

## VISUAL JUSTICE AND THE AESTHETIC CONSTRUCTION OF THE TRIAL

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### Abstract

This article explores the concept of visual justice—the aesthetic and symbolic construction of justice in courtroom films and television—and its impact on public legal consciousness when its tropes and dynamics are used in journalistic discourse. While legal dramas do not claim to represent judicial reality, they shape cultural expectations through narrative coherence, emotional legibility, and moral clarity. As these visual tropes migrate from fiction into journalism, particularly in the phenomenon of “trial by media”, they risk distorting public understanding of how justice operates in practice. We argue that when real trials fail to align with the aesthetic script popularized by cinematic representation and inappropriately adopted in the practice of reportage, public trust in the judiciary may erode. This article bridges legal theory, media studies, and aesthetics to interrogate the ethical and epistemic consequences of representing law as image.

**Keywords:** visual justice; legal aesthetics; trial by media; judicial representation; public perception of law.

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## [A] INTRODUCTION

Courtrooms are often imagined as spaces of solemnity and restraint, rooms arranged for procedure, governed by silence, decorated with robes, rituals, and the persistent architecture of formality. However, when transposed onto the screen, these spaces are transformed: the courtroom becomes theatre, the trial becomes plot, the judge becomes arbiter of meaning as well as law, the lawyers become performers; and the language of the law, once dense with jurisprudence, becomes dialogue crafted for effect. Law, in this mediated form, sheds its precision to embrace its dramatics and its sensationalism. The courtroom drama is a mythology, not merely a genre: it is not aimed at portraying how the law operates, but rather to distil its drama, its ethical stakes and its human tension. In this process, justice is aestheticized and made visible through narrative coherence and visual clarity rather than conformity to the judicial reality. The procedural—and often mundane—aspects of litigation are stripped away, leaving behind a purified image of justice that is swift, moral, and emotionally legible.

We call this process visual justice: the visual and symbolic construction of justice within mediated forms, particularly cinema and television. Unlike procedural justice, which rests on fairness and impartiality in court proceedings, or distributive justice, which concerns outcomes, visual justice concerns the representation of justice and its aesthetic logic. It is justice as it appears—not to the judge or to the jurist, but to the public gaze. In this paradigm, the law turns from a system of norms into a performance.

“Trial by media”, on the other hand, is one of the symptoms of a culture increasingly saturated by image and information. In such a culture, public legal consciousness is shaped neither by legislation nor by lived experience, but by mediation. For many, especially those who have never seen the inside of a courtroom, the law is only encountered as representation—in cinematic works of fiction as well as in the journalistic account. Courtroom dramas, used as models in reportage, end up teaching an imperfect model of what justice looks like, how it sounds, and how it should feel. Over time, this aesthetic miseducation forms expectations; and when real-world trials fail to meet those expectations the public can feel betrayed. This betrayal, in turn, becomes political: trust in the judiciary and in the legal system is fragile, as it is mostly built on perceived fairness, transparency, and intelligibility. When visual justice consistently renders law as moral clarity, swift verdicts, and righteous advocacy, and the tropes of visual

justice are then borrowed in the journalistic discourse, real law may begin to appear inadequate by comparison. A justice that does not look like justice becomes suspect.

Here, then, lies a critical question: what are the epistemic and ethical consequences of representing law as image? What does it mean to believe not in what justice is, but in what justice looks like? In this article we examine the aesthetic and rhetorical elements that dominate representations of trials in film and television, and question whether these visual narratives should shape the public's understanding of the law. To explore this, we must move between disciplines. Law alone is ill-equipped to read images: it can interpret texts, weigh facts, balance interests, but it hesitates before the visual. Aesthetics, on the other hand, understands the grammar of images, the codes of framing, lighting, pacing, gesture, and asks not only what is represented, but how and why. To understand visual justice, one must read courtroom drama as legal texts, and legal texts as aesthetic objects. This interdisciplinary approach is essential: meaning is always mediated (Barthes 1968), and the image is always a sign. A trial on screen can be a performance of legality, a ritual of legitimacy, even a narrative of guilt and redemption. To treat such images as mere entertainment is to ignore their power; to treat them as documentary truth, on the other hand, is to reduce the spectacle to an impoverished referent, stripping it of its theatrical seduction and narrative wonder, only to be left with a flawed imitation of reality—one that, precisely because it pretends to truth, fails to satisfy either as law or as drama.

In the pages that follow, we will discuss how trials are represented in popular media, with particular attention to the tropes and stylistic conventions that define courtroom narratives. We shall also address how the use of these tropes in the practice of reportage and in those parallel proceedings known as “trial by media” shape public expectations and influence trust in the judiciary and the legal system. Our aim is not to denounce fiction, nor to moralize about popular culture, but to reflect on how justice is seen on screen, and what is at stake when that seeing is inadvertently transposed onto reality. Ultimately, this is an article about perception: how justice is perceived, how that perception is shaped, and how it in turn shapes the law itself. As the border between fact and fiction grows ever more porous, should the courtroom reckon not only with truth, but also with its image?

## [B] FRAMING THE PROBLEM: THE TRIAL AS A SHOW

Prior to the screen, there was the stage: long before cameras rendered justice in close-up, courtrooms were already structured, choreographed and performed scenes. Trials were a ritual of exposure, where private wrongs became public reckonings. The architecture of the courtroom, the sequence of speech, the solemnity of dress, these elements are as symbolic as they are functional (Dahlberg 2009): they mark the trial not just as proceedings, but also as a performance of legitimacy. Indeed, from its earliest incarnations, the trial was designed for public consumption. In ancient Athens, juries were vast, almost theatrical in size, sometimes numbering in the hundreds, ensuring that the trial was not merely heard but also witnessed (Bauman 1990). The Roman forum, too, was a literal space of gathering, where justice and performance were indistinguishable (Bauman 1996). Even medieval tribunals, often cloaked in secrecy, unfolded within highly ritualized processes that invoked divine judgment and feudal hierarchy (Langbein 1973; Taylor 2013). The courtroom has always been an architecture of visibility that signifies authority. This performative logic persists today, and language itself becomes ritualized, with terms and expressions like “Your Honour”, “may it please the court”, “objection” that are devoid of spontaneity but heavy with juridical weight. These are not mere formalities: the law, in the setting of the courtroom, is as much enacted as it is spoken (Wagner & Cheng 2011).

Indeed, the trial operates not unlike a classical drama: there is a prologue in the opening statements, there is a conflict (the dispute itself), there is a chorus—the jury or the public, when not both—and a denouement in the verdict. Each actor assumes a role that has usually been rehearsed prior to the hearing to achieve maximum persuasive effect and to minimize the risk of being taken unaware by the opposing side. The rules of evidence function as a kind of dramaturgy, determining what may and may not be said, thus shaping the narrative arc. The presiding judge, ostensibly neutral, becomes both director and adjudicator. The entire proceeding is less a free dialogue than a scripted improvisation, bound by rules and infused with persuasion, timing, and affect. Scholars have long gestured toward this theatricality (White 1973; Cover 1983-1984; Douzinas & Warrington 1996; Silbey 2017; Stone Peters 2022). It is particularly underscored in the scholarship that the trial is a site where state power is both asserted and aestheticized. Power cannot simply be just, but it must also *appear* to be just, hence

the elaborate symbolism: the blindfolded Lady Justice, the scales, the gavel. These are not tools of law, but images of law—icons that render abstract values visible. In this sense, the trial is inseparable from its aesthetic dimension.

These elements are not without their fascination for the public, and together they lend themselves readily to the dramatization of the trial, which has long served as fertile ground for works of fiction in both literature and film. Such dramatization, however, can both reinforce and undermine legitimacy. The trial, once transposed to the screen, ceases to be a juridical event and becomes a narrative myth—legible, affective, and coded. What is on screen is not the law in its procedural opacity, but its legibility as drama, governed not by due process but by intelligibility, rhythm, and desire. The omissions, the simplifications, the embellishments are not flaws but conditions of the form: they render the legal process coherent not in truth—which, as stated beforehand, would be pointless—but in meaning. When the trial fails to persuade aesthetically, it risks undoing the very myth it seeks to uphold: the law, stripped of its narrative force, appears arbitrary and faltering, and in such moments the public's belief is not lost in the letter of the law, but in its image; and with that image, trust begins to erode—for it is not justice alone that must be done, but justice that must be seen, and recognized as meaningful. The performative dimension of justice is constitutive of its reception: and, as with theatre, the audience must believe. This belief is not naïve, but is cultivated through repetition and symbol. Every trial, even the most mundane, re-enacts the myth of justice: that disputes can be resolved through procedure, that truth emerges from adversarial exchange, that order can be restored. These are not empirical certainties but necessary cultural fictions that the trial sustains.

In the pre-modern world, the spectacular function of the trial was overt. Public executions, confessions, and inquisitions made justice a theatre of power. In modern liberal democracies, the spectacle is subtler, displaced into legal formality and media coverage, but it has not disappeared: it has migrated from the scaffold to the screen, from the town square to the courtroom drama; and with it, the question remains: when justice is performed, what is being affirmed—the rule of law, or its image?

To understand the trial as drama is to read it through a matrix of performance, power, and representation. Goffman argued that social life is structured like a theatrical performance. Institutions, thus, do not simply function, but they rather perform, and individuals occupy pre-

established roles, managing impressions, concealing dissonance, and projecting coherence (Goffman 1956). The courtroom is a quintessential Goffmanian stage: front regions constructed to signal authority and truth, while backstage negotiations (such as plea deals, procedural delays, evidentiary compromises) remain hidden from the public gaze. In the trial, each actor—judge, lawyer, witness, the parties—performs a role calibrated to institutional expectations. The language is codified, gestures are rehearsed, disruptions are sanctioned, and the audience—be it the jury, the gallery, or the media and its public—is not passive but necessary, because it legitimizes the performance. Justice is as much delivered as it is staged, and its authority, to a certain extent, depends on the persuasive performance of legality.

Speaking of performance, however, requires addressing power. Foucault traces the evolution of punishment from the public display of sovereign power to the invisible machinery of disciplinary control. Visibility, however, is never innocent: it is a function of surveillance and control (Foucault 1975). The courtroom, therefore, is not merely a space of symbolic exchange, but rather a theatre of control, where the gaze (of the judge, the jury, or the media) governs not only the parties to the dispute but the public understanding of justice itself.

Trials, when filmed or televised, become part of what Foucault would call the “spectacular punishment” that persists beneath liberal veneers (Foucault 1975). Even when trials are not explicitly punitive, their exposure, especially in high-profile or media-saturated cases, reinforces a normative order. A defendant is made legible, the law is re-inscribed as guardian of morality, and the public is reassured that justice is watchful. Consider the courtroom as a field, as theorized by Bourdieu—a structured social space in which actors struggle over forms of capital, especially symbolic capital: the law therefore is a form of institutionalized symbolic power, as it names, classifies, and legitimizes. Symbolic power, however, operates best when it is misrecognized as natural or neutral (Bourdieu 1987; 1991). The trial, if viewed through this lens, is not just a forum for legal decision-making, but also a site where distinctions are asserted, hierarchies reinforced, and legitimacy claimed. The rituals and decorum of court are expressions of institutional dominance; and when these forms are reimagined on screen, the symbolic weight of law is amplified, condensed and made emotionally resonant.

This, however, applies to the reporting of trials; to journalism, in other words, not to fiction. What, then, is at stake in the act of fictional representation? It becomes necessary to consider media not



as passive reflections of ideology but as sites where meaning is actively generated, a perspective that emerges through Hall's theorization of the encoding/decoding process, which we adopt here to approach the trial as a mediated construct rather than a mimetic replay (Hall 1980). Representation, far from being neutral, is charged with the intentions of the producer and always susceptible to negotiation or resistance by the viewer. The courtroom drama, accordingly, must be read not as a transparent window onto juridical reality, but as a text shaped by genre conventions, institutional ideologies, and the anticipatory horizon of the audience. In the televisual or cinematic trial, the defendant is not simply an individual or entity subject to legal adjudication: they are constructed as a semiotic vessel, overdetermined by narrative need, embodying either excess or lack in ways that absorb, displace, or intensify the emotional response of the audience. Guilt and innocence, therefore, are not reducible to legal determinations but emerge as effects of narrative resolution—namely, of what must be true in order for the story to conclude.

The representation of proceedings is shaped by the divergence between juridical accuracy and the structuring imperatives of narrative coherence. Fiction, by its nature, seeks coherence, closure, catharsis. Trials, in reality, are slow, procedural, and the hearings are more often than not inconclusive. The rules of evidence do not make for gripping dialogue, the reasoning of lawyers is often opaque even to the initiated. To make trials cinematic, screenwriters have to streamline, heighten, and resolve otherwise problematic issues. Screenwriters must prioritize affect over accuracy and character arcs over the subtlety of the law (Corcos 2003). These are often chastised by lawyers as errors, but they are not: as stated beforehand, they are conditions of the medium. Can it be argued, however, that they create distortions? Could there be a danger that the public, increasingly initiated into the rituals of justice not by statute but by screen, comes to internalize a form of law that is moralistic rather than procedural, affectively transparent rather than obscure, narratively whole rather than juridically fragmented—a justice, in short, more legible as myth than as institution? Courtrooms become crucibles of truth, where good advocates win and justice prevails; and when real trials deviate from this script, as they invariably do, disillusionment can follow. Visual justice is thus caught in a paradox: on one hand it seeks to render justice visible, while on the other, in doing so, it could actually transform it. The result, therefore, may not just be a new aesthetic of law, but a new set of expectations that the actual legal system is not equipped to meet.

## [C] THE CINEMATIC TRIAL: RHETORIC OVER LAW

The cinematic trial is not a replica of real ones: it is a condensation, a distillation, a potent image of what justice *ought* to feel like. Trials on screen are not designed to instruct, but to move. In its frame, the law is rendered not as a system of norms and procedures, but as an arena of passion, principle, and persuasion. The courtroom, once a space of technicality and delay, becomes instead a crucible of moral truth, pressed into the rhythms of narrative time. Consider the iconic moment from *A Few Good Men* (1992). Colonel Jessup, needled into confession by Lieutenant Kaffee, shouts the line “You can’t handle the truth!” that is now embedded in cultural memory. That line is pure theatre: the legal issue in dispute (whether or not two marines acted under orders in the death of a fellow soldier) is overshadowed by the emotional choreography of the scene, aimed more at exposing the power dynamics within the military than at discovering the factual truth—a truth that eventually emerges not through slow procedural unfolding, but through pressure, confrontation, climax. This is not how trials unfold in the juridical reality, but it is how they must be written in the language of cinema: condensed, symbolized, purified of procedural excess. In this movie, the trial loses none of its power: it merely changes register from institution to story, from function to form. Here, the lawyer is no longer the mere interpreter of statute or precedent, but a figure of mythic resonance, regardless of whether they are cast as hero or villain: they persuade through courage, charisma, and a moral clarity that the adversary (whether defendant or witness) conspicuously lacks. The courtroom, from a space of law, becomes a battlefield of characters. The judge usually fades into the background, the jury is almost irrelevant; what matters is the performance, thus the monologues, the cross-examination, the final plea.

In *The Trial of the Chicago 7* (2020) the dynamic is even more explicit. Aaron Sorkin, writer and director, stages the real-life trial of anti-war protesters as a political theatre of resistance and absurdity. Questions of law that would be only interesting to the initiated are transfigured into scenes of confrontation, and the law, no longer confined to the technical, enters the domain of myth, becoming legible to all not as rule, but as story. Judge Hoffman becomes a caricature of authoritarianism, while Tom Hayden and Abbie Hoffman deliver competing visions of dissent, ideology, and revolutionary posture. The trial becomes a parable of injustice, structured not by procedure, but by the narrative



demands of heroism and villainy. Even in ostensibly realist films such as *Philadelphia* (1993), the courtroom is mostly shaped by affect. Andrew Beckett, dismissed from his law firm for having AIDS, brings a case for discrimination—a gesture that is at once legal and symbolic. The trial, though structured around questions of law (some still unsettled, touching on employment rights, burden of proof, and medical privacy) does not ask to be read as a legal discourse: these juridical elements remain present, but they recede graciously beneath the emotional architecture of the narrative. The focus is on expressions, silences, glances—the micro-rhetoric of humanity. The courtroom ceases to function as a space for legal calculation and becomes instead a theatre of social reckoning, where justice is not measured by its consistency with the law, but by its resonance with feeling. The judgment convinces not because it is demonstrably correct in law, but because it feels just; because, as myth, it restores order to a moral universe momentarily unbalanced. It must be acknowledged that, save for members of the legal profession and a handful of the legally curious, the public at large is seldom preoccupied with the legal correctness of courtroom decisions portrayed on screen. In the present case, the film offers only fragmentary glimpses of the proceedings—sufficient to suggest the basic aspects of a contested legal issue without turning a work of fiction into a specialist documentary.

Television, meanwhile, has taken this aesthetic even further. In series like *The Good Wife* or *Suits*, the law becomes fast-paced, glossy, and hyperarticulate. Cases are tried and decided within an hour-long episode that simulates a week at best—sometimes less. Motions are filed and ruled upon in a single conversation, the characters speak in perfectly timed exchanges, laced with wit and tension, and legal research—when present or even relevant—is reduced to a plot device. Courtrooms are pristine, modern, and improbably quiet or fittingly empty. The messiness of real trials, their ambiguity, their bureaucracy, and especially their institutional inertia is erased, and all that remains is the illusion of mastery. *The Good Wife*, in particular, plays with the theatricality of law. Alicia Florrick moves between courtroom and boardroom, with her voice calibrated to mood and decorum and her arguments always a semi-perfect blend of strategy and intuition. The cases mirror current events but are never bogged down by normative subtlety: they function mainly as moral puzzles, resolved not through jurisprudence but through insight; the viewer is invited to admire not the law, but the lawyer.

In *Suits*, this artifice is even more pronounced. The firm appears to be composed exclusively of individuals of quite arresting appearance,

with the exception of the devious Louis Litt, whose looks clash with those of every other partner, associate and administrative staff as to underscore his role as the villain. The cases are, in truth, relatively elementary, but they are staged as occasions for brilliance. Mike Ross, the impostor with a photographic memory, is less a character than a mythic signifier: he embodies the fantasy of perfect recall, the archive incarnate. In eclipsing the trained lawyers, he elevates memory above method, citation above structure, instinct above discipline. His absence of procedural formation is not a flaw but a narrative device: he represents law unmoored from institution, distilled into pure genius. In *Suits*, however, the dramatization does not succeed precisely because it refuses to remain within bounds: it stretches the conventions of the legal drama beyond their symbolic elasticity, venturing into the territory of fantasy without acknowledging the shift in register. The drama continues to wear the costume of legal realism even as it discards its internal logic. What is lost is not plausibility *per se*, but the tacit contract with the viewer: that this is still, however heightened, a world governed by legal forms. When style becomes excess and narrative abandons coherence, the myth collapses not into critique, but into confusion. In general, what works like *Suits* and *The Good Wife* share is an abandonment of the complexity, the sophistication and the wonder of the law in favour of its drama only. Procedure is not just compressed but often invented, rules are elided, judgments come swiftly, and time itself is manipulated, giving the impression that a case is resolved in a handful of hearings over the course of a few weeks (an impression not wholly inaccurate, except that those weeks are, in practice, dispersed across several years, as evidenced in the literature) (Spurr 1997; Grajzl & Zajc 2016; Örkényi 2021).

However, the law in practice resists such clarity: it is slow, often ambiguous, full of procedural wrangling, strategic ambiguity, and interpretive uncertainty. The cinematic trial, by contrast, demands resolution, and cannot abide open-endedness: it needs the last word, the echo of the gavel, the satisfied handshake between lawyer and client. The cinematic trial substitutes affect for evidence, pacing for realism, and presents the triumph of rhetoric over law, which is deeply seductive: indeed, the cinematic trial uses familiar, comforting, and stylized tropes that are the very grammar of visual justice, the signs through which the audience comes to recognize the action of the law.

Let us consider first the figure of the so-called rogue lawyer—an internal dissenter, committed not to subversion but to the higher ideals of justice. This is the lawyer who may strain procedural orthodoxy,

but does so in fidelity to principle rather than personal gain; one who harbours scepticism towards the institution, yet remains animated by a belief in its moral potential. Whether in the form of Alicia Florrick in *The Good Wife*, Jake Brigrance in *A Time to Kill*, or the spectacular Jimmy McGill/Saul Goodman in *Better Call Saul*, such characters serve to reconcile disillusionment with the enduring possibility of integrity. In this narrative mode, the trial is cast less as a forum of neutral adjudication and more as a site of principled resistance. Closely aligned is the figure of the so-called genius lawyer—one who perceives what others overlook, who detects meaning in hesitation, tone, or typographical slip. Such lawyers do not so much apply the law as transcend it; their success lies less in doctrinal argument than in personal charisma, instinctive acuity, and rhetorical command. From Harvey Specter in *Suits* to Will Gardner in *The Good Wife* and Daniel Kaffee in *A Few Good Men*, these characters operate in a courtroom governed more by intuition than by citation. In such representations, the law is no longer the central instrument of persuasion, but rather a pliable backdrop against which individual brilliance is allowed to perform. These lawyers do not win through patient exposition or the accumulation of detail: they win through “the twist”—that is, a sudden reversal, the revelatory piece of evidence, the unexpected confession that reshapes the entire narrative. The twist is the cinematic substitute for complexity: it renders moot the ambiguity, the conflicting testimonies, the long shadow of doubt, and provides instead a key, and with it, a conclusion. The viewer is spared uncertainty as the law snaps into focus. Sometimes, the twist comes as a confession, a trope so entrenched it borders on ritual: the villain who breaks under pressure, the witness who admits the truth, the defendant who reveals their guilt, often in a moment of emotion. These confessions do not arise from forensic pressure or meticulous argumentation: they are the final flourish and the moral punctuation of the narrative.

All of these tropes find their resolution in what may be termed the “clean verdict”: the jury returns, silence descends, the foreperson rises and pronounces the outcome—guilt or innocence—with a pause calibrated for dramatic effect. Rarely does a fictional trial conclude in ambiguity. The inconclusive decision, the mistrial, the hung jury, though not uncommon in reality, are generally eschewed on screen, lacking the narrative closure the audience has been conditioned to expect. Resolution is demanded not merely as a matter of plot, but as a ritual affirmation that justice has been seen to be done—definitive, public, and unambiguous. In practice, though, justice seldom presents itself in such a tidy form. Judgments

do not arrive to order; trials are frequently episodic, procedural, and, at times, uneventful. Weeks may pass without witness testimony, and the substance of legal argument is more often found in written submissions than in oral exchanges. Verdicts are delivered without ceremony, absent of drama. The law advances in what might be called slow time—bureaucratic, conditional, and frequently anticlimactic. A judgment does not so much resolve as it concludes, and even that conclusion is rarely final: subject as it is to appeal, further application, and the exercise of judicial discretion.

Cinematic time obviously bears little resemblance to the temporalities of actual proceedings. What in reality unfolds over months, even years, is compressed on screen into a matter of minutes. Proceedings that would, in practice, encompass depositions, motions *in limine*, jury selection, discovery disputes, and post-trial motions are distilled into a handful of scenes and a closing address. In such compression, it is often the complexity of the legal questions that is first to be lost. A lawyer might argue, however, that this distortion is not without consequence: fictional trials can nonetheless shape public understanding of how justice operates, creating expectations of speed, clarity, and finality that the law, by its very nature, is rarely able to fulfil. Where real proceedings are protracted, where delay is inevitable, and uncertainty persists, the system is perceived not as cautious but as defective. Procedure itself becomes suspect, and the deliberate pace of the rule of law is seen as incompatible with the immediacy demanded by public opinion. It is due pointing out, though, that what cinematic trials offer is not justice in its legal sense, but justice reimagined as sentiment, defined by tempo, structure, and emotional release. The medium does not seek to instruct the public that justice must be swift, visible, or emotionally charged: it seeks only to narrate. Law is a backdrop, not a lesson; it is a stage for fate, rhetoric, and spectacle. Real proceedings normally fail to conform to the cinematic script, as inevitably they must, and they can appear unfamiliar but also unjust. The cinematic tropes endure because they are consoling: they provide reassurance that truth can be discovered, spoken, and seen; that justice can be not only done, but performed. Is it up to cinematic trials to educate the audience as to how justice actually works?

## [D] TRIAL BY MEDIA AND THE EPISTEMIC CONSEQUENCES

The expression “trial by media” is frequently employed as a warning, typically in circumstances where press coverage is thought to imperil the impartiality of legal proceedings. To the legal profession, it commonly signifies a form of contamination—of the jury, of due process, and of the law itself (Vargiu 2025). Its imagined opposite would be the courtroom conceived as a sanctified forum, shielded from the clamour of public opinion. However, such a conception is, on close inspection, a fiction. Courtrooms are not hermetically sealed, and the law does not operate in isolation from the society it serves. The media, moreover, do not merely intrude: they inform, interpret, and in no small measure shape the public’s understanding of legal institutions.

To think of trial by media as merely a parallel adjudication, an extra-legal show that runs alongside the formal proceedings, is to understate its epistemic force. The media do not only speak about justice, but they also produce the terms in which justice is thought. They establish, through repetition and style, what a trial is expected to look like, how truth should reveal itself, how guilt should feel. In this sense, the media are not just commentators: they are also authors of legal consciousness.

Trial by media and the cinematic trial are not the same mythology. The former belongs to journalism, to reportage, exposure, the real made sensational; the latter belongs to fiction, to narrative, character, and the seduction of form. One claims truth; the other seeks meaning. Fictional trials, in particular, move quickly, offer emotionally satisfying judgments, and pretend that the law is clear, moral, and dramatic, that lawyers must dazzle, that judges must command, that the accused must be either monster or victim. These are aesthetic standards, not legal ones; they are not meant to shape public judgement or to be presented as authority. Media coverage, on the other hand, has a moral obligation not only to stick to the truth, but to narrate it with fidelity—as it might otherwise prejudice a court or a jury. Indeed reporting, over time, constitutes a parallel curriculum—that is, an informal education in justice that runs deeper than statute. Trial by media, however, often borrows the tropes of cinematic trials (the drama, the moral clarity, the swift verdict) without possessing the licence of fiction. Film and television make an implicit pact with the viewer: what you see is not the real, but its stylized echo. Journalism, by contrast, speaks in the name of truth. When it adopts the codes of fiction without declaring them, it fabricates not just a story, but a false justice that does not exist, but is nonetheless consumed as

real. This is the epistemic shift from law understood as a process of deliberation to law conceived as a form of performance; from adjudication rooted in reason to one shaped by affect. The consequence is not merely a misrepresentation of justice, but the creation of expectations that the legal system, operating under its own constraints and disciplines, is neither designed nor able to satisfy. Trial by media, in other words, often adopts an aesthetic of justice that, like all aesthetics, is normative: but it is not the aesthetic that it is supposed to adopt. This is the deeper mechanism of trial by media: not simply that the media pronounce guilt or innocence, but that they furnish the conditions under which guilt and innocence are expected to appear (Gies 2007).

The audience, primed by the tropes of fictional trials, brings to the real courtroom a subconscious script, in which there must be a turning point, the truth must come to light, the lawyer must be eloquent, and in which the system, though challenged, must prevail. When real trials fail to satisfy this aesthetic script, the public response is not confusion, but disappointment. The law, when observed in practice, may appear inert, procedural, methodical, at times uneventful. Justice, in its ordinary performance, proceeds at a pace unsuited to spectacle. It neither dazzles nor offers immediate resolution. Its rituals, though constitutionally significant, may seem undramatic to the untrained eye. To an audience to which trials are presented in the same form as the cinematic ones, this dissonance gives rise to disappointment; and such disappointment gives rise to a growing scepticism, born of the perception that the law no longer resembles justice. The legitimacy of the legal system becomes increasingly contingent upon its ability to meet performative expectations: the courtroom must not only function properly, but appear to do so in a manner that accords with popular imagination. In this respect, the cinematic template ceases to be merely illustrative to acquire a prescriptive force: it no longer offers one way in which justice might be conceived, but dictates the very terms by which it is to be recognized. Therefore, trial by media does not end at the courthouse door, but enters with the viewer, sits with the jury, hovers at the bench, and most importantly carries a script; and when the real trial fails to follow it, the audience leaves not only unconvinced, but also unfaithful.

The proliferation of legal imagery borrowed from cinematic trials has altered not only the public's aesthetic expectations of justice, but its very relationship with truth. What we confront is not merely a crisis of information, but a crisis of form. As McLuhan (1964) observed, "the medium is the message": proceedings—when refracted through the



conventions of film and television—are no longer apprehended primarily as an institutional procedure, but reconstituted as a genre. Their legal character yields to its narrative construction, and their authority, as stated beforehand is grounded less in law than in form. As with all genres, this one is governed by its own internal logic of narrative pacing, emotional cadence, and stylistic cohesion. Legal truth, however, is not guaranteed by adherence to form. The law resists neat construction and unfolds irregularly, contradicts itself, and requires time rather than immediacy. Cinema and TV rightly privilege sensation over thought (Postman 1985; Robson 2007; Robson & Schultz 2016); but within a screen-based culture, proceedings must now contend with the demands of entertainment, and are often compelled to account for their own slowness, their technical detail, and their silences. Where they fail to do so, they do not forfeit legal validity, but they risk forfeiting their authority in the public imagination.

Trust, like belief, is not purely rational, but also aesthetic: it relies upon signs and the outward performance of authority. When parallel trials are conducted in the media not according to the canons of the law, but to the tropes of cinema, proceedings do not conform to the anticipated script, placing trust under strain; it does not collapse all at once, but it quietly recedes. In the context of jury trials, this is particularly acute. Jurors, far from entering the courtroom as blank slates, carry with them an internalized cinematic template. They assess not only evidence, but performance: the poise of the defendant, the rhythm of the cross-examination, the narrative coherence of closing arguments. Their role, once juridical, becomes interpretative, half-legal and half-literary. Justice then becomes a question of plausibility, tone, even style. And in political discourse, where legal institutions are routinely invoked and contested, this aestheticized understanding of justice becomes weaponized: trials are no longer procedural mechanisms, but also (and perhaps foremost) media events, battlegrounds of perception. Trust is now performed more than it is built, and what is judged is the show more than the law.

## [E] ETHICAL AND AESTHETIC IMPLICATIONS

The cinematic trial seduces because it is composed, structured, lit, framed, and offers clarity where the world offers confusion—as well as order where the actual law offers ambiguity. By its nature, the cinematic trial is indeed compelling. This very compulsion, however, raises an ethical question: should a representation of justice be both compelling and responsible? Should it satisfy the narrative desire for resolution without distorting the fragile architecture of truth?

We argue that the answer to both question is negative. The visual medium inevitably shapes that which it seeks to depict. The camera does not operate in a vacuum: it selects, excludes, and frames. Once placed within the lens, the courtroom ceases to be a neutral space of adjudication and becomes a stage upon which meaning is performed. Representation, in this context, is always interpretative, and never passive; and every act of interpretation carries with it an element of power. The power at play, however, is not to educate, but to offer the public a story, shaped in degrees of realism according to the codes of its genre. To represent a trial on screen, therefore, is not to proclaim a particular vision of justice, while relegating others to absence or silence. Filmmakers, screenwriters, showrunners do not assume an implicitly legislative function: they determine which voices are heard, which narratives prevail, and which visual symbols are granted authority. This is an aesthetic task, not an ethical one; ethics belong to journalism, where the claim to truth binds the form. Art must enjoy the freedom to imagine, to challenge, to provoke. Justice is not a fiction: it is a structure with tangible effects and binding authority. Misrepresentation in fiction film is declared by the cinematic medium itself. Trial by media, on the other hand, can calcify into mythology; myth, once internalized, gives rise to expectation; and expectation, when unmet, breeds distrust. The aesthetic, in trial by media, does not remain confined to the screen, but migrates into public consciousness, where it shapes perception and informs judgement. In this migration, the image ceases to be neutral or merely narrative to assume a moral charge, and with it, a measure of responsibility.

We argue that fiction film should not be constrained by didacticism. To produce works that are merely accurate or strictly procedural is to risk a different distortion: the effacement of human experience, the reduction of justice to forms, filings, and statutory text. The cinematic trial must not necessarily serve as documentation, but primarily as representation and, at times, interpretation: its objective is to engage, challenge, and move its audience—not necessarily to educate it. This does not mean that the divide between cinematic trials and trial by media is one between aesthetics and ethics, though. To represent justice ethically is not to deprive it of drama, but to remain faithful to its inherent complexity, resisting the impulse towards resolution, and avoiding the lure of narrative neatness or moral certitude delivered in the closing scene.

There are, in fact, even cinematic works of fiction that attempt this. These are films, such as Thomas Vinterberg's *The Hunt* (2012) or Orson Welles' *The Trial* (1962) that leave the ending unresolved, or that divert attention from the outcome altogether, turning instead to the human

cost of the proceedings—such as the fragmentation of communities, or the enduring weight of accusation. Such works embrace ambiguity as a necessary burden, recognizing that the trial is not solely a mechanism of resolution, but often a site of rupture. They accord due weight to silence as well as to speech, to uncertainty no less than to judgment, and in doing so, they offer a more faithful, if more demanding, vision of justice. Filmmakers remain not bound to the letter of the law, but can decide to assume an equally serious obligation: a respect for the gravity of that which is being portrayed, to represent justice in ways that wield a cultural authority that rivals that of law itself. It is, however, a conscious choice to act as architects of public perception—but there is no obligation to do so.

Moreover, representation can be both compelling and grounded in the codes of the real. Legal aesthetics as a field of study underscores that the law is not, and has never been, a matter of pure reason alone, but also a question of form, presence, and perception. The law communicates through words as well as through its appearance, its ceremonies, its setting, its manner of address. The question is not whether the law should be seen, but rather how it is seen, and what that act of seeing brings about in the public mind. In the ethics of representation, particularly in visual media, this problem becomes acute. Scholars such as Butler (1990), Rancière (2007) and Comolli (1980; 2004) have explored how language can affirm or disrupt dominant narratives, underscoring the lack of neutrality of representation, which either reproduces the visible order or unsettles it. The courtroom, in this sense, is an ideal site for visual ethics: it is a structure of visibility, but also a site of exclusion. Who is seen? Who is heard? Who narrates justice, and from where? There are indeed works of fiction that neither abandon the courtroom as dramatic setting nor submit entirely to cliché. Sidney Lumet's *12 Angry Men* (1957) is one such instance. The film resists the grandeur of the trial scene entirely, as the courtroom itself is off-screen. The drama unfolds instead in a cramped deliberation room, reliant only on dialogue, gesture, and the slow erosion of certainty. The jurors, each an avatar of prejudice, fatigue, or conviction, must confront their own assumptions rather than the theatrics of a lawyer. The result is no less compelling than a cross-examination, but it compels through doubt instead of disclosure; and the moral resolution emerges not from a twist, but from patient, discursive attention to the ordinary. In this, it approaches what one might call an "ethics of slowness"—that is, a cinematic rendering of procedural time that refuses easy catharsis. Stranger still, and more instructive, is Jonathan Lynn's *My Cousin Vinny* (1992), a courtroom comedy that satirizes the very tropes it inhabits. Vinny Gambini is an outsider lawyer with no

trial experience who stumbles through protocol, misreads decorum, and dresses inappropriately, and one may easily mistake this film for a surrealist parody of courtroom dramas. However, beneath its comedic register, the film discloses an unusually careful regard for the epistemic foundations of legal reasoning. Vinny's final victory is not the product of charisma or confession, but of a close reading of the evidence—the forensic observation of tyre marks, grits, and photographic details. The law here is not performed for an audience, but reasoned out through argument, repetition, doubt. The judge remains sceptical, the jury uncertain, the pace irregular, and still, the justice that emerges is both satisfying and plausible. The film does not strip away affect, but it anchors it in method. These examples resist the tyranny of aesthetic resolution, showing that legal storytelling does not need to abandon complexity to be compelling. What they offer, instead, is a different kind of narrative pleasure: one rooted not in finality, but in recognition of ambiguity, labour, and the uneasy proximity between truth and belief. If fiction can achieve this balance, there is no reason why trial by media should not do the same: rather than sacrificing accuracy to the spectacle, it might learn to signify with both clarity and care.

Visual epistemology underscores that seeing is never a passive act: it is a process of interpretation, and interpretation is always shaped by its context. An ethical approach to the reporting of trials must account for this embeddedness and must resist the seduction of the definitive image, the flawless utterance, the neatly rendered judgment. What is required, instead, is a more tentative gaze that refrains from premature resolution, and remains alert to the procedural ambiguity and human complexity at the heart of legal proceedings. In this, reporting need not neglect aesthetic form, but must exercise it with discernment and care.

## [F] CONCLUDING REMARKS

To see justice is not necessarily to understand it. This is the paradox with which any serious inquiry must end, and, in a sense, begin anew. In a spectacle-saturated culture (Debord 1967), where representation often precedes experience, justice is increasingly perceived not through civil or criminal procedure, but rather through its appearances: it is received as show, shaped as narrative, and concluded with dramatic rhythm. The courtroom is transfigured into a screen, and the trial into a scene. The form remains familiar, but its substance risks being lost. What, then, is at stake when justice is seen rather than understood? The answer is not merely legal, but also symbolic. When justice is visualized it acquires legibility, but this legibility is always selective. The trial, rendered for the

eye, becomes a moral tableau in which find room heroes and villains, revelation and closure, guilt and redemption. The law itself, however, is lost in translation. To understand justice is to tolerate its slowness, its incompleteness, its refusal of narrative clarity, to sit with precedent, process, and ambiguity. Understanding requires deferring, listening, and often waiting. To see, by contrast, is to grasp immediately, to judge by appearance, to seek coherence. In this shift from understanding to seeing, the law becomes a surface, the depth of which is mostly flattened. Its authority becomes fragile because it is no longer epistemic to become aesthetic. And aesthetics, while powerful, is fickle. The cinematic trial offers pleasure, even catharsis, but it does so by openly mythologizing justice, turning it into a form it cannot reliably sustain. When journalism adopts the same codes, it presents real trials against an aesthetic script they cannot fulfil. Justice, no longer a process, becomes a performance, and when the feeling is absent the public reads it as failure.

This form of betrayal gives rise to mistrust—not always explicit, but gradual, cumulative, and cultural in nature. An institution that no longer appears just is soon presumed to be in error. At this point, trial by media ceases to function as a parallel discourse and becomes the prevailing mode of understanding. The courtroom is placed under public scrutiny by an audience trained not in law, but in its mediated image. To call for ethical reporting of justice is not to insist upon conformity in costume or citation: it is to inquire whether the image can bear the weight of uncertainty, of time, of silence, of doubt; whether it can remain open rather than resolved; whether it can depict not only the outcome of justice, but the conditions under which it is pursued, its delays, its dissonances, and its intrinsic fragility. The visual needs not to be abandoned, but must be treated with greater seriousness. Justice ought to be seen neither as spectacle, nor as myth, but with critical distance, with suspicion, with patience, and with informed understanding. Journalism must challenge the law and its understanding, without fear of its more complicated aspects; and in doing so, it may better reflect the deliberative character of the law itself—for justice, in the end, is not what is performed: it is what persists after the performance. Justice is what remains in the silence.

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