The Art of Memory and the Allegorical Personification of Justice

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It is really intriguing that the figure of Justice has persisted into modern times, an almost singular survival from an earlier period in which allegorical personifications were commonplace. And just what is an "allegorical personification"? Although we may be familiar with allegory as a representation of an abstract idea or concept usually involving humans or animals, we tend to be less knowledgeable in regard to allegory as a system of complex visual signs. Figures such as Justice have traditionally been accompanied by significant props or material attributes that identified them and elucidated their meaning. They were part of a vast array of embodiments or personifications that served multiple purposes, the most important of which was the organization of an elaborate conceptual system of values.

More specifically, Justice, traditionally grouped with the Cardinal Virtues, originated in ancient Greece. The Cardinal Virtues typically consisted of Justice, Prudence, Fortitude, and Temperance, all of which had their accompanying attributes. For example, Fortitude might be depicted escorted by a lion or embracing a broken column and Temperance often holds a bridle. While certain of these props are unvarying, there was significant leeway in the choice of attributes over the centuries. E.H. Gombrich writes of the customary way of constructing an allegorical personification in which "an image or a concept can be explicated by means of attributes and it is really a matter of taste or tact how far the poet or artist wishes to go in piling up these specifications, how many attributes he wants to give Prudence to match her definition."[1]

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1. E.H. Gombrich, *Personification*, *in* CLASSICAL INFLUENCES IN EUROPEAN CULTURE A.D. 500-1500, at 247-57 (R.R. Bolgar ed., 1971).



Figure 1. *Iusticia* (Justice), Cornelis Matsys, circa 1543-1544.
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In the case of Justice, she is characteristically accompanied by her props of scales, blindfold, and sword. Justice is not passive; she bears arms in the form of a sword. The scales are a device for the weighing of evidence in order to come to a just conclusion. The blindfold is more ambiguous. It was first used in the fifteenth century to symbolize impartiality but has been less consistently employed in recent years. Originally those accompanying attributes would have been easily understood. They were meant to be "read," a skill we have lost in relation to the other three figures of Virtue that have fallen away along with the visual codes related to myriad additional groupings of Virtues and Vices. How many of us would recognize that a seated woman in classical garb gazing into a mirror with the mask of an aged face on the back of her head symbolizes Prudence? Although visual symbols do exist in the twenty-



Figure 2. *Prudence*, Agostino Veneziano, 1516.

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first century—one need only think of the constant barrage of images that are part of advertising on television, billboards, and the Internet to confirm this impression—our current reliance on the visual with or without text is quite different from the rigorous and pervasive visual systems passed down from the Classical and Christian past. In order to understand or "read" these allegorical figures of the Virtues and Vices, and the complex conceptual structure of thought that they referenced, one must first imagine ancient civilizations (as well as more recent cultures) with very limited means for the replication of texts. At the same time the ability to memorize long, elaborate and self-assured oration was highly prized. So, contrary to popular assumptions, these allegorical figures were not meant for an illiterate public. Although some visual representations of ideas certainly served a less literate public, the audience for these sophisticated visual personifications constituted a far more literate elite.

The scholar Frances Yates greatly renewed academic interest in this history with her 1966 work *The Art of Memory*.[2] In that groundbreaking study of how people learned to retain and present large bodies of knowledge before the invention of the printing press, Yates traces the art of memory from its origins in Greek oratory, through its more Christian

2. FRANCES A. YATES, THE ART OF MEMORY (1966).

uses in the Middle Ages, to the occult and complex forms it took in the Renaissance, and ultimately to its decline in the seventeenth century.

The subject of Yates's book is probably unfamiliar to most modern readers. Yates thoughtfully situates the art of memory historically:

> Few people know that the Greeks, who invented many arts, invented an art of memory which, like their other arts, was passed on to Rome whence it descended in the European tradition. This art seeks to memorise through a technique of impressing "places" and "images" on memory. It has usually been classed as "mnemotechnics," which in modern times seems a rather unimportant branch of human activity. But in the ages before printing a trained memory was vitally important . . . .[3]

Some two millennia later and in contrast to the experience of the Greeks and Romans, it is difficult for us, in an age of constant access to information via books, newspapers and especially the Internet, to fully appreciate the necessity and utility of a finely trained memory.

This "art of memory" established a recognized set of principles and techniques from the middle of the first millennium BCE onward. It was associated with training in oratory, rhetoric, and logic, and influenced religious and magical practices. The technique most commonly used was the association of emotionally and visually striking images within a visualized location, which was typically architectural but sometimes involved the human body. Vivid images, for example, might be imagined in the niches common to the exterior of classical structures. The speaker would then proceed from image to image remembering the details and the topics of their speech or disquisition in a specific order. It is no accident that we still tend to say when we are presenting an argument, "in the first place" or "in the second place," or even given the mnemonic use of the body, "on the one hand," or "on the other hand." Often, purposefully exaggerating an image's uncommon beauty or extreme ugliness made it easy to remember. Strange juxtapositions or heightened emotional content were also utilized and would ultimately influence the choices made in the assignment of attributes or in the distinctive beauty of the figures of Virtue or frightening appearance of the Vices. Thus the habitual practice of vividly imaging concepts and ideas became an integral part of systems of meaning and the organization of knowledge. The art of memory is more than a mnemonic method, it tempered and conditioned the transmission of ideas and knowledge for more than two millennia.

Codifiers of this classical system included Cicero, in his *De Inventione* and *De Oratore*, and Quintilian, in his *Institutio Oratoria*. In particular, Cicero's definitions of the virtues and their parts were a very important

3. *Id.* at xi.

source for the formulation of what became the four Cardinal Virtues. Aristotle also wrote extensively on the subject of memory and mentions the technique of placing vivid mental images in a deliberate order to aid one's memory. His writings became a conduit for the revival of the art of memory among medieval Scholastics and the Dominicans. Greatly influencing thirteenth-century Christian theologians, Thomas Aquinas conveyed the art of memory within the context of meditative reading and composition.[4] The practice of creating memorable images often accompanied by highly legible associated attributes certainly made a major contribution to the tradition of depicting Christian Evangelists and saints with symbolic objects. And, when applicable, the instruments of martyrdom were similarly used. Many Catholics still know to identify Mark, the Evangelist, with a book and a winged lion, Mary Magdalene with a jar of ointment, or Saint Michael with scales, banner, sword, and dragon. A martyr such as Saint Lucy is difficult to mistake with her remarkable pair of eyes held up on a platter, and Saint Sebastian is easily recognized by the piercing arrows in his arms or legs. By various accidents of fate, a few classical figures and their attributes also endure in contemporary usage. Mercury, for example, from 1914 onward has served as the emblem of FTD, or Florists' Telegraph Delivery, the world's first "flowers by wire service."[5]

During the Renaissance, striking figurative images depicted and identified a complex and changeable set of Vices and Virtues. In the first chapter of their book *Representing Justice*, Judith Resnik and Dennis Curtis provide a very helpful and clarifying account of the mutable sets of Cardinal and Theological Virtues as well as of other related categories.[6] The Cardinal Virtues—Justice, Prudence, Fortitude, and Temperance—are typically depicted as goddesses in classical billowing gowns with their distinctive attributes. Most other sets and constellations are also female, but the Seven Vices are sometimes interestingly depicted as men. The cohort of Vices could include Anger, Avarice, Deceit, Despair, Discord, Envy, Extravagance, Gluttony, Greed, Inconstancy, Infidelity, Lechery, Lust, Pagan Idolatry, Pride, and Sloth. (The Virtues are also sometimes presented as a subset of a much larger group which included Abstinence, Discipline, Humility, Loyalty, Largesse, Magnanimity, Modesty,

4. Frances Yates writes extensively about Thomas Aquinas's role, in *De Memoria et Reminiscentia*, as a conduit of Aristotelian thought on memory and reminiscence. *Id.* at 70-81.

5. On August 18, 1910, fifteen American retail florists agreed to exchange orders for out-of-town deliveries. Originally called "Florists' Telegraph Delivery," FTD was the world's first flowers-by-wire service. In 1914, FTD adopted the classic figure of Mercury as its official logo. About Us, FTD, http://www.ftd.com/5970/custserv/aboutus.epl (last visited Nov. 4, 2011).

6. JUDITH RESNIK & DENNIS CURTIS, REPRESENTING JUSTICE: INVENTION, CONTROVERSY, AND RIGHTS IN CITY-STATES AND DEMOCRATIC COURTROOMS 8-12 (2011).

Obedience, Patience, Peace, Simplicity, or Sobriety.) It helps to understand that the Virtues as a group were generally used to depict the full range of personal virtues required of a ruler. Over time, as personalized political power declined and authority became much more institutionalized, so did the Cardinal Virtues. Ultimately Justice survives because she can so easily be associated with law courts and the administration of justice. Without an institutional framework, Prudence, Fortitude and Temperance fade away.

Sixteenth-century allegorical engravings often reproduced the various depictions of the Cardinal Virtues or the theological trio of Faith, Hope, and Charity. The reproducible print had a profound influence on the diffusion and popularization of images and we find these usually imposing figures and their attributes appearing on coats of arms and in architectural details and decorative flourishes. As is well-established, the printing press had a transformative effect creating more universal access to knowledge on account of the distribution of printed texts. Less known, however, is the impact and wide dissemination of printed images as book illustrations, folios, or separate sheets. William M. Ivins's *Printmaking and Visual Communication*, first published in 1953, remains the best study of the crucial role of printmaking as a vehicle for the diffusion of images and ideas.[7] Ivins explains and historically supports the crucial role of the printed picture as a valued and influential source of information. The replicable image whether classified as "art" or not, becomes an important agent of change along with the repeatable text in the printed book.

Other related phenomena were the popular European emblem books of the sixteenth and seventeenth centuries. Cesare Ripa's *Iconologia* (1593) was the most influential of these emblem books.[8] Orators, poets, artists, and other authors mined the work for its elaborate descriptions of the symbolic paraphernalia and literary references associated with the Virtues, Vices, and Passions as well as the Arts and Sciences. Like the *Iconologia*, most emblem books featured memorable and dramatic woodcut figures as well as ornate typographical borders accompanied by epigrammatic verses on moral themes. Emblem books were produced by and for highly literate circles (often conversant in Greek as well as Latin), and usually demonstrated a very sophisticated understanding of classical sources. In many cases they became esoteric and witty exercises in one-upmanship. The allegorical figures used in emblem books are first cousins to the Virtues and Vices with their attributes.

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7. WILLIAM M. IVINS, PRINTMAKING AND VISUAL COMMUNICATION (1953).

8. *See* C. RIPA, BAROQUE AND ROCOCO PICTORIAL IMAGERY (E. Maser ed., 1971). The first edition of Ripa's Iconologia was published in Rome in 1593.

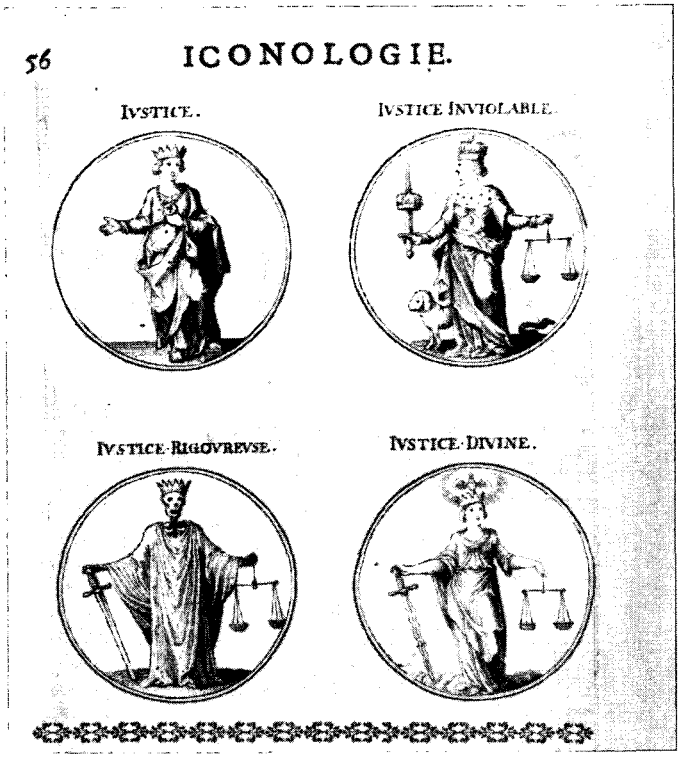


Figure 3. *Iconologie*, Cesare Ripa, Paris, Mathieu Guillermot, 1644.
Reproduced courtesy of the Rare Book Collection, Lillian Goldman Law Library, Yale Law School.

The pervasive use of the art of memory declines with the Reformation and Counter-Reformation, as Protestants and reactionary Catholics worked to eradicate pagan influences and the rich classical imagery of the Renaissance. Counterintuitively, while the art of memory declines, interest rises in emblems and allegories, which proliferate as never before in the period during and after the Reformation and Counter-Reformation, despite the opposition of some reformers to aspects of this tradition. Ripa's *Iconologia*, for example, exerts a strong influence well into the eighteenth century. Paradoxically, the Jesuits were among the most enthusiastic users of emblems and allegory. Desire for visual forms of communication believed to be universal further fueled this interest. Ultimately the decline of the arts of memory and the elaborate systems of categorization of Virtues and Vices has less to do with ecclesiastical trends than with the paradigm shift away from using resemblances, personifications, and symbols to interpret the world, as science increasingly provided more convincing forms of explanation.

Given the historical context it is all the more impressive that the honored figure of Justice sits outside countless courthouses, and inside numerous courtrooms, in widely distributed geographic locations. Indeed,

she is saved by her association with the law and by the desire to identify the places and institutions where laws are interpreted or adjudicated with the authority of a seemingly timeless tradition. Justice moves over the centuries from divine agency to the adjudication of judges and one's peers. It is not a science, but always a matter of judgment.

The most important legacy of the art of memory itself is its emphasis on the visualization of abstract concepts and its formative role in framing ideas. Art historians and other scholars may have access to an incredible panoply of memory images, but those images are lost to the great majority of the public. The persistence of the figure of Justice as an emblem for the rites of judgment reveals a small portion of what could be a much richer visual inheritance.

Now, whether Justice is seated or standing, whether with all or most of her attributes, she is recognized and legible, a messenger from a much earlier time. That survival is very moving in its own right. It is also pertinent to an ongoing modernist and postmodernist debate about the value of figuration in contrast to the perceived universality of abstraction.[9] Such considerations, for example, have spurred lively discussions in response to Ellsworth Kelly's installation of large minimalist non-objective paintings at Boston's Moakley Federal Courthouse. Most importantly, the persistence of the figure of Justice with her history and accumulated associations gives us a very direct apprehension of the values inherent in legal institutions. Our recognition of her ongoing meaning connects us to deep continuities within human history.

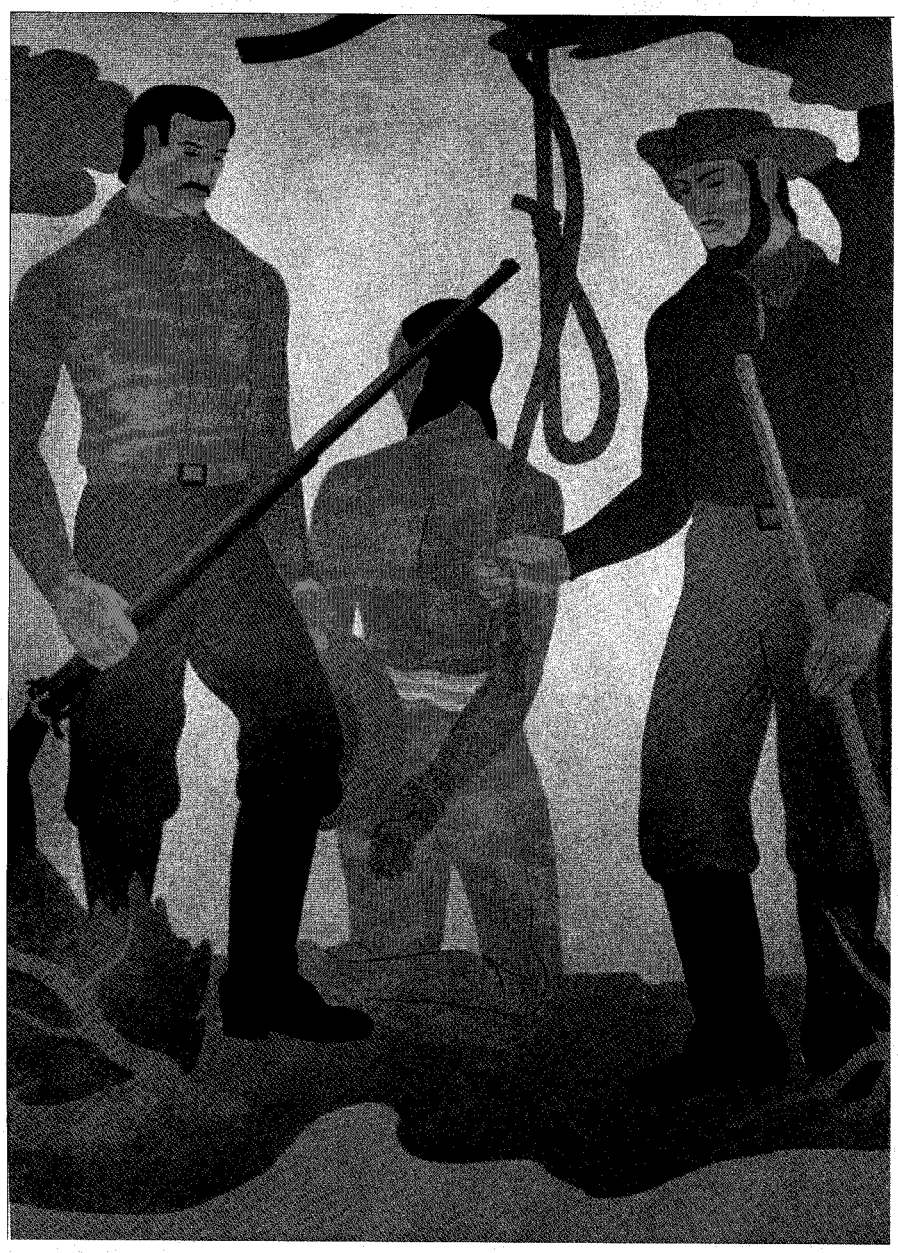
9. *See, e.g.*, Michael Fried, *Art and Objecthood*, *in* ART AND OBJECTHOOD: ESSAYS AND REVIEWS 148 (1998); Clement Greenberg, *Modernist Painting*, *in* 4 THE COLLECTED ESSAYS AND CRITICISM: MODERNISM WITH A VENGEANCE, 1957-69, at 85 (John O'Brian ed., 1993). Beyond the classic twentieth-century literature on this subject by Greenberg and Fried there are the more recent writings of Michael Kelly. *See* MICHAEL KELLY, ICONOCLASM IN AESTHETICS (2003).

COLOR PLATES



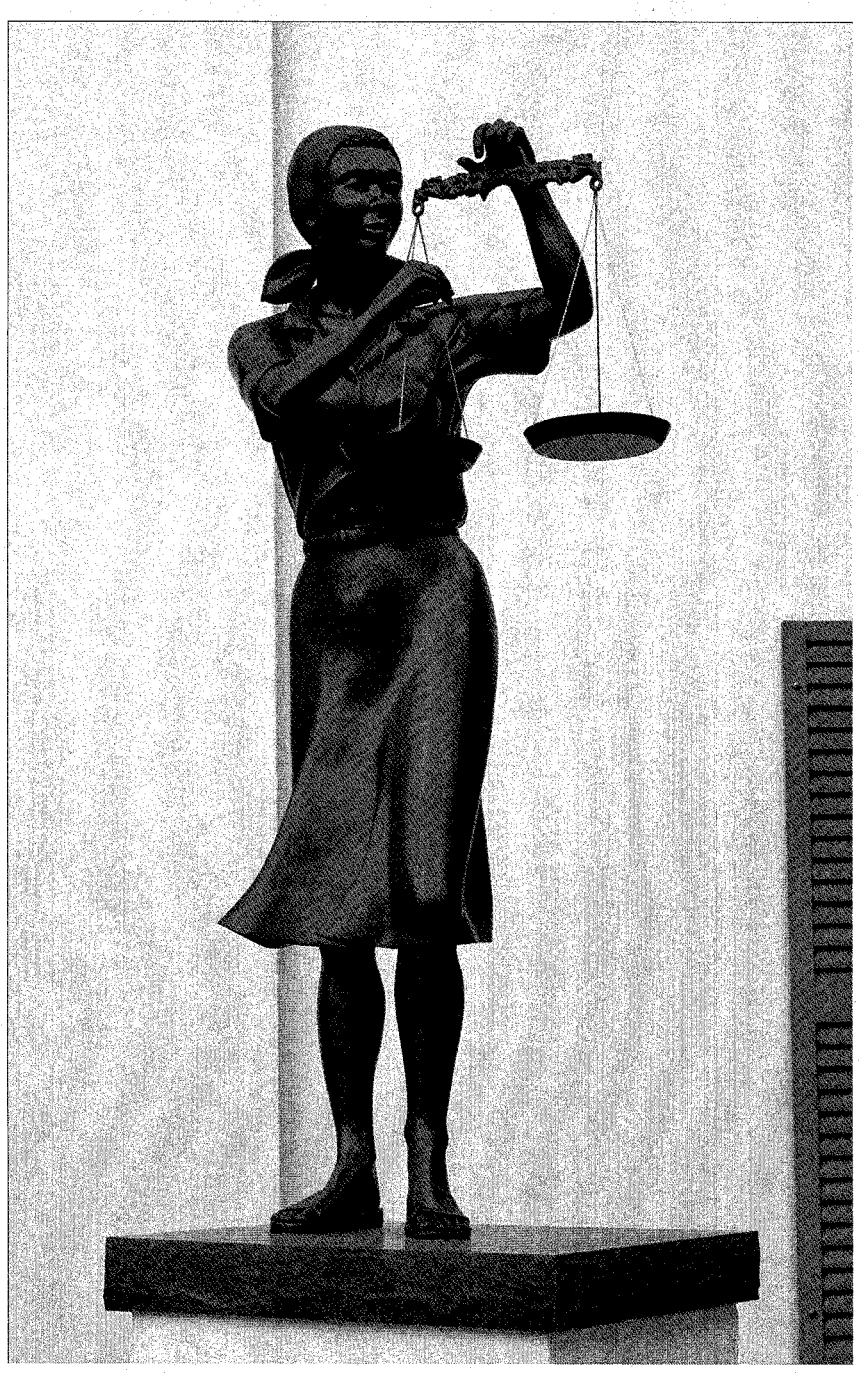
Color Plate 1.
Justice as Protector and Avenger, Stefan Hirsch, 1938, Charles E. Simons, Jr. Federal Courthouse, Aiken, South Carolina.

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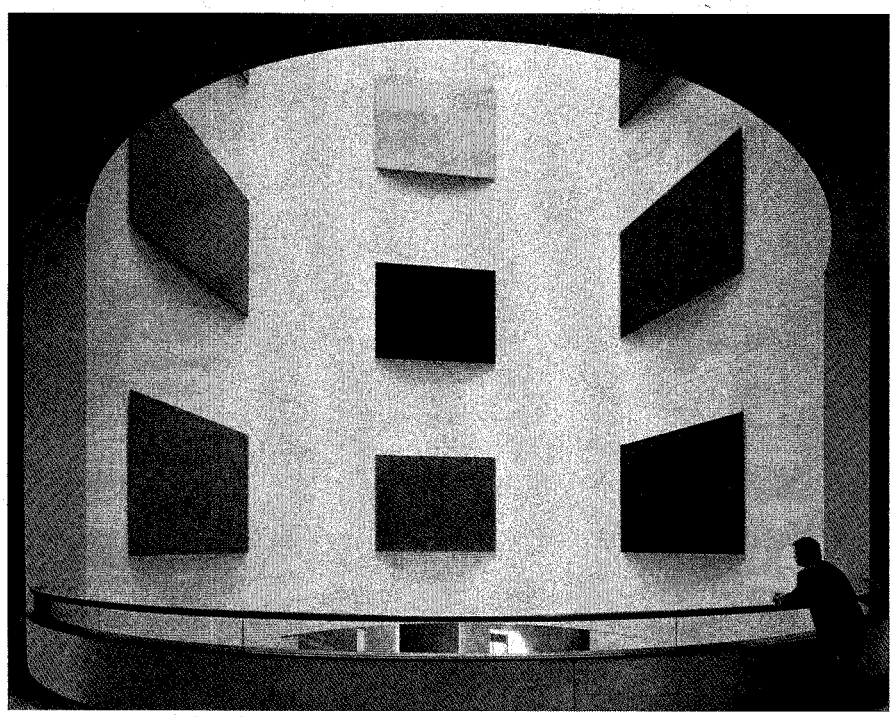
Color Plate 2.
Mural, attributed to Ivan Bartlett, circa 1939, Old Ada Courthouse, Ada, Idaho. Photographer: Paul Hosefros, 2007.

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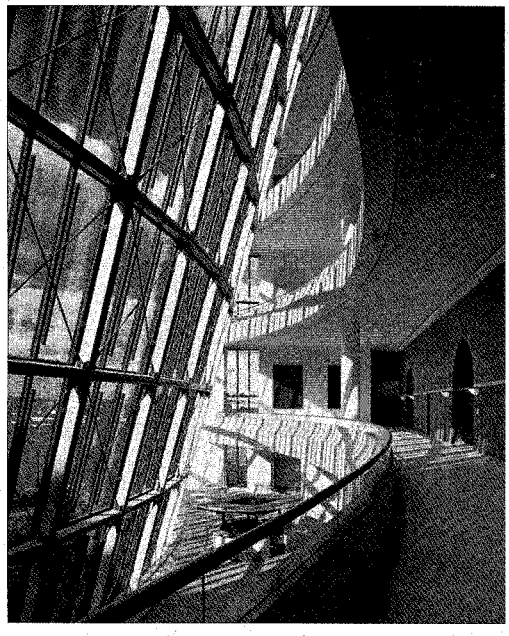
Color Plate 3.
Lady of Justice, Jan R. Mitchell, 1993, Almeric L. Christian Federal Building, St. Croix, United States Virgin Islands. Photographer: Steffen Larsen.

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Color Plate 4.
The Boston Panels, Ellsworth Kelly, 1998, John Joseph Moakley United States Courthouse, Boston, Massachusetts. Photographer: Steve Rosenthal.

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Color Plate 5.
The Great Hall, John Joseph Moakley United States Courthouse, Boston, Massachusetts. Architect: Henry N. Cobb. Photographer: Steve Rosenthal.

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