

The image of justice in the attic nights of Aulus Gellius and its subsequent iconological evolution

Abstract

The description of Justice made by Aulus Gellius in his *Noctes Atticae*, Book XIV, Chapter IV, will give the opportunity to analyse the iconographic development that was being made of this virtue. It goes from paganism to stoicism, reaching Renaissance, where finally acquires all the elements that are recognisable nowadays: a young nubile lady, a sword, a scale, and a band around the eyes. It will be possible to see how these elements that were added in the development correspond to a Christian cosmology of the act of judging.

Keywords: ancient Rome, justice, iconology

Volume 11 Issue 4 - 2023

Elena Calderón de Cuervo

Department of Letters, National University of Cuyo, Argentina

Correspondence: Elena Calderón de Cuervo, FFyLetras-UNCuyo, Mendoza- Argentina, National University of Cuyo, Argentina, Tel +5492616265273, Email ecalderondecuervo@gmail.com

Received: September 18, 2023 | **Published:** October 10, 2023

Introduction

Aulus Gellius was born in Rome in the early years of Hadrian's principality, possibly between the years 126 or 130 AD. His date of death is not known with certainty. He had a careful education, studying with the best teachers of his time, such as Herod Atticus, Fronto or Apolinario. He was an important lawyer, but his only known work is that of the *Attic Nights* (*Noctes Atticae*), dated during the mandate of Marcus Aurelius (161-180). Its title refers to the fact that he began writing it in the long nights of a winter that he spent in Attica, later finishing it in Rome. In it he disorderly wrote down all the curiosities he heard or read in other books. It is divided into 20 books, of which all but the eighth have reached us. It contains notes on history, geometry, grammar, philosophy and almost any other subject, although the legal and philological perspective always predominates, as if somehow the semantic emergence of language engendered the possibility of a value judgment. They could perfectly be considered essays if it were not for the fact that the free tone of the opinion is hidden in the references to the cited authorities and, therefore, the first-person enunciation is weaker and, sometimes, null. Its importance lies mainly in the fact that it cites fragments of other authors whose work has been lost and many archaic documents, such as the Law of the Twelve Tables.¹

¹The Law of the XII Tables (*Lex duodecimtabularum* or *Duodecimtabularumleges*) was a legal text that contained rules to regulate the coexistence of the Roman people. It was also called the Decemviral Law. Due to its content, it is said that it belongs more to private law than to public law. It was the first code of Antiquity that contained regulations on censorship (death penalty for satirical poems). The law was first published on twelve wooden tablets and later on twelve bronze plates that were displayed in the Forum. Because there is no evidence of their existence, some authors have even suggested that they did not exist. However, its disappearance can be explained by the sacking of Rome around 390 BC. C. by the Gauls. They are believed to have been destroyed and, for some reason, not subsequently reproduced. This theory seems to be supported by the abundant references that ancient authors make to them. The historian Titus Livy said of them that they were the source of all Roman law, both public and private. For his part, the orator and lawyer Cicero stated that children learned their content by heart.

Being publicly exposed, these laws were free (at least theoretically) from misinterpretations by their custodians, since it seems that previously the few who knew the laws interpreted them manipulating them in their favor. Already in imperial times, these laws, designed for all citizens, were the legal bases of the Roman Empire, since everyone was under them in any corner of the Empire.

Justice and its attributes

The author's emblematic personification of Justice is described in Book XIV, chapter IV of the 2nd volume and reads as follows:

IV. *With the rhythm and color of the words Chrysippus² painted an image of Justice in a very accurate and graphic way.*

In book I of his work entitled "Beauty and Pleasure", Chrysippus², and by Hercules¹, who did it with all propriety and beauty, the mouth of Justice, her eyes and her face with the severe and sublime colors of the words. In fact, he draws an image of Justice and says that ancient painters and orators used to outline it more or less like this: "Figure and features of a young woman, hard and fearsome gaze, very lively shine in her eyes, neither submissive nor threatening, but with the dignity of a certain venerable sadness." By the meaning of this image he wanted to imply that the judge, who is a priest of Justice, must be serious, upright, severe, incorrupt, unbribable, and merciless with the wicked and guilty, inexorable, rigid, firm, with authority, terrible for the strength and majesty of equity and truth. Here are the exact words that Chrysippus wrote about justice: "She is said to be a virgin, to symbolize that she is unbribable and that she in no way gives in to the wicked, nor does she listen to indulgent words, nor to supplications, nor to entreaties, nor to flattery, or anything resembling it. In accordance with this, she is also represented with a gloomy appearance, showing a frowning face and looking in a tense and penetrating manner, so that she arouses fear in the wicked, but inspires confidence in the righteous, her countenance being kind to them, and hostile, on the other hand, for those others." (Aulo Gellio, *Noctes Atticae*) We will not develop the iconology related to justice in Greek and Roman mythology, but we will only point out, to find the

²Chrysippus of Solos (Χρυσίππος ὁ Σολεύς, ChrysipposhoSoleus) was born c. 281/78 a. C. in Tarsus or Solos (Cilicia) and died c. 208/05 a. C., in Athens. He was a Greek philosopher and leading figure of the ancient Stoic school. He is often considered the founder of grammar as a specific discipline. Chrysippus was succeeded as head of the Stoic school by his disciple Zeno of Tarsus. Of his writings, none have survived, except for some fragments integrated into the works of later authors, such as Cicero, Seneca, Galen, Plutarch, among others. In addition, fragments of two works by Chrysippus are preserved among the papyri found in the Villa of the Papyri of Herculaneum. The Stoics divided Logic into rhetoric and dialectic. Chrysippus gave for Logic an exact definition of the proposition and the rules concerning the systematic division of all propositions into simple and compound ones.

similarity with the image represented by Aulio Gellius, that the Iustitia in Rome was not the equivalent of the Greek Themis but of *Diké* and Astrea, and more especially the latter. Astrea plays an important role in the Golden Age. Astrea is, in turn, daughter of Zeus and Themis and sister of Modesty (Pudicitia). In the Golden Age he spread feelings of justice and virtue among men. When the crimes of men drove away justice, forcing her to abandon the Earth where she lived familiarly with mortals, she took refuge in heaven and became the constellation of the Virgin. The Virgin would, then, be the common element with the description made by Aulio Gellius or Chrysippus himself.

It is said that she is a virgin, to symbolize that she is incorruptible and that she in no way compromises before the wicked, nor listen to forgiving words. This virgin girl has as traditional attributes the sword and the scales, both are symbols of the two ways that, according to Aristotle in his *Ethics*, justice can be considered: the sword represents its distributive power (*justitiasuum cuique tribute*) and the scales its social balancing action. In this way, and Gellius himself points it out on more than one occasion, Justice, as the second of the virtues, would properly be that incorruptible Young Virgin, while the sword and the scales would represent the very act of judging and probably for that reason they are absent from Chrysippus's description. It is necessary to point out that the trait that most interests Chrysippus, in addition to the Virgin, is her gaze: "... Hard and fearsome look, very bright shine in his eyes, neither submissive nor threatening, but with the dignity of a certain venerable sadness. And he adds later: "In keeping with this, she is also represented with a sombre appearance, showing a frowning face and looking in a tense and penetrating manner, so that she arouses fear in the wicked, but inspires confidence in the righteous, her countenance being kind." for these, and hostile, however, for those others.

The gaze is the instrument of internal orders: it kills, fascinates, strikes down, seduces, but in all cases: it expresses something. The metamorphoses of the gaze do not only reveal the one who looks; they also reveal both themselves, the observer, and the observed, the one who is looked at. It is interesting to notice the reactions of the observed in front of the gaze of the other and to observe oneself in front of strange glances. The look appears as the symbol and instrument of a revelation. But, even more, it is a reciprocal revealer of the one who looks and the looked at: "the look is a mirror that reflects two souls," concludes Chevalier-Gheerbrand.

Now, this brief "essay" takes a violent turn when it tells us:

In my opinion, these words of Chrysippus must be considered appropriate for reflection and thought, precisely because, when we read them, some experts in difficult sciences told us that this was the³ image of Cruelty,⁴ not of Justice. Following the data from Cesare Ripa's treatise on *Iconology*, the personification of the *Crudelitas* is that of an old, elderly woman, with a red face and an evil look in her eyes. Her red dress is in disarray, she is strangling a baby, and a nightingale perches on her head, while at her feet a tiger tears open the belly of a lamb. The red color of the face and dress is the color of blood. The murder of the baby, like that of the innocent little lamb, are extreme forms of cruelty: the harm done to those who cannot defend themselves. The Nightingale refers to the cruel tale of Philomena's family told by Ovid in Book VI of the *Metamorphoses*. Philomena or Philomela, sister of Procne and daughter of the king of Athens, Pandion, is raped by her sister's husband who, in addition, to silence her, cuts out her tongue. Filomena then embroiders a cloth in which

she narrates the crime of her brother-in-law Tereo. When Tereo realizes that his wife knows about his crime, he pursues Philomena, who is transformed into a nightingale by the gods to escape death. The tiger is cited again and again as the cruelest of beasts; it hunts the defenseless and has a particularly ferocious and bloody temperament.

In both iconological portraits, the gaze of the women is what establishes the relationship between them and the other, whether the one on trial or the innocent. But no matter how little one investigates, Themis, goddess of justice, is blindfolded. The same thing happens with Eros to imply that love arrows blindly. The blindfold also covers the eyes of Fortune, since the distribution of wealth occurs by chance. But Themis is blindfolded not to indicate that she does not favor anyone or that she ignores those she judges, but as a sign of introspection. The blindfold is a symbol of blindness when it is placed on the eyes. But, following the Benedictine fathers Champeaux and Stercckx, on a religious level, blindfolded eyes have the sense of interior withdrawal, of contemplation; the eyes are closed, closed to greed and curiosity. The blindfold of religions means the blindness they must have towards the world, and more positively, the attitude of deep meditation and extreme spiritual concentration. The eyes of man are masked by the vanity of the profane world and withdrawing from it, covering them with the sacred bandage, is equivalent to receiving the light of truth through spiritual illumination.

Discussion

We know that the first of the cardinal virtues is Prudence; and not only is it the first, but, in general, it dominates all other moral virtues. However, prudence and justice are more closely linked than may seem at first glance. Justice, says Saint Thomas, is the ability to live in the truth "with one's neighbor." It is not difficult to see, then, to what extent this art of life in the community depends on the knowledge and objective recognition of that reality, that is, on Prudence. Only the objective man can be just and the lack of objectivity, in the usual language, is equivalent to injustice. I would like to know where the Justice proposed from the subjective construct of ideology, or the sick psychology of self-perception, is.

Justice is the basis of the real possibility of being good, and the category of Justice is based on being the highest and proper form of this same goodness. The good man is in principle just. It is no coincidence that the Holy Scriptures and the Liturgy generally call the man in a state of grace just, and fiercely rebuke the unjust:

2. How long will you fail unjustly and will you show respect of persons to the wicked?

Do justice to the oppressed and the orphan;

Protect the afflicted and the needy;

Deliver the helpless and the needy,

Tear it out of the hand of the wicked.

8. But they do not know, nor understand;

They walk in darkness;

That is why all the foundations of the earth shake. (Ps. 81)

This psalm is, like Ps.57, a testimony of the tremendous severity with which the judges and princes of the earth must be judged, as representatives of divine authority. In the tradition of the Church, the magistracy is seen as a priesthood, because the exercise of justice falls, for better or worse, on the actor. In fact, for those who suffer injustice there is nothing but beatitudes. When touching on the theme of justice,

³*Disciplinarumphilosophi*

⁴*sevitia-ae<saevitia: cruelty, harshness, rigor*

the entirely dispassionate language of Saint Thomas acquires a more vibrant style; He quotes, in the *Summa Contra Gentile*, Aristotle's phrase: "The highest among the virtues is that of justice; Neither the morning star nor the evening star can be compared to it in beauty."

In Cesare Ripa, where all the iconological elements have already been accumulating:

... The personification of justice is a blindfolded woman, dressed in white and wearing a crown, who is sitting at the table. He holds a pair of scales on his lap with one hand. His other hand holds a naked, upright sword, and rests on a bundle of lictor rods, around which a snake unwinds. A dog lies at his feet, on the table there is a scepter, some books and a skull. She is dressed in white, because the judge must be without moral defect that could impair his judgment and obstruct true justice. He is blindfolded, for nothing more than an objective reason, not the often misleading evidence of the senses, which must be used to make judgments. She is dressed royally, because Justice is the most noble and splendid of concepts. The scale, used to measure quantities of material things, is a metaphor for justice, which means that each man receives what is due to him, no more and no less. The sword represents the rigor of justice, which does not hesitate to punish. The same meaning is embodied by the rods of the lictors, the Roman symbol of the judge's power to punish or even execute. The snake and the dog represent hatred and friendship, neither of which should be allowed to influence true justice. The scepter is a symbol of authority; the books, of written law; and the skull, of human mortality, which justice does not suffer, because it is eternal. Hertel has conceived his representation as a combination of several types of justice described by Ripa, who concludes: "Giustitia retta che non si piegha per amicizia ne per odio."¹⁻⁴

Conclusion

The exclusive calculation of what is due – the balance – makes life together fatally inhuman. Giving even what is not owed is a necessity that the just must take into account above all, given that in

this world injustice is a daily manifestation. Since men cannot avoid being forced to do without what belongs to them, since others retain it against justice; However, even if everyone were faithful to their commitments and no one was burdened with a strict obligation of justice, human poverty and the need for help would not continue to exist, which is why It seems decorous for the just to limit himself to the strict fulfillment of his duty. It is true, as Saint Thomas tells us, that "mercy without justice is the mother of dissolution"; but it is also true that "justice without mercy is cruelty" and with this we return to the beginning of Aulus Gellius's proposal, and we also return to touch upon this internal limitation of justice: the purpose of maintaining peace and concord among men through The precepts of justice will be insufficient - our holy doctor reminds us - if love does not take root below these precepts. (CG, 3-130).

Acknowledgements

None.

Conflict of interest

The author declares there is no conflict of interest.

References

1. The edition we handle is Gelio, Aulus: *Noctesatticae*. Latin- Spanish. Attic Nights. Introduction, translation, notes and indexes by Manuel-Antonio Marcos Casquero, Avelino Domínguez García. University of Leon: Publications Secretariat. Leon, Spain. 2006;2:(372,314).
2. Chevalier J, Gheerbrant A. *Dictionary of Symbols*. Herder; Barcelona. 1996.
3. Cut, Cesare. *Baroque and Rococo. Pictorial Imagery*. The 1758-60 Hertel Publishing Ripa's "Iconology." Introduction, Translation and 200 Commentaries by Edward A Maser. Dover Publications. New York. 1971.
4. Champeaux G, Sterckx S. *Introduction au monde des symboles*. Saint-Léger-Vauban: Ateliers de la Pierre-qui-Vire. 1966.