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The Visual Rhetoric of Lady Justice: Understanding Jurisprudence Through 'Metonymic Tokens'

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Lady Justice, also commonly known as 'Justitia,' has important symbolic significance. However, as we will find through the use of metonymic tokens, the meanings of justice forwarded by Justitia are complex. This paper examines Justitia and the specific Stoic, Enlightenment, and Christian values of justice that the tokens represent in concert with one another.

The genealogy of Justitia dates back to Greek mythology. Themis, who was wife, aunt, and counselor to Zeus, was considered Goddess over divine law and order. Following from the archaic legends, the rise of the Church amended Justitia "not as a goddess but as a personification of ancient virtues" (Resnik & Curtis, 1987, p. 1729). In contemporary times, Justitia has adorned courtrooms and the public forum as a trope to the Court of Law. Justitia has been commonly associated with jurisprudence. She is comprised of microelements, for instance the icon is usually depicted with a blindfold, scales, and the sword. These microelements are what I will call "metonymic tokens."





Metonymic tokens are microelements that make up the macro-composition of an artifact. The definition of metonymy is the “reference to something or someone by naming one of its attributes” (Silva Rhetoricae). From this definition, I extrapolate the parts (metonymic tokens) that reference Justitia. The notion of metonymic tokens extends our understanding of polysemy by offering tools to deal with not only multiple meanings that exist in a metaphoric artifact (like Justitia) but also the micro-level meanings that exist with that artifact (i.e., blindfold, scales, and sword). The microelements hold meanings and cultural insight apart from Justitia, but at the same time the multiple tokens will integrate with Justitia, creating a meaning of justice. In other words, the microelements (tokens) contribute to the main artifact (Justitia); by using metonymic tokens, we, as rhetorical critics, can partition interpretations from an overall meaning, juxtapose partitioned interpretations to either create interpretations anew or greater emphasize an existing value, and dive into new possibilities of belief for deep, hermeneutic insight.

Justitia is a common symbol in U.S. courtrooms, and even law discourses. “Scholars, judges and attorneys have used this popular symbol to eloquently, and sometimes even passionately, articulate the state of justice whether it be in books, court decisions or the drama of a courtroom” (Gehring, 1980, p. 744). With the aid of metonymic tokens, as we will come to find, Justitia is a figure that not only represents justice, but also portrays a version of justice, riddled with stoic ideals and Enlightenment values, charged with a Christian-like flavor of righteousness. The blindfold symbolizes objectivity and stoicism, the scales represent empiricism and enlightenment values, and the sword appeals to enforcement and restraint. These ideals can be differently represented based on the permutations of tokens that comprise the statue. For example, some have created critiques of U.S. justice by changing the specific token that represents the ideal that corresponds with it, by making a figure of Justitia with her blindfold “slipping” to allow a watchful eye for the other, non-Stoic, means to prudent decision making that might exist in deliberations of jurisprudence.ⁱ With the rhetorical concept of metonymic tokens, precision is added to polysemic readings by way of textured understandings of the symbolic composition of seemingly singular metaphors. Here, through a hermeneutic reading, I will “thicken” polysemy and our understandings of potential conceptualizations of justice and its meanings.

The “Metonymic Token”

Kathryn and Clark Olson’s “Beyond Strategy: A Reader-Centered Analysis of Irony’s Dual Persuasive Uses” analyzes the multiple interpretations of the Statue of Liberty as it appears in caricature cartoons. In their paper, they address similar notions that contribute to an overall meaning and that connects back to the metonymic token, though they do not use such a term directly. They allude to the varying items that are presented in the cartoon (see Figure 2) then they extrapolate meaning from a single item’s “property” or “state of being,” which isolates the token as a standalone contribution to the whole picture. My analysis through metonymic tokens is similar to the process Olsen and Olson take.



Figure 2: *Cartoon by Dennis Renault, Sacramento Bee, 1986.*

Artifacts that are polysemous in nature are interpreted differently across a wide audience. "Readers may detect, in whole or part, the cartoonist's preferred interpretation..." (Olson & Olson, 2004, p. 38) but they may also wrest control over meaning from the author through oppositional or resistive readings. Figure 2 can be broken up into multiple tokens such as: the window, the U.S. flag, the Statue of Liberty, Ronald Reagan, and the INS officer. The complexity of an artifact or message contributes to the composition of the tokens as seen in this example. In this case, Figure 2 is composed of at least 5 tokens that can be referred to when making an analysis of the whole picture.

Expanding on a single item's "property" or "state of being" is important for understanding the metonymic token. As Olson and Olson put it, "Reagan wears the proper legal robes and holds the gavel, and the INS representative wears an official law enforcement uniform. The U.S. flag stands closer to Reagan and the bailiff's side of the courtroom than to the defendant's, and the window letting in light opens on Reagan's

side of the frame" (p. 40). The need for the critic to recognize the significance of each metonymic token can be seen due to the significance that each token in the picture plays in the development of an overall meaning. For example, Olson and Olson mention the orientation of the U.S. flag as "closer to Reagan and the bailiff's side of the courtroom," which shows us a reading that U.S. justice favors "Reagan's central American and refugee policies" (Olson & Olson, 2004, p. 40); they could only draw such a conclusion by extrapolating the "property," or "state of being" of the flag. Furthermore, Olson and Olson extrapolate the impact of the Reagan caricature on the message. Reagan is depicted as wearing a robe that would encourage a reading that favors him as a judge of the courtroom. A reading of the text requires an understanding of each metonymic token as it applies to the development of an overall meaning for complex artifacts or messages.

I propose a rhetorical analysis through metonymic tokens because when an audience is presented with an artifact with some degree of complexity, it is important for a critic to find "hermeneutic depth" (Ceccarelli, 1998, p. 408) while accounting for polysemic opportunity. The idea of the metonymic token contributes to the critic's understanding of polysemy, in that a complex artifact displays many rhetorical meanings for an audience and the tokens add precision for the critic to deal with these meanings. I am interested in parsing the metonymic tokens in finding the "range of interpretations on symbolic grounds" (Olson & Olson, 2004, p. 47) that can be found by juxtaposing micro and macro metonymy within *Justitia*.

Delving into hermeneutic depth via metonymic tokens allows us a more powerful lens for determining cultural meanings in a complex artifact like *Justitia*. To demonstrate this, I will do a reading of the individual tokens. This study aims to extend "previous conceptual reflection into new discursive territory, thickening the concept [of polysemy] and illuminating the practice along the way" (Jasinski, 2001, p. 257). The metonymic token "thickens" polysemy by isolating parts of an artifact to help the reader parse out deeper meanings, adding precision to a polysemic read of the microelements in a complex artifact. In doing so, we learn of new ways to read microelements contained within a main artifact as well as fine-tune our reading to make sense of possible ideologies that would otherwise be missed by juxtaposing those individual tokens against one another. In the following sections, I will draw on the blindfold, scales, and the sword as individual "tokens" from the artifact, *Justitia*, and provide a hermeneutic reading. Following the hermeneutic foundation of the three tokens, I will also address the case of metonymic interaction - the interface between two or more tokens - deriving a meaning, or interpretation surfaced by this process.

The Blindfold

The blindfold is representative of an "honest" justice that does not consider any individual based on his or her social class related to wealth, fame, health, *etc.* Charles Taylor states, "disengaged rationality seems to separate us from our own narrow, egotistic standpoint and make us capable of grasping the whole picture. It is what allows us to become 'impartial spectators' of the human scene" (Taylor, 1989, p. 331). We see how the blindfold symbolizes a disengaged rationality by obscuring vision and instilling impartiality. By removing ourselves from "seeing" from our "own narrow, egotistic standpoints" objectivity can be preserved. Upholding the value of impartiality,

Taylor attests, “there is such a thing as moral objectivity....growth in moral insight often requires that we neutralize some of our reactions....petty jealousy, egoism, or other unworthy feelings” (Taylor, 1989 p. 8). The blindfold is the “neutralizer” to the “unworthy feelings” that Taylor notes. From this neutralization, we can gather a sense of “disengaged rationality.”

The blindfold appeals to rationality through traditional rather than restorative justice.ii Decorated attorney Frank Hill states how the traditional justice “system does not make room for emotional expression; it emphasizes rational argument, which may be informed by emotion or may persuade through underlying appeals to emotion and compassion, but cannot function as a vehicle for the expression of emotional states” (Hill, 2008). Rationality is a fundamental ideal within traditional justice. In contrast, restorative justice follows from the idea that “our own nature is no longer defined by a substantive rational ordering of purposes, but by our own inner impulses and our place in the interlocking whole” (Taylor, 1989 p. 301). With attention to the differences between traditional and restorative justice, we see a shift from rationality to lack thereof. The blindfold appeals to rationality by removing us from the temptation to commit to biases because “our being rational is identified with our being attuned with the order of things, potentially capable of seeing and loving it” (Taylor, 1989 p. 300). So far, we have seen how the blindfold has applied to the process of traditional justice preserved by disengaging from emotion. Now, I would like to turn to another aspect of impartiality, stoicism.

The blindfold is also charged with stoic measures, for “emotion misconstrues what should properly be regarded as indifferents” (Pfau, 2010, p. 299). Recall that impartiality is an attribute of judging fairly, calling it as you see it, objective. However, the result we get when we curb our emotional response becomes another reading carried by the blindfold. A “stoic” individual positively contributes to the jurisprudential system by subscribing to the blindfold. “Stoicism conceives of practical rationality and judgment” helping “bring about a society of *kosmopolitai* unconstrained by political subcultures and social hierarchies” (p. 305). The blindfold is a metonymic token of Stoicism because we are removed from the erratic emotional response of social standing or social capital by veiling the eyes - aspiring to impartiality.

The Scales

When one says, “the scales have tipped in your favor,” this usually refers to one’s own luck in a situation or event. In court proceedings, the scales are used as a trope that represents the “process of justiceiii” with the process of justice as the tenor and the vehicle as the scales. The scales are commonly exploited to insinuate “weighing evidence” empirically. However, we see also how the “empirically driven” scales is also a trope that can be manipulated. Barbara Underwood, associate professor of Law at Yale University notes, “putting a thumb on the defendant's side compensate[s] for a systematic flaw in the scales. That is, factfinders may favor the prosecution rather than weigh the evidence objectively” (p. 1306). From this assertion, the scales appear to have a powerful metaphorical insight into cultural understandings of justice, more specifically, U.S. jurisprudence’s skepticism of the “conflicts of interest” inherent to human existence.

The scales are used as a trope in court proceedings (e.g., weighing evidence to determine “the implicated” in court). In the *Yale Law Journal*, “the factfinder holds the metaphorical scales of Justice, the evidence goes into the balance pans, and the scale registers a result” (Underwood, 1977, p. 1299). The scales exhibit a clear metaphor that represents the ideological structure of the “empirical process” of decision-making in our current justice system. The empiricism thesis states that no source of knowledge is gained but through sense experience (Markie, 2013). Our cognitive senses (visual, auditory, tactile, olfactory, and taste) are the “empiricist” approach to knowledge, which in turn, are ways evidence can be utilized in the Court. The metonymic token, the scales, advance this empirical understanding by weighing and returning rational results for fruitful understanding, keeping at bay the irrational humanistic emotions usually associated with interested human action. As we can see in conjunction with the blindfold, there is an overlap in possible interpretation. In other words, we find that there is somewhat of a shared perception within the whole of the text. However, it is important to note there is a relationship that counteracts the blindfold and will be discussed later in this paper.

Considering the empiricist scales, they display a metaphor to empiricism in which we, the audience, can find Enlightenment values of the “beneficent fruits of rational understanding” (Taylor, 1989, p. 329) in the public fore of law. “Enlightenment gave birth to the ‘public intellectual’ because of its revolutionary belief that through the dissemination of the fruits of philosophy and science, one could ‘enlighten’ the state of public opinion and thereby replace a traditional with a rational society” (Crick, 2006 p. 128).iv With respect to Justitia, the scales offer a means to “‘enlighten’ the state of public opinion,” a major project in the Enlightenment era. The ideology of appealing to rationality through empiricism and Enlightenment values is coherent with the way justice is viewed in society. Weighing evidence in the Court of Law and our desires to be treated fairly in accordance with the Law appeals to empiricism and Enlightenment respectively. Thus, Justitia’s scales give us another perspective into the subset of meanings that compose our U.S. vision of justice: skeptical jurisprudence aimed at building a more rational public.

The Sword

Lady Justice “is shown with an unsheathed sword, ready for use in the interest of justice” (Heckel & Farmann, 1959, p. 234). The “interest” proclaimed here marks judiciary action, or enforcement of justice. Justitia is depicted holding “a double-edged sword in her right [hand] (which tropes the outcome of those deliberations, for or against the litigating parties)” (Goscilo, 2010). In the double-edged sword, we find two embedded meanings: 1) A sword that represents the *enforcement* of justice or *judgment*. 2) A sword that represents *protection* of the law or *defense*. Juxtaposing these two ideas we formulate this “double-edged sword,” or the two requirements of punishment and defense. Frank Covey, a member of the Illinois Bar wrote in the *Student Lawyer Journal*, “The Sword, while it designates the power of Justice to protect or avenge” establishes this double-edged meaning behind Justitia’s sword as a two-way street. Furthermore, “the sword of Lady Justice is the power and protection provided by the law, and the assurance of punishment for those who violate the law” (Schiffer & Dowling, 1997). Justice, in other words is both powerful in its effect, but vulnerable in its process; thus, it requires a double-edged sword of courage and restraint.

I also argue that the sword token stands for a reading of righteousness that is embedded with Christian-like beliefs. In the Bible, the "Sword of the Spirit" is used as a trope to the word of God that can be used to instill insight or defend one's faith. "For the word of God is alive and active. Sharper than any double edged sword, it penetrates even to dividing soul and spirit, joints and marrow; it judges the thoughts and attitudes of the heart" (Hebrews 4:12, New International Version). If we juxtapose Biblical denotations of the sword, and the sword as a metonymic token of Justitia, we can see how justice might be charged by righteousness on a spiritual level. This comparison shows how both the Bible's "Sword of the Spirit" and Justitia's sword are charged with offensive and defensive means. The Bible forwards a double effect of the sword. "Notice also that the sword is two-edged: it is intended to be used defensively as well as offensively. In addition to the "pulling down of strongholds, it was to be used in defense of the faith" (Missler, 1997) and so "Justice is 'armed with righteousness,'" (Covey, 1959, p. 14) a righteousness that is attributed to the ethos of Justitia in that she too, as a figure of a goddess, also occupies the realm of divine law.

Metonymic Token Interaction

The metonymic token depends on a culturally-situated artifact to give it an enrichment connotation. For example, Lady Justice encourages multiple interpretations through her three tokens that I discussed above. By using this concept we can gather a more refined polysemous reading of artifacts. Note the second half of the definition of the metonymic token: microelements that intermix to create a larger meaning. As critics, we often face this "intermixture" between two or more tokens but do not credit its significance. This section proposes the idea of metonymic token interaction (MTI) - a process that allows the critics to see the culturally-situated tokens as composite pieces that are part and parcel of the entire artifact.

The interaction between tokens is an integral part of uncovering less-than-obvious readings of an artifact. If we focus attention on the intermixing of the blindfold and the scales, we receive a contradictory understanding. On one hand, the blindfold targets the eyes, veiling our vision (as well as theoretical aspects of vision such as foresight, goal-setting, or more generally, planning for the future) and hinders our ability to see. On the other hand, the scales represent a tool that is commonly used as a method of visually determining the weight of objects. A method, or process of weighing with a balance scale requires our ability to see what we are doing; as a result, we contradict the notion of weighing by removing one of the most crucial senses, sight. Albeit, one might ponder whether the other senses (e.g., tactile, taste, olfactory, and auditory) would contribute to the method of weighing but therein lies a problem: without sight, there is no telling for sure whether the scale is balanced. Plaintiff Lev Tsitrin felt the same way. In a case filed August 2013, Tsitrin's formal complaint captured "that those artifacts show due process of the law as a blindfolded figure holding in its hand a two-tray scale, the trays symbolizing parties' legal and factual argument, while the blindfold symbolizes impartiality of the judge evaluating those two sets of argument." The Court deemed the premise of Tsitrin's complaint frivolous; however, this premise serves as an argument that the blindfold-scales intermix for a contradictory reading by Tsitrin's closing statement, "Wherefore Plaintiff respectfully requests that this court orders removal of all artifacts depicting due process of the law as impartial weighing of parties." From Tsitrin's closing, we see that this intermixture is elicited by the "impartial weighing"

reference; the impartiality of the blindfold juxtaposed with the act of weighing by the scales.

As previously discussed, the sword stood in for judgment and defense; each is on an opposing side of the Law. In other words, the sword can be used to strike and enforce the law against a lawbreaker or used as a method of defending oneself with the Law. However, juxtaposed with the blindfold, there is a relationship that is disturbing. Imagine swinging a bat or stick at a piñata while blindfolded. The point of the game was to hit the piñata and be awarded by spilling a copious amount of candy. While you swing this rather large object, everyone who is present at your party would stand back so they would not be victims of collateral damage (i.e., being hit by a blindfolded kid with a bat). Similarly, judicial decision-making sometimes reflects the haphazard swinging of the bat because the blindfold of "impartiality" does not permit us the ability to see the target we are swinging at, thus swinging blindly. In cases such as *Maxwell v. Sheppard* (1963), we can see the illustration of this metonymic interaction in reality. Plaintiff Maxwell had his constitutional rights for due process compromised because of the influence of the media present in the courtroom. The Defendant's First Amendment right to free press holds that silencing speech (referred to a speaker being gagged) is unconstitutional. In such a polarized example, whom does the sword judge? Defend? This interaction yields a collateral effect because the sword is not always defending the defendant or vice versa. The Press cannot be gagged because of First Amendment protection and the pervasiveness of the media manipulates jury bias that compromises the verdict reading for Maxwell's final judgment. We find ourselves back at the piñata analogy. While that blindfolded kid (the Law) swings that bat to hit the piñata for its reward (the verdict), the other children (Maxwell, Sheppard) are in the fray. The spectators (the media) can be found screaming (the action of screaming is pervasive - like the media!) that will ultimately decide the trajectory of the blind kid's swinging.

Finally, the sword and scales intermix to enlighten the critic with a sense of duality. The sword is in one hand and the scales in the other; both require skills of finesse to use properly. The sword requires strength, speed, and impeccable accuracy whereas the scales require balance, precision, and the ability to stand stock-still. To better illustrate this duality, consider the human body as a coordinate plane; we can quadrant this plane off into points. In this case, we are only concerned with the top half consisting of both arms. On one point, the arm bearing the sword represents an active movement where the arm moves wildly and freely to use the sword at full capacity while the body moves minimally. On the other point, the scales require being held at a fixed location - in order to uphold precision. The holder of the scales would have to ensure the body would maneuver around that fixed point to ensure the scales are not disturbed while being used to measure. This illustration attempts to draw out and shed light on the difficulty in micromanaging human movement to this degree. By using the sword to defend or enforce the law, we would have to compromise precision from the scales because they would succumb to an indirect transfer of movement from using the sword at full capacity. To illustrate this further, recall the piñata analogy. But this time you are wielding the bat in one hand and balancing (not holding) a ball in the other. For this illustration, being blindfolded does not matter; however note the task of swinging the bat single-handedly and balancing the ball simultaneously. Without compromising one for the other, how does the justice system compensate for this difficult relationship? By

swinging the bat with one hand, it ends up feeling top-heavy, hard to control, ineffective. As a side effect, “dropping the ball” may become the result.

The intermixture of metonymic tokens can show us more of an underlying representation that stems from visual artifacts. The rhetorical critic can use this system of analysis effectively in parsing out visual rhetoric by considering the MTI as an additional tool in the critic’s toolbox that lends to the efficacy of reading into images.

Conclusion

Because the meanings in each token are unstable - having the capability to change when juxtaposed with one another, creating a combined effect or exhibiting an interaction - it is important to understand how metonymic tokens work. The metonymic token can advance the critic’s reading of a polysemic text in that each whole artifact constructed of parts will consist of multiple meanings within those parts that can distinctively stand alone. Each part in itself also expands hermeneutic depth. For example, after analyzing the metonymic tokens above, notice how this approach adds precision, texture, and cultural insight to our understanding of the blindfold, appealing to the impartiality of justice to some, but also stoicism and the need for a rational society to others. We have seen also how the scales are used as a grand metaphor for an empirically driven tool that combats skepticism and the sword that forms a “double-edged” meaning that indicates a dual requirement for justice in society. These readings apart from each other - but also integrated in Justitia - show the usefulness of the metonymic token, a concept that helps us to make sense of an artifact or message that we are confronted with in our daily lives. By also expanding to the hermeneutics of MTI, we were able to make sense of interacting metonymic tokens, which have opened doors to new ways of parsing visual rhetoric.

References

- Ceccarelli, L. (1998). Polysemy: Multiple meanings in rhetorical criticism. *Quarterly Journal of Speech*, 84(4), 395-415.
- Covey, F. M. (1959). The symbols of justice. *The Student Lawyer Journal*, 14-17.
- Crick, N. (2006). Rhetoric, philosophy, and the public intellectual. *Philosophy and Rhetoric*, 39(2), 127-139.
- (G. E. Barrera, personal communication, n.d.).
- Gehringer, M. E. (1980). Questions and answers. *Law Library Journal*, 73, 740-748.
- Goscilo, H. (2010). Between the sword and the scales, or celluloid justice. *Studies in Russian and Soviet Cinema*, 4(2), 137-145.
- Heckel, J. W., & Farmann, K. G. (1959). Questions and answers. *Law Library Journal*, 52, 232-235.

Hill, F. D. (2008). Restorative justice: Sketching a new legal discourse. *The International Journal of Punishment and Sentencing*, 4(2), 51-81.

Jasinski, J. (2001). The status of theory and method in rhetorical criticism. *Western Journal of Communication*, 65(3), 249-270.

Markie, P. (2013). Rationalism vs. empiricism. In E. N. Zalta (Ed.), *The Stanford encyclopedia of philosophy*. Retrieved from <http://plato.stanford.edu/archives/sum2013/entries/rationalism-empiricism/>

Missler, C. (1997). The sword of the spirit. Personal UPDATE News Journal Articles.

Olson, K. M., & Olson, C. D. (2004). Beyond strategy: A reader-centered analysis of irony's dual persuasive uses. *Quarterly Journal of Speech*, 90(1), 24-52.

Pfau, T. (2010). The letter of judgment: Practical reason in Aristotle, the stoics, and Rousseau. *The Eighteenth Century*, 51(3), 289-316.

Resnik, J., & Curtis, D. (1987). Images of justice. *Yale Law Journal*. 96(8), 1727-1772

Schiffer, L. J., & Dowling, T. J. (1997). Reflections on the role of the courts in environmental law. *Federal Judges Environmental and Natural Resources Law Seminar*, Portland, OR.

Silva Rhetoricae (n.d.). *Silva Rhetoricae: The Forest of Rhetoric*. Retrieved from <http://rhetoric.byu.edu>

Taylor, C. (1989). *Sources of the self: The making of modern identity*. Cambridge, MA: Harvard University Press.

Underwood, B. D. (1977). The thumb on the scales of justice: Burdens of persuasion in criminal cases. *The Yale Law Journal*, 86(7), 1299-1348.

Endnotes

- i. The “slipping” connotations are alluded to by Barrera, a sculptor from San Antonio Texas that “offers the blindfold with a slight space under the eyes where it could be implied that Justice may have peeked and not been impartial” (Barrera).
- ii. Restorative justice is a theory of justice that looks at the crime(s) committed by the offender as an attack against an individual or the community as opposed to the state. This approach to justice seeks to amend the damage caused to the victim(s) and hold the offender accountable for future offenses. See <http://www.restorativejustice.org>
- iii. The “process of Justice,” meaning, the steps that take us through legal decisions
- iv. Public intellectuals were those who acted on this faith by situating themselves “midway between the great minds and the people—so as to serve the function of transmitting and popularizing philosophic knowledge” (Crick).

v. In the Holy Bible, the Sword of the Spirit references divine law, the “word of God.” Christian ideology uses this concept as a way to instill (or enforce) the word of God into skeptics but also the sword is a trope to “defense of faith.”