

Massimo Leone*

The frowning balance: Semiotic insinuations on the visual rhetoric of justice

DOI 10.1515/sem-2015-0071

Abstract: Some symbols so skillfully traverse epochs and cultures that they are depicted as almost “natural” embodiments of abstract values. The balance is one of these symbols, adopted to represent justice from ancient Egypt until the present time. Power appropriates this “natural meaning” in order to construct a rhetoric of fairness. Yet, semiotics unveils that the balance, like every symbol, is not natural at all, but underpinned by a specific ideology. From the semiotic point of view, the balance is a device that produces indexes, i. e., causal signs that visually signal an invisible property, weight. Although this translation is not automatic, but based on specific indexical circumstances (such as the type of balance, the weighing techniques, and the measuring standards that are used), the balance is paradoxically turned into a symbol of justice precisely because it is depicted as a non-semiotic device, as an instrument that cannot lie, as a machine.

Keywords: balance, justice, fairness, iconography, semiotics, cultural history

A *quan* cannot on their account increase or
decrease its number, a beam cannot on their account make
heavier or lighter its measure. If others know that using
the *quan* or beam will not bring them advantage, they will
not use them precisely for that reason.
– *Guanzi jiaoshi*, 521 (“*Mingfa jie*”)

1 Introduction: The unnaturalness of symbols

Throughout history, elements of reality such as animals, plants, minerals, or everyday objects have often turned into symbols of abstract concepts or ideas, like wisdom, compassion, generosity, etc. Philologists seek to describe the tortuous paths through which elements of reality become symbols. Research in

*Corresponding author: Massimo Leone, Department of Philosophy, University of Turin, 10124 Torino, Italy, E-mail: massimo.leone@unito.it

this domain is intriguing, as well as arduous, for the communicative force of symbols often transcends cultural frontiers. Yet, symbols that travel across time and space do not stay unchanged, but are diffracted in a myriad of subtly different significations. History explains how reality turns into symbol, but does not explain why. Semiotics must complement history in accounting for the laws of symbolic imagination. That serves not only the purposes of curiosity but also those of anthropology. Every symbol conveys a deep-seated human need, which historical and cultural circumstances then press through the filter of specific words, images, and signs.

A fundamental difference, however, holds between symbology and semiotics. Various “dictionaries of symbols” are available in the market. Yet, they are likely to poignantly disappoint professional semioticians. Entries in these dictionaries indeed customarily limit themselves to expose, in a more or less elaborate manner, an equation between object, past, and meaning. The semiotician’s disappointment stems from the wider ambition of the discipline. Unlike symbology, semiotics is not content with establishing the equation and tracing it back to a certain history and civilization; semiotics dares seeking to understand why a particular object, among many, was selected to visualize the invisible and give expression to what is abstract, imperceptible. What anthropological laws of imagination are at work behind a symbol? And how do they evolve across history and cultures? Answering these questions means casting light not only on the past but also on the present and future of human signification.

The task is particularly difficult in the case of symbols that have been semiotically so successful as to travel across centuries, sometimes millennia, of human history. The abstract ideas they signify have become so engrained in them that they are seen as inseparable. They have turned into “natural symbols” of those ideas. The semiotician must therefore make a considerable metalinguistic effort in order to decompose such unity, show its construction lines and, as a consequence, reveal that other lines would have been possible, although they were not followed by human civilizations. A further step semioticians might take is seeking to explain why those alternative lines were not considered, and even foresee what would happen, should they be followed instead.

Semioticians might be hated for undertaking such deconstructive effort. After all, symbols are cherished exactly because they are “naturalized,” surrounded by an aura that admits no alternatives. Symbols are comfortably reassuring, like most aspects of human life that conceal their linguistic nature. Yet, semioticians should be thanked, instead. The main reason for which symbols often turn into communicative devices of power is that they seem to signify without human intervention. They seem to have been handed down from history like *acheiropoietai* images, exclusively shaped by divine hand. On the contrary,

showing what human hands have contributed to the way in which symbols mean what they mean is tantamount to blunting the rhetoric of power.

Semioticians keen on deciphering the patterns of meaning their contemporaries adopt and live by should therefore pay specific attention to ceremonies and other symbolical apparatuses that mark the establishment of power. What are the symbols a new king, pope, dictator, but also, in the democratic era, a new government or prime minister appropriate, when wishing to communicate an intended relation with power? Some of these symbols will be extremely binding by virtue of their unreflective nature: their communicative impact will transcend pondered interpretation, to such an extent that they will be displayed and read in an entirely ritualistic manner.

2 A paradoxical symbol: The balance

The balance is one of these symbols. From ancient Egypt until the present time, displaying a balance on a coat of arms, on the façade of a building, or on a flag, has triggered an almost automatic reference to an abstract concept of equity and justice, to the idea that power is and will be exerted in a fair and impartial way. The connection is so strong across history and cultures, that no alternative seems possible. What does a balance stand for? Justice! And what symbol can stand for justice? A balance!

These answers cannot satisfy semiotics. What is a balance from the semiotic point of view, indeed? Adopting a framework inspired by Peirce, it can be argued that a balance is a device that produces and compares specific indexes. There are different kinds of balances, with different names, but they all function according to the same principle: given a certain object, when one places it in suitable physical contiguity with a balance, for instance by laying it in one of its plates or hanging it at one of its hooks, the physical structure of the balance changes, determining the plates or the hook to move and the balance to tilt. Specialists in historical metrology point out that some of the magical aura surrounding balances, scales, etc. might derive from the fact that the physical principle on the basis of which these instruments work remained mysterious for a long time, at least until the definition of “mass” in modern physics (Robens et al. 2014a: 419).

Scientists now perfectly know the physical principle according to which scales tilt, yet the magical aura is still somehow there. It derives from the paradoxical semiotic nature of the balance. As it was pointed out earlier, balances produce and compare indexes. They bring about perceptible signs that stand for an invisible entity, i. e., the comparative weight of an object. How much does an

object weigh? This piece of information cannot be obtained by just looking at the object. Of course, one can gauge the weight of an object by observing it, and yet experience tells us that this procedure is imprecise. Weight, indeed, is not one of the properties of the world that the human species is equipped to estimate through sight. Alternatively, one may also seek to weigh an object by using one's own body as a balance. Those who have sought to thus weigh their suitcases in view of complying with airline regulations, however, know well how deceiving this procedure usually is. Again, experience tells us that our perception of the weight of objects, when we lift, pull, push, or drag them, is so conditioned by our own subjectivity (fatigue, etc.) as to be totally unreliable. The balance was therefore invented and introduced as a device that associates the weight of an object, an invisible entity, to a visible index, the tilting of the balance.

The paradox of this semiotic device lies in the fact that, at least in principle, it should not be a semiotic device. If one accepts Eco's witty definition that semiotics studies everything that can be used to lie (Eco 1975: 18), then a balance is not a semiotic object, since it cannot lie. When a certain object is placed on one of its plates, the balance will have to visually indicate the weight of the object, with no alternative. The balance may, of course, be a fraud and indicate a wrong measure, yet in that case too it would work exactly like a distorting mirror (Eco 1985), faking its measurements with regularity, without any semiotic fluctuation. Why, then, is the balance still to be considered as a device that produces indexes, that is, signs?

Indexes are signs in which the relation between the object and the representamen is based on causal contiguity: smoke, then fire. However, that does not mean that indexes do not entail any interpretant. If it were thus, indexes would not be signs. The relation between the representamen and the object would be dyadic, non-mediated by any third entity, devoid of semiotic quality. Where is the interpretant in indexes, then? It lies in the quality of causal contiguity between the representamen and the object. In other words, although smoke is physically caused by fire, knowledge of such causality is indispensable in order for the smoke to turn into an indexical sign of fire. In the same way, it is true that a balance cannot lie, meaning that it will always tilt in the same way when an object is placed on one of its plates. However, it is also true that knowledge of the way in which objects behave in space when placed on top of other objects is fundamental in order to correctly "read" the indexes that a balance produces.

Moreover, smoke can be considered as a pure index of fire only abstractedly. In reality, smoke is never solely an index of fire but always an index of fire burning something with specific qualities, at a certain distance, and in given atmospheric conditions. The same quality that allows smoke to indexically signify fire, that is,

color, also systematically reintroduces interpretation in its semiotic functioning. Potential variety of colors entails alternative in the relation between fire and smoke, resulting in multiplication of semiotic possibilities, as well as in variety of (mis)interpretations. When cardinals retreat in conclave, for instance, the only sign outsiders can rely on in order to know whether a new pope has been elected is the color of smoke exhaling from the chimney of the stove in the Sistine Chapel. Black smoke indicates failure in electing a new pope, whereas white smoke indicates success. The color of smoke is an index, causally related to the materials combusted in the stove. Yet, interpretation is fundamental so as to relate color to combusted materials, and therefore to the cardinals' activity in conclave. That is why smoke is often misinterpreted: despite improvement in technological devices adopted by the Vatican in order to emphasize difference between black and white smoke during conclaves, uncertainty reigns at every new smoke signal, to the point that, in 2005, a new acoustic sign, the ring of bells of Saint Peter's Basilica, was introduced in order to dispel the ambiguity.

In the same way, a balance produces indexes, which are signs based on causal contiguity, yet the way in which this causal contiguity is created, translated into a visible representamen, and communicated as a measurement of the weight of an object is not "natural" at all. Here is where the paradox lies: much of the rhetorical force by virtue of which the balance has been adopted as universal symbol of justice depends on presenting it as a non-semiotic device, as something that cannot lie in any circumstances.

At this point of the essay, a recap is in order. Some symbols so skillfully traverse epochs and cultures that they are depicted as almost "natural" embodiments of abstract values. The balance is one of these symbols, adopted to represent justice from ancient Egypt until the present time. Power appropriates this "natural meaning" in order to construct a rhetoric of equity. Yet, semiotics unveils that the balance, like every symbol, is not natural at all, but underpinned by a specific ideology. From the semiotic point of view, the balance is a device that produces indexes, i. e., causal signs that visually signal an invisible property, weight. Although this translation is not automatic, but based on specific indexical circumstances (such as the type of balance, the weighing techniques, and the measuring standards that are used), the balance is paradoxically turned into a symbol of justice precisely because it is depicted as a non-semiotic device, as an instrument that cannot lie, as a machine.

In other words, the balance becomes a universal symbol of justice, its display being particularly emphasized in the rhetoric of (often unjust) power, for the symbol promises to those who revere it what the balance itself promises to those who use it: as the real balance will eliminate approximation, subjectivity, and interpretation from the task of weighing an object, so the symbolical

balance of law will ban any idiosyncratic interference from the task of weighing human acts, determining responsibilities, and attributing pains and rewards. Behind the adoption of the balance as quintessential symbol of justice, there lies the idea that adjudication can be performed as non-semiotic task, as mechanical procedure where no interpretation is involved. Eliminating discretionary influence in law: that is the ultimate promise of the balance.

3 The subjectivity of weighing

Historical and comparative metrology indicates that the process of weighing is far from being devoid of any semiotic dimension. Abstractedly conceived, a balance is a pure index-producing device. In reality, though, as the indexical relation between smoke and fire, so that between mass and weight depends on a series of indexical circumstances. One of them is the type of balance that is adopted, each translating the invisible entity of weight into a visible indication of it through different types of causal contiguity. Gravitational balances, counterweight balances, bioforce balances, elastic force balances, gyro balances, buoyancy balances, hydraulic balances, balances with electric force compensation, with electromagnetic force compensation, with light pressure compensation, momentum balances, oscillator balances, radiometric belt weighers, not to speak of laboratory balances such as those for vacuum and controlled atmosphere, magnetic suspension balances, balances for thermogravimetry, sorptometry, mass analyzers, etc.: this long series of devices translates the human longing for perfect weighing, for a balance that eliminates any “noise” involved in associating a certain object with the numerical expression of its weight. Each new technological advancement, nevertheless, is followed by new obstacles on the road to absolute precision: mechanical effects, buoyancy effects, gravitational effects, thermal effects, electrostatic and magnetic effects, effects of the Brownian motion, etc.

Furthermore, historical metrology also indicates that what reintroduces alternative, semiosis, interpretation, and therefore the possibility of “error,” fraud, or dispute in the act of weighing is not only weighing technology, but also metrological strategy. A muid¹ of salt imported from the Greek island of Santa Maura to Venice would weigh 2,376 pounds. When it was exported, however, its weight would vary depending on destination: 2,304 pounds for the farms of Venetian Lombardy; 2,700 pounds for Turin and Milan; 2,064 pounds for the Venetian Cadore, etc. (Hocquet 1986: 38). The weight of salt would, therefore, change

1 An ancient French “standard” for measuring the weight of salt.

according to several parameters, such as the origin of merchandise, the place and role of economic agents depending on whether they were selling or buying, the nature of customers and their role on the international market, their exposure to foreign concurrency (Milan and Turin), Austrian smuggling through Trieste (Cadore), political-economic privileges sanctioning fishing (such as in Caorle and in Grado, where it was practiced by the most ancient populations of the Duchy), etc.²

That is to say that the idea of a metrical system that covers the entire world, and weighs human objects and activities independently from any interpretation of collateral indexical circumstances is a typically modern idea, resulting from the utopia of a reality that, by means of appropriate devices, offers a measure of itself without any human intervention. One is left wondering whether the program of objective, quantitative measurement of the world that is typical of positivist modernity might be not only the pure outcome of technological improvement – allowing a better human grasp of the “measures of the world” – but rather a rhetoric, reinforcing a global numerical discourse wherein political interferences still persist – conditioning the present trade of oil as they would influence the past commerce of salt – but are much less visible than in pre-modern times, concealed under an impenetrable curtain of numbers, standards, and parameters.

Analogously, one is left wondering whether the symbol of the balance – visually conveying a juridical ideology in which adjudication takes place through a legal system that, like a sophisticated weighing device, translates human deeds into legal categories, providing an output of justice wherein no subjectivity interferes – might also be part of the same numerical rhetoric of modernity, one that pretends to weigh reality and preserve equity with no room for biased interpretation. Former Italian Prime Minister Silvio Berlusconi once notoriously declared, during one of the many trials in which he was involved: “That is true, law is equal for all, but for me it is more equal than for the others because the majority of Italians voted for me” (spontaneous declaration at the SME trial, June 17 2003).³ Isn’t the cynical paradox of this sentence – more faithful to the nature of law, also in the modern “democratic” era, than the symbol of the balance, which rhetorically evokes an imaginaire of natural, automatic, and mechanical equity?

In order to answer this question, the essay will take two directions. On the one hand, it will continue exploring the visual rhetoric of the balance. Through a historical and anthropological tour de force, it will seek to highlight “interrupted paths” in the formation of this symbol. The balance as symbol of legal justice

² See Hocquet (1986, 1990).

³ An involuntary self-sarcastic quote of Orwell’s Napoleon?

became what it is not through natural evolution but through a series of semiotic choices. Revealing such patterns of discarded alternatives will further emphasize the rhetorical nature of the current symbol and its potential options. On the other hand, the essay will formulate a proposal on how a post-modern perspective on the visual rhetoric of the balance might be semiotically shaped. The point of semiotics, indeed, should not be that of denying the human possibility of progressively refining the dynamics of adjudication, so as to asymptotically eliminate unjust biases from it. It is, indeed, commendable that legal systems evolve toward increasingly equitable procedures. The aim of semiotics is different: denouncing the symbolical rhetoric that masks old injustices through new technologies of (pseudo-)equity, and travesty the unbalance of adjudication through a vertiginous evocation of void procedures, standards, and parameters as the symbol of the balance conceals, by its cold impassibility, the human distortion of both physical and juridical weighing.

It is not fortuitous, indeed, that among the many available types of balance, cultural history selected the scales as visual epitome of the objectivity and impersonality of law. Especially in the present-day visual rhetoric of just power, the scales are indeed depicted as an icon, unrelated to any visual or narrative context, as though they were an agent that does not necessitate any human regulation or operation. The scales on their own visually weigh human beings, mechanically and inexorably tilting when one of their plates is heavier than the other, exactly as the legal system impersonally tilts in adjudication. Diving into the depths of cultural history, though, one finds out that such aseptic imaginary of law, justice, and adjudication as abstract balance stems from a long and tortuous path of unselected alternatives.

4 China

Students of early Chinese historical metrology⁴ provide evidence that balances with equal arms, like those that symbolize justice and equity in the western rhetoric of just power, were predominant in early China (pre-Zhou period and Zhu period, eleventh century – 221 B.C.E.).⁵ Another type of balance with unequal arms, however, i. e., the steelyard, became prevalent in the Eastern

⁴ Bibliography on the history of weighing in China is abundant. For a bibliography, see Theobald and Vogel (2004: 10–16 and 18–19).

⁵ On the pre-Zhou period, see Cai Yunzhang (1982), Qiu Guangming (1990, 1997); Qiu Guangming et al. (2001: 254–262); on the Zhu-period, Wang Da (1959). See also Vankeerberghen (2005–2006: 48, n. 2).

Han Times (25–220 C.E.).⁶ There is also evidence of a transitional type between the two, with a fixed fulcrum in the middle but using leverage to determine an object's weight, used from the Warring States period on (475–221 B.C.E.).⁷ Early China historical metrology reconstructs the material background against which metaphorical usages of these various types of balance arose (Vankeerberghen 2005–2006).

As specialists have pointed out, such different modalities of weighing entail increasing influence of human operations on the functioning of the balance and, therefore, translate into metaphors of as many semiotic ideologies of equilibrium, adjudication, and, more generally, legal power (Vogel 1994). Two diverging metaphorical categories can be singled out. In the first, historically predominant from the fourth century B.C.E. on, scales with equal arms prevail. They evoke a semiotic ideology of *quan*, “balance,” that is similar to that subscribed to by the western visual rhetoric of justice: as placing an object on the scales numerically determines its weight with no human interference, so exerting the faculty of *quan* means expelling all subjectivity from moral assessment and self-assessment. The *Guanzi*⁸ – an encyclopedic compilation of Chinese philosophical materials named after the seventh-century BCE philosopher Guan Zhong,⁹ Prime Minister to Duke Huan of Qi – explicitly emphasizes the non-semiotic, numeric (*shu*) nature of the act of weighing: “With the weighing beam one can determine a number for a thing's weight.”¹⁰ Early Chinese political and philosophical texts adopt this numeric semiotic ideology of balance and transpose it into the moral domain. The famous Confucian philosopher Mencius,¹¹ thus, admonished King Xuan of Qi to “measure his own heart,”¹² implying that *quan*, equilibrium, exactly consists in exerting power by discarding the troublesome influence of subjective emotions and interpretations. Moral adjudication is therefore conceived of as quantifiable as weighing is.

The *Huainanzi*,¹³ a second-century BCE Chinese philosophical classic from the Han dynasty, offers a counterpart to this numeric, quantitative understanding of *quan* and weighing:

⁶ See Guo Zhengzhong (1994) and Vogel (1997).

⁷ See Liu Dongrui (1990).

⁸ For an introduction to literature on *Guanzi*, see Rickett (1993).

⁹ C. 720–645 B.C.E.

¹⁰ *Guanzi jiaoshi*, 521 (“*Mingfa jie*”). We follow the translation provided by Vankeerberghen (2005–2006: 65–6).

¹¹ C. 372–289 B.C.E. For an introduction, see Shun (1997).

¹² *Mencius* 1 A 7.

¹³ For an introduction, Vankeerberghen (2001).

Therefore, when the sage negotiates things being bent or straight, he bends and stretches, lies down or looks upward with them. Without relying on an eternal standard, he sometimes bends, sometimes stretches. When he is being meek and weak as cattail or leather, do not think he is being snatched away; when he is rigid and forceful, fierce and determined, his will as strong as the azure clouds, do not think he is boastful or self-important: that is how he rides the times, and responds to changes.¹⁴

In this and other passages from the same cultural epoch, moral judgment is not conceived of as mechanical act, wherein a moral balance automatically translates human deeds into numbers, but as highly semiotic endeavor, in which human agency does not hide under the impersonality of the balance but makes itself conspicuous in its role and agency of constant adjustment. As a consequence, the steelyard, instead of the scales, becomes the symbol of adjudication, i. e., the icon of a weighing mechanism that a human hand persistently adapts to circumstances, exactly as the leverage of a steelyard must be manipulated in order to reach *quan*, balance. *The Book of Documents* (*Shujing*, earlier *Shu-king*) or *Classic of History*, also known as the *Shangshu*,¹⁵ one of the Five Classics of ancient Chinese literature, explicitly transfers this imaginaire of adjustment to the domain of legal adjudication:

When a crime falls within a high category of punishments but there are extenuating circumstances, serve a lower sentence. When it falls within a low category of punishments but there are aggravating circumstances, serve a higher sentence. In determining the lightness and heaviness of all penalties, there is weighing. Even if punishments and penalties are light in some periods and heavy in others, in equalizing what is not equalized there is order and there are essentials.¹⁶

The opposition between a semiotic ideology of law in which the scales are the prevailing symbol, and human agency conceals behind the impartiality of mechanic adjudication, and a semiotic ideology of judgment in which, on the contrary, the steelyard is the predominant material metaphor, and human agency displays itself in the exercise of continuous moral adjustment, should not be situated along an evolutionary line (from more rigid to more flexible conceptions of adjudication), but in a sort of a-temporal anthropological dialectics, in which two different abstract models of equity and justice are confronted. Subsequent to Han scholarship, indeed, Song hermeneutics of *quan* conveys moral deprecation of the previous understanding of weighing, balance, and

¹⁴ *Huainan honglie jijie*, 443–44. We follow the translation provided by Vankeerberghen (2005–2006: 81).

¹⁵ For an introduction to literature, see Shaughnessy (1993).

¹⁶ “Lü xing” chapter, 259. We follow the translation provided by Vankeerberghen (2005–2006: 55).

adjudication – in a way that is reminiscent of Pascal’s contempt vis-à-vis early-modern casuistry¹⁷ – and points at the metaphor of the steelyard and its movable leverage mechanism as to a dangerous occasion for arbitrariness to penetrate the realm of law.

5 Egypt

The analogy with the *Provinciales* suggests that the dialectics between opposite imaginaires of weighing and adjudication might characterize also the history of semiotic ideologies of law in the west. One of its most ancient roots is to be found in the metaphoric use of the balance in ancient Egyptian texts. The Coffin Texts¹⁸ – a collection of ancient Egyptian funerary spells written on coffins beginning in the First Intermediate Period (ca. 2181–2055 B.C.E.), deriving in part from the earlier pyramid texts – already refer to weighing in the context of judgment that dead people must undergo in the afterlife (Grieshammer 1970: 46–48). In one of these texts it is said: “Both doors of heaven will be open for your perfectibility, so that you egress and see Hathor. Your evil will be cast out, your wrongdoing erased by those who weigh the qualities with the scales on the day of judgment.”¹⁹ However, the text does not provide precise indication about how the weighing is to be performed.

In another Coffin Text, weighing is personified under demonic form. The dead one addresses Re with a prayer for help: “Save me from this God with occult shape, whose eyebrows are the beams of the balance, on that day of reckoning with the snatcher, who lays manacles on evildoers, so as to lacerate their souls.”²⁰ Whereas, as it shall be seen, in later texts the judgment of “souls” is performed through a real balance, and usually through scales, in this coffin text separation between the impersonal agency of the balance and the subjective agency of its user has not taken place yet. Indeed, the weighing mechanism is embodied by the judge through the curious figure of the eyebrows-beams: evidently, the result of weighing will be tantamount to the emotional reaction of the judge, as expressed on his face; the severe inclination of the eyebrows will correspond to the fatal inclination of the beams.

¹⁷ See Jonsen and Toulmin (1990).

¹⁸ See Faulkner (1973–1978).

¹⁹ CT I 181a-e [44]. In this and subsequent quotations from the Coffin Texts we follow, with small changes, the translation provided in Buck (1935–2006).

²⁰ CT IV 298a-301a [335].

Nevertheless, another fragment reads: “You weigh with the balance of Thot,”²¹ which suggests that the scene of weighing evolves toward a separation of the balance and the judge, as well as toward a separation of their agencies: the act of weighing is demanded to a god, whose specific duty is to secure a correct functioning of the balance. Such evolution is confirmed and further specified in the Book of the Dead, an ancient Egyptian funerary text, used from the beginning of the New Kingdom (around 1550 B.C.E.) until around 50 B.C.E.²² Chapter 125 of the Book describes the famous ritual of the “weighing of the heart,” which is also found depicted in countless contemporary vignettes (Seeber 1976).

In this procedure, the heart of the dead is placed on one of the two plates of a grand balance scale, while on the other plate lies the symbol of *ma’at*, the ancient Egyptian concept of truth, balance, order, law, morality, and justice (Assmann 2001: 132–6). The dead must perform a recitation in front of the balance, accounting for their deeds. What is at stake, though, is not the recount of a life-story, but the truthfulness of recitation. The heart, indeed, figures as witness of the process, and by no means it must disavow the recitation. Several characters, besides the defendant, usually participate in the judgment. Anubis, Horus (from the 21st dynasty), or even *Ma’at* itself usher the dead toward the weighing scene. Horus and *Ma’at* also appear as weigh-masters and minute-takers, but these roles are more commonly assigned to *Thoth*, as anticipated in Coffin Texts. *Osiris* presides over the entire judgment.

An interesting aspect of many verbal and graphic depictions of the scene of judgment in the Book of Dead is the so-called “doubling of *Ma’at*.” *Ma’at* indeed appears in these depictions both as the entity (usually symbolized as a feather of ostrich) against which the heart of the dead is to be weighed, and as personification of the concept of justice, confronting the recitation of the defendant. As a result, the hall of judgment is called “the Hall of double *Ma’at*.” In some cases, moreover, a third instance of *Ma’at* appears as the *mystagogue* that ushers the dead toward the judgment. Such multiplication of actors, playing the several roles of *Ma’at* in the judgment scene, has been variously interpreted (Hornung 1987).

From the point of view of the present paper, what matters is mostly the comparison between such diffracted scene of judgment and that of the Coffin Texts, where the balance, the judge, and the punisher were embodied by the same persona. In graphic representations of the “Hall of double *Ma’at*,” on the contrary, these roles are not only distributed among different actors, but also

²¹ CT I 209d [47].

²² For an introduction, Faulkner and von Dassow (1994).

presented in an abstract way, so that different figures can visualize the various roles of a single principle. Considered in the framework of the long-term evolution of weighing as metaphor of adjudication, this multiplication/abstraction points to the progressive shaping of a “bureaucracy of weighing.” The subjectivity of the balance/law/judge/punisher is replaced by a complex arena in which the mechanical agency of the balance can emerge exactly insofar as it is stripped from the other personae of the scene of judgment, which are visually and narratively distributed all around.

The passage from Coffin Texts to the Book of the Dead signals an evolution of the semiotic ideology of law that is opposite to that described in relation to the imaginary of weighing in ancient China: in Egypt, the Book of the Dead marks what is probably the very beginning of the western rhetoric of law as impersonal, objective agency, whose standardized mechanisms of adjudication are comparable to the functioning of a balance scale. Should this standardization, mechanization, and bureaucratization of law be considered a consequence of the so-called “democratization of afterlife,” which took place after the First Intermediate Period? Is the construction of an articulated scene of transcendent judgment to be connected with the parallel evolution of a less hierarchical society, whose horizontal tendencies would express themselves also in the institution of the “machine of law”?

Students of ancient Egyptian law should answer these questions. From the semiotic point of view, it is important to underline that the balance as paradoxical icon of a non-semiotic, impersonal, and numeric practice of law might emerge in connection with historical and cultural contexts in which large numbers of people are given access to law and its ways of adjudication. That is certainly true as regards the passage to the Egyptian New Kingdom, wherein less rigid boundaries among social classes also entailed a progressive widening and professionalization of the “Hall of Ma’at.”

Is therefore the “visual rhetoric of just power” to be considered as inevitable side-effect of the democratization of law, as attempt by the vertical power of the king to conceal behind such an icon of objectivity as the balance? The ideological dilemma inscribed in the hermeneutical conflict dividing Han and Song legal scholars should perhaps be read on an anthropological, trans-historical, and cross-cultural scale: on the one hand, the more the law turns into impersonal agency, the more it seems adequate to give rise to just adjudication in a democratic society, where many, most, or even all can access the law; on the other hand, the more the law becomes numeric bureaucracy, the less it seems suitable to do justice to circumstances, exceptions, and subjectivities: all are weighed in the same way by the balance of law, but the output of this mechanic process is cold measure and number, whose potential injustice is even more

difficult to detect for the balance does not have any face, unlike the monstrous balance-judge of the Coffin Texts.

6 Greece

The idea of a superior being that presides over the judgment of mortals, weighing their deeds on a scale, is not exclusive of the Egyptian civilization but transfers, through labyrinthine paths, to ancient Greece.²³ Zeus weighs the keres of the Greeks and Trojans in *Iliad* (8.69–74). Furthermore, a famous passage of the *Iliad* (22.209–13) reads:

Then father Zeus balanced his golden scales (χρύσεια ... τάλαντα),
and in them he set two fateful portions of
woeful death (δύο κήρε τανηλεγέος θανάτοι), one for
Achilles and one for Hector, breaker of horses. Balancing
it in the middle, Zeus raised it high, and the fated day
(αἴσιμον ἦμαρ) of Hector sank down: it went toward the
house of Hades, and the god Apollo left him.

Also, the scales incline towards Oedipus's guilt in Sophocles's tragedy (847; Musurillo 1957: 45). Furthermore, the *Aethiopsis*, the lost epic of ancient Greek literature, would also contain a scene of kerostasia,²⁴ which would have inspired a lost work by Aeschylus, the *Psychostasia* (schol. A ad 8.70 and Eustathius on 8.73 (699.31)).²⁵

Abundant literature on the topic has focused especially on *Iliad* (22.209–13), seeking to solve that which modern readers perceive as a paradox: if the fate of Hector is already doomed, why does Zeus weigh his kere on the scales against the kere of Achilles? Most commentators have underlined that, in this passage, the scales are not an instrument of adjudication but a narrative device, signaling that the poem will allow no further deviations from the destiny of the two characters. Thus, Willcock (1976: 86–87) claims that the weighing is “not a process of decision by Zeus; it is rather a symbolic representation of what is fated to happen;” Vermeule (1979: 76) points out that it is “not a judgement, but an external affirmation of destiny.” For Erbse (1986: 289), the scales “only serve to give an expression of necessity.” Similarly, Edwards (1987: 294) argues: “the

²³ A classic, but still tentative and much debated study of this transition is in Wüst (1936). For a criticism, Björk (1945). For a discussion, Dietrich (1964).

²⁴ For a discussion, see Irvine (1997: 43) and Rozokoki (2009: 9).

²⁵ On difference between kerostasia and psychostasia, see Burgess (2004).

scales are an indication of what will happen, an artistic means of creating tension, not a real decision-making device.” Analogously, referring to *Iliad* 8.69–74, Taplin (1992: 141 note 20) comments: “the scales do not decide this [the victory of Troy]; they mark a crisis in the narrative. In some passages, indeed, they become a purely figurative way of indicating a turning point.” Not dissimilarly, Morrison (1997: 293) circumscribes the meaning of Zeus’s scales to the narrative dimension:

What is significant about *kerostasia* is that it brings the three contexts together. The setting out of the scales is an action by the gods. Yet the effect is to determine the future of heroes fighting on the field of battle. Finally, in narrative terms, *kerostasia* signals the imminent fulfillment of the story as earlier foreshadowed by divine and poetic predictions.

From the point of view adopted by the present essay, though, all these comments seem to miss an important aspect of Zeus’s *kerostasia*. They all argue that, since the fate of Hector is decided before the weighing of his *kere* on the scales against that of Achilles, then the scales themselves cannot be considered as a decisional device, as an instrument of adjudication. However, one could argue that the juridical relevance of this and similar passages exactly consists in instituting the scales as symbolical reference to a transcendent order, whose impersonal determinations dominate the subjective, personal decisional inclinations of Zeus. The symbolical shift by which the agency of adjudication is stripped from Zeus and attributed to his instrument is analogous to that which conceals the personality of judgment behind the symbol of the scales in most of the western history of this icon of law and justice. Hence, the scales that tilt in disfavor of Hector are not only a narrative device, signaling that no further deviations from fate will be admitted in the plot of the *Iliad*, but also a meta-judicial device, displacing the agency and responsibility of judgment from Zeus to *Moirai* or *Aisa*, the impersonal destiny.

Depictions of *kerostasia* seem to confirm this interpretation (Shapiro 1990). The oldest visual representation of *kerostasia*, in which Zeus determines the outcome of the battle between two contenders by weighing their *keres* on the plates of a scale, appears on a *dinos*²⁶ (Vienna, 3619) and dates from 540 B.C.E. In a coeval depiction, on a cup by Epiktetos now in the museum of Villa Giulia in Rome (57912), Hermes handles the scales, while Zeus and Hera observe from distance the scene of the infuriating battle between Achilles and Memnon (Simon 1959: 72–82; Slatkin 1986: 3–4 n. 5). From the point of view of the present essay, it is significant that, in all these depictions, Zeus does not take any decision on the fate of the mortal combat but rather appears as the mediator

26 A mixing bowl.

of superior or collateral agencies, such as that of *moirai*, the Greek incarnation of destiny. In the Roman cup, the lack of Zeus's personal agency in weighing, judgment, and determination of fate is further emphasized by the "professionalization" of weighing itself. As in the Book of the Dead the handling of the scale balance was delegated to Thoth, so in the Attic iconography it is Hermes, the Greek god of ruse, which figures as "impersonal technician of weighing."

The Greek scene of adjudication significantly differs from the Egyptian one. In the former case, living human beings are weighed and judged, not dead people. Furthermore, judgment does not involve comparison between recitation and heart, but between two simulacra of the battling contenders. The Egyptian scene of weighing and judgment, moreover, displays an evident character of initiation, which the Greek scene lacks completely. Yet, something connects the two imaginaries at a more abstract level: both seem to be underpinned by a semiotic ideology of law in which the conception of a superior ontological order, from which judgment of the inferior one emanates, is accompanied by the institution of an impersonal agency, symbolically embodied by the scales, which implements the order established in the upper dimension and applies it to the lower one, but without a personal, subjective intrusion of the former into the latter. Judgment proceeds from a superior ontology, and yet the agency of it remains hidden in the automatic mechanism of the scales, whose correct functioning is entrusted to Hermes's technique.

The transfer of adjudicating agency from Zeus to the scales is paralleled by the historical and cultural process through which the Greek civilization first builds the abstract concept of justice, as well as the germane idea of righteousness, then impersonates them through feminine, ideal goddesses, then provides them with the scales. However, this process does not entail that the scales of justice regain an aspect of personality and subjectivity, since the passage from the justice of Zeus to that of Dike, from a male agency to a female agency, implies, on the opposite, a de-personalization of the adjudicating agency. Dike takes shape as a personification of justice in Hesiod's *Theogony* (901), but it is in the Homeric Hymns that its name is associated with the instrument of the scales (δίκης τάλαντα, 324).²⁷ By the fifth century, the balance has become a customary attribute of Dike, as is evident from Aeschylus, *Libation Bearers* 55: "But the balance of Dike keeps watch: swiftly it descends on those in the light; sometimes pain waits for those who linger on the frontier of twilight; and others are claimed by

²⁷ For a discussion of this personification, and its association with the scales of Zeus, see Gagarin (1974: 189).

strengthless night”; as well as from Bacchylides, Fragment 5: “If some god had been holding level the balance of Dike (Justice).”

7 Rome

The Greek pantheon imperfectly translates into the Roman one. Nevertheless, continuity can be seen between *Dike* and *Dikayosune* on the one hand and, on the other hand, the Roman goddesses of *Iustitia* and *Aequitas*. In the Roman case too, female embodiments signify further abstraction of agency. The semantic fields of *Aequitas* and *Iustitia* often overlap, and so do their iconographies (Manders 2012: 182). Cicero refers to them interchangeably in *De Officiis* (2.5.18; 3.6.28), but overall *Iustitia* seems to preside more over the letter of the law, *Aequitas* over its spirit. Modern commentators therefore translate the latter in English as “fairness,” as quality that is required not only for legal judgment, but also for moral judgment (Strack 1931–1937, 1: 154–64; Noreña 2001: 158).

The enlargement of the semantic field of *Aequitas* in relation to *Iustitia* implies a further democratization, but also a further vulgarization, of the symbol of the scales. In the Roman pantheon, *Aequitas* turns into the minor goddess of fair trade and honest merchants. Moreover, it too, like *Iustitia*, becomes one of the indispensable virtues of Roman imperial power and rhetoric, but with a significant specification. In its variant of *Aequitas Augusti*, its female personification abundantly appears on coins,²⁸ visually declaring the fairness of the Emperor in vouching for the correct measure of precious metal therein contained (Wallace-Hadrill 1981: n. 57). The identification of *Aequitas* with *Iuno Moneta* under Galba,²⁹ in particular, entails important semiotic consequences.

First, the association of the scales with *Aequitas-Moneta* suggests that an increase in the abstraction of agency behind the mechanism of weighing is inextricably linked, in this context too, with further democratization of the process of adjudication. The scales are not associated with a god who presides over the momentous judgment of the dead, or to the determination of fate in epic battle; instead, they become a device of “everyday adjudication,” used by merchants in trivial transactions.

²⁸ *Aequitas* types represent about one quarter of all virtue types on *denarii* minted between 69 and 235 C.E. See Lichočka (1974), but cf. Metcalf (1977).

²⁹ Emperor Servius Sulpicius Galba Caesar Augustus, Terracina, current Italy, 24 December 3 B.C.E. – Rome, 15 January 69 C.E.

Second, the progressive vanishing of the scales' aura is confirmed by their iconographic reproducibility. The scales do not appear in individualized contexts such as Coffin Texts, vignettes related to the Book of the Dead (Egypt), Homeric verses or Attic vases (Greece). The scales are inscribed in the object that epitomizes the standardization of value in the history of humanity: coins. Examples are countless: *Aequitas* appears on the reverse of *antoniani* [= 2 *Denarii*], struck under Roman Emperor Claudius II. The goddess holds her symbols, the balance in perfect equilibrium, in the right, and the cornucopia, in the left. The implicit message contained in this visual rhetoric is that a subjective, personal agency, open to semiosis and interpretation, is not necessary anymore, supplanted by an abstract principle of fairness that is vouched for by a numeric device, coins. The icon guarantees the value of the coin, but the coin simultaneously multiplies and dilutes the value of the icon. *Aequitas* is in the hands of everybody, because it is in the hands of nobody. It is, literally, a measure, a digit, an entity that exclude all human interference.

8 Conclusion: The frowning balance

Through complex historical ways and cultural patterns, which cannot be summarized in this context, but which make the object of abundant literature, the Egyptian, Greek, and Roman imaginaire of the balance, together with the Jewish biblical one, constituted the background against which the Christian idea of the “weighing of the souls” evolved.³⁰ Such imaginaire contains distinctive features, but some of its most important elements can clearly be traced back to their pre-Christian roots. Indeed, in the Christian civilization too, the more the idea of an individual judgment of the souls immediately after death gained upon the idea of a final judgment to which all souls would be subjected at the end of times, the more the agency of spiritual judgment and adjudication turned abstract, professional, and impersonal, the scales of metaphysical weighing being increasingly displaced from the personal hands of God or Jesus to those of specialized agents like the Archangel Michael.³¹

30 Literature on this evolution is very rich. See Schuck (1936) for a study of the transition from the Roman to the Christian scales, and meticulous survey of previous (esp. nineteenth-century) literature on the topic.

31 An extensive analysis of the development of the Christian medieval symbolism and iconography of the scales is in Perry (1912, 1913). On the Jewish roots of the imaginaire of the psychostasy, see also Barasch (2005). On its iconography, Markow (1983–1984, 1984). On the theological and juridical evolution of the idea of individual adjudication of souls, see Gaiffier (1952); Baschet (1995, 2008).

This process, however, does not concern only the religious domain but also the secular one. The iconography of justice as a blind goddess appears at the dawn of modernity, and coincides with the disappearing of a series of topoi, motives, and representations that would point out, on the contrary, the inevitable personality of adjudication, its pathos, and the suffering that it both feels and inflicts in the painful process of judgment (Resnik and Curtis 2007). The cultural as well as the emotional distance of this modern blind goddess from the Egyptian god-balance, whose irate frowning would embody the tilting of the scales of judgment, is abysmal. We certainly would not like to regress to that imaginaire, which is all too vividly engrained in present-day dictatorial “legal systems” around the world. Yet, as it was promised at the beginning of the present paper, semiotics must warn not only against icons of law in which idiosyncratic semiosis and interpretation occupy the entire arena of judgment, expelling the regularity of any legal habit, code, and system, but also against icons of law that, on the contrary, expunge any reference to the personality of judgment in order to extol the quality of cold, objective, and numeric weighing.

Self-evidently, we would not like to be judged by dictatorial agents, who would tilt their balances as they please and attribute weight at their discretion. But would we like to be judged by balances that no human hand sets and operates, by machines, for which judgment is inexorably deductive extraction of results from the cold matching of rules and cases? If the semiotic and cross-cultural exploration of the millenary imaginaire of the scales serves a purpose, it is not that of suggesting an answer, claiming that human sensibility and qualitative attention will be always required in both legal and moral adjudication. Instead, the aim of semiotic analysis is to show that the question itself is incorrect, and that behind every self-operating balance, and every rhetoric of cold measurement, and every discourse of impassive statistics, there still lies an Egyptian god, impulsively frowning at the world, although his eyebrows are now so distant and well disguised under the beams of sophisticate balances, that we don't recognize them anymore.

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