

with the authors' constitutional argument that ombudsmen should be perceived as a novel branch of the constitution rather than a novel emanation of existing branches. A question mark also hangs over the evidential basis for the authors' claim that ombudsmen are increasingly fulfilling an improvement role. Much of the evidence quoted comes from ombudsmen themselves, and while the aspiration to fulfil such a role is clearly in evidence, the extent to which it is being fulfilled in practice remains unclear. A further, small criticism that may be expressed relates to the clarity with which the authors present their argument in respect of the governance context and, particularly, their coining of the term 'setting it right'. While the 'it' in the established terms 'getting it right' and 'putting it right' refers to administrative decisions, the 'it' in the term 'setting it right' refers to the setting-up of the administrative justice system more broadly. The expression is a little confusing, as the reader's first impression will be that 'setting it right' continues to refer to administrative decisions; this distracts somewhat from the otherwise helpful point that the authors wish to make.

Overall, the book constitutes a valuable addition to the literature and provides an up-to-date and comprehensive picture of how ombudsmen operate and the world in which they exist.

## Reference

Thompson B, Buck T and Kirkham R (2008) *Public Services Ombudsmen and Administrative Justice: Models, Roles, Methods and Relationships: Full Research Report*, ESRC End of Award Report, RES-000-22-2133. Swindon: ESRC.

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JUDITH RESNIK AND DENNIS CURTIS, *Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms*. New Haven and London: Yale University Press, 2011, 720 pp., ISBN 9780300110968, £50.00 (hbk)

*Representing Justice* by Judith Resnik and Dennis Curtis is a wonderful piece on the iconography and representation of 'Justice' through time and place. Commentators have come to compare it to the Bible, on account of its length (720 pages) and weight (4.8 pounds). In fact, one can also see in this book a sort of an 'old' and a 'new testament', related to the proto-democratic and democratic ways of doing justice, on how adjudication has evolved, being constantly changed and challenged by democracy. The evolution of adjudication (and democracy) has also transformed the paradigmatic ways in which people experience judgement and judging. However, the reality is that the direct relation between adjudication and the iconography of 'Justice' and buildings is seldom considered and/or analysed.

Throughout time and in different places around the globe, the authority of governments has been (and still is) based upon propaganda, and such propaganda has had

different iconographic symbols and representations, some of which have remained constant, while others have shifted significance. Thus, goddesses, virtues, ostriches, scales, swords, bandages and buildings share a message that has transmuted and experienced the passage of time, the political, economic and religious contexts, as well as the continents; power needs images that convey and give legitimacy to its authority and violence. Symbols and purpose-built buildings (or courthouses, as we have come to name them) have been created and erected because rulers rely on the political utility of such institutions to demonstrate their own sovereign power, to shape civic values and to remind judges of their role as loyal public servants and faithful respecters of the state's law.

In all this evolution, the oddity has been that the woman holding scales, sometimes also holding a sword, most of the times blindfolded, is immediately associated with law and justice. From ancient Mesopotamia and Egypt, through medieval times in Europe, to the 21st century in the Americas, Middle East, Australia or Japan, this image is readily recognised and linked to the abstract ideas underpinning justice and legality.

Nevertheless, the questions arise: do these images and buildings still play an instructive role? Are they fit to demonstrate the burdens associated with judging; or the democratic values of judgment? And can we look for representations of 'Justice' elsewhere, or are we forever stuck with the scales? And, moreover, do they represent 'us'? These are some of the questions the authors of this book bring to the fore and analyse in the 15 chapters therein (some of which have had an 'individual life' apart from the book, such as Chapter 14 [pp.306–337], which was published in the *Villanova Law Review* [2008]). Let us now turn our attention to their content.

In Chapter 1 the authors break the ice by presenting the 'ubiquity' (p.1) of the image of 'Justice', showing the reader pictures that span the world: Zambia, Azerbaijan, Iraq, Brazil and Japan, among other countries. But the aim of doing this is not only connected to pointing out the employment of such an image – particularly the scales, which are now seen as a classic imagery – in legal and political contexts; it also shows the 'satirical' (p.5) role the image has played (as in the case of cartoons), and the many other prosaic uses, like helping to sell 'books, briefcases, and jewellery to lawyers' (p.5). Nonetheless, 'Justice' is not only about the scales, it has to do with virtues too; in fact, 'Justice' was once part of a foursome, called the 'Cardinal Virtues', identified by their attributes and gender. Little by little, however, 'Justice became the emblem prominently displayed' (p.10) everywhere, given its 'political utility' and 'plasticity' (pp.12/13). Such plasticity and utility are associated with democracy and adjudication. Democracy and adjudication, in turn, are associated with transparency, access, identity and security (p.15), concepts which are now part of the visual displays of 'Justice', especially when thinking about courthouses and courtrooms. Nowadays, however, adjudication is suffering new pressures, directing it 'toward more private managerial roles' (p.16), a shift that comes with a cost that Bentham would not be willing to pay, a cost that is also marked in the new courthouses, which 'are at risk of being anachronistic' (p.17).

Moving to Chapter 2, the reader is provided with the history of the scales, associated with divine judgment, beginning with the god Shamash (Babylonia), passing by Maat (Egypt) and embodied in Greek and Roman goddesses (Dikê, Themis). Then the Romans coined 'Justicia' and afterwards the 'Justice imagery came to be entwined with the

Catholic Church' (p.22), which affixed scales to St Michael, 'who also stood as an exemplar of a moment of judgment' (p.22). With St Michael, Justice earned a new attribute: the sword. Thus, scales and sword reflected the 'ruler's needs both to judge and to punish' (p.25). Still, these are not the only markers of the iconography of 'Justice' to appear in medieval and renaissance times. During this period, 'European town leaders began to construct civic spaces' (p.25) – the town halls – different from churches or market squares, intended to express, through design and decoration, the rulers' prosperity and to legitimate their power. Such was the case in Siena, Bruges, Geneva and Amsterdam.

Other than just 'showing off' power, the images engraved in the walls of town halls also served another purpose – making a statement to the judges: that of obedience and loyalty. And this is the subject matter of Chapter 3. Judicial obligations were inscribed on the walls for all to see and were intended to give lessons on how to be a good judge (especially concerning corruption or bribery). Otherwise, the punishment would be harsh: to be flayed alive, for example, as depicted in the *Judgement of Cambyses* (Bruges) or in the *Blinding of Zaleucus and his son* (Amsterdam).

Blindness and publicity are intertwined in this story, as are open eyes and blindfolds. And yet, 'Justice' has not always appeared blindfolded. In fact, 'Open-eyed Justices were typical, shown outside town halls, in manuscripts, and on tarot cards' (p.75). Chapters 4, 5 and 6 bring us the figure of blindfolded Justice together with the polysemic and ambiguous meanings it has held through time and place. Blindfolded or not, 'Justice' appears as a commonplace sign for power/governments, which rely on public spectacle and on the pedagogy of ritual. Blindness (and sight) also stands as a metaphor for injustice and partiality, regarding race, class or gender (pp.102/103). Actually, the controversies around these subjects and the many challenges to law and justice brought by social, civic and political movements, multiculturalism and participative democracy have had an impact on the iconography of 'Justice' and buildings (pp.106–133).

Moving through time we see that multi-purposed town halls evolved into purpose-built courthouses. These buildings became the 'major iconic markers of government', reflecting, at the same time, 'the intersecting interests of three professions – lawyers, judges and architects' (p.136). As time went by, their numbers grew, as did their monumentality. Chapters 7 to 12 give the reader an impressive amount of information on the evolution of courts (relating it to equality in adjudication and judicial independence) and their importance in terms of national (e.g. the USA or France), regional (e.g. the European Court of Justice) and multi-jurisdictional premises (e.g. the Permanent Court of Arbitration).

Chapter 13 discusses (with Bentham's help) the tensions between the entitling of rights that publicity brought to adjudication, and Chapter 14 examines (with Foucault's help) how such rights are now being overshadowed by resolution mechanisms outside of the courts. Courts, on the one hand, and court-like administrative agencies, on the other hand, are part of the 'battle' opposing 'the democracy in adjudication' (p.289) and the 'adjudication's challenges to democracy' (p.306). Again we see openness and blindness as metaphors for publicity and privatisation in the adjudicatory process, revealing the 'vulnerability of the institutions' (p.304), as is the case with the courts.

The last chapter – Chapter 15 – is, in my opinion, the most interesting one, serving, at the same time, as a résumé of all the preceding chapters (and of the past), and as an

interrogation towards the future, in dialogue with Chapter 1. Here we are, in the 21st century, celebrating democracy and participation, but is there an iconography for democratic adjudication? Is glass (and technology) its marker? Or is transparency opaque, because concerns with security and the privatisation of adjudication are creating new segregated spaces, in which the pedagogy of architecture, decoration and imagery has turned into a silent abstraction? Still, and contrary to the authors, my belief is that turning again to 'images of the past' – such as the Cardinal Virtues – does not provide the answer. It is important to remember the past, of course (as South Africa's Constitutional Court exemplifies). It is now time, however, to search for new symbolisms, to look for the irregularities of the imagery of 'Justice' and the many voices that seek for 'Justice'.

Formally speaking, this book is not particularly reader-friendly: it would be preferable to have the endnotes transformed into footnotes at the end of each page, because, given its weight and format, it is somewhat 'challenging' looking for a note at the end of the book every time one appears in the text! Needless to say, though, this is a book that academics, teachers and students interested in the subject of justice's institutions, the evolution and history of courts and courthouse architecture, or law and aesthetics, must read.

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BOB HEPPLE, *Equality: The New Legal Framework*. Oxford: Hart Publishing, 2011, xxxviii + 209 pp., ISBN 9781849461078, £25 (pbk)

The Equality Act 2010 was the biggest overhaul of British equality legislation since its modern inception in the 1960s and 1970s. It restructured the framework of the law by repealing most existing equality legislation and replacing this with a single Act. At the same time, but perhaps less visibly, it introduced substantive reforms to the contents of the legislation. Some of this took the form of 'tidying', in the sense of harmonising the legal provisions across all of the protected characteristics. There was, though, some genuine innovation within the Act compared to any of the pre-existing legislation, such as new provisions on positive action. Hepple's book is the first in-depth academic analysis of this complex and wide-ranging legislation, but it is sure to be one of the leading points of reference for future scholars. The book is very well written in a style that happily blends accessible and captivating commentary with perceptive insight and reflection. As such, it will be suitable for a range of readers. Those who are unfamiliar with this area of law, including students, should find this book a valuable introduction to the field. At the same time, there is a richness and depth that will make this book stimulating for the specialists in equality law, whether academic or practitioner.

The quality of the book is underpinned by Hepple's personal contribution and participation in the long-running academic and policy debate that preceded the Act's adoption. Notably, he was the co-author of an independent review of anti-discrimination