

# Carte de visite of 'The Lord Chief Justice of England' (Sir Alexander James Edmund Cockburn, 12th Baronet) by London Stereoscopic and Photographic Company, circa 1873

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Figure 1: Carte de visite of 'The Lord Chief Justice of England' circa 1873 (left); and Figure 2: and the reverse side of the carte de visite (right) © Leslie J Moran

## Abstract

*The carte de visite of 'The Lord Chief Justice of England' (Sir Alexander James Edmund Cockburn, 12th Baronet)<sup>1</sup> by London Stereoscopic and Photographic Company that dates from the early 1870s is an object that provokes and challenges ways of thinking about the judiciary and visual culture and research on the judiciary more generally. It demands that consideration be given to a history of the relationship between the judiciary, photography and mass media that has been hidden from history by the long shadows of cameras in courts research. It provides an opportunity to consider how the technological innovations that turned photography into a mass media phenomenon impacted upon the making, distribution and use of pictures of judges.*

**Keywords:** judges; popular culture; mass media; photography; cameras in courts.

<sup>1</sup> A copy of this particular CdV can be found in the National Portrait Gallery <[www.npg.org.uk/collections/search/portrait/mw178951/Sir-Alexander-James-Edmund-Cockburn-12th-Bt?LinkID=mp00944&role=sit&rNo=5#sets](http://www.npg.org.uk/collections/search/portrait/mw178951/Sir-Alexander-James-Edmund-Cockburn-12th-Bt?LinkID=mp00944&role=sit&rNo=5#sets)>.

The chosen object is made up of a photograph in the form of a thin paper print mounted on a slightly larger card (Figure 1, see page 245). The whole thing measures approximately 89 mm x 58 mm (3.5 x 2.25 inches): the size of a large business card. It fits neatly into the palm of the hand. Echoing the size, this object is known by the name 'carte de visite' (CdV). CdV photographic portraits came into being as the result of a variety of new developments in chemistry and camera optics. The paper print photograph was made using the albumen print process, a development in the chemistry of photography that enabled the production of the first cheap and relatively easy to use, commercially viable method of producing a photographic print from a negative plate on to paper.<sup>2</sup> The other key development occurred in 1854. In that year an enterprising French photographer, Andre Adolphe Eugene Disdéri, patented a multiple lens camera.<sup>3</sup> Different lenses could be opened to the light at different times to capture the sitter in a variety of poses on a single negative in a single sitting. Together these developments enabled the production of a portrait at a fraction of the cost of any other method of portraiture.<sup>4</sup> The repeated use of the negative also allowed for the manufacture of an almost endless supply of copies of the portraits. This created the potential for photography to become a form of mass media.

The photographic print of the CdV of the Lord Chief Justice of England has a sepia (reddish brown) tone. In this particular case, from the viewer's perspective, the top left-hand corner of the print is missing. In its place a small graphic triangle has been added to create the illusion of a complete rectangular picture. The frayed edge of the missing corner suggests the paper print has a certain fragility that is further emphasised by the barely visible difference between the surface levels of the paper of the print and that of the card mount. A red graphic line printed onto the card mount provides a frame that encircles the not quite rectangular edge of the photographic print. The resulting effect is that the photograph sits unevenly within the framed space; closer to the left than the right edge of the frame. The combination of everyday materials, thin paper and card and less than perfect production qualities suggests that this portrait is more an ordinary than an exceptional precious object.

The red framing line extends below the print linking a number of captions to the picture. One, immediately below the photograph and at the centre reads: 'The Lord Chief Justice of England'. Below and to the viewer's left is 'Stereoscopic Coy'; an abbreviated reference to the name of a company. At the same level a third text, 'Copyright', indicates a proprietary interest in the object and links it to the name of the company.

The reverse side of the card (Figure 2, see page 245) carries an elaborate graphic that incorporates not only the full name of the business, 'The London Stereoscopic and Photographic Company', that was responsible for the production of the object but also two addresses that locate the business operations. It also includes a variety of symbols that put on display and attach to the studio and the carte social and cultural value. One source of value takes the form of references to royal patronage which appears in a variety of forms ranging from the names of senior members of the royal family, graphic depictions of royal regalia and heraldic symbols. Another representation of value takes the form of a series of medallions that refer to various capital and high-status cities. The medallions themselves incorporate Greco-Roman iconography that in the west is an

2 Dusan C Stulik and Art Capman, *Albumen: The Atlas of Analytical Signatures of Photographic Processes* (Getty Conservation Institute 2013) <[www.getty.edu/conservation/publications\\_resources/pdf\\_publications/atlas.html](http://www.getty.edu/conservation/publications_resources/pdf_publications/atlas.html)>.

3 Elizabeth Anne McCauley, *A A E Disdéri and the Carte de Visite Portrait* (Yale University Press 1985).

4 Ibid 27.

aesthetics associated with high culture. Beneath is the slogan 'Sole Photographers to the International Exhibition 1862', linking the studio to a London-based event that showcased industrial and technological innovations from around the world. The delicate tracery that weaves these various symbols into a whole suggests refinement and taste. In total just over 50 per cent of the surface of the object is devoted to branding that references commerce and consumption. While much of this is relegated to the back of the carte, the juxtaposition clearly links the portrait with the commercial operations of the studio rather than the name of the artist/photographer.

The style of branding is one way of dating the carte; the style of the branding changed, becoming more elaborate over time.<sup>5</sup> This particular branding was used between 1873 and 1878. The caption, 'The Lord Chief Justice of England', also helps to date the carte. In 1875, as the result of court reforms, a new judicial office, 'Lord Chief Justice of England', was established.<sup>6</sup> Sir Alexander James Edmund Cockburn, 12th Baronet, who is portrayed in that role in this portrait, was the first office-holder, remaining in post until 1880.<sup>7</sup>

### What appears within the frame of the paper print?

The CdV half-body portrait of 'The Lord Chief Justice' shows the sitter in judicial wig and robes of office. When placed in the context of the tradition of English judicial portraiture that has its origins in the sixteenth century, in many respects it is an unremarkable portrait. It is a composition that draws upon a composition style known as 'state portraiture'. In that format the plain backdrop and the lack of furnishings or props work to draw the eye to the body of the sitter that displays the symbols of the office of judge; the wig and the robes. It is a style of portraiture that acknowledges the sitter's two bodies; natural and institutional. But, in the final instance, it is an aesthetics that subordinates the natural body of the judicial office-holder to the institutional body. The natural body is primarily a surface upon which the symbols of office are put on display. The resulting portrait depicts the particular sitter as the very embodiment of the values and virtues represented by the symbols.<sup>8</sup> As the carte portrait of Lord Cockburn illustrates, in state portraits the face, while important, makes up a relatively small part of the portrait. The size of the CdV further compounds these compositional priorities. In the first instance, it would appear that, while this object has considerable novelty, in the form of the chemical and technological innovations that made its production possible, at the same time, the carte portrait appears to carry over a long-standing aesthetics of state portraiture reproducing its key characteristics in the new photographic format.

But this is a portrait that breaks away from that long tradition of judicial representation. Despite the size of Lord Cockburn's face in this small portrait, the face is

5 See Brett Payne, 'Brett Payne's Victorian and Edwardian Photograph Collection: Index to Victorian and Edwardian Photographers and Photographic Studios' for more information about the changing style of branding <<http://freepages.genealogy.rootsweb.ancestry.com/~brett/photos/eng/lon/londonstereo.html>>.

6 Prior to 1880 there were three 'Chief Justice' posts. Cockburn held two of them; Chief Justice of Common Pleas (1856–1859), then Chief Justice of Queen's Bench. The reforms of the court structure that began in 1875 did not result in a single Chief Justice until after Cockburn's death in 1880. The CdV portraits show him when Chief Justice of Queen's Bench.

7 The National Portrait Gallery has a total of 11 portraits of Lord Cockburn. They range across a variety of media from a painted portrait to a pen-and-ink sketch and portraits that use a variety of graphic techniques and technologies. The collection includes six CdV portraits, including the one shown in this study.

8 Leslie J Moran, 'Judging Pictures: A Case Study of Portraits of the Chief Justices, Supreme Court New South Wales' (2009) 5(3) *International Journal of Law in Context* 295–314; Leslie J Moran, 'Judicial Pictures as Legal Life-writing Data and a Research Method' (2015) 42(1) *Journal of Law and Society* 74–101.

remarkably detailed. It captures the face's fleshy undulating surface. The wrinkles under his eyes, on the bridge of his nose and between his eyebrows are all clearly visible. His jowls hang over the stiff collar. The full bottom wig sits slightly awry on his head. The carte portrait demonstrates photography's capacity for veracity, capturing the sitter's fleshy humanity. It incorporates fine (and sometimes unflattering) detail into the portrait thereby going against the tendency of the state portrait tradition to erase flaws and to idealise the sitter. Contemporary commentators marked this dramatic departure by describing CdV portraits as failed portraits.<sup>9</sup>

Another feature of this CdV portrait is that with the exception of the face and right hand much of the picture is out of focus. This is the combined effect of the limits of the camera technology and the prevailing conditions in the early studios, with a reliance on natural light. To counteract this, mechanical devices were used to help the sitter hold a pose. In this particular case the pose itself may in part be an attempt to ensure that the sitter remained still: the thumbs of Lord Cockburn's hands are tucked into a sash that surrounds his waist restricting movement. Another feature of the portrait is the way it has been cropped: the frame seems to have little regard for the integrity of his body. For example, only parts of his hands are visible. His robed upper body isn't a harmonious whole contained by the frame but a bulky excess that refuses to be contained in any neat way by the frame of the photograph.

### Carte de visite portraiture

The technological innovations that came together in CdV dramatically reduced the cost of portraiture production and distribution. Painted portraits were, and continue to be, expensive. In the absence of cheap alternatives, portraiture was a cultural form of visual self-fashioning and self-presentation limited to the elite. The cost of producing multiple copies, either other painted copies or in print form, also limited the reproduction and circulation of portraits. The CdV potentially widened access to portraiture, providing new and cheaper opportunities to use portraiture as a means of self-staging. The CdV also created the potential for wider and speedier circulation of portraits.<sup>10</sup> Scholars have described the impact of these characteristics as the democratising potential of the CdV format.<sup>11</sup>

However, in the first instance this new, cheaper and speedier form of portraiture was most readily available to those who were already in a position to have access to portraiture. In the early days of production a CdV was a luxury object.<sup>12</sup> The low value of the materials that make up the CdV, paper and card and the reduced cost of production of a carte portrait, still resulted in a price that required individuals commissioning and consuming cartes to have a surplus of income and a willingness and ability to spend some of that surplus on the technological novelties that CdVs represented.<sup>13</sup> While the lower costs did allow others to enter the market for portraits, the first users and beneficiaries were the established elites.

Introduced into England in 1857, by the early 1860s there was a frenzy of CdV production and consumption. One estimate is that between three and four hundred

9 Lara Perry, 'The Carte de Visite in the 1860s and the serial dynamic of photographic likeness' (2012) 35(4) *Art History* 728–49, 732–3

10 Ibid 733.

11 John Plunkett, 'Celebrity and Community: The Poetics of the Carte-de-Visite' (2003) 8(1) *Journal of Victorian Culture* 55–79.

12 Perry (n 9) 738.

13 McCauley (n 3) 1.

million cartes were sold in England between 1862–1866.<sup>14</sup> Contemporary commentators coined the terms 'carteomania' and 'cardomania' to describe this frenzy of production and consumption.<sup>15</sup> While this level of production was not sustained in the longer term, the CdV changed forever the nature and place of photographic portraits in the UK.

The growth in the production and circulation of CdVs is intimately connected with the growth in the number of photographic studios. By the 1860s there were over 300 studios in London producing CdVs. Thirty-five were concentrated in one street; Regent Street in central London.<sup>16</sup> The branding on the back of the CdV of the Lord Chief Justice includes a reference to Regent Street. The London Stereoscopic and Photographic Company opened for business in that street in 1861, on the cusp of 'carteomania'. In the years that followed the company expanded its Regent Street studio, taking over adjoining buildings 106–108 and remained on the street for over 40 years.<sup>17</sup>

If in part the frenzy of production and consumption of CdVs was driven by those with money to spend commissioning CdV portraits of themselves and other family members – the primary market – it was also driven by the production of CdVs by the studios. These were then sold to the public – the secondary market. The street-level showcases surrounding the entrance to the studios were used to not only advertise the services of the studio to potential clients but also included displays of CdV portraits of noteworthy individuals that were for sale to the public.<sup>18</sup> Prices for CdVs in this secondary market varied from a shilling to one-and-sixpence depending on the fame of the sitter. Outlets for these cartes were also not confined to the studios that produced them. They could be purchased in fine art shops, stationery supply stores and booksellers.

Was the CdV of 'The Lord Chief Justice of England' commissioned for personal use and private circulation or commissioned by the studio for sale to the public? Perry notes that it is now difficult if not impossible to differentiate between the two modes of production.<sup>19</sup> One problem is that the division between primary and secondary markets was not clear-cut. From the birth of the CdV, studios were proactive in offering this new form of portraiture to individuals whose portraits they also wanted to sell to the public. Eminent people – in England it was the senior members of the royal family – were some of the first to be approached by studios and the first to be portrayed in this format. The resulting portraits were produced and sold to the public with great effect. Plunkett's study of the English copyright records during this period discovered that in one year alone, 1866, 44 CdVs of Queen Victoria, 77 of the Prince of Wales (the heir to the throne) and 70 of Princess Alexandra of Denmark, the prince's young wife, were produced for sale by studios.<sup>20</sup> Between 1860 and 1862 Hargreaves has estimated that up to 4 million cartes of Queen Victoria were sold to the public.<sup>21</sup> The production of multiple portraits of the

14 William C Darrah, *Carte de Visite in Nineteenth Century Photography* (Darrah 1981).

15 Rachel Teukolsky, 'Cartomania: Sensation, Celebrity, and the Democratized Portrait' (2015) 57(3) *Victorian Studies* 462–75.

16 Oliver Matthews, *The Album of Carte de Visité and Cabinet Photography 1854–1914* (Reedminster Publications 1974) 29.

17 It shrank in the 1880s; a time when the fortunes of the street also went into something of a decline. See Erika Rappaport, *Shopping for Pleasure: Women in the Making of London's West End* (Princeton University Press 2002).

18 Roger Hargreaves, 'Putting Faces to the Names: Social and Celebrity Portrait Photography' in Peter Hamilton and Roger Hargreaves (eds), *The Beautiful and the Damned: The Creation of Identity in the Nineteenth Century* (Lund Humphries in association with the National Portrait Gallery 2001) 43.

19 Perry (n 9) 738.

20 Plunkett (n 11).

21 Hargreaves (n 18) 45.



same sitter also allowed for the release of different shots of popular subjects over a period of time. This helped to instill a habit of regular consumption thereby creating a sustainable audience and an enduring market. Through these activities studios played a key role in creating the conditions of mass production and consumption now associated with CdVs. There is evidence that multiple portraits of Lord Cockburn in his judicial robes were produced. London's National Portrait Gallery (NPG) has four different CdVs that show him dressed in the ceremonial robes of office.<sup>22</sup>

The catalogue of S B Beal, 'Photographic and Fine Art Dealer' based in the City of London, dated 12 January 1866 now in the library of the Victoria and Albert Museum provides an example of the diversity of portraits that comprise the CdV product range on sale to the public. Made up of over 1000 titles, the majority of the catalogue's entries are portraits.<sup>23</sup> The length and diversity of the list of sitters offers some evidence of the effects of what Hacking describes as the zealous pursuit by studios of established members of the elite and other contemporary eminent and famous people and their commercial exploitation. At the same time the catalogue also offers some evidence of the interest of members of these groups in attaching their status to this new form of mass media.<sup>24</sup>

The title of the Beal catalogue 'Carte de Visite Portraits of the Royal Family, Eminent and Celebrated Persons' neatly records a range of categories of persons courted by the studios. Members of the royal families of various nations beginning with Queen Victoria and her large extended family are prominent. Another highly ranked group in the catalogue is other aristocrats; lords, ladies, dukes, duchesses, from the UK and beyond. The list also includes portraits of members of the clergy (particularly bishops), military figures (domestic and overseas) and politicians. A variety of different types of artists (past and present), contemporary theatre and music hall performers, sporting personalities and beauties are also to be found. The appearance of judges, Lord Chancellors, Chief Justices and Justices of the High Courts in the Beal catalogue produced at the height of 'carteomania' is one source of evidence that suggests senior judges were one category of 'Eminent and Celebrated Persons' who were courted by the studios and thereby connected with the revolutionary developments associated with CdVs.

The common characteristic of the sitters in this catalogue is public recognition, reputation or significance, what van Krieken describes as people with attention capital.<sup>25</sup> The catalogue offers evidence not only of the categories associated with high attention capital, but also of the way the new invention of the CdV exploited this for commercial purposes. The production and sale of the portraits of sitters in the catalogue not only involves the commodification and sale of their existing attention capital to anyone with sufficient surplus income to make a purchase, but also the potential for its further enhancement by way of photography as a new form of mass media.

The appearance of a number of judges in the Beal catalogue and in the CdV studio collections in London's NPG, such as those produced by the Bassano and Caldesi studios, provides evidence that studios identified judges as one social group with sufficient attention capital to make the commercial exploitation of individual sitters a viable

22 There are two other CdVs in the gallery's collection that show him dressed in civilian clothing.

23 Titles include; landscapes (Catalogue No 882 refers to multiple CdVs, 'Twelve Views of North Wales'); ancient and venerated buildings (No 784, 'St Peter's (Rome)', No 508, 'The Exhibition Building'); and pictorial representations of popular sentiments (No 502, 'The Wolf and the Lamb', No 798 'Many a Fellah is a Fool and Dothn't Know It'). Portraits make up most of the catalogue.

24 Juliet Hacking, 'Camille Silvy's Repertory: The *Carte-de-Visite* and the London Theatre' (2010) (5) *Art History* 856–85.

25 Robert van Krieken, *Celebrity Society* (Routledge 2012).

proposition.<sup>26</sup> The terms 'eminence' and 'celebrity' in the title of the Beal catalogue are potentially categories that capture the attention capital associated with the senior judiciary and thereby explain their appearance in the catalogue.

A variety of factors may have informed the formation and accumulation of attention capital by judicial sitters. One is the institutional proximity of the judiciary to court society. Formal judicial titles and the conspicuous display of the emblems of judicial office in the portrait considered here are some of the symbols that visualise the link with long-established attention capital-rich authority figures. 'Eminence' potentially widens the sources of judicial attention capital beyond this historic institutional link. For example, in the nineteenth century a common route to high judicial office was a parliamentary career. The judicial subjects with greatest prominence in the Beal catalogue, the Lord Chancellors, combine high judicial with political office. Lord Chelmsford, the first judge to appear in the catalogue, was in office as Lord Chancellor at the time the catalogue was published in 1866. He appears at number 45 between two other high-ranking governmental figures; Field Marshal Lord Clyde (Commander in Chief in India) and the Duke of Argyll (a senior political figure who held the post of Lord Privy Seal and was a cabinet member). Chief Justice Monahan is the next judicial subject to appear, at number 210. He held the post of Chief Justice of Common Pleas in Ireland between 1850 and 1876. During his earlier political career, in the role of Attorney General, he had been involved in a number of high-profile cases involving Irish revolutionaries.<sup>27</sup>

The proactive role played by studios does not necessarily rule out the role played by others such as the press and the judges themselves in developing attention capital and making links with studios. Rowbotham et al note the growing importance of detailed reports of the work of the criminal courts in both traditional and illustrated news formats in the mid-nineteenth century.<sup>28</sup> As Matthews notes, some studios – he specifically mentions the London Stereoscopic and Photographic Company – were quick to exploit any interest shown in contemporary public figures.<sup>29</sup> Judges may also have played a more direct role, having a variety of reasons for being enthusiastic sitters. For example, Lord Cockburn, who held various judicial posts and was Chief Justice in a number of courts from 1859–1880, was noted for his keen desire for publicity; he 'relished the limelight'.<sup>30</sup> He was also the judge in many cases that attracted news media interest. One example that coincides with the date of this CdV is his participation in what has been described as the most newsworthy legal dispute of the Victorian period; the *Tichborne* claimant litigation.<sup>31</sup>

26 Perry (n 9) 738.

27 J D FitzGerald, 'Monahan, James Henry' in Oxford Dictionary of National Biography (Oxford University Press undated) <[www.oxforddnb.com/ezproxy.lib.bbk.ac.uk/view/article/18934](http://www.oxforddnb.com/ezproxy.lib.bbk.ac.uk/view/article/18934)>.

28 Judith Rowbotham, Kim Stevenson and Samantha Pegg, *Crime News in Modern Britain: Press Reporting and Responsibility, 1820–2010* (Palgrave 2013).

29 Matthews (n 16) 40.

30 Michael Lobban, 'Cockburn, Sir Alexander James Edmund, Twelfth Baronet (1802–1880)', *Oxford Dictionary of National Biography* (Oxford University Press 2004) <[www.oxforddnb.com/view/article/5765](http://www.oxforddnb.com/view/article/5765)>.

31 Rohan McWilliam, *The Tichborne Claimant: A Victorian Sensation* (Continuum 2007). The *Tichborne* case was one of the longest-running cases in the nineteenth century. It involved several court proceedings. The National Portrait Gallery's 'Tichborne Claimant Album' has CdVs of several judges and barristers involved in the proceedings.

### Judges on display: locating the meaning

It is a commonplace of portraiture scholarship that the location and mode of display play an important role in creating and engaging audiences and in making the meaning of the portraits.<sup>32</sup> The mode of production, the photographic studio, the small size of CdVs, their portability and their relatively low cost are all factors that informed the ways this particular form of portraiture was displayed. One location to be considered here is the shop window of the businesses that produced and sold cartes. Cartes were put on display in the windows. The second is the hand. While not strictly a form of display, touch and the role hands play in the physical manipulation of these objects is an important context in which viewing takes place and as such is a significant aspect of the viewing experience.

The London Stereoscopic and Photographic Company had two outlets. One was on Regent Street the other was in the City of London, on Cheapside.<sup>33</sup> These two addresses have particular significance. Cheapside, a major east–west thoroughfare through the centre of the City, had an established reputation as the capital's primary retail street. But by the middle of the nineteenth century this was under threat. Regent Street, almost two miles west of the City, had become the key shopping destination for those in 'Society'. Built in the 1820s, in the midst of an area being populated by London's elite who were beginning to leave the City, it was designed as a monumental thoroughfare linked to shopping.<sup>34</sup>

Large windows were a distinctive feature of the design of Regent Street. Sumptuous and innovative window displays were central to the street's function and reputation as *the* luxury shopping location. This particular aspect of the architecture of the street also reflected a shift in the practices of consumption. Public spectacle was becoming an important dimension of the developing culture of consumption. This was also an important aspect of initiatives to grow the market for consumer goods. From the early days, when Regent Street was a centre of shopping for the aristocracy and upper classes, by the middle of the nineteenth century it had been transformed into *the* destination for the growing number of middle-class consumers, and more particularly middle-class women.<sup>35</sup> Contemporary images, such as the 1862 painting by William Powell Frith, *The Times of the Day 2: Noon – Regent Street*, that shows a bustling thoroughfare crowded with people, offer some evidence of the impact of these changes on Regent Street.<sup>36</sup>

In the 1860s, photographic studios were a distinctive part of this urban spectacle of consumption. The concentration of 35 studios made Regent Street something of a Mecca for this type of business.<sup>37</sup> Hargreaves reports that this concentration of studios and window displays attracted large crowds and generated a new practice of window-shopping. Parading up and down the street admiring the studio window displays became a fashionable pastime.<sup>38</sup>

32 Marcia Pointon, *Hanging the Head: Portraiture and Social Formation in Eighteenth-Century England* (Yale University Press 1993).

33 The Cheapside premises were next to Bow Church. Photographs show the glass structure on the top of the building that housed the photographic studio. See 'The London Stereoscopic and Photographic Company, 1854–1922' <<http://microscopist.net/LSC.html>>.

34 Rappaport (n 17).

35 Lynda Nead, *Victorian Babylon: People Streets and Images in Nineteenth-Century London* (Yale University Press 2000); Rappaport (n 17).

36 For other images of Regent Street at this time see Nead (n 35).

37 Matthews (n 16) 29.

38 Ibid 18.



London Stereoscopic and Photographic Company's Regent Street premises occupied a corner location, at the junction of Regent Street and Glasshouse Street, close to Piccadilly Circus. A nineteenth-century photograph of the premises shows that at street level the facade was dominated by large display windows.<sup>39</sup> A range of photographic products, plus notices advertising the studio's services, are on display. The windows also appear to contain displays of smaller pictures. These are organised in clusters closer to the glass of the window at, or slightly above, eye level. Groups of well-dressed women stand before the studio's windows looking at displays of the clusters of smaller pictures

Contemporary commentators noted that the studio window displays clustered CdV portraits together; individual cartes were not, as in this essay, to be viewed in isolation. Plunkett describes this form of display as a bricolage of images.<sup>40</sup> The window displays were noted for the way they mixed together sitters from different strata of society; established elites such as royalty, aristocrats and eminent state officials, such as senior judges, could be positioned next to more recent celebrated individuals, such as theatre and music hall performers and 'Professional Beauties'.<sup>41</sup> The production of CdVs of judicial sitters for the secondary market points to the possibility of judicial CdV portraits in shop-window displays such as the ones in the studio's Regent Street premises. This puts these judicial portraits at the heart of the most fashionable centre of mid-nineteenth century mass consumer culture and connects them to new urban street spectacles associated with middle-class consumption and the related development of window-shopping.

While window displays and window-shopping are closely associated with consumption, they are also forms of exhibition and viewing that do not necessarily depend upon buying or more specifically of having the necessary surplus income to enable a purchase to take place. As such, it is a form of exhibition that has the potential to be open to viewing by a wider, more economically diverse, public. However, as various scholars have noted, this doesn't necessarily lead to a conclusion that the street was in practice a location in which the audience was always the public at large. For example, Domosh notes that the users of fashionable arteries of mass commercial culture tended to be segregated; at different times of the day the population on the street was likely to be dominated by different sectors of the population.<sup>42</sup> Applying this to Regent Street, the rhythm of the working day and week would limit the opportunities of people from working-class backgrounds to window-shop; confining viewing to early or late in the day, when going to and from work or on limited rest days. Middle and upper classes, with more leisure time, would be more likely to populate the street during the shopping hours. As Nead notes, gender is another factor shaping the changing viewing populations; women made up a significant percentage of those engaging in the practice of window-shopping.<sup>43</sup>

The window displays provided a context in which an individual viewer might not only contemplate and identify the portrait of a particular sitter but also experience that sitter

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39 Brian May and Elena Vidal (2008), 'The London Stereoscopic Limited: Introduction to the London Stereoscopic Company (and T R Williams)' (Londonstereo.com 2008) <[www.londonstereo.com/introduction.html](http://www.londonstereo.com/introduction.html)>.

40 Plunkett (n 11). Albums were sold as the preferred mode of CdV domestic display. They also worked with the assumption that CdV portraits were not viewed in isolation. In albums, those who collected CdVs organised the display. In the shop window this was done by the studio.

41 Hacking (n 24) 877.

42 Mona Domosh, 'Those "Gorgeous Incongruities": Polite Politics and Public Space on the Streets of Nineteenth-Century New York City' (1998) 88(2) *Annals of the Association of American Geographers* 209–26.

43 Nead (n 35) notes that other technological developments, such as the development of street lighting, also played a role.

in the context of the bigger picture made up by the larger display. Aided by captions, such as 'The Lord Chief Justice of England', the displays provided opportunities for viewers to be schooled in the ways of a game of facial and institutional recognition; connecting faces to names, titles, offices and other social positions and categories. If viewing provided a fleeting opportunity to contemplate an imagined community whose parameters were set by the studio through the limits of the display, it also provided an opportunity for viewers to take on a role in engaging, recognising, reading and organising their own social distribution of visibility, recognition and the attention capital of sitters. Acknowledging some, querying those who were not known to the viewer, gossiping with fellow window-shoppers about those depicted and maybe those absent from the display were all part of the dynamics and pleasures of engagement that connected the viewer into the imagined community as a whole and individuals within the community on display in the studio window.

These multi-carte displays were a visual manifestation of the 'democratising' effect of CdVs. A number of factors produced this effect. One was the repetitive nature of the compositions: the full and half-length format; the narrow range of backdrops; limited furnishing, props, poses and lighting. Standardisation enabled studios to meet the demand to process large numbers of sitters each day and to keep costs low.<sup>44</sup> Another factor was the effect of the limitations of the technology, resulting in a particular depth of field with a lack of spatial hierarchy that tends to homogenise the portraits. Faces were a small part of the small picture and the lack of sharp focus also limited individual detail, enhancing apparent similarities.<sup>45</sup> While portraits of judges dressed in ceremonial robes associated with long-established elites might help to separate out judicial CdV sitters from others in these displays, the same portraits also have much in common with the portraits surrounding them.

Together these factors worked to produce displays that challenged social hierarchies. Extraordinary people performing their extraordinary role compete in these displays with ordinary people made extraordinary by way of new opportunities for previously unimaginable visibility. These are displays that made visible a new potential for social mobility; one that was being shaped by the development and further institutionalisation of the phenomenon of celebrity in nineteenth-century London.

While evidence of the appearance of judges in these window displays, either in their robes of office or in bourgeois civilian dress, is limited,<sup>46</sup> this does not mean that they did not make an appearance from time to time. Nor does it make the role of window display or window-shopping irrelevant to our understanding of this CdV. The exhibition of cartes in these windows draws attention to the practices and wider cultural context in which the experience of viewing cartes, including those of judicial subjects, was taking place and the potential effects that this particular form of mass media photography could have on audiences who viewed the cartes from the public space of the street. The CdV of Lord Cockburn is indicative of a wider set of changes that were taking place; making certain faces more visible and enabling the public to put faces to names as never before. This was not a total departure from the past – prints and their display in the shop windows of print shops and other vendors preceded the shop windows of photographic

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<sup>44</sup> Hacking (n 24) 867; Hamilton and Hargreaves (n 18).

<sup>45</sup> Plunkett (n 11) 59.

<sup>46</sup> The appearance of judges in the Beal catalogue is some evidence in support as is the name of stores selling CdVs on the back of some of those in the Lincoln's Inn collection.

studios by several decades.<sup>47</sup> Graphic journalism had also made visual images an everyday dimension of news and judges were regularly depicted.<sup>48</sup> But cartes created new, different and much cheaper opportunities for viewers to have intimate mediated quasi-interactions with those who were represented. If the window displays provided these experiences to the public at large on the street, the physical encounter with a CdV portrait that follows on from the acquisition of a carte is a matter I now want to briefly consider.

### The carte in the hand

Holding CdVs in the hand is linked not with window-shopping but with individual purchases. As such, at the time the cartes were being produced it is likely that it was a more limited form of interaction. For those who did have the opportunity to hold the cartes it provided the viewer with a mediated experience of quasi-proximity to and intimacy with the subject of the portrait unlike any other type of portrait, and more specifically any mass media portrait, that preceded it. As noted earlier, the fidelity of photography was one of the failings of CdV portraits, capturing a fleeting moment, reproducing sitters and their flaws rather than providing a representation of the essence, the soul, of the subject.<sup>49</sup> But the ability of the lens of the camera to produce a portrait that offered a more authentic representation of the physical likeness of the sitter than had ever been possible before is also an important dimension of the experience of proximity and intimacy provided by the CdV. It was part of the magic of this new type of portraiture that attracted both sitters and consumers.<sup>50</sup>

The experiences of intimacy with and proximity to the sitter associated with carte portraits is explored in Plunkett's study of Queen Victoria's and more generally the British royal family's pioneering engagement with the CdV format.<sup>51</sup> The fidelity of photography was engaged by the monarchy to change and, more specifically, to modernise its image and to create new and different relations with its subjects. Despite the small size and the shallow depth of field of the photographic image, the CdVs of Victoria and family members provided the viewer with a more life-like image than was possible by graphic technologies and at a fraction of the cost. When combined with the size and scale of CdVs that enabled them to be held by the viewer in close physical proximity, such as in the palm of the hand, this new type of portraiture provided viewers with a novel and more vivid experience of intimacy with and proximity to this elite family. As such, cartes exploit the potential of lens-based visual media to produce new experiences of mediated quasi-interaction with these authority figures.<sup>52</sup> Another feature of this mediated experience of intimacy was the experiences and perceptions of transparency, of openness and the truth of the authority figures that the veracity of the portrait symbolised. Plunkett describes the mediated quasi-interaction that carte portraits create as one that draws upon the 'insinuating and sensuous realism' of the CdV photographic portrait.<sup>53</sup> This aspect of the image also ties in with the democratising

47 Martin Postle, "'The Modern Apelles': Joshua Reynolds and the creation of celebrity', in Martin Postle (ed), *Joshua Reynolds: The Creation of Celebrity* (Tate Publishing 2005)

48 Rowbotham et al (n 28).

49 Perry (n 9) 732–3.

50 Plunkett (n 11) 45.

51 John Plunkett, *Queen Victoria: First Media Monarch* (Oxford University Press 2003).

52 John B Thompson, *Political Scandal: Power and Visibility in the Media Age* (Polity Press 2000).

53 Plunkett (n 51) 145.

dynamic of CdVs; making authority figures look more commonplace, more like the viewer, potentially more ordinary and more accessible to a wider audience.<sup>54</sup>

Despite the compositional preoccupation with symbols of authority in the form of archaic modes of dress that is a feature of the photographic portraits of judges in their ceremonial garb, the carte portrait of Lord Cockburn also engages these aspects of CdV portraiture. The ability of the optics of the camera to represent the idiosyncrasies of Lord Cockburn's face, his posture, his creased robes and thereby its capacity to challenge the traditional representation of the symbolic body of the judge by humanising the judicial office-holder gave viewers a new experience of the presence of Lord Cockburn; an experience of presence that was difficult if not impossible to achieve via other available media. The fleshy humanity of Lord Cockburn, his ordinariness, is woven in as part of the symbolic assemblage that presents him as the embodiment of the extraordinary qualities of the elite office he occupies. The new degree of visual accuracy created a different form of judicial state portraiture that had a different aura of authenticity. It brought together a highly formal style of portraiture with a new aesthetics of realism, authenticity and transparency.

The size of the cartes provides the viewer with a mediated quasi-interactional experience of intimacy that had until the invention of the CdV been associated with miniature portraits, a form of portraiture closely tied to intimate relations and close friendships. The CdV of 'The Lord Chief Justice of England' has a potential to link these qualities with a public institution and its office-holders and to circulate them to audiences as never before.

### Conclusion

This nineteenth-century object provokes and challenges ways of thinking about the judiciary and visual culture and research on the judiciary more generally. Studies that engage with the link between the representation of judges, photography and mass media have tended to focus on the appearance of photographs in the press,<sup>55</sup> but, as Keller notes, there is a considerable gap, more than 50 years, separating the birth of photography, in the late 1830s, and the technological developments that led to the mass production and circulation of photographic images via newspapers at the end of the nineteenth century.<sup>56</sup> This object demands that consideration be given to a history of the relationship between the judiciary, photography and mass media that has been hidden from historians and legal scholars by the long shadows of cameras in courts' research. The CdV, because of its cheap material form (thin paper and card), poor print quality and mass media production techniques, has been neglected by scholars preoccupied with the official aesthetics of justice and those who conduct visual legal research according to the requirements of the dominant art-historical preoccupation with connoisseurship. This study, drawing upon research exploring the visual aspects of popular culture,<sup>57</sup> challenges

54 Perry (n 9).

55 Other links between judges and photography in the nineteenth century have focused upon the reception of photographs in legal disputes. In that context, the questions emphasised the evidential qualities of photography. For example, see Jennifer Mnookin, 'The Image of Truth: Photographic Evidence and the Power of Analogy' (1998) 10(1) *Yale Journal of Law and Humanities* 1–13.

56 Ulrich Keller, 'Early Photojournalism', in David Crowley and Paul Heyer (eds), *Communication in History* (6th edn, Routledge 2016).

57 Geoffrey Batchen, 'Dreaming of Ordinary Life: Carte de Visite and the Bourgeois Imagination', in J J Lang, Andrea Noble and Edward Welch (eds), *Photography: Theoretical Snapshots* (Routledge 2009); Plunkett (n 11); Hamilton and Hargreaves (n 18); Perry (n 9).

the resulting 'hierarchy of legitimate objects of study'<sup>58</sup> that have generated and sustained the exclusion of popular mass-mediated objects from the growing academic interest in law's visual culture. One challenge that research into CdVs in general and CdVs of judges in particular will face is the impact of the marginal status on these particular cultural objects. Because of the association of these particular objects with mass media and popular culture, the vast majority of cartes have been destroyed and the albums in which they were displayed have been broken up. In addition, unless the CdV incorporates a caption, the cartes that depict judges in civilian dress are difficult if not impossible to identify as they disappear as just another standard performance of the virtues and values of the bourgeois male subject. While this may make it more difficult to capture the impact of the revolutionary nature and impact of CdVs upon society in general and the place of the judiciary in nineteenth-century visual culture in particular, my goal has been to demonstrate that there is still much that can be gained from the encounter with these forgotten and neglected judicial portraits.

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58 Pierre Bourdieu, *Photography a Middle-brow Art*, Shaun Whiteside (trans) (Polity Press 1965/trans 1990) 1.



