

## THE POWER OF IMAGE AND THE IMAGE OF POWER: THE CASE OF LAW

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*SUMMARY: I. Rendering Space Sacred. II. The Link between God and the Authority of Law. III. Law and Justice the Symbolism of a Link. IV. What is the Power of Image, what Can we do with Images?*

Why do people believe that there is an obligation to obey the law? How this belief became so natural in their minds that for the bulk of them there is hardly any sense in asking such a question? What is the message embedded in Western culture that yields to this belief?

The question of the nature of the authority of law is pervasive in the history of legal philosophy. The present debate between John Rawls and Jürgen Habermas<sup>1</sup> is just an example of the current interest in this subject. Nevertheless, one constant objection can be made to their approaches: they do not give an account of how things actually are. Therefore, the starting point of this paper is to show how law works in social reality. It is a commonplace that modern life is overwhelmed by images; thus it may be worth shedding some light on the role that images play in our perception of law as a means of understanding its authority.

The idea that guides this paper is that visual images of law have contributed in a very important way to the creation of a mental image of law that supports the belief in an obligation to obey the law.

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<sup>1</sup> Rawls, John, *Political Liberalism*, New York, Columbia University Press, 1996; Habermas Jürgen, *Between Facts and Norms*, Cambridge, MIT Press, 1988; *Modernity and Law*, London, Sage Publications, 1996, *Droit et morale: Tanner Lectures (1986)*, Paris, Seuil, 1992; Habermas Jürgen and Rawl, Johns, *Debat sur la justice politique*, Paris, Editions du Cerf, 1997.

My contention is that the attitude of obedience towards law, in Western legal systems, is an outcome of the internalization of an *image of law* that has been paramount in public discourse. Through the analysis of the visual *images of law*, one can capture the mental *image of law* transmitted to the bulk of the members of a society and, by the same token, one can grasp the nature of its claim to legitimacy. This must not be confused with the very interesting and much debated question about what is a legitimate authority or the question of when a regime has legitimate authority.

So I fancy that the analysis of law's iconography will lead us in a more realistic way to the understanding of the kind of authority that law claims, hence to the nature of law's authority.

I am interested in the authority of law as a product of Western culture, as a particular way of accessing a type of normative organization. The kind of normative organization that we call law has a discourse of justification, an answer to the fundamental question: why laws? namely, what arguments does law puts forward as justification of its authority.

My purpose is then: first, to identify and analyse the visual representations of law and the messages they convey. Second, to strive to find out how they shape the mental image<sup>2</sup> we have of law: by following the construction of judicial space and, then, through the iconography of law in order to understand how they build the belief that there is an obligation to obey the law; hence the idea that law has authority.

However, as I will be traversing different periods and places (different European countries), the distance between my materials should be justified. Western culture is a unity arising mainly from a common Latin origin<sup>3</sup> and from Judeo-Christianity. This unity allows the use of materials from different European sources and periods, as a means of making general assertions about this culture.

It would be a titanic task to draw a complete picture of law's discourse of legitimacy. The length of the period covered—since the beginnings of law in human society—is one reason; another is the diversity of its discursive forms: political discourse, of course, but also media, art,

<sup>2</sup> On the relationship between mental image, visual image and representation, see Denis, M., *Image et cognition*, Paris, PUF, 1989.

<sup>3</sup> See the classic work of Curtius E. R., *European Literature and the Latin Middle Ages*, New York, Pantheon Books, 1953.

education, and so on. I will then limit myself to analysing the message conveyed by some visual images in the period between XIII and XVIII centuries.<sup>4</sup>

### I. RENDERING SPACE SACRED

The tree has been almost universally used to symbolise the link between heaven and earth. Distant cultures like those of the celts, scandinavians, and Americans amongst others, have used, in a similar way, the tree to represent an axle that connects the natural and supernatural and serves as a channel of communication between heaven and earth or men and God. The celts used to judge under an oak, Scandinavians under an ash tree, and Germanic people under a linden tree.<sup>5</sup>

We can still find old trees like the linden tree of Bordesholm, Schleswig-Holstein, used by the XV century to serve these purposes. The case of Saint Louis of France who used to judge under an oak is quite famous, at least in France. In the *Cour de Cassation* of Paris there is a sculpture by Eugène Guillaume after a drawing by Duc (1877-1878) in which Saint Louis of France is represented under his oak tree while judging, to remind us of this historical fact. But representations of the role of trees as a link between men and God are also present in English imagery; an example is the frontispiece of *The Shepherds Oracles* by Francis Quarles (1645) that shows Charles the First defending the tree of religion.<sup>6</sup> In the middle of the scene there is a tree, surrounded by two characters of the church. The tree's branches represent the virtues: faith, charity, hope, obedience, good work. To the right, we can see Charles the First brandishing a sword reinforced by another and bigger sword that comes from the upper right side of the image, in order to mean that God is also present in this fight.

<sup>4</sup> The images I analyze in this paper come mainly from Robert Jacob's *Images de la justice*, Paris, Le Léopard d'Or, 1994, and Jonathan P. Ribner's *Broken Tablets: The Cult of Law in French Art from David to Delacroix*, Berkeley, University of California Press, 1993. For a general survey of the field, *cfr. Law and the Image*, by Douzinas, C. and Nead, L. (ed.), Chicago, Chicago University Press, 1999.

<sup>5</sup> See R. Jacob, *Images de la justice*, *cit.*, footnote 4, p. 39 and ff.; see also the entry “arbre” in Chevalier, J., and Gheerbrant, A. (eds.), *Dictionnaire des symboles*, Paris, Lafont, 1982, pp. 62 and ff.

<sup>6</sup> Reproduced in Philippe, R., *Affiches et caricatures dans l'histoire*, Paris, Fernand Nathan, 1981, p. 77.

Later a column, called the column of the world, replaces the tree.<sup>7</sup> These are stone columns called columns of the world or Justice columns, like the X century column of the market of Treve.<sup>8</sup>

Many mythologies associate God with judgement because God is by definition He who sees and knows everything, and hence is the only being capable of Justice. The idea presented through judging under a tree is that judges are simple intermediaries of God, so that whilst judging, they are acting outside their human condition. This idea is reinforced by taking the act of judging outside the common place of everyday life and delimiting its location with a fenced-in enclosure around the tree where the trial goes on. The space is thus rendered sacred; the act of judging —a divine task par excellence— takes place out of the profane place of human concerns. Rendering sacred the trial place conveys the message of law's transcendental character and hence the requirement of compliance with law's decrees is justified.<sup>9</sup>

A 1513 miniature (from the Swiss chronicle by Diebold Schelling), of the extramural session of the Mulhouse tribunal (manuscript dated 1513, Luzern Korporationgemeinde), is a wonderful illustration of the rendering sacred the space of trials. In this image, the trial was located outside the walls of the city. Taking it far away from the city was then a way of symbolising that it is God who judges by means of his intermediary.

It might be interesting to recall that, up to the early Middle Ages, the resolution of conflicts was negotiated between parties and that an institution was created for this purpose only in the late Middle Ages.<sup>10</sup>

The sacred character of the place of trials, and hence the sacred character of the act of judgement, is perpetuated today in Courts and Tribunals, where we often find a bar or railing separating the space of the trial from the general public. Sometimes, in XVIII century's imagery, a big room was simply divided by a fence that separated laymen from those who were taking part in the proceedings of judgement. This is the case in

<sup>7</sup> On this substitution, see R. Jacob, *Images de la justice*, cit., footnote 4, p. 44; the substitution of the tree by a column is also pervasive in the art of the Renaissance; see in particular F. Francastel, *Peinture et société*, Lyon, Audin, 1951, p. 61.

<sup>8</sup> For the general meaning of columns, see Onians, J., "The Strength of Columns and the Weakness of Theory", *The Art of Interpreting*, by Scott, S. C. (ed.), University Park, Pennsylvania University Press, 1995, pp. 30-39.

<sup>9</sup> Cfr. Eliade, M., *Le Sacré et le profane*, Paris, 1965.

<sup>10</sup> Foucault, Michael, "La vérité et les formes juridiques", *Dits et Ecrits 1954-1988*, Paris, Gallimard, 1994, vol. II, p. 570-588.

a Dutch engraving of this period which shows how the place of trials was allocated at that time in a Court in Holland<sup>11</sup> Another reminiscence of the fenced-in enclosure is the term “barrister” for lawyers who plead in higher Courts. The first meaning of the French term for bar, “*Parquet*” is “little park”; the Robert dictionary explains that it is an ancient word (1366) that designates the place where judges or lawyers are positioned in a Court. Today’s term *barre* or *barreau* is a metonymy that permits the designation of the Office of the Attorney General by the word “*parquet*.”

A painting by Schopin, now destroyed (commissioned in 1844 by the Chamber of Commerce of Rouen) represents, as do many other paintings of this period, an oath. Schopin’s painting depicts the oath at the swearing in of the first consular judges at Rouen in 1563. In this image, there is a variant of the enclosure, consisting of a bar made of pillars that we can often find in today’s judicial architecture too. Sometimes the sacred character of the place of trials is also pointed out by a difference of height; the judge is usually at a higher level and in a large seat from which he can dominate the scene, where lawyers often present their arguments. In a lower level, a special place in the scene of the trial is devoted to those people who are under oath.

The frequent representation of oaths is another clue for the understanding of the transcendental character of the message embedded in the image of law. As we know, the oath still has great importance in the proceedings today, even in lay societies. The presence of oaths in the imagery of law was already present at the end of the XV century. In a chronicle by Diebold Schilling, we already find a representation of *The oath of the ladies of Bubenberg*, which is part of the collection of Berne’s municipal library.

Grandiose architecture in judicial and legislative buildings is another visual way to convey the message of Law’s authority. In each capital we visit, we are impressed constantly by the buildings where judicial and legislative powers are exerted. All of them share a monumental architecture designed to transmit the idea of overwhelming power.<sup>12</sup>

<sup>11</sup> Engraving reproduced in Robert Jacob’s *Images de la Justice*, Paris, Le Léopard d’Or, 1994, p. 96.

<sup>12</sup> Cfr. “Le gigantesque”, *Comunications*, num. 42, 1985. On judiciary architecture in particular, see the collective volume published by the Association française pour l’histoire de la justice, *La Justice en ses temples*, Paris, Errance, 1992, as well as part III of *Law and the Image*, Douzinas, C. and Neal, L. (ed.), *op. cit.*, pp. 117 and ff.

## II. THE LINK BETWEEN GOD AND THE AUTHORITY OF LAW

It is certainly not a new idea that, during the Middle Ages, the source of authority was placed in God. However, what seems to me important is to show how the link between God and political authority works. And also how this link gives rise to a long chain of arguments that are present even nowadays due to less well-known links which produce the conviction of the transcendence of law in our imagination.<sup>13</sup>

The first image I want to consider comes from a XIII century copy of the Gratian Decree, (book of canon law): the Investiture by Christ of spiritual and temporal powers.<sup>14</sup> The scene is organised by a capital H placed in the middle that symbolises the “humanum genus”, and starts the first sub-division of the book: mankind is governed by two types of law: natural law and custom. This representation soon became a convention and fixed code. But what is important is the message: spiritual power comes directly from God, of course, but so does temporal power. This is going to become the most important and constant theme of the imagery of law. The means of conveying this link are manifold: at times, the delegates of both powers share the baton of command. In other cases, we can find a key or two keys being given to the spiritual power, whilst a sword is given to the temporal power (or two swords, one for each of them). In XIV century iconography, the sword is used for both spiritual and terrestrial orders. The symbol of the sword plays a very important role in the iconography of law up until the present times. What we must keep in mind is that this symbol purportedly comes directly from God.

This imagery is common to the Gratian Decree all over Europe and to the Saxons Mirror (*Sachsenspiegel*) which are the most well known and praised works of judicial literature from the Middle Ages, and hence those that were copied the most at this period.

The subject of a XIII century image from the *Décret Gracien*, located at the municipal library of Troyes, is also the spiritual and temporal powers, but this time there is an interesting rhetorical resource. To show the

<sup>13</sup> The link between transcendence and law has been advocated by Legendre, P., *Le désir politique de Dieu: Etude sur les montages de l'Etat et du droit*, Paris, Fayard, 1988; the relation to images has been deepened in *Dieu au miroir: Etude sur l'institution des images*, Paris, Fayard, 1994.

<sup>14</sup> B. N. Beaune.

link among them, the artist has represented the continuity between both powers by means of the visual continuity of the Ten Commandments.

In early representations of trials, we find as well four different levels of power linked by a vertical. This is the case of an Italian XIV century illumination called the *World Tribunal*.<sup>15</sup> The theme of the investiture of spiritual and temporal powers is emphasized in this illumination, through the King's sword: judicial power, religious and political power and of course divine power. God the father is above with the keys of heaven in one hand and a book that might be the Bible in the other.

“The justice of men endorsed by Christ” could be the title of a painting by the German school (early XV century at Wurzburg, Bisch Flices Ordinarial). A case is brought before a judge who is sitting on a large seat; this is one of the symbols of authority, constantly present in subsequent images of Justice. Christ is sitting above with two swords pointing to his ears, two swords that represent again both orders: spiritual and earthly. The sword is an important symbol in many traditions, it is also always related to power, but in the Western judeo-christian world it is also related to the two attributes of God: his power and kindness.<sup>16</sup>

During the XVI century, the presence of Christ or God became even more frequent in the images of trials. This association again conveys the same implicit message: judges are simple intermediaries, illuminated by God. They exert God's judgment in human affairs. In an image of the XVI century, a judge sits under the gaze of the Christ of the Apocalypse.<sup>17</sup> The same elements are in a vertical line: the trial, the judge in his seat and above these the transcendental element: Christ in heaven with the sword.

It is interesting to note that in XVII century engravings of civil procedural stages, we have again at the top of the scene a cloud representing God and the sword. But a novelty appears the rare presence, at this period, of the scales.<sup>18</sup> From XVIII century imagery, it is worth recalling a frontispiece representing Canon law and civil law in “Legal Vocabulary” edited by Philipe Vicat.<sup>19</sup>

<sup>15</sup> From an exemplar of the Gratian Decree, Italian illumination from the XIV century, Public library of Geneva, reproduced in *Images de la justice*, cit., footnote 4, p. III.

<sup>16</sup> Philon's *De cherubin*, 21-27; also *Cfr.* the entry “épée” in J. Chevalier and A. Gheerbrant (eds.), *Dictionnaire des symboles*, *op. cit.*, pp. 407 and ff.

<sup>17</sup> Urlich Tengler, *Der neu Layenspiegel*, Augsbourg, 1511, fol. 34.

<sup>18</sup> *Cfr.* the entry “balance”, *ibidem*, p. 99 and ff.

<sup>19</sup> Lausanne, 1759.

I have so far been analysing images of a period in which the divine source of political power, and hence of law, was not contested. But does the suppression of the monarchy by divine grace imply an abandonment of the justification of law's authority on its transcendence?

Revolutionary iconography shows us the contrary. In spite of an evident ideological opposition to the King's investiture with legislative supremacy, the association of divinity or divinities with law, that is, the idea of transcendence as a means of stemming the authority of law is constantly present in revolutionary iconography too.<sup>20</sup>

In the famous engraving *Declaration of the Rights of Man and Citizen*, by L. Laurent after Jean François Lebarbier (1793), we can see a representation of the Declaration of the Rights of Man and Citizen written in roundheaded tablets recalling Moses' tablets. At the top of the scene among the clouds, we see the eye of God encircled by characteristic flashes of lightning. On top of two columns framing the tablets, two personifications: on the right, an angel with a sceptre, symbol of authority and, on the left, a personification of liberty. In the middle of these tablets is the lictors' rod, symbol of authority, and on the top of it the Phrygian cap, symbol of liberty of the revolutionary *sans-culottes*.

The representation of the Declaration of the Rights of Man and Citizen in roundheaded tablets was not the product of chance or the artist's idea; it was part of an official discourse. The Legislative Assembly decreed in 1792 that its insignia would take the form of the tablets of law. In a print by L. J. Allais, commemorating the Festival of Unity and Indivisibility in August 1793, the second year of the French Republic, one can also see on the left-hand side, the Republican Constitution as Mosaic tablets, emerging from the mountain amongst lightning. On the right-hand side, encircled by astrological signs, the lictors' Rod is placed over the level of equality and crowned by the Phrygian hat.

The characteristic transcendental message of law's authority by an allusion to God is also present in the *Hommage* to the National Assembly. A print commemorating the National Assembly represents the French Constitution as a pyramid encrusted with portraits of the heroes of the revolution.<sup>21</sup> At the bottom, we can see the French people surrounding the pyramid. At the top the lily flower, symbol of French royalty, eman-

<sup>20</sup> Cfr. Jonathan P. Ribner, *Broken Tablets*, cit., footnote 4.

<sup>21</sup> *Ibidem*, p. 22.

nates celestial light and illuminates the whole scene. The print was made in 1791, one year before the abolition of the monarchy, but it gives us the opportunity to ask whether the idea of the General Will is also to be considered as a transcendental source of legitimacy?

### III. LAW AND JUSTICE THE SYMBOLISM OF A LINK

After this survey of several centuries, we have gathered many symbols still constantly associated today with the images of justice.

Justice is considered an attribute derived from God's perfect judgement, as he is the only being able to see everything. God being just *par excellence* is the first source of justice to which we can appeal, according to Western Judeo-Christian tradition. Following the development of iconic language, we can see how one naturally passes from the linking of God with law to the association of law with justice and hence to internalize the idea that there is an obligation to obey the law. How is this shown by the most well known representations of Justice? The reference is Cesare Ripa's work<sup>22</sup> written in Italian in 1597 and translated into English, French, German and Spanish. It is interesting to notice that Ripa's *Iconology* was not originally illustrated; it was a classification and description of images; called by Panofsky iconography.<sup>23</sup> But most of the following editions of Ripa's work are illustrated with a variety of styles according to the time of publication.

Ripa's allegory of Justice describes it as a woman dressed in white and blindfolded. In her right hand she supports a bundle of lictors' rods held by a rope, in the left hand she holds a torch, and beside her, is an ostrich, or a sword and a pair of scales. In Hertel's edition (1758-1960), the description is enriched by other attributes such as a crown, a skull and a dog lying at her feet.

Ripa says that this is the kind of justice exerted by judges in Court. The white of her dress symbolises that judges must be without moral blemish. She is blindfolded to symbolise that she must not be misled by the senses, but also to symbolise that Justice must use nothing but pure reason whilst making judgements, and that justice is impartial. The

<sup>22</sup> Ripa, C., *Iconologia*, 1597. I have consulted the Spanish translation, Madrid, Akal, 1987, 2 vols.

<sup>23</sup> Panofsky, E., *Studies in Iconology*, New York, Harper and Row, 1972, p. 3.

scales are in themselves a metaphor for justice, which indicates that each person must receive no more and no less than what is due to him or her.

It is also very important from the viewpoint of the rhetoric of image that most representations of justice have the same symbols of authority in common. First, the bared upright sword which here represents the rigour of justice that must not hesitate to punish; second, the lictors' rods that were the old Roman symbols of power to show that punishment must be given; third, the sceptre, symbol of authority *par excellence*; and finally the crown. Symbols, that as we noted before, are also pervasive in the representations of Christ or God the father. Through all of these symbols, we can easily follow some lines of association that are present in our perception of the image of law, even if we are not always aware of them.

#### IV. WHAT IS THE POWER OF IMAGE, WHAT CAN WE DO WITH IMAGES?

Until now we have analysed images which contained a number of lines of association leading us to the implicit message conveyed. Let us now try to find an explanation for the means by which images accomplish such an important role.

Images do much more than illustrate verbal discourse and they do it in a very efficacious way that is reached in verbal language by a mechanism that I have called elsewhere the implicit mode.<sup>24</sup> Indeed, images are not mere illustrations of what we think. Thus the role they play cannot be perceived as a secondary role in communication.<sup>25</sup>

So what is the power of images?<sup>26</sup> To my mind their power is a very special one, it is the power of “demonstration” in the sense of proving by showing. How does this work?

First, when we look at an image we often feel as if we were present within the scene that is taking place; it is the power of the image that positions us in the attitude of being a witness. The reason is probably

<sup>24</sup> Nettel, A. L., *Pouvoir et Légitimité: La stratégie planificatrice au Mexique: 1982-1988*, Paris, l'Harmattan, forthcoming.

<sup>25</sup> See Gombrich, E. H., “The Visual Image: Its Place in Communication”, in his book *The Image and the Eye*, Oxford, Phaidon Press, 1982, p. 137 and ff.

<sup>26</sup> For two different approaches, see Freedberg, D., *The Power of Images: Studies in the History and Theory of Response*, Chicago, Chicago University Press, 1989, and Marin, L., *Des pouvoirs de l'image*, Paris, Seuil, 1993.

that images are things that give us something to see. After all, as the lawyers' saying runs: "what is seen is not to be judged".

Second, the power of images also comes from the concealment of the enunciation. Through this analysis of images along several centuries, we have highlighted that images "show" what they represent. When looking at an image, we usually refer to it by saying, for example: "here is Christ endowing..."

This is the common way by which images function. For when we look at an image, we react as if there was no author, and we feel as if we were present in the scene represented. But if instead, while presenting an image we say:

"Here, the author wanted to tell us that..."

the receptor's attitude changes immediately because the author comes on the scene. Indeed, in most kinds of images, the narrator (who might coincide often but not always with the author) is not, so to say, explicit.<sup>27</sup> It is this absence that facilitates our ability to enter into the image and feel that we are discovering what we see, as if we were there. It is only in special circumstances that we are aware of the presence of the author and, by the same token, of the fact that the work has been conceived and realised by him with a deliberated intention. This happens, for example, when we go to an exhibition. Because, on those occasions, we are aware of the fact that the paintings we are looking at are the work of an author, and this is why we see them as expressing an intention and we interpret them in those terms. How often do people feel annoyed in front of abstract art because they are told that these works do not have any meaning? Nevertheless, they insist on trying to find out the artist's intentions.

The third point is that our most common attitude towards images is uncritical.<sup>28</sup> This might be for many reasons from the rapidity with which we have to look at them (for example in the underground, or when we are driving) to the ability of the creator to make them striking. But the question is that, normally when we look at an image, we absorb the message without questioning it, without the attitude of someone who is

<sup>27</sup> See Marin, L., *Détruire la peinture*, Paris, Galilée, 1977, p. 61 and ff., who showed that in classical representative painting there is a denial of the subject of the enunciation.

<sup>28</sup> For a different account of the same observation, *cfr.* Douzinas, C., "Prosopon and Antiprosopon: Prolegomena for a Legal Iconology", *Law and the Image* by Douzinas, C., and Neal, L. (ed.), *op. cit.*, note 4, p. 55.

aware of being in front of a proposition. There might be multiple reasons for this, as I have said, but two paradoxical features of images seem to me important. The first feature is that images are transmitted, so to say, via a direct channel to our minds without the filter of consciousness. Consequently, in order to analyse an image and, hence, question it, we need a higher degree of awareness that implies a special effort of attention and sometimes a specific training. And second, that images penetrate very deeply into our minds because we take as premiss what we see in the image, and we consider the conclusion to which we are driven as our own, without realising that it is the consequence that follows from the image itself.<sup>29</sup> This is one of the main rhetorical mechanisms of images. So the uncritical attitude stems from the fact that we are not capable of facing what I call the “pictorial arguments”<sup>30</sup> *i. e.* the premiss given by the image and the conclusion that follows. By accepting what we see in the image because of the “witness effect”, we are accepting what follows from it and this is the implicit message. Indeed, as the conclusion to which visual images drive us, implicit messages are those that are not stated but are presupposed in an assertion. The canonical example is “Peter stopped smoking”, the implicit message: “Peter used to smoke”,<sup>31</sup> if we accept the first one, we automatically accept, so to speak, the second. The question is that by saying “Peter stopped smoking”, I am not presenting to the listener the “Peter used to smoke”, proposition, which he might be reluctant to accept. This may suggest a similarity with Helmholtz’ idea of perceptions as “conclusions of unconscious inference”.<sup>32</sup> I do not have any competence to discuss whether unconscious inferences exist or not, but I do not think that what I am saying implies the idea of unconscious inference. What I am saying is much more modest: if we quite easily believe what we see, as I think we do, then we even more easily believe what follows from it.

<sup>29</sup> Cfr. Miles, M. R., *Image as Insight: Visual Understanding in Western Christianity and Secular Culture*, Boston, Beacon Press, 1985, in particular chap. 3 “The Evidence of Our Eyes”, p. 41 and ff.

<sup>30</sup> Pictorial and not image arguments because it takes in account the pragmatic part of visual images.

<sup>31</sup> See Ducrot, O., *Dire et ne pas dire*, Paris, Hermann, 1980, p. 232.

<sup>32</sup> Cfr. J. Bouveresse, *Langage, perception et réalité. Tome 1. La perception et le jugement*, Nîmes, Editions Jacqueline Chambon, 1995, in particular chap. 1.

The period I have insisted on mainly, might suggest that the image of law I have stressed was mainly valid for the Middle Age and Renaissance, up to the French Revolution. However, most of these symbols have been used after the period under consideration: the image of justice with round-headed tablets is still pervasive during the nineteenth century. A representation of Justice by Baron Gérard (*La Justice*, Département des Arts Graphiques, Louvre) can be mentioned among others. And an exemple of what I called the “transcendent argument” is still present in a XX century painting by Léon Bonnat, *La Justice* (Museum of Beauvais), who was by the way the official portraitist of the Third Republic.

Furthermore, if these images played an important part in Courts (paintings and sculptures), today it is by monumentality in judicial architecture that the sense of transcendence is conveyed. As far as law books are concerned, the traditional role of frontispiece is now played by the cover illustration... It is striking how many recent books in this field still use the images and symbols I have analysed. This is the case in particular for the column. From this point of view, there is a continuity between, say, Annibale Carracci who represented Justice in an engraving as holding a column, and the cover design of a Marmor's book *Law and Interpretation*<sup>33</sup> showing columns. Significantly, the photographer of the picture is Joseph Raz, himself a prominent philosopher of law.

Indeed, my aim in analysing these images was not only to stress that during this epoch authority whether spiritual, political or judicial was justified by a link with God. My purpose was to show how iconographic language was a powerful means of building a mental image of law. An image where the idea of its transcendence, whether we call it God, Christ, Justice, General Will or whatever, is the ground of our allegiance to the authority of law in Western culture: what I have proposed to call the “transcendental argument of legitimacy”. Restating the argument it says: law being the means of rendering God's will or the good of the community transcends the individual's immediate interests. This analysis led us to identify the implicit message —imbedded in law's iconography— which contributes to the formation of the acceptance of its legitimacy, hence to the belief that there is an obligation to obey it.

<sup>33</sup> Marmor, A., ed., *Law and Interpretation*, Oxford, Clarendon Press, 1995.