



symbolism, imagery and influence  
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Look around you... look how the world is constructed... look at the architecture, the important buildings... the great libraries, churches, town halls, law courts, railway stations, warehouses and the homes of the rich and famous... and ask yourself what these structures represent.

They are more than just places that store books, or call to worship, or where we pay our taxes. They are meant to be impressive... designed to be symbols of power and authority and great wealth. They are special places... and they are meant to be awe inspiring. They represent dominion, authority, and the mysteries that command deference and obedience.

Powerful armies have their symbols, traditions and authority, their strength manifest not only in the indisputable fighting ability of regiments, but in martial displays, pageantry and ceremony — something the Brits do better than anyone else.

Military spectacle was always a crowd-puller, particularly in the century after Waterloo. Crowds gathered in parks and fields all over Britain to witness parades and mock battles. In the smaller towns and cities — even in rural villages — companies of local militia regularly paraded to thrill crowds of workers and their families, and of course attract new recruits. The sight of hundreds of uniformed men moving as one in perfect lock-step, guaranteed to excite the senses, performing the same actions with the same purpose, excite feelings of belonging deep in our brains that are more than just national pride, they make us want to be part of the show. For a few moments at least, even the most hardened cynic will find themselves stirred by sights of equilibrium, of symmetry, of *theatre!*

After the marching and drill and manoeuvres of breathtaking complexity, recruiting sergeants would be on hand to enlist young men impressionable enough to take the king's shilling, although later, in the barracks and in a more sober frame of mind, some would undoubtedly regret their impulsive decision. Nonetheless these events were enormously popular, particularly if attended by a famous, preferably victorious, general. Was this perhaps the first example of the cult of celebrity? At a military review on Wimbledon common in 1811, the Prince Regent sat astride a saddle that had cost five hundred guineas — and the crowd was all the more grateful because of it. The Duke of Wellington was mobbed wherever he went. Wellington fully understood the mentality of the mob. In fact he feared the mob above all things. In the Peninsula wars he is reported to have said, "*Napoleon knows as well as I... that discipline is only a rabble-rouser's shout from anarchy.*"

From the Romans to the Nazis, to the marching bands of America and the Victory parade in Red Square, leaders have understood the power of these principles and wasted no time in harnessing their effect — attraction and appeal almost impossible to resist. When our senses are bombarded with exciting and powerful imagery, critical thoughts are all but suspended and we become more open to suggestion.

Modern day religious services, particularly in the American Bible Belt, exploit exactly the same kind of wonderment to great effect. Organised along the same lines as professional musical theatre productions, the hypnotic effect created by the experience activates furious activity in the limbic system, the main centre of the imagination, which in turn releases the opiates which increase suggestibility. This is what happens when the individual becomes submerged in, and part of, the greater organism of the group.

Towards the end of the nineteenth century, the importance of the army in defining the nation's greatness declined and replaced by a new bench mark, that of commercial and industrial power. The mills, the factories and sweat shops that grew amid the great industrial enterprises of Victorian England, rising above once green rural landscapes, these new symbols became England's measure of wealth and power. The new rich were stared at open mouthed by the lower classes in just the same way as the aristocracy had been gawked at in preceding centuries. New ostentatious displays of wealth worked their magic on the general populace that was nothing short of astounding compared to modern sensibilities. The result was one of awe, deference, and an unremitting sense of 'knowing one's place.' Throughout the whole of a man's life, the social hierarchy of the times demanded nothing less than absolute submission to one's betters — ideals rigidly enforced from cradle to grave. The importance of hierarchy, again, lodged in the unconscious by the power of suggestion, should not be underestimated.

For an ordered society to exist, hierarchy cannot be dismissed. Even those who opt out of mainstream society and choose to live (and love) in communes — still popular in California, where abundant sunshine makes that kind of faux Utopian lifestyle achievable — are still subject to rules. A commune still has rules, even though the rules governing it are made by its members. There still has to be division of labour, and even though that labour is shared, it is still organised.

Many social historians point to the aftermath of the First World War and the dissatisfaction with the incompetence of wartime leaders as the point at which blind respect for one's betters began to be undermined. Prior to the war, the sinking of the Titanic on the 14th April 1912 might have been just another footnote in history, had it not been for the fact that so many of the elite had also been lost, and shown to be no more special than the poor souls in third class. With hindsight, it may have been the defining moment which signalled the decline of the class system — in Britain and America. Quite apart from the horrific loss of life, it marked the dawn of a new way of thinking. Walter Lord, in his definitive account of the sinking commented: *"If wealth meant so little on this cold April night, did it mean so much the rest of the year... The Titanic somehow lowered the curtain on this way of living. It never was the same again. First the war, then the income tax, made sure of that."*

Things would indeed never be the same again. As the twentieth century wore on, people became less willing to submit to traditional notions of deference and hierarchy and a new idea began to emerge.

The idea was one of equality — at first a wild and revolutionary concept, but relentless and unstoppable. If there is one event in the twentieth century that is more powerful than the atom bomb, more far reaching than the world wide web, it is the idea that all are equal, born equal, equal in life, with equal rights enshrined in law, the great social leveller. The French had started it a century before with their cries of 'Liberté, Egalité, Fraternité'. Sadly, the French went too far, derailed by a radical flirtation with Madame Guillotine.

The coming of education for all (the first public libraries were introduced in 1850), faster communication, redistribution of wealth and all that the 20th century and its technological advances and achievements made available to all, this most precious, most deeply and most dearly held conviction rendered obsolete the need for the spectacles of the past. National pride has been relegated to the sporting arena and the Eurovision song contest, but it is a substitute.

Today, the television news and the internet has downgraded the spectacle of war to the level of video game. Losing a football match is more likely to cause passionate and violent disorder. We no longer fear invasion, instead, we destroy our enemies on Facebook and

Twitter, arguing over whether someone born with a penis can be a woman. These new obsessions have taken on a disproportionate importance in a society that has become obsessed with destructive fantasies. In 1969 we stayed up half the night to watch a man walk on the moon. In the new age of laser guided 'smart' bombs, such wonders are now commonplace and inspire us no more. No longer are real heroes role models... instead we worship a cardboard culture of fragile celebrity... and Greta Thunberg.

Andy Warhol's prediction that eventually everyone will enjoy fifteen minutes of fame has come true. We ignore wisdom and experience, but are all too willing to be influenced by those whose opinion counts simply because they are on television. We allow ourselves to do this at our peril. Today's role models are famous only for being famous, contributing nothing to science or the betterment of civilisation. They are not great thinkers, nor do they accomplish anything of any great worth. Addicted to publicity, in no matter how bad, led by social media, their fans adore them. The Karaoke competition X-factor and The Voice are not talent shows — genuine talent show would present new and original musical sounds. In short, we have become satisfied with mediocrity.

In the 19th century we were concerned about survival, war, invasion, disease, infant mortality, early death, working 16 hour days, where their next meal was coming from, and whether or not they would go to heaven or hell. In the 20th century we were concerned about world war, the rise of Nazism and communism, nuclear war, working 12 hour days, and our pensions. In the 21st century we are concerned about how offended we should be if someone says the wrong thing.

Yet there is still one very feature of our society that has remained constant and unchanged, thankfully immune to the ravages of the mob, safe from fads and fashion, and that is the Law. English law stands up to governments when the need arises and it is the law that guarantees defence against unreason. And it is the law and its processes that is protected by those who are still able to think in an otherwise topsy-turvy world.

On the surface, the law has retained the theatrical nineteenth century wigs, gowns, and complex language and it is the one feature of modern society still guaranteed to engender respect in the observer. Even the most defiant offender is reduced to an attitude of obedience once he finds himself confronted with the gravity of his offence by a well mannered elderly gentleman wearing a wig and silk stockings. This effect, a direct result of the employment of imagery, symbolism and tradition.

In the courtroom, symbols of authority generate a deeply felt psychological effect... quiet, understated, and more profoundly felt. This does much more than enhance the prestige of the court and its officials. It is a statement of power — evident not only in the wigs and robes, but in almost every aspect of court life, deliberately designed to exert a powerful importance on belief and action. The purpose is to fine-tune emotions and behaviour. Such is its appeal that when a group of American law students visited the public gallery at the Crown Court in Manchester, they were much more interested as to whether the protagonists would be sporting the traditional wigs and gowns than in the outcome of the trial and were genuinely thrilled to find that this was to be the case.

A modern English trial by jury however, for the benefit of our American friends, is far more than a sortie into some pretend Narnia. All those who "draw near and give attention" must recognise that beyond the costumery is drawn the final line between good and bad, order and chaos. Apart from the symbolic reverence and ceremony, what is being publicly advertised is a set of values, free from any political considerations, and mercifully immune to the ravages of public opinion.

The architecture of the court itself reflects the hierarchical, puritan values of sobriety, duty and diligence. In older courts, the high ceilings and leaded windows, the ornate carpentry and chandeliers, are borrowed from the Christian church. In these cathedral surroundings sit the highest in the land, kindred to the hierarchy of the church, the Royal Crest in place of the crucifix, the witness box of pulpit, the bench of altar and the accused, the sacrificial lamb. Above all others in keeping with his station, judges wear more colourful robes according to their rank — purple, red — brilliant flashes of colour... unconsciously reminiscent of religious practice.

The ranks of Kings Counsels (KCs) and barristers, dressed according to seniority (KCs wear silk gowns, hence the epithet 'silk') each in horsehair wigs, starched wing collars and clerical ties. Most are smart, pristine, but some sport torn gowns and untidy wigs in mock affectation of eccentricity and therefore, learnedness. None shake hands — a century's old tradition originally designed to ensure that bribes are neither offered nor accepted. The clerks and ushers silently work around each other, like worker bees servicing the collective, quietly shuffling papers, gliding silently through hallowed portals, all business conducted in deadly earnest and efficiency, His Majesty's Justices, His Majesty's prisons.

And then of course there is politeness — politeness carried out to the point of obsession, decorated with profound apology and courtesy, just the right degree of practised deference from m'learned friends in the presence of His Honour or His Lordship. All are grateful, some occasionally begging forgiveness. It cannot be copied or reproduced or effectively imitated without appearing faintly ridiculous. The principal players exact obedience. Proceedings are the very model of the order and discipline reminiscent of the stability inherent in great institutions and this in its turn demands unconditional surrender, and it requires a devotion bordering on the devout.

In the United States it is always 'The People versus....' That's all the people, all three hundred million of them, and those odds are not good. But under our system, honed by centuries of practice, it is the Crown that prosecutes — the remote and unapproachable Sovereign yet at the same time the very embodiment of fairness and justice. Under our system every detail bears the most thorough examination and nothing is left to chance. Under our system, no defendant is cast before the baying mob and none the victim of a lesser justice (unless the defendant is unlucky enough to be a sub postmaster). Our system guarantees the safety of those subject to it and also that of those who dispense it. The presence of the symbolism and imagery is a reminder of its importance.

As society descends ever more into trivia, these traditions are a forceful reminder that although we live in a democracy and are undoubtedly democratic by nature, ultimately we are all subject to age-old morals and values. Even Vladimir Putin observed that "*our [British] archaic official protocol defines a certain standard... it is not a bad thing that these things are preserved.*" At a time when the established Christian church is shedding the more deeply ingrained methodology of reverence, the courts have managed to retain the model of hierarchy and conformity, the mantle of discipline and thus the exercise of power. Beyond the carefully regulated facade which on the surface appears to transcend reality is a highly potent and effective management tool.

The symbolic reverence of this great ceremony with its age-old traditions guards a much higher moral interest. Few reject the assumption of the distribution of power behind it. Even those who are unfortunate enough to find themselves in the dock and subject to the conduit of the criminal justice system, by their very presence add to the overall collective conscious, their petty, bitter and destructive conflicts set aside, subject to a far higher and morally superior achievement.

The seasoned British journalist and broadcaster John Humphreys once had the good fortune to interview Donald Findlay QC on Radio 4's *On the Ropes*. Findlay happens to be the most successful advocate in Scotland, with a record of success in the courts second to none. The Great Defender happily admitted that his flamboyant personality and approach, not to mention his acting abilities, also beyond question, had helped him enormously when he was performing for the benefit of a jury. Findlay went so far as to admit on the programme that he had helped guilty men walk free. And they say you can't buy justice!

It is well known that in litigation, those with the deepest pockets have the edge, and if you have Donald Findlay on your side, then you may be in a much better position before the opening statements have even been read. Juries are very susceptible to the kind of theatricality Findlay excelled at. And that is a form of non-verbal, prestige suggestion.

It is my belief that these traditions must be maintained at all costs, and I will now attempt to justify this view.

It is a proud feature of our system of law that guilt or innocence is ultimately decided by a jury of twelve citizens, not by judges or lawyers, but by a dozen ordinary people who will use their own experience of life and their own common sense to reach a verdict. Trial by a Jury of one's peers is by no means an abdication of responsibility by the legal profession, but a fundamental right to justice enshrined since Magna Carta. All proceedings are held in full public view, except jury deliberations, which are secret. In the United Kingdom it is a criminal offence to interview jurors or publish details of their deliberations, unlike the American system where jurors in celebrity trials can make fortunes by writing books and appearing on CNN or the *Tonight Show*. Nonetheless, ours is a system which has evolved to near perfection by hundreds of years of exercise and experience.

To the Sun reader and his wife, it may appear that the quaintness of wigs and gowns are an outdated tradition and that the judges are out of touch with the modern world and that the whole system needs a long overdue overhaul. The traditional public view of a judge is of someone who has never heard of the *Rolling Stones* (immortalised in *Private Eye* as Mr. Justice Cocklecarrot, a play on the real life Mr. Justice Popplewell, who was genuinely surprised when he was told fans swore at football matches.)

But there is more to all this than is usually reported in the sensation and gossip hungry tabloids. The fact is that the vast majority of judges do know who the *Rolling Stones* are (they are a popular beat combo, m'lud) and some judges have even been to football matches. It is part of the gallows humour of the courtroom, a long established tradition like the 'Liverpool Jury,' that a judge will take each and every opportunity to feign ignorance at the mere mention of a celebrity. They can't help themselves, and it's always a moment of sublime humour. But it's also one of those things where you just had to be there — reading about it in the Daily Mail just isn't the same.

And then there is another myth, again perpetuated by the adult comics, that judges are out of touch when it comes to sentencing. Judges do not make the rules which govern sentencing, the government does. This is the same government that conveniently points the finger of blame at the judiciary every time a criminal gets off with a slap on the wrist instead of the life sentence and hourly prods with a red hot poker they so richly deserves. Every Sun reader knows that Tony Martin deserved a medal for shooting that burglar and that justice was "*stood on its head*" when he got five years. Unfortunately for the Sun, the Daily Mirror, and a host of other tabloids, it was not the judge who sealed Martin's fate. It was the jury.

Likewise, judges are too often treated to public opprobrium because they are constrained by liberal laws which stymie their ability to impose suitable sentences. Again, don't blame the judges, blame the politicians... it is *they* who are ultimately responsible for these laws. The fact is there are twice as many people in prison in the UK today than there were twenty years ago, simply because crime is on the increase, but also partly because sentences are in reality generally longer. Judges have all done their apprenticeship as barristers or sometimes solicitors, dealing on a face to face basis with their clients, and are fully aware of the squalid histories of offenders, so it begs the question, how can they possibly be out of touch? When it comes to dealing with criminals, they are more *in-touch* than most.

A very useful (and more honest) exercise next time someone conducts an opinion poll as to whether judges are out of touch or not, would be to add to the survey one simple question — have you ever watched a trial in a crown court? Habitual court watchers know very well that judges are amongst the most intelligent members of society and they are promoted purely on merit. It is only when one watches these proceedings and pays close attention to the reasons behind sentencing that one feels an overwhelming sense of relief that the law really is in safe hands.

Our system of justice is based on the rehabilitation of offenders rather than retribution (as in America) and it is only natural that sentences reflect this. If judges were to be promoted as instruments of political will, they would lose their independence. Judges in England can only be appointed or dismissed by the Lord Chancellor, and in the latter case, only after some gross misdemeanour. It simply will not do to have English judges looking over their shoulder every time they are asked to make a decision that is at all controversial or that the government of the day might not like.

And of the seven hundred or so judges in England, they are almost unanimous in their wish to keep their accoutrements, not just as a handy form of disguise (you never know when you might meet one of these miscreants in the street) but for other, far more subtle but hugely important reasons.

To abolish the wigs and gowns and centuries old ceremony of the courts — even to dilute it would spell disaster, not just an end to the traditions which make our system unique, but for future generations who will ultimately rely on the protection of the courts. The old adage 'if it aint broke, don't fix it' was never more true. Prime Ministers and Home Secretaries may tinker and meddle all they like, but they are temporary tenants and thus relatively inexperienced...

English law is the beneficiary of over seven hundred years of evolution and experience. There is no law which actually dictates what judges should wear, so in the long run, it may be that freedom of choice will prevail and judges and barristers will wear what they like and that is much more likely to be wigs and gowns.