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Iconomus

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This study is not simply a book about legal emblems, but about the overall significance of a critical apprehension of the visible for the law. Dealing with the symbolic dimension as well as the imaginary representation of legality as part of the judicial process, Peter Goodrich surpasses well-known discussions about representational aspects, as for example studies such as *Representing Justice* (2010) by Judith Resnik and Dennis Curtis, responding also to a general growing interest in the visibility of the juridical sphere: »We may not be very conscious of the legal structure of the visible but we are increasingly aware of the visible structure of law.« (xxiii). As in numerous publications before, just to name one of his earlier studies entitled *Languages of Law: From Logics of Memory to Nomadic Masks* (1990), the author puts emphasize on forms of appearances and representations through which the public recognizes law as sovereign power. At the outset of the study he points to the present-day significance of the milieu of judicial proceedings that affects their perceived legitimacy and has influence on judgment, including for example courtroom architecture, *decorum* and the lawyer's robes. For Goodrich the emblem tradition of the 16th and 17th century proves the central role of lawyers in the structuring of vision and the visualization of power. The emblematic form and pictorial lexicon that legal thinkers like Andrea Alciato (1492–1550) had invented, constitute therefore the foundations of that structure reaching far beyond a mere humanist's pastime. It is the realm of prior images and emblematic patterns in legal training that comes into focus, the so called *obiter depicta*, meaning something incidentally seen on the way to decision, which has been perceived before as marginal or merely illustrative. Goodrich interprets them as images and figures of norm and law in texts as well as in the »embodiments and performances that influence advocacy and decision« (23). Images function as mnemonics or »triggers« that engage with the theatre of legality prior to any actual annunciation of norm, rule, or judgement, which is wittily and wittingly paraphrased as: »The image puts us in the mood for law.«

By means of different examples from emblem books, primarily examples from Anglican legal culture between 1530 and 1700, Goodrich braces his topical approach in seven chapters thus depicting a coherent idea of the *iconomus*, the government of images. Each chapter circles around the fundamental question how the law sustains authority via the visual regime. After an introductory overview about legal emblems as »elements of law«, he passes over to the question of the representation of the sovereign, the lawgiver and lawgiving, further to the image of *Iustitia* and the blindfold as *aenigma iuris*, the question of *actio* and the missing hands of the judge. The two last chapters on »Visibilities« and »Virtual laws« draw away from individual case studies to generally explain the development of the emblem tradition, discerning a significant trajectory and increase of the normative function of the image in the 16th and 17th century.

There are a handful of iconic concepts central to the tripartite structure of the emblem that Goodrich is elaborating on throughout his study: one of them is the image as enigma or false truth. Emblem books developed from the tradition of the hieroglyphs or the *symbola heroica*, military and administrative insignia like devices and impresa, which needed to be recognized but not to be understood. According to Alciato, the picture is a »false truth,« it is not what it represents. As merely the figure of an absence, it has to be conceived as a *simulacrum*, an index and reference to an absent source that points to a greater verity (29). Goodrich distinguishes between the juristically recognized question of ambiguity and the aesthetically resonant domain of the plurality of meanings that

* Peter Goodrich, Legal Emblems and the Art of Law. *Obiter Depicta* as the Vision of Governance, New York: Cambridge University Press 2013, XXVII, 281 p., 106 illustrations, ISBN 978-1-107-03599-7

enigmas entail – the exercise of the art of law would go far beyond that (33). This repeatedly discussed enigmatic quality of images can be compared with a classical approach to emblems as being conundrums which is connected to a symbol theory, as underlying the monumental handbook *Emblemata. Handbuch zur Sinnbildkunst* (1967), written by the German scholars Arthur Henkel and Albrecht Schöne. The picture is here interpreted as core of the emblem that is born from the tension between *motto* and *pictura*, which is sometimes explained in the *subscriptio*, through which reality can be explained and interpreted. Also for Goodrich the picture represents the sign (as the natural sign) most directly and is prior to the other elements of the emblem. However, also in Goodrich's interpretation of the legal emblem exists the idea of an a-temporal dimension of images. Unlike Henkel and Schöne his accurate study of emblem treatises of a restricted period might be less running the risk of arguing a-historically.

Among the art historical references, as e. g. to Horst Bredekamp's interpretation of the frontispiece of Thomas Hobbes *Leviathan* (115–122), Goodrich refers in his discussion of the sovereign's portrait to concepts of the »anachronic image«, following hereby recent works by Georges Didi-Huberman, Christopher Wood and Alexander Nagel. Accordingly images exist outside of temporality, referring to other images and series of representations: »Images substitute for each other, continue and mutate according to a law of continuity, of symbolic reference and repetition that has its own valence and value.« (34). The image is compared to a body that »opens up to a multitude of laws«. Among these references to concepts that are directed towards the visual, the reader misses a more thorough consideration and recognition of iconological methods, devised foremost by Aby M. Warburg, Fritz Saxl, Erwin Panofsky, Julius Schlosser, Ernst Gombrich just to name a few, and later most prominently by Michael Baxandall, that encompass the idea of a cross-epochal and anachronic efficacy of images in general which is today intensively disputed, as for example the idea of the »lives« of images (e. g. W. J. T. Mitchell).

However, apart from this blind spot Goodrich's exploration in the significant layers of a broader »visiocracy of justice« is a fascinating encounter between legal ideas and images, prioritizing the latter. Overall he proves an erudite and attentive iconological reading of emblematic images of sovereignty and law-making that are interwoven with the history of political thought. In his discussion of Antoine Lafréry's portrait of Bartolus de Sassoferrato of 1566, that shows the illustrious humanist and jurisconsult of the 14th century with downcast eyes, he points to a crucial paradox of the relation between visuality and legal judgment. Sassoferrato's famous treatise *Tractatus de insignis et armis* (1358) tackles the legal aspects of heraldry and teaches the lawyer to understand public signs as coats of arms, banners, flags or devices. Curiously, as Goodrich points out, Lafréry's portrait shows Sassoferrato with downcast eyes, in contradiction to his attentive reading of the visible world, the *ius imaginum*. According to Goodrich these closed eyes express emblematically, similar to the blindfolded allegory of justice, the lawgiver's caution of all appearances, and the need of pronouncing judgment with downcast eyes.

The legal emblem tradition from which Goodrich takes numerous examples explaining them congruent to his central argument about the power of *obiter depicta*, points to the lawyer's need of learning how to see and make sense of the visible external world. The author offers multi-layered perspectives on the juristic perception of reality and relationship between persons, things and actions and follows a political theology of the image that is inherited and manipulated in law. Lawyers are trained to apprehend the social and the personal by way of structures, via the long-term schemata of ordering devices, the symbolic unities, and transtemporal transmission of *personae* and norms which is according to Goodrich based on Roman Law's classical tripartite division between person, things and actions (207). Vision is therefore mediated, constructed and constrained and especially the complex emblematic medium is meant to convey norms in images and words. Emblems stage law as dramatic intervention, and turn the legal text into vivid action. Legal meaning emerges in the multiple meanings, conjunction of opposites and juxtaposition of images and words (213). Goodrich points to an important analogy of the emblematic structure and the Trinitarian schema of persons, things and actions: the picture is the person (*imago*), the motto is a thing (*res* or *maiestas*), and the verse is to be understood as the embodiment of the action (245). For Goodrich the emblem embodies the paradox of body and soul, mimicking the Christian doctrine of the »impossible unity« of words and pictures and being

static representations of action, or silent expressions of speech.

This book is a veritable treasure chest for all scholars who set about to unravel the visual regimes of the law. This review cannot do justice to the broad and sophisticated approach that every single chapter contains. Touching upon so different fields of legal images, emblem studies and iconology, Goodrich is also motivating further discussions about these topoi and excites in broader terms a critical apprehension of images in law, that might be in part already done in one of his upcoming volumes on *Genealogies of Vision* edited together with Valérie Hayaert, one of the few experts in the legal emblem tradition. However, this is also what the author might have had in mind when he wrote the last passage of his book: perceiving the image in general as »a living being«, means that it has to be actively opened up and unveiled through the viewer bringing it to life. This metaphor forms literally a suitable opening, a proper *envoi* for future studies on legal visiocratic regimes to come.

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Die Rückseite der Malerei ist die Vorderseite des Staates*

Von Inter- und Transdisziplinarität wurde und wird viel gesprochen. Die oft karikierte »Antragslyrik« zur Gewinnung von Drittmitteln lebt davon. Eine wirkliche Durchdringung verschiedener Fächer findet dagegen nur selten statt, und zwar nicht nur aus Trägheit oder mangelnder Kompetenz. Spezialisierung und entsprechende Blickverengung, Fachsprachen, unterschiedliche Arbeitsziele und -bedingungen machen den Blick über den Tellerrand tatsächlich schwer. Aber gelegentlich gelingt doch etwas. Der Öffentlichrechtler Erk Volkmar Heyen, Emeritus der Universität Greifswald, hatte sich vorgenommen, die europäische Malerei daraufhin zu mustern, ob sich in ihr Motive finden, die sich auf gute und schlechte Politik, weltlichen und religiösen Staat, Verwaltung, Städte, Freiheit und Zwang, Wohlfahrt und Fürsorge, Juristen und anderes Staatspersonal beziehen, kurzum auf alles, was ein Gemeinwesen oder einen Staat ausmacht. Er hat dies, wenn auch mit vielen dankbar genannten Helfern, im Alleingang realisiert und auf diese Weise Interdisziplinarität wirklich praktiziert.

Sein Ausgangspunkt ist nicht die europäische Malerei in ihren historisch erfassbaren Stilstufen samt der sie umgebenden Lebenswelt. So würden Kunsthistoriker vorgehen. Vielmehr entwirft er ein Schema öffentlicher Herrschaft, dem er Bilder des Mittelalters, vor allem aber der Neuzeit zuordnet. Insofern bleibt er Staats- und Verwaltungsrechtler, der sich in ungewöhnlichem Umfang den Bildern selbst und der sie interpretierenden Kunstgeschichte öffnet. Daraus ist ein Text- und Bildband entstanden, wie man ihn noch nie gesehen hat. Viele bekannte, noch mehr aber unbekannte Bilder tauchen in einem Reflexionszusammenhang auf, den man nicht vermutet oder öfter auch zugunsten der rein künstlerischen Perspektive einfach verdrängt hatte. Insofern kann ein roter Faden für das Ganze nur nützlich sein. Er findet sich immer dort, wo Heyen zeigt, dass Kunst auf die stets politisch gestaltete Lebenswelt reagiert, selbst politisch ist,

* Erk Volkmar Heyen, Verwaltete Welten. Mensch, Gemeinwesen und Amt in der europäischen Malerei, Berlin: Akademie-Verlag 2013, VIII, 313 S., ISBN 978-3-05-006380-5