Mythology and the Images of Justice

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Abstract: *This essay enquires into the depictions of Justice through the ages, as well as into the myths surrounding these depictions, more particularly in Egypt, Greece, and Rome, as well as in modern times. The essay departs in significant respects from traditional interpretations by seeking to gain from the insights in relation to mythology and the use of symbols provided by psychoanalysis, structuralism, Heidegger's thinking on Being, and deconstruction. Insofar as psychoanalysis is concerned, of importance in the present context is Freud's analysis of symbolism in the interpretation of dreams and in myths, specifically his contention that the symbols employed there almost invariably have a sexual connotation. The approach of Claude Lévi-Strauss is the focus of the detour through structuralism, with Lévi-Strauss challenging certain of the most prevalent ideas in relation to myth, such as that there is some original version of a myth, usually believed to be the earliest version. In the case of Heidegger, of particular importance is his challenge to us "moderns" not to be too quick to believe that we understand ancient texts or the ancient conceptions of deities. He more specifically questions the common belief that the gods and goddesses are persons or that they are abstract personifications of concepts. Derrida, in his analysis of the texts of Freud, Lévi-Strauss, and Heidegger, further develops the ideas of each of these thinkers, seeking thereby to go beyond the Oedipus complex, beyond the security of structure, and beyond Being. After an analysis of depictions of the goddesses Ma'at, Themis, Dike, and Justitia, based on the insights gained in the preceding analysis, the essay concludes with a reading of the blindfold of Justice in her modern guise, which seeks to exceed metaphysics. Drawing specifically on Derrida's analysis of blindness in drawing, it arrives eventually not at the essence, but at the an-essence, of justice.*

Keywords: *Ma'at / Themis / Dike / Justitia / Derrida / Freud / Heidegger / Lévi-Strauss*

Law & Literature, Vol. 23, Issue 3, pp. 324–364. ISSN 1535-685x, electronic ISSN 1541-2601. © 2011 by The Cardozo School of Law of Yeshiva University. All rights reserved. Please direct all requests for permission to photocopy or reproduce article content through the University of California Press's Rights and Permissions website, at http://www.ucpressjournals.com/reprintinfo.asp. DOI: 10.1525/lal.2011.23.3.324

INTRODUCTION

Modern depictions of Justice in drawings, paintings, and sculptures usually show a female figure holding a sword and scales. She is often blindfolded. These depictions are found all over the world in a great variety of locations, including marketplaces, town halls, public fountains, court buildings, and churches.[1] Images of Justice are also often found on book covers and in the title pages of law books, in caricatures, and these days, even decorating a variety of products unrelated to law. Her most well-known forebears in mythology are the Egyptian goddess Ma'at and the Greek goddesses Themis and Dike. The Romans referred to her as Justitia, as she remains known today, or alternatively as (Lady) Justice.[2] Other accessories associated with these figures through the ages include a protractor and a plumb line, a cornucopia, fasces, an olive branch, a (law) book or books, a globe, a skull, a foundation stone, a feather, an ostrich, a crane, an eagle, a dove, a snake, a dog, and a lion (Figure 1).

These images traditionally have been interpreted along the following lines: the measuring instruments, such as the scale, the protractor, and

FIGURE 1: Justice, after Raphael: a seated female figure looking at a balance that she holds up in her right hand, her other hand resting on the neck of an ostrich. Engraving, attributed to Andrea Procaccini, ca. 1690–1730. (Location: British Museum, London, UK. © The Trustees of the British Museum)

the plumb line, are understood as ensuring or rectifying order and equilibrium; and the sword as symbolizing power or authority. The blindfold is understood as ensuring impartiality and equal treatment, or meant as criticism, especially in caricatures, of justice that has failed.[3] The (law) books are said to point to the binding nature of written law and thus to legal certainty.[4] Kissel interprets the cornucopia as a reference to fairness: whereas the scale symbolizes exact calculation, the cornucopia, associated with superfluity and blessing, is said to point to a somewhat less strict enforcement of the law with reference to ethical principles.[5] The fasces are generally understood as referring to authority and power, specifically to punish.[6] According to Ripa and Maser, the skull refers to human mortality, which does not affect Justice, as Justice is eternal.[7] The association of Justice with animals is usually understood in terms of the qualities associated with them: the crane pointing to vigilance, the lion to truth and wisdom, and the eagle to strength and power.[8] According to Ripa and Maser, the dog refers to friendship and the snake to hatred, neither of which are permitted to influence her judgment.[9] The association of Justice with an ostrich has been explained with reference to the equality between the two sides of the ostrich feather—the even length of the feathers and the even spread of feathers on both sides of the body—as well as with reference to the ostrich's reputed digestive ability, which points to the way evidence should be evaluated in court.[10]

The present essay departs in significant respects from the traditional interpretation of these images. The enquiry to be undertaken will seek to gain from the insights that have been provided in relation to mythology and from the use of symbols by psychoanalysis, structuralism, Heidegger's thinking on Being, as well as deconstruction, to arrive eventually not at the essence, but the an-essence of justice. Our detour through psychoanalysis will confront us with Freud's analysis of symbolism in the interpretation of dreams and in myths. Of importance in this context is specifically Freud's contention that the symbols employed in dreams and in myths almost invariably have a sexual connotation. The approach of Claude Lévi-Strauss will be the focus of our detour through structuralism. We will see how he challenges certain of the most prevalent ideas about myth, such as that there is some original version of a myth, usually believed to be the earliest version. Additionally, the role of mediators is of great importance for Lévi-Strauss in the analysis of myth and can assist us

greatly in understanding the role of the goddesses into which we enquire. In Heidegger's reflections on Being, he challenges us "moderns" not to be too quick to believe that we understand ancient texts or the ancient conceptions of deities. To understand something of ancient thinking we need first to rid ourselves of certain preconceptions. In the discussion of the texts of Freud, Lévi-Strauss, and Heidegger, this essay will briefly refer to Derrida's reading of and intervention in these texts.[11] We will see that in each instance he adopts the ideas of these thinkers and simultaneously develops them in a different direction. After a brief exposition of the insights to be gained from these thinkers, we will enquire in detail into some of the different ways the figures associated with Justice have been depicted through the ages, as well as into the myths surrounding these goddesses and the readings that have been and could be given to these images and myths. The essay will conclude with an attempted reading of (all) the images of justice, which will seek to exceed metaphysics, drawing specifically on Derrida's analysis of blindness in drawing.[12]

FREUD AND SYMBOLISM

Because of the insights it provides into the workings of the unconscious, Freud believed that psychoanalysis could explain the themes in myth in a way similar to the interpretation of dreams. This is because in myth, as in fairy tales, folk sayings and songs, ritual, colloquial language, jokes, and poetic imagination, the same elements or symbols are employed as one finds in dream images and situations.[13] This does not mean that there is a complete overlap in relation to the use of symbols. The symbols that one finds in dreams do not necessarily appear elsewhere, and vice versa. In dreams, the symbols employed (a disguised representation of latent thoughts) almost exclusively give expression to sexual objects and sexual relations, whereas in other fields this is not necessarily the case, at least not at first sight.[14] One way of explaining this, of which Freud approves, would be with reference to Hans Sperber's theory that language originated in sexual desire—the calling to oneself of a sexual partner.[15] Linguistic roots developed further through the performance of work, as a substitute for sexual activity. Sexual words thus attained an additional meaning in the working context. These words later lost their sexual connotation and attained an independent meaning related to work.

The identity in the unconscious between a word and a thing, and the fact that the thing was originally referred to by the same word that was used to refer to genitals, thus makes it possible for the thing to become a symbol for genitals in a dream.[16] This explains why tools in dreams represent the male sexual organ and why those materials on which work is performed represent the female sexual organ. This in addition explains why dreams employ such a large number of sexual symbols that, as Freud points out, "preserve something of the earliest conditions."[17] The symbols employed in dreams and myths thus appear to stand in an intimate relation to sexuality[18]—specifically childhood sexuality. Freud was in particular alerted to the importance of the use of symbols in dreams by the observation that his patients could make no associations in relation to these images and events in their dreams. It was also clear that this did not result from resistance. As pointed out above, the same symbols employed in dreams are used in myths and elsewhere. These symbols thus appear to belong to unconscious mental life and are the same despite great differences in language and culture.[19]

To understand the nature of Derrida's intervention in relation to Freud's sexual symbolism, a brief excursus into his "approach" is required here.[20] The readings that Derrida undertakes of Freud and others are informed by the insights of Freud and at the same time keep a certain distance from Freud because of the latter's continuing reliance on the concepts and logic of metaphysics.[21] Derrida, like Freud, is of the view that texts are not completely dominated by the intentions of their authors. Texts are heterogeneous or marked by tensions, and they tend to "repress" something in dealing with the main thesis. By rigorously analyzing the repressed element and its relation to the rest of the text, Derrida shows that that which was repressed actually provides the condition of possibility of the text. The text is then through this deconstructive reading repositioned or reframed. This heterogeneity is of course also a feature of Freud's texts that makes possible a reading of Freud that exceeds metaphysics. Of importance in this regard is specifically the repositioning by Derrida of the Oedipus complex in relation to Freud's own notion of the death drive.[22] Derrida's contention in this regard is that the Oedipus complex already involves a "repression" or dissimulation of the "desire" for death, which Derrida couples more closely than Freud with sexual pleasure, a "desire" in other words for absolute pleasure. This "desire beyond desire" thus exceeds and "precedes" the Freudian unconscious.

Derrida's reading of Freud has important implications for the latter's sexual symbolism. Freud's symbolism is based on the restricted economy of the Oedipus complex and retains the metaphysical assumption of a fixed origin. As appears from Derrida's analyses of signs and symbols, in for example *Speech and Phenomena* and *Of Grammatology*, these cannot be said to be anchored in a signified.[23] Any signified is itself in the position of signifier. This does not give way to meaninglessness, however, at least not in its traditional sense. The signs and symbols by means of which we relate to ourselves in everyday life as well as in dreams and myths are made possible by a certain dislocation in the self, of death lodged inside of life, and not through self-presence as is supposed by metaphysics. Freud's symbols themselves thus take part in a "play" of symbols, which makes them lose their value as symbols, as we will further see below.[24] In other words, Freud's symbols should no longer be understood simply in their Oedipal sense, but in terms of the "desire" for death or for absolute pleasure.

LÉVI-STRAUSS AND STRUCTURALISM

Lévi-Strauss revolutionized the field of anthropology and, more specifically, the study of myth. The idea of an evolutionary and progressive development in man's rational abilities (of which hints can still be found in Freud) finds its nemesis in Lévi-Strauss. He asserts in this regard that the thinking of "primitive" man is not radically different from that of "modern" man's scientific, logical, and rational mode of thinking. According to Lévi-Strauss, all human beings in fact share the same mode of thought.[25] The rigor in thinking moreover remains the same across the ages; only the nature of the things to which such thinking is applied changes, as shown by myth.[26] Lévi-Strauss specifically challenges the traditional idea that myths have an original meaning, usually said to be located in the earliest version of the myth. In his analysis of myth, Lévi-Strauss inter alia addresses the Oedipus myth, which we know is of central importance to Freud.[27] In the case of Lévi-Strauss, however, this analysis is not undertaken to find the literal meaning of the myth, but more importantly to illustrate the mechanism at work or the structural law of the myth. This "law" does not seek to show "how men think in myths, but how myths operate in men's minds without their being aware of the fact."[28]

In his analysis, Lévi-Strauss includes all versions of the Oedipus myth, attempting to find a general pattern. This approach is based on the above-noted premise that there is no true version of the myth, and that an earlier version is not necessarily to be privileged over later versions.[29] This approach ties in with Saussure's insight into the relation between meaning and language, which is that the value of a sign within language is not an inherent characteristic of such sign, but a consequence of the differences between signifiers and signifieds.[30] According to Lévi-Strauss, the myth in all its forms is an attempt to deal with the contradictory views in Greek thinking concerning the origins of man, that is, whether he is autochthonous (from the earth itself, born of himself through the agency of nature, as Oedipus, abandoned as a child, appears to be) or whether he comes from the sexual union between man and woman. In its derivative form, the question it seeks an answer to is whether man is born from the same or from what is different. Lévi-Strauss arrives at this interpretation through an analysis of the different versions of the myth according to the Saussurean distinction between *parole* (the different versions of the myth) and *langue* (the underlying structure), as well as between the synchronic and diachronic aspects of language. In this way, the myth, including all known versions, is shown to have a layered structure.

In this analysis of the various versions of the Oedipus myth, which we cannot explore here in detail, Lévi-Strauss points to the important role played by "mediators" in myth. The sphinx in the Oedipus myth appears to play a similar mediating role to the ambiguous and equivocal characters he mentions from other myths, such as the trickster in the form of a raven or a coyote. These are intermediaries between carnivorous and herbivorous, like mist between sky and earth.[31] Other intermediaries mentioned by Lévi-Strauss include a scalp (between war and agriculture, a scalp being a war-crop), corn smut (between wild and cultivated plants), garments (between nature and culture), refuse (between the village and the outside), and ashes (between the roof/sky and hearth/ground). The sphinx is a hybrid, mythic creature and, as Lévi-Strauss points out in a footnote, also a female monster or phallic mother who terrifies and then rapes young men. Segal aptly refers to the sphinx as an "anomalous hermaphrodite monster."[32] Lévi-Strauss speaks in this regard of a chain of mediators that can easily replace each other in mythology, as they have essentially the same function, and that probably also characterize daily experience.

He refers in the latter respect to the French word for plant smut (*nielle*), which comes from the Latin *nebula* (mist), and to the luck-bringing power associated with refuse (an old shoe) and ashes (kissing the chimney sweep).[33] The gods in mythology, Lévi-Strauss points out, similarly act as mediators, which explains why they have contradictory attributes, for example, being both good and bad at the same time.[34]

Lévi-Strauss again deals with the issue of mediation in *The Origin of Table Manners*. He contends that food taboos, good manners, the taboos on menstruating women, women who have recently given birth or miscarried, grave-diggers, widows and widowers, and those performing sacred rites, as well as puberty rites, education for girls, table and other mediatory utensils (such as combs, hats, head-scratchers, gloves, straws, forks) all have a similar mediating function. They seek to ward off the dangers of extremes, that is, of a cessation of regular periodicity or of overly rapid periodicity. In mythical thinking, Lévi-Strauss points out, extremes are often described such as eternal day or eternal night, as well as barrenness, premature aging, and madness. In the case of human beings as well as in nature, the manifestation of such extremes can be the consequence of nonadherence to these restrictions. It is believed that women, being periodic creatures themselves, are most in need of education and social subordination.[35] They are constantly threatened, and through them the whole world is threatened, either by the slowing down or the acceleration of the flow of events.[36] Daily, monthly, and seasonal periodicity as well as periodic menstruation, pregnancy, and childbirth need to be ensured.[37] Lévi-Strauss ties this need for periodicity in women to the transition from nature to culture:

> The transition from nature to culture demands that the feminine organism should become periodic, since the social as well as the cosmic order would be endangered by a state of anarchy in which regular alternation of day and night, the phases of the moon, feminine menstruation, the fixed period for pregnancy and the course of the seasons did not mutually support each other.[38]

A certain distance therefore needs to be imposed to reduce the tension between the poles. This is done through insulators or mediators—that is, utensils, education, and taboo—that are imbued with inertia to "moderate our exchanges with the external world, and superimpose on them a domesticated, peaceful and more sober rhythm."[39] Lévi-Strauss here specifically

mentions the celestial canoe, which has a similar function in relation to the course taken by the sun (and the moon) as well as in the choice of marriage partners, which we will encounter again in our discussion of the goddess Ma'at.

According to Derrida, structuralism takes certain important steps in questioning the assumptions of metaphysics. Structuralism's relation to metaphysics nonetheless remains ambivalent, and at times it is not vigilant enough about its reliance on the concepts of metaphysics in its critique thereof. This for example is the case in relation to the opposition between nature and culture referred to above. In the case of Lévi-Strauss, this continual attachment to metaphysics follows from both the fact that the full implications of the idea of a classificatory structure are not grasped as yet and from a residual nostalgia for origins and pure presence.[40] The notion of a structure, as Derrida points out, has operated since the inception of Western philosophy with the idea of a center, point of presence, or fixed origin that keeps the structure in place.[41] This center has in addition the role of limiting the "play" of the structure, the field of infinite substitutions, as Derrida refers to it.[42] Within the traditional concept of structure, "play" in this sense is allowed, but only within certain definable limits. The center is therefore inside the structure, yet it is also "outside" the structure in the sense that it is not itself subject to the play of the structure.[43]

A certain reading of Lévi-Strauss must be adopted if the metaphysics implicit in his texts is to be exceeded. The heterogeneity of Lévi-Strauss's texts indeed allows for this. In the analysis of myths, as Derrida points out, Lévi-Strauss in fact abandons the idea of a center, a subject, a privileged reference, an origin, or an absolute *archia*.[44] Derrida refers here to the Bororo myth that Lévi-Strauss analyzes in *The Raw and the Cooked*, but the same could be said to apply to the analysis of the Oedipus myth referred to above. In his discussion of the Bororo myth that he employs as a "reference" or "key" myth, Lévi-Strauss points out that the myth nevertheless does not have any referential privilege and that it is simply a transformation of other myths in operation in Bororo society or borrowed from other societies.[45] Furthermore, the myth has no unity, nor absolute force; it has an a-centric structure. The discourse on myth should, according to Lévi-Strauss, follow suit and can therefore not be a scientific or philosophical discourse. To give a unity to myth would have to involve

a projection. The discourse on myth must therefore renounce the epistemic discourse that requires an origin, founding basis, or center. It must also do without a subject and an author, as myths are themselves anonymous. Consequently, a book on myth must itself be a kind of myth, mythopoetic, or as Derrida refers to it, "mythomorphic."[46] Myth and the discourse on myth thus have no center that halts and grounds the play of substitutions.[47]

In his *Introduction to the Work of Marcel Mauss*, we find an indication of this more radical idea of play[48] in what Lévi-Strauss says about notions such as the Melanesian *mana* (a kind of force).[49] The notion of *mana* (and we will see below that the same can be said of the goddesses of justice) is according to Lévi-Strauss not simply characterized by polysemia, but by overabundance and excess, which disrupts presence.[50] Notions such as *mana* as well as the mediators referred to above with the inertia imbued in them, are in this sense similar to that "spot" in a dream which, as Freud notes in *The Interpretation of Dreams*, is unplumbable: "a navel, as it were, that is, its point of contact with the unknown."[51] The latter, in turn, ties in with the insights of Freud in relation to what was termed above the "desire" for death.[52] Lévi-Strauss's mediators thus become radicalized in Derrida's intervention in structuralism by way of the new "concepts" he invents. Derrida's "open chain of undecidable 'concepts,'" such as *différance*, the supplement, and the *pharmakon*, does not keep in place a stable structure, but disrupts that structure in a radical way.[53] This calls for a slightly different kind of analysis of myth than we find in Lévi-Strauss. Such analysis likewise requires invoking different versions of the same myth and ascertaining its underlying law. The law at stake does not however involve a structure and therefore a fixed origin, but instead a *stricture* or a *pre*-origin.

HEIDEGGER AND BEING

From Heidegger we get the admonition that we should not assume that we understand the concepts used by the Greeks as they understood them—or that we properly understand the gods and goddesses who are said to personify certain of these concepts. According to Heidegger, with the translation of ancient Greek texts into Latin, the original or authentic

meaning of words had been bypassed. This ties in with what happened to Being with Plato: Being was interpreted as idea.[54] In other words, Plato thought Being from the perspective of and with reference to (the essence of) beings.[55] Plato's interpretation of Being as idea, according to Heidegger, has shaped the whole history of Western philosophy. One could say that all philosophy since Plato is "idealism": Being is thought in the idea, the idea-like, and the ideal.[56] Conceptuality, or the idea of the essential meaning of a word, also has its foundation in Plato and ties in with this understanding of Being.[57] This development and the mistranslations following upon it had a profound influence on the Middle Ages and still affect our understanding today.[58] In modernity, Being has become that which the human subject posits for himself.[59] Heidegger's attempt to rethink the meaning of Being beyond this metaphysics of presence takes place at first through a reflection on the Being of *Dasein*, and later, on Being itself. In *Being and Time*, Heidegger shows that death, different from the way in which it is thought in metaphysics, does not stand apart from life or beyond life, but is connected to the life of *Dasein* in a fundamental way. More specifically, death is "Dasein's ownmost possibility."[60]

This understanding of death has profound implications for conceptuality and also for the concept of justice. In his later enquiry into Being, Heidegger sought to go back to the thinkers known as the pre-Socratics (a reference that Heidegger takes exception to) to understand the premetaphysical and preconceptual experience of Being. He for example contends in this regard that the Latin translation of the early Greek word *physis* as *natura* (nature) is inaccurate: it does not account for the word's original meaning. Instead, *physis* refers to "the unfolding that opens itself up, the coming-into-appearance in such unfolding, and holding itself and persisting in appearance—in short, the emerging-abiding sway."[61] *Physis*, in other words, gives expression to the experience of Being of the early Greeks.

The same problems arise when we seek to understand the essence of the Greek gods and goddesses. We should be careful in assuming too quickly that at stake here are persons or that they are abstract personifications of concepts.[62] In speaking of Aletheia, Heidegger for example points out in his reading of Parmenides that she is not the goddess *of* truth.[63] If she had been such, truth would simply have been entrusted to her; truth would have stood on one side and the goddess on the other. This is the case with Artemis, the goddess *of* hunting and *of* animals. They stand

under her protection. In the case of Aletheia, truth does not simply stand under her protection; she *is* the truth, the goddess "truth." Truth, or in Heidegger's terminology (as translated), "unconcealment," is in other words experienced as a goddess. The same can be said of the goddess Dike. For Parmenides, as Heidegger points out, Dike "is the goddess."[64] She furthermore "guards the keys that alternately close and open the doors of day and night." Heidegger's profound reflections need to be taken seriously and, in the analysis below of Themis and Dike, attention will specifically be paid to the reflections of Erik Wolf, who is acutely aware of the importance of Heidegger's insights.

There are nonetheless certain limitations in Heidegger's thinking that can be overcome only through a careful reading of his texts. As Derrida has noted, Heidegger still believes that death can be appropriated by *Dasein*, which, in light of Freud's thinking on the death drive, must be placed in question. Moreover, Heidegger tends to privilege the gathering and presencing of Being in his thinking rather than its disjoining or dissemination. In these respects his texts still show signs of belonging to metaphysics. Heidegger's belief in an original and authentic meaning that can still be found in the primordial thinkers—that is, Anaximander, Parmenides, and Heraclitus—also portrays an attachment to metaphysics. Yet something in Heidegger's texts at the same time exceeds metaphysics, for example when he speaks of death as "the possibility of the absolute impossibility of Dasein."[65]

This is similarly the case in Heidegger's discussion in *On Time and Being* of the giving of Being and of time, and of the play of this gift.[66] This gift ultimately gives nothing and, as it precedes economy, it expects no return. In the case of Heidegger's reflections on the Anaximander fragment and his argument that *dike* should be understood in a way that goes beyond juridical-moral determinations of justice,[67] Derrida sees a similar relation between *dike* and *adikia*, with *adikia* corresponding with the other of Being or the perfect gift.[68] From Derrida's reading it follows that it is not only through a reflection on premetaphysical Greek thinking and non-Western cultures[69] that a way beyond metaphysics can be found. All societies are after all characterized by a search for origins and presence. At the same time, these societies (and the same applies to Western metaphysics) do not constitute a totality and at some points exceed this desire for presence. The images of Justice, which as we saw are usually

read in terms of a restricted economy, can consequently all be read in this transgressive sense, irrespective of the age in which they appear. It is to such a reading that we now turn.

THE GODDESSES OF JUSTICE

Ma’at[70]

Ma’at (*mЭ’t*) is a goddess in Egyptian mythology, a word in the Egyptian language, and also a central concept in Egyptian culture.[71] The word is written in hieroglyphics by a rectangular and wedge-shaped plinth or base, as well as by a feather.[72] Ma’at the goddess is then also usually depicted as a young woman standing on a foundation stone with a feather in her hair and with an ankh (the symbol of life) in her hand. Sometimes she has a scepter in her one hand (said to symbolize eternal rule)[73] and is depicted with feathered wings (Figure 2).[74]

FIGURE 2: Goddess Ma’at spreads her wings for protection. Mural painting, staircase, Tomb of Nefertari, Valley of the Queens, Thebes, Egypt. (Photo by S. Vannini, © DeA Picture Library / Art Resource, New York)

Although there are different understandings of what Ma'at means as a concept, she is usually associated with order, as represented by the foundation stone,[75] and stands in this respect in a dynamic relation with chaos or disorder (Isfet). (The latter is not simply to be understood in negative terms[76]: as Assmann contends, Isfet, and not Ma'at, represents the natural, given structure of the world.[77]) Ma'at is also associated with measure, balance, harmony, justice, law, and truth. Strictly speaking, however, and this needs to be emphasized, as a concept Ma'at is untranslatable.[78] Reliefs, paintings, drawings, and sculptures depict her in a variety of ways. Together with Thoth (associated with the ibis and the baboon), she for example stands in the bow of the boat that conveys Re during the day and at night through the underworld.[79] In the *Book of the Dead*, she appears on top of and her feather on one side of the scale against which the heart of the deceased is weighed to establish whether he is to die a second death by being devoured by Ammit, or may proceed to the afterlife (Figure 3).

Ma'at is often said to stand both for cosmic order and for social order, although these distinctions were not strictly drawn at the time and are therefore perhaps best avoided.[80] Everyone, especially the king, must speak, do, and uphold *ma'at*.[81] As Assmann points out, the King in this respect in a sense repeats and continues the act of creation, of which we will speak more below.[82] This subduing of chaos is a continuous process as the world permanently threatens to fall back into disorder or

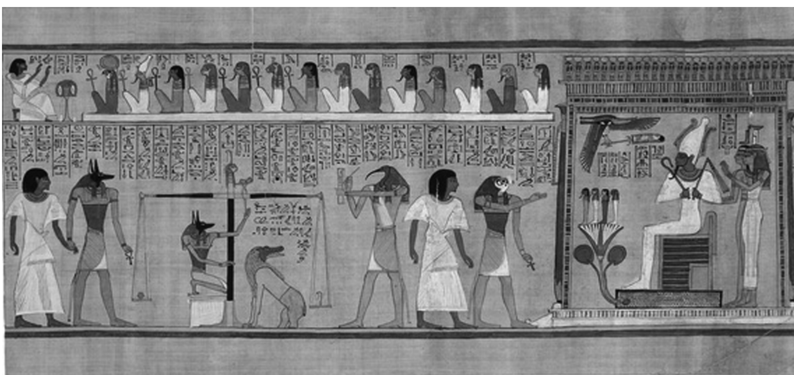

FIGURE 3: Page from the Book of the Dead of Hunefer, from Thebes, Egypt, 19th Dynasty (ca. 1275 BCE). (Location: British Museum, London, UK. © The Trustees of The British Museum)

immobility.[83] Assmann in this respect speaks of Ma'at as a mediator (*Mittler*) or third term, in a similar sense as referred to above in our discussion of Lévi-Strauss.[84] According to Assmann, this role is also fulfilled by Thoth, the baboons who welcome the sun, and the king.[85]

In the *Instruction of Amenemope* (chapter 20), Ma'at is spoken of as a "great gift of God."[86] This idea of Ma'at as gift as well as the closely related offering of Ma'at is usually understood in terms of a relation of exchange and reciprocity between man and the gods.[87] The doing and speaking of Ma'at are part of this relationship of exchange. In a great number of illustrations, a miniature figure of Ma'at is offered in a ritual to one of the gods by the king or some other royal figure as a sacrifice (Figure 4).[88]

Nonroyal donors also at times hold the figure of Ma'at, but this seems to involve a different ceremony as these depictions are usually to be found in the funerary context, analogous to the weighing of the soul, which one finds in the *Book of the Dead*.[90] When Ma'at is presented as an offering, she is usually seated, has an ostrich feather in her hair, and sits on a basket

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FIGURE 4: Pharaoh Seti I, 19th Dynasty (1312–1298 BCE), holding Ma'at, Goddess of Truth. Silver, gilded, from a ceremonial bark. (Location: Louvre, Paris, France. Photo credit: Erich Lessing / Art Resource, New York)[89]

or *nb* hieroglyph.[91] This base is also to be found under the clepsydra, indicating the close relation between Ma'at and time.[92] Sometimes in these scenes she holds a staff, usually an ankh.[93] In one scene, Ma'at is depicted in the form of an ointment jar.[94] As Teeter points out, all offerings made to the gods are in a sense associated with Ma'at "[a]s the symbol or icon of the cosmic order."[95] The gods themselves are consequently also said to live by and from Ma'at.[96] A god is sometimes the one who presents Ma'at, most frequently Thoth. Sometimes Thoth is in the role of recipient or witness.[97] The presentation of the offering of Ma'at is said to reciprocate for the divine gift of Ma'at (and/or of life) and reaffirms the legitimacy of the King's rule.[98] To be noted, however, is that the inscriptions accompanying the offering of Ma'at do not in all instances speak of a reciprocal relationship between donor and recipient. Instead, there is at times simply an acknowledgement of the gift from the gods without any return being expected from the offering of Ma'at.[99] In a similar kind of offering, involving that of the name of the king to the gods, the name of the king is sometimes equated with Ma'at.[100] Teeter reads this as an attempt to stress the association between the king and Ma'at to ensure legitimacy.[101] A number of kings moreover incorporated the word *ma'at* into their official names, thereby seeking further to establish a close association between themselves and Ma'at.[102]

Ma'at is usually said to be the daughter of Re, the sun-god.[103] However, there are also a great variety of other myths in which she is associated in different ways with the gods. This can partly be explained by the fact that at different times, depending on political influence and power, certain (local) gods in Egypt became stronger than others, and the lesser gods either disappeared or were incorporated into the family structure of the (temporarily) stronger gods.[104] As the earlier discussion indicates, there are additional and perhaps more important "unconscious" reasons which necessarily play a role in these variations.[105] Re for example is also said to sit on the lap of Ma'at, suggesting that she is the mother of Re.[106] She is explicitly referred to as the mother of Amun, with whom Re is often equated in the form of Amun-Re.[107] In one of the only narratives of Egyptian mythology where Ma'at plays a central role, stemming from around 1200 BC, Ma'at (Truth) is presented as a man who gets blinded as punishment through the deception of his brother, Falsehood (*grg*). Truth is ultimately avenged by his son, and Falsehood also ends up being

blinded.[108] The air god Shu (life) is, like Ma'at (herself an air-goddess who gives life), depicted with a feather.[109] He and his sister Tefnut, with whom Ma'at is often identified, are born from the auto-erotic actions of Atum or Re-Atum.[110]

In other accounts, Shu and Tefnut (also referred to as Ma'at) are the primary gods, who together with Atum form a kind of sexually charged trinity.[111] In the account where they are brother and sister, Shu and Tefnut give birth to the earth god Geb and the sky goddess Nut. Geb and Nut remain in a passionate embrace until separated by Shu. This allows for creation to commence. In another account, Shu loses his wife (Tefnut) to his son, Geb.[112] Ma'at is furthermore identified with the goddess Nsrt (Nesret), the flaming eye of the sun (Re).[113] Ma'at is at the same time the royal serpent on the forehead of Re and of the King, and in addition is referred to as the scale of the king.[114] Ma'at is also known as the wife of Thoth, the (sometimes) subversive moon god of death and writing.[115] With the rise in importance of Thoth, in accordance with the Hermopolis creation myth, the Ogdoad (the eight-fold) is said to have emanated from Thoth.[116] These are eight gods, in four male-female pairs in the form usually of snakes (female) and frogs (male) or in human form with snake and frog heads, who represent the primordial chaos before the birth of Re from an egg. Certain sources indicate that Ma'at is the mother of the Ogdoad,[117] which ties in with her being represented as the mother of Re. She is also said to have risen with Re from the primeval waters at the time of the creation.[118]

These creation myths can be better understood when account is taken of the (partly) intransitive nature of the model at stake here. Assmann points out in this regard that in Egyptian myths the act of creation is not to be understood only in terms of the transitive model of a subject vis-à-vis an object. Creation also takes place intransitively: the world appears as a self-unfolding process.[119] The gods in terms of this model therefore do not precede the creation and cannot be understood separate from it. A combination of these two models is to be found in Egyptian creation myths.[120]

In light of what was said earlier, one should resist the temptation to view the role and function of Ma'at only in circular or reciprocal terms, or, closely tied to this, viewing her simply as a "moral ideal."[121] When account is taken of what can, with reference to Assmann, be called

"exceptional texts,"[122] there is clearly a dimension to her that goes beyond the circular return and instead sets this circulation in motion. Of great importance for our reading is the understanding of Ma'at as a force: "die Kraft, die 'der unbegrenzten Bewegung Grenzen, Ziel und Bewußtsein gibt,'"[123] which stands in tension with Isfet, the latter threatening to bring the circular flow of the creation process to a standstill.[124] Ma'at in other words stands in tension with inertia or death. As we saw above, however, Ma'at herself is often associated with death. She is said to reside in and to satisfy the sacred necropolis, as well as to be the Mistress of the West, and is thus closely associated with the goddess Imntt, who shares with her the feather emblem.

Being "joined with Ma'at" was moreover a euphemism for death. Her association with death thus went far beyond the judgment of the dead.[125] She can be said to embody the relation between life and death. This also enables us to understand differently the incorporation of Ma'at into the name of the kings and the offering of the name of the king to the gods, especially where the name was equated with Ma'at. The proper name, as Derrida has shown, is subject to the law of iterability, and therefore can be said to announce death, as it will always survive the bearer of the name. The name, as Derrida puts it, "is always and a priori a dead man's name, a name of death."[126] The incorporation of death into the name of the king can be said to give expression to this law. The offering of the name of the king (in association with Ma'at) can similarly be read as a confirmation of this law and, as we will see below, perhaps as a pure gift. In both respects the association of Ma'at with the subversive god of writing, the god of death, Thoth, is also important (Figure 5).[127]

Like Thoth, Ma'at has no fixed identity: she is a woman and a man, the daughter and the mother of Re, and takes on many different forms.[128] This problematizes the understanding of Ma'at as a "concept" in the traditional philosophical-juridical sense, as she has no essence, but instead an an-essence. When we take account of Freud's symbolism, the representation of Ma'at with a scepter and an ankh in her hands, the bird feather,[129] as well as her connection with snakes and frogs (her children), baskets and jars, and blindness, clearly alludes to sexuality, but as pointed out earlier, in a more transgressive sense than we usually find in Freud.[130] At stake here is the desire for death, a pleasure without end.[131] Moreover, according to Freud, the sun is a sublimated father-symbol.[132] Although Egyptian

FIGURE 5: Blue glazed composition amulet in the form of a crouching ibis; the beak is supported by a maat-feather; pierced suspension ring behind the head, Late period. (Location: British Museum, London, UK. © The Trustees of the British Museum)

mythology can be said to be father-centered (e.g., Re is the one who gives life through his rays, that is, sperm),[133] with Ma'at upholding this order, the order is as we saw, not an origin in itself, but constituted from a more primordial chaos.

This relation between order and chaos is not to be understood in oppositional or dialectical terms, but as that which gives rise to the dialectic as well as the sending of Being.[134] The chaos must itself be understood in close connection to sexuality, although the latter should not be restricted by chaos's connotations. Perhaps the idea of Ma'at as gift best explains her strange nature. As indicated, this is not to be understood in terms of a circular return, which would disqualify the gift as gift.[135] Ma'at, as we saw, serves as food or nourishment for gods, humans, and all living beings: she willingly offers herself to be consumed. As Freud points out,[136] eating and sexuality stand in close (unconscious) relation to each other as well as to self-destruction or making a gift of oneself.[137] It is thus through a sacrifice or perfect gift of herself that the circular return of the sun becomes possible. She "contains within herself" the forces of both order and disorder, as well as the relation between them. This is not a relation of simple opposition, and her role is also not a mediating one in the dialectical sense.

Themis

Themis is known as a titan goddess, the daughter of Ouranus (sky) and of Gaia/Ge (earth), and thus stems from a time preceding the Olympic gods. Gaia is, together with Eros (the Begetter), Nyx (Night), Tartaros (the Underworld), and Erebus (the void), one of the first to be born from Chaos.[138] The latter should not be understood in terms of its modern meaning of confusion or turmoil, but as "a measureless, supportless, and groundless yawning."[139] As Wolf points out, Gaia (earth) is not to be understood in (Ptolemaic or Copernican) planetary terms, but as an all-embracing, all-powerful primal force that creates gods, men, and other things in association with other primal forces. Gaia's essence, he contends, consists in that which joins, forms a boundary, is fixed, and stands in the light, in distinction to and dividing herself from the formless, limitless, and unfathomable, as well as from the darkness that characterizes her brothers and sisters Nyx, Erebus, and Tartaros. Wolf does not mention Eros here and with good reason, because without Eros, himself formless, limitless, unfathomable, and dark,[140] Gaia herself could not have come into existence,[141] nor would it have been possible for her to bring forth anything else.

The close association of Gaia with joining, limit, fixity, and light should thus not be taken too far. Wolf clearly realizes this. As he points out, at stake in the distinction between Gaia and her brothers and sisters is not a simple opposition, but an overlapping coming-into-being and departure. The "binding force," itself springing from chaos, and the one who brings the difference to unity, is Eros, the begetter.[142] Themis is herself an earth-goddess and can scarcely be distinguished from her mother.[143] Themis is also one of the Moirai (the Fates or Destiny), who are later said to have initiated the marriage between Zeus and Themis *and* to be her daughters (with Zeus as their father).[144] Themis is moreover said to have "nursed" Zeus at birth in the sense that she brought him to the goat Amaltheia, who suckled him.[145] When the Olympic gods become dominant, Themis becomes the second wife and also the adviser to Zeus, both in relation to what he should do and to what he should leave.[146] He followed her advice without exception, so that one can in a sense equate Themis and Zeus.[147] With her advice, Zeus for example decides to set in motion the Trojan War to free the earth of the overbearing presence

of man.[148] She also assists Zeus in creating the world.[149] Tying in with this, she has a number of children with Zeus, including the three seasons (Hoirai): Eunomie (Good Order), Dike (usually understood as Justice), and Eirene (Peace). Wolf contends that, like Themis, these daughters have as main function the maintaining of order and consequently of ensuring that the cosmos stays on course.[150]

Wolf contests the interpretation that seeks to explain the transformation that takes place in Themis from the pre-Olympian (titanic) to the Olympian era as one from a personification of the laws of nature to a representation of the positive legal order, or from a representation of *physis* (nature) to one of *nomos* (law). According to Wolf, these interpretations are based on assumptions that do not tally with the life-world of the Greeks at the time.[151] He sees the difference as an unfolding or development in the essential nature of Themis, rather than as a transformation. The role she plays as wife and advisor and the motherly care she shows toward Zeus, Apollo, and Athene are performed in light of destiny; her own inclinations and the wishes of the other gods have no influence. She does not do this out of love for Zeus or because of an interest she has in the "old" or the "new" order. In what she does, one can instead see the necessary relation between the different generations of gods.[152] Wolf thus seems to view Themis as another name for Being, also and perhaps especially, for the Being of *Dasein*.[153] Themis retains her role as one of the Moirai in Olympus, where she declares both to gods and to human beings their destiny, a role she takes over from Gaia.[154] In one of the most well-known depictions of Themis, on red ceramic dating from 430 BC, she sits on a tripod at Delphi. The childless King Aigeus of Athens approaches her for an oracle concerning the birth of a son. She has a phiale or bowl in her left hand and a laurel sprig in her right hand (Figure 6).[155]

Hirzel sees her role here not as that of prophetess in the sense of one who predicts the predetermined future, but as one who gives firm advice concerning how one should act.[156] This role as oracle is tied to her being one of the Moirai.[157] Thus the future is also predetermined by a fixed order.[158] Themis, because of her role as conveyer of hidden sayings and destiny, is called Ichnaia—the hidden, the one who tracks down, who traces.[159] Wolf sees the binding, joining role of Themis also being played out in her opening of the symposia of the gods and provision of the meal, as well as in her summoning of the gods to an assembly, on Zeus's

FIGURE 6: Aegeus receiving the oracle of Delphi from the priestess Themis, who is sitting on the tripod. Kylix (drinking cup), from Vulci, painted by Kodros, ca. 440 BCE. (Location: Antikensammlung, Staatliche Museen, Berlin, Germany. Photo by Johannes Laurentius, credit: Bildarchiv Preussischer Kulturbesitz / Art Resource, New York)

command, and dissolving it again.[160] She does the same in relation to the councils of men, assisting them in overcoming their search for self-interest and proceeding to a discussion of their mutual interests.[161]

It should be clear from the above discussion that much of what was said regarding Ma'at is also applicable to Themis. Their roles extend far beyond the legal order. Wolf's acute observations on the nature of Themis and Gaia are of specific relevance here. Although he emphasizes the ordering function of Themis, he at the same time notes the chaos from which she arises. This chaos is moreover not left behind, but finds expression in the an-essence that appears from the narratives surrounding Themis, as well as the accessories usually associated with her. Apart from the tripod, laurel leaf, and phiale referred to above, and her association with mother-Earth, we also find depictions of Themis with a stick-like torch and a tray or offering basket (*kanoun*).[162] There is furthermore a (somewhat uncertain) depiction of her with an *oinochoe* (libation jug).[163] Freud again assists us in grasping the sexual nature of these symbols,[164] which again need to be understood

in light of his own insights in relation to the desire for absolute pleasure. In this regard, and in light of the earlier remarks on the gift, it is interesting to note that Themis, as well as Dike, is associated with hospitality.[165] The perfect gift and absolute hospitality, as we know from Derrida's texts, are other names for this desire.[166]

Dike

As Kissel points out, images of Dike are somewhat closer to our contemporary idea of Justice than those of Themis.[167] Dike is born in Olympia, as daughter of Zeus and Themis.[168] As noted above, she is one of the Horai (Seasons), and her sisters are Eunomia (Good Order, Good Pasture, Lawfulness) and Eirene (Peace, Spring).[169] Her daughter is Hesykhia (Tranquility). Like her mother Themis, Dike plays the role of advisor to Zeus and tells him of all man's actions, which she observes carefully. She also seeks his advice and his protection and assistance for man. Her task in this respect, imposed by Zeus, is to preserve, guard, and maintain the law.[170] Dike does not exercise any power herself: in a case where the law is disregarded, it falls upon Zeus to punish, to avenge, or to retaliate.[171] He fulfils this task unerringly, as Wolf points out. In the tragedies, however, Dike herself plays the role of the punisher of wrongs, employing a sword made for her by Aesa. In later accounts, she increasingly takes on the role of judge, and specifically of imposing criminal punishment.[172] Wolf sees these two sides of Dike as related to her belonging to the Horai as well as the Moirai. As one of the Horai, she brings to light the hidden truth, similar to the goddess Aletheia. Wolf sees here a close age-old relation among truth, light, and law.[173] As one of the Moirai, she is a veiled, metamorphosing, destiny goddess who works in secret and brings calamity to people.[174] She herself imposes punishment. Even here she does not wreak vengeance, but simply expiates the injustice that has been done.[175] The balancing function she fulfils presumably motivates the reference in the poets to the scale of Dike.

Wolf sees in this respect an important development in the role ascribed to Dike.[176] At first she lives amongst men, does not exercise any power herself, and simply reports to Zeus, with the latter imposing punishment. In later mythology, however, the chthonic-dark side of Dike is increasingly emphasized, and a gradual fusion takes place between the previously

sharply distinguished Themis and Dike. Dike in later times takes up her seat also in Hades and is described as a cosmic power in relation to the whole world. In this respect she inter alia ensures that the star constellations that have lost their way are brought back to the order that characterizes their essence. This is what she requires of every being.[177] She is in this respect also closely associated with time, as she ensures that things occur in their time as it has been ordained. The Pythagorians, as Wolf points out, even attributed to Dike the function of ruling the underworld "als richtende und vergeltende Unterweltsmacht, das Schattenreich 'chthonisher' Mächte und der Toten."[178] Like Ma'at, she weighs the guilt and merit of the departed to determine their destiny in the afterlife.[179] In this model, Themis rules in the world of the gods, and Nomos (as god) rules in the human world. Wolf appears to view this double-sidedness of Dike as a necessary rather than an accidental or negative feature. Wolf specifically describes her role of securing order as necessary, because of a certain an-essence that characterizes all beings, and even herself:

> Es [i.e., the failure (verfehlen) in her essence] geschieht, weil im Sein jedes Daseienden die anfängliche Möglichkeit liegt zu verfallen, seinem wahre Selbst auszuweichen, ins Unwesen abzugleiten. Ihm gegenüber setzt sich Dike nicht einfach "von selbst" durch: sie muß immer neu angerufen und dadurch in die Anwesenheit gebracht werden. Dikes lichtende Gegenwart ist stets in Gefahr, verkannt, verdunkelt, verstellt, vertrieben zu werden.[180]

The well-known depiction of Dike beating Adikia (a tattooed, allegedly barbarian woman) with a hammer seems to give expression to this idea (Figure 7).

Adikia is usually translated as injustice,[181] an interpretation that has been placed in question by Derrida's reading of Heidegger's *The Saying of Anaximander*.[182] The relation between Dike and Adikia appears to be more complex than that of a simple hierarchical opposition. According to Wolf, we also see something of this complexity in Dike's relation to Eris, another of her rivals, together with Adikia, Hybris, and Lethe.[183] Lethe herself is the daughter of Eris.[184] Eris again is the daughter of Nyx (Night, which must here be understood in the sense of annihilation—the Night, which as Heidegger puts it, "lets all that is present disappear into concealment").[185] The relation between these forces, however, is not

FIGURE 7: Dike beats Adikia with a hammer, Attic red figure (ca. 550–500 BCE). (© Kunsthistorisches Museum, Vienna, Austria)

to be viewed in oppositional terms, but as one of *différance*, the pre-origin of metaphysical oppositions, as also expressed by the relation between Dike and Adikia. Dike's other, which nonetheless does not belong to her, must again be understood as the desire for absolute pleasure. In this respect it can be noted that the hammer/staff (with which Dike hits Adikia), as Freud assures us, is undoubtedly a male sexual symbol.[186] Pindar's reference to the "unsullied fountain Dike," also does not escape from sexual symbolism.[187] It can moreover be noted that Dike's daughter Hesykhia is born to her without the need for sexual intercourse with a man.[188] She remains a virgin,[189] which of course does not make her devoid of (absolute) pleasure.

Justitia

Unlike Ma'at, Themis, and Dike, the Roman goddess Justitia was not reckoned among the major gods. As with most of the other Greek gods taken over in Roman mythology, she is mentioned in very few narrative accounts. From the texts of Ovid and Virgil, one obtains the image of a goddess of Justice who has left the earth because of man's corrupt and wicked nature and who now scarcely concerns herself any longer with human affairs. From these and other accounts, it furthermore appears that Justitia does not only show analogies with Dike (with whom she is usually equated),[190] but also with Astraia/Astraea, another daughter of Themis

and Zeus, alternatively regarded as the daughter of Astraeus and Eos.[191] She is in this respect known as the constellation Virgo, the virgin of the stars, and as the nurse of the whole universe. No images of Justitia from Roman times have remained, and where mention is made of sculptures, the latter appear to show some correspondence with Dike and Nemesis and to be of Greek rather than Roman origin.[192] It was Aequitas (fairness) rather than Justitia who was personified by the Romans. Kissel explains this with reference to the fact that Justitia was (mostly) equated with positive law, whereas Aequitas required the balancing of all the circumstances of the case. In later times, Aequitas and Justitia were not clearly distinguished from each other as symbols. We thus find Aequitas or Justitia depicted on coins with a cornucopia and with scales, sometimes with a scepter or a staff, sometimes without any attributes. Sometimes only the head of a woman appears, with the transcription, "Justitia."[193]

In the Middle Ages, images of Justitia are characterized by a combination of Christian and Greek-Roman thinking.[194] In this regard, the sword of Dike and the scales of Aequitas/Justitia begin to play an important role. Justitia now becomes one of the Christian virtues entering into battle with the vices. She is personalized and sometimes depicted with accessories, such as a scale. In exceptional instances, Justitia is a male figure.[195] In one image from the eleventh century, Justitia is depicted with a protractor and (optical) plummet, together with three other virtues. The crucified Christ is in the middle with the female figures Ecclesia and Synagoga on his right and left, respectively. Synagoga, representing Judaism, the Old Testament, and old law, is depicted blindfolded with a broken staff. Ecclesia, the New Law, the Church, wears a crown.[196] In depicting the Last Judgment and the weighing of the soul of man, use is sometimes made of some of the accessories usually associated with Justitia. In this way, Christ is depicted with a sword as judge of the world, alternatively with a palm branch, a lily, or a scale.[197] Albrecht Dürer, in a copperplate print from 1500, portrayed Christ with sword and scales as "sun of justice" (Figure 8).[198]

From around the twelfth century, the archangel Michael, standing next to Christ, and with increasing emphasis, takes over the role of weighing man's soul, showing some similarity with our earlier discussion of Ma'at. From around the thirteenth century, there are images in which Michael also divides the deceased into good and evil and executes punishment.[199]

FIGURE 8: Albrecht Dürer, Die Sonne der Gerechtigkeit (Sol iustitiae), The Sun of Righteousness (ca. 1499–1500). (Location: C.G. Boerner Gallery, Düsseldorf. © C.G. Boerner, Düsseldorf, New York)

Michael is from then on, as a rule, depicted with a scale and often also with a sword, in addition to a lance, which becomes less emphasized. From around the sixteenth century, the archangel Michael is depicted on his own as angel of justice and judgment, with a sword and scales in association with the last judgment.[200] Justitia herself is at times depicted with the wings of an angel.[201]

From around the twelfth and thirteenth centuries, Justitia starts being depicted with a sword and scale (although not exclusively so) and at times separate from the other virtues.[202] Kissel expresses his frustration at the impossibility of adequately explaining the reason for this development. He nevertheless attempts to do so partly with reference to the revival in Roman law from the eleventh century onward, as well as the Renaissance in general. This revival, as he points out, also was accompanied by a renewed interest in the symbols associated with the law in antiquity, including the goddesses of justice.[203] The cornucopia, with its associations of superabundance and giving, was not really suited for incorporation. The scale of the Roman goddess of Justice, however, fitted well with

the spirit of the times as it called for a careful and emotionless balancing of arguments. The scale also conformed with the emphasis placed on the synallagma, that is, the reciprocal obligations between the parties to a contract. The sword in the hand of Justitia, Kissel points out, was similarly well suited because of its association with judicial power, specifically in relation to criminal matters, coupled with the widespread reliance on the death penalty. Justitia with a sword was also important for another reason, that is, the attempts to establish a separate jurisdiction for the state vis-à-vis the church.[204] The sword as symbol could in this respect assist in secularizing (Christian) natural law. The (secular) Justitia with sword and scales now stood over against the (spiritual) archangel Michael, himself with sword and scales. Justitia herself also takes on a double role. Justitia as religious symbol and Christian virtue was now associated with the after-life, whereas Justitia as secular symbol was associated with worldly justice.[205]

The blindfold of Justitia appears for the first time in 1494 in a woodcut by Albrecht Dürer, illustrating Sebastian Brant's poem *Stultifera Navis* (Ship of Fools) (Figure 9).

FIGURE 9: Albrecht Dürer, Ship of Fools (1494). (Courtesy of Special Collections, University of Houston Libraries)

It shows Justitia being blindfolded by a fool (under the heading "Quarrelling and Going to Court").[206] According to Kissel, the depiction aims at showing that such blindfolding will not have the effect of hushing up the truth or of preventing Justice from setting itself through.[207] At around the same time there is an association between a blindfolded Justice (or judgment) and a more negative connotation: in an illustration by Johann of Schwarzenberg in the Bamberg *Halsgerichtsordnung* (Procedure for the Judgment of Capital Crimes) of 1507/1516, judges and assessors are all depicted wearing fool's caps and blindfolds.[208] The inscription indicates that this illustration was a criticism of the application of customary law in criminal matters.[209] In a hand-painted allegorical representation of Peter Vischer from 1524, the blindfold however seems to bear a positive connotation. Justitia, naked and without any accessories, is depicted placing a blindfold over the eyes of the Emperor. It is interpreted in its Reformation context as saying that no Pope is needed, but only a just emperor.[210] This was the first time that the blindfold in this context was given a positive connotation in the fine arts.[211] As Kissel points out, after the Middle Ages and until about the nineteenth century, Justitia has predominantly retained the form she attained in the thirteenth century, allowing for small changes depending on the fashion of the times[212] and ignoring caricatures.[213] Images of her also increasingly adorned public and private spaces. Especially since the twentieth century, experimentation with different shapes of Justitia has taken place, and at times she is named Themis.

JUSTICE: THE VISIBLE AND THE INVISIBLE

The outline of a reading that would exceed, to a certain extent, metaphysics has already been given above in relation to Ma'at, Themis, Dike, and Justitia. It remains to say a few words about the blindfold of Justitia (Figure 10), which, as we will see, ties in closely with what was said above regarding the other figures of justice.[214] According to Freud, a clear relation appears from myth, dreams, and fantasies between the eye and the male sexual organ.[215] The anxiety about blindness therefore represents a fear of castration, and Oedipus's self-blinding can be understood as a mitigated form of the punishment of castration.[216] Derrida's understanding of

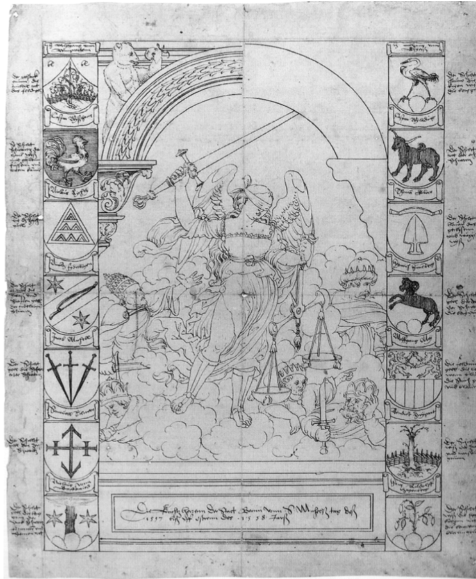

FIGURE 10: Hans Rudolf Manuel, Divine Justice (1558). Drawing for a glass window with the coats of arms of the Law Lords of the Republic of Berne. (Wikimedia Commons, Public Domain)

blindness seeks to go beyond the restricted economy of the Oedipus complex.[217] In a number of texts, Derrida points to a relation among blindness, death, and desire.[218] We see the same relation expressed in *Memoirs of the Blind*.[219] Here, Derrida points out that Western philosophy, since its Greek origins, has posited a natural relation among seeing, knowing, the sun, light, the father, the eidos, and the truth.[220] Derrida specifically seeks to interrogate the idea of painting as originating in present perception. He contends first that a drawing (and something similar can clearly be said in relation to painting and sculpting) is blind; and second, that a drawing depicting someone who is blind is in a sense a self-portrait of the draftsman, of the draftsman as "blind."[221] This is because drawing is based not on present perception, as is often believed, but on memory, understood in a certain way.[222] This follows from the fact that in drawing, the vision of the object that is being drawn must be "switched off." Drawing must in a sense take place in "blindness"; the *trait* or strokes of drawing, "must proceed in the night."[223] We can also say that one draws only "on the condition of not seeing."[224]

Being blind(folded) can hence be understood as going against nature in the above sense: it says that one does not want to see, "would like not to know," that one desires not to bear witness to the truth.[225] This does not simply involve the positing of an opposition between sight and blindness, between truth and lying, between sight and memory. A presentation of blindness or of being blindfolded as an object to sight indeed no longer privileges seeing or the truth in alluding to the memory that must be invoked when drawing. However, there is more to it. At stake is a structural law of blindness as the condition of possibility of truth, knowledge, and vision.[226] Blindness as the theme of a drawing thus represents the unrepresentable. This can be explained further as follows: someone who is blind(folded) bears witness to what can be referred to as the an-essence of memory. This an-essence is constituted by the fact that memory itself proceeds from out of a certain more radical blindness. One could also say, following Derrida, that memory itself entails "the law of disproportion, dissymmetry, and expropriation" or that "in anamnesis itself, there is *amnesia*."[227] We have to turn to *Archive Fever* and "Freud and the Scene of Writing," where Derrida deals with the "origin" of memory, and which he implicitly relies on in this context, to understand what is at stake here.[228] From these texts it appears that what is here named "blindness" involves the annihilation of memory, which itself ensures the possibility of memorization, of repetition, and of reproduction.[229]

Blindness is thus not to be understood in its literal sense, but as a reference to the ultimate form of blindness, that is, death,[230] or more precisely, referring again to the above-mentioned texts, the desire for death.[231] It is only through a dissimulation of this desire that works of art, as well as other acts of the imagination, such as law, become possible. Thus, Justitia blindfolded portrays something of the condition of possibility of law.[232] As we saw earlier, works of art (including depictions of Justice) say something about the artist, about the process of the creation of art, as well as of mankind in general. They, in other words, bear witness to the desire for death that exceeds circular exchange. A reading of the blindfold of Justitia as allowing for inner perception and impartiality or as a critique of being blindfolded in favor of sight, would on the other hand entail reinscribing blindness into an economy of exchange.[233]

In conclusion, it can be said that in the depictions of Justice through the ages, different ways have been found in which to give expression to the

inscription of mankind in *différance*. This explains in a way why these images of Justice have captured the fascination of humanity, as well as why some features have remained and others have disappeared. What becomes visible in the Egyptian Ma'at, the Greek Themis and Dike, and the Roman and modern Justitia is, as we saw, usually understood in the sense of order and balance—a relation of exchange, in other words. However, as Derrida points out, the becoming visible does so only on condition of the *absolutely* invisible withdrawing from sight.[234] The latter, with reference to "Force of Law," can be referred to as unconditional justice, a form of giving that expects no return, and that distinguishes itself from law and sovereignty.[235] What we view as traits of Justitia, Themis, Dike, and Ma'at, whether in their conventional or psychoanalytical sense, are, as we also saw, in each appearance accompanied and remain haunted by a certain *retrait* (withdrawal) of chaos, darkness, death, and desire. The nature of this absolute invisibility is perhaps best expressed by Derrida, with reference to Merleau-Ponty:

> To be the other of the visible, absolute invisibility must neither take place elsewhere nor constitute another visible, that is, something that does not yet appear or has already disappeared—something whose spectacle of monumental ruins would call for reconstitution, regathering from memory, rememberment. This nonvisible does not describe a phenomenon that is present elsewhere, that is latent, imaginary, unconscious, hidden, or past; it is a "phenomenon" whose inappearance is of another kind.[236]

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1. For a variety of these images, see Christian-Nils Robert, *La justice: vertu, courtisane et bourreau* (Genève: Georg Editeur, 1993); Wolfgang Pleister & Wolfgang Schild, eds., *Recht und Gerechtigkeit im Spiegel der europäischen Kunst* (Köln: DuMont Buchverlag, 1988); Robert Jacob, *Images de la justice: essay sur l'iconographie judiciare du Moyen Âge à l'âge classique* (Paris: Le Léopard d'Or, 1994); Otto Rudolf Kissel, *Die Justitia: Reflexionen über ein Symbol und seine Darstellung in der bildenden Kunst*, 2nd ed. (München: CH Beck, 1997); Christian-Nils Robert, *La Justice dans ses Décors (XVe–XVIe siècles)* (Genève: Droz, 2006); Michael A. Dean, *Images of the Goddess of Justice*, 1999–2010, at http://mdean.tripod.com/justice.html (accessed July 2011); and Judith Resnik & Dennis Curtis, *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms* (New Haven, CT: Yale University Press, 2011).

2. These are the most well-known figures of justice. However, it appears that in all cultures words exist that give expression to the "experience" associated with these goddesses; see, for example, the discussions of *mana* and *seriti* below.
3. Kissel, *supra* note 1, at 40, 84–85, 92–95, 117.
4. *Id*. at 109.
5. *Id*. at 112–13.
6. *Id*. at 107; Césare Ripa & Edward A. Maser, *Baroque and Rococo Pictorial Imagery: The 1758–60 Hertel Edition of Ripa's 'Iconologia' with 200 Engraved Illustrations* (New York: Courier Dover Publications, 1991), 120.
7. Ripa & Maser, *supra* note 6, at 120.
8. Kissel, *supra* note 1, at 38, 118–19; Resnik & Curtis, *supra* note 1, at 76–79.
9. Ripa & Maser, *supra* note 6, at 120.
10. Dennis Curtis & Judith Resnik, "Images of Justice," 96 *Yale Law Journal* 1727–72, 1742 n.39 (1987); Resnik & Curtis, *supra* note 1, at 14, 70, 77–79; Judith Resnik & Dennis E. Curtis, "Representing Justice: From Renaissance Iconography to Twenty-First Century Courthouses," 151 *Proceedings of the American Philosophical Society* 139–83, 151 (June 2007).
11. The analysis undertaken here draws from the more elaborate account given of Derrida's thinking and its relation to law in Jacques de Ville, *Jacques Derrida: Law as Absolute Hospitality* (New York & London: Routledge, 2011).
12. It would also be possible to provide a reading to every specific image of Justice in line with the "approach" sketched here in broad outlines.
13. Sigmund Freud, *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, Volumes I–XXIV (London: Vintage, 2001), V:351, XV:159, 166.
14. *Id*. at XV:153, 166.
15. *Id*. at V:352 n.1; XV:166–67.
16. *Id*. at XV:167.
17. *Id*.
18. *Id*. at XV:166.
19. *Id*. at XV:165; see for example Freud's interpretation of the Greek myth of Prometheus (*id*. at XXII:187–93).
20. "Approach" is placed in quotation marks here, because, as is well-known, deconstruction does not constitute a method, and at the same time it does not proceed in an arbitrary fashion; see Jacques Derrida, *Positions* (Chicago: University of Chicago Press, 1981), 41–42.
21. See in this respect, Jacques Derrida & Elisabeth Roudinesco, *For What Tomorrow . . . A Dialogue* (Stanford, CA: Stanford University Press, 2004), 166–96. What Derrida terms the "metaphysics of presence" involves setting up a hierarchical opposition, such as that between proper/improper, meaning/nonsense, original/imitation, normal/abnormal, speech/writing, nature/culture, reason/madness, wherein the first term serves as foundation or as a form of "presence" and the second term represents a "fall" from that presence. Metaphysics is thus characterized by binary oppositions and furthermore by the understanding of Being as presence, as elaborated by Heidegger, that is, the belief in, for example, the self-presence of the cogito, consciousness, or subjectivity, which implicitly organizes this oppositional structure; see Jacques Derrida, *Of Grammatology* (Baltimore & London: John Hopkins University Press, 1976), 12.
22. Freud, *supra* note 13, at XVIII:1–63; Jacques Derrida, *The Post Card: From Socrates to Freud and Beyond* (Chicago: University of Chicago Press, 1987), 259–409.
23. Jacques Derrida, *Speech and Phenomena and Other Essays on Husserl's Theory of Signs* (Evanston, IL: Northwestern University Press, 1973); Derrida, *Of Grammatology*, *supra* note 21.
24. See also Derrida, *Of Grammatology*, *supra* note 21, at 48.

25. Claude Lévi-Strauss, *Myth and Meaning: Five Talks for Radio by Lévi-Strauss* (Toronto: University of Toronto Press, 1968), 19.
26. Claude Lévi-Strauss, *Structural Anthropology* (London: Allen Lane, The Penguin Press, 1968), 230.
27. *Id*. at 213–17. Claude Lévi-Strauss, *Totemism* (London: Merlin Press, 1962), 10, describes "myth" as follows: "The notion of 'myth' is a category of thought which we use arbitrarily in order to bring together under one word attempts to explain natural phenomena, products of oral literature, philosophical speculations, and cases where linguistic processes emerged to full consciousness."
28. Claude Lévi-Strauss, *The Raw and the Cooked* (Chicago: University of Chicago Press, 1983), 12.
29. Lévi-Strauss, *supra* note 26, at 218: "There is no single 'true' version of which all the others are but copies or distortions. Every version belongs to the myth."
30. Ferdinand de Saussure, *Course in General Linguistics* (Chicago: Open Court, 1986), 166.
31. Lévi-Strauss, *supra* note 26, at 225.
32. Robert Alan Segal, *Structuralism in Myth: Lévi-Strauss, Barthes, Dumézil, and Propp* (London: Taylor & Francis.Segal, 1996), 92.
33. Lévi-Strauss, *supra* note 26, at 225.
34. *Id*. at 227. We will see below that at least one commentator refers to Ma'at as a mediator.
35. Claude Lévi-Strauss, *The Origin of Table Manners*, vol. 3 of *Introduction to a Science of Mythology* (London: Jonathan Cape Ltd, 1978), 221–22.
36. *Id*. at 506.
37. *Id*. at 226–27.
38. *Id*. at 221–22. We will see below that the goddesses of justice, Ma'at, Themis, and Dike, are all explicitly associated with this role of ensuring regularity or order.
39. *Id*. at 507. According to Lévi-Strauss this is still the case today, although no longer in such a determined and calculated fashion.
40. Jacques Derrida, *Writing and Difference* (Chicago: University of Chicago Press, 1978), 292.
41. *Id*. at 278.
42. *Id*. at 278, 279. The notions of "play," substitution/supplement, and writing in Derrida's texts all bear a quasi-psychoanalytical connotation.
43. *Id*. at 278.
44. *Id*. at 286.
45. See also Claude Lévi-Strauss, "A Jivaro version of Totem and Taboo," in *A Reader in the Anthropology of Religion*, ed. Michael Lambek (Oxford: Wiley-Blackwell, 1985), 210–20, 214, where he points out that the original form of myth "is and remains forever elusive. However far back we may go, a myth is known only as something that has been heard and repeated."
46. Derrida, *supra* note 40, at 286–87.
47. *Id*. at 289.
48. In *Glas*, Derrida refers to "play" in this sense as a "pure essenceless by-play, a play that plays limitlessly"; Jacques Derrida, *Glas* (Lincoln: University of Nebraska Press, 1986), 238a. See also Jacques Derrida, *The Ear of the Other* (Lincoln: University of Nebraska Press, 1985), 67–71.
49. Claude Lévi-Strauss, *Introduction to the Work of Marcel Mauss* (London: Routledge, 1987), 63–64.
50. Derrida, *supra* note 40, at 292; see also at 289–91, where the passage in question is quoted (at 290) and discussed; and see further Émile Durkheim, *The Elementary Forms of Religious Life* (Oxford: Oxford University Press, 2001), 144–45, 151–52, on the notion of *mana*. A word that plays a similar role in the African context is *seriti* (force), which is in turn linked to the well-known notion of *ubuntu*; see Augustine Shutte, *Philosophy for Africa* (Rondebosch, ZA: University of Cape Town Press, 1993) 46–58; Cornel du Toit, "Implications of a technoscientific culture on personhood in Africa and in the West," 61 *HTS Theological Studies* 829–60, 851–52 (2005); Maome Bethuel

Rathete, *The Reality and Relevance of* Seriti *in the Past and Present: Its Essence and Manifestation in an African Religion Perspective with Special Reference to the Northern Sotho* (University of South Africa, PhD thesis, 2007).

51. Freud, *supra* note 13, at IV:111 n.1.
52. Jacques Derrida, *Resistances in Psychoanalysis* (Stanford, CA: Stanford University Press, 1998), 1–38.
53. See in this respect the explanation offered in Derrida, *supra* note 20, at 40–45.
54. Martin Heidegger, *Introduction to Metaphysics* (New Haven & London: Yale University Press, 2000), 70.
55. Martin Heidegger, *Nietzsche*, vols. III, IV (New York: HarperCollins, 1982), IV:207–11.
56. *Id*. at IV:164.
57. *Id*. at III:92–93; Heidegger, *supra* note 54, at 192–98.
58. Heidegger, *supra* note 54, at 14. Viewing justice as an ideal would be metaphysical thinking par excellence.
59. Heidegger, *supra* note 55, at IV:174.
60. Martin Heidegger, *Being and Time* (New York: HarperCollins, 1962), 307.
61. Heidegger, *supra* note 54, at 15.
62. Martin Heidegger, *Early Greek Thinking: The Dawn of Western Philosophy* (New York: HarperCollins, 1975), 94.
63. Martin Heidegger, *Parmenides* (Bloomington & Indianapolis: Indiana University Press, 1992), 5.
64. Heidegger, *supra* note 54, at 177.
65. Heidegger, *supra* note 60, at 294. For an analysis of this passage and similar ones in Heidegger, see Jacques Derrida, *Aporias* (Stanford, CA: Stanford University Press, 1993), 66–81.
66. Martin Heidegger, *On Time and Being* (Chicago: University of Chicago Press, 1972), 1–24; Jacques Derrida, *Given Time: I. Counterfeit Money* (Chicago: University of Chicago Press, 1992), 17–22; Derrida, *Glas*, *supra* note 48, at 242a–243a.
67. Heidegger, *supra* note 62, at 43, seeks to understand *dike* as "the ordering and enjoining Order" and *adikia* as disjunction, Disorder.
68. Jacques Derrida, *Specters of Marx: The State of Debt, the Work of Mourning and the New International* (New York: Routledge, 1994), 27–34.
69. See Martin Heidegger, *On the Way to Language* (New York: HarperCollins, 1971), 1–54.
70. I would like to express my gratitude to Faith Zulu whose research on Ma'at assisted me in the writing of this section.
71. Jan Assmann, *Ma'at: Gerechtigkeit und Unsterblichkeit im Alten Ägypten* (München: CH Beck, 2006), 15.
72. *Id*. at 16.
73. See Jacobus van Dyk, "The Armana Period and the Later New Kingdom (c. 1352–1069 BC)," *The Oxford History of Ancient Egypt*, ed. Ian Shaw (Oxford: Oxford University Press, 2000), 265–307, 274.
74. Freud, *supra* note 13, at XXIII:19, sees in the animal shapes of many Egyptian gods a relation to totemism. In a letter to Fliess (July 4, 1901) Freud already expressed the view that the gods portrayed in myth were the successors to totem animals; see Sigmund Freud, *The Complete Letters of Sigmund Freud to Wilhelm Fliess 1887–1904* (Cambridge, MA: Harvard University Press, 1985).
75. Lucie Lamy, *New Light on Ancient Knowledge: Egyptian Mysteries* (London: Thames and Hudson, 1981), 17–18, equates Ma'at with (cosmic) consciousness.
76. Assmann, *supra* note 71, at 175; see however at 213–22, where Isfet does take on negative connotations.
77. *Id*. at 200.
78. *Id*. at 17.

79. *Id*. at 177–78.
80. *Id*. at 163–64, 198–99; Rodney Peter van Wyk, *Ma'at in Egipte—en Veranderinge in die Armana Periode*. (MPhil thesis, University of the Western Cape, 1998), 19–22; Vincent Arieh Tobin, "Ma'at and ΔIKH: Some Comparative Considerations of Egyptian and Greek Thought," 24 *Journal of the American Research Center in Egypt* 113–21, 113 (1987). Assmann, *supra* note 71, at 163, also points out that in Egypt the cosmos was not understood in spatial terms, but as a process, and in this sense Ma'at amounts to a regulative energy that directs human life as well as cosmic forces.
81. Assmann, *supra* note 71, at 186, 203–5.
82. *Id*. at 167.
83. *Id*. at 37, 202–4.
84. *Id*. at 201. A specific reference is to be found here to the work of Mauss and Durkheim in this respect.
85. *Id*. at 201–3.
86. *The Instruction of Amenemope*, http://www.touregypt.net/instructionofamenemope.htm (accessed July 2011); see also Assmann, *supra* note 71, at 68–69, 171, 259; Miriam Lichtheim, *Maat in Egyptian Autobiographies and Related Studies* (Freiburg Schweiz: Universitätsverlag, 1992), 99.
87. Maulana Karenga, *Maat: The Moral Ideal in Ancient Egypt: A Study in Classical African Ethics* (Los Angeles: University of Sankore Press, 2006), 306–10; Assmann, *supra* note 71, at 186–87; Emily Teeter, *The Presentation of Maat: Ritual and Legitimacy in Ancient Egypt* (Chicago: University of Chicago Press, 1997), 3.
88. See generally, Teeter, *supra* note 87.
89. The description provided by Art Resource reads "offering to Ma'at," which should presumably be "offering *of* Ma'at," as it appears on the Louvre website.
90. Teeter, *supra* note 87, at 16, 47, 83.
91. *Id*. at 27.
92. *Id*. at 34.
93. *Id*. at 27.
94. *Id*. at 26, 27.
95. *Id*. at 78.
96. Assmann, *supra* note 71, at 188–89; Teeter, *supra* note 87, at 82; and Lichtheim, *supra* note 86, at 65.
97. Teeter, *supra* note 87, at 20–21, 31–32.
98. *Id*. at 33–34.
99. *Id*. at 77.
100. *Id*. at 91–93.
101. *Id*. at 92–93.
102. *Id*. at 2, 10, 75.
103. Assmann, *supra* note 71, at 161.
104. Van Wyk, *supra* note 80, at 30–31.
105. See further Freud, *Totem and Taboo*, *supra* note 13, at XIII:1–161; and *Moses and Monotheism*, *supra* note 13, at XXIII:1–137.
106. Assmann, *supra* note 71, at 161 n.2.
107. *Id*. at 161 n.2.
108. Robert A. Armour, *Gods and Myths of Ancient Egypt* (Cairo: The American University in Cairo Press, 1986), 164–67; and Lichtheim, *supra* note 86, at 80.
109. Assmann, *supra* note 71, at 171–72.
110. Geraldine Pinch, *Egyptian Mythology: A Guide to the Gods, Goddesses, and Traditions of Ancient Egypt* (Oxford: Oxford University Press, 2002), 196–97; and Lamy, *supra* note 75, at 15.

111. Assmann, *supra* note 71, at 167–69.
112. Pinch, *supra* note 110, at 197.
113. Assmann, *supra* note 71, at 183–85.
114. *Id*. at 161–62. Ma'at is at least once depicted (in sculpture) as wearing the Royal uraeus (cobra); see Teeter, *supra* note 87, at 2.
115. For an analysis of Thoth, see Jacques Derrida, *Dissemination* (London: Continuum, 2004), 89–97.
116. Lamy, *supra* note 75, at 10–11.
117. Patricia Turner & Charles Russell Coulter, *Dictionary of Ancient Deities* (Oxford: Oxford University Press, 2001), 43; Simson Najovits, *Egypt, The Trunk of the Tree*, vol. I, *The Contexts* (New York: Algora Publishing, 2003), 107.
118. Armour, *supra* note 108, at 164.
119. Assmann, *supra* note 71, at 165; also Lamy, *supra* note 75, at 8–9.
120. Assmann, *supra* note 71, at 165, 172.
121. This happens for example with Karenga, *supra* note 87.
122. Assmann, *supra* note 71, at 167.
123. *Id*. at 174, also at 163. My translation: "The force 'which gives to the unlimited movement limits, aim, and consciousness.'"
124. *Id*. at 177.
125. Teeter, *supra* note 87, at 87–89.
126. Derrida, *The Ear of the Other*, *supra* note 48, at 7.
127. See in this respect again Derrida, *supra* note 115, at 89–97.
128. Freud, *supra* note 13, at XXIII:19, describes this characteristic depiction of the Egyptian gods in apt terms: "The hymns in honour of these gods say almost the same things about all of them, and identify them with one another unhesitatingly, in a manner hopelessly confusing to us. The names of gods are combined with one another, so that one of them may almost be reduced to being an epithet of the other."
129. The ostrich feather is very interesting symbolically because a bird in dreams usually represents the phallus, its erection being similar to a bird's flight, suspending the laws of gravity (Freud, *supra* note 13, at V:394, XXII:190). The long (phallic) neck of the ostrich could perhaps be said to make up symbolically for its inability to fly. The equation Freud (*id*. at XV:156) draws between woods and bushes with pubic hair could perhaps also be applied to an ostrich's feathers. In general, birds in dreams represent sexual intercourse (*id*. at V:583). From Ma'at's association with Imntt one could furthermore contend that the feather represents death. Levi-Strauss, *supra* note 35, at 396–98, similarly draws a relation between feathers (birds belonging to both the sky and the earth (at 238) and pubic hair as mediators (quillwork and scalps are also mentioned here).
130. See Freud, *supra* note 13, at XII:181–82, XV:154–56.
131. Derrida, *supra* note 22, at 397. Two observations of Freud, *supra* note 13, at XXIII:19–20n and X:180, need to be juxtaposed here: "No other people of antiquity did so much [as the Egyptians] to deny death or took such pains to make existence in the next world possible." And: "According to psycho-analytic theory, I told him [the Rat Man] every fear corresponded to a former wish which was now repressed."
132. Freud, *supra* note 13, at XII:54, 80–82; XV:155.
133. See in this regard Freud, *id*. at XII:22, 78 (Schreber case).
134. Derrida, *Glas*, *supra* note 48, at 242a.
135. Derrida, *Given Time*, *supra* note 66, at 10–15.
136. Freud, *supra* note 13, at XVII:106–7.
137. See Derrida, *Glas*, *supra* note 48, at 198b, 203b, 205b.
138. Erik Wolf, *Griechisches Rechtsdenken: Vorsokratiker und frühe Dichter* (Frankfurt am Main: Vittorio Klostermann, 1950), 24.

139. Heidegger, *supra* note 55, at III:77; C. Kerényi, *The Gods of the Greeks* (London: Thames and Hudson, 1951), 17; Wolf, *supra* note 138, at 24.
140. Hugh G. Evelyn-White, *The Theogony of Hesiod*, 1914, at http://www.sacred-texts.com/cla/hesiod/theogony.htm (accessed July 2011), Part II, para. 116–38: "Eros (Love), fairest among the deathless gods, who unnerves the limbs and overcomes the mind and wise counsels of all gods and all men within them."
141. See Aristophanes, *The Birds*, 414 BC, at http://classics.mit.edu/Aristophanes/birds.html (accessed July 2011): "At the beginning there was only Chaos, Night, dark Erebus, and deep Tartarus. Earth, the air and heaven had no existence. Firstly, black-winged Night laid a germless egg in the bosom of the infinite deeps of Erebus, and from this, after the revolution of long ages, sprang the graceful Eros with his glittering golden wings, swift as the whirlwinds of the tempest. He mated in deep Tartarus with dark Chaos, winged like himself, and thus hatched forth our race, which was the first to see the light. That of the Immortals did not exist until Eros had brought together all the ingredients of the world, and from their marriage Heaven, Ocean, Earth and the imperishable race of blessed gods sprang into being."
142. Wolf, *supra* note 138, at 25.
143. *Id*. at 23, 30–31; Jane Ellen Harrison, *Themis: A Study of the Social Origins of Greek Religion*, 2nd ed. (Cambridge: Cambridge University Press, 1927), 481, 519; Harm Vos, "Themis," in *Homerisches Recht & Themis*, Rudolf Köstler and Harm Vos, 1–78 (New York: Arno Press, 1979), 62. Prometheus refers in this respect to "my mother Themis and Gaia, one form called by many names" (Aeschylus, *Prometheus Bound*, ca. 430 BC, http://classics.mit.edu/Aeschylus/prometheus.html (accessed July 2011).
144. Wolf, *supra* note 138, at 31, refers to them as the younger Moirai and explains that she could only give birth to them because she herself was a Moirai.
145. Rudolf Hirzel, *Themis, Dike und Verwandtes: Ein Beitrag zur Geschichte der Rechtsidee bei den Griechen* (Hildesheim: Georg OlmsVerlagsbuchhandlung, 1966), 15; Wolf, *supra* note 138, at 26.
146. Hirzel, *supra* note 145, at 4–5.
147. *Id*. at 6–7; Walter Jones, *The Law and Legal Theory of the Greeks: An Introduction* (Oxford: Clarendon Press, 1956), 31.
148. Hirzel, *supra* note 145, at 2; Vos, *supra* note 143, at 53–55.
149. Vos, *supra* note 143, at 67.
150. Wolf, *supra* note 138, at 30.
151. *Id*. at 27.
152. *Id*. at 27–28.
153. *Id*. at 28–34.
154. Vos, *supra* note 143, at 63–64.
155. The laurel leaf (sacred to Apollo) was burnt as incense on the altar of the oracle at Delphi, more specifically by the Pythia (the medium) before ascending the tripod. The tripod from which the Pythia pronounced the oracle stood over a chasm in the earth from which intoxicating smoke was from time to time emitted. The smoke is said to have caused delirium; see William Smith, *A Dictionary of Greek and Roman Antiquities*, 2nd ed. (New York: Little, Brown and Co, 1859), 836–38.
156. Hirzel, *supra* note 145, at 7–8.
157. Wolf, *supra* note 138, at 26.
158. Kissel, *supra* note 1, at 21.
159. Wolf, *supra* note 138, at 28.
160. See also Hirzel, *supra* note 145, at 9, 12–14; and Vos, *supra* note 143, at 43–44.
161. Hirzel, *supra* note 145, at 9.
162. See Aaron J. Atsma, *Theoi Greek Mythology: Exploring Mythology in Classical Literature and Art*, 2000–2008, at http://www.theoi.com/Gallery/K45.1.html (accessed July 2011), where Themis is depicted with the Thracian goddess, Bendis.

163. See Amy C. Smith, *Athenian Political Art from the Fifth and Fourth Centuries BCE: Images of Political Personifications*, 2003, at http://www.stoa.org/projects/demos/article_personifications?page=24&-greekEncoding= (accessed July 2011).
164. See Freud, *supra* note 13, at XV:154 (the sacred number 3), 155 (watering cans), 156 and 162 (mother Earth, landscapes), 156 (vessels and receptacles); at V:354 (hollow objects and vessels).
165. Jones, *supra* note 147, at 25, 26, 29; Hirzel, *supra* note 145, at 5; Vos, *supra* note 143, at 68.
166. See for example Derrida, *Given Time*, *supra* note 66; and Jacques Derrida & Anne Dufourmantelle, *Of Hospitality* (Stanford, CA: Stanford University Press, 2000).
167. Kissel, *supra* note 1, at 21.
168. Wolf, *supra* note 138, at 34.
169. Tykhe (chance) is sometimes said to be Dike's sister (Wolf, *id*. at 35), and one of the Moirai (fates). She is a daughter of Tethys and Okeanos, alternately of Zeus. In Roman mythology she is known as Fortuna. Wolf describes Tykhe as portraying something of the Titanic nature of her mother Themis (Wolf's source in this respect is not clear), more specifically in her circumvention of strict boundaries, her taking of detours, and the abysmal chaos that is part of her nature and that also characterizes *Dasein*. Wolf's remarks in this regard can be favorably compared with those of Jacques Derrida, *Psyche: Inventions of the Other*, vol. I (Stanford, CA: Stanford University Press, 2007), 344–76.
170. Wolf, *supra* note 138, at 36.
171. Kissel, *supra* note 1, at 21; Wolf, *id*. at 36. The position is the same in relation to Themis and Nemesis (retribution), with only the latter playing the role of avenger. Nemesis also had the more general function of ensuring the proper measure and in this respect was sometimes depicted with a cubit. It is thus not only Justice who has been associated with the scale and similar kinds of instruments. As Kissel, *id*. at 23, points out, Kairos, the god of opportunity, was also sometimes depicted with a scale (and a cutting blade).
172. Wolf, *supra* note 138, at 43; Kissel, *supra* note 1, at 21.
173. Wolf, *id*. at 41.
174. *Id*. at 37.
175. *Id*. at 37, 43.
176. *Id*. at 37–39.
177. *Id*. at 42–43. This role of securing order at first did not have moral or legal connotations (Tobin, *supra* note 80, at 113–16, 120; Wolf, *supra* note 138, at 30). *Dike*, like *themis*, is thus a word that expresses Being; see also Heidegger, *supra* note 54, at 177.
178. Wolf, *supra* note 138, at 38. My translation: "as judging and avenging netherworld-power, the shadowy realm of chthonic powers and the dead."
179. *Id*. at 43.
180. *Id*. at 44. My translation: "This happens because in the Being of every *Dasein* the initial possibility lies to decay/deteriorate, to depart from its true self, to slide into a terrible state of affairs (literally: an-essence). Dike does not set herself through automatically against such decay: she must always be called upon anew and in this way be brought to presence. The clearing presence of Dike remains threatened, to become unrecognized, obscured, misplaced, and expelled." See also Wolf, *id*. at 40. Martin Heidegger, *Parmenides* (Bloomington & Indianapolis: Indiana University Press, 1992), 72, says something remarkably similar when he talks about *lethe* (oblivion): "Lethe, oblivion, is a concealment that withdraws what is essential and alienates man from himself, i.e., from the possibility of dwelling within his own essence."
181. Kissel, *supra* note 1, at 22.
182. Derrida, *supra* note 68, at 27–34.
183. Wolf, *supra* note 138, at 46–52.
184. Heidegger, *supra* note 180, at 72.

185. *Id*. at 73.
186. Freud, *supra* note 13, at XV:155.
187. *Id*. at XV:154–55.
188. Wolf, *supra* note 138, at 36.
189. *Id*. at 39.
190. The Romans equated Camenta (the goddess of childbirth and prophecy) as well as Anna Perenna (the goddess of the turning of the year) with Themis; see Vos, *supra* note 143, at 68 n.1; and Hirzel, *supra* note 145, at 16.
191. See also Kissel, *supra* note 1, at 21.
192. *Id*. at 23.
193. *Id*. at 24.
194. *Id*. at 27.
195. *Id*. at 30.
196. *Id*. at 30–31.
197. *Id*. at 32–33, 38.
198. *Id*. at 36–39.
199. *Id*. at 33.
200. *Id*. at 31–34. Sometimes the angel with these accessories is not specifically referred to as Michael.
201. *Id*. at 114.
202. *Id*. at 35–41.
203. *Id*. at 42.
204. *Id*. at 42–43.
205. *Id*. at 41, 44.
206. *Id*. at 69.
207. *Id*. at 88.
208. *Id*. at 89.
209. *Id*. at 110.
210. *Id*. at 89.
211. *Id*. at 90.
212. Kissel, *id*. at 85, points out that in Germany, Justitia with blindfold dominated especially in the eighteenth century, whereafter she was again depicted with eyes open.
213. *Id*. at 46–54.
214. Interesting readings relating to the blindfold have recently been given by Martin Jay, "Must Justice be Blind? The Challenge of Images to the Law," *Law and the Image: The Authority of Art and the Aesthetics of Law*, eds. Costas Douzinas & Lynda Nead (Chicago: The University of Chicago Press, 1999), 19–35, and Costas Douzinas, "The Legality of the Image," 63 *The Modern Law Review* 813–30 (2000). Jay's reading relies on the insights of feminism, and Douzinas provides us with a Lacanian-Levinasian reading. Although admirable, these readings in my view remain contained within metaphysics.
215. Freud, *supra* note 13, at XVII:231. In relation to those accessories that have not as yet been specifically discussed in relation to psychoanalysis, it can be mentioned that, according to Freud, and as can be expected, long sharp weapons stand for the male sexual organ (at V:354). This is also the case with the rods to be found in the fasces (at V:380). Any threatening with weapons, according to Freud (at XV:157), points to sexual intercourse. Freud says nothing specifically about a scale, but the fact that it is predominantly depicted in tripartite fashion points to a similar reading (see Freud, *id*. at XV:163–64). Wild animals (and here we can think of the ostrich and the lion) "mean people in an excited sensual state, and further, evil instincts or passions" (at XV:158). This latter insight informs Derrida's analysis in *The Beast & The Sovereign* (2009).
216. Freud, *id*. at XVII:231.

217. It needs to be noted that the gouging out of Oedipus's eyes is not a feature of the Homeric account; see Jacques Derrida, *Memoirs of the Blind: The Self-Portrait and Other Ruins* (Chicago: University of Chicago Press, 1993), 20.
218. Derrida, *Of Grammatology*, *supra* note 21, at 144–52; Derrida & Dufourmantelle, *supra* note 166, at 93–121.
219. For helpful commentaries, which however move in somewhat different directions from the reading proposed here, see Michael Newman, "Derrida and the Scene of Drawing," 24 *Research in Phenomenology* 218–34 (1994); and John D. Caputo, *The Prayers and Tears of Jacques Derrida: Religion without Religion* (Bloomington: Indiana University Press, 1997), 314–25.
220. Derrida, *supra* note 217, at 12–16. See further Derrida, *supra* note 115, at 80–89; and see Resnik & Curtis, *supra* note 1, at 62–67, who point to the close relation that traditionally exists between sight, the sun, truth, and justice. See further Jacques Derrida, *Spurs: Nietzsche's Styles* (Chicago: University of Chicago Press, 1978), 51–67, for a problematization of the view of the relation between the truth and woman (viewed in a traditional way) by way of a reading of Nietzsche.
221. Derrida, *supra* note 217, at 2.
222. *Id*. at 49. Perception itself is also from the outset based on recollection (at 51).
223. *Id*. at 45.
224. *Id*. at 49.
225. *Id*. at 12. This seems to imply that even though no causal relation can be shown between the blindfolded Synagogue and Justitia's blindfold (see Kissel, *supra* note 1, at 87), there is in fact a "deeper" relation; see Derrida, *supra* note 217, at 18–19.
226. Derrida, *supra* note 217, at 41.
227. *Id*. at 51 and 121.
228. See Jacques Derrida, *Archive Fever: A Freudian Impression* (Chicago: University of Chicago Press, 1995), and Derrida, *supra* note 40, at 196–231.
229. Derrida, *supra* note 228, at 11; and Derrida, *supra* note 40, at 230.
230. Derrida, *supra* note 115, at 164. See also Derrida, *supra* note 217, at 21: "the blind are beings of the fall, the manifestation always of that which threatens erection or the upright position." Derrida's analysis here of drawing corresponds closely with his analysis elsewhere of writing and communication in, for example, "Plato's Pharmacy" (Derrida, *supra* note 115, at 69–186), *Of Grammatology* (Derrida, *supra* note 21), and *Limited Inc* (Jacques Derrida, *Limited Inc* (Evanston, IL: Northwestern University Press, 1988)). This also appears from Derrida, *supra* note 217, at 4: "Language is spoken, it speaks to itself, which is to say, *from/of blindness*. It always speaks to us *from/of the blindness* that constitutes it." See also Derrida's essay "A Number of Yes" (Jacques Derrida, *Psyche: Inventions of the Other*, vol. II (Stanford, CA: Stanford University Press, 2008), 231–40, about the limitless "yes" as the arche-word of language.
231. See Derrida, *supra* note 40, at 202.
232. This is of course the same when she is not blindfolded, and as indicated above, her figure itself and all her other "accessories" need to be read in a similar way as proposed here.
233. See also Derrida, *supra* note 217, at 94.
234. *Id*. at 51–52.
235. Jacques Derrida, *Acts of Religion* (New York: Routledge, 2002), 231–58.
236. Derrida, *supra* note 217, at 52.