

**CollabOrate**  
**Justice #1**  
**Analyzing Justitia**

*(This is the first of a twelve essay series exploring our fractured concept of justice. I welcome your comments and thoughts concerning these essays and the state of justice in Snohomish County.)*

Concepts of justice proliferate. Justitia, seated in her toga, fitted with blindfold, and armed with scales and sword, suffers multiple personalities. Justitia, the marble statue, promises impartiality (hence, the blindfold), deliberated equity (hence, the scales) and onrushing vengeance (hence, the sword), all packaged in a sturdy, sane-looking woman. But Justitia is an immigrant with a history. She found a first incarnation in Maat, the Egyptian female deity representing truth, balance, order, law, and morality. On her scales, Maat weighed a decedent's soul against the feather of Maat. Souls unfreighted by evil failed to tip the scales, and won eternity. If laden, Ammit the god-lioness devoured defective souls, who exit the Hall of Two Truths mid-bowel, to become toxic compost in Duat, the Egyptian underworld. Later, Justitia found limestone existence in Isis of Egypt, as well as Themis and Dike of Greece, before Romans legions captured her. Justitia's tenure in the Eternal City worked narcissistic vindication of aristocratic privilege, seasoned with contempt for slaves and commoners. The Brits taught Justitia some morals and religion, but fractured her sanity. America gave English Justitia a visa, ill-aware of her ranting demons. So, who is Justitia, really? Can one catch a glimpse of a sane Justitia amid the improbable theatrics of courts and lawyers?

I have spied Justitia wandering Puget Sound court houses, disoriented.

More than a decade ago, I stood before a King County district court judge (who has proved, as the years have passed, to be a very fine human being). My client stood accused of violating his ex-spouse's order for protection. The ex-wife offered to put her teenage daughter (from a previous relationship) on the stand to confirm the ex-wife's tale. The judge unexpectedly accepted the ex-wife's proposal, commencing an impromptu trial of the matter on the spot, over both parties' objections. The judge took the daughter's testimony, as well as my client's and his ex-spouse's, doing some of the cross-examination himself. The judge adopted as fact all the allegations of the wife and daughter, despite my client's receipt showing that he was, at the time of the reported incident, ordering coffee with his credit card at a Starbucks twenty miles from the ex-spouse's location. The judge solemnly ordered no consequences for my client's now-adjudicated violation. Everyone, except me, stormed out. I shot my jurist quizzical eyebrows. The judge said to me, "I don't feel like I have done my job unless everyone slams the door on their way out." One might call this the "universal unhappiness" theory of justice. Justitia dispenses disappointment. Denying parties what they want; that is justice.

Around 1000 B.C., Solomon became king of Israel. Solomon was the son of King David, who captured the throne by coup, and Bathsheba, David's plural wife, whom David wed after he peeped her naked, relished the view, and commanded her husband Uriah to a suicide mission. Solomon executed his half-brother and rightful heir to the throne, Adonijah. In Jerusalem, two housemate prostitutes bore. One infant died when its mother, unaware, rolled upon her baby during sleep. The bereaved mother exchanged her dead baby for her roommate's infant. The two came before Solomon, who, hearing their tales juxtaposed, drew a sword and offered each half of the living newborn. One mother approved the plan, but the other withdrew from the contest. Solomon awarded the child to the reticent mother. Solomon tricked the fraudulent harlot into betraying her deceit. Justitia set a cunning trap. I worked for a time prosecuting misdemeanors in King County. Some juries proved Solomonic, wrangling truth from behind an interposed shrubbery of lies. Justice lay, for those panels, in distilling truth from the putrid nectar of lying lips. Ferreting beclouded facts; that is justice.

In courthouse hallways, opposing counsel and I sometimes settle cases. Frequently, we split the baby, using Solomon's language, now distorted from the king's sense. I offer to split the difference between respective positions; counsel nods and rushes off. Justitia waxes pragmatic. Favoring finality over facts; that is justice.

Perhaps, given her fluctuating personalities, Justitia requires some psychiatric intervention. Over the course of a year, I invite eminent analysts to diagnose Justitia's troubled psyche: Rawls, Nozick, Hitler, Jesus, Confucius, Gandhi, Locke, Moses, Marx, the Amish of Nickel Mines elementary, and a monkey. Perhaps others may join the fray.

Imagine Justitia prone on a psychiatric divan. Her sword, scales, and blindfold lie ajumble on the coffee table. Justitia pours her troubled, stony heart into the ear of scribbling philosophical shrinks. Each extracts his pathologic nutcracker, smiling ever so faintly.

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