

**LAW IS NOT BLIND**  
The new redesigned version of the Lady Justice statue, marks a significant departure from its colonial past



# SYMBOLISM IN JUSTICE ADMINISTRATION

Recently, Chief Justice of India DY Chandrachud installed a new statue of Lady Justice in the library of the Supreme Court, removing the blindfold from it and replacing the sword with a copy of the Constitution. To what extent this symbolic practice would translate into the transformative ideals of justice administration?

**By Prof (Dr) Chanchal Kumar Singh, Dr Mritunjay Kumar and Aashtha Naresh Kohli**

**L**ITURGICAL actions pervade Indian politics and justice administration. Liturgy signifies the rituals or symbolized performances which create and justify the power structure of the politics and justice administration. In 2023, the *Sengol* was stalled in the new

building of Parliament. What is the significance of such symbolic exercises in the context of Indian justice administration? What impacts such symbolised liturgical actions have over the culture of justice and justice administration? To what extent, symbols have performative functions as far as experiential aspects of justice are concerned? In

general, what significance symbols entail in law and justice administration?

These questions may be answered in the context of the paradigm of justice and justice administration inherited by India from the Eurocentric traditions, whose core is premised on the formative practices for "ethical life" (Soren Kierkegaard, 1843) in a liturgical sense, borrowed from the Christian tradition. It is, therefore, necessary to understand the origin and establishment of the modern paradigm of justice and justice administration which are, essentially, based on liturgical myths.

A symbol is not understood in itself unless there is some correlative meaning which makes it meaningful. That meaning stands for something other than what immediately appears in the psychic experience, which exists either in an empirical or noumenal world. Bertrand Russell, and Ludwig Wittgenstein in their early writing, expounded the similar understanding with respect to language and its relationship to the empirical world observable to our senses. Hans Georg Gadamer finds that the symbol indicates beyond itself, while it contains meaning within itself, therefore, the symbol remains inexhaustible to interpretation (Hans Georg Gadamer, 1960, Leo Damrosch, 1980). A symbol appears to signify a concrete particular yet it contains the universal meaning as a concept. Symbol inhabits the psychic world of human beings; its concrete projection is perceived as fact in the empirical world or as a value in the world of ideas and ideals.

Karl Popper rightly suggested that human beings live in the three dimensions: empirical world of objects, psychic world of inner disposition, and "objective contents of thought" (Karl Popper, 1967). The third dimension is impossible to have its existence without the interaction of symbols or images impressed on memory with the act of imagination.

As Aldous Huxley explains, "Man is an amphibian who lives simultaneously in two worlds: the given and the home-made, the world of matter, life and consciousness and the world of symbols. In our thinking, we make use of a great variety of symbol-sys-



tems: linguistic, mathematical, pictorial, musical, ritualistic. Without such symbol-systems we should have no art, no science, no law, no philosophy..." (Aldous Huxley, 1954).

The symbolic world exists in a mental world of meaning and empirical world of sign. Therefore, symbols not only are instrumental in cognition, but also have constitutive functions; symbols create the mental world of human beings without which one cannot conceive of the imagery of self, world, or the prime mover and shaker, the first cause of all the modes and attributes of existence.

The meaning making activity is premised on the act of interpreting. There is no final act of interpretation. Every act of interpretation is premised on a certain cultural value and every act of interpreting modifies the culture in which human beings pursue the meaningfulness of existence. In this way, symbols are transformed in their meaning and significance in due course of time. The art of interpretation is historical; it carries forward the legacy of history with the requisite modifications and adaptations. Therefore, symbols and their meanings create the "life world" (Jurgen Habermas, 1984); the constituted limitations and possibilities of a human life. How effective the symbolic world might be; this may be understood from the correlation of religious symbols, interpretations by the religious pendants, and the ethical convictions of the believers. ►

Liturg signifies the rituals or symbolized performances which create and justify the power structure of the politics and justice administration. The recent liturgical acts of the CJI and that of installing Sengol in the new Parliament building (above) are mythical symbols in the paradigm of power and its management.



The symbol indicating the meaning and value of justice in ancient India may be derived from the national emblem of India. It was taken from Ashoka's Lion Capital, a sculpture that was erected at Sarnath. The symbol consists of four lions in a circular relationship signifying the virtue of power, courage, confidence, and faith. The wheel of law and justice is in the centre of a circular abacus having 24 spokes, which indicates the conception of justice as time, moving in a circular motion.



German Philosopher Carl Schmitt wrote in his *Political Theology* that "all significant concepts of the modern theory of the state are secularized theological concepts" (Carl Schmitt, 1922, 1985). Public law and justice administration may be understood in context of symbols used in legal languages and under the institutional configuration of Bar and Bench, the architectural and mural symbols; they all create the system of symbols and meaning and are the prime source of the authoritative powers of law, legal interpretation, and hierarchy. Therefore, the statue of Lady Justice, introduced by the British empire in India, engendered a mythical justification for the justice administration system. The recent liturgical acts of the CJI and that of installing *Sengol*, for example, are mythical symbols of the paradigm of power and its management. Myth is the unitary mental construct which guarantees that the cosmic order confirms with the order that this society has in fact already established within its frontiers (The Society of the Spectacle (Debord, 1967).

There are three manifestations of justice in Greco-Roman cultures and myths; *Themis*, *Dike*, and *Iustitia*. It is believed that *Themis* was a daughter of Uranus (Heaven) and Gaea (Earth). *Themis* and *Memory* were

only supporters of Zeus in a battle to rule the Universe (Fairbanks, 1910). Greek mythology symbolizes this battle as victory of intellect and order over brute power. *Themis* was believed to be "the spirit of the Agora, the force that brings and binds men together" in the society (Cathleen Burnett, 1987). *Themis*, thus, represented the idea of "order and balance", and the realization of what ought to be in the factual reality of being (Cathleen Burnett, 1987). *Themis* also represents what Carl Jung calls "mother symbol" of justice or "symbol of feminine" justice as archetypal imagination of Greek life (Carl Jung, 2003). *Dike*, on the contrary, represented the idea of efficiency and effectiveness, a "father symbol" of justice in Jungian terms, in Greek mythology. *Themis* as a spirit of moral order had capacity to know what is just through her inner eyes or intuition, which guided her to feel the injustice in a particular context. The mother archetype symbolizes compassion and creativity; it was unconnected to the idea of rational control, aggression, and making things effective as represented by her daughter *Dike* as a symbol of individual power, and as imagery of masculine justice, which is reigning the modern world order.

*Iustitia* is a symbol prevalent in the Roman age with the scales, sword, and a blindfold, which is prevalent in the modern judicial systems in the world (Hamilton, 2005). The Roman emperor Augustus introduced the symbol of *Iustitia* in Rome and emperor Tiberius established a temple for the goddess *Iustitia* in Rome (Kohler, 1961). The symbol of *Iustitia* signifies the equilibrium of feminine and masculine, Scales and Sword, *Themis* and *Dike*, *yin* and *yang*, *rita* and *dharma*, ground and manifestation, creativity and strife. Her white robe indicated the meaning of purity and peace, which also symbolizes that justice cannot be allured by treacheries and lies.

In ancient Greco-Roman cultures, Lady Justice was not blindfolded rather her eyes were a source of fear for the wicked and courage for the good people (Andrew Simmonds, 1977). During the 16th century, the goddess of justice was represented blindfolded initially in a contemptuous sense as a symbol of blindness of justice (which is pop-



ularly known in India as *Andhaa Kaanoon*), which was also encouraged by the churches in Europe to criticise the functioning of secular courts (Dennis E. Curtis and Judith Resnik, 1987; M. Jagannadha Rao, 2000). Subsequently, the blindfolded symbol of Lady justice was rationalized on the premise of impartiality and her ability to perceive injustices without being misled by the senses. In the words of Cesare Ripa: "She is blindfolded, for nothing but reason, not the misleading evidence of the senses, should be used in making judgements (Cesare Ripa, 1593).

**A**ncient Indian civilizations had various symbols which signified a particular idea of justice. In Vedas and Upanishads, the concepts such as *Rita*, *Satya*, and *Dharma* were expressed, signifying the ideas and ideals of cosmic and conventional sense of justice. Ancient Indians

all the successes and failures in its all-encompassing movement; its unfolding remains as the first condition of the truth, and it conclusively determines the limitations and potentialities of each mode of "being".

The *Dharma Chakra* also indicates the meaning that "Truth alone triumphs" (*Satya-meva Jayate*). This motto is kept underneath the emblem, which was taken from the *Mundakopanishad*. This emblem is gender neutral, representing all important virtues required to live a just life and also signifying the dialectics of time as the highest truth, indicating the temporal dimension of plurality of moral, aesthetic, and epistemic values.

Therefore, the Indian judicial system may adopt a symbol more akin to an "experiential paradigm of justice", which may be discerned from Buddha's teachings. As per Buddha, every manifestation of the world is impermanent (*anitya*). The cycle of birth,

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believed that truth is not separate from the conception of justice. What else is the first condition of truth than *Kaal* (time). Therefore, the symbol indicating the meaning and value of justice in ancient India may be derived from the national emblem of India. It was taken from Ashoka's Lion Capital, a sculpture that was erected at Sarnath. That place is known for the *Dharmachakra-pravartan*, since the Buddha delivered his first sermon to his disciples at Sarnath. The symbol consists of four lions in a circular relationship signifying the virtue of power, courage, confidence, and faith. The wheel of law and justice is in the centre of a circular abacus having 24 spokes, which indicates the conception of justice as time, moving in a circular motion.

This symbol also means the idea of *Kaal Chakra*, *Nyaya Chakra*, and *Dharma Chakra*, which are synonymous with each other. It encompasses the time as the only truth which engulfs all the questions and values, all the hopes and disappointments,

decay, and death, the circularity of time brings immense sufferings (*dukha*) for the beings. The only way of escaping the cycle of suffering is to dispel the darkness of ignorance, to know the cause of suffering, and to be mindful in our thoughts and actions. His basic teachings are aligned to the feelings of empathy and compassion (*karuna*). Therefore, the symbol of "Ashoka Chakra" (*nyaya chakra*) is more aligned with the paradigm of justice in India cultural traditions. It concerns and represents "truth" which is the primary concern for corrective justice i.e., justice by courts. ■

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