.e. bad, poor, fair, good excellent for each pairing. Only two measurements were rated Excellent or Good. In both of these the sound source was the defendant's stand (B), with the defendant's stand to the Counsel (E) measured at Excellent, and the defendant stand to the judge's bench (A) at Good.

¹²⁴ Apex Acoustics of Gateshead were appointed to undertake data collection of the speech transmission index readings from within the courtroom (STI). The STI simply measures the speech quality of an individual against a designated scale from 0 to 1, which is recognized as the international standard for measuring STIs, shown in *Appendix I*. Each STI numerical value within that range in the designated table is assigned a category by the IEC: bad, poor, fair, good, excellent. *Appendix II* shows the nominated optimal range for courtrooms to achieve, which is between 0.66 and 0.74, where complex messages and unfamiliar words need to be clearly audible and the STI needs to offer high speech intelligibility.

As well as working with the acoustics company, I collaborated with an archaeo-acoustic archaeologist Gianluca Foschi with whom I developed scans of the courtroom and also underneath the courtroom fittings to reveal the supporting beams.

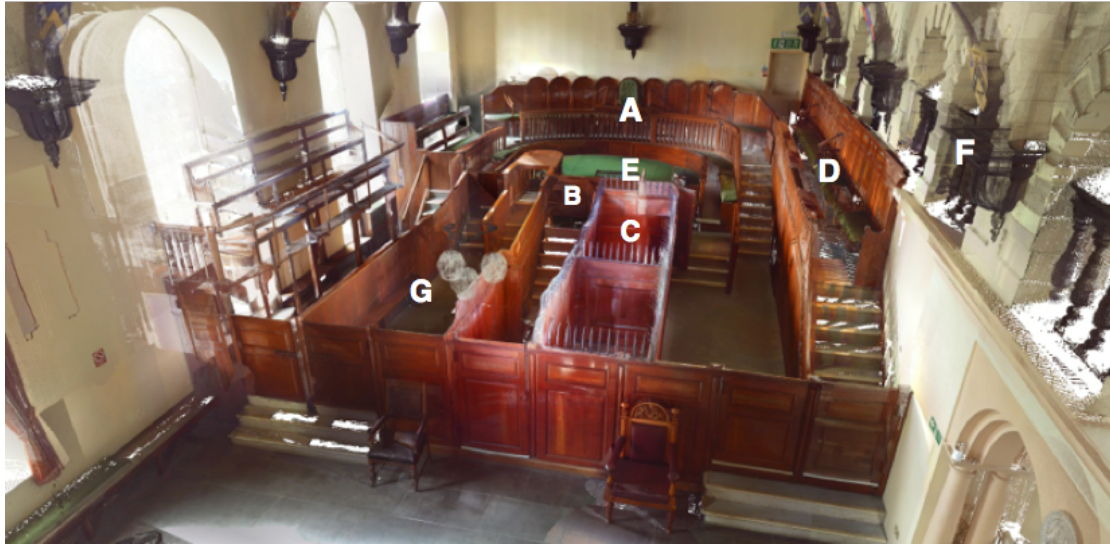


Fig. 45

A – Judge's Bench

B – Defendant Stand

C – Defendant Cell

D – Grand Jury

E – Counsel

F - Public Gallery

G – Witness Box

H – Floor of the Hall (a few meters back)

I – Floor of the Hall (middle)

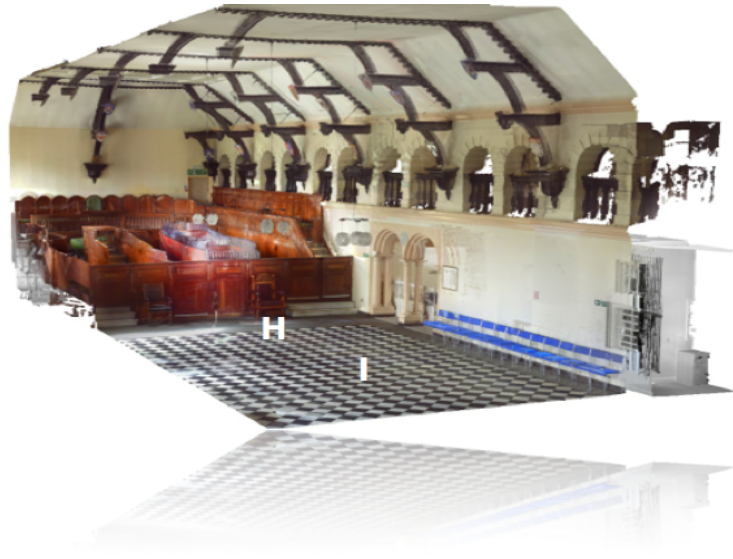


Fig. 46

At the same time as collecting this data I researched an historic case heard in this same courtroom, on which I based the final sound work. I was specifically looking to find a case that somehow related to the acoustics in court. I was astonished by finding the original acoustic documents for the court, but even more so when I managed to find in the Tyne and Wear Archives a case that did in fact relate exactly to the Guildhall court's acoustics. This was not an admiralty hearing, for those that were heard in the Newcastle Admiralty court sessions were seemingly more concerned with warrants to arrest ships. But it is a case that relates to the river and shipping in its broadest sense, the case of Margaret Hebborn who on 30th July 1834 was tried in the quarter sessions and sentenced to transportation to Van Diemen's Land (Tasmania) for 14 years for receiving a silver watch.¹²⁵ Margaret was born in Stockton on Tees in 1813; she was 21 years old when she was convicted. Her trade is given as a farm servant and she is described as stout made, black hair with a small scar on her left

¹²⁵ Newcastle Journal, Saturday 02 August 1834. Newcastle Courant, Saturday 09 August 1834

eyebrow, her visage large, oval.¹²⁶ The local newspaper reported Margaret as screaming loudly from the defendant's dock upon hearing her sentence, the scream permeating the compartmentalised acoustic boundaries of the courtroom. The report read "another scene of screaming commenced on the part of Hebbbron but her companion stood as firm and unmoved as the Rock of Gibraltar".¹²⁷

I had the findings of the acoustic dynamics in the space, the historic case of Margaret Hebbbron, the original acoustic commentary from 1656 and almost unlimited access to this unique courtroom. The challenge was how to make this material inform a sound-work.

The sound scape composed for *Courting Power* was eventually composed of field recordings, spoken word and data informed sound synthesis, developed in collaboration with sound artist, Tim Shaw. The field recordings comprised underwater recordings in the River Tyne from Mill Dam in South Shields, where the convict ship museum *Success* was moored at the end of the 19th century. Using two underwater microphones (hydrophones) placed in the river, audio recordings were made of boats passing, aquatic life and local fishermen casting hooks into the water. This explored the link between Margaret Hebbbron and her transportation sentence and linked the court to the river, which can be seen directly outside the courtroom. It was completely contradictory to walk into a reverent historic legal space and hear the sound of water, discernible as running water at some points and as abstract as nervous guts churning at others.

¹²⁶ Archives Office of Tasmania, digitised record Item: CON19-1-14CON19-1-

¹²⁷ Newcastle Journal, Saturday 02 August 1834

Margaret was sent aboard the ship *New Grove*, and departed from London in November 1834 and on 27th March 1835 she arrived in Van Dieman's Land.¹²⁸

During research to look for the *New Grove* I found something interesting that related to convict transport. The prison museum ship *Success* was moored at Mill Dam. A photograph of a poster on the side of a building in the street called *The Side* which still exists today next to Newcastle Castle, the poster advertises the travelling convict ship museum 'Success', Moored at Mill Dam, South Shields.¹²⁹ The photo would have been taken in the late 19th century as she toured Britain between 1895 -1912, the picture after 1903 (Milburn House shown in the image on the opposite side of the street was built in 1903). *Success* was an immigration vessel and was once was a naval hulk and a prison hulk (as opposed to prison transport). Despite some records suggesting otherwise, the museum showcased the *Success's* supposed connection to Australia convict transportation and hulk history. On board there were displays of largely contrived assemblages of material culture. A postcard that could be purchased on a visit to the ship shows instruments of punishment with no convict ship heritage, the scavenger's daughter and the iron maiden, punishment devices that are interestingly labeled female. The *Success* museum was a combination of fact and fiction; she sunk in Ohio in 1946.¹³⁰

¹²⁸ *The Digital Panopticon* Search Builder; (https://www.digitalpanopticon.org/search?e0.type.t.t=root&e0._all.s.s=Margaret%20hebbbron) Version 1.1. Checked May 17th 2019.

¹²⁹ *The Side*, Newcastle City Libraries, photograph accession number 003812

¹³⁰ *Mabel and Fatty Viewing the World's Fair at San Francisco Cal.* United States: Mutual Films, 1915; United States: Blackhawk Films. <https://www.loc.gov/item/00694430> at 10minutes 19 seconds. A silent film from the Library of Congress US shows the actor Fatty Arbuckle and his wife Mabel aboard the *Success* at the San Francisco World Fair in 1915 The actor certainly hammed up his performance, whilst a man in a Captain's uniform guides them around the macabre torture instruments.

The spoken word recordings included 'Blush with blood' whispered by multiple voices. Blush with blood is the line engraved on the stock of *My Bloody Oar*, taken from the 1639 play *Fortune by Land and Sea*, representing the dissenting voice of the pirate pending his public hanging. Also recordings were made of the whispered '*another scene of screaming*', as suggested in the newspaper report. This screaming effect was also represented by the occasional siren that can be heard during the section of the sound work played from the dock, and is informed by acoustic analysis of the projection for a woman's voice from that exact spot.

These voices were layered and mixed into the soundscape at various moments over the twenty-minute looped recording. An intermittent, dissonant, and ambient sound was introduced underneath all the other sounds in the form of pink noise. Pink noise is a frequency that sounds rather like TV snow when the picture disappears. Apex Acoustics played it into the space so we could measure all sounds we picked up in the space against it as benchmark. At the end of the piece a gavel sounds as loudly as possible from a speaker positioned below the court furnishings, vibrating them and permeating the quiet consternation of visitors standing on the fittings above. It is thought that judges did not have gavels in Britain at this time but I wanted to include it as an alert that the sound piece was changing and to command the listeners' attention. The rhythmic tapping is similar to other social situations, the chiming of a glass several times before a wedding speech for example. A complex drone texture added sonic diversity when played alongside the field recordings and spoken accounts. This drone sound was constant through the piece and was made by

taking frequency readings of diverse sound material that was played into the space. The upper frequency for the pitch of a woman's voice and the lower frequency were droned together and played from the defendant's dock. During the exhibition the sound was diffused through five loudspeakers, four of the speakers were placed in each corner of the courtroom giving a good spread across the space. The other speaker was placed in the defendants box to give spatial dynamism for certain elements of the composition. The piece was played back from a laptop using a multi-channel audio interface to address the five loudspeakers throughout the 90ft-marbled room (Soundtrack 2). The whole soundscape presented the listener with both abstract cacophony and discernible sounds. The wooden hammer-beam ceiling of the court resembled a ship's timbers and the sound of gurgling water from Mill Dam had a coincidental resonance with the architecture.

My research demonstrates how acoustics within the courtroom possess the potential to have a bearing on power dynamics; after all what is performance without efficient acoustics in court? This is a fascinating area; some courtroom acoustics are reportedly terrible

...difficulties of hearing are endemic to magistrates' courts, at one court where microphones are used they distort voices so badly that most people in the courtroom laughingly wince when they are turned on. The placing and spacing of people within the courtroom is a further cause of the series of "pardons" and

“blank stares” which characterize and punctuate judicial proceedings.¹³¹

Carlen adds that distances from bench to dock vary from court to court but in all courts such distances are certainly greater than those usually and voluntarily chosen for the disclosure of intimate details. James Parker states the importance of acoustics in his extraordinary book that examines the trial of Simon Bikindi who stood trial between 2006 and 2008 accused of inciting genocide in Rwanda through his music. Bikindi was a politician but also a celebrity, his songs were sung as the perpetrators of the genocide murdered hundreds of Tutsis. This case was unprecedented. Bikindi was eventually found guilty for using a public address system to incite the Hutu, the majority, to rise up and kill the Tutsi. Parker examines how Bikindi’s music was brought into the courtroom and used as evidence. He comments on how each person at trial is able to organize their own listening experience and what happens to the judicial soundscape when the courtroom is wired for sound. Today architectural acoustics is big business, soundproofing is one of the material conditions of international legal practice.¹³²

I found hardly any artists making work in the area of performance in court, especially its relation to acoustics. In Chapter 2 I described Ilona Gaynor’s piece *The Lawyer*, (2014) which highlighted the efficacy of performance in court in relation to the veracity of testimony. Carey Young’s *Uncertain Contract* (2008) with the actor animatedly reading from a legal contract involves performance, though it is not directly related to the space in a court. Paul Rooney used sound

¹³¹ Carlen, Pat. *Staging Magistrates Justice*, British Journal of Criminology, Vol. 16 no.1 January (1976)

¹³² Parker, James. *Acoustic Jurisprudence*, (Oxford, Oxford University Press, 2015) p.183

in his piece *Stolen Things* (2019) in Ripon Museum of Law and Order courthouse, but my work *Courting Power* is the only one to address the acoustics of a court and the bearing they have on power dynamics in the same court.

In exploring the physical space in which the law is administered it is important to acknowledge existing literature on the impact both the design of these spaces and the ritual and ceremony conducted therein (of which the silver oar is part) has on individuals in that space. These may be victims of crime, defendants, legal professionals or spectators. Contemporary literature explores the space and design in courtrooms, the coding of space in the courtroom both historically and in a contemporary context, ceremony and ritual in courts, civic pride and public space, and visions of the courthouse over time. I will briefly present some examples that address power in the court space and how this relates to the design and architecture of that space, as this is most relevant to the issues tackled in *Courting Power*.

Linda Mulcahy describes the courthouse as a prime site of state control over the individual.¹³³ She explores what the use of space in the courthouse and courtroom tells us about the respect afforded participants and the social order of the courthouse over time, focusing particularly on “the complicity of architecture in classifying and containing the participants in the trial in ways which are problematic to those of us interested in the delivery of equal access to justice”.¹³⁴ Mulcahy argues in her paper *Watching Women: What Images of Courtroom Scenes Tell us About Women and the Public Sphere in the*

¹³³ Mulcahy Linda, *Legal Architecture*, Justice, due process and the place of law (Routledge, 2016) p.4

¹³⁴ Ibid p.5

Nineteenth Century, that images can reveal the socio-legal dynamics of trials. She examines the ways in which fine art has been complicit in the construction and reconstruction of behavioural codes in the courtroom.¹³⁵ In this paper she also draws on depictions of trials in popular visual culture and fine art, and reveals how images of the active female spectator challenged the emergence of new codes of behaviour that sought to protect the masculine realm of law from corruption by the feminine. The paper acknowledges that little is known of spectators in court, whose presence is vital to rendering justice 'open'. She presents a group biography of female spectators in the nineteenth century. Women were, she observes, prohibited from taking up this space as legal professionals from which they were barred until the twentieth century. Specifically in the context of admiralty law this is also acknowledged by Robert Jarvis, in his paper *Sexual Equality Before the Silver Oar: Lifting the Fog on Women, Ships and the Law of Admiralty*.¹³⁶ Young also scrutinizes the closed masculinized world of admiralty law in his paper *It's Just Water: Towards the Normalization of Admiralty*.¹³⁷ This all relates to the theme of women in the legal space that initially emerged in my research for *Kiss the Wooden Lady*. There is evidence that literature also indicates issues for exploration relating to the acoustic dynamic of courtrooms and the impact this has on those involved in the hearings.

¹³⁵ Mulcahy, *Watching Women: What Images of Courtroom Scenes Tell us About Women and the Public Sphere in the Nineteenth Century* Linda. *Journal of Law and Society*, Vol.42 no.1 March p.53-73 (2015)

¹³⁶ Jarvis, Robert M. *Sexual Equality Before the Silver Oar, Lifting the Fog on Women, Ships and the Law of Admiralty*, *Cardozo Law Review*, Vol.7, (1985-1986) p.93-137

¹³⁷ Young, Earnest, A. *It's Just Water: Toward the Normalisation of Admiralty*, *Journal of Maritime Law and Commerce*, Vol.35 No.4 October (2004)

From the perspective of the witness, Paul Rock specifically explored the relationship between witnesses and space in a Crown Court. In his paper, *Witnesses and Space in a Crown Court*, he examines the social world of the crown court, specifically Crown Court at Wood Green in North London. The research aimed to capture the experiences of court from the victims' perspectives. Rock comments on the physical segregation of the courthouse beyond the courtroom, namely the discrete spaces designed to separate juries, judges, remanded defendants and administrative staff "The symbolic, moral, and functional divisions of the court are there mirrored perfectly by its material structure".¹³⁸ More contemporaneously, an exploration of the areas of the courtroom was undertaken and published in the paper *The Inhospitable Court* (Craig, 2016). Using examples from court transcripts, Craig describes three rituals "the ritual of civility, the ritual of the script and the ritual of courtroom aesthetic and design".¹³⁹ In ritual and the aesthetic and structural design of the courtroom, Craig links the space of the courtroom to a defendant's experience to show that these all have a bearing upon experiences within court. Charlotte Barlow explores the visual construction of co-accused women in court drawings. This is a really interesting paper with lots of images focusing on visual criminology, in particular the visual construction of court drawings from a feminist perspective, which also addresses the space and layout in relation to power as well as it's impact on attendees of hearings.¹⁴⁰

¹³⁸ Rock, Paul. *Witnesses and Space In a Crown Court*, British Journal of Criminology Vol. 31 no.3 Summer (1991) p.275

¹³⁹ Craig, Elaine, *The Inhospitable Court*, University of Toronto Law Journal, Vol.66 No.2 Spring (2016) p.200

¹⁴⁰ Barlow, Charlotte, *Sketching Women in Court: The Visual Construction of Co-accused Women in Court Drawings*, Feminist Legal Studies (2016) 24:169-192

This literature supported the thinking behind the decision to test the acoustics in the Guildhall courtroom for myself. Even the writings that did not cover courtroom acoustics directly such as Craig and Barlow's papers above, lend weight for further investigation of the construction of identities in court, this is a very interesting area, but is not something covered by this PhD. Although exploring how identities are constructed in court was not the main impetus for *Courting Power*, the fact that these authors link it to the space, layout and architecture of the room had an impact on my thought process. There were two distinct emergent themes at this juncture in the PhD. One related to the courtroom architecture and individual performances in court, and the other to courtroom objects and their related rituals, specifically their significance for today's participants in courthouses and for the audiences of my work. I have selected just one court object for the focus of this PhD, the admiralty silver oar, but there were others. The next section introduces some examples of these other courtroom objects that were employed in ritual within the courthouse. The reason for introducing them is to show that the rituals of which some were once part, and that some others still remain included in, often reflects the evolution of legal processes over time. This was key to my isolating one of these courtroom objects as a tool through which to explore public perceptions of ritual in court today.

4.2 Ritual and Object-hood in the Legal Sphere, Some Cases

The accessories of justice count for much with the people...A little more ritualism in a Police Court, and I believe there would be greater decorum.¹⁴¹

In the previous sections of this chapter I outlined my research on courtroom architecture and acoustics in relation to perceptions of power in the legal theatre of the court. I will now present an examination of some legal objects found within the court that also symbolise power. There were other courtroom objects used in historic ritual that have not been as enduring as the ritual of the silver oar. Here I want to describe some of these courtroom objects that are ritualized and performed; a group to which the silver oar belongs. The accessories of justice referred to by Alfred Plowden in the quote opening this section - the objects symbolic of justice found in a courtroom - are made synonymous with the authority of the law, which is here being asserted from a particular perspective within the legal profession. Plowden writing in 1903, goes on to state that there is no face so wise to look upon, that it “may not be made to look wiser still in the framing of a wig”.¹⁴² From his position within the law (he was a stipendiary magistrate) he is imbuing the courtroom object (in this scenario the wig) with symbolic meaning. He does so by implicitly indicating that this object is synonymous with ritual, and the consequence of ritual he suggests, is order in court.

¹⁴¹ Plowden Alfred Chichele *Grain or Chaff? The Autobiography of a Police Magistrate* (London, T. Fisher Unwin, 1903) p.175-7

¹⁴² *ibid.*

Ritual can be defined as a repeatable action, governed by recognizable rules, and with a symbolic aspect, which endows it with a more solemn significance.¹⁴³

If, therefore, ritual is an action in court, such as the symbolic wearing of a wig, Plowden is making a connection between the action of a legal professional wearing and acting in the wig in the courtroom, and the resultant propriety of behaviour or demeanour suitable to the dignity of the occasion, which he believes will consequently be exhibited by - it could be concluded - the non-legal professionals present in court.

Over one hundred years after Plowden claimed that “the accessories of justice count for much with the people”, a study from New York University School of Law (2012) examined the perceived legitimacy of courtroom objects to administer justice.¹⁴⁴ In this twenty-first century example, referred to earlier in Chapter 2, law students were divided into two groups to argue cases, one in a classroom setting, and the judge in plain clothes. The others were sent to a formal courtroom with panelling, columns, Latin inscriptions, murals, portraiture, bench, bar, and thrones, before judges in robes.¹⁴⁵ The researchers found when surveying the students about the perceived authority, justice and legitimacy of the case, they thought that justice was more likely to be done in the second setting.

¹⁴³ Graham, Clare *Ordering Law, The Architectural and Social History of the English Law Court to 1914*, (Ashgate, 2003) p.12

¹⁴⁴ Chase, Oscar and Thong, Jonathan. *Judging Judges: The Effect of Courtroom Ceremony on Participant Evaluation of Process Fairness -Related Factors*, Yale Journal of Law & Humanities 101 (2012) p.33

¹⁴⁵ Goodrich, Peter *Legal Emblems and the Art of Law: Orbita Depicta as the Vision of Governance*, (New York, Cambridge University Press, 2014) p.1

Plowden indicates that these ‘accessories of justice’, including the architecture and interior design, symbolise power and hierarchy in the courtroom - which is what he regards as important, “justice has always been a theatrical presence, and lawyers have depended on and clung to the accoutrements and other visible aspects of legal decorum and of the rituals of power”.¹⁴⁶ The law students, when presented with the ritualized historic courtroom objects, perceived this symbolic power and authority. There is a caveat; they are of course, firstly students of the law and, this is a US study (US courts are without many of the objects of English common law).¹⁴⁷ Both examples, however, arguably show the same type of courtroom object, the historic performed object of ritual, objects that connote ritual beyond the ritual itself. This directly relates to my practice. *My Bloody Oar*, and the silver oar of the Admiralty, are both objects that connote ritual beyond the ritual itself. One of the key elements of my research has been to experiment with the perceived authority by today’s audiences of the courtroom object in and out of court.

Both examples also demonstrate that “we indicate and enhance our respect for myth through the use of symbolic actions, as well as symbolic images: trials, like church services, become ritual occasions”.¹⁴⁸ The ritual action, the rules that govern that action and the object itself are imbued with symbolic significance. The wig cited by Plowden belongs to a specific group of courtroom objects that includes gowns and regalia that comprise the formal dress worn by judges, barristers and court officials. There are other objects that relate to acts of ceremony, performance and ritual in the courtroom context, such as ceremonial

¹⁴⁶ *ibid*, 2

¹⁴⁷ *ibid*, 2

¹⁴⁸ Graham, Clare *Ordering Law, The Architectural and Social History of the English Law Court to 1914*, (Ashgate, 2003) p.12

court maces, which are processed into court or occupy a place before the judge's bench. The silver oar belongs to this group of courtroom objects that are ritualised and performed.

In the eighteenth-century, "the administration of criminal law and its theatre became more significant in the overall context of governing eighteenth-century society...[and] related to the development of the legal profession during these years".¹⁴⁹ An example of ritual and ceremony that incorporated courtroom objects at that time relates, David Lemmings states, to the solemn rite of mercy when "in the case of an assizes when no-one was condemned to suffer...the sheriff presented the judge with a pair of spotless white gloves, symbolizing the fact that no blood lay on his hands, and the sword of justice had remained sheathed".¹⁵⁰ This ritual is clearly not in use today because the corporeal punishment of death or bodily suffering is not applicable.

As recently as 2008 a procession and ceremony that referenced the former assize judges procession was performed in Newcastle Upon Tyne, it was the reading of the Letters Patent that takes place at the beginning of October to mark the beginning of the legal year. Judge David Hodson, Honorary Recorder of Newcastle said "We wanted to bring a further dimension to the reading of the Letters Patent, to add some colour to our civic and legal life and to keep alive our

¹⁴⁹ Lemmings. David *Ritual, Majesty and Mystery: Collective Life and Culture among English Barristers, Serjeants, and Judges c1500 –c.1830* in *Lawyers and Vampires: Cultural Histories of Legal Professions*, Sugarman, D. and Pue, W., Eds. (2003) p.48

¹⁵⁰ Ibid. Lemmings cites J.S Cockburn, *A History of the English Assizes 1558-1714*, (Cambridge University Press, 1972) p.297-302.

great traditions".¹⁵¹ The historic assize processions were a social occasion, carefully orchestrated to awe the populace and reinforce authority.¹⁵² At the 2008 ceremony, the Lord Mayor presented the High Court Judges with dagger money, once provided to ensure the judges' safe passage after the sessions were finished in Newcastle.

The objects and ritual acts cited in the examples in this section are all part of a symbolic order that does not stop at the physical boundary of the courtroom. This concept can be understood by Henri Lefebvre's theory of coding space, which states that people understand the meaning of a space - the way to act within it and the identity of agents who survey and enforce the rules and behaviour within that space.¹⁵³ This concept can be applied to the courtroom space and to spaces beyond that, both public and private. The public oar procession in my work *Carry the Woman you Forgot*, 2018, discussed in the next chapter, was an activation of a forgotten coded space. The oar procession and the silver oar itself do not have the same connotations as they did 250 years ago, nor arguably did the Letters Patent procession in 2008. The difference between these two events is that my objective was to purposively reconfigure an object of the old order and use it to

¹⁵¹ Crown Court Judges in Ceremonial Procession. *Newcastle Crown Court celebrates centuries of legal tradition today with a ceremonial procession from Moot Hall to St Nicholas' Cathedral*. News Guardian. Thursday 02 October (2008).

¹⁵² Gray, Drew. Ch11. *Removing the Victim? The Changing Nature of Prosecution in the Courts in England in Crime Policing and Punishment in England, 1660-1914* (Bloomsbury, 2016) p.268

¹⁵³ Lefebvre 'an already produced space can be decoded, can be read. Such a space implies a process of signification. And even if there is no general code of space, inherent in language or all languages, there may have existed specific codes, established at specific historical periods and varying in their effects. If so, interested "subjects", as members of a particular society, would have acceded by this means at once to their space and to their status as "subjects" acting within that space and (in the broadest sense of the word) comprehending it' *The Production of Space* (Oxford, 1991) p.17

carry a new message with the intention this message should be more clearly understood by the public.

The objective in presenting some of the historic courtroom objects here is not to present an historical chronology of all the objects found in a courtroom from their earliest inception. The selected objects found in courtrooms today can be allocated to two groups, these are: objects that are ritually performed or have a role in ceremony (which connote ritual beyond the ritual itself) to which the silver oar of the Admiralty belongs; and technologies (explained below). There is a third group to occasionally be found in the courthouse - contemporary artworks, which have already been introduced in their British and global contexts in chapter two. The reason for identifying and grouping together such objects is because the practice-based activity in this study is to physically *reconfigure* an historic courtroom object and it is important to recognise that this act unequivocally changes the object's symbolic meaning within the courtroom and beyond as we will see later in the street procession of *My Bloody Oar*.

Due to the process of grouping these objects together and designating them as courtroom objects, my position within the symbolic order and my particular knowledge of these objects must be addressed. I was born in Britain. I have been asked to attend jury service, I can switch on the television and see a number of judiciary dramas set in courtrooms or watch daily news bulletins which expose the inside of courts from, for example, the United States, (cameras are not at the time of writing allowed inside British courts). Therefore, my embedded position and knowledge of courtroom objects means that for me to objectively name and group these objects that signify justice, is impossible. However, their

subjective grouping does not change any outcome of this study. This is because their inclusion in or exclusion from the two groups does not alter the fact that the object at the centre of this study - the silver oar - is an object of ritual and ceremony.

The four examples of courtroom objects in this section identify ritual acts involving courtroom objects from the eighteenth to the twenty-first centuries. They explore the perspectives of the law student and the legal profession. Plowden presents only one voice from the 20th century. There are other voices and multiple perspectives on the role of objects in such courtroom rituals. Clare Graham directs us to Gamon, writing at the same time as Plowden in the early twentieth century and for whom “the absence of any personal insignia of office was as it should be, emphasizing the accessibility of the ‘poor man’s lawyer’”.¹⁵⁴ The layperson’s perspective of ritual in the law is explored in a contemporary study by Paul Rock who researched how the coding of the space in court and its architecture impacts upon the experience of those giving evidence.¹⁵⁵ His study included the coded space of the labyrinthine corridors and chambers beyond the courtroom, highlighting the spaces unseen by the public. This links back to the impact of the architecture on individuals in court but it also highlights the position of the witness and not the voice of the legal profession. This relates strongly to the case of Margaret Hebborn that I used in *Courting Power*, who was also a defendant.

¹⁵⁴ Graham, Clare. *Subdivision and Modernisation in Ordering Law*, p.191.

¹⁵⁵ Rock, Paul *Witnesses and Space in a Crown Court*, (1991) examines the social world of the crown court, at Crown Court at Wood Green in North London, a longitudinal study to capture the experiences of court space and architecture from the victims’ perspectives.

4.3 Courtroom Technologies

There is a final group of courtroom objects that I want to discuss -technologies. It is important to acknowledge these because they are today, an integral part of many courtroom hearings. In the wider context of international trials, whatever age the courtroom, it is noteworthy that “the entire apparatus of international criminal justice now depends fundamentally on audio-technology – microphones, headsets and digital audio files, for its operation.”¹⁵⁶ My sound piece *Courting Power* asked people look again at the methods of audible communication across court, both historically and in relation to new technologies, the speakers and sound systems in place and reflect on the spaces’ coding. These new technologies have become courtroom objects and the way they are used have their own new ‘rituals’ and add to the courtroom theatricality and performance.

Some objects within courtrooms originate from within the context of law and order and others, it could be argued, do not. Since the advent of modern technology, television screens, microphones, headphones and digital audio recordings also add to the inventory of objects found in a court and furthermore, these are not site-specific to the courtroom in the same way as the legal regalia. Some architectural fittings such as lighting and television screens on which evidence is shown, are not objects that are site-specific to a court, rather they are everyday objects from beyond the physical boundary of the court that are brought into the courtroom. However, in the courtroom space they become courtroom objects because their meaning changes. It is interesting to imagine whether the law student respondents in the New York University study would

¹⁵⁶ Parker, James *Acoustic Jurisprudence*, (Oxford University Press, 2015) p.4

synonymise television screens in court with authority and justice in either courtroom setting. But, for the purposes of this study the overarching term 'courtroom object' will describe site-specific and non-site specific objects within the courtroom, which acknowledges that some originate from within the law and others are brought into the site. Amongst the operational courts that sit today there are older courts that are still in use, as well as new courts being designed and constructed now. Objects in all of the groups identified in this chapter may be found in both new and historic courts that remain operational. This applies particularly to technologies. The criminal court at the Moot Hall in Newcastle d.1812 being an example of an historic courtroom containing modern technologies. It also contains original features that relate to the sound and architecture of the court, as described in the last section.

There are also examples of historic courts in Britain that do not sit today that are open to the public, for example Ripon Museum Courtroom. All objects found in the courtroom are courtroom objects. Some are site-specific to the courtroom and others are non-site-specific. Some belong to the lexicon of the law profession and others have their origins beyond it but all objects in this context are part of a symbolic order that extends beyond the physical boundary of the courthouse. The silver oar belongs to a group of courtroom objects that are performed.

I have discussed the perceived association between courtroom objects and order in court, authority, justice and legitimacy both historically and in the present day mainly amongst the lawmakers and performers. The public is a harder population amongst whom to ascertain whether such courtroom objects and architectural

surroundings have impact. Paul Rock looked at the possible impact of architecture on those giving evidence in his Wood Green Court study, and I explored how, historically, this might relate to Margaret Hebborn's case through my practice. The next chapter will describe my explorations into the significance of the courtroom object beyond the courthouse boundary.

4.4 Conclusion

The ritual of the silver oar in court is part of a wider network of signifiers in the courtroom both historic and contemporary, which all symbiotically co-exist. These other signifiers of state power are not only the objects therein, but the court architecture, design and legal process. Some courtroom rituals no longer exist but the ritual of the silver oar remains. This may be due to desisting laws around which those objects, such as the white ceremonial gloves worn by the judge, are performed. For example, they were worn to show he had no blood on his hands having not commuted the death penalty, which clearly no longer exists. The Admiralty silver oar bears similarity to Plowden's wig in that it could be said to denote decorum in the courtroom space, which Plowden implicitly indicated is synonymous with ritual and the consequence of ritual he suggested was order in court. The law students' perception of the authority and perceived legitimacy of the legal case presented to them in the historic courtroom environment with the historic courtroom objects and architecture provides similar conclusion. For this reason the environment that houses the silver oar needed exploration, for one cannot be examined entirely without the other.

There are other contemporary artworks situated in courthouses, but only one apart from *Courting Power*, which is Paul Rooney's *Stolen Things* (2019) focuses on the acoustics in order to relate the history of the space and its sound dynamics. My work did this but also linked the sound to the groups of players within the space, as they would have been governed by it. In other words, the evidence of how things sounded at the time of Margaret Hebborn's historic court case was utilized to make the work itself. Investigating the oar's environment and the power dynamics inside the court provided a valuable experience that enabled me to relate the performed ritual of the oar to its surroundings where the performance would have been carried out.

My research and the site-specific sound-work *Courting Power*, taught me a great deal about the significance of the legal environment associated with the oar mace. The historic courtroom, with its specially designed architecture, acoustics and courtroom objects, carries its own sense of power and authority, separate from the ritual of the silver oar. This was well understood by the audience that came to view and listen to *Courting Power*. They moved around the courtroom with some quiet reverence, experiencing the change in emphasis of the voices, reverberations and acoustics as they did so. The context of the courtroom led them to make associations between the soundscape and the site and look for narratives that might fit.

I now wanted to examine what percentage of authority and power the performance of the ritual of the silver oar and *My Bloody Oar* took from its courtroom environment. Would it, how could it, still carry weight and relevance outside the courtroom environment? The earlier photographic experiment at the

football ground did not bode well. The next chapter presents the research and artworks *Carry the Woman you Forgot* (2018), a processional artwork that explores the significance of the courtroom object beyond the physical boundary of the courthouse, in the public space of the street, and *No Whole Truths*, a three-channel film, presented at the contemporary art gallery, *Vane* in Newcastle city centre.

Chapter 5: Court Out: Street Space, Ritual and the Courtroom

Object

Carry the Woman You Forgot (2018) (Video 2) was a public street procession in which *My Bloody Oar* was carried by two bearers from the Guildhall courthouse Newcastle, to Trinity House, following parts of a traditional procession route. The analysis of this procession was approached using a range of diverse sources that range from Hogarth's *Industry and Idleness* series (1748) and historic images of admiralty gatherings at the gallows, to contemporary analyses of legal spaces. Here I describe my research on the order and hierarchy within processions, particularly those with legal associations and how they informed my choices when creating the procession in *Carry the Woman You Forgot*. Questions were raised through this research about these examples of how the space in a procession is coded, and I introduce the idea that there was and still is, an order in the procession, understood by the populous on a known route. I address these questions with reference to my practice and some examples of historic processions, which have been the focus of the work of Robert Darnton and Mona Ozuf. The first part of this chapter concludes with analysis of processions and the coding of street space - both historically and today, and the embodied performativity of the courtroom object in and out of court. This chapter opens with the story of *Carry the Woman You Forgot* and how it came to be.

5.1 Carry the Woman You Forgot

It was a warm and cloudy Saturday afternoon in early September and Newcastle's urban streets were heaving with traffic. People filled the cafes and attended the market on the north bank of the River Tyne; tourists strolled along the river in front of the many barristers' chambers that service the nearby law courts. The imposing and iconic Tyne Bridge presided over the waterborne craft that passed below. The bridge links Newcastle to Gateshead and crosses the pavement directly above the first part of the procession route taken by *My Bloody Oar*. Inside the Newcastle Guildhall (1658), directly at the foot of the Tyne Bridge on the Newcastle side the artwork and procession, *Carry the Woman you Forgot* began in the Merchant Adventurers Hall. The Hall is adjacent to the seventeenth-century courtroom and is only accessible through the court itself, via a set of large oak panelled double doors. *My Bloody Oar* was awaiting collection, placed on walnut stands upon a large oak banqueting table in the centre of the carpeted room, like a body lying in state (Figure 47).

The small hall has a southern aspect and is brightly lit by natural daylight through large windows on the south facing wall. The room is entirely wood panelled from floor to ceiling and there is a carved fireplace with ornate wooden sculptures opposite the oak entrance doors. On the wooden wall-panels hang the many colourful coats of arms belonging to various Guilds, or Incorporated Companies. The Merchant Adventurers were one such Guild, a mercantile company comprising the Drapers or Merchants in *Woolen Cloth*, the Mercers or *Merchants of Silk* and the Boothmen, the *Merchants of Corn*. The Merchant Adventurer's Hall was the seat of a very powerful company that dates back to the reign of King

John in 1215 when he constituted a society of free merchants.¹⁵⁷ The Company met from the year 1480 in the Maison Dieu on Sandhill, in the side of the very building where the meeting room exists in the condition we see today, modified by John Dobson in 1823-5.

The Merchant Adventurers went into procession on Corpus Christi Day and the Mayor, Sheriff, Aldermen, their officers and servants processed according to seniority of office.¹⁵⁸ Today the Merchant Adventurer's Hall at the Guildhall is utilised by the Freeman of Newcastle Upon Tyne who still have a role as custodians of the Town Moor.¹⁵⁹ The Moor is also the former site of capital punishment for those who had received the death penalty in the Guildhall courtroom for their crimes. In the courtroom directly in front of the judge's chair is an extremely slim and short platform of wood. This ledge would certainly have not supported the weight of my oversize and solid *Bloody Oar*, so I chose not to locate it on the judge's bench. Below this is the Counsel's bench, which is much larger and lower down in the court fittings below the judge, but still within spitting distance. This certainly would have been sizable enough for the 2070mm *My Bloody Oar*, it is however accessed by narrow stairs, a difficulty for the bearers of the oar to navigate. I eventually took the decision to present *My Bloody Oar* on the table in the Merchant Adventurer's Hall, a seat of power physically adjoining the court. The Merchant Adventurer's Hall is also connected to the river trades, Trinity House and, via the Freeman, the Town Moor which, in turn as the site of the aforementioned hangings, also related back to those sentenced at the

¹⁵⁷ Mackenzie, Eneas *Historical Account of Newcastle Upon Tyne including the Borough of Gateshead* <https://www.british-history.ac.uk/no-series/newcastle-historical-account/> 662-670 checked on 24th April 2019

¹⁵⁸ *ibid*

¹⁵⁹ <https://freemenofnewcastle.org/about/> checked on September 30 2019

courtroom. Though *My Bloody Oar* was not located in front of the judge's bench, where historically the Admiralty oar would have rested, this link between these spaces associated with the court, in my mind, was a relationship of a circular nature in the sense that those spaces were closely interconnected and the relationship continually perpetuated by trading, the administration of the law, and the death penalty.

That Saturday September 15, 2019, a little under 500 people came to witness the art event *Carry the Woman You Forgot*, both the courtroom and the Adventurer's Hall were a constant throng of people. Signs informed the assembled crowd of the start of the procession at 3.30pm. This marked the arrival of two uniformed Brethren from Trinity House, from the Royal and Merchant Navy, coming to collect *My Bloody Oar*. On the Brethren's arrival, the crowd gathered in the Merchant Adventurer's Hall and in the descending hush, amidst constant camera flashes, the two servicemen, dressed in formal regalia slowly raised aloft the oar like a body to rest on their shoulders. Exiting through the double oak doors many of the audience processed behind them as they passed through the courtroom and down the grand marble staircase to the main entrance and out into the street.

The route to Trinity House takes about ten minutes on foot, *My Bloody Oar* slowly passed under the Tyne Bridge, which bore silent witness to the procession. The spectacle also gained followers from the many bystanders in the street who then accompanied the oar all the way to Trinity House (Figure 48). A shout of 'Hitler' was directed at the oar bearers, which was almost certainly nothing to do with the oar itself, but a response to the uniforms worn by the oar

bearers being signifiers of State power. On arrival at Trinity House a speech was given by the Captain to mark *My Bloody Oar's* permanent accession into the collection there, where it remains, alongside its predecessor.

Part of the processional route taken by *My Bloody Oar* was well established. In 1605, an oar mace was made for the Admiralty Court, then held in the same Guildhall courtroom,¹⁶⁰ it is believed this is the same oar now kept at Trinity House, Newcastle. I found in the Tyne and Wear Archives a document dated 27 February 1605, a Grant of the Admiralty Jurisdiction within the River Tyne from Charles Earl of Nottingham the Lord High Admiral, to the Mayor and Burgesses of Newcastle.¹⁶¹ This evidences a hand-over of power from the Admiralty to the Mayor when the Admiralty court became the responsibility of the Mayor and Burgesses. It is possible that the oar mace now at Trinity House was made to mark this occasion. The 1605 oar used to be processed into the Guildhall court before the Mayor and placed on the bench whenever the Admiralty court was in session, it also served as a water bailiff's oar. It was processed annually on Ascension Day from the old Newcastle Town Hall to the quayside and the awaiting Lord Mayor's barge on the Tyne, this pageant was being undertaken in the 20th century.¹⁶²

Carry the Woman You Forgot looked at the role of a formal procession in maintaining and reinforcing the authority of the historic courtroom object outside of the courtroom itself. In doing so it represented the silver oar within a

¹⁶⁰ Bourne, Rev. H., *History of Newcastle Upon Tyne*, Chapter X, of the Lower Parts of the Town, (1736) p.125.

¹⁶¹ *Grant of the Admiralty Jurisdiction within the River Tyne*, Newcastle Admiralty Court Records, Tyne and Wear Archives BC.AD/1/2

¹⁶² *Ascension Day Parade 1901*, Photograph, Permanent Collections of Trinity House, Newcastle.

contemporary public sphere. The work also continued to speak about the impact of naval impressment on women (begun in the first artwork as part of this research, *Kiss the Wooden Lady*, Trinity House), recognising their forgotten voices. Inscribed on a silver plaque mounted on the oversize and cumbersome blade of the oar I affixed a poem entitled *The Message*, giving voice to the women's perspective and recognising their role in, and their stories of, impressment. The poem was written by me, informed by the letters discovered through archival research in Trinity House from Mrs. Margaret Taylor to her impressed husband in 1809, describing her efforts that successfully secured his release. I recorded the poem recited by Louise Bainbridge, conservator of Trinity House, and presented this as a sound work to accompany the inscription on the oar while it sat, 'in state' awaiting collection. The words of the poem resonated around the Merchant Adventurer's Hall whilst the oar was being viewed on the table and as it left the building. A plaque dedicated to Mrs Taylor displaying the same poem remains at the Guildhall marking the legacy of her and thousands of women like her whose voices went unrecognised. The poem read:

Here I am
The Woman you forgot
Over time, speak of me
With loud voices, for I won
Over the blue men.
You carry me now aloft, above yourselves.
Recognise my shape,
For I am you.

The oar now had a voice. The poem lets us know the oar is female but, although it is gendered, it is also every one of us - the viewers, or more appropriately, the witnesses to the procession. I had wanted to make a piece of work that resisted nostalgia and resonated today. Anyone found in the sudden predicament of being disempowered, left with nothing for any reason, knows that this is something that could happen to any one of us at any time, a slight and coincidental change in life events can produce grave change in fortune, dictated by extraneous political agents. I was approached after the procession had ended by a well-meaning gentleman who was keen to point out that there were plenty of men and children who were also victims of historic naval impressment. This I acknowledged was correct but, I indicated that the literature tells us much about these poor individuals and their impressment journeys and, yet there are 'other' histories to be remembered. I also pointed out that I had chosen my language very carefully and not used the word victim in relation to the oar or the women who were left behind by impressed men. Instead, I felt I had presented Mrs Taylor as a victor, owing to her determined and successful efforts to recover her husband.

A vibrant social gathering of those who had followed the oar and members of Trinity House completed the lengthy journey of *My Bloody Oar*. From its physical inception a year before (the imaginary incarnation had begun a whole five years before, on taking the walk along the Thames) to leaving its autopsy slab at Trinity House, to undergo its journey around the UK courts, and finally to its public procession back to Trinity House, its journey was complete. The connection between its beginning in *Kiss the Wooden Lady* at Trinity House, to the Guildhall Courtroom in *Courting Power* down the road which linked it to its

predecessor and back to Trinity House where it will stay for good. This research story that ended with this procession was formed as an idea many miles away in the South of the country years before, but took that shape and ultimately reached its conclusion in no more than a quarter of a mile on the Newcastle quayside.

5.2 Beyond the Courthouse

Extending the ritual events beyond the courthouse creates an interaction through which to see how bodies interact with legal symbols in the public's spaces. I saw how people responded to the object in the courthouse, the unprompted descending hush and formality that they seem to provoke in contrast with 'their' street space and the 'Hitler' shout during the symbol's procession.

In order to begin an exploration of how meaningful change could be made to legal rituals, I experimented with the procession of a new courtroom object that began in the legal space of the courthouse and then moved to the public street. This sentiment is best encapsulated by Abbe Brotier, "When Julius Caesar wanted to change the form of government, he began with changes in the circus".¹⁶³ My purposeful creation of a socially engaging public event may seem odd when trying to explore change in the formal setting of the designated legal space. However, as Brotier implies, if you want to see changes amongst those

¹⁶³ Brotier, Abbe *Memorandum on the Circuses*, written by the Abbe Brotier and read by him at a meeting of the Academie Des Lettres. Quoted by Mona Ozuf *Festivals and the French Revolution*, (Cambridge Massachusetts, Harvard University Press, 1988) p.126

who impose power or, more pertinently here, the ritual structures through which it is exercised, then influence the minds of the people in a public space. In this case, the circus is our street, a public space for the public good, tacitly governed by laws, because nowhere is exempt and, in this case, both are sites of a cohesive form of social events - the circus and the procession. We left a courthouse, passed barristers' chambers and the modern law courts - an unconscious geography of legal bastions, the seat of those who ultimately arbitrate over the use of the street, lined the route. This arrangement of the urban environment is, however, intrinsically linked to the way those that control space can exert their power, the strategic arrangement of space can even be powerful enough to exert control and contain individual crime. Ozuf notes that, during the French Revolution, the historic placement of a civic altar near an assembly hall was thought to be enough to prevent a legislator from betraying his duty¹⁶⁴. The actual public street route of my procession, which was overlooked by legal institutions was, in fact, not beyond the Law. The courthouse where *Carry the Woman You Forgot* began and all spaces everywhere beyond it are situated within what Andreas Philipopoulos calls the *lawscape*, where laws that are both visible and invisible govern everything. This makes the street less of a 'free' public space than many people perceive. This 'invisible' governance, and my particular chosen procession route, is a factor for consideration later when discussing in more detail how the public responded to *My Bloody Oar* in the street.

This piece was also in part about reclaiming an urban courtroom space that is closed and hidden from everyday view; the historic Guildhall Courtroom is

¹⁶⁴ Ozuf, Mona. *Festivals and the French Revolution*, (Cambridge Massachusetts, Harvard University Press, 1988) p.126

closed to the public, opening perhaps once a year for a tour. However, this reclamation of a closed space and my street procession were not examples of the more extreme urban 'place hacking', uncovering the places and histories that those in power would prefer remain hidden.¹⁶⁵ That sort of urban exploration involves daring and intrepid trespass of obsolete or abandoned urban spaces, scaling city skyscrapers and rooftops surreptitiously. It also tends not have an audience unlike a procession where the audience is part of the performance of the procession. This was about revealing a status that is ever present but barely recognised opening a designated Law space and connecting it with public space through the particular route taken by *My Bloody Oar*. In contrast to the courthouse, or the circus, the street is open and accessible, the *My Bloody Oar* procession temporarily recoded people's normalised relationships to city space and courtroom objects. Despite the fact a courthouse and courtroom are supposedly spaces that we can enter freely to see the vestibules and even watch a trial from the public gallery, it would not have been possible to accommodate such an event as *Carry the Woman You Forgot* and a public procession in an operational court for security reasons.

This approach to exploring legal ritual through its objects may at first seem rather nebulous compared to asking questions about the relevance of other comparatively new courtroom rituals. For example, investigating new rituals that are necessitated by evolving modern technologies in courts today and, perhaps, the impact these could potentially have on the experience of the testifying witness out of court via a virtual video link instead of in person. These are still new rituals rather than new systems, the technological system being the driver

¹⁶⁵ Garrett, Bradley. *Explore Everything Place Hacking the City*, (UK, Verso, 2014) p.6

for the new practiced ritual at the human interface that involves a repeatable action, governed by recognisable rules.

There is evidence that the courtroom environment and trial procedures may prove intimidating. This intimidation can relate to the spatial and architectural environment of the court and even the position of legal advisors in relation to their clients.¹⁶⁶ It can also relate to dramaturgical performance,¹⁶⁷ but I propose this could also involve on-going legal rituals with objects, including procession. The point is that the established rituals that involve legal objects *and* newer rituals that may involve modern technologies all co-exist *together* in the same designated legal space of the courthouse. With the example of new technologies as drivers for, and responsive to, change, other historic and embedded rituals that involve ancient objects hang on and perhaps, after all, there is nothing wrong with that. However, when change in the area of ritual and object hood in the legal sphere takes the shape of an active, morphing and interactive artwork, made for, and given to, the public, it becomes a dynamic agent that has the power to highlight comparisons with other forms of legal ritual, indicating the need for new drivers for change and ceasing, albeit for one day, to be a redundant hangover.

How does this dynamic public artwork highlight a call for meaningful change, and why do we need change? To answer that, we will look at examples from history. The next section of this chapter will look at some other processions with an historical precedent to identify some similarities, and intentional differences,

¹⁶⁶ Mulcahy, Linda. *Presumed Innocent?* in *Legal Architecture, Justice Due Process and the Place of Law* (Oxford and New York, Routledge, 2011) p.78

¹⁶⁷ Carlen, Pat “*The Staging of Magistrates’ Justice*”, *British Journal of Criminology*, Vol 16, no. 1, (January 1976): 48-55

between the format of those and the contemporary street procession of *My Bloody Oar*.

5.3 Street Procession and Space

Firstly, we will look back at the coding of space in some historical state processions. While *Carry the Woman You Forgot* was not a *state* procession, it had state actors in the form of the naval servicemen. However, the processions of the admiralty silver oar certainly were state processions. Some of the ‘rules’ that we will see enacted in these historic processions are still adhered to today, notably in the procession of the Letters Patent or the opening of the law year in Newcastle, 2011. These rules are examined because the procession of *My Bloody Oar* was an experiment to see how these unwritten ‘rules’ were adhered to using a new legal object in the court and the street. The aim was to see how the public responds to a new legal object departing from a legal space and a Bloody Oar procession without an official entourage. The first two examples of historic processions and their established rules of hierarchy come from not Britain, but France. Robert Darnton tells us, in his book *The Great Cat Massacre*, about a bourgeois living there in 1768. The bourgeois man, whilst witnessing a religious procession in his town, notes in detail how the order in which people walk maps the social order, which was understood by everyone in the procession and witnesses alike. The leading officials in the town of Montpellier, France, and those from “respectable trades”, magistrates in scarlet robes and ermine hoods, clergy, the archbishop, are dressed in ceremonial finery described in detail. Whilst originating in France in the 18th century, his description bears structural resemblance with the spatial form of the hierarchical

performance of bodies in an admiralty oar procession of the 18th century and to the pomp and ceremony of the 2008 Newcastle parade of legal dignitaries discussed in Chapter 4. A typical *procession generale*, Darnton said, ‘conformed closely to what today would be called the city’s superstructure’¹⁶⁸. *Carry the Woman You Forgot* was an experiment to see what happens when a city “superstructure” is absent and not imposed upon the formal processors, followers or witnesses. My Bloody Oar was a procession of a courtroom object with no ‘official’ followers of rank or nobility; only the uniformed officers bearing the courtroom oar aloft denoted any official presence. Our observer of the procession in 1748 notes that at its rear, it ends on an elevated point in the hierarchy of officials, dignitaries in a throng of noise, trumpets, the clatter of horses hooves, Darnton notes that it ‘expressed the corporate order of society [...] through which the city represented itself to itself’¹⁶⁹. The bourgeois notably makes an observation about those representing the law, “some members of the Cour des Aides did not wear red, a colour reserved for magistrates who had studied law. The court contained a distressing proportion of young men who purchased their office without passing through the university”.¹⁷⁰ This observer was well aware of the social and educational status of those passing before him. The informed, common man could pass judgment on those in seats of power in his town.

Uniform again appears a key point of note with regard to those representing the law for later he observes that professors from the law faculty at the University of Montpellier were permitted to be buried in their full regalia which included gold

¹⁶⁸ Darnton, Robert *The Great Cat Massacre and Other Episodes in French Cultural History* (Basic Books, 1984) p.116

¹⁶⁹ *ibid*, p.120

¹⁷⁰ *ibid*, p.120

spurs in an open coffin. He combs through details of the esteem enjoyed by - and the less prestigious places afforded to those of certain professional rank and incomes which, indeed, dictated who should or should not join the procession at all. In light of this Darnton cautions “a procession could not be taken literally as a model of society because it exaggerated some elements and neglected others”.¹⁷¹ Given that, the oar bearers in my procession selected by Trinity House and agreed by myself were generous volunteers who it could be said do not literally represent a ‘model’ of society, that was for reasons other than the eschewal of some members and inclusion of others based on rank and incomes. These volunteers are a reflection of a society that identifies power given to armed forces personnel, members of a military institution, and the Merchant Navy is one, whether the response to that by onlookers is positive or negative. It is arguable that the witnesses today in the street and the active processors behind *My Bloody Oar* understood the same symbolism of dress and officialdom and, perhaps, even rank that was conveyed to them by the abundance of stripes and medals on the uniforms.

The general public following the oar also took up polite conformity in processing behind the object, they obeyed the rules of orderly file, and they may indeed have perceived a state event. The language of processions is somewhat, as Darnton in his final observations notes, archaic. No one challenged the object apart from two observers in a park entrance who had not attended the court, and, as noted above shouted ‘Hitler’ from the roadside at the uniformed officers, marking the only dissention. It is the temporality of processing the oar that re-codes the space of the public land for public good into perceived ‘state space’.

¹⁷¹ *ibid*, p.122

The invitation to follow the oar was made plain in writing within the court itself. People following from court were following the court object from its source as opposed to joining the procession in the street. The city superstructure removed, *My Bloody Oar* was given to the people and the Royal Navy's military uniform was the only signifier of formality and the State.

Like Darnton, Mona Ozouf also focuses on France, particularly festivals in the 18th century and the French Revolution. Ozouf discusses the liberty tree, a symbol of national freedom and political revolution signifying power from the bottom up and she shows how it symbolically merged into processions, which were mapped hierarchically. Similarly to Darnton, there are lessons to be taken in her analysis of how the processional space is coded, but also additional lessons about how the memory of an event is constructed and how this informs the more contemporaneous procession that commemorates it. The festival, she says, is a victory of rationality, over space.¹⁷² In this sense the oar procession was not a festival, or celebration, but Ozouf observes, "the people may take to the road without there being any festival. This is because in addition to a certain charge of energy, the movement of men must also possess a certain self-confidence that derives from neither over excitement nor from resentment".¹⁷³ Notably, the French revolution was still within living memory during the eighteenth century and in the commemoration of the revolutionary event memories of processions changed with time and the urban space of the town changed. The ceremonial routes she says were pretty well known and, for example, all the revolutionary ceremonial routes were marked on a map of Caen. *My Bloody Oar's* procession also took, in part, an established route. As noted

¹⁷² Ozouf, Mona *Festivals in the French Revolution*, p.17

¹⁷³ *ibid*

above, this was the Ascension Day parade route repeated well into the 20th century. The procession route taken along the Tyne by *My Bloody Oar* is opposite HMS Calliope, the stone frigate on the Gateshead side of the river where uniformed navy recruits and Motor Gun Boats are not an uncommon sight, as well as Royal Marines who project power from the sea onto the land, supporting navy, army, and Air Force operations. Today, there are still reminders of the former Ascension Day procession routes in the pictures hanging in the permanent collections at Trinity House and signifiers of the military presence. British people are used to military displays from the Red Arrows, the Trooping of the Colour, and Armistice Day parades. However, unlike Ozuf's example of eighteenth-century French processions the Ascension Day routes are likely not well known in Newcastle today. The formation of the public behind the oar demonstrates that, although these routes are not etched in people's minds from more recent performances of centuries old processions, the rules of processing behind an object of power seemingly are. The movement of people Ozuf describes as possessing a certain self-confidence that derives from neither over excitement or resentment, comes from today's processors behind *My Bloody Oar* knowing the rules.

We can look at some more recent performances of centuries old processions that directly involve the Admiralty silver oar. During the *Cinque Ports Parade* (2009) in Kent UK, a silver oar was processed publicly, carried by the Admiralty Sergeant who led the procession from the Town Hall to St Mary's Church.¹⁷⁴ The dignitaries from 14 towns of the Confederation of the Cinque Ports were

¹⁷⁴ Tutthill, Graham <https://www.kentononline.co.uk/deal/news/cinque-ports-parade-marked-speak-a93138/> (30 September 2009) checked on 29 March 2019

seen processing in Dover along a pedestrianised street in the town centre, dressed in their ceremonial robes. The speakership moves between towns every seven years and this procession marks Speaker's Day. The silver oar, approximately 3 feet long, is wielded over the shoulder of the uniformed Admiral Sergeant at the front, identifiable in his tri-corn hat as was the tradition which, as noted in chapter 1, is evidenced as far back as 1584 with "the Sargant of the Admiraltee" bearing the silver oar on his shoulder, marked on the tomb of Dr. David Lewis Admiralty judge. Following the Admiral Sergeant in Dover was Admiral the Lord Boyce, Mayors from all 14 towns, and councillors with their own maces. Today, for the contemporary audience the sight of this particular procession would certainly have denoted a sense of occasion, cutting through their urban landscape in a busy shopping street on a Saturday, it would have proved arresting even if the reasoning for the procession or the position of individuals therein were not understood. However, it is possible to recognize the admiralty and the navy cadets at the front, particularly the sailors' uniforms, and the mayors following behind. These examples of how the space in a procession is coded, introduced the idea that there was and still is, an order in the procession understood by the populous on a known route.

I described through the *My Bloody Oar* procession that this hierarchy behind the procession leaders was removed. Now we will look at evidence from the time when the silver oar was at the height of its public presence in the 18th and very early 19th century with particular reference to the admiralty and public procession to the gallows. These examples take the form of two images that provide a more contemporaneous context in Britain at the time and further foundation for analysis of *My Bloody Oar's* procession today. They also focus on

the theme of the body, which relates to the discussion that follows of my piece entitled *The Hair Oar* (2017), which will also be addressed in the next section.

5.4 Clift, Hogarth and the Hair Oar

Two execution days are shown in each of the selected images; one is of an admiralty gathering at a hanging, by Clift (1816) (Figure 10) the other is Hogarth's *The Idle 'Prentice Executed at Tyburn*, (1748) (Figure 11). The small watercolour sketch by Clift depicts a scene from an admiralty execution. Unlike the detailed image of the pirate about to hang at Execution Dock shown with the silver oar held before him in the first chapter (1797), William Clift shows a wider view of the Thames in his watercolour sketch entitled, *Thames Scenery! Gloomy Morning, Low Water Mark. Execution Dock. January 31st*, 1816. Set at the same location as the pirate hanging in 1795, Execution Dock at Wapping, London, it shows the execution of Gillam and Brockman, smugglers who shot a Revenue Officer on the English coast. The image shows the banks of the River Thames at low tide, every vantage point secured by thousands of onlookers. Some have scaled the yardarms of the tall ships that have moored, to enable the clearest view of the action. The gallows appear embedded in the floor of the riverbank at low water mark and are just about visible in the centre of the picture. Men fill tiny rowing boats to capacity and women and children are depicted clambering on the watermen's stairs, while a crowd stretches down the exposed sand bank of the river as far as the eye can see.

It is a motionless and peaceful outlook in the early morning mist from the position assumed by the painter at the very back of the crowd. The spectators

are mostly waterborne but they also cover the limited width of the sand bank exposed by the receding tide. The silver oar cannot be seen in this picture because the artist, an anatomical illustrator at the Royal College of Surgeons, is situated at the very back of the crowd on the riverbank. We cannot see the actual procession on this occasion that led to the gallows, but we have the eyewitness accounts of the admiralty silver oar being borne before the condemned and the image (Figure 6) depicting the pirate awaiting hanging at Execution Dock which are presented in Chapter 1. There is perhaps the possibility that Clift in his capacity as anatomical illustrator would even go on to draw these particular cadavers, if they were bound for dissection at the Royal College of Surgeons. In the year 1816, the gruesome practice by the Admiralty of hanging in chains still existed, which was one of the Admiralty's two least preferred disposals, dissection being the other.

As with terrestrial felons, but proportionately much more frequently notorious Admiralty convicts might be publicly hanged in chains (to keep their bodies together) after execution, as a warning to others. For example, between 1752 and the abolition of the disposal in 1832, Admiralty Sessions sentenced 21 men to be gibbeted for piracy, mutiny, or stealing from a ship.¹⁷⁵

More pertinently relating to the exact year Clift's image was made, between 1814 and 1816 six men were hung in chains along the Thames estuary for

¹⁷⁵ Durston, Gregory *The Admiralty Sessions, Maritime Crime and the Silver Oar 1536-1834*, (Lady Stephenson Library Newcastle Upon Tyne, Cambridge Scholars Publishing, 2017) p.157

murder on the high seas, by which time it had become rare at assizes".¹⁷⁶ This example shows us the popularity of the admiralty spectacle. The contrast with *My Bloody Oar's* procession today on the Newcastle quayside is stark. The assembled crowds are awaiting an event; the death of the convicted smugglers, today, *My Bloody Oar's* procession was itself the event. Clift does not show us the order or hierarchy of procession directly but gives us the sense of occasion; the public amassed, testimony to how many would have seen the silver oar at that time, as supported by the evidence of its place within popular culture especially in the eighteenth century, in Chapter 1. In the second example image, Hogarth offers quite a different scene of an impending execution compared with Clift's gathering at the admiralty event.

Hogarth's *The Idle Prentice Executed at Tyburn* (1747) depicts the moment the cart carrying the convicted Idle, the common criminal, passes towards the gallows at Tyburn. The gallows shown in the background, the procession to the scaffold is entering the scene on the left of the image. The Ordinary of Newgate Prison, the clergyman of the Established Church is traveling in an enclosed carriage cut off from Idle, he looks directly at the viewer. Hogarth's printed accounts of the criminals represented the polite view of crime.¹⁷⁷ The focus is upon the audience, rowdy and boisterous they seem to have the potential for a riot, alcohol is handed round and people scramble for good vantage points.¹⁷⁸ "From Newgate to Tyburn, is one continued Fair, for Whores and Rogues of the

¹⁷⁶ Tarlow Sarah and Dyndor Zoe "The Landscape of the Gibbet" Landscape History, vol. 36 np. 1 (2015): p.71-88

¹⁷⁷ Poulson, Ronald *Hogarth, Volume II*, Industry and Idleness (Cambridge, The Lutterworth Press, 1992) p.317

¹⁷⁸ Hallett, Mark, Riding, Christine. *Hogarth the Artist and the City*, (Harry N. Abrams, 2007) p.188-189

meanest Sort”.¹⁷⁹ Letting off steam at the processions and creating a riotous atmosphere was part of the spectacle. However, there were differences between the route to Wapping and Tyburn. “The procession to Wapping lasted significantly longer than that to Tyburn (which was abolished in 1783), surviving to the end of the Sessions’ existence, whether because it went through poorer parts of the Metropolis, or occurred much less frequently, so that the attendant disruption occasioned less official concern”.¹⁸⁰ Although the admiralty executions occurred less frequently, whichever location the populous arrived at to witness the hanging, there was always a thronging crowd. In March 1759 on the day of an admiralty execution, in the passage leading to Execution Dock, as the procession passed “a charity-school boy was squeezed by the cart against the wall, which broke his breast-bone”.¹⁸¹ The audience in Hogarth’s *Idle Prentice* and the crowds depicted at Cliff’s Admiralty execution are not dissimilar to those described by Foucault in *Discipline and Punish*¹⁸² and the theme of the law resonates in both images not just with the act of punishment, but also with the spectators. What Poulson calls E.P. Thompson’s “ironic attitudes to the law”,¹⁸³ a display of resistance without actually *actioning* resistance, potential actions against what he calls ‘their betters’. Thompson observed that

The law did not keep politely to a 'level' but was at every bloody level; it was imbricated within the mode of production and productive relations themselves (as property-rights, definitions of

¹⁷⁹ Mandeville, Bernard *An Enquiry into the Causes of the Frequent Executions at Tyburn* (1725) Quoted in Mark Hallett, Christine Riding, *Hogarth the Artist and the City*, (Harry N. Abrams, 2007) p.188-189

¹⁸⁰ Durston, Gregory p.160

¹⁸¹ Ibid, p.154

¹⁸² Foucault, Michel. *Discipline and Punish: The Birth of the Prison*, (Penguin Books, 1977)

¹⁸³ Poulson, Ronald. *Hogarth, Volume II*, p.314

agrarian practice) and it was simultaneously present in the philosophy of Locke; it intruded brusquely within alien categories, reappearing bewigged and gowned in the guise of ideology; it danced a cotillion with religion, moralising over the theatre of Tyburn; it was an arm of politics and politics was one of its arms; it was an academic discipline, subjected to the rigour of its own autonomous logic; it contributed to the definition of the self-identity both of rulers and of ruled; above all, it afforded an arena for class struggle, within which alternative notions of law were fought out.¹⁸⁴

Displays of resistance without action amongst spectators of the processions can be seen in Cruikshank's *Lord Mayor's Day*, procession (1839) and Hogarth's *The Industrious 'Prentice Lord Mayor of London*. "Cruikshank offered an ambiguous scene, with people dressed to mark their lower class pressing forward either to gain a better view or to attack the parading dignitaries".¹⁸⁵ These historic depictions of the crowds' role certainly do not match the countenance of those following *My Bloody Oar*, which was not an act of resistance on behalf of those who had decided to take the walk to Trinity House from the courtroom, almost like a cortege that led the body-like oar to find its final resting place. They were not processing to an execution, the silver oar was processed like this as we have seen in the more placed processions discussed earlier.

Hogarth and Clift would have had differing perspectives on the events. Clift was an anatomical illustrator visiting an execution and Hogarth is a social

¹⁸⁴ Thompson, E. P. *The Poverty of Theory* (Merlin Press, 1995) p.130.

¹⁸⁵ Resnik, Judith Curtis, Dennis. p.85

commentator, whose prints did include written inscriptions. Hogarth's series always emphasized the way early misdemeanours had led irrevocably to crime and the gallows.¹⁸⁶ With reference to Hogarth's work preceding *The Idle Prentice* and the theme of the Law, In *The Industrious 'Prentice Alderman of London, the Idle one brought before him and Impeach'd by His Accomplice*, Idle is the common criminal brought before Goodchild, the Alderman and Magistrate. Formerly partners in crime, Goodchild now absolved, turns away from Idle "while Goodchild's hand gestures, especially the covering of the eyes, may represent the impartiality of the justice system, it could easily denote 'blindness' and hence a miscarriage of justice".¹⁸⁷ This reference to blind justice is still seen today. The use of established symbols of justice is evidenced in an image comprised of ceramic tiles in Iraq, on which the former dictator Saddam Hussein holding the scales of justice has been defaced, his eyes having been removed,¹⁸⁸ in contemporary satire *Don't Worry She's Blind* a cartoon by Jeff Danziger from the New York Times in 2003 shows two felons sitting in the pans of Lady Justice's scales toting shotguns while she remains blindfolded.¹⁸⁹ The silver oar is an established, but little known symbol of justice today, it has not appeared as an object ridiculed in public satire like the reference to blind justice in the Saddam Hussein mural since the eighteenth and early nineteenth centuries.

A sub theme emerged from this research, the punishment of the body by law in the images by Hogarth and Clift and again in the theme of the Admiralty's public

¹⁸⁶ Uglow, Jenny. *William Hogarth a Life and World* (London, Faber and Faber, 1997) p.449

¹⁸⁷ Hallett, Mark. Riding, Christine p188

¹⁸⁸ Reinraub, Bernard *U.S. Seeks Solid Core to Fix Iraq's Broken Legal System*, New York Times, April 27 (2003)

¹⁸⁹ Danziger Jeff, '*Don't Worry She's Blind*' 2003. Quoted in Resnik and Curtis, p.129

display of the punished body. This resonates somewhat with my work entitled *The Hair Oar* (2017), which referenced the punished body and how it relates to the law. The punishment of the body by Law, in particular the theme of the criminal corpse in relation to the production of artwork can be seen in another artwork that is rather different to those of Hogarth and Clift. In 1801, to settle an artistic debate, the figure of a convicted murderer taken straight from the gallows was nailed to a cross and flayed in order to prove the belief that the crucifixion was anatomically incorrect. Sculptor Thomas Banks, painters Benjamin West and Richard Cosway, three Royal Academicians, requested the gruesome flayed cadaver, or ecorche be affixed to the cross whilst still warm so as to fall into the correct position of a dead body. Banks then made a cast of the form. The following year the cast was removed from Banks studio and taken to the Royal Academy of Art. It remains there to this day in the life drawing room. This ecorche directly links to the theme of justice, until the passing of the anatomy act in 1832 the only bodies legally available for dissection were those of executed criminals. *The Hair Oar* was placed on the autopsy plinth made by me, which referenced the one I had seen years before in Saschenhausen concentration camp, Germany (described in chapter two). Shown in a darkened room and spot lit, *The Hair Oar* featured a plume of blonde hair where the blade of the oar would have been (Figure 15). In this arising context of the criminal corpse it is note-worthy that it was not intended to reference the criminal corpse but the military, the forgotten body and the gendered object. The connection to the law is manifest in the forgotten body, the forgotten, wronged woman and the breadwinner forcibly taken from the family home by the press gang. The particular shade of blonde hair exactly matches my own and prompted many questions as to whether it was actually mine. I had coincidentally had a haircut

at the same time and kept my long hair at home, though this did not feature on the sculpture and an excellent quality wig was purchased for the purpose, easily misconstrued for real human hair. It was important it was not mine, had it have been, it would place me rather directly in the work in a way that would have inferred I was somehow the body. I was not the historic woman affected by impressment, although there could have been some resonance with the last line of the poem, 'For I am You' which in conjunction with my hair could have forged a direct link to the present. However, whether audiences would have spotted the human hair was real in such a scenario was immaterial because some of them had assumed it was mine initially.

Another point not elaborated upon in earlier chapters is that *The Hair Oar* is rather an abject object, this possibility of 'real' human hair, and the question in peoples' minds, and to me, as they viewed the work, was as if they wanted it to have been a genuine human specimen. I consciously wanted to avoid the grotesque, completely unlike the ecorche created by Banks et al, but my *Hair Oar* it seemed had the presence of the deceased regardless. Perhaps the tiled plinth perpetuated this. Either way without the hair or the blade attached, my Mother had mistaken it for a curtain pole whilst resting on my dining room table, a nod to the fact that context is, of course, important. Representations of the punishment of the body take various forms over the centuries, the sculptural, the printed and painted works and, as an example of installation, my work *The Hair Oar* (2017). The public spectacle and fascination with the punishment of the body represented in the Clift and Hogarth images is imposed by Law, the ecorche is the product of an act of Law and my sculpture *The Hair Oar* (2017) is a comment on the imposition of the law of impressment.

Both the Clift and Hogarth images were employed to highlight what *My Bloody Oar* procession today was not like; the spectacle today is different not least because the death penalty no longer exists - followers of *My Bloody Oar* were certainly not clambering to get a view of a gallows. The historic processions were also unlike other contemporary processions featuring an admiralty silver oar today, like the parade in Kent, UK in 2009 described earlier. There is a perceivable link to stately hierarchy and the law abiding, law making virtuous in processions both historic and contemporary. For example, the Lord Mayor's procession in Hogarth's the *Industrious 'Prentice Lord Mayor of London* (1747), also part of the *Industry and Idleness* series, Cruikshank's image of the same parade in 1836 *Lord Mayor's Day*, even in Hogarth's time "all London apprentices had 'Tyburn holidays' and one for the Lord Mayor's Procession".¹⁹⁰ This link to stately hierarchy and the virtuous is echoed by the uniformed and robed 2009 dignitaries following the silver oar in the Cinque Ports Parade in 2009. Hannah Arendt serves to illustrate the longevity of processions over time, an anchor in and to the past "authority, resting on a foundation in the past as its unshaken cornerstone, gave the world permanence and durability which human beings need".¹⁹¹ More pertinently, the question to be posed might be why did *My Bloody Oar* procession not break links with the past more unequivocally and disrupt this perpetual cycle? The military uniform in *My Bloody Oar* procession and its link to the state showed some connection to a similar stately hierarchy, law and the virtuous individuals as seen in the historic processions. As an observer of *My Bloody Oar's* procession along the quayside, I was struck that, although my oar bearers were very kindly volunteering their own time to publicly

¹⁹⁰ Uglow, Jenny *Hogarth A Life and a World*, p.450

¹⁹¹ Arendt, Hannah *Between Past and Future*, (Faber and Faber, 1954) p.95

transport this totemic object at my request, there was an opportunity to disrupt the 'virtuous' and stately signifiers. Perhaps requesting that *My Bloody Oar* be borne by women, or some more radical approach. However, the reason for not disrupting all the signifiers of authority was because this was an experiment to see how far an established courtroom object could be reconfigured, recognized and still accepted, which was apparently not very far, considering its destination for accession, Trinity House. The analogy that comes to mind is that of a beehive. The worker bees recognize a hornet when they see one approaching their hive and will not grant admission. *My Bloody Oar* was bee-shaped in this sense and had I sent *The Hair Oar* in procession down the road, this possibly would have gained hornet status and on reaching the institutional threshold, be denied. I removed the 'city superstructure' from behind the oar in its procession and gave it to the people to decide to follow or not.

Both Clift and Hogarth were working at the time the silver oar was at the height of its public presence. We looked at the representations of spectacle in gallows processions by Clift and Hogarth to highlight the stark contrast between the Clift image and *My Bloody Oar* procession. They provided examples from the contemporaneous context in Britain in the eighteenth-century and early nineteenth-century. This focus on the theme of the body gave rise to a sub theme of punishment of the body by law and examples of artworks that have explored this issue over the centuries were given. This sub theme of punishment of the body by law in artworks is a much bigger field than these few images, but they are specific examples that relate to the Hair Oar (2017), the military, the forgotten body and the gendered object.

The procession of *My Bloody Oar* was not a facsimile of the Ascension Day and Guilds' processions in Newcastle, neither in its format or its purpose. It is different in its format in the non-hierarchical configuration of its participants; the manifestation of the object being processed - it was a new reconfigured object; and nor was its purpose to parade the Guilds. It is new and therefore does not 'fetter' this successive generation of spectators and participants past processional ritual. There is however the established signifier of the military uniform that relies on public knowledge of parade to promote the renegotiation of the street space when the oar passes by, to recode the space and to affect and reorient the *lawscape*. This concept of the *lawscape* and its relationship to *My Bloody Oar* and the people following it is addressed below.

5.5 The Lawscape

The discussion so far has focused on the procession space and the route the oar took but it is important to remember that *My Bloody Oar* left from a legal space. There is also something important to acknowledge with regard to My Bloody Oar's procession through the streets. The law governs everywhere, we cannot escape it, it governs our street space in the procession and the court space alike, and as E.P. Thompson noted, it also has 'no bloody level'. Law and space cannot be separated from one another; the lawscape as Andreas Philipopoulos calls it, is where space, bodies and law are folded together.¹⁹² Philipopoulos says "The lawscape is the way the ontological tautology between law and space unfolds as difference".¹⁹³ In other words there are some spaces that are obviously regulated by the law and cede to its priority and other spaces in which the law is more tacitly imposed which seemingly support a less constrained movement, which he says is just seemingly unconstrained and free from legal presence. The areas of the courtroom from which *My Bloody Oar* left that contained prohibitive signs imply the former, such as no smoking, and the pavement space behind the oar in the street, the latter. The no smoking signs are visible, and though there is still legal presence at the pavement space, it is invisible, namely the law that requires people walk on the pavement. The people following *My Bloody Oar* in the street procession were not just assuming the roles prescribed by unsaid procession rules; they were also unconsciously obeying the law in the space of the lawscape. The oar acted as the agent within that lawscape, it is a symbol that helps make the implicit lawscape explicit, as

¹⁹² Philipopoulos-Mikalopoulos, Andreas *Spatial Justice, Body, Lawscape, Atmosphere*, (Oxford, Routledge, 2015) p.4

¹⁹³ *ibid*, p.4

the agent it changes what the space signifies, it creates, along with its bearers, a visible representation of power and authority but it also makes visible the *Law* because it is a court object that signifies the Law. Unlike the no smoking signs in the court, it is not instructional, yet something happened, people followed it from the courtroom and people on the street who would not have known it as a courtroom object, started to follow.

If there are to be new rituals in the Law, then here is evidence that the interplay between space and legality is a critical consideration with regard to the involvement of new legal objects and how people respond to them. "At various points a *lawscape* appears more or less legal, or more or less spatial. This interplay is what allows a body to negotiate its position in the *lawscape*, to affect the *lawscape* and ultimately to reorient it".¹⁹⁴ A new object with a performative role like my bloody oar, demonstrated a reorientation of the *lawscape* in a legal setting *and* a non-legal setting for the followers of the oar. We need to ask what moves bodies in a *lawscape* when compared to what moves bodies in a designated law space, such as a court or prison. In the prison space for example, the freedom of any movement is restricted to authorized routes, at set times, and most probably supervised. Paul Virilio discusses the administration of fear or the harnessing of fear to move bodies in two ways. Firstly the location of fear as an environment that envelopes us, a surrounding, a world, terrorism, and secondly the State orchestration and management of fear.¹⁹⁵ His book *The Administration of Fear* in fact opens with a

¹⁹⁴ *ibid*, p.4

¹⁹⁵ Virillio, Paul *The Administration of Fear*, (Semiotext(E) Intervention Series, 2012) p.14-15

quote from Hannah Arendt: "Terror is the realization of the law of movement".¹⁹⁶ Growing up in Nantes, France under the Nazi occupation Virilio tells us of the fear created by the idea of the Fifth Column, or Nazis disguised as regular citizens, which sowed widespread panic, and formed the basis for Graham Green's much later book *The Ministry of Fear*. He talks about how the spread of fear is supported today by modern ICT technologies and propaganda. Foucault, when discussing the prison, lays out the ways in which discipline is implemented and the permanent visibility and control of the subject in the panoptical prison.¹⁹⁷ The movement of bodies processing behind *My Bloody Oar* in the street space is, by comparison, a voluntary act. We can return to Ozuf's point about what drives bodies in the street festival, that people can take to the road at anytime they just need to possess a self-confidence borne of neither excitement nor resentment. Ozuf demonstrated that mobilization in the street space does not, in the case of the festival, require the driver of fear and the same applies to the procession in *Carry the Woman You Forgot*. Although the street space is part of the lawscape and is ultimately controlled by the Law, people are free to mobilise whether an agent has recoded the space or not, the same can be said of the historic courtroom that was opened to the public, where the oar departed.

We have introduced the idea that the procession space in *Carry the Woman You Forgot*, although set in a street space it is still within the lawscape. The procession of *My Bloody Oar* demonstrated a reorientation of the lawscape. This experiment was not intended to increase public understandings of the law but *My Bloody Oar* - a new legal instrument, has shown us how the publics'

¹⁹⁶ ibid, p.13

¹⁹⁷ Foucault, Michel. *Discipline and Punish*, (Penguin, 1991)

response to it differs in the courtroom and in the street; the hushed reverence in the courthouse contrasted with the shout of Hitler in the road. The power dynamic between members of the public and object altered when it left the court.

The hierarchy in processions in 21st century Britain echoed those in 18th century France, the Kent procession of the silver oar and the rank and file of the dignitaries in the city centre too followed a 'city superstructure'. This city superstructure was removed from my oar procession in *Carry the Woman You Forgot* and the publics' fluid mobilization behind their oar resonated with Ozuf's notion that people do not need reasons as polarized as fear or excitement to mobilise in the street. Whilst this mobilization was free and fluid, the followers of *My Bloody Oar* obeyed the rules of orderly file and enacted specific codes of behavior in the lawscape; for example, walking on the pavement. The Law, as E.P. Thompson recognised, is omnipresent, here tacitly within the observed rules of the lawscape but also explicitly in the embodied performativity of the courtroom object. Through this performativity the misshapen oversize oar, made for and given to the public, became a dynamic symbol, an interactive artwork which highlighted the power of objects to affect responses in a new street context, not an object of power to impose conformity in a legal setting. It was in this new capacity that I wanted to explore the power of My Bloody Oar in a new context, the art gallery, removed from its historic context of the court or the street. I wanted to see how far the object could be isolated from the environment of its usual signifiers and still have resonance of the factors that drove the work in the first place. For example, could the object of the old order still carry the new message away from its historic context? This led to a new work called *No Whole Truths* (2019), which is introduced next.

5.6 No Whole Truths

Almost a year after *Carry the Woman You Forgot* delivered My Bloody Oar to Trinity House, the idea for a fourth, unanticipated artwork emerged. This arose from a realisation of the importance to show the object outside its historic context of the courthouse and the mariners' headquarters of Trinity House. The reason for this was to explore how the oar's signifiers changed in a context removed from its usual surroundings. I wanted to remove it from the theatrical, historic sites it was associated with, theatrical because the previous works were almost like creating a set, with performance, whether live or recorded, at the heart of the works. The plan was to put forward an idea I had wanted to try earlier in the Guildhall Courtroom in *Courting Power*, but the architecture there did not permit. This idea was to link the space of the court to the Newcastle Town Moor, which was the site of the hangings of those convicted in the Guildhall, and do so via a live stream video link to create a film of the Moor in the courtroom.

No Whole Truths was a three-channel film, a medium I had not worked in before. The gallery *Vane* in Newcastle provided the perfect space to show the work: a very large white cube gallery space, approximately 60 feet long and 20 feet wide, divided in two by a partition wall with enough space to allow passage from one room to another with no door separating them. The floor was made of galvanized steel panels and the whole space was dark. On the end wall of one room a documentary played of the 2018 public procession work *Carry the Woman You Forgot*. *No Whole Truths* addressed the multiplicity of 'truths' in legal spaces.

The film of the parade asked the audience to become witness to that parade, and consider their place in legal ritual and attitudes towards objects of authority in a way that was not possible in the street procession because there was so little time for contemplation.

On the wall to the left the large central video projection, were a series of still images of the Newcastle Guildhall Court and to the right, a film of Newcastle Town Moor (Figure 49a). Individuals who were convicted and sentenced to death at the Guildhall courtroom were conveyed to Newcastle Town Moor, the site of their public execution. Post execution dissection was more feared than death itself. The text '*what will happen to my body?*' (Figure 49b) that appeared over the film of the Moor was an imagined question from a convicted Newcastle woman to her clergyman based on a conversation between them before her impending execution.¹⁹⁸

I wanted to make the link between these two seemingly disparate locations and address legal space and its objects in relation to the body and the many perspectives on the 'truth' and power. I had produced the film of the Moor on the hottest day of the year and the heat rose visibly in the images. The cows turned out on the Moor by those who hold freemen's ancient grazing rights, basked in the sun, and chewed the cud. It was impossible to get a shot without some of the 300 or so bovine in tow, they were intrigued by my tripod and I, so I submitted to the fact I had to include them, which, in the end worked out aesthetically very well. One visitor remarked that it had all the qualities of a 1960s banal

¹⁹⁸ Low, Patrick. *The Changing Presentation of Execution in Newcastle Upon Tyne, 1844-1863*, Law, Crime and History, (2018) 1. p.46

propaganda film and was slightly sinister. It was oddly juxtaposed with the images of the courtroom on the opposite wall (Figure 49c).

All three films are carefully synchronised to a soundscape; the rhythmical creaking of the floorboards of the Guildhall courtroom and an insistent tempo maintained by the repetition of two key notes, reflected a sense of time passing and the pressure to deliberate. A further, more abstract sound of the inside of a nuclear cooling tower ambiguously mimicked the sound of a rolling military drumming, the sort heard as men were once marched to the gallows, a marching beat which synchronized well with the parade of the oar as it was marched down the street by the naval servicemen.

My Bloody Oar was collected from Trinity House and laid on a steel table in the centre of the gallery. This room too was darkened and the walnut of the oar against the grey steel bed glowed in the warm spotlights upon it, the sliver shone. The plaque on the oar still showed the poem called *The Message* that introduced the woman's voice in relation to naval impressment, using an object of the old order to carry a new message. I wanted the work to be presented austere; as much in the present of the gallery space as possible, referents to the historic site in the part of the gallery where the oar lay, eliminated as far as possible. The steel table had been purposely chosen to match the floor and two simple painted grey trestles supported the top (Figure 49d).

This was a contrasting environment compared to the oar's historic setting of the courthouse and the procession in the street. The film of *Carry the Woman You Forgot* engages the viewer who may have been absent from the public event,

and gives sense to the oar in the gallery space next door. To see the object in the gallery with the film, brings the public event of the street procession to the space, there is an immediacy in seeing the object which is the 'actual' object paraded on the day, and then relating the film and the sculpture to one another. This was not a bringing together of multiple works in one space, to showcase three years worth of work. It very definitely is a new piece that involves the new site of the Moor and it speaks to a different, fine art gallery audience.

The *No Whole Truths*, somewhat austere gallery show, is far removed from the original impetus for the work which was to explore the oar in its historical settings through music, performance and a sound piece, all of which directly involved archival material such as the letters from Margaret Taylor or indirectly informed the work in the case of the convict Margaret Hebborn in the Guildhall.

No Whole Truths was I thought, the most successful of the artworks because it carries the message of the woman's voice and impressment, and the questioning of courthouse rituals and yet it still conveys these autonomously, outside its historical context. For example, the viewer still has a concept of the history of the object - the gallery wall text - and an experience of the object itself, on loan from a museum, the fact it is accessioned sends signals that it is important and has a connection to the public of the town. The film of *Carry the Woman You Forgot* shows its purpose, and the contemporary film of the moor together with the courtroom stills interact with each other, flanking the main film, and connecting it to both the past and the present.

5.7 Conclusion

There appears to be a desire for legal ceremony today. The Judge in the letters patent procession in Newcastle 2008 mentioned in chapter 4 stated he wanted to add 'colour to our legal and civic life'. That statement encapsulated the legal meeting the civic, just like the processions of 18th century France and the 2011 procession of the silver oar in Kent, UK. Perhaps this is no surprise, as Goodrich noted, lawyers have always clung to 'the accoutrements and other visible aspects of legal decorum and of the rituals of power', perhaps because they are aware of the fragility of the rule of law.¹⁹⁹ In this sense it, could be said that *My Bloody Oar* further binds the interface between legal and civic, further binding because they were never truly disentangled from one another. That act of binding the legal and the civic highlights the power of new courtroom objects to connect new publics to the court environment and create a circumstance in which to mobilise the publics, to see how they responded to the prospect of a procession, evidenced in *Carry the Woman you Forgot*. The artwork showed the willingness of people to engage with the court and its objects. It also demonstrated the public's resistance in the shouts of 'Hitler' that were directed at the procession, and the publics' response to *My Bloody Oar* in the courthouse and the difference in response to the same object in the street. The historic legal environment has implications for its perceived authority and this extends to its legal objects.

¹⁹⁹ Goodrich, Peter *Legal Emblems and the Art of Law: Orbis Depicta or the Vision of Governance*, (New York, Cambridge University Press, 2014) p.2

Removing the 'city superstructure' behind *My Bloody Oar* presented a new spectacle for the people of Newcastle. The public had been introduced to the significance of the oar in the courtroom in the text displayed there, before the procession. Many of them would not have heard of the silver oar and this text addressed one of the primary intentions of the work, which was to inform about this little known object and its history. This mattered because its history is rich, complex and multifaceted and could possibly not be fully appreciated by simply following *My Bloody Oar* along the street. I looked to historical examples of procession to see how an artwork made today could highlight meaningful changes in the way this historic legal object can be developed to convey a new message. This was done by making decisions to keep or eliminate certain publicly recognisable aspects of historical processions and incorporating a new message for the oar that resonated with today's publics. The message the oar carried informed us about the absence of women's voices historically and raised awareness of the largely unspoken histories that surround the silver oar, which is still arguably the case today in courtrooms. Whether this created an embedded change in the ritual of the oar today in the courtroom remains unclear because this was not a contemporary admiralty court but fundamentally it achieved its purpose which was to call into question the role of the oar today and project the forgotten women's voice.

This evidence does not directly measure the impact on ritual involving objects in court, but it is enough to mark the beginning of further exploration into how the public responds to legal objects in and out of the legal setting.

Conclusion

How can reconfiguring an historic courtroom object as a new artwork, challenge the existing role of courthouse ritual involving the silver oar and convey revised messages? Challenge is a subjective word in this context. How do we ascertain whether and how the existing role of courthouse ritual involving the silver oar has been *challenged* or not, and why should it be? I did not set out to *change* the role of ritual involving the silver oar in a contemporary court. If that were the aim I would have 'located' my artworks in a contemporary Admiralty court that processes the silver oar into trials today. However, as discussed in Chapter 3 in the artwork *4Courts*, access to an operational court proved difficult for security reasons. This actually focused the study in the historic courtroom and emerging ideas that connected past to present began to develop in the work instead. It meant re-thinking how to unite the historic courtroom object with present day publics and the culmination of that was the public procession in *Carry the Woman you Forgot* (2018). This was an opportunity at the public interface I would not necessarily have been afforded in a secure, currently operational courthouse. It demonstrated that the public responds quite differently to their courtroom object in the courthouse and the street space, as demonstrated by the 'Hitler' shout in the procession during *Carry the Woman You Forgot* (2018). Although there were certainly challenges to realising the artworks during the course of this study, the main research question focused on challenges of a different kind, about how the artwork can expose, challenge, and revise the existing courthouse ritual involving the silver oar. Now I will summarise how this happened by giving some evidenced examples from the last three years.

The four main artworks used as case studies in this thesis are, *Kiss the Wooden Lady* (2018), *Courting Power* (2018), *Carry the Woman You Forgot* (2018) and *No Whole Truths* (2019). Here I will describe how each of my artworks in turn attempted to challenge the existing role of the silver oar, and the four key research questions:

- How can reconfiguring an historic courtroom object as a new artwork expose, challenge and revise the original messages conveyed by the Admiralty silver oar?
- How can practice based contemporary art research, question the validity of continuing court rituals?
- What is the role of context and site in relation to interpreting and representing the object of law?
- What critical, conceptual and creative currency is to be had from employing established symbols of justice in a contemporary art practice concerned with the law?

This research set out to uncover, disseminate and question the original messages conveyed by the Admiralty silver oar. This PhD did this not only through the making of *My Bloody Oar* as a reconfigured historic courtroom object as a new artwork, but also by extensive historical, contextual and practice based research involving public exhibition.

I researched and collated information on the historical rituals involving the silver oar, its role in punishment practices and the procession to the gallows, finding

new archive material that connected it to themes of impressment and included the historic forgotten women's voice.

The research extended beyond the law object to include examining the context of the law and the law space, how that space is defined and how it could alter the signifiers of *My Bloody Oar* when it is located beyond its maritime context of Trinity House. The ritual associated with the silver oar is a powerful extension of the spaces it occupies; therefore one could not be explored without the other. Without investigating the constructions of power that surrounded the oar in court, it would have been impossible to develop a better understanding of the authority of the oar. The decision to move *My Bloody Oar* into the historic courtroom developed this understanding of the silver oar's authority through archival research into the role of the small wooden oar mace at Trinity House, which led to the admiralty court at the Guildhall.

The original message that the courtroom object, the silver oar, conveyed historically was as a signifier of the power of the Admiralty, British colonial power, and punishment, in particular the death penalty. These messages are undoubtedly different from what it signifies today given a time lapse of approximately 250 years and the fact that its role, and the legal system have evolved. For example there is no longer any death penalty in Britain and therefore no procession to the gallows. This matters because regardless of whether the silver oar is being reconfigured and re-contextualised in a new contemporary artwork, its signifiers have changed anyway, over time. This is not to annul the existence of my new reconfigured silver oar, or render any

purposively revised messages irrelevant - on the contrary; part of the artworks' role was to highlight these changes between past and present.

I explored whether there were ways to make these this historic ritual relevant to audiences today. In this regard, the artworks in this study certainly challenged the existing courthouse ritual involving the silver oar. This needs challenging because we need to think critically about historic inherited ritual and the dark history of the objects we bring into contemporary courtroom practices.

Let us look at the differing circumstances in which *My Bloody Oar* could be said to have revised the original messages conveyed by the silver oar. *My Bloody Oar* is a piece of work in its own right, and is currently situated in isolation as an accessioned object, mounted on the wall of the chart room at Trinity House, Newcastle. It also existed as the focal point in the context of the performed, public artworks in this study. In both situations *My Bloody Oar* revises the original historical signifiers of the silver oar. In isolation it does this by conveying revised messages directly on the oar blade in the form of the poem entitled *The Message*, which introduced the women's voice directly into the artwork on the engraved silver plate. This ensures a referent to the silver oar and its bloody past wherever *My Bloody Oar* is located. The message on the oar was introduced and devised purposively and literally, to address this question.

The revised messages differed in the context of each of the artworks that involved *My Bloody Oar*. It became the deceased body on the autopsy slab in *Kiss the Wooden Lady*, making reference to and criticising its role in the rituals of execution. It was the conveyer of the poem *The Message* and the forgotten

women's voice in *Carry the Woman you Forgot* – the silver oar was/is an object associated with male patriarchy. Historically it was the preserve of men to carry it, present it in court and accompany it on horseback to the gallows. In *Carry the Woman you Forgot* it was the processed (female) body. Its gender association changed initially before this, with the positioning of *My Bloody Oar* on the autopsy plinth at Trinity House and in the context of the accompanying singing, particularly the words of the women's songs about their perspective on impressment. The change in gender association was reinforced again later in *Carry the Woman you Forgot* with the addition of the poem, *The Message* the first line of which read 'Here I am, the woman you forgot'.

I had originally imagined conveying a revised message might only take a more literal form like the plaque with the poem, and although I in fact did use this, there were several other more subtle methods employed, such as increasing the size of the silver oar to make reference to the body, and using the language of materiality; the wood from North America making reference to its production being possible only by the subjugation of one people by another.

The historic, traditional ways of carrying the silver oar discussed in Chapter 2 and illustrated by the debate in the Times in 1897, are also altered in its mode of carriage – no longer upright but like a corpse on the shoulders of men.

The ways in which *My Bloody Oar* conveyed its revised messages were, it turned out, also some of the same ways through which it challenged the existing role of courthouse ritual involving the silver oar. *My Bloody Oar* challenged the silver oar's existing role, to be processed in court and signify authority on the

bench inside the Admiralty court, by leaving the court environment and, critically, by being processed without its entourage. This entourage refers to the city superstructure observed in the street parades in 2011 in Kent and the historic street spectacles in which it was processed from the prison to the gallows escorted by the Admiralty Marshals.

There is an important point to note about how specifically the historic voice in the artwork challenged the existing role of the silver oar. The exposure of the voice of those on the receiving end of the Admiralty's power in the eighteenth and early nineteenth-centuries through the enforced practice of naval impressment, challenged what the silver oar represented historically, and it could be said that it still represents those events today. These events happened, though not many people are aware of the women like Mrs Taylor who were made vulnerable by impressment, and also the men themselves who were forcibly taken. So how does this exposure of events through an artwork that illuminates a 250 year old voice, challenge the *existing role* of the silver oar? The process of exposing the dark past the silver oar symbolizes; oppression, colonisation and death, is in part the answer. However this exposure is, by itself not a direct challenge to its role today. It could be said that exposing its dark past is a challenge not to its existing *role*, but to its actual *existence*. What it does show is that these historic systems of ritual operate today in some courts, unchallenged and unthinkingly if nothing else, they are almost sleep walked through. Contemporary artworks relating to the subject of the law have the potential to reveal and challenge these existing rituals today.

However, we do need the silver oar today as a reminder that these events happened. We cannot change the future by erasing the past. Getting rid of historical law artefacts is not the answer. The silver oar also signifies the reasoned rule of law and was and is used in legal processes that undoubtedly charge the guilty of their crime. Instead of banishing a beautifully crafted object like the silver oar, reconfiguring it as an artwork rather illuminated the need for questions about our practices in courthouses that include this object (and other law objects by association). I am not saying we do not need courtroom rituals that involve objects and this study does not assert that we do not need ritual in the law. It concludes here that we need to think critically about the historical baggage that some of these objects and rituals carry and that there may be a need for new research and newly modified rituals that relate to the modern courthouse space today.

The research question examining the role of context and site in relation to interpreting and representing the object of law reflects my increasing involvement with the space of law as the research evolved. After the first in the four works *Kiss the Wooden Lady* (2018), the focus shifted from maritime jurisprudence to spaces of the law and its courtroom objects. This was due to a link discovered between the host venue of *Kiss the Wooden Lady* - Trinity House, Newcastle, and the local Guildhall courtroom. I moved the oar to the historic courtroom in *4Courts* (2017) and then traversed the physical courthouse boundary by transporting the object through the street in *Carry the Woman You Forgot*. The object was then finally shown in a contemporary art gallery in *No Whole Truths* (2019).

The sites in which *My Bloody Oar* was shown changed significantly throughout the project, and so did its signifiers in each of those sites. Context and site play a crucial role in relation to interpreting and representing the object of law and they are critical to its reception. At Trinity House, the space associated with maritime history, *My Bloody Oar* was the body on the autopsy slab, and was ambiguously male or female at this point; it became female for the duration of the songs sung directly at it by the *Tea Cups*, the words of the woman left behind by impressment resonated with the object indicating a loss, there was the possibility that perhaps it was the male body, removed from the family, suffering fatality in active service. In *4courts*, as discussed in Chapter 4, placing *My Bloody Oar* on the Judge's bench altered its sense of power. It became a symbol of law, but the body of the law. It retained its imposing presence, outsized on the bench; this remained the same in all the courts in which it was placed and it still, I thought, bore reference to the body when no longer on the autopsy table. *Courting Power* saw the oar's presence in an adjacent room, the Merchant Adventurer's Hall, where it was stationed in preparation to leave the building on the shoulders of the servicemen for its procession in *Carry the Woman You Forgot*. The Guildhall courtroom provided the acoustics and architecture at the very locus of the law in the former Admiralty Court in *Courting Power* and *My Bloody Oar* signified once again an object of law and authority. The role of site in *Carry the Woman You Forgot* in relation to interpreting the object of law that left the courthouse changed it fundamentally. By moving it into the street the object did retain some of its authority, but on the shoulders of the servicemen as a maritime mace. The shout of 'Hitler' from the crowd

No Whole Truths (2019) occupied the contemporary gallery space and took the object out of its historically connected sites. However, the artwork still carried the message of the woman's voice and impressment, and the questioning of courthouse rituals and conveyed these autonomously, outside its historical context. For example, the viewer still has a concept of the history of the object from the gallery wall text and an experience of the object itself, on loan from Trinity House. For these reasons it was a successful artwork.

Answering what critical, conceptual and creative currency is to be had from employing established symbols of justice in a contemporary art practice concerned with the law, led to a contextual review of artists whose work is situated within, or addresses, the locus of the law. A review of these artists showed that some artists working in courthouses, and those working beyond its physical boundaries on the subject of the law, both in and beyond Britain, have a tendency to refer to established symbols of justice in their work. The examples in Chapter 2 showed the historic symbols of justice repeatedly employed in contemporary works. As discussed in Chapter 2, these symbols of justice can be revered and also reviled and satirised because they are not sacred symbols in the cultures in which the works are shown. Another reason was that this sign system also signified a value system and artists may want to be part of this value system. The established imagery of justice is synchronic with this value system and though artists can challenge it, this still reinforces and perpetuates that value system, somewhat inevitably, *My Bloody Oar* included. It was acknowledged there are multiple value systems, the artist also asserts their own. There were very few artists in Britain, but more globally who are working with the theme of the locus of the law either in courts or beyond. This research

question also related to my own experience as an artist. There was critical, conceptual and creative currency gained from employing an established symbol of justice, the silver oar, as an artwork in this study, albeit indirectly in a reconfigured form. The reconfiguration of the established symbol of justice – the silver oar, into the artwork *My Bloody Oar* promoted new creative concepts through which the role of the silver oar today was questioned and challenged. These creative concepts were my four artworks, which created a space for critical reflection by new audiences on the history and current role of courtroom objects and rituals they have inherited.

In relation to my own practice emergent themes developed during the course of the study. The first one was women and impressment, which arose from the archival research at Trinity House. The theme of the woman's voice then ran through the next two artworks *Courting Power* in the case of Margaret Hebbbron, and Mrs. Taylor in *Carry the Woman You Forgot*. Another emergent theme was punishment on the body by law; the examples of works by Clift and Hogarth highlighted an already present referent to the punished body in my artworks. Archival research featured prominently in all the artworks, whether directly in the works themselves or in preparatory research. The archive was the original resource for the beginnings of the theme of the woman's voice. This was an unexpected and unintended outcome that drove a change of direction in the study along with the move to the courthouse environment.

It was this immersion in the historic courtroom and research into artworks in the courthouse globally that opened this study into one which took the silver oar as a single object through which to explore this whole field, from the object's

inception in history, right up to the present day. A significant riverside walk eight years ago and the discovery of a tiny painting led to three significant public artworks in the North East of England. These artworks linked the London centric histories of the silver oar to a place that turned out to yield a far richer history from which to tell the story of the silver oar and realise its successor's place amongst contemporary audiences through a new, resonant artwork, relevant to the town, for the people of Newcastle upon Tyne - *My Bloody Oar*.

It was a revelation to realise that apart from me no single artist in the world is reconfiguring the courtroom object or attempting to explore through artworks whether there is a need for new ritual in the law. This study presents many exciting questions about historic and newer ritualised activities that are all happening under the same roof. This ranges from historical performances with objects in court that are still conducted today, and other areas of developing ritual in court, such as the those that are driven by new technologies, beaming a witness statement live into court, discussed earlier in the thesis. Further research into the performance of courtroom objects and the inclusion of artworks in the courthouse in all their forms could improve our courthouse environment for everyone. The real challenge is preserving the history of our performed courtroom rituals and objects, yet at the same time intervening in the architecture and artworks in these legal spaces that can have so high an impact on people's lives, where so much is at stake for individuals who may be un-used to the embedded idiosyncrasies and rituals. This is the real essence of why we should take forward this area of research into artworks and their role in courthouse ritual, in working courts.

What Next

In Chapter 3 I described the call I sent out in Northumbria to try and find the descendants of impressed men in order to give oral histories of their family stories and find out about the value that living communities place today on their identity as descendants of an impressed family. I had more respondents than expected and this produced more evidence of the women's voice in this story. I collated the information and may go back to record these oral histories for future work that expands on the women's voice in relation to impressment.

An interesting future study could involve a comparison of the Guildhall acoustics with another historic or contemporary courtroom, given that Trollope was addressing these issues as far back as 1656, this might produce some interesting patterns of evolution about the acoustics in court.

A contribution to the field that builds on this PhD study most directly would be to look at the ways in which an artist can make a unique contribution to on-going research into art's roles in new ritual processes involved in the re-invention of courthouse symbolism. With regard to responsibility and dignity and the role of new ritual there is scope to ask questions about what roles art and object-hood in the courthouse play and what role ritual processes might play in this. Particularly interesting would be to see how new responsive rituals facilitate dignity for courthouse participants through the materiality of courthouse objects and what the role could be of new rituals to dignify courthouse experience for witnesses.

Figures Introduction



Fig. 1

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Fig. 3 Redacted due to copyright

Figures Chapter 1

Fig. 4 Redacted due to copyright

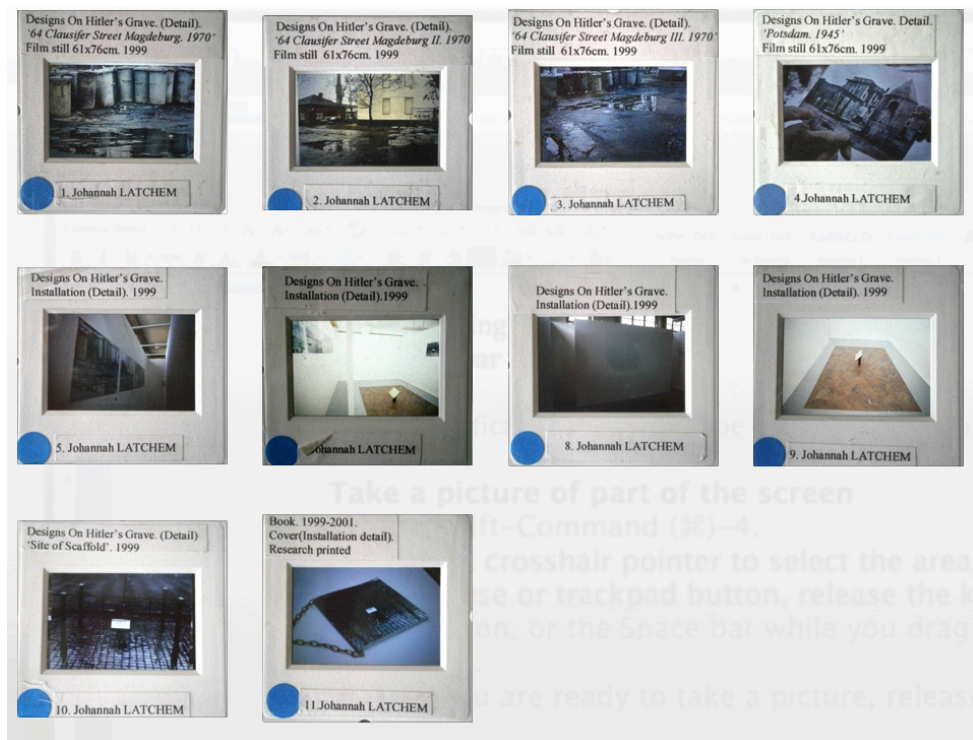


Fig. 5.

Fig. 6 Redacted due to copyright



Fig. 7



Fig. 8a



Fig. 8b

Fig. 9 Redacted due to copyright

Fig. 10 Redacted due to copyright

Fig. 11 Redacted due to copyright

Fig. 12 Redacted due to copyright

Figures Chapter 2



Fig. 13



Fig. 14a.



Fig. 14b



Fig. 14c



Fig. 15



Fig. 16.

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Figures Chapter 3



Fig. 29

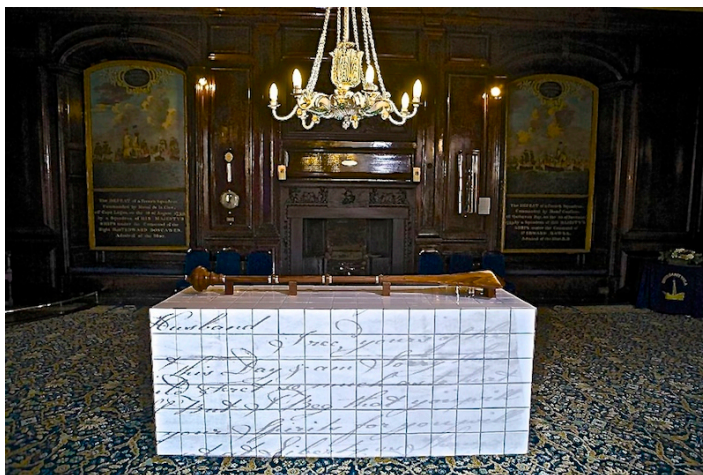


Fig. 30 Image courtesy of the Newcastle upon Tyne Trinity House

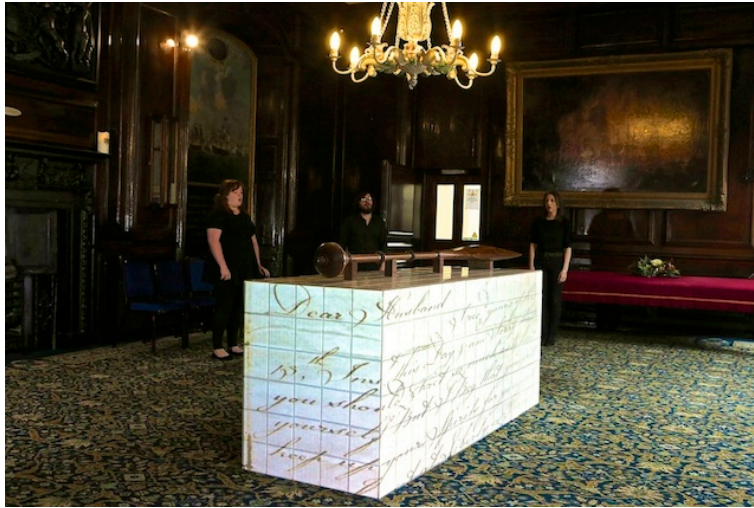


Fig. 31 Image courtesy of the Newcastle upon Tyne Trinity House

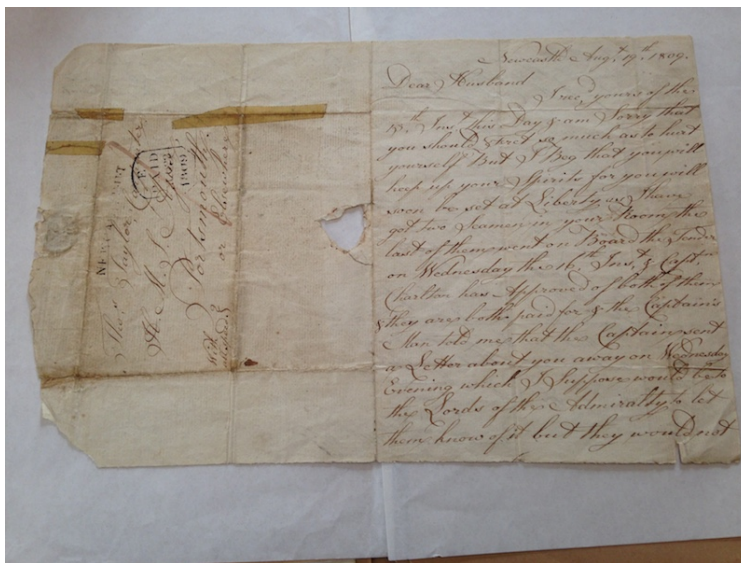


Fig. 32 Image courtesy of the Newcastle upon Tyne Trinity House

Fig. 33. Redacted due to copyright



Fig. 34

Fig. 35. Redacted due to copyright

Fig. 36. Redacted due to copyright

Fig. 37. Redacted due to copyright



Fig. 38.



Fig. 39 Image courtesy of the Newcastle upon Tyne Trinity House



Fig. 40 Image courtesy of the Newcastle upon Tyne Trinity House



Fig. 41a.



Fig. 41b.



Fig. 42

Figures Chapter 4



Fig. 43

Figures 44-46 are embedded in the chapter.

Figures Chapter 5



Fig. 47



Fig. 48



Fig. 49a



Fig. 49b

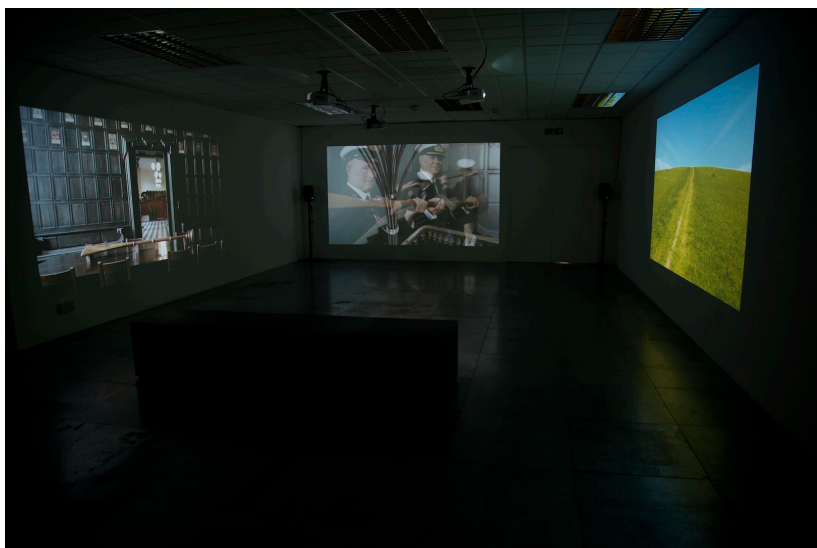


Fig. 49c



Fig. 49d

Appendices

Appendix I.

STI value	Quality according to IEC 60268-16
0 – 0.3	bad
0.3 – 0.45	poor
0.45 – 0.6	fair
0.6 – 0.75	good
0.75 – 1	excellent

Appendix II.

Table G.1 – Examples between STI qualification bands and typical applications

Category	Nominal STI value	Type of message information	Examples of typical uses (for natural or reproduced voice)	Comment
A+	>0,76		Recording studios	Excellent intelligibility but rarely achievable in most environments
A	0,74	Complex messages, unfamiliar words	Theatres, speech auditoria, parliaments, courts, Assistive Hearing Systems (AHS)	High speech intelligibility
B	0,7	Complex messages, unfamiliar words		
C	0,66	Complex messages, unfamiliar words	Theatres, speech auditoria, teleconferencing, parliaments, courts	High speech intelligibility
D	0,62	Complex messages, familiar words	Lecture theatres, classrooms, concert halls	Good speech intelligibility
E	0,58	Complex messages, familiar context	Concert halls, modern churches	High quality PA systems
F	0,54	Complex messages, familiar context	PA systems in shopping malls, public buildings' offices, VA systems, cathedrals	Good quality PA systems
G	0,5	Complex messages, familiar context	Shopping malls, public buildings' offices, VA systems	Target value for VA systems
H	0,46	Simple messages, familiar words	VA and PA systems in difficult acoustic environments	Normal lower limit for VA systems
I	0,42	Simple messages, familiar context	VA and PA systems in very difficult spaces	
J	0,38		Not suitable for PA systems	
U	<0,36		Not suitable for PA systems	

NOTE 1 These values should be regarded as minimum target values.

NOTE 2 Perceived intelligibility relating to each category will also depend on the frequency response at each listening position.

NOTE 3 The STI values refer to measured values in sample listening positions or as required by specific application standards.

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