

Today's Law and Justice in a Trecento Fresco

by [Lev Tsitrin](#) (September 2022)



Allegory of Good Government, Ambrogio Lorenzetti, 1338

“Political science” is a modern concept; yet attempts to understand what makes societies tick started way back when, in classical antiquity. It is debatable, of course, to what degree such speculations constitute “science,” given that political actions of both the rulers and the ruled—like voting—are often impulsive or based on trivialities, rather than on serious, thought-out considerations. This said, governance—which entails the making of laws as well as inculcating into body politic the need to obey them, is as old as civilized humanity itself, though it is not necessarily based on consciously articulated, structured, “scientific” view of society.

Somehow, I never had the slightest desire to study political science—as presented in learned treatises, that is. But a beautiful work of art expostulating on the subject is a different matter entirely. A few years ago I found myself glued to reproductions of Ambrogio Lorenzetti's frescoes of "Good and bad governance" in a book pulled from a bookstore shelf, and just had to buy it. Since then, I could not resist buying several more books on the subject, the fresco being a feast for an eye, and a stimulant for the the mind.

Painted in 1339 for the meeting room of Siena's Council of the Nine (the town's executive body), the fresco conveys an involved message. It is really three different works (of which this 10-minute YouTube video at the end of this essay gives a good idea), the one on the shorter wall (seen above)—on which I'll focus—gives, so to speak, a diagrammatic map of the society while two frescoes on adjacent walls show outcomes of governance, good and bad: one depicts prosperity of the city and the countryside that results from good governance (and it contains the first true landscape in the Western art); the badly damaged fresco on the opposite wall shows the outcome of corrupt governance, replete with devastation, murder, rape, and robbery, the landscape being ruled by a sepulchral figure labeled "fear" ("timor") floating in the air, in sharp contrast to "security" (with her attribute of a hanged malefactor) that presides over the peacefully prosperous landscape. All the frescoes can be seen [here](#).

I find Lorenzetti's symbolic map of the society to be intensely fascinating. Stripped to bare essence, it depicts two groups of people. The one on the left marches in unison from the elaborately symbolic figure of Law towards the enthroned symbol of the State, guided by a cord that connects State with Law—a cord that is woven from two different stings symbolizing Law's two different aspects—rewarding the good and punishing the bad on one hand, and ensuring honest business dealing by verifying that the measures and weights are

correct, on the other. This group consists of solid, law-abiding citizens who make governance possible; in looking at them, one sees the "people" Abraham Lincoln spoke of in his Gettysburg address when talking of government "of the people, by the people, and for the people." And then, there is a bunch of people on the opposite, right side—people of very different sort, people who do not peaceably blend into the body politic on their own volition, but who have to be controlled externally by the force of arms at the behest of Justice who is seated, symbolically, right above them.

Those two groups in the opposite corners of the fresco—the one headed by Law, and the other by Justice are, mentally and socially, polar opposites. The law-abiding are guided by internalized idea of Law which they practice voluntarily, out of their free will; they need no external constraints to be good. It is exactly the other way around with the lawless—they have no internal guidance, and therefore must be controlled externally—which is what Justice does, constraining their bodies from doing further harm by externally-applied force. Lorenzetti's Law holds sway over the solid, law-abiding citizens, while Justice rules, with an iron fist, over those who only understand a slap on the hand—or sword's blow on the neck.

This difference between Law and Justice is the key to understanding Lorenzetti's fresco. Fundamentally, there are two social groups based on their relation to Law—those for whom the law is, like the air they breath, something natural, manifested in civility towards a neighbor and honesty towards a business partner, and those who neither know the need for law, nor heed it, and whom Justice has to drag into submission by the nape of their necks. The tenor of society is determined by numeric proportion of the law-abiding to the lawless. In that sense, Law is more important than Justice, since it affects far more people, the law-abiding being in overwhelming majority; if the majority were lawless, it would be impossible

for Justice (that, after all, is administered by the law-abiding) to coerce the lawless into tolerable behavior. It is only because the bulk of people are law-abiding citizens (and therefore do not consume the limited resources of Justice, but follow the Law voluntarily—and come to Justice's help when needed), that civilization is at all possible. When the lawless are ascendant, there is anarchy, gang rule, and failed states—states in which, so to speak, the police has been “defunded,” people living in a state of nature. Likewise, when the lawless—people like Stalin, Mao, Hitler, Pol Pot, Khomeini—manage to take the helm of governance, they plunge their countries into horrors Lorenzetti depicted in his “bad governance” fresco—or much worse.

Now, the relation of Law to Justice is a very interesting one. Presumably, the purpose of the Law is not only to raise good citizens who won't give any trouble and would pay taxes, but also to guide Justice: we expect Justice to act according to Law. Does it?

It is a fascinating question. Unlike human law and human justice, God's law and God's justice are one and the same, because God's justice follows inexorably from God's law. Laws decreed by God—like the law of gravity—invariably and instantly come into action. A loosened brick will always fall down, irrespective of whether it will hit a despised and despicable Trump-voting “deplorable,” or a saintly goody-goody progressive who merely happened to be in a wrong place at a wrong time. Not so with human laws: to be turned into actionable justice, they need a judge's order—and judges not only take their time, but may not agree to enforce the law at all. Soviet Union had the best laws in the world, but Soviet justice system simply ignored them—law and justice were completely decoupled. Lorenzetti's Justice—the rightmost figure seated on the throne of civic power, with the upraised sword and a severed head of a malefactor—is not all connected to representation of the Law on the extreme left, let alone

tethered to it. So is that Justice obeying the Law? And if so, is the Law just? Are those punished by Justice really guilty? Are those she rewards, deserving?

Those questions may have a negative answer, and yet the good citizens, conditioned by their upbringing to respect the Law, may (and as a rule, do) accept Justice's illegal decisions without a murmur—because they confuse Law with Justice, and do not notice that Law and Justice are two totally different things that may well work at cross-purposes. This brings about yet another aspect of good civics—the need for citizenry to be informed so it does not get fooled by the powers that be, and is able to right the government's course—the aspect that Lorenzetti is not addressing in his fresco. But other than that, the fresco is true to life: Justice in it is a free agent uncontrolled by Law.

So it is in real life. In the US, judges all too often interpret the “rule of law” as the rule of judges. The law that presumably controls judges (i.e. the “due process of the law” clause of the Constitution) is not operable because judges replaced it with a self-given, in *Pierson v Ray*, right to act from the bench “maliciously and corruptly” so as to adjudicate not the parties' argument, but judges' fantasies of what parties' argument ought to have been—in brazen violation of “due process”. Present-day American Justice feels that guidance by Law is optional—just as in Lorenzetti's fresco.

And then there is a question of where Law itself comes from. In Lorenzetti's fresco, Law is inspired by Wisdom hovering above it. In reality, however, laws are human creations (in the US, they are made by the Senate and the House) and can themselves be good or bad. The Nuremberg laws of Nazi Germany were laws, too—and, scrupulously observed by law-abiding citizens, they led to terrible crimes.

Though Justice and Law are two very different things—firstly because Law applies to all, while Justice applies only to law-

breakers, and secondly because judges are under no obligation to follow the law (and cannot be forced to do so, or be punished for not following it), does it mean that it is unimportant what kind of laws we have on the books?

Of course not—and Lorenzetti's fresco tells us why. Good, law-abiding citizens will follow any law, be it good or bad, simply because they were raised to respect and obey the law. And those who do not wish to follow the law, will be coerced into obeying it by the law-abiding majority – either through peer pressure, or by the hard hand of Justice. Hence, it is important that the laws on the books be sound. It is vital to fight against bizarre laws, like those that decree that women are men, and men are women if they choose to say so, or the laws that would defund the police.

As to the art-historical aspect of the fresco, Lorenzetti's Peace, clad in white and reclining on the armor, is innovative and ingenious. Triumphant peace was often depicted as setting the pile of arms on fire—a nice symbol, but not an accurate one: at the time of peace the weapons are simply put in storage, to be at the ready—precisely the way Lorenzetti has it.

The message of the fresco is astonishingly true to life—except for one galling incongruity. The group of soldiers on the left, standing between the line of law-abiding citizens, and the throne on which the figure personifying the State sits surrounded by attributes of his power labeled as Peace, Strength, Prudence, Magnanimity, Temperance, and Justice, makes no sense. Since the good citizens are the backbone of the society and are human embodiment of the Law, why protect the State from them given that they *are* the State—they are people from whom State derives its strength and power, and from whose rank the government recruits its functionaries? So, why the soldiers? Perhaps the line of soldiers on the right that is coercing the lawless into obedience made Lorenzetti resent the resulting asymmetry, so he painted some soldiers on

the left too, for no reason other than mere aesthetics. Perhaps Art, like Nature, abhors vacuum. After all, Lorenzetti was an artist, not a political theorist—though he was undoubtedly advised by them. I even wonder whether the misplaced soldiers were added later by someone who did not understand the message of the fresco.

And as to art historians themselves, their books mistake the figure of Law for Justice, with a result that they twist themselves into pretzels, talking themselves silly in attempts to explain why there are “two Justices” in the fresco. There are no “two Justices.” Once the figure on the left is recognized as representing Law—something very different from Justice indeed, the former based on reason and conviction, the latter representing force and coercion, and each presiding over their respective cohort—the law-abiding and the lawless—the narrative of the fresco readily falls into place.

So here we have it—Lorenzetti’s fresco is a lesson in political science, a lesson in what underpins a society—Law and Justice, and what makes or breaks it—the proportion of citizens who internalize Law, practicing in their everyday lives basic civility and honesty, versus those who are not honest or civil, and have to be coerced into behaving by the hard hand of Justice. It also raises important questions. Are country’s laws good? Is Justice tethered to the Law, or is it an arbitrary force, a law unto itself?

This determines what kind of society one lives in—the tranquil paradise of civility in which one tranquilly enjoys the fruits of one’s hard work, as depicted on Lorenzetti’s “results of good governance” fresco, or the nightmare shown on the wall opposite to it—the wall of bad law and lawless judges, the wall of mob rule, of Nazism, of Communism, of Islamism, with Law nowhere to be found, and Justice bound and gagged, her scale broken. Lorenzetti’s seemingly simple message is in fact complex, for Law can be unjust, and Justice can be unlawful—neither of which is good.

Needless to say, Siena of 1339 was a walled town of mere tens of thousands, and could be ruled by nine prominent citizens who rotated every two months. A modern state necessitates a huge, professional bureaucracy—and yet, the basics are still the same, and are centered on relation between Law and Justice that are also central to Lorenzetti's fresco. The question still is, can the good citizens handle the bad? Are the laws fair? Are judges honest, and do they follow the Law? The answers to those questions still determine whether one lives in a (relative) heaven or hell—just as it was almost seven centuries ago in 1339, when the paint was drying on Ambrogio Lorenzetti's freshly-painted masterpiece.

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