

BOOKS

That Lady With the Scales Poses for Her Portraits

By RANDY KENNEDY DEC. 15, 2010

In ancient Egypt she was known as Maat, the goddess of harmony and order, depicted in the Book of the Dead as a kind of personified jeweler's scale, weighing a human heart against a feather to determine a soul's fate in the afterlife.

In Greece she became Themis, aunt, wife and counselor to Zeus, and the Romans then rolled her and her daughter Dike together to form Justitia, the only one of the cardinal virtues to have a signature look in ancient art. But the look of the grande dame we have come to know as Lady Justice — as interpreted by artists like Giotto, Brueghel and Reynolds — has been as changeable as a catwalk model's.

She has strode forth naked and clothed, shoeless and shod, sword wielding and weaponless. She has been accompanied by a dog (for fidelity), a snake (for hatred) and a whole menagerie of other sidekicks that would befuddle the modern courthouse visitor, including an ostrich, whose supposed ability to digest anything was seen by the ancients as a useful attribute for the machinery of justice.

As the Yale Law School professors Judith Resnik and Dennis Curtis show in an unusual new book just out, “**Representing Justice**” — an academic treatise on threats to the modern judiciary that doubles as an obsessive's tour of Western art through the lens of the law — Lady Justice's familiar blindfold did not become an accessory until well into the 17th century. And even then it was uncommon because of the profoundly negative connotations blindfolds carried for medieval and Renaissance audiences, who viewed them as emblems

not of impartiality but of deception (hence the early use of the word hoodwink as a noun, meaning a blindfold or hood).

“Sight was the desired state,” Professors Resnik and Curtis write, “connected to insight, light and the rays of God’s sun.” Even in modern times the blindfold continues to fit uneasily in Lady Justice’s wardrobe, used as a handy prop by political cartoonists and a symbol of dysfunction by others. “That Justice is a blind goddess/Is a thing to which we black are wise,” Langston Hughes wrote in 1923. “Her bandage hides two festering sores/ That once perhaps were eyes.”

It might convey some idea of the depth of Ms. Resnik and Mr. Curtis’s mutual interest in the art life of Lady Justice that their examination of the history of her blindfold alone takes up one whole chapter and part of another in the book, following ideas of sight and veiling through the philosophy of Locke, Diderot and Bentham. The book traces the remarkable ubiquity of the figure of justice around the world, from the statue at the Supreme Court of Canada in Ottawa to one presiding over a constitutional court in Azerbaijan to others in Zambia, Iraq, Brazil and Japan.

She sits atop City Hall in Manhattan and the Old Bailey in London. For a few months in 2002, on the campus of the William Mitchell College of Law in St. Paul, where Charles M. Schulz was raised, she took the shape of Lucy van Pelt, blindfolded, with sword, scales and a big smile.

“They’re all over,” said Ms. Resnik, who specializes in the United States federal court system and who along with Mr. Curtis, her husband and sometime collaborator on legal publications, grew fascinated more than two decades ago with the visual history of justice and the judiciary. It led them to write a 1987 law journal article together and to spend countless hours among the renowned stacks at the Warburg Institute at the University of London following threads of classical scholarship they hoped would lead to discoveries about the evolution of Justice in art and architecture.

“We’ve always been working on this,” Ms. Resnik said in a recent phone interview along with Mr. Curtis, who finished her thought: “It seems like forever.”

Several years ago they began work on an ambitious academic study looking at the central role the judiciary has played in the development of democracies and warning of an

increasing international movement away from public adjudication toward private dispute resolution, bureaucratic hearings and closed courts. And they saw a way to put their art leanings (“We’ve been going to museums of virtually any kind as long as we can remember,” Mr. Curtis said) to work as a means of telling that story.

The book charts how the iconography of justice has both reflected and influenced the development of courts and national governments and how that imagery is now often no longer able to carry the weight of the legal demands of the modern world. “The precepts of good democratic governance encoded and iterated in the symbolism of Justice are far too narrow,” the authors write. And along with the triumphal architecture of modern courthouses themselves, the images can end up masking the problems that lie beneath what they are supposed to represent.

“On many a day,” they write, “the austere hallways of various grand courthouses on both the national and international levels are empty.”

As a legal tome the book is probably the only one ever to mingle Supreme Court citations with interviews with contemporary artists like Tom Otterness, and Jenny Holzer, both of whom have created permanent art installations for federal courthouses that tweak conceptions of justice. (Mr. Otterness, known for putting wickedly playful sculptures in unusual places, made Lady Justice into a fat bird perched in a tree, concealing her sword behind her back. Ms. Holzer inscribed granite paving stones with various phrases from legal history, including a wicked aperçu from Justice Felix Frankfurter: “It is a fair summary of history to say that the safeguards of liberty have frequently been forged in controversies involving not very nice people.”)

While the book includes several examples of the abstract representations of justice that modernism has bequeathed, the one prominent display of non-Lady-Justice courtroom art that Mr. Curtis and Ms. Resnik feature is one they came across six years ago on a trip to speak at a conference in Minnesota. They drove by a courthouse in Grand Marais, a small town 110 miles north of Duluth and stopped, finding a probation officer inside.

“Explaining our interest in courthouses and their iconography,” they wrote, “we asked if we might take a look around. When we inquired what (if any) icons of justice were displayed, he did not hesitate to bring us to the courtroom on the second floor, a modestly proportioned room with a judge’s bench, flags and computers.”

On one wall hung a memorial to a dedicated local lawyer, James A. Sommerness, who had worked as a public defender in the court for more than 20 years. Instead of his portrait, the court had framed the battered corduroy jacket the lawyer had always worn while arguing cases, a humble monument to the grand ideal of public justice for everyone.

“We’ve seen a lot of representations of justice over the years,” Ms. Resnik said, “but that one will always be pretty hard to top.”

Correction: December 18, 2010

An article on Thursday about the new book “Representing Justice,” by Judith Resnik and Dennis Curtis, misstated the relation of Themis, who represented justice in Greek mythology, to Zeus. In addition to being his wife and counselor she was his aunt, not his sister.

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