2012

Blind Justice

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As Judith Resnik and Dennis Curtis remind us in *Representing Justice,* the image of Justitia, blindfolded, balancing a scale in one hand, and brandishing an unsheathed sword in the other, is ubiquitous.[1] Indeed, as I have written elsewhere, the image is "so ubiquitous—in courthouses, on law books, in law schools—and so ingrained in our collective consciousness, that it has the weight of a given. Too often, we are beyond noticing it, beyond seeing it."[2] *Representing Justice*, certainly more than any other work I am aware of, forces the reader to see Justice, or as I prefer to call her, Justitia. It's a magisterial book, and the idea of bringing a distinct perspective to the subject is daunting. Still, there is something I hope to add to the discussion that Resnik and Curtis have begun with their work. That something is to ask a slightly different question, or perhaps put the question more bluntly than I think *Representing Justice* does. While attention has been paid to Justitia's attributes, my question shifts attention from Justitia's *affects* to Justitia's *effects*. My question is what function does Justitia have? In short, I want to explore the work she does, and for whom. In the remainder of this Essay, I make that exploration by drawing attention to two areas of the criminal law where we are the ones blindfolded: rape shield laws and punishment decisions. I then turn, more broadly, to blindness as it relates to our carceral state.

This is not my first consideration of Justitia. In an essay I wrote some years ago, I examined Justitia's blindfold, which rightly has been described as "the most enigmatic" of her traits.[3] I asked what it means to

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1. JUDITH RESNIK & DENNIS CURTIS, REPRESENTING JUSTICE: INVENTION, CONTROVERSY, AND RIGHTS IN CITY-STATES AND DEMOCRATIC COURTROOMS 1 (2011)

2. I. Bennett Capers, *On Justitia, Race, Gender, and Blindness,* 12 MICH. J. RACE & L. 203, 203-04 (2006).

3. Martin Jay, *Must Justice Be Blind?*, *in* LAW AND THE IMAGE 19 (Costas Douzinas & Lynda Nead eds., 1999) (quoting and translating ROBERT JACOB, IMAGES DE LA JUSTICE; ESSAI SUE L'ICONOGRAPHIE JUDICIARE DU MOYEN AGE A L'AGE CLASSIQUE (1994)). Robert Cover made a similar point in his *Procedure*:

> There is a critical ambiguity to the blindfold of Justice—which no end of explanation in terms of 'impartiality' can illuminate. Sure Justice is blindfolded so that she may be impartial, but just as sure her blindfold cannot function on that level alone . . . the richness of the concreteness of our

look upon Justitia not just as a law professor and an iconophile, but as a black law professor and black iconophile. I asked what it means to look upon Justitia with a black gaze.[4] I asked what it means for Justitia to be figured as female and white.[5] I also asked what it means for Justitia to be blind in a society where justice, for so long, has been color-coded. Now, years later, *Representing Justice* has prompted me to give Justitia a second look. Again, it is her blindfold that I find most intriguing. But this time, I want to focus on the blindfold's effects.

To a certain extent, this is material that Resnik and Curtis touch on. As they observe, Justitia functions as a reminder to judges to be impartial and to hear both sides. My interest here is really on Justitia's other work, from the work Justitia does with respect to jurors to the work she does with respect to the larger public. Let me state this differently. The cultural theorist Richard Leppert has argued that "images are less visual translations of what might otherwise be *said* (in words) than they are visual transformations of a certain awareness of the world."[6] If that is the case, how does the image of Justitia shape our awareness of the world? Art historian James Elkins notes in *Pictures and Tears* that the visual image works "in a way that isn't easily put into words, that slides in and out of awareness, that seems to work upward toward the head from somewhere down below: a way that changes the temperature of your thinking instead of altering what you say."[7] In *The Object Stares Back,* Elkins adds, "Seeing is metamorphosis, not mechanism . . . . [It] alters the thing that is seen and transforms the seer."[8] If that is true, how does the image of Justitia change the temperature of our thinking? How does it

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icon lies in its capacity to be reduced 'merely' to an idea like impartiality.

ROBERT M. COVER, OWEN M. FISS, & JUDITH RESNICK, PROCEDURE 1231 (1988).

4. For more on the "black gaze," see BELL HOOKS, BLACK LOOKS: RACE AND REPRESENTATION (1992); RACE-ING ART HISTORY: CRITICAL READINGS IN RACE AND ART HISTORY (Kymberly N. Pinder ed., 2002); and WITH OTHER EYES: LOOKING AT RACE & GENDER IN VISUAL CULTURE (Lisa Bloom ed., 1999).

5. Interestingly, injustice has frequently been figured as black. During the late 1980s, one of the most frequent images of injustice was the figure of Willie Horton, a black convicted killer, used to rally white voters during the 1988 presidential election. As Regina Austin put it, "Willie Horton symbolized the threat that black males, aided by white liberal politicians, pose to innocent whites. Playing on racial fears, the ads' signifying was not limited to the criminal element; every black man was a potential Willie Horton, rapist, and murderer." *See* Regina Austin, *Beyond Black Demons and White Devils: Anti-Black Conspiracy Theorizing and the Black Public Sphere*, 22 FLA. ST. U. L. REV. 1021 (1995). For more on this appeal to race, see Samuel R. Gross, *Crime, Politics, and Race*, 20 HARV. J.L.& PUB. POL'Y 405 (1997); D. Marvin Jones, *"We're All Stuck Here for a While": Law and the Social Construction of the Black Male*, 24 J. CONTEMP. L. 35 (1998); and Dan M. Kahan, *The Secret Ambition of Deterrence*, 113 HARV. L. REV. 413 (1999).

6. RICHARD D. LEPPERT, ART AND THE COMMITTED EYE: THE CULTURAL FUNCTIONS OF IMAGERY 6 (1996).

7. JAMES ELKINS, PICTURES AND TEARS: A HISTORY OF PEOPLE WHO HAVE CRIED IN FRONT OF PAINTINGS, at x (2001).

8. JAMES ELKINS, THE OBJECT STARES BACK: ON THE NATURE OF SEEING 11-12 (1996).

transform us?

I want to complicate this further by mentioning reproduction and repetition. After all, every image we see of Justitia is a type of reproduction.[9] What feelings do these reproductions reproduce? Justitia, cast in bronze or carved in marble or stone, however still, however silent, does not stand passive. She serves as an admonishment to judges. But she also communicates to us. And it is what she communicates to us that seems under-examined and under-theorized.

Allow me a brief detour. Consider two fairly recent cases—*McCreary County, Kentucky v. ACLU*[10] and *Van Orden v. Perry*[11]—involving the display of another iconic image, the Ten Commandments. In each case, the Supreme Court wrestled with whether the display of the Ten Commandments—on courthouse grounds in *McCreary*, and on the grounds of the state capitol building in *Van Orden*—violated the Establishment Clause of the Constitution. Ultimately, the Court concluded that only the display on courthouse grounds was erected with a religious purpose, and thus in contravention of the First Amendment. Although the Court focused primarily on the purpose of erecting the Ten Commandment, the *sine qua non* of an Establishment Clause violation and the basis for distinguishing the display on courthouse grounds from the display at the state capitol, running just below the surface of the *McCreary* opinion was another ground for distinction: the display's effect. It is not just that the display on courthouse grounds communicated the state's endorsement of one religion over another. The display, positioned as it was in a courthouse, likely also had the effect of suggesting to observers that certain religious values should be brought to bear in their role as courthouse participants, as witnesses, and as jurors. For jurors in particular, the presence of the Ten Commandments likely communicated that their deliberations should be informed not only by the judge's charging instructions, but also by these other commandments—that positive law should matter, but only when balanced against some higher, biblical law.[12] In short, what is also at stake when considering religious displays is the often unstated, subtle effect on the "reasonable

9. Indeed, on a certain level, the images of Justitia are reproductions of reproductions. Unlike, say, a postcard of Van Gogh's *The Starry Night,* or Da Vinci's *Mona Lisa,* images of Justitia have no discernible original. Every presentation of Justitia is invariably also a re-presentation. As such, these images share similarities with Jean Baudrillard's third level of simulation. *See* RICHARD J. LANE, JEAN BAUDRILLARD 86-87 (2000). They are also authorless, since the creator of a Justitia image, even when known, is usually subordinated to the image itself.

10. 545 U.S. 844 (2005).

11. 545 U.S. 677 (2005).

12. As Justice Souter noted writing for the *McCreary* majority, at the ceremony marking the display of the Commandments, the county Judge-Executive declared them "good rules to live by." A pastor added that they were a "creed of ethics." *McCreary*, 545 U.S. at 851.

observer."[13]

The point of my reference to *McCreary* and *Van Orden* is that Justitia, like the Ten Commandments, also works its way into the "reasonable observer." When we look at a visual image, we bring a set of learned assumptions to bear.[14] It is these very learned assumptions that render an image legible. This is why when we look at Justitia's sword, we know to associate it with law's severe punishment, what Robert Cover aptly identified as law's violence.[15] But this is only one element of looking. Looking, after all, is reciprocal. As I have observed elsewhere, "every image is specular, stares back, tells us something about ourselves."[16] The process of looking is not only about the spectator's learned assumptions. The process of looking is also a process of learning, of being transformed by what is seen, though often this learning, this transformation, is subtle. I think part of her power, part of the reason Justitia has had such a hold on us, is that part of the work she does it *sub stratum*, below the surface. Part of the work she does—and here, the blindfold takes on added significance—is out of sight.

Consider the experience of encountering Justitia in a courthouse. Though our eyes may glance over her—she is nothing new, we have seen her before, we can no longer remember not seeing her—her presence reassures us. It tells us that justice should happen here. That the judge will be impartial (the blindfold.) That the judge will weigh all of the evidence (the scale). And that judgment, particularly in criminal cases, will be enforced (the sword). Indeed, as Resnik and Curtis observe, Justitia becomes a symbol of government.[17] Throughout, the experience of encountering Justitia is usually one of externalization. We tend to think of justice as something that will be done. We rarely think of justice as something *we* will do, or that *we* in fact do. Justice is externalized, and part of what facilitates this externalization is the personification of justice. *She* will do justice, not us.

But this externalization of justice is only the part of the work Justitia does. Justitia also tricks us into not recognizing that many of her attributes are ours. Consider her sword, signifying the threat of force behind the law's judgment. Nowhere is this force more final than in the imposition of the death penalty. Now consider the diffused way in which death penalty decisions are made in this country. No decision about death is entirely

13. Tellingly, Justice Breyer, the only Justice who viewed the courthouse display as unconstitutional and the state capitol display as constitutional, repeatedly turned to the displays' effects in his analysis. *Van Orden*, 545 U.S. at 701 (Breyer, J., concurring).

14. JOHN BERGER, WAYS OF SEEING 11 (1972).

15. Robert Cover, *Violence and the Word*, 95 YALE L.J. 1601 (1986).

16. Capers, *On Justitia*, *supra* note 2, at 209.

17. RESNIK & CURTIS, *supra* note 1, at xv.

made by an individual. Rather, as I have observed elsewhere, the act of state-imposed death is diffused among legislators, prosecutors, jurors, trial and appellate judges, governors with their ability to grant clemency, and even executioners.[18] As one scholar has put it, the diffusion allows everyone to say, "I'm only doing my job. I'm just a cog in the wheel. I didn't kill him."[19] But to a certain extent, our personification of justice facilitates this diffusion. It allows us to look upon Justitia, brandishing a sword, and think that Justice determined the defendant's fate. It allows us to excuse ourselves from any responsibility. It allows us to say, invoking the passive voice, "Justice was served."

Historically speaking, I suspect that Justitia's presence in courthouses did something else as well. And here I need to turn to one of Justitia's least-discussed attributes: her gender. One has only to think of our history of coverture and our history of barring women from the practice of law[20] and from serving on juries,[21] to recognize that when it comes to women and courts our history is one of exclusion rather than inclusion. What I want to suggest is that the personification of justice as female should be examined as more than simply a remnant of the Renaissance, or a carryover from the Greek goddess Themis or the Egyptian goddess Ma'at.[22] Having justice personified as female also did the work of making the exclusion of real women from courtrooms less troubling. It gave the illusion of bringing a "feminine" hand to justice, when in fact female hands were absent.

But the attribute I keep coming back to, and the one that I think does the most work, is her blindfold. Scholars have suggested that the blindfold is emblematic of Justitia's purported impartiality.[23] Others read the blindfold as signaling her claim to algorithmic justice,[24] or as indicative of a second sight of sorts,[25] or as a limiting principle, reminding Justitia that she should tread cautiously, cognizant of the step that came before.[26] In

18. I. Bennett Capers, *On Andy Warhol's Electric Chair,* 94 CALIF. L. REV. 243, 259-60 (2006).

19. Earl F. Martin, *Tessie Hutchinson and the American System of Capital Punishment,* 59 MD. L. REV. 553, 558 (2000).

20. *See* Bradwell v. Illinois, 83 U.S. (16 Wall.) 130 (1873) (upholding a law that forbade women to practice law, noting the "natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civic life.")

21. *See* Hoyt v. Florida, 269 U.S. 57 (1961) (upholding a law that in effect limited jury service to men). *Hoyt* was not overruled until 1975 in *Taylor v. Louisiana,* 419 U.S. 522 (1975).

22. On Justitia's Greek and Egyptian forebears, see Capers, *On Justitia, supra* note 2, at 207-09.

23. Costas Douzinas & Lynda Nead, *Introduction* to LAW AND THE IMAGE: THE AUTHORITY OF ART AND THE AESTHETIC OF THE LAW 3 (Costas Douzinas and Lynda Nead eds., 1999).

24. Alan Wolfe, *Algorithmic Justice, in* DECONSTRUCTION AND THE POSSIBILITY OF JUSTICE (Drucilla Cornel, Michel Rosenfeld & David Gray Carlson eds., 1992) (describing "algorithmic justice" as involving the blind adherence to binding rules and precedent).

25. Capers, *On Justitia, supra* note 2, at 205.

26. Martin Jay, *Must Justice Be Blind?, in* LAW AND THE IMAGE 32 (Costas Douzinas & Lynda

each of these readings, however, we see Justitia as external to ourselves, or, at most, serving as an admonishment to judges. What I want to suggest is that Justitia's blindness also has the effect of blinding the spectator. At a certain level, Justitia's blindness lulls and tricks us into not seeing our own blindness.

To illustrate what I mean, I want to quickly touch on two areas of criminal law that illustrate our acquiescence to a type of judicially imposed blindness. The first area will be well known to many and relates to our evidentiary rules. In the past, I have discussed how our rules of evidence enforce a type of blindness on jurors. "Evidence that would tend to provide explanation or context is deemed irrelevant, or non-probative. We stick to this line so strongly that we banish any juror who so much as mentions extraneous evidence. And if that doesn't remedy the problem, we declare a mistrial."[27] By contrast, some of the very evidence we exclude is permitted during the capital phase of trials, notwithstanding the fact that, as Rachel Barkow has recently observed, there is nothing in the text of the Eighth Amendment to justify different rules for capital cases.[28] But there is a particular aspect of our evidentiary rules that I have not previously discussed. It involves our rape shield laws.

There are many things we conceal from jurors in criminal cases. Perhaps most famously, Rule 404 of the Federal Rules of Evidence prohibits the government from introducing character or propensity evidence of the accused. But, because I have been writing about rape recently,[29] I want to focus on another rule of exclusion: Rule 412 of the Federal Rules of Evidence, which prohibits evidence of an alleged victim's sexual behavior or predisposition in any sex offense case. The rule, a product of the rape reform movement of the 1970s and 1980s, aims to "safeguard the alleged victim against the invasion of privacy, potential embarrassment and sexual stereotyping that is associated with public disclosure of intimate details and the infusion of sexual innuendo into the factfinding process."[30] While this goal is a laudatory one, it is also deeply problematic. For one, in barring sexual history evidence, it leaves as the default that every victim was chaste, thus reinforcing the notion that virgins are worthy of the protection, while those who are sexually active

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Nead eds., 1999) (citing M. Petitjean, *Un homme de loi semurois: L'avocat P. Lemulier, in* ANNALES DE BOURGOGNE 57:245).

27. Capers, *On Justitia, supra* note 2, at 212.

28. Rachel E. Barkow, *The Court of Life and Death: The Two Tracks of Constitutional Sentencing Law and the Case for Uniformity,* 107 MICH. L. REV. 1145, 1163-64 (2009).

29. *See, e.g.*, I. Bennett Capers, *Real Rape Too,* 99 CALIF. L. REV. 1259 (2011); I. Bennett Capers, *The Trial of Bigger Thomas: Race, Gender, and Trespass,* 31 N.Y.U. REV. L. & SOC. CHANGE 1 (2006); I. Bennett Capers, *The Unintentional Rapist,* 87 WASH. U. L. REV. 1345 (2010).

30. FED. R. EVID. 404 advisory committee's notes.

are not.[31] But my point in mentioning Rule 412 here is more limited: to what extent are jurors aware of this imposed blindness? We do not tell jurors, "We are withholding certain information from you." We simply withhold it.[32] The jurors become Justitia without realizing it. They are the ones blindfolded.

The second area of criminal law that illustrates a judicially imposed blindness is the law of punishment. In non-capital cases, jurors are generally prohibited from considering the issue of punishment. Any discussion of possible punishment by lawyers or witnesses can be grounds for a mistrial. Moreover, although jurors have the right to engage in nullification, lawyers are forbidden from advising jurors of that right. As the Supreme Court put it in *Shannon v. United States*[33]:

> The principle that juries are not to consider the consequences of their verdicts is a reflection of the basic division of labor in our legal system between judge and jury. The jury's function is to find the facts and to decide whether, on those facts, the defendant is guilty of the crime charged. The judge, by contrast, imposes sentence on the defendant after the jury has arrived at a guilty verdict. Information regarding the consequences of a verdict is therefore irrelevant to the jury's task. Moreover, providing jurors sentencing information invites them to ponder matters that are not within their province, distracts them from their factfinding responsibilities, and creates a strong possibility of confusion.[34]

A few cases illustrate how vigilant we are in imposing blindness on jurors. The first case dates from my time as a federal prosecutor in the Southern District of New York. *United States v. Pabon-Cruz*[35] involved an eighteen-year old first offender, a scholarship student at the University of Puerto Rico, who was charged with advertising and distributing child pornography over the Internet. At trial, the defense sought permission to advise the jury that the advertising count carried a ten-year mandatory minimum sentence. In agreeing, the trial court made a point of questioning the government's need to blind the jurors to punishment:

> [T]he government, which had the opportunity to have a fact finder who would be bound to apply the law and the evidence, chose a

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31. I am exploring this problem with Rule 412 in a separate article. *See* I. Bennett Capers, Real Women, Real Rape 2-3 (Nov. 4, 2011) (unpublished manuscript) (on file with author).

32. That courts go to great lengths to fashion evidence in such a way so that jurors are unaware that certain information is being withheld can be seen from looking at Rules 102 or 403 of the Federal Rules of Evidence, which allow courts to redact evidence to minimize the evidentiary costs of protecting parties from unfair prejudice. FED. R. EVID. 102, 103; *see, e.g.*, Old Chief v. United States, 519 U.S. 172 (1997); United States v. Jackson, 405 F. Supp. 938 (E.D.N.Y. 1975).

33. 512 U.S. 573 (1994).

34. *Id.* at 579.

35. 391 F.3d 86 (2004).

> fact finder, I assume, because it wanted a judgment of the community, and yet it doesn't want the community to know what it is actually judging about or what the consequences of its judgment are.[36]

In response to the court's decision granting the defense motion, the government immediately appealed to the Second Circuit Court of Appeals for a writ of mandamus barring the trial court from advising jurors of the mandatory ten-year sentence the defendant would receive if convicted. The Second Circuit granted the request, the judge was barred from advising the jurors about the sentence, and the defendant was convicted.[37]

The other case, featured on the PBS show *Frontline*, is perhaps better known. In 1993, Clarence Aaron was convicted of three charges linked to a drug-distribution ring. At the time of the offense, he was a promising student at Southern University at Baton Rouge. In need of cash, Aaron introduced a high school friend to an acquaintance who was a drug dealer in exchange for $1500. Aaron elected to go to trial and was convicted and sentenced to three concurrent life sentences without the possibility of parole. *Frontline* later interviewed one of Aaron's jurors who, because of the blindness that is imposed on jurors, never learned of the severity of Aaron's sentence.

> INTERVIEWER: What kind of sentence do you think he deserves?
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> JORDAN: Well, I wouldn't have thought a large number of years, no. Just—. Just—. Probably a short sentence. Now, what a short sentence is I don't know – three to five years, maybe something like that. I don't know.
>
> INTERVIEWER: Do you know that he got life?
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> JORDAN: Life!
>
> INTERVIEWER: Three concurrent life sentences.
>
> JORDAN: Three concurrent life sentences. With no hope of parole?
>
> INTERVIEWER: No hope of parole.
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> JORDAN: Well, that's more than I thought it would be. But see, I had no idea. Well, I'm surprised at that, I really am, that harsh a sentence. He seemed to be a pretty promising boy. Why did they get such a high sentence, I wonder? I wish I didn't know that they'd [sic] got life.[38]

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36. *Id.* at 90.

37. *Id.* at 91.

38. *Frontline, Snitch: How Informants Have Become a Key Part of Prosecutorial Strategy in the Drug War* (PBS television broadcast Jan. 12, 1999), *available at* http://www.pbs.org/

Far from being atypical, the Aaron case and the Pabon-Cruz case are quite representative. In most jurisdictions, jurors are, as a matter of law, kept blind when it comes to deciding the fate of defendants.

All of this brings me to the largest consequence of our blindness in the practice of criminal law. It is not just jurors who are blinded and who are either unaware of this blindness or accept it uncritically. It is not just jurors who look upon Justitia and think of blindness as something external to themselves, and as normatively appropriate. It is all of us. And nowhere is this collective blindness, this indifference that Justitia instills in us, more evident than in the legitimation of our carceral state. And here too race matters, because it is difficult to understand our carceral turn without also understanding this country's racialized history. We live in a country that, between 1970 and 2005, increased its prison population by 628%.[39] We live in a country where one in every one-hundred persons is behind bars, where our prisons and jails now hold about 2.4 million individuals.[40] This is more than the population of New Hampshire, more than the population of Wyoming, more than the population of Vermont.[41]

Part of this increase is attributable to the war on drugs, to be sure, but part is also attributable to our turn to longer and longer sentences, including life without parole and de facto life. Consider more numbers. Since 1992 and 2009, the number of prisoners serving life without the possibility of parole has increased by more than 300%.[42] The number of prisoners serving life sentences with the remote possibility of parole is more staggering. As of 2009, one in every eleven prisoners was serving a life sentence.[43] All of this is color-coded, and this is the final blindness. We have created invisible prison cities—indeed, prison states—whose occupants are faceless and numbered and forgotten, whose occupants are overwhelming black or Hispanic and overwhelmingly poor, and too few of us care. Justitia instills in us the sense that this type of blindness is appropriate. Justitia instills in us the sense that blindness as we administer punishment is even better. That is the work she does.

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wgbh/pages/frontline/shows/snitch/ (including an interview with Willie Jordan).

39. HEATHER C. WEST & WILLIAM J. SABOL, U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS: PRISONERS IN 2007, at 1 (2008), *available at* http://www.ojp.usdoj.gov/bjs/pub/pdf/p07.pdf.

40. *Id.*

41. Capers, *On Justitia*, *supra* note 2, at 213-14.

42. Ashley Nellis, *Throwing Away the Key: The Expansion of Life Without Parole Sentencing in the United States*, 23 FED. SENT'G REP. 27-32 (2010).

43. *Id.*

In the essay I wrote several years ago on Justitia, I ended my exegesis by calling for a new image. I imagined a day when we could de-sex her, de-race her, and remove her blindfold. I want to end this Essay by returning to an older image. The image is Bruegel's *Justitia* (1559).[44] On a pedestal in the foreground stands Justice personified, properly blindfolded, sword in one hand, scales in the other. All around her, "justice" is being carried out: one man is being beheaded; another is strapped to a bench while boiling liquid is poured down his throat; there

Figure 1. *Justice*, etching, attributed to Philip Galle, circa 1559, after the 1539 drawing by Pieter Bruegel the Elder.

are persons tied to wheels; there are persons hanging from gallows; one person hangs with his ankles bound to his wrists. As Resnik and Curtis observe in *Representating Justice,* the "ambiguity of the scene has prompted disagreement about the artist's intent."[45] Some commentators see an unproblematic portrayal of justice, while others "argue the scene to be a critique of the administration of justice."[46] Resnik and Curtis add, "Although titled Justice, the scene could be its inversion."[47] I have always

44. Figure 1.
45. *Id.* at 72.
46. *Id.*
47. *Id.*

been in the latter camp and, like Resnik and Curtis, have focused on Justice's blindfold as signaling *her* injustice. But now, it is the larger picture that draws my attention. Look carefully. Look at all the citizens going about their business. She's not the only one indifferent to the horrors going on around her. She may be the only one who is literally blindfolded, but she's not the only one who's blind. They all are. So are we.

Still, I find myself eager for a new image to represent Justice, so how about this: A mirror in which we can see ourselves. A mirror in which our eyes are wide open. A mirror in which justice is, finally, just us.