



VISIONS OF “JUSTICE”

Barbara Jaffe

Reviewing

JUDITH RESNIK AND DENNIS E. CURTIS,
REPRESENTING JUSTICE: INVENTION, CONTROVERSY, AND RIGHTS
IN CITY-STATES AND DEMOCRATIC COURTROOMS
(Yale University Press 2010)

The analysis of a work of art differs from legal analysis to the sole extent that the former necessarily includes a visual component. Each requires an understanding of the subject’s history (stylistic predecessors/legal precedent) and formative intent (artistic/legislative) in order to interpret the work or law effectively. Judith Resnik and Dennis Curtis’s monumental and profusely illustrated coffee-table textbook, *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms*, constitutes an outstanding synthesis of the two. And if knowledge is power, then I am very powerful for having read this remarkable work of comprehensive and finely-tuned art history.

Notwithstanding the challenge of reading such a large and imposing text, *Representing Justice* is actually a collection of stand-alone essays, each jewel-like in its richness, and one comes away from reading it feeling as if one has just completed a graduate-level art and iconography course. While I did not read the seemingly endless endnotes, which fill more than one-third of the book’s 602 pages,

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not including the preface, selected bibliography, index of images, and subject index, I read the voluminous text word-for-word (no mean feat for a busy state trial judge in Manhattan), learning everything and anything one would ever want to know about artistic representations of that elusive concept “justice.” As a former art historian, I vouch for the authors’ ability to analyze paintings, sculptures, and architecture. I decline to assess the authors’ legal skills; to do so would be presumptuous, as they are law professors at Yale Law School with impressive curricula vitae to match.

Resnik and Curtis offer their view of how governmental units all over the world choose to depict justice and how those choices reflect their politics. They commence with several chapters on the history of the personification of justice, including a dizzying array of artistic representations of blind and handless personae from the ancient to the modern. Also furnished is an exhaustive analysis of the symbols of justice – scales, swords, amputated hands and arms, blindfolds, ostriches, doves, and Venice – along with a lengthy discussion of the notion that justice should be blind, aptly distinguishing between the blindness of indifference and the blindness of impartiality. Included therein, and much appreciated by me, is a sympathetic discourse on the travails of being a judge.

Several chapters, devoted to architecture, are worthy of their own tome, filled as they are with interesting data on the funding and decoration of courthouses and all that goes into producing an edifice that is both functional and monumental. Comparisons are drawn among French, Israeli, Australian, and American courthouse architecture. Israeli judges, for example, enjoy access to “an inner courtyard, lined with symmetrical columns sheltering walkways so that users can enjoy quiet contemplation.” (p. 210) By contrast, my own courtroom and chambers look out onto a park and playground from which daily emanate the piercing screams of children at play, shrill singing, funereal dirges, and the tintinnabulation of ice cream trucks, not to mention the ever-present cacophony of ongoing construction, all to the mounting frustration of jurors and staff. After reading *Representing Justice*, I am now able to appreciate the democratic sentiments that inform the positioning of my workplace.

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Chapter six addresses other aspects of the artistic representation of justice in a courthouse. Must a racist or misogynistic history be hidden from public view? Is abstraction preferred? What of the artist's or architect's own political views? The murals produced by WPA artists during the Great Depression of the 1930s provide an appropriate backdrop to the discussion, as do "installations, some of which were controversial at their inception and others that became a source of distress decades later, when new rightsholders looked at the walls and saw demeaning portrayals of persons they resembled." (p. 110)

For example, in 1938, Simka Simkhovitch, a Ukrainian-born artist, won a contract to decorate a wall by the judge's courtroom entrance in the federal courthouse in Jackson, Mississippi. The mural he produced, "Pursuits of Life in Mississippi," depicts what he considered "typical people and life in Mississippi during his time." As the authors note, "what others saw was race, gender, and segregation." The late Constance Baker Motley, a Judge of the United States District Court for the Southern District of New York, then a lawyer for the NAACP who practiced at the courthouse, found the mural not only emotionally agonizing to view, but inaccurate. Popular sentiment against the mural resulted in its draping in the 1960s.

By contrast, a WPA mural depicting the lynching of a native American at the Ada County Courthouse in Boise, Idaho, although draped in the 1990s, was uncovered following a debate in the state legislature about whether it should be painted over, preserved as a cautionary reminder, or displayed through the prism of educational programs.

Representing Justice eloquently reveals that official art and architecture convey important messages and reflects the role these messages play in fostering access to justice. And while a picture may say a thousand words, additional words from scholars like Resnik and Curtis enhance our understanding of pictures and the meanings of justice they represent.

