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# Passing resemblance: the burden of the mask in legal and theatrical tradition

Gary Watt<sup>i</sup>

## 1 Introduction

This article presents three case studies that are connected by their concern for the passing on of theatrical masks. The reference to ‘tradition’ in the title is an allusion to the Roman Law practice of *traditio* by which assets were passed hand-to-hand. Despite their very different theatrical contexts, we will see that the three case studies all suggest that the burden of the mask is most keenly felt when it is laden with the weight of tradition. What I mean by this is that each of the three theatrical masks needs to be passed on at some point in their story, and the moment the mask should be removed to new hands – the moment of its re-representation – is the moment when, across all three cases, the burden of the mask becomes heaviest. I attribute this in part to a dynamic by which representations seem to breed new representations in something like the way that laws breed more laws and lies breed more lies. Once the maker has made something, we now have the artificer and the artefact – one has become two – and because the artefact has its own identity it will, in turn, make new things happen. There is therefore a sort of thickening or encumbering of representations. Perhaps this is the start of a theory, or perhaps it is just an observation, but if a similar dynamic operates in law, as I will seek to show it does, we will have the beginnings of a novel point of comparison between theatre and law, and one which would suggest that the law’s use of the metaphor of the *persona*

– the actor’s mask – is not merely ornamental, but is indicative of something deeply felt in legal and theatrical arts of representation.

## 2 The artifice of the mask

Before we turn to the three case studies of theatrical mask, it should be acknowledged that there is at least one theatrical tradition that utterly rejects the artificial mask. Jerzy Grotowski’s ‘Poor Theatre’, which Marett Leiboff advocates for its ‘new morality, ethics and responsibility of theatre’ (2020: 91) – and upon which Leiboff relies as the basis for her ‘theatrical jurisprudence’ – seeks to strip away superficial theatrical artifice in the belief that moral truth might be found beneath. One feature of this is the rejection of conceptual character masks in favour of expressing the actor’s mind directly through their face (Leiboff 2020: 92-3). In *Towards a Poor Theatre*, Grotowski writes:

The composition of a fixed facial expression by using the actor’s muscles and inner impulses achieves the effect of a striking transubstantiation, while the mask prepared by a makeup artist is only a trick. ...

Theatre – through the actor’s technique, his art in which the living organism strives for higher motives – provides an opportunity for what could be called integration, the discarding of masks, the revealing of the real substance: a totality of physical and mental reactions (Grotowski 2002 (1968): 21, 255-6).

Grotowski’s serious point is also deliberately provocative. He acknowledges that the ‘effort to peel off the life-mask, the theatre ... has always seemed to me a place of provocation ... This defiance of taboo, this transgression, provides the shock which rips off the mask’ (Grotowski 2002 (1968): 21-22). Grotowski accepts that there is ‘no contradiction between inner technique and artifice (articulation of a role by signs)’ (2002 (1968): 17), but he prefers the face naturally expressed to the face performed, displayed, or otherwise made up.

I take a more positive view of the art and artifice of theatrical masking, but it must be admitted that the benefits of masking depend upon artificial representation through a non-

human property and therefore cannot exist without corresponding burdens, including the burdens inherent in property relations, representation, and mediation. The three theatrical case studies, when we come to them, will demonstrate the potentially high human cost of those burdens. Also burdensome is the performance of legal masking, including putting on the mask that a lawyer assumes in order to represent a client, and living with the mask of legal *persona* in the form of corporate personality.

That said, I will now attempt a defence of artificial masking in theatre. We must begin with the admission that a mask made up with cosmetics or leather or wood is clearly artificial and is literally superficial. It might even be called an ‘illusion’, if we reconnect that word to its etymological root in the Latin verb *ludere*, meaning ‘to play.’ However, to dismiss a theatrical mask as ‘only a trick’, as Grotowski does, is unduly negative. *V for Vendetta*, the graphic novel (Moore and Lloyd 1982-1989) and movie (Wachowski and Wachowski 2005), which we consider again below, contains the line ‘artists use lies to tell the truth.’ It is an old idea. In his 1576 essay *Apology for Raymond Sebond*, Michel de Montaigne (1533-1592), comparing legal fiction to female facial cosmetics, acknowledged the possibility that the law’s idea of truth might be based on the legitimate falsehood of poetic fiction:

Just as women use ivory teeth where their own are lacking, and, instead of their true complexion, create one from some foreign matter; ... and in plain sight of everyone embellish themselves with a false and borrowed beauty: so does science (and even our law, they say, has legitimate fictions on which it founds the truth of its justice) (de Montaigne 2003: 98).

This hints at the hopeful possibility that a trick might become a trick of the light. What is more, to dismiss the art of an artificial mask as ‘only a trick’ as Grotowski does, whilst usefully indicating the persuasive power of a crafted superifice, also runs the risk of underestimating that power.

In this article, I approach the problem from the other side. My project is to expose the crafts of power not by discarding the superifice but by attending to its makeup and its modes of

operation. I want to show how the mask is made, how it is performed, and how it makes the bearer feel. Leiboff strips away the artifice in search of justice. I examine the artifice in search of law. The two projects are compatible with each other. Law, like theatre, is patently performed, human-made, and artificial. Its reality is representative reality. To appreciate the arts of the law we must attend to surface, superifice, and signs. The insights that theatre provides in this project of appreciation begin with recognition that the arts of the cosmetic artist and the maker of masks are every bit as expressive as the physical face of the actor who presents them. In his book, *The Life of the Drama*, Eric Bentley writes that '[t]he theatrical situation, reduced to a minimum, is that A impersonates B while C looks on' (1964: 150). We might equally say that 'the legal situation, reduced to a minimum, is that A represents B while C looks on.' The latter is an accurate summary of legal representation tout court, and not just courtroom representation before a judicial audience. Even a solicitor negotiating the terms of a commercial lease is representing their client under the scrutiny – imagined and sometimes physically present – of 'the other side.' In any process of legal drafting or negotiation, as in the preparation and performance of any courtroom trial, the other side casts its shadow. The lawyer who erects the edifice of their own case without anticipating loopholes that the other side might exploit does only half a job. Legal representation therefore entails action and performance grounded in an imagined confrontation between the 'abutting fronts' of client and opponent. Shakespeare used the phrase 'abutting fronts' to describe the clashing vanguards of two armies in the theatre of war, but the phrase serves well as a description of the clash in theatres of law between opposing fronts that legal representatives perform on behalf of their clients. Shakespeare's phrase appears in the Prologue to the opening act of *Henry V* and is part of what I would suggest is the most sustained express appeal in any of his plays to the engagement of audience imagination in the process of theatrical production. 'Into a thousand parts divide one man' (*Henry V* 1.prologue.24) urges the Chorus, before informing the playgoers "'tis your

thoughts that now must deck our kings' (*Henry V* 1.prologue.28). A theatrical battle royal isn't a battle real. A solitary actor on the stage represents a thousand soldiers in the field. This, again, is akin to the nature of legal representation. A lawyer acting in litigation may front a whole mass of clients in a so-called 'collective', 'class', or 'representative' action; or a lawyer may be a front for a corporation which is sometimes itself a front for a legion of human individuals. The lawyer when putting on a front and standing front stage in court is therefore an impersonator in the theatrical sense, as Eric Bentley described it, and also an exemplar of a social masker performing in theatrical mode, as Erving Goffman described it in his book *The Presentation of Self in Everyday Life*. Goffman attached the label 'front' to 'that part of the individual's performance which regularly functions in a general and fixed fashion to define the situation for those who observe the performance' (1959: 32). Interestingly, the Swedish version of Goffman's book goes under the title *Jaget och Maskerna*, which translates 'The Self and the Masks.'

There is always a risk in representative actions that when interested parties are concealed behind the mask of impersonation, their interests may be overborne, overlooked, or even obliterated. The mask of representation is at risk of becoming a mask of misrepresentation; and most worrisome of all is the possibility that the performance of power will become uncoupled from responsibility and accountability. This is part of the concern identified by Grotowski and Leiboff. The risks of misrepresentation and lack of responsibility are incidents of the fact that masks confer anonymity and serve to misdirect and deflect the gaze of critical supervisors. Hence the dominance of the mask in comic book treatments of vigilantes who pursue their own brand of justice outside of, or alongside, the law – think Batman, *The Watchmen*'s Rorschach character (Giddens 2018: 143), and *V for Vendetta*. 'Vengeance is mine, I will repay, says the Lord' (Romans 12:19), but comic book vigilantes usurp the divine prerogative and therefore might need to put on masks to hide themselves from divine scrutiny. In saying this, I have in

mind the suggestion that the ancient original of the theatrical mask might have been designed to deflect the critical gaze of the divine supervisor: ‘the actor of the Greek theatre put on the “mask” that turned the actor into a “persona” ... to signify that there was no intention to challenge the gods by this conduct but only to play a “role”’ (Savona 2005: 105, quoted in Mohr 2008: 31). The danger that legal representation might engender misrepresentation and a lack of responsibility is clear in the case of the incorporated company. Originally conceived with the role of representing human interests, it has now become alive in the front or mask of legal personality and thriving thus has to a great extent effaced the life of the human beings that backed it into being. The corporation has become one with the artificial mask of its legal personality, and exemplifies what Edward Mussawir and Connal Parsley describe as a person operating ‘where there is no corresponding real individual’ and according to ‘an inventive technical precision’ (2017: 52). The corporate person is pure craft, a triumph of human technê over the human corporeal. Although my method differs somewhat from Leiboff’s, we share the aim of freeing the human body from the law (Leiboff 2020: 8-9) and ensuring that humanity animates the thing that goes by the label ‘body of law.’

Legal scholars have frequently observed that the word ‘person’ and the language of legal ‘personality’ derives from the Latin *persona*, which was the ancient Romans’ term for an actor’s mask, but they have seldom attended to the theatrical significance of the mask and sought there for insights into the legal idea. John T. Noonan, Jr. is an exception. In his book *Persons and Masks of the Law*, he explores the theatrical analogy of the legal mask. Like me, Noonan emphasises the craft aspect of legal mask-making, but like Grotowski he regards this in a wholly negative light as being inherently an oppression of the human rather than having the positive potential of being an expression of human art. Noonan clarifies that by ‘mask’, he means ‘a legal construct suppressing the humanity of a participant in the process’ (1976: 20). He purports to distinguish this negative idea of the artificial mask from Goffman’s idea that

our everyday social ‘front’ operates like a theatrical mask (Noonan 1976: 20). Would it not be possible, I wonder, to attempt to maintain a positive connection between the human theatrical art of social self-expression and the legal arts of human representation? If it is not, the concern is that the legal mask will become untethered from the human arts that construct it and will then be at liberty to construct itself. The weakness in Noonan’s assumption that the human art of self-expression is necessarily alien to the human art of legal expression is clear from his etymologically confused attempt to argue that the ‘mask’ – a bad thing – is different to a ‘person’ – a good thing. ‘Masks conceal persons’, is his complaint (Noonan 1976: 26), and yet Goffman’s point was precisely that masks *are* persons and persons *are* masks. However muddled Noonan’s etymology might be, Walter Weyrauch explains that Noonan’s motives are sound, for he hopes ‘to overcome the tendency of the legal process to ignore its individual participants’ (1978: 699). This is also the ambition shared by Grotowski and Leiboff. Quibbles over methodology and etymology aside, I also share it.

Thomas Hobbes was one of the earliest thinkers to pay something more than lip service to the connection between the legal persona and the theatrical mask. He noted their connected functions of representation and impersonation:

The word person ... signifies the *face*, as *persona* in Latin signifies the *disguise*, or *outward appearance* of a man, counterfeited on the stage; and sometimes more particularly that part of it, which disguiseth the face, as mask or vizard: and from the stage, hath been translated to any representer of speech and action, as well in tribunals, as theatres. So that a *person*, is the same that an *actor* is, both on the stage and in common conversation; and to *personate*, is to *act*, or *represent* himself, or another; and he that acteth another, is said to bear his person, or act in his name (Hobbes 1963 (1651): 168-9).

Peter Goodrich is an exception to the general neglect of the theatrical mask in legal scholarship. The mask is a wayfarer through his writing, showing up here and there, from the ‘nomadic masks’ that are signalled in the subtitle to his book *Languages of Law* (1990) to the plastic Guy Fawkes mask that featured in the film *V for Vendetta* and appears in Professor

Goodrich's chapter 'Retinal Justice: Rats, Maps, and Masks' (2021). Goodrich rightly believes that if a thing is worth saying it is worth performing, and I have personally seen him don a Guy Fawkes mask and stand on a chair to deliver a provocation at an otherwise earnest gathering of legal scholars, proving that playing the fool near the throne of law is a most necessary and serious business. The Guy Fawkes mask has become the face of the 'Anonymous' anti-capitalist/hacker/anarchist movement, and in November 2014 it also featured in the early days of the Black Lives Matter protest movement. Goodrich discusses the arrest of a man for violating the mask provision in the State of Georgia's legal code when he wore a Guy Fawkes mask at a protest in Atlanta (*Gates v Khokhar*). The protest had been provoked by the decision of a grand jury in Ferguson, Missouri, not to indict the white police officer Darren Wilson who had shot dead the black citizen Mike Brown. The relevant section of Georgia's legal code makes it a misdemeanour for a person to wear 'a mask, hood, or device by which any portion of the face is so hidden, concealed, or covered as to conceal the identity of the wearer' in public or on private land without permission. Exceptions include 'using a mask in a theatrical production including use in Mardi Gras celebrations and masquerade balls.' There is no exception for political protest (Ga Code Ann § 16-11-38).

Highly pertinent for present purposes is the following passage taken from Goodrich's book *Law in the Courts of Love*, in which he imagines the mask of legal persona to be a thing that defies death when it passes on:

In immediate logical terms, law masks death in the sense that the institution of tradition is concerned precisely with the passing on of structures across and against the blandishments of time. To the extent that law constitutes and transmits traditions as meanings, as persons, things and actions, it establishes the very form of survival as repetition and in a stronger sense as eternal recurrence. In passing on – and it is not accidental that passing on is also a metaphor for death – the deep structures or forms of social reproduction, the legal tradition is bound classically to expressing or imagining death as the incident of inheritance, as the structure of sociality. Death is what passes, what succeeds, unacknowledged, from father to son (Goodrich 1996: 167).

I recently wrote something in (seriously) playful mode, which on reflection, but not consciously by inspiration, combines Goodrich's idea of passing on the mask with Hobbes's idea of representation. Repeating my own thought here is a sort of representation of myself through re-presentation, which illustrates the paradoxical phenomenon with which the quote, as I now interpret it, is concerned. The phenomenon is the one that occurs whenever we try to peel away a mask as a gesture to detachment, estrangement, or authenticity; for in the moment of making that gesture – which is by definition an action or an act – we are performing a denial of performance and thereby thickening our mask even as we purport to remove it. The following lines can be interpreted as an allusion to this phenomenon of thickening at work in the law's representations whenever a person passes on. If this interpretation is accurate, it suggests the haunting possibility that the legal mechanisms by which we represent the death of a human being might have the effect of fixing on the legal mask more firmly and more thickly in the very gesture by which we purport to peel it away. This is what I wrote:

Personality is a metaphor, an actor's mask, a superfiice impenetrable and unprobable as any proof, the persona represents the human, and passes on death to the personal representative, who becomes thereby a representation of a representation, the lawyer who represents the personal representative is a representation upon a representation upon a representation, if we kill the lawyers we might only make things worse (Watt 2021).

Not that the law will let us kill the lawyers. The law as entity needs the lawyer as entity to embody its performance. The whole project of law in society can be regarded as one of making a face and saving face, as I have argued in a chapter titled 'The Face the Law Makes' (2013: ch 4). Lord Neuberger of Abbotsbury, the former Master of the Rolls, once gave a lecture in which he cautioned his judicial colleagues that they should not let the 'judicial mask slip' in public because of the risk of 'devaluing the coinage' of judicial respectability (2012: par [53]). The former Lord Justice of Appeal, Alan Moses (2008), has written in similar vein of his concern that when judges are distracted into administrative roles such as the chairing of

public inquiries, the judiciary is in danger of losing the mystique of the mask through which it maintains its authority. The biblical Moses was also a respecter of law, authority, and masks. Bettetini reminds us that ‘the Greek bible used the term *prosopon* for the face of God which Moses dared not look at’ (Bettetini 2004: 109–110, quoted in Mohr 2008: 37). Inviting comparisons with his biblical namesake’s sanctified isolation on Sinai, Alan Moses opines that ‘the mystique of the judge, the separation of judge from public is of significance in supporting the acceptability and authority of the decision’ (2008: 22). The key word here is ‘separation.’ The Attic Greek term for theatrical acting, *Hypokrisis*, is related to *krinein*, which denotes the action of separating, deciding, judging. The art of judgment is performed in the process of separation – which is ‘discrimination’ in its positive sense. The problem comes when the artificial mask is presented as the true and only face, effacing the human and the art that animates it. This is where the falsehood of under-separation (‘hypo-crisy’) comes in, with all the ills that attend it. For Moses, the theatrical separation of the judiciary from humanity is what is required, even if that risks personal hypocrisy by effacing the human judge behind the mask of their official role. Borrowing from Oscar Wilde (2000 (1891): 191), Moses says that ‘[t]he judge is least himself when he talks in his own person. Give him a mask and he will tell you the truth.’ Moses is seemingly content, as was the mask-wearing protagonist of Max Beerbohm’s 1897 play *The Happy Hypocrite*, to ‘wear it until I die’ (Moses 2008: 23-24). Of course, the irony in Moses’s pretension to fix on the legal mask so firmly, is that his very gesture of fixing it occurs in the act of extra-judicial writing – a context in which the judicial mask is supposedly removed. Commenting on Alan Moses’s article, Marett Leiboff notes (2018: 360) that according to *The Guardian*, Moses ‘is the court of appeal judge who showed too much personality to advance to the very summit of the judiciary’ (Bowcott and Greenslade 2014). In light of that biographical note, we can perhaps read Moses’s excursus on ‘The Mask

and the Judge' as a sort of confessional concerning the conflict between human personality and the legal persona.

Without taking our eyes off the law, it is now time to introduce the three theatrical dramatis personae of our piece. The first mask of our three was made for a ballet directed by the Hungarian dancer and choreographer Rudolf Laban in Germany in the 1930s. The mask escaped when Hitler burned Laban's books and was passed from hand to hand until it eventually found its way to England where it has, so far as I can discover, lost itself. The second of our dramatis personae is the mask of Pulcinella, one of the principal stock characters or 'Masks' of the commedia dell'arte. Our focus in relation to the mask of this Mask is upon its passing to the renowned Italian actor Eduardo De Filippo and from him to his actor son, Luca. The third is the hannya mask of traditional Japanese Noh theatre, which is a demonic mask associated with scorned and jealous women. It features in the cult Japanese horror film *Onibaba* (Shindo 1964) where it carries a cautionary tale on death, the passing of masks, and the fixing of masks; a cautionary tale that I will carry over to the performance of masks in law.

### **A The Laban Mask**

The Hungarian dancer, choreographer, and dance theorist Rudolf Laban trained a thousand dancers to perform in the Berlin Olympics in 1936. The production *Vom Tauwind und der Neuen Freude* ('*Spring Wind and the New Joy*') was to feature Mary Wigman and Harald Kreutzburg, who, with Laban, were amongst Germany's preeminent dancers of the period. The production never took place. When Reich Minister of Propaganda Dr. Josef Goebbels saw the dress rehearsal, he promptly banned it on the ground of its modernism and intellectualism. Elizabeth A. Hanley writes that 'Goebbels was outraged that Laban was attempting to use the Nazis for his own goals' (Hanley 2004: 135); goals which were, in very broad terms and by various progressive techniques, directed at the liberation of dance from the

rigours of classical tradition. Hanley adds that the choreography of Mary Wigman and Harald Kreutzburg went on to feature in the Olympic festival, but ‘Laban was out of the Olympic picture for good’ (Hanley 2004: 135). Laban was at this time head of the German Master Studio for Dance (*Deutsche Meisterwerkstätten für Tanz*), and when his contract expired on 31 March 1937, the Nazi regime placed him under house arrest at a castle in Bayreuth. Later that year he escaped to Paris and onwards to England in 1938 (Hanley 2004: 138). By this time, the archives and material memory of his work had largely been destroyed by the Nazi Propaganda Ministry. Amongst the surviving artefacts were three beechwood masks that Laban had given to Lola Eytel. The English educationalist Dorothy Heathcote reports that Lola Eytel had carved thirty masks, including these three, in the early thirties for Laban’s production ‘Motherhood Against War’ featuring Mary Wigman and Harald Kreutzburg in the main roles (O’Neill 2014: 152). Heathcote came to know Lola Eytel and her sister Margaret, having met the sisters ‘to read English poetry to them and remind them of their spoken English’ (O’Neill 2014: 152). A friendship developed, one expression of which was a wedding gift to Dorothy Heathcote of the only surviving mask of the three, the other two having been lost in air raids (O’Neill 2014: 152), ‘believed stolen’ (Heathcote 2004: 5/8). Whether any of the other thirty masks have survived the Nazi destruction of Laban’s belongings must be very doubtful.

The question that will exercise us here is what became of the mask that was in Heathcote’s possession, and what we might learn from its passing. In an epilogue to a volume of her essential writings, Heathcote states that the mask ‘will finally rest with the Laban Institute, its logical place’ (O’Neill 2014: 152). The ‘Laban Institute’ referred to here may be the Institute based in New York that became the Laban/Bartenieff Institute of Movement Studies ([Labaninstitute.org](http://Labaninstitute.org)), or it may be referring to the Laban Dance Centre (founded in Manchester as the Art of Movement Studio) which has been subsumed within the Trinity Laban Conservatoire of Music and Dance. As I write, the search for the mask amongst the archives

of these candidates is ongoing – to some extent delayed by the demands of compliance with Covid-19 regulations. The age of the mask has masked the mask. The plot thickens. I have, however, been able to discover further details about the nature of the mask and its possible whereabouts from a small archive containing Heathcote's correspondence with the choreographer Geraldine Stephenson. The archive also contains an unpublished manuscript essay on the mask, written by Heathcote in February 2004. It is written in the first person from the perspective of the mask and is titled simply 'The Laban Mask' (Heathcote 2004). The small collection of papers containing the essay and the correspondence is held in the Geraldine Stephenson Archive at The University of Surrey, and I am grateful to University of Surrey archivist Harriet Costelloe for her generous assistance in bringing the manuscripts to my attention. The Eytel sisters died in the 1970s, Heathcote died in 2010, and Stephenson died in 2018, so the main players in the mystery of the mask have themselves passed on. I will discuss the contents of the University of Surrey archive in two parts: first, Heathcote's account of the nature of the mask; second, clues as to its present whereabouts.

First, the physical makeup of the mask. In her manuscript essay of 2004, Heathcote describes it as a 'beautiful grieving face' (Heathcote 2004: 7/8), which is confirmed by a more detailed description in Heathcote's manuscript correspondence with Geraldine Stephenson written in the year before Heathcote died. Heathcote explains in a two-page letter dated 2 March 2010 that the mask is 'hand carved, plain oiled wood. It is a 3dimensional woman's face, rather sad, and life size as to features' and that the 'eyes are very simple holes, quite round, so when it is fixed by the strings on the face, the actor/dancer can see clearly through it' (Heathcote 2010b: 1-2/2). She describes it as very light and thin. Heathcote has inserted into the text two rough sketches of the mask – one a front-on view of the mask hardly more detailed than a sad face emoticon, but slightly more ovoid than circular, the other a side profile sketch of the mask showing a small, sharply angular nose and a rather large chin. It looks not unlike one of the

Moai statues of Rapa Nui ('Easter Island'). The profile sketch also shows two fixing holes on the side for securing the mask to the dancer's face with a string. Heathcote recalls that the holes are slightly damaged. She adds in her manuscript essay 'The Laban Mask' that a photograph of Mary Wigman and Harald Kreutzburg, together with the chorus line wearing the masks, is held with her papers at Manchester Metropolitan University (Heathcote 2004: 7-8/8). The Heathcote archive is now with the Faculty of Education at Manchester Metropolitan University and at the time of writing I am still seeking the photograph referred to.

Second, clues to the mask's present whereabouts. Heathcote writes in her 2004 manuscript essay of her wish that it should be kept where the public will be able to see it. (Heathcote 2004: 7/8). In a one-page letter to Geraldine Stephenson dated 6 February 2010, there is an overriding sense that Heathcote is anxious to get her affairs in order (she died the following year), and that the passing of the mask to an appropriate institution is high on her list of priorities. She opens with, 'My Dear Geraldine – I'm writing out of anxiety about the Laban mask in your care!' and writes towards the end, 'If you don't want it to go anywhere special, I'll have it back and see that it does go to Manchester!' before signing off warmly 'Much love - & memories of Northern Theatre school and dear Laban' (Heathcote 2010a). At the top of the letter, a marginal note has been added at some later date in what might be a weaker version of Heathcote's hand, or the hand of another writer. It reads, 'G does not have it Laban Mask – not me – .' The initial 'G' is presumably a reference to Geraldine Stephenson. That handwritten note seems to be linked to the phrase 'Laban mask in your care' which has been roughly and emphatically underlined, seemingly by the unidentified second hand.

The only other letter to Geraldine Stephenson in the archive is the letter of 2 March 2010 mentioned earlier. It is written in a more terse and business-like tone. This letter signs off with 'Many thanks – please telephone me. Dorothy (Heathcote) Bradford Theatre School!' It begins with a brief recital or statement of the facts as the correspondent recalls them, and a

summary of the issues. As such, it reads almost like a rehearsal for a legal statement of claim, especially the reference to ‘my Laban mask which I gave into your care to pass on to some Laban association in due course’ (Heathcote 2010b). The essence, as Heathcote recounts it to Stephenson, is that Heathcote and Stephenson had spoken by telephone the previous week and that Heathcote was concerned to learn on that occasion that Stephenson could not recall having the mask in her home. To remind Stephenson of the fact, the letter of 2 March refers to a Christmas card sent to Heathcote by Stephenson in 2008 in which Stephenson refers to the mask being at that time on her wall at home. Heathcote encloses the Christmas card with her letter to Stephenson of 2 March 2010. I am grateful to Laban scholar Dick McCaw, who acted as Stephenson’s personal representative (her executor, to be precise), for confirming that the mask was not amongst the belongings for which he had oversight after her death.

The fact that Heathcote posted her key piece of evidence – the Christmas card – to Stephenson makes clear that Heathcote’s intentions regarding her friend were in no way litigious as to the mask. That said, the statement ‘my Laban mask which I gave into your care to pass on’, could hardly be clearer in stating that from Heathcote’s point of view the transfer to Stephenson had been made in trust. Were it not for the apparent lack of any intention to establish legal, arms-length relations, the case for a juridical trust would be strong. The trust in question would not be of the express sort, but of a non-express sort known as a ‘*Quistclose* trust’ (*Barclays Bank Ltd v Quistclose*). Under such a trust, an asset may be passed to a recipient with a power to deal with it – here, to pass it on to a ‘Laban association’ – and, in default of compliance with the condition of onwards transfer, the transferee, Stephenson, would be bound to hold it on trust for the original transferor, Heathcote. Heathcote is clearly conscious of, though not actually asserting, her proprietary claim to the mask and her right to supervise its onwards passage, or at least to be informed of its whereabouts.

What is most interesting for present purposes is that Heathcote took upon herself the role of representing the mask. She acts as its advocate, even to the extent of writing an essay to give her wooden client's side of the story in something like the way that the Anglo-Saxon poem *Dream of the Rood* recites Christ's crucifixion from the perspective of the cross. The Laban mask is a representation of Laban's idea as represented in cedar wood by Lola Eytel, and Heathcote in her correspondence and her essay becomes representative of the representation. Masks thicken like plots. Now it must be admitted that the significance of the Laban mask would be similar if, instead of being a mask, it had been some other culturally significant artefact, but the fact that it is a mask brings in an extra layer of representation. It is an artefact with a peculiar capacity to represent identity, which is precisely why the metaphor of the *persona* has been consistently, yet in different ways, so appealing to thinkers through history, from Cicero to Hobbes to Agamben (Parsley 2010).

One can sense in Heathcote's correspondence with Stephenson the weight of the mask as a representation of Laban and his work, the weight of the historical tradition by which the mask passed between Laban, Eytel, Heathcote, and Stephenson, and the weight of the legal representations that we call 'property' and 'rights.' The legal idea of property is one of the masks that Noonan most strongly objects to. He makes the salutary observation that it was this mask that operated so effectively and so wickedly to efface humanity in the context of the American slave trade (Noonan 1976: 54-61). We sense in her narrative that Heathcote was struggling to express her custodial responsibility without actually wanting to assert her proprietary right. In this undertaking, the weight of the mask of legal representation seems to have pressed down upon her like a burden that she was unable to discharge. That sense of weight is in some sense an embodied experience of law's impositions on the human mind and body. As Sean Mulcahy writes: 'Law is contingent on the body in order to function' (2021: 125). Fittingly for our first case study, Mulcahy was writing about law's relation to dance. He

notes that a dancer when ‘taking on a role does not carry with them the emotional baggage of a litigant’ but that ‘they can still find the creation of a legal character emotionally debilitating’ (Mulcahy 2021: 107-109). The weight of the baggage of her role as representative of property and of previous holders of the mask is precisely what we detect in Heathcote’s correspondence with Stephenson. The burden of our stuff never feels heavier than in the contemplation of our own mortality, for as we contemplate the passing of assets on death, we push against the burden of property – and the properties of the burden – in an effort to discharge it. In the case of the Laban mask, the mask of legal property has not yet succeeded in suppressing the dance of humanity. As befits its passage from carver (Eytel) to dancer (Laban) to carver (Eytel) to teacher (Heathcote) to dancer (Stephenson), the Laban mask continues to lead us on a merry dance. Its constant movement refuses to surrender to regulation. The mask could have been the subject of a juridical trust, but instead it has for the time being slipped out of sight and its dance goes on. Laban would approve.

## **B The Mask of Pulcinella**

Pulcinella is a character or Mask of the commedia dell’arte. Often a servant or peasant, he has also represented professionals, including legal advocates (Oreglia 1968 (1961): 93). Oreglia reports (1968 (1961): 94) that a ‘characteristic of this Mask is to pretend to forget that he is on the stage.’ It is a characteristic that Goethe witnessed when in his youth he saw Pulcinella performed in Naples, the city with which Pulcinella is most closely associated. Goethe told Eckermann that this Pulcinella had gone home to tell his wife about his day’s success on stage, only for his wife to remind him that he was still on stage (Goethe 1830). In this metatheatrical moment, Pulcinella purports to peel of the mask, but he cannot – because he *is* a Mask. This is not the lack of free will that we associate with tragedy, but the world-

bound circle of comedy that is made when actor and audience are joined hand-in-hand in the dance of humanity. We see the mask and the mask sees us. Everyone knows. Everyone is free.

The mask worn by Pulcinella is a black, leather half-mask covering the entire upper face from the hairline of the brow down to and including the actor's nose and cheeks. The mask bears a distinctive wart, the cheeks are pronounced, the nose is large and strong – noble and not quite comical. Leather theatrical masks of the sort used in the *commedia dell'arte* are made using the same techniques as shoemaking. A wooden last is carved to the desired shape, and the leather is worked to fit the last. In the Neapolitan and Roman dialect, '*sola*' indicates both the sole of a shoe and the leather mask of the comedian.<sup>ii</sup> The English pun on sole/soul does not work in Italian. Shakespeare gave the pun to Gratiano when he rebuked Shylock for sharpening his knife on the sole of his shoe: 'not on thy sole, but on thy soul' (*Merchant of Venice* 4.1.122)), but Italian *sola* and English 'soul' work together to suggest a pun with a profound point to it, which is that the comedian's mask might be the very soul of their dramatic role and certainly not 'only a trick', to recall Grotowski's phrase. This sense of the deep mask is potent in ancient forms of ritual theatre. It is thought, for example, that the masked rites of the Greek Dionysian mysteries morphed into the masked choral theatre of ancient Greece, and that these in turn eventually inspired the masks of the Roman pantomime, and in due course the Italian *commedia dell'arte*. The masked theatre even slipped sideways into Neapolitan puppetry, which is a sort of 'total mask' performance, in which the chief protagonist carries the name of Pulcinella. When the Italians brought the marionette Pulcinella to England he became Punchinello of 'Punch and Judy' fame. The essence of comedy is that it goes in circles, and the lawless Mr Punch who evades police, judge, and jail, has in one sense come full circle in his mockery of English law, for Cicero himself once warned his legal protégé Gaius Trebatius Testa that if he spent too long in Britain, he might find himself represented in the pantomime: 'A British jurist would make a marvellous figure of fun!'<sup>iii</sup>

The most famous modern bearer of the mask of Pulcinella is the eminent Italian actor, playwright, and screenwriter, Eduardo De Filippo. For much of what follows, I am indebted to Teresa Megale's chapter 'Eduardo De Filippo and the Mask of Pulcinella' (2018: 277-85). Megale writes eloquently of the relationship between the actor's bodily mask and the superifice of the commedia mask:

the wrinkles on Eduardo's face – reflecting a richly expressive theatrical technique and a total mastery of mimetic and vocal skills – seem to become synchronised both physiognomically and artistically with the mask. With a few, carefully measured facial expressions, De Filippo transcends the boundaries of the possible and miraculously transmits the visible traces of an art of theatre which has not been lost, but has been kept alive and will be kept alive by future generations of actors (Megale 2018: 278).

Without the leather mask on, De Filippo's face is extraordinarily expressive, but what may be more extraordinary is that his expressiveness is not diminished by wearing the mask. Indeed, the mask uncannily enlarges the actor's expressiveness by opening up a space in which, by imaginative inference, the viewer can represent their own emotions through the medium of the mask.

The reader can witness the phenomenon in De Filippo's performance of Pulcinella thanks to the television documentary *Pulcinella Ieri e Oggi* ('*Pulcinella: Yesterday and Today*') (Heusch 1973). De Filippo was seventy-three years old when the documentary was made. It began as a project to acquaint English actors – including such household names as Laurence Olivier, Joan Plowright, Frank Finlay, and Martin Shaw – with De Filippo's work as they prepared to perform *Saturday, Sunday, Monday*, an English language adaption of Eduardo de Filippo's *Sabato, Domenica e Lunedì* (1959), under the direction of Franco Zeffirelli at London's The Old Vic theatre from 23 October 1973. (Incidentally, the English language adaptation by Keith Waterhouse and Willis Hall's won the Best British Play of the Year Award in 1973.) As we watch the documentary, presented by Zeffirelli, it is clear that it serves a more lasting purpose as De Filippo's way of passing on the mask into the collective consciousness

of the viewing public. In it, he dons Pulcinella's black leather half-mask and his distinctive *coppolone* – the white 'sugarloaf' (*pan di zucchero*) soft hat. The masked De Filippo then proceeds in the character of Pulcinella to rattle through a series of antithetically-paired emotional states – tearful and happy, cold and hot, love and hatred, swaggering and bashful, doubt and decisiveness, yes and no – each of which he introduces with a one-word description – 'dubio' and so forth. The last word '*paura*' ('fear') is performed without any antithetical partner. Throughout the three-minute demonstration, De Filippo inhabits and mediates Pulcinella, and also speaks as Pulcinella's advocate.

De Filippo passes on the mask to us all, but he also passed on the mask in a more intimate way to his actor son, Luca. At the age of twenty, Luca's first role as an adult actor was as the title character in his father's play, *Il Figlio di Pulcinella: Racconto Moderno di una Favola Antica* ('*Pulcinella's Son: The Modern Tale of an Ancient Fable*'). The play, written between 1955 and 1959, tells the 'sad story of the end of the mask tradition' and 'it is not inconceivable that the elder De Filippo consciously chose this work as a means of passing on his artistic legacy to his son, following the tradition of the comici transmitting their art from fathers to sons' (Megale 2018: 282-3). For the tradition of passing the comedian's mask from father to son, Megale cites the example of Salvatore Petito passing the mask of Pulcinella to his son Antonio over a century before Luca De Filippo received it. Fittingly, the leather mask of Pulcinella that featured in *Il Figlio di Pulcinella* was itself an iteration of the traditional of passing on a craft from father to son. The artisan who made it was Donato Sartori, who learned his craft in the mask-making workshop of his father Amleto Sartori (<http://www.sartorimaskmuseum.it/>). The tradition of passing on the mask of Pulcinella from actor to actor was not always a family affair. Megale explains that the mask of Pulcinella has 'changed hands innumerable times since the era of the legendary, seventeenth-century actors.' Referring to the inauguration of the Teatro San Ferdinando, when Eduardo De Filippo

‘received the mask of Pulcinella out of the hands of Salvatore de Muto (1876-1970), the last representative of the company of players of the Teatro San Carlo’, she notes that:

De Muto had worn it since 1913, after inheriting it from Giuseppe De Martino, his immediate artistic predecessor. Almost eighty years old, de Muto-Pulcinella placed the black leather half-mask on the lean, gaunt and wrinkled face of the mature De Filippo with a solemnity reminiscent of an ancient ceremony of investiture ... It was a true rite of passage: De Filippo was the performer chosen as the only one worthy of wearing the mask after the voluntary “death” on stage of the previous holder. Thus the “new” Pulcinella was born (Megale 2018: 280).

Comedy is in essence cyclical. In comedy, death is never final and tragic; it is just a stage we pass over in the never-ending circle of death and rebirth. When the mask is passed from comedian to comedian, the symbolic and actual death of the holder is healed by keeping the mask alive. When it passes on death it also passes on life.

### **C The Hannya Mask**

The hannya mask is the mask of a female demon in the tradition of Japanese Noh theatre Nohgaku (能楽). Noh is by certain measures the oldest continuously extant mainstream theatre form in the world, having been performed since the 14<sup>th</sup> century (the-noh.com). Before the 20<sup>th</sup> century, all Noh actors were male, even those performing female parts. Kabuki theatre, which originated a couple of centuries after Noh and is an altogether more energetic affair in which actors wear make-up instead of masks, was originally an all-female practice performed by courtesans but soon became, and remains to this day, an exclusively male art. In Noh plays, only the lead actor and key supporting actors wear a mask. Actors who don’t wear masks are meant to make a neutral and stable mask of their own physical face. The worn masks (noh-men), of which there are hundreds of variations based on a handful of essential types – god, warrior, woman, fanatical woman, demon – are carved from Japanese cypress and finely painted with traditional pigments. On the Noh stage, the actor animates the mask and costume

of their character through slow, gestural movements and incanted, spoken word, accompanied by the musicians and chorus present at the rear of the stage.

Edwin Lee's short film *The Spirit of Noh* (2018) features Michishige Udaka (1947-2020), a master performer of Noh theatre who was a member of a family that were Noh actors three hundred years ago. Up until his death in 2020, Master Udaka was the last surviving Noh actor who was also a master craftsman in the art of making Noh masks. In the film, he says that:

To protect traditional arts, we need to create a movement and spread it in one big wave. If not, Japan will just become a "robotic country" driven solely by pure economics. The fact that Noh has lasted for so long means there must be a purpose to it. That is why I feel responsible to pass it on (7'45).

Immediately before a section on the hannya mask (2'55), he explains that 'When the audience sees the actor without a mask, and if they see the expression on their face, the feelings may seem too superficial – you can't enter any deeper – but if it's a mask you can use your imagination to dive deeper' (2'40). This reiterates the point made in the previous section about De Filippo wearing the mask of Pulcinella. Whatever might be lost when the mask covers the actor's natural facial expression is more than compensated by the imaginative potential that the mask opens up for the spectator.

The hannya mask is one of the most elaborate in the Noh repertoire, and it has been conjectured that the word hannya ('wisdom') might refer to the special skill that is required to make it. It is particularly associated with jealous women who transform into demonic spirits, and takes the form of a ghostly white face that is at once sorrowful, tortured, and enraged. A written description is no substitute for seeing the thing, which is easily done with an internet search in the absence of access to the physical artefact, but by way of a brief sketch we can note that the most distinctive feature of the hannya mask is a pair of long and sharp horns protruding upwards just above the hairline of the forehead – the hairline is indicated by fine lines of painted black hair. The eyebrows are furrowed up together in the middle of the brow,

forming with the cheeks an almost rectangular frame within which bulbous gold-painted eyes are set in a wild stare. Below a broad nose, the wide angular grin or grimace of the mouth frames a fearsome array of large, gold-tinted teeth that includes canines exaggerated into fangs. The use of gold pigment indicates that this is a non-human entity. As with all Noh masks, slight tilting of the mask upwards or downwards during performance changes the form as the spectator sees it and serves to indicate shifts in the emotional state expressed. The YouTube channel Mellow In Japan hosts an informative video on Noh theatre that discusses the hannya mask (Mellow In Japan 2018: 22'02), and the play *Dōjōji* in which the mask features. The plot of that play, which in some form goes back a thousand years, tells the tale of a woman who becomes enamoured of a priest and takes demonic form to punish him when he tries to flee from her. The play is instantly recognisable in performance because of the huge prop bell located stage centre (Mellow In Japan 2018: 1'49). (An antecedent of *Dōjōji* is a play called *Kanemaki*, which means 'enwrapped in a bell.') The setting for the main action of *Dōjōji* is the eight-century Dōjō-ji Buddhist temple in Wakayama prefecture. One of the treasures of that temple is a striking painting by Kōgyo Tsukioka (1869–1927) of an actor performing *Dōjōji* (Tsukioka nd). He wears the hannya mask and the distinctive skirted kimono decorated with appliqué roundels (*maru zukashi*) that always accompanies the hannya mask. In the painting, the thread securing the mask to the actor's face is visible piercing the ears of the mask.

Where a mask is clearly capable of being removed it invites the audience to inquire into the relation between human nature and art, and to imagine themselves as a bearer of the emotions presented. What would we imagine if the mask could not be removed? This is the invitation made in the cult Japanese horror film *Onibaba* (Shindo 1964), in which a hannya mask becomes fixed to the face of its bearer. The film is set during a fourteenth century civil war. Two women, a mother and her daughter-in-law, are in the business of murdering soldiers, stealing their belongings, and selling them to eke out a meagre leaving in the inhospitable

terrain of a reed marsh. The mother is jealous when the daughter-in-law embarks on an affair with a young man living nearby, and when she offers herself to the young man she is rebuffed. Here is the trope of the scorned woman that is the traditional summons for the appearance of the hannya mask. One night, when the daughter-in-law is visiting her lover, the mother is approached by a Samurai wearing a hannya mask who has become lost in the reeds. She murders him and after an arduous struggle manages to prise the mask from his face, revealing his disfigured features beneath. She subsequently pretends to be an evil spirit by donning the mask and the samurai's robe in order to deter the daughter-in-law from visiting her lover. The climactic terror of the film is the moment when the daughter-in-law comes home from a night-time excursion to find her mother cowering in the corner of their hut, unable to remove the mask that has become fixed to her face. The young woman is persuaded to try to prise the mask off and eventually has to resort to a large wooden mallet to break it off. Every blow beats agonisingly on the older woman as if the mask were her living flesh. When the mask eventually breaks off, the woman's features, like those of the samurai, are disfigured.

Beware the mask that needs no strings! When the strings can be untied, we are assured that the human is not forcibly bound to its persona and that what we are witnessing is a performance of human will. Expression of will is comedy and life; suppression of will is tragedy and death (Watt 2016: 84). There is a particular risk in the context of the commercial corporation that the mask of the artificial legal person will capture and occlude the humans who are invested in it. The corporate mask has become marionette, endowed with a life that survives any mere removal of the corporate veil and which achieves a life independent of the humans that depend upon it. Even if we can see the humans under, behind, and above it, the strings that bind the corporation to the humans cannot be relied upon to move in response to human motivations. The mask moves with a will of its own – unresponsive – and, crucially, lacking ethical responsibility to the humans who bear it and bear with it. The culmination of

the law's Pinocchio project by which legal persona has morphed into a commercial marionette was made express by the Supreme Court of The United Kingdom in 2013, when the court explained that:

It is inaccurate to describe the process of lifting the corporate veil as ignoring the separate status of the company. That status remains untouched. Thus, remedies typically are granted against the puppeteer and the puppet company. What is lifted is the protection from liability afforded to those operating behind the veil so that a puppeteer is no longer entitled to the protection afforded in respect of conduct carried out through the use of the corporate entity (*VTB Capital plc v Nutritek International Corpn*: 346).

The controller can be controlled, but the 'untouched' puppet of the corporate person becomes untouchable; a hand puppet that needs no hand, a marionette that needs no strings. The law has made the artificial person of the corporation for the primary purpose of ensuring that economic enterprise can outlive the short span of a human life. The law's nepotism towards its created and deathless child – the legal commercial corporation – might explain why during the Covid-19 pandemic it was at times possible for two customers to sit next to each other mask-less on a commercial flight eating corporately branded snacks while on the ground mourners could not attend funerals or could only do so wearing masks and while observing social distancing. Funerals are not a priority for undying institutions.

### **3 Conclusion**

This essay has been about the vesting of visors and about human investment in visors. We have seen the human visage dissolving into the visor, and vice-versa. The metaphor of the legal person as theatrical mask is a dead metaphor. To the extent that it still has life, it is tired, trite, worn out. I have therefore endeavoured to invigorate the metaphor with reference to three powerful theatrical personas and the powerful personalities who have carried them off and passed them on. Through this effort, we have found that theatrical masking has implications for the represented and for representatives. The word 'implications' is deliberate, for it implies

a folding in, a layering, and a thickening. The act of representation folds De Filippo into Pulcinella; it lays on Heathcote the great weight of property that is in a thin beechwood mask; and when Master Udaka wears the Noh mask, it represents him and his traditions as much as he represents it. All of this is as it should be. There is comedy in the circularity of it all. Comedy, though, is always within touching distance of tragedy, and the tragedy descends when masks become too thick and too hard for us to bear. In law, the danger is always present in the dynamic by which representations represent representations in ever-thickening layers – the laying down of the law like a carapace around the human actor to the point at which the mask no longer responds to human motivations and refuses to pass on as it should. Law itself is just another mask – a catch-all category that covers a loose group of very different people and a range of widely divergent different human interests. I said at the outset of this article that I hoped to indicate another route towards the same ‘theatrical jurisprudence’ that Marett Leiboff espouses in her eponymous book. The examples of the three masks that have been my case studies are way markers on that route, for the challenge of theatrical jurisprudence is to notice where and how law performs and is performed, and to appreciate where and how its performance antagonises human performance and antagonises itself. As in every field of law and humanities, the project of theatrical jurisprudence is one that seeks to turn the regular beat of the law into something like a heartbeat that might reanimate the corpus and corpse of law.

Visors are investitures of the living and vestiges of the dead. Even the journal *Masks: The Online Journal of Law and Theatre* seems to have passed into memory, or passed out of memory; the second, and presumably last, issue was published in 2012, and I can find no sign of it having life since then. I don’t know if it was passed on, or if it has simply passed on. The same is, for the time being, true of the Laban mask. The visor is elusive and evasive. It might seem frustrating that so many masks cannot be found, but although the very name of ‘visor’ promises a seen thing, much of the visor’s power resides in its power to evade our scrutiny.

Jacques Derrida once made allusion to the law as ‘masked power’ (Derrida 1992: 13), but a significant aspect of the power of the law is its success in making its mask invisible or insignificant by inviting us to pass through it in pursuit of the law’s promise of inner depth. The error of accepting that invitation is the error of passing over the mask instead of pausing to consider the mask’s own inherent power. Of course, even when we see the visor, we can never see all its significations at once. It belongs to the past and to the future as much as to the present. It is a repetition, a dress rehearsal, a re-presentation, and a representation of something other. What we are invited to imagine when we see the fixed form of a Noh mask, or the mask of Pulcinella, or the narrative vestiges of the Laban mask, is the human investment in the vestige. We are asked to feel the human life within, and to appreciate that the life lies as much in what we as witnesses bring to the thing as in what the thing brings to us.

We cannot strip away the mask without eviscerating humanity’s great cultural and social investment in the protections and performative possibilities that the mask affords. As Hannah Arendt warned in her critique of the French Revolution, ‘the Reign of Terror eventually spelled the exact opposite of true liberation and true equality; it equalized because it left all inhabitants equally without the protecting mask of a legal personality’ (Arendt 1963: 104). The use of the word ‘inhabitants’ is apposite here. The masks of legal and social personality are aspects of human habit. We find security in them, even as they impose their security on us. Habitus is something that literally ‘has us’ in the sense that it holds us, with all the positive and negative connotations that having and holding bring with them. As I’ve argued elsewhere (Watt 2013: 4), the custom or costume of our legal person is something to which we become socially accustomed in the sense – specifically Bourdieu’s sociological sense – that it becomes our habitus (Bourdieu 1977). The mask exemplifies this phenomenon of habitus, for we willingly inhabit it even as it literally holds on to us. This is just as we should expect, for as Michael de Certeau has written: ‘There is no law that is not inscribed on bodies. Every law has a hold on

the body' (2002: 139). Beyond this, is the more fearful possibility that the law's ultimate project is to perform itself and acquire and inhabit a body of its own – one that will not need us. In the face of that possibility, confrontation is called for. The human person as it passes on in cultures across generations must resist the stifling self-sufficiency of legal personhood, not least where that personhood presents itself in the cold front of an undying corporate entity. Resistance requires action, and this is where the practice of theatrical jurisprudence comes into its own. The masks of law are supervisors watching over us to protect, to suppress, and to protect through suppression. In the face of this, the survival of humanity requires that we should all put on our masks.

## 4 References

- Arendt H 1963 *On Revolution* Faber and Faber London
- Balme C et al eds *Commedia dell'Arte in Context* Cambridge University Press Cambridge
- Barclays Bank Ltd v Quistclose Investments Ltd* [1968] UKHL 4; [1970] AC 567
- Bentley E 1964 *The Life of the Drama* Atheneum New York
- Bettetini M 2004 *Figure di Verità: La Finzione nel Medioevo Accidentale* Einaudi Torino
- Bourdieu P 1977 *Outline of a Theory of Practice (Esquisse d'une Théorie de la Pratique, 1972)* Cambridge University Press Cambridge
- Bowcott O and Greenslade R 2014 'Here comes the judge – the maverick aiming to tame Britain's raucous press' *The Guardian* (16 May) <<https://www.theguardian.com/theguardian/2014/may/16/sir-alan-moses-ipso>>
- de Certeau M 2002 *The Practice of Everyday Life* Trans Rendall S University of California Press Berkeley
- de Montaigne M 2003 (1576) *Apology for Raymond Sebond* Trans Ariew R and Grene M Hackett Publishing Company Indianapolis
- Cornell D, Rosenfeld M and Carlson DG eds 1992 *Authority Deconstruction and the Possibility of Justice* (1st ed.) Routledge New York and London
- Derrida J 1992 'Force of Law: The Mystical Foundation of Authority' Trans Quaintance M in Cornell, Rosenfeld and Carlson 1992: 3–67
- Goffman E 1959 *The Presentation of Self in Everyday Life* Penguin Books London

*Gates v Khokhar* United States Court of Appeals 884 F.3d 1290 (11<sup>th</sup> Cir. 2018)

*Georgia Code Annotated* § 16-11-38

Goethe JW von 1998 (1830) *Conversation with Johann Peter Eckermann* Trans Oxenford J ed Moorhead J K Da Capo Press Boston, MA

Giddens T 2018 *On Comics and Legal Aesthetics: Multimodality and the Haunted Mask of Knowing* Routledge Abingdon

Goodrich P 1990 *Languages of Law: From Logics of Memory to Nomadic Masks* Weidenfeld and Nicolson London

- 1996 *Law in the Courts of Love: Literature and Other Minor Jurisprudences* Routledge London

- 2021 'Retinal Justice: Rats, Maps, and Masks' *Critical Inquiry* 47/2: 241-271

- and Zartaloudis T eds 2021 *The Cabinet of Imaginary Laws* Routledge London

Grotowski J 2002 (1968) *Towards a Poor Theatre* Routledge New York

Hanley EA 2004 'The Role of Dance in the 1936 Berlin Olympic Games' in Wamsley et al 2004: 133-140

Heathcote D 2004 (February 2004) 'The Laban Mask' [Manuscript paper] Geraldine Stephenson Archive, GS/1/3/14 University of Surrey Guildford

- 2010a (6 February 2010) 'Letter to Geraldine Stephenson' [Manuscript letter] Geraldine Stephenson Archive, GS/1/3/14 University of Surrey Guildford

- 2010b (2 March 2010) 'Letter to Geraldine Stephenson' [Manuscript letter] Geraldine Stephenson Archive, GS/1/3/14 University of Surrey Guildford

Heusch P 1973 (director) *Pulcinella Ieri e Oggi (Pulcinella: Yesterday and Today)*  
<[https://youtu.be/w\\_9nEHVDQOE](https://youtu.be/w_9nEHVDQOE)>

Hobbes T 1653 (1651) *Leviathan* Meridian Cleveland

Jackson R and Small I eds 2000 *The Complete Works of Oscar Wilde* Oxford University Press Oxford

Kantor T 2009 'The Theatre of Death' in Kobialka 2004: 230-239.

Kobialka M ed and trans 2009 *Further On, Nothing: Tadeusz Kantor's Theatre* University of Minnesota Press Minneapolis

Lee E 2018 'The Spirit of Noh (能)' <<https://vimeo.com/277509714>>

Leiboff M 2018 'Theatricalizing Law' *Law and Literature* 30/2: 351-367

- 2020 *Towards a Theatrical Jurisprudence* Routledge Abingdon

Megale T 2018 'Eduardo De Filippo and the Mask of Pulcinella' in Balme 2018: 277-285

Mellow In Japan 2018 'Noh Theatre in Japan' <<https://youtu.be/Id5McyuaNk>>

Mohr R 2008 'Flesh and the Person' *Australian Feminist Law Journal* 29/1: 31–52

Moore A and Lloyd D (illust) 1982-1989 *V for Vendetta* (graphic novel)

Moses A 2008 'The Mask and the Judge' *Southern Cross University Law Review* 12: 1–24

Mulcahy S 2021 'Dances with Laws: From Metaphor to Methodology' *Law and Humanities* 15/1: 106–133

Mussawir E and Parsley C 2017 'The Law of Persons Today: At the Margins of Jurisprudence' *Law and Humanities* 11/1: 44-63

Neuberger D 2012 'Where Angels Fear to Tread' Holdsworth Club Presidential Address (2 March).

Noonan JT 1976 *Persons and Masks of the Law: Cardozo, Holmes, Jefferson, and Wythe as Makers of the Masks* Farrar, Straus and Giroux New York

O'Neill C ed 2014 *Dorothy Heathcote on Education and Drama: Essential Writings* Routledge London

Oreglia G 1968 (1961) *The Commedia Dell'Arte* Trans Edwards LF Methuen London

Parsley C 2010 'The Mask and Agamben: The Transitional Juridical Technics of Legal Relation' *Law Text Culture* 14: 12-39

Savona PF 2005 *In Limine Juris: La Genesi Extra Ordinem della Giuridicità e il Sentimento del Diritto* Edizioni Scientifiche Italiane Napoli

Shindo K 1954 (director) *Onibaba*

Shakespeare W 1995 *Henry V* Ed Craik TW The Arden Shakespeare Bloomsbury London

- 2010 *Merchant of Venice* Ed Drakakis J The Arden Shakespeare Bloomsbury London

Tsukioka K nd *Dojoji* (painting on silk) (wikidata Q3201273)

*VTB Capital plc v Nutritek International Corpn* [2013] UKSC 5; [2013] 2 AC 337

Wachowski L and Wachowski L 2005 (directors) *V for Vendetta*

Wamsley KB et al eds 2004 *Cultural Relations Old and New: The Transitory Olympic Ethic* University of Western Ontario London

Watt G 2013 *Dress Law and Naked Truth: A Cultural Study of Fashion and Form* Bloomsbury Academic London

- 2016 *Shakespeare's Acts of Will: Law, Testament, and Properties of Performance* Bloomsbury Arden Shakespeare London

- 2021 'The Lexicon Act 2020' in Goodrich and Zartaloudis 2021: 114-118

Weyrauch WO 1978 'Law as Mask – Legal Ritual and Relevance' *California Law Review* 66: 699- 726

Wilde O 2000 (1891) 'Intentions' in Jackson R and Small I eds *The Complete Works of Oscar Wilde*  
Oxford University Press Oxford: 71-230

## 5 Endnotes

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- <sup>ii</sup> I am grateful to Dr Simona Laghi for this insight. For other suggestions adopted throughout this article, I am grateful for suggestions made by the editors and anonymous referees.
- <sup>iii</sup> *M. Tullius Cicero, Epistulae ad Familiares*, 7.11.2: 'mira enim persona induci potest Britannici iureconsulti' <<https://www.thelatinlibrary.com/cicero/fam7.shtml#11>>.