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ontologically possible. Sovereignty then in its Theravada Buddhist incarnation in the Sri Lankan landscape reveals both centralising and devolutionary moments, moments that are captured in the Kandyan kingdom's architectural, administrative and ritual representation. Before I proceed, I need to first say something of the cosmic order of Sinhalese Buddhism.

25.2 The Ontological Horizon of the Buddhist Cosmos

The cosmic order of Sinhalese Buddhism is multilayered and subdivided, but its fissiparous nature is 'counteracted by the holistic framework within which it is understood, by the attributes of the Buddha, and by the principles and mechanisms which provide the pantheon with a unity of structure' (Roberts 1994, 62–63). Within this cosmological order, the Buddha is at the apex and the gods are in the middle, while the demonic forces of disintegration are at the base.³ This cosmic order is in a continuous state of flux as it moves between its hierarchical unifying aspect (associated with the Buddha), fragmentation and reordering, with the ordering power of the Buddha ultimately encompassing the fragmenting logic of the demonic.

The *Buddhadhamma* (religion of the Buddha) stands in a relation of opposition to non-reason, which is associated with the demonic (Kapferer 1998, 11–12). As to the nature of this cosmology, its logic is not simply one of seeking to exclude the demonic. While the demonic floats between the unacknowledged boundaries of the cosmic order, its purpose is to facilitate the restructuring of the cosmos, and in this regard the demonic becomes a highly productive protagonist. The demonic potential of the cosmos is transformed by the beneficent forces of the Buddha, which have the power to encompass and hence resubordinate the demonic at the base of the hierarchical aspect of the cosmos. Within this layered cosmos, the Buddha is seen as pure, while demonic beings vary in their polluting capacity depending on their degree of orientation towards the Buddha and his teaching, the dhamma.

³ Natha, derived from the Mahayana cult of Avalokitesvara, is the highest of the gods and in Sinhalese Buddhist tradition is the *Maitri*, the next Buddha to be (Holt 1996, Chapter 5; Tambiah 1992, 151). He is 'characterised as continually contemplating the teachings of the Buddha and as being so unattached to the matters of existence, that he is expected by the Sinhalese to be the next Buddha (*Maitri*)... Vishnu is conceived of as the protector of Buddhism on the island; Kataragama is closely linked with the ancient Sinhalese Buddhist resurgence against Hindu Tamil domination; and Saman is the god of Adam's Peak... the site of Buddha's footprint and the Buddha's first visit to Sri Lanka' (Kapferer 1991, 159). Both Vishnu and Katagarama are concerned with affairs of the human world and combine both ordering and disordering powers 'in their being' (Id, 160). These guardian deities who came to prominence in the late Kandyan (eighteenth century) period under the Tamil Nayakkar kings replaced an earlier group of guardian deities (Holt in Deegalle 2006, 39; Liyanagama 1986, 61–77; Pathmanathan 1986, 78–112). Obeyeskere (1984: 361–75) has drawn attention to the fact that South Indian (particularly Kerala) migrants to the island brought with them their Hindu deities. These deities were often incorporated into the Buddhist cosmic order, albeit in a hierarchical relation, the Hindu gods always subordinate to the Buddha.

This orientation, in turn, is determined by their capacity to personify the disordering and ordering potential of the cosmic order (Kapferer 1991, 158–161). Consequently, the Buddha and the demonic both define the boundaries of existence, the point of entry into non-existence or extinction.⁴

The Buddha is all encompassing as the figure of ultimate authority. The ‘gods and demons receive their powers by virtue of the Buddha’s *varam* [warrant]’ (Roberts 1994, 63). Hierarchical encompassment is the motivating dynamic that orients the logic of the cosmos, as ‘authority thus branches outward from the apex of the pantheon and converges once again at the top’ (Obeyesekere 1963, 145). In my argument this cosmology constitutes an ontological horizon that gives meaning to a multiplicity of Sinhalese Buddhist practices, including the discursive realms of modern Sinhalese Buddhist nationalism, as well as a defence of a highly centralised State structure that leaves little room for regional autonomy.⁵

The principle of encompassment dominates the holistic structure of this cosmic order. In this context, ‘the encompassing principles defined by the Buddha and the demonic are engaged in dynamic tension throughout the realities they encompass and are present to varying degrees in all the various elements of existence and their relation’ (Kapferer 1998, 11). This encompassing principle of the Buddha ensures that the gods always triumph, as the demonic is ultimately encompassed but never excluded (Kapferer 1991, 165). The logic of hierarchy is then ‘one of progressive encompassment and transformation’ (Kapferer 1998, 11). It is one of an ‘upward movement in hierarchy... whereby the lower forms of existence are incorporated by higher forms and transformed in accordance with those principles that determine the higher form’ (Id). Thus, for example, the Hindu goddess Pattini has a number of manifestations, some of which are demonic.⁶

As for the ontological potentiality of this cosmic order, I associate it with the everyday world of Sinhalese Buddhism, which draws the Sinhalese into a complex set of hierarchical relationships with Sinhalese myth and ritual. Sinhalese healing rituals, for example, not only draw on the hierarchical structure of Sinhalese Buddhist myth but also receive their ontological force from the hierarchical aspect of the cosmos (Kapferer 1991, 106–127). Healers do not necessarily seek to exclude the demonic, for the beneficent is immanent within the demonic or fragmenting aspect of the cosmos. By recentring the body of a victim of sorcery, for example, a Sinhalese ritualist not only resubordinates the demonic but also reorients the Buddha towards the apex of the cosmic order (Kapferer 1997, 61–82). The cosmos, then, is in a continual state of flux between moments of unity, fragmentation and reordering. Consistent with the principle of immanence, the dominant relation is one of

⁴The cosmic order of Buddhism is only one of many ontologies that condition the daily Sri Lankan social imaginary.

⁵Kapferer (1998, 85–117) offers an account of the ontological grounding of postcolonial Sinhalese Buddhist nationalism.

⁶The purposes of the rituals that address Pattini ‘move her progressively from a low to a high possibility of being, the highest representing her most incorporative and encompassing stage’ (Kapferer 1998, 11; 1991, 164–165; Obeyesekere 1984).

ambivalence in which the movement towards an exclusion of the demonic fails, the demonic instead being encompassed within the cosmic order.

Before I explore the manner in which the central metaphors of the cosmos, unity, fragmentation and reordering provide an ontological *form* to the narrative structure of the account of kingship in Sinhalese Buddhist historiography, I first trace these practices to the Asokan period. The account of Buddhist kingship that the Sri Lankan Pali chronicles present, replete as they are with the ambivalent potential for good and evil, owes its genealogy to the Asokan period. It is also this very ambivalence that generated, at an ontological depth, a devolved *galactic* polity in the pre-European period of Sri Lanka's history that provides modern post-civil-war Sri Lanka with a possible historical precedent for loosening the ties of the current overcentralised unitary State.

25.3 A Genealogy of the Galactic Polity in Sri Lanka

The pre-British history of Sri Lanka reveals regional rulers maintaining a degree of autonomy from the centre of the polity (Thapar 1961, 95).⁷ The devolutionary dynamics of 'power parcelisation' (Tambiah 1992, 173) between the centre, periphery and semi-periphery in Sri Lanka's pre-British polities confirmed the *virtual* status of royal sovereignty over the whole island. Obeyesekere notes that even 'minor kings who had effective control over only a miniscule area (such as the Tamil kings of Jaffna after the fifteenth century) claimed sovereignty for all Sri Lanka' (in Deegalle 2006, 147). Obeyesekere continues that the south of the island was for much of the ancient and medieval period virtually an 'independent kingdom, an ideological replica of Anuradhapura (and later Polonnaruva)...' (Id, 137).⁸ These polities had a much older genealogy, the Asokan State, which similarly revealed a dissonance between the claims of Buddhist kingship and the actualisation of a State that was *galactic* or *mandala* like in structure.⁹

Based on evidence from the *Arthashastra* and Asoka's inscriptions, this imperial State 'takes on the aspect of a vast non-federal empire...' (Tambiah 1976, 70).¹⁰

⁷ As Kemper notes, the *virtual* claims of Buddhist kingship cum sovereignty 'outraced reality' (1991, 50).

⁸ Anuradhapura was the first of Sri Lanka's Buddhist polities, and by the tenth century CE, it had given way to the polity centred round Polonnaruva.

⁹ The *Arthashastra* employs the *mandala* as a geopolitical concept to discuss the 'spatial configuration of friendly and enemy states from the point of view of a particular kingdom' (Tambiah 1976, 102, 70). Higham (1989, 239–355) provides a sustained engagement with the shifting dynamics between centralisation and devolution in the classic *mandala* polities of Southeast Asia which reached its zenith in the Angkorian *mandala*. A *mandala* is 'composed of two elements – a core (*manda*) and a container or enclosing element (*-la*)' (Tambiah 1976, 102).

¹⁰ Tambiah (1976, 26–3; 1985, 252). In relation to the Asokan State, it seems that the disparate placing of the inscriptions and Pillar Edicts connives 'as evidence of actual direct control of a far-flung empire' (Tambiah 1976, 70).

However, it was 'divided into four provinces with their four capitals, surrounded only at the borders by autonomous states and capped by the Emperor in his capital Pataliputra whose hosts of officials appointed by and directly responsible to him held the enterprise on a tight reign' (Id, 70).¹¹ It was through the *galactic* polity that the religio-cosmological aura of kingship was actualised. In their structure, *galactic* polities 'modelled on mandala-type patterning had central royal domains surrounded by satellite principalities and provinces replicating the center on a smaller scale', while at the margin, there were 'even more autonomous tributary principalities' (Tambiah 1992, 173).

At the apex of the Asokan State stood the 'king of kings subsuming in superior ritual and even fiscal relation a vast collection' of subordinate polities (Tambiah 1976, 70).¹² However, this vast territorial enterprise far from being a centralised monarchy was more likely to have been a 'galaxy-type structure with lesser political replicas revolving around the central entity and in perpetual motion of fission or incorporation' (Id, 70). This model is consistent with the Buddhist *cakkavatti* monarch who as a 'wheel rolling world ruler by definition required lesser kings under him who in turn encompassed still lesser rulers' (Id). It is likely that the 'raja of the raja was more a presiding... ordinator rather than a totalitarian authority between whom and the people nothing intervened except his own agencies and agents of control' (Id).¹³

Just as the cosmic order was in a state of flux, so too were the relations between the centre, the periphery and the outer periphery of these *galactic* polities. Refracting the cosmological order, 'center-oriented space [was] fundamental to the geometrical design underlying the galactic state' (Id, 112: my interpolation). The result was that both the semi-periphery and the periphery were in 'tributary relationships' with the centre (Id, 123).¹⁴ In its actualisation, the logic of the *cakkavatti* king gave way

¹¹ The *Arthashastra* and some *Jatakas* (stories of the Buddha's earlier incarnations) suggest that the ideal shape of an Indian city 'was a square or rectangle which was divided by two main streets into quarters, symbolizing the four quarters of the universe' (Duncan 1990, 50). The palace of the king was 'either located in the center or in the eastern quarter of the city and faced either east or north' (Id, 50).

¹² The *Cakkavatti Sihanada Sutta* provides canonical authority for this kind of relationship between superiors and subordinates. It tells us that 'enemy kings become client kings' (Collins 1996: 429). This is likely to be a reference to the situation concerning taxation (ibid: 429–30). The *cakkavatti* does not interfere in the tax raising power of his new client kings, instead proceeding to extol the virtues of rule by dhamma.

¹³ Sections of the Pali Vinaya 'suggest[s] that the political systems of at least eastern India [which incorporated its capital Pataliputra] during the time of early Buddhism were constituted on galactic lines' (Tambiah 1976, 70–71, my interpolation).

¹⁴ This pattern of State organisation extended all the way to the Indonesian archipelago. Moertono characterises the Javanese polity of Mataram between the sixteenth and nineteenth centuries as one in which 'territorial jurisdiction could not be strictly defined by permanent boundaries, but was characterised by a fluidity or flexibility of boundary development dependent on the diminishing or increasing power of the center' (1968, 112).

to ‘the decentralized locational disposition of the traditional polity and its replication of like entities on a decreasing scale – which constitute a galactic constellation rather than a bureaucratic hierarchy...’ (Id, 114). Consequently ‘their domains of control expanded or shrank according to the fortunes of warfare, and satellites changed affiliation frequently and the capitals themselves shifted or declined, they are best viewed as pulsating galactic polities’ (Tambiah 1986, 96).

Returning to Sri Lanka, even after the restoration of Buddhist kingship to Anuradhapura by Dutthagamani, the rulers of the semi-periphery and periphery were rarely under the control of the centre.¹⁵ That these regional rulers ‘called themselves *raja* suggests their ambitions, and regional capitals seem not so much to have complemented the royal center as duplicated it’ (Kemper 1991, 65) very much in the style of a *galactic* polity.¹⁶ In the Polonnaruwa period under Parakramabahu II despite his claims to sovereignty over the whole island, the Pandyan inscriptions indicate ‘there were at least two Sri Lankan kings at this time’ (Id, 50).¹⁷ While as far as the Pali chronicles of Sri Lanka are concerned, the ideal king is the one who unifies the island under righteous Buddhist rule as a *dhammiko dhammaraja*, irrespective of the violence deployed to achieve such unity, the telos of this ideal functioned at the level of the *virtual* as the historical archive suggests (Obeyesekere 2006, 137; Kemper 1991, 68). Reinforcing the significance of the *virtual*, Donald K. Swearer has commented that the ‘legend that Asoka redistributed the Buddha’s relics in 84,000 *stupas* throughout India, each located in a political division of his domain, suggests that Asoka governed his realm through a ritual hegemony rather than actual political control’ (1995, 72).¹⁸ Asoka thus governed through a model of sovereignty that conveyed power through an elaborate display of ritual, ritual often

¹⁵ H.W. Tambiah (1963, 291–311) provides a detailed account of not just the authority of kingship during the Anuradhapura period but also the manner in which the power of kingship in this period was far from absolute and rather mediated by a number of administrative and judicial officials.

¹⁶ I do not necessarily regard these *galactic* polities as corresponding to a European medieval feudal State structure at either the ideational or the material level (Leach 1958, 17–20; Gunawardana 1971, 22–25; 1978, 267; Roberts 1994, 79–81). In sharp contrast to European medieval political theories which argued for a differentiation between the spiritual and temporal domains, even if that separation was divinely ordained, the Buddhist civilisation of the *rajarata* was characterised by a literati who emphasised ‘the complementarity of the Sangha and the monarchy’ (Roberts 1994, 81; Gunawardana 1979, 207–10). Vassalage and chivalry entailed a ‘personal bond between two men and lasted only during their lifetime’ (Roberts 1994, 82; Bloch 1962, 145–62). In contrast rituals integral to the *Asokan Persona* such as *dakum* (where social inferiors paid homage to social superiors) entailed wholesale subordination to the *cakkavatti*. That said in terms of *content*, there may be similarities in the devolutionary dynamics of the European medieval State that emerged in the tenth century (Maddicott and Palisser 2000) and the Buddhist *galactic* polity, although more scholarship needs to be done in order to substantiate potential similarities.

¹⁷ The kingdom of Jaffna was to remain outside the jurisdiction of Parakramabahu II (Kemper 1991, 66).

¹⁸ Mahavamsa (5. 78). The *Asokavadana (Exemplary Gifts of Asoka)* tells us that Asoka instead ‘built 84,000 relic mounds known as *dhammarajikas* (monuments of the King of Righteousness)’ (Kemper 1991, 169, fn 20; Strong 1983). The *Mahavamsa* (5. 78) gives voice to this legend by suggesting that he built 84,000 viharas in honour of the 84,000 divisions in the dhamma.

masking the absence of authority over the periphery and semi-periphery, a performative mode mimicked by the kings of Kandy.

The claim to Buddhist sovereignty over the whole island was consistent with the logic of the *cakkavatti*. It was in the shadow of the period of Hindu influence in the Polonnaruva period that the imprimatur of the *cakkavatti* came to exercise a greater influence on the practices of Buddhist kingship in Sri Lanka (Roberts 2004, 56–59). The ideational heritage of the *cakkavatti* who in his journey refracts the hierarchical ontological potential of the cosmic order was followed by the kings of Kotte as well as the monarchs of Sitavaka and finally by the Kandyan monarchs (Id, 59–60). In a *sannasa* (copper-plated inscription) from Madapitiye, Kirti Sri Rajasinha (1747–1782), the second Nayakkar ruler, is described as ‘the divine lord King Kirti Sri, the chief of the whole of Lanka’ (Holt 1996, 35). Similarly Roberts recent work has established that the war poems of the seventeenth and eighteenth centuries present monarchs as ‘*sakviti* (universal emperors) and at times explicitly claim that they ruled the whole island’ (2004, 59; 1996, 35).

However, the claims of a *cakkavatti* to Buddhist sovereignty over the entirety of the territory were a legal *fiction*, a *fiction* generated by the ontological ground of a cosmic order that masked the inherent centrifugal motion of the relations of power in a *galactic* polity such as Kandy. Like the Asokan State, sovereignty in the Kandyan kingdom revealed its public face through forms of tributary overlordship that were highly ritualised in structure (Roberts 2004, 60; de Silva 1995, 11). The public face of Buddhist sovereignty was embodied by the *cakkavatti* who as a wheel-rolling monarch encompassed all before him the rituals of State, refracting the hierarchical dynamic of the cosmic order. The ontological energy of the cosmic order was also actualised in the ‘architectural symbolism’ (Duncan 1990, 20) of the Kandyan kingdom, an aesthetics that visualised the performative dimension of sovereignty in a polity in which the contested relation between the centre and the periphery was key to the daily life of both rulers and the governed (Roberts 2004, 63; Duncan 1990, 87–153). I now elaborate on how the narrative of Buddhist sovereignty was inscribed in the Kandyan landscape.

25.4 Landscape, Cosmography and the City of the Gods

By the time the Nayakkars took the throne in Kandy, Buddhist kingship in the polity was under the influence of a Hindu-Buddhist textual tradition, which included the *Jatakas* and the *Arthashastra*. The Kandyan kings both imagined themselves and were imagined as the descendants of *Mahasammata* and guardians of the *Mānava-Dharmaśāstra*.¹⁹ In practice kings were also bound to follow ‘the *nitiya* (laws or

¹⁹ Sir William Jones had misguidedly translated this as the ‘Laws of Manu’ in the late eighteenth century. Sinhalese kings were duty bound to study and interpret ‘Laws of Manu’ (Gunasekara 1978, 132; Griswold and Nagara 1975, 29–92; Olivelle 2005).

customs) ordained by the ancient kings' (Duncan 1990, 170) which as a form of common law 'regulated his relations with the people' (Id 170; LeMesurier and Panabboke 1880, 2). The absolute power of kingship was also further restricted by 'sirit (the customs of the country)' (Duncan 1990, 170), the failure to observe them having the capacity to generate negative public opinion. The latter was of greater concern to the internal politics of the Nayakkar dynasty given their Tamil origins and became pertinent in the circumstances that led to their overthrow.

The legal cum customary obligation of Kandyan kings was of course subsumed within the cosmic order of Buddhist kingship which in its Asokan guise generated a *Persona* that was hierarchical. This *Persona*, which, following the Cola occupation of Anuradhapura, increasingly incorporated Mahayana Buddhist and Sakran (Hindu) ideas of divine kingship, legitimized the rule of the Nayakkars in the Sinhalese Buddhist imaginary. In both the Asokan and Sakran accounts of kingship, the king was expected to embody classical Buddhist virtues, the principles of dhamma suffusing all the monarch's actions. The *cakkavatti* in his Asokan incarnation built *stupas* and patronised the Sangha in memory of the Buddha. In both his practices and in the *Persona* that Asokan kingship generated, the king was wholly subordinate to the dhamma. In the Sakran model, the *cakravarti* in his divine status ruled 'over his people and other kings just as the king of the gods, Sakra, rules over the thirty-two gods in the Tavatimsa heaven' (Duncan 1990, 40), on top of Mount Meru.²⁰

The Kandyan landscape like previous Buddhist polities, in both Sri Lanka and the wider Theravada world, 'had always encoded the narratives of kingship' (Duncan 1990, 58). Mount Meru lies at the centre of the Buddhist cosmic order. On top of it sits Sakra, the king of the 32 gods. Duncan continues:

[b]elow Meru on Trikuta is the world of the *asuras* (demons), and outside Trikuta is the world of the *nagas* (serpents). Mount Meru is surrounded by seven annular seas which are in turn separated from each other by seven mountain ranges... or alternatively seven Kula Rocks... Beyond the last of these ranges lies an ocean containing the four continents, one at each of the cardinal directions. The continent known as Jambudvīpa, which contains India and Lanka, is located to the south of Meru. The cosmic Himalaya rises out of Jambudvīpa, and on top of Himalaya sits Lake Anotatta, the sacred lake of the Buddhists... Around the ocean marking the edge of the universe lies a great mountain wall known as the Cakravala rocks. This whole world system perishes at the end of a *kapla* only to be recreated again during the succeeding *kalpa*. (1990, 43–44)²¹

²⁰ The ideals of the *cakravarti* and *rajadhiraja* (supreme sovereign) are associated with Hindu ideals of kingship. The mode of the *cakravarti* stands in contrast with the Buddhist ideal of the *cakkavatti* who ruled according to the dhamma, the *cakravarti* rulers of the South Indian polities ruling instead with the force of *danda* (the stick) in the manner of a divine supreme overlord (Holt in Deegalle 2006, 46; Pathmanathan 1982, 120–45).

²¹ The Buddhist account is a variation on the Hindu account (Duncan 1990, 44–45, 197, fn. 4; Dimmitt and Van Buitenen 1978).

From within this cosmic account, elements were drawn to ‘construct a narrative of the landscape of the gods’ (Id, 44). Throughout Indic Asia, Mount Meru was imagined at ‘the centre of the universe [and] thought to be the *axis mundi* joining heaven and earth’ (Id, 47, my interpolation), a point of origin for the universe. Its creative energy is ‘reinforced by the myth of Mount Meru rising out of the center of a lotus, itself a symbol of creation linked to water and earth’ (Id). Furthermore Mount Meru is a ‘central peak surrounded by four buttress mountains marking the compass points’ (Id). While Meru is at the centre of the world, the city of Sakra as well as his palace ‘occupies the eastern peak of Meru, Mount Mandara’ (Id). Sakra is not just the guardian of Buddhism on the island but a righteous Buddhist monarch in his own right who following the Polonnaruva period provides a model for Sinhalese Buddhist kingship and was actively employed by the Kandyan monarchs (Duncan 1990, 48).

This cosmic order was highly labile, the creative and generative potency of water merely being one aspect of an order that, for example, cleansed future god-kings and guaranteed a fertile kingdom (Id, 45–46). Consistent with the cosmic order’s hierarchical dynamic, the flow of water is downwards ‘from the heavens down onto the cosmic mountain at the center of the earth...’ (Id, 45). Further consistent with the cyclical nature of the *karmic* economy, water ‘flows back into the cosmic Ocean of Milk from whence it came’ (Id, 45–46), the ocean a symbolic representation of the ‘endless cycle of the creation and destruction of the world’ (Id, 44; 46–47). As a supplement to my argument that the cosmic order, with its metaphors of unity, fragmentation and reordering, informs at an ontological depth a variety of discursive and nondiscursive practices, Duncan also notes that the ‘endless cycle of creation and destruction’ (Id, 102) is a core aspect of ontological conceptions generated by Indic thought. This is a Nietzschean economy of pure *immanence* as opposed to an oppositional dialectical order.

In its physical materialisation, the myth of the cosmic mountain ‘became a paradigm for the spatial organization of state, capital, and temple in much of Southeast Asia’ (Id, 48). By adopting the topographical form of the *mandala*, the Kandyan kingdom morphed into a microcosm of the cosmic order, a cosmic order that had (hierarchically) domesticated a number of Hindu deities. The king’s palace, being situated ‘at the center of this *mandala*, occupied the centre of the universe, and the summit of Mount Meru, and hence maintained the liminal sense of a god on earth’ (Id). The chosen path of kingship was that of a *cakkavatti* wheel-rolling monarch who from the centre of the cosmic polity ‘could control the world through the magical power of parallelism’ (Id). The *karmic* economy of decay and regeneration, with its metaphors of birth, death and rebirth, oriented not only the ideal of righteous Buddhist kingship but was also refracted in the ontological potentiality of the polity itself – the material world of the *galactic* polity oriented by the *karmic* energy of kingship.

The author of the *Mahavamsa*, Sri Lanka’s principle Pali chronicle, was fully aware of the significance of the Indian Buddhist propensity to reduce the universe to the microcosm of the royal capital. Pataliputra, the capital of Asoka’s Empire, was, for example, ‘administered by a thirty-two member council’ (Duncan 1990, 50;

Mahavamsa 1993, 28. 1–12). This suggests a form of modelling based on Sakra's 'city of the gods and his 32 lesser gods upon Mount Meru' (Duncan 1990, 50).²² Although Sri Lanka's early polities had extensive contacts with both South India and Southeast Asia, where the Sakran account had made its presence felt in the physical environment of, for example, Sukhodaya in Thailand and Angkor Wat in Cambodia, in the Anuradhapura period, Theravada Buddhism rejected 'such models' (Id, 52, 50–52; Obevesekere 1984, 340). This signalled an Asokan-inspired scepticism towards forms of kingship that were motivated by self-aggrandisement that underpinned the logic of the Sakran model.

However, the kings of Polonnaruva and thereafter began to fashion themselves as an 'incarnation of a god – usually Sakra, the king of the gods' (Duncan 1990, 38). As a consequence, Sinhalese kings began to imagine 'themselves as *cakravartis*, universal rulers modelled upon the king of the gods' (Id 39, Obeyesekere 1984, 340). In its South Indian (Hindu) manifestation, the *cakravarti* 'connoted supreme overlord, an emperor-*avatara* who rules by *danda*' (Holt in Deegalle 2006, 46). The Sakran model rendered the king a 'type of *axis mundi cum avatar*' (Id, 48).²³ Following the reunification of the island under Parakramabahu I, the *Culavamsa*, a subsequent extension of the *Mahavamsa*, suggests that 'the king modeled his new capital [Polonnaruva] on that of Sakra' (Duncan 1990, 55: my interpolation).

Duncan deploys the interpretive tool of the *synecdoche* – the employment of a term to stand in for the whole thing or the use of the whole to denote part of it – in order to understand how the cities constructed by kings stood as a 'microcosm of a macrocosmic totality' (Hayden White cited by Duncan, Id, 20). Thus, for example, a 'wall in the shape of an undulating wave around the lake in Kandy becomes a signifier which stands for a whole complex of the churning of the mythical Ocean of Milk by the gods at the time of the world's creation' (Id, 21).²⁴

Sometimes the deployment of *synecdoches* was clear. For example, the *Culavamsa* tells us that Parakramabahu I 'named his park Nandana after the park of the god Sakra in the Tavatimsa heaven' (Id, 56). The ponds that were built in and around the capital carried the names of divine creatures (Id, 56–57). According to the *Culavamsa*, the purpose of the building programme was to make Polonnaruva 'splendidly adorned as the city of the Tavatimsa gods' (*Culavamsa* cited by Duncan, Id, 57). However, Parakramabahu I was able to maintain his legitimacy among the ruled by balancing both Asokan and Sakran imperatives 'by building religious structures as well as palaces and by building irrigation facilities that served also to symbolize the Cosmic Ocean' (Id, 57). When the Sinhalese polity moved southwest

²² The *Mahavamsa* tells us that Sakra commanded the divine architect *Visvakarma* to make 'bricks so that King Dutthagamani could build' (Duncan 1990, 53) the *Mahathupa*, the great relic chamber in Anuradhapura.

²³ The Ambagamuva inscription of Vijayabahu I (1055–1110) confirms the emergence of a discursive frame in which the king was rendered a divine *avatar* (Holt in Deegalle 2006, 47; Pathmanathan 1982, 139).

²⁴ Metonymy functions in a similar way such that one feature of the physical environment of these polities could stand in for the whole field of reference of the *world of the gods* (Duncan 1990, 22).

to Kotte and then Sitavaka, respectively, Sinhalese kings chose to further elaborate on the 'South Indian conception of divine kingship' (Id, 57; Obeyesekere 1984, 57; Derrett 1956, 139). Thus Kandyan kings from the fifteenth century on had a vast corpus of literature to draw on in the design of their kingdom, not just the *Mahavamsa* and *Culavamsa* but also the *Arthashastra* (Duncan 1990, 58).

In its spatial and physical configuration, Kandy 'encoded the narratives of kingship' (Id, 59).²⁵ It was the acquisition of the Buddha's tooth relic in the 1540s by King Viravikrama that provoked the first significant phase of building projects in Kandy.²⁶ He followed the precedent of the rulers of Anuradhapura and Polonnaruwa by 'building the Tooth Relic adjacent to his palace' (Id, 60) in the eastern rectangle of the city. The eastern rectangle also contained the 'temples of the gods [and] was the true locus of ritual power in the kingdom' (Duncan 1993, 236: my interpolation).

Cosmic space, the magic of parallelism, through the deployment of *synecdoches* came to life in the architectural form and content of the city (Id, 69–78). For example, great symbolic value continued to be attached 'to canals or moats' (Duncan 1990, 67) by the Kadyans. The *Pujavaliya* (History of Offerings), a text from the thirteenth century, suggests that the canals constructed in Kandy 'were heavenly rivers or symbolic demarcations of the edge of the sacred cities' (Id, 67), a *synecdoche* for the annular oceans which 'demarcated the edge of the world' (Id). The greatest of the Nayakkar royal builders was Sri Vikrama Rajasinha with whom the Sakran view of kingship reached a glorious and cataclysmic climax (Id, 78–84). In 'building palaces, ornamental parks and ponds to glorify the god-king and bring upon him the powers of the gods' (Id, 78), Sri Vikrama Rajasinha also set in motion a train of events which collided with the text of Asokan kingship. The cosmic dissonance between the two models was tactically mediated by both sections of the Kandyan nobility and the British colonial authorities in the Low Country in order to eventually secure the overthrow of Sri Vikrama Rajasinha (Id, 162, 72).

It was in the eastern rectangle that the cosmic city really came to life, this part of the city refracting the ontological potential of the cosmic order (Id, 94–107). The imperatives of cosmic modelling demanded that the king produce a 'reduced version of the universe within the confines of the city; to mirror both the world of the gods and the cities of the *cakravartis*' (Id, 107). The *telos* of such a political strategy was simple, one that sought to implicate the city, as a space which occupied a 'liminal position between heaven and earth' (Id, 107). Sakra's palace was on Mount Mandara to the east of Mount Meru, and to recap, the tooth relic was housed in Sakra's palace. Texts like the *Culavamsa* and the *Ingrisi Hatana*, a war poem from the early nineteenth century, describe 'the kings of Kandy as being like Sakra, and the king's palace in Kandy as like Sakra's palace descended to earth' (cited by Duncan,

²⁵ Duncan (Id, 58–64) provides an account of its architecture and political fortunes prior to its emergence as the centre of royal power in the sixteenth century.

²⁶ On the death of the Buddha, Sakra received the tooth relic of the Buddha and proceeded to worship it (Id, 48).

Id, 108). The Temple of the Tooth (*Dalada Maligava*) itself is described in the *Culavamsa* as a 'divine palace descended from the world of the gods' (cited by Duncan, Id, 108). Both the *Dalada Maligava* and the palace complex with its audience hall were positioned in the eastern rectangle.²⁷ The cosmic parallelism could not be starker – 'the palace of Sakra containing a tooth relic on Mount Mandara and the palace/temple complex with its Tooth Relic in the eastern corner of the sacred square' (Id, 109).²⁸

Throughout the Theravada world, the cosmic axis of the polity was usually centred on a 'relic of the Buddha, or on the palace of the king, the representative of Sakra, the king of the gods' (Id, 50, 51–8).²⁹ Adorning the walls of the *Dalada Maligava* were symbols of Mount Meru. Inside the shrine room was the tooth relic, the 'palladium which legitimated kingship in Lanka' (Id, 111). The paintings on the walls of the shrine room repeatedly allude to the 'world of the gods' (Id, 112) particularly Tavatimsa heaven, the place where Sakra took the tooth relic to (Duncan 1990, 112–13; Moertono 1968). From the perspective of the kings, the palace/temple complex was an 'earthly version of Mount Mandara where Sakra and the Tooth Relic of the Buddha dwell' (Duncan 1990, 113). To the extent that the ontological horizon of the cosmic order oriented the Kandyan landscape, 'its architects (the rulers) were seeking to partake of the power of the gods...' (Roberts 1994, 67). It was parallelism writ large.

As if to reinforce the sense of cosmological protection, three of the guardian deities of the island had shrines at the northern, southern and western points of the eastern rectangle, the Vishnu *devale* in the north, the Natha *devale* to the south and the Pattini *devale* in the west (Duncan 1990, 114–16). Duncan notes that these 'shrines were thought of as the actual abode of the gods in the capital' (Duncan 1993, 236). The fourth *devale*, the shrine to Kataragama, was located in the western rectangle, the centre of profane power. Kataragama the son of Siva was expelled 'by his father from the heavens to the world of mortals' (Duncan 1990, 116). Following his expulsion from heaven, in a mimetic vein, 'his *devale* was barred from the sacred eastern rectangle, the heaven on earth' (Id, 116). At the centre of the eastern rectangle is a sacred bo tree 'which is said to come from a shoot of the great Bo tree under which the Buddha was enlightened' (Duncan 1993, 237). Adjacent to the bo tree in the centre of the rectangle 'sits a dagoba which contains the begging bowl of the Buddha' (Id, 237). Here the construction of relic shrines, an iconographic aspect of Asokan kingship, is 'linked to the Sakran in that Sakra' (Id, 237) we are told builds a relic shrine for the Buddha's tooth relic housed on Mount Mandara. Inevitably the Kandyan landscape served as an apt setting 'upon which a god-king

²⁷ *Dalada* means 'tooth' and *maligava* means 'palace'.

²⁸ Duncan (1990, 109–18) elaborates on the way in which *synedoches* signifying Mount Mandara were represented in the architecture of the palace/temple complex in the eastern rectangle. We will see that the palace/temple complex was marked by 'hierarchical practices, by ritual acts, and the statutory, executive and judicial powers vested in its offices' (Roberts 2004, 63).

²⁹ The allusion to the city as a microcosm of the cosmic centre was common in Hindu-Buddhist Southeast Asia (Geertz 1980).

who was also a Buddhist monarch could display both his benevolence and ritual power to his nobles and commoners' (Id, 237).

Below I expand on these rituals and the manner in which they too refracted the ontological potentiality of the landscape of the gods. I focus on the process by which South Indians, in this case Tamil kings, became Sinhalesed and *sasanised*. Such processes or rituals of transformation also brought the landscape to life for 'their communicative power depended upon the location of rituals within a symbolically charged landscape' (Duncan 1990, 6–7). These rituals of transformation were but one aspect of the wider corpus of rituals by which the god-king came into being and sovereignty realised its presence (Id, 119–153). It was through these rituals that Buddhist kingship made public its persona of sovereignty. The symbolic order of Buddhist sovereignty, however, while centralising in intent lent itself to a *galactic* polity that was administratively/bureaucratically devolved. Such a dynamic did not necessarily run counter to the ontological potential of the cosmic order. My tentative argument is that this dynamic was rather ontologically conditioned by the fragmenting cum devolutionary aspect of the cosmic order.

25.5 Galactic Devolution, Virtual Sovereignty and the Rituals of State

The myriad forms of hierarchical (moral) ordering that characterised the spatial organisation of the Sinhalese Buddhist polities were analogous to the various forms of obsequiousness that marked the Sinhalese Buddhist social order. Social obsequiousness, in the form of ceremonies of *dakum* which involved paying respect/homage to social superiors, also informed 'ideas of kingly authority' (Roberts 2004, 64).³⁰ Before I elaborate on the cosmological ordering of the rituals of royal legitimisation, I first consider their genealogy in the everyday practices of social hierarchy.

While the royal claims to Buddhist sovereignty were more *virtual* than real Sinhalese Buddhist rites of social hierarchy were thoroughly redolent with wide-ranging performative import, even right up to the present day. Obeyesekere has noted that '[p]ower, prestige and authority were (and are) typically perceived in traditional Sinhalese society in these terms; an unequal relationship between landlord and tenant governed by rights, duties and the performance of ceremonial' (1967, 216). The practice of *dakum* was intrinsic to the relationship between regional rulers and the kings of Anuradhapura, Polonnaruva and Kandy. The *Rajavaliya* (Lineage of Kings), for example, records that 'Kavan Tissa, a sub-king in the south

³⁰ *Dakum*, also known as *penum* (*penuma*), is a term 'that can be rendered as "appearance"', (Roberts 2004, 60) whereby on a number of times 'each year the tenants are expected to visit the lord, bringing him certain specified gifts and pay him formal obeisance by presenting forty leaves of betel (*bulat*) and falling on the ground in worship' (Seneviratne 1978b, 152).

of Lanka, gave tribute to the Tamil king Elara' (Roberts 2004, 61) in Anuradhapura.³¹ The patterns of paying tribute and homage hence characterised the relationship between the *cakkavatti* and the lesser rulers in the subregions of Sri Lanka's pre-British *galactic* polities. Ceremonies of *dakum* were integral to the authority of kingship and what in a variation on tributary overlordship I classify as *galactic sovereignty*.³² It was also a practice that characterised local and intimate family relationships (Roberts 2004, 61). Thus the cosmography of the Kandyan kingdom was replete with the geography of hierarchy.

Before I advance my discussion of *galactic sovereignty* by elaborating on the rituals of State, I need to say a few words about the spatial organisation of the western rectangle of the Kandyan polity. The city as a whole refracted the variable ontological potential (both hierarchical and devolutionary) of the cosmic order. In both its architectural form and content, Kandy 'represented the cosmos in miniature with the profane western rectangle inhabited by the citizens, symbolizing the earth and the eastern rectangle inhabited by the Buddha, the gods and the king, symbolizing heaven' (Duncan 1990, 116). While the polity as a whole communicated the ontological conditioning of the heavenly landscape of the gods, I argue that the western half of the city refracted the energy of the fragmenting aspect of the cosmic order.

What of the western rectangle or the temporal domain of the city? By the late eighteenth century, the 'Kandyan kingdom was composed of twenty-one administrative units' (Id, 93). In its structure these too seem to have echoed that of a cosmopolis, a city that mirrors a world, here that of the gods (Id, 93). In the fashion of a *galactic* polity, the administrative units were organised in the shape of a '*mandala* around the capital' (Id, 93). The *mandala* structure of the polity encompassed the kingdom's primary territorial division into two halves, the northern and the southern, 'each placed in the charge of one of two, first and second, *adigars* [chief ministers]' (Tambiah 1992, 174, my interpolation).³³

The role of the *adigars* was central to the administrative devolution of the kingdom which was concomitant with the inability of the king to enforce his will in a manner that was consistent with the classical claims of Buddhist kingship. The responsibilities of the *adigars* were extensive, acting as both military leaders and judicial figures. Both *adigars* exercised general jurisdiction throughout the Kandyan provinces, the first *adigar* responsible for the north and east of the kingdom and the second *adigar* responsible for the south and west of the kingdom. In their judicial capacity, they heard 'appeals from their respective parts of the kingdom except in

³¹ Other sources, the Brahmi inscriptions dotted around the island as well as information contained in texts such as the *Dhatuvamsa*, the *Sihalavaththupparakana* and the *Sahassavaththupparakana*, indicate that the early settlements were 'disparate and that petty rulers held sway over various parts of the island' (Tambiah 1992, 132, 133–37).

³² C.R. de Silva has referred to 'ritual sovereignty' (1995, 11).

³³ The *adigars* were drawn from the *radala* caste, the upper reaches of the *goyigama* (cultivators) caste and each was responsible for the administration of the provinces in their half.

cases which the king chose to reserve for his own hearing and decision' (Dewaraja, Arasaratnam, & Kotelawe in K.M. de Silva 1995, Vol. II, 325). The city of Kandy constituted a 'separate administrative unit for which both *adigars* were responsible' (Id, 326). The *adigars* were charged with extensive powers within the city. Critically they controlled the use of corvee labour (*rajakariya*) who would attend to building projects initiated by the king (Roberts 1994, 74–75; Gunasekara 1978, 120–143). They occupied a pivotal position as sounding boards for the view on the ground. They were the medium of 'communication between the king and the general public for the king's orders to the chiefs, headmen and people were' (Dewaraja et al. 1995, Vol. II, 326) transmitted through the *adigars*. Furthermore it was not the king's signature that validated State documents but rather that of the *adigars*. With respect to honours due to the *adigar*, they 'were second only to those due to the king' (Id, 327). As a consequence of this division of power, a system of constitutional checks and balances ensued. Kandyan kings like Buddhist kings before them stressed their unlimited *virtual* power. However, the capacity of the monarch to act independently of the advice of the *adigars* and the King's Council (*amatya mandalaya*) that consisted of the two *adigars*, the *disavas* (governors), the chief secretary and other officers was very limited.³⁴

The devolution of power between the king and the *adigars* was mirrored in the territorial division of the kingdom as well. The inner 'royal domain surrounding the capital city of Kandy was made up of some nine small districts (*rata*)' (Tambiah 1992, 173), each under the charge of a *raterala*.³⁵ Around the central domain there were 12 provinces (*disavanes*), 'an inner circle of smaller provinces, and an outer circle of larger and remoter provinces' (Id, 174). The provinces were governed by a *disava* who in turn had an administrative staff under them.³⁶ There were 'four major and eight minor *disavas*, mirroring in the bureaucracy the four and eight points of the compass' (Duncan 1990, 93). Consistent with the account of cosmic modelling, the *disavas* 'were the lords of the compass points' (Id, 93).

The further one went out from the centre, there was also 'a diminishing replication of the central domain in the satellite units' (Tambiah 1992, 174), echoing the classical structure of a *mandala*. Conditioned by the ontological terrain of the cosmic order, vis-a-vis the ordering authority of the Buddha on the margins of the cosmic order, the king's authority similarly 'waned as the provinces stretched further

³⁴(Dewaraja et al. 1995, Vol. II: 322–23). In practice the king's power was limited by the economically weak nature of the polity, by the nobility who controlled much of the corvee labour in the polity, as well as by a practical desire not to alienate the peasantry whose labour was vital for Sakran-inspired building projects. The pattern of dual replication was repeated for a number of prominent office holders in the royal court. It was also a feature of the office holders of the *Dalada Maligava* which was 'divided into the "outer" (general administration) and "inner" (the ritual work) groups' (Tambiah 1992: 174; Dewaraja et al. 1995, Vol. II: 328–332).

³⁵The duty of these offices was generally limited to revenue collection and account keeping.

³⁶*Disa* is the 'Pali term for a direction point of the compass. The term for governor is *disava* – [*disa* + *va* (thing)]' (Duncan 1990, 93).

away from the capital' (Id, 174).³⁷ This allowed for the *disava* of a province on the Kandyan periphery and semi-periphery to assert a degree of autonomy from the centre (Seneviratne 1978b, 114; Tambiah 1992, 175). The ostensible material cause of the king's waning authority was poor communication networks. Hence some of the outer *disavanes* such as Uva, Sabaragamuva and the Seven Korales exercised even greater autonomy from the centre.

Poor communication networks also worked against the *disavas* of the outer provinces so that the further one went out from the centre, the authority of the *disavas* became increasingly reliant on their principal headmen who were domiciled in the capital (Dewaraja et al. 1995, Vol. II, 333). One of these principal headmen the *disava mohottala* transmitted the orders of the *disava* to the lesser headmen. Just as the authorial figure of the Buddha struggled to encompass the disordering potential of demonic forces at the base of the cosmic order, in the remote parts of Uva, Sabaragamuva and the Seven Korales, the *disava mohottala* exercised 'almost arbitrary power' (Id, 333).³⁸ I am not suggesting that the *disava mohottala* possessed demonic potential to disrupt the order of the State, but rather that the devolutionary logic of his responsibilities refracted the non-bounded devolutionary aspect of the cosmic order, an order that was contested.

This devolutionary impact extended to land management 'and the manpower settled on them (finely graded by caste and tenurial rights) in terms of monastic (*viharagam*) and temple (*devalegam*) endowments, estates attached to offices held by the nobility (*nindagam*) and the royal estates (*gabadagam*)' (Tambiah 1992, 174).³⁹ Such a devolutionary dynamic extended to the use of non-Kandyans (Muslims and Sinhalese from the Low Country) in specialist roles within the Kandyan administration.⁴⁰ It was the very *galactic cum mandala* structure of the Kandyan polity that enabled the 'Sinhalization and Buddhicization of south Indian' (Id, 175) migrant groups as well as facilitating their incorporation into the politico-administrative structure of the polity.⁴¹ In terms of land management (an area that modern Sinhalese

³⁷ Duncan (1990, 95–96) notes an important distinction in relation to the frequency with which the synecdoches of the *world of the gods* and the *world of the cakkavatti* were reproduced in the western and eastern rectangles, the western rectangle containing only a fraction of the number that the eastern rectangle possessed. This was reflective of the fact that the 'western rectangle was the profane portion of the city which, in relation to the eastern rectangle of the city, stood as does the earth to the heavens' (Id, 94).

³⁸ A detailed account of the responsibilities of the various principal headmen is provided in Dewaraja et al. 1995, Vol. II, 334.

³⁹ The caste structure in Kandyan society was organised around endogamous occupational groups such that 'each caste was economically privileged in the sense that it alone had the right to supply a particular kind of labour' (Id, 336).

⁴⁰ While Sinhalese rulers applied their customary law to Muslims, they recognised Muslim personal law, a policy that was partially followed by the Portuguese.

⁴¹ Tambiah relying on Sir John D'Oyly's early nineteenth century, *A Sketch of the Kandyan Kingdom* notes: 'Demala (Tamil) Pattu, also called Halpattuwe Rata, was that part of the Puttalam region that came under the jurisdiction of the Kandyan Kingdom in the early nineteenth century. D'Oyly's listing includes villages granted to those of the "Moor Religion" and to "Malabar people," some of whom had recently landed' (1992, 175, fn. 50).

Buddhist nationalists are loathe to concede jurisdiction on to any putative devolved/federal unit), the *adigars* exercised considerable oversight such that all ‘grants of land by the king’s order were signed by one of the *adigars*’ (Dewaraja et al. 1995, Vol. II, 325).

A strict functional division of responsibility also existed at the bottom of the Kandyan administrative system. The king’s powers were delegated ‘to a number of officers, the base of the pyramid being formed by a number of headmen, each of whom had a distinct area of territory, over which he exercised the functions of government’ (Dewaraja et al. 1995, Vol. II, 335). This existed in tandem with a ‘system of departments known as *baddas* which cut vertically across the territorial system dividing the population into functional groups’ (Id, 335) based on caste for ‘purposes of revenue and services to the state’ (T.B.H. Abeyasinghe cited by Dewaraja et al. 1995, Vol. II, 335). Each caste group had its own headman, and consistent with the patron-clientelism that underpinned all superior-subordinate relationships in the Kandyan kingdom, all occupational groups ‘held land in return for the services they rendered’ (Id, 336).⁴² In what amounted to a further enhancement of the power of the *disava*, the *baddas* which in the early eighteenth century had come ‘under separate departmental heads’ (Id, 335–36) had by the end of the nineteenth century come under their control. Given the occupational nature of caste in Sinhalese Buddhist society in the Kandyan polity, it was a ‘dynamic force driving the cog wheels of the administrative machinery’ (Id, 336). Consequently the ‘authority of each *badda* over the caste group and its services was all embracing and penetrated into the *disavanes* stopping short only at the boundaries of the kingdom’ (Id, 335).

This was a highly bureaucratised system of administrative devolution that had evolved over many centuries. I suggest that what we really encounter with this model of *galactic* decentralisation, the dissemination of royal authority to the periphery and semi-periphery, is the paradox of centralisation in the periphery. This dynamic of provincial centralisation reaches its culmination in the Nayakkar period, when the last of the Nayakkar rulers Sri Vikrama Rajasinha was initially installed on the throne as a puppet of the first *adigar* Pilima Talavve. Symbolic of the overwhelming power of the nobles who controlled the administrative bureaucracy of the kingdom, in 1798 Pilima Talavve ‘combined in himself sixteen offices’ (Id, 337) of State.⁴³ The king was the *galactic sovereign* par excellence himself encompassed by the provincial bureaucracy, the *galactic* centre turning into the *galactic* margin. Such was the multicentric nature of the Kandyan polity that it was the king who in the absence of a developed monetary economy remained dependent on the ‘loyalty of the *disavas*’ (Id, 338).

⁴² For example, there were the potters department (*badahalabadda*), washerman’s department (*radabadda*), weaver’s department (*handabadda*) and the elephant department (*kuruve badda*) (Dewaraja et al. 1995, Vol. II, 336).

⁴³ In the language of political economy, this was a patron-client enterprise, and in the period following the introduction of open market reforms in 1977, it has not been uncommon to find a small group of entrepreneurs monopolising government contracts.

In recognition of the subordinate status of the western rectangle, the powers of the *adigars* did not extend to the eastern domain of the city, the zone of the palace/temple complex. The *adigars*' authority was encompassed by the cosmic aura of the palace/temple complex which stood in an elevated relation to matters temporal in the western rectangle. As Duncan aptly summarises, the Kandyan polity was marked by a 'hierarchy of declining purity moving from the heart of the city to the extremities of the kingdom' (Duncan 1990, 117). The western rectangle which stood lower than the eastern was the location of all things secular, and it stood encompassed by the aura of the Buddha and his cosmic order that saturated the eastern rectangle. On the one hand, just as the cosmic order fluctuated between moments of unity, fragmentation and reordering, the dynamic relation between the centre, periphery and semi-periphery of the Kandyan kingdom similarly refracted the dynamic relations of the cosmic order ontologically conditioning the movements of the *galactic* polity. On the other hand, concomitant with the Asoka's imperial State, the ontological status of the cosmic order was such that the 'city as a whole...was as a heaven to the kingdom as a whole' (Id, 117) and in its overall geographical organisation refracted the hierarchical aspect of the cosmic order.

It was the rituals of State that functioned as the symbolic capital which not only held the centre, periphery and semi-periphery of the Kandyan polity together but also provided the *virtual* nature of *galactic sovereignty* with its performative structure. The rituals of royal legitimisation were subject to constant expansion (Seneviratne 1978b, 90–114). Many of these revolved around relic worship and a symbolic expansion of their ontological status so that by the 'twelfth century the tooth and bowl relics [of the Buddha] were being treated as the symbols of legitimate kingship' (Roberts 1994, 67: my interpolation). By the twelfth century a festival in honour of the tooth relic had developed, and by the fourteenth century this had developed into the *Asala Perahera* (procession), a festival of renewal (Roberts 1994, 67). The *perahera*, having its genealogy as a fertility rite, was one of many rituals in which the guardian deities of the island were carried around the new capital in Kandy. It was a powerful 'ritual of protection that was understood to be a recharging of [the] cosmic power' of kingship (Roberts 2004, 66: my interpolation) which in its very performance drew on the ontological status of the Buddha as a 'sovereign regulator' (Tambiah 1976, 52; Seneviratne 1978b, 98–108, Duncan 1990, 128–39).

The function of the *Perahera* 'consisted primarily in the reaffirmation and re-legitimisation of royal power' (Seneviratne 1978b, 111). By the time of the Nayakkars, it was 'an instrument of political power' (Seneviratne 1978a, 179) which in its processional order was a 'pre-eminent representation of the caste system' (Seneviratne 1978b, 112). Participation in the *Perahera* was premised on 'caste status and caste-based land tenure' (Id, 112), but all caste groups were represented albeit in a radically hierarchical manner.⁴⁴ The very form of the *perahera* with its

⁴⁴The caste structure in Kandyan society was organised around endogamous occupational groups such that 'each caste was economically privileged in the sense that it alone had the right to supply a particular kind of labour' (Dewaraja et al. 1995, Vol. II, 336).

strict hierarchical gradation of caste, occupation and religious functionary conveyed a very clear message to all those who witnessed it. It was a powerful spectacle and ‘dramatiser of state power’ (Id, 114) with profound ontological import.⁴⁵ In legitimising kingship the *Perahera* also reinforced hierarchy as *natural*, as a dynamic ordained by the cosmic order so that hierarchy was imagined as the ‘basis of social harmony’ (Id, 114).

The Nayakkars sought to reinforce this hierarchy. Drawing on reforms initiated by the first Nayakkara king, under Kirti Sri Rajasinha, the second of the Nayakkara rulers, the carrying of the tooth relic in a gold casket on an elephant became the centrepiece of the *Perahera* (Tambiah 1992, 161–62). He placed the section carrying the relic ‘at the head of the pageant, thereby giving it primacy over the sections that carried the insignia of the gods’ (Seneviratne 1978a, 179). This change in the order of ritual was a ‘dramatic representation of the place the king accorded Buddhism in relation to the worship of the [Hindu] gods’ (Tambiah 1992, 179: my interpolation). As Roberts notes the ‘immanent energy of the Buddha now added lustre to the king and guardian deities in their work of world renewal – and thus enhanced the Kandyan state and its central seat’ (2004, 66).⁴⁶

Through the *Perahera*, for example, the king as an immanent representation of the Buddha was able to exercise a cosmologically determined form of power over the hinterland of the kingdom. Rituals such as the *Perahera* reinforced the centrality of the capital through its centripetal dynamic. At the head of the procession was the *peramune rala*, a State officer who carried the *lekam miti*, the register of land title in the kingdom. While signalling the centrality of the land tenure system in Kandy and of the *goyigama* caste, the presence of the representative of this group at the front of the procession functioned to mask over the historic decline in the economic power of landed interests in the kingdom.⁴⁷ To continue, ‘sections 2, 3, and 23–8 [of the procession] represented the central government’ (Seneviratne 1978b, 111, my interpolation). These sections represented the officers of the central government such as the elephant department as well as the military departments. Sections ‘4–15 and 22’ (Id, 111) represented the provinces, both inner and outer.⁴⁸ Sections 16–21 were composed of the religious functionaries of the State such as the office holders

⁴⁵The pomp and circumstance of the *Perahera* echo Foucault’s (1982) account of the politics of the *spectacle* in *Discipline and Punish* in which sovereign power in the West in the premodern period is inscribed on the body of the subject through the aesthetics of public execution, for example. This contrasts with modern power (governmentality), which is much more diffuse in its application (Foucault 1982).

⁴⁶The *Mahavamsa* records that when Dutthagamani marches into battle against Elara, he does so having had a relic of the Buddha ‘put into his spear’ (cited by Seneviratne 1978b, 96).

⁴⁷By the time the Kandyan kingdom had ceded control of all the island’s coastline to the Dutch in 1766, the transition from what had been a ‘surplus-generating agricultural system’ (Duncan 1990, 34) in the earlier dry zone polities in Anuradhapura and Polonnaruwa to a Kandyan polity which generated production at subsistence level was complete. Economic decline would pursue apace in the highlands until the British colonial State developed a plantation economy (Id, 30–34).

⁴⁸Seneviratne (1978b, 108–10) provides a detailed account of the various sections of the Kandyan polity and social order that participated in the *Perahera*.

of the *Dalada Maligava* and the representatives of the principle *devala* in the kingdom (Id, 111–12).

Apart from its allusions to fertility, the *Perahera* had the air of a grand military procession (Id, 111; Duncan 1990, 133–34). The various sections of the *Perahera* all proceeded past the king. At the very end of the procession were the carriages carrying the consorts of the gods with the *cakkavatti* king, either riding a white horse ‘in imitation of Sakra emerging from the Ocean of Milk’ (Roberts 2004, 66) or on a ‘golden chariot drawn by eight horses’ (Davy 182, 130 cited by Duncan 1990, 134). Having circumambulated the city, the *perehara* ‘returned to the sacred rectangle and circled it three times before disbanding’ (Duncan 1990, 134). In drawing the *perehara* to a close by the act of circumambulating the city, the king ‘reaffirmed his control over the city, but also, through the power of parallelism, reaffirmed his control over his whole kingdom’ (Id, 134).

As I pointed out above, *disavas* in the periphery and beyond were relatively autonomous of the king’s authority. However, no *disava* would risk the mystical repercussions of not attending the *Perahera* in which homage was paid to the Buddha’s tooth relic ‘in the presence of the king in his own fortress’ (Seneviratne 1978b, 114). Other rituals captured the centrality of the capital through the diffusion of sacral power from the centre to the provinces. For example, the festival of *Karti* saw holy oil ‘annually sent from the Natha Devala in Kandy to all of the *devala* and *vihara* in the kingdom’ (Duncan 1990, 37; Seneviratne 1978a, 180–81). As a consequence the Natha *devala* in Kandy functioned as an ‘*axis mundi* through which divine power needed for the maintenance of order, health, and prosperity [was] radiated...to other sacred places throughout the Kandyan cultural region’ (Holt 1991, 177 cited by Roberts 2004, 67). In addition to these annual acts that amounted to a dispersal of the aura of the Buddha by the *cakkavatti*, the *cakkavatti* also engaged in ‘occasional measures that saw the god-like king reaching out to specific sites in person to bestow good deeds’ (Roberts 2004, 67), acts which had *karmic* consequences (Walters 2003, 2–39; Seneviratne 1978b, 62–63). This leads me to that most significant of ceremonies, the consecration ritual by which the king became godlike.

Kingship refracted the aura of the Buddha. It was a dynamic that was reinforced in consecration cum coronation ceremonies known as *abhiseka*, which were sometimes performed annually. These ceremonies at which nobles and others paid homage to the king turned kings into gods and were essentially ‘rituals of integration’ (Roberts 1994, 68) by which the king would be accorded the status of a *bodhisattva*, a Buddha to be (Roberts 2004, 48; Duncan 1990, 123). As with the *Perahera*, consecration ceremonies precipitated a ‘considerable mobilization of the people... with almsgiving and processions in all directions of the kingdom’ (Roberts 1994, 46) over a 2-month period (Goonewardena 1977, 1–32). Relying on evidence from John Davy, Duncan notes that on the day of the consecration, ‘the king and his train emerged from the gate of the palace/temple complex’ (Duncan 1990, 122) initially marching northwards to the Vishnu *devala*.⁴⁹ Having received the blessings

⁴⁹North was the direction in which a *cakkavatti* must initially march at the commencement of his reign (Duncan 1990, 122).

of Vishnu, the guardian deity of Buddhism on the island, the ‘king marched south to the Natha Devale’ (Id, 122).

Following a series of purification rituals which refracted the cosmic order, the *abhiseka* ritual confirmed the king’s geographical reach as a ruler of the whole island, taking the form of a *dipa cakravarti* (Roberts 2004, 46). The renewal of sacral power was then simultaneous to the renewal of profane power in the here and now world of the sociopolitical domain (Id, 69). The *abhiseka* ritual concluded by addressing the king as a ‘god who would be king’ (Seneviratne 1978b, 2). In its transformative capacity the rituals held at the Natha *devale* transformed the human aspect of the king into ‘an embryo Buddha, a *Bodhisattva*, who would one day be a Buddha’ (Id, 2; Duncan 1990, 124). While this confirmed in the Sinhalese Buddhist imagination the king’s status as a *cakkavatti* a universal ruler of the world, such a status remained at the level of the *virtual*, as did much of the rhetoric of Buddhist sovereignty.⁵⁰

25.6 Conclusion

So what of the present? The model of the *cakkavatti* king gave rise to a *galactic* polity that revealed the ontological potentiality of a cosmic order that refused closure. The consciousness of the *galactic* polity, as revealed in the administrative practices of the Kandyan kingdom, was lost in the governmental logic of the modern Ceylonese State shaped by the British from the mid-nineteenth century. This was a unitary State driven by the interests of British mercantile capital, and as such it could not be legitimated by recourse to the hierarchical intent of the Kandyan kingdom, for example, as is common in contemporary Sinhalese Buddhist nationalist rhetoric. Ironically, the British recognised the relative autonomy that the Kandyan kingdom had in relation to the rest of the island, with the result that between 1815 and the late 1830s the *Kandyan Department* administered Kandy.

Notwithstanding the hierarchical intent of Sinhalese Buddhist kingship in the pre-British period, the precolonial polities gave rise to highly devolved administrative practices that implicitly were ontologically grounded in the non-bounded nature of the cosmic order. In contemporary terms it is possible to draw an analogy between the set of checks and balances that characterised relations between the centre, the semi-periphery and the periphery and a federal State structure with a rigorous delineation between legislative, executive and judicial functions. By drawing on the pre-British past, Sri Lanka may be able to devise a form of federal State structure that accommodates the ethnocultural diversity of the island. In doing so, Sri Lanka would rediscover the consciousness of the *galactic* polity.

⁵⁰ I am reminded of Claude Lefort’s (1986, 211) characterisation of sovereignty in its Anglo-European incarnation as ‘that which is sought but cannot be attained...’ (1986, 211).

The model of the *galactic* polity eschewed bureaucratic hierarchy, the sine qua non of the unitary State. It did so in favour of a ‘*replication of like entities on a decreasing scale*’ (Tambiah 1976, 114, emphasis in the original), the contemporary form of which would be a strict demarcation between the responsibilities of the centre and the units of a federation. Far from being alien, devolved administration was very much the norm in pre-British Sri Lanka, and it is a past that Sri Lanka needs to resurrect if it is to break out of the endless cycle of ethnic fratricide. The administrative past of the island stands in sharp contrast to the retrospective Sinhalese Buddhist nationalist reimagination of that past which is fundamentally refracted through the modern bureaucratic capitalist State established in the nineteenth century. It is clearly not the case that ‘in Sri Lanka, we never had separate states—we only have had Sri Lanka. Therefore, the state has to be unitary’ (Frydenlund 2005, 21).

References

- Altekar, A.S. 1958. *State and government in ancient India*. New Delhi: Motilal Barnasidass.
- Bloch, Marc. 1962. *Feudal society*, 2 vols. London: Routledge & Kegan Paul.
- Bourdieu, Pierre. 1977. *Outline of a theory of practice*. Cambridge: Cambridge University Press.
- Collins, Steven. 1993. The discourse on what is primary: An annotated translation. *Journal of Indian Philosophy* 21: 301–393.
- Collins, Steven. 1996. The Lions’s roar on the wheel-turning king: A response to Andrew Huxley’s ‘The Buddha and the Social Contract’. *Journal of Indian Philosophy* 24(4): 421–446.
- Collins, Steven. 1998. *Nirvana and other Buddhist felicities: Utopias of the Pali imaginaire*. Cambridge: Cambridge University Press.
- De Silva, C.R. 1995. Sri Lanka in the early 16th century: Political conditions. In *History of Sri Lanka*, vol. II, ed. K.M. de Silva, 11–36. Colombo: Sridevi Press.
- Derrett, J.D.M. 1956. The origins of the Laws of the Kandyan. *University of Ceylon Review* XIV: 105.
- Dewaraja, L., S. Arasaratnam, and D.A. Kotelawe. 1995. Administrative systems: Kandyan and Dutch. In *History of Sri Lanka*, vol. II, ed. K.M. de Silva, 321–374. Colombo: Sridevi Press.
- Dimmitt, C., and J.A.B. Van Buitenen. 1978. *Classical Hindu mythology: A reader in the Sanskrit Puranas*. Philadelphia: Temple University Press.
- Duncan, James. 1990. *The city as text: The politics of landscape interpretation in the Kandyan Kingdom*. Cambridge: Cambridge University Press.
- Duncan, James. 1993. In *Place/culture/representation*, ed. James Duncan and David Ley. New York: Routledge.
- Foucault, Michel. 1982. The subject and power. In *Beyond structuralism and hermeneutics*, ed. H.L. Rabinow and P. Dreyfuss. Chicago: University of Chicago Press.
- Foucault, Michel. 1979. *Discipline and punish: The birth of the prison*. Trans. Alan Sheridan. Harmondsworth: L Penguin Books.
- Frydenlund, Iselin. 2005. *The Sangha and its relation to the peace process in Sri Lanka*. Oslo (PRIO) report. Oslo: International Peace Research Institute.
- Geertz, Clifford. 1980. *Negara: The theatre state in nineteenth century Bali*. Princeton: Princeton University Press.
- Geiger, Wilhelm. 1993. *The Mahavamsa*. Trans. Wilhelm Geiger (Assisted by Bode, Mabel H). Colombo: Ceylon Government Information Department [1912]

- Goonewardena, K.W. 1977. Kingship in seventeenth century Sri Lanka. *Sri Lanka Journal of the Humanities* 3: 1–32.
- Griswold, A.B., Nagara Prasert Na, G.W. Skinner, and A.T. Kirsch. 1975. On Kingship and society at Sukhodaya. In *Change and persistence in Thai Society: Essays in honor of Lauriston sharp*, ed. G.W. Skinner and A.T. Kirsch, 29–92. Ithaca: Cornell University Press.
- Gunasekara, Alex. 1978. Rajakariya or the duty to the king in the Kandyan kingdom of Sri Lanka. In *The concept of duty in South Asia*, ed. W.D. O’Flaherty and J.D.M. Derrett. New Delhi: Vikas.
- Gunawardana, R.A.L.H. 1971. Irrigation and hydraulic society in early medieval Ceylon. *Past and Present* 53: 30–27.
- Gunawardana, R.A.L.H. 1978. Social function and political power: A case study of state formation in irrigation society. *Indian Historical Review* 4: 259–273.
- Gunawardena, R.A.L.H. 1979. *Robe and plough: Monasticism and economic interest in early medieval Sri Lanka*. Arizona: Arizona University Press.
- Higham, Charles. 1989. *The archaeology of mainland southeast Asia: From 10,000 BC to the Fall of Angkor*. Cambridge: Cambridge University Press.
- Holt, John Clifford. 1996. *The religious world of Kīrti Śrī: Buddhism, art, and politics in late Medieval Sri Lanka*. Oxford: Oxford University Press.
- Kapferer, Bruce. 1991. *A celebration of demons: Exorcism and the aesthetics of healing in Sri Lanka*. Washington, DC: Berg Publishers/Smithsonian Institution Press [1983].
- Kapferer, Bruce. 1997. *The feast of the Sorcerer: Practices of consciousness and power*. Chicago: University of Chicago Press.
- Kapferer, Bruce. 1998. *Legends of people, myths of state: Violence, intolerance and political culture in Sri Lanka and Australia*. Washington, DC: Smithsonian Institution Press [1988].
- Kemper, S. 1991. *The Presence of the Past: chronicles, politics and the culture in Sinhala life*, New York: Cornell University Press.
- Kulke, Herman (ed.). 1995. *The state in India, 1000–1700*. New York: Oxford University Press.
- Leach, Edmund. 1958. Hydraulic society in Ceylon. *Past and Present* 15: 2–26.
- Lefort, Claude. 1986. *The political forms of modern society: Bureaucracy, democracy, totalitarianism*. Cambridge: Polity.
- LeMesurier, C.J.R., and T.B. Panabboke. 1880. *Niti-Nighanduva or the vocabulary of law: As it existed in the last days of the Kandyan Kingdom*. Colombo: Government Printer.
- Liyanagama, Amaradasa. 1986. Keralas in medieval Sri Lanka: A study of two contrasting roles. *Kalyani: Journal of Humanities and Social Sciences of the University of Kelaniya* 5 & 6: 61–77.
- Maddicott, J.R., and D.M. Palliser (ed.). 2000. *The medieval state: Essays presented to James Campbell*. London: Hambledon Press.
- Moertono, Soemarsaid. 1968. *State and statecraft in Old Java: A study of the later Mataram period, 16th to 19th century*. Ithaca: Cornell University Press.
- Obeyesekere, Gananath. 1963. The great tradition and the little in the perspective of Sinhalese Buddhism. *Journal of Asian Studies* 22: 139–155.
- Obeyesekere, Gananath. 1967. *Land tenure in village Ceylon: A sociological and historical study*. Cambridge: Cambridge University Press.
- Obeyesekere, Gananath. 1984. *The cult of the Goddess Pattini*. Chicago: University of Chicago Press.
- Obeyesekere, Gananath. 2006. Buddhism, ethnicity, and identity: A problem in Buddhist history. In *Buddhism, conflict and violence in modern Sri Lanka*, ed. Mahinda Deegalle, 134–162. London: RoutledgeCurzon.
- Olivelle, Patrick. 2005. *Manu’s code of law: A critical edition and translation of the M nava-Dharmaśāstra*. Oxford: Oxford University Press.
- Pathmanathan, S. 1982. Kingship in Sri Lanka: A.D. 1070–1270. *Sri Lanka Journal of the Humanities* 8: 120–145.
- Pathmanathan, S. 1986. Buddhism and Hinduism in Sri Lanka: Some points of contact between two religious traditions circa A.D. 1300–1600. *Kalyani: Journal of Humanities and Social Sciences of the University of Kelaniya* 5 & 6: 78–112.

- Roberts, Michael. 1982. *Caste conflict and elite formation: The rise of a Karava elite in Sri Lanka 1500–1931*. Cambridge: Cambridge University Press.
- Roberts, Michael. 1994. *Exploring confrontation. Sri Lanka: Politics, culture and history*. Chur: Harwood Academic Publishers.
- Roberts, Michael. 2004. *Sinhala consciousness in the Kandyan period: 1590s to 1815*. Colombo: Vijitha Yapa Publications. 2004.
- Scott, David. 1999. *Refashioning futures: Criticism after postcoloniality*. Princeton: Princeton University Press.
- Seneviratne, H.L. 1978a. *Rituals of the Kandyan State*. Cambridge: Cambridge University Press.
- Seneviratne, H.L. 1978b. Religion and legitimacy of power in the Kandyan Kingdom. In *Religion and legitimacy of power in Sri Lanka*, ed. Bardwell Smith, 177–187. Chambersburg: Anima Books.
- Strong, John. 1983. *The legend of King Aśoka: A study and translation of the Aśokāvadāna*. Guildford: Princeton University Press.
- Swearer, D. (1995) *The Buddhist World of Southeast Asia*, Albany, NY: State University of New York Press.
- Tambiah, H.W. 1963. Kingship and constitution of ancient and medieval Ceylon. *Journal of the Royal Asiatic Society Ceylon Branch* 8(2): 291–311.
- Tambiah, Stanley. 1976. *World conqueror and world renouncer: A study of Buddhism and polity against a historical background*. Cambridge: Cambridge University Press.
- Tambiah, Stanley. 1985. *Culture, thought, and social action; an anthropological perspective*. Cambridge: Harvard University Press.
- Tambiah, Stanley. 1986. *Ethnic fratricide and the dismantling of democracy*. London: I.B. Tauris & Co.
- Tambiah, Stanley. 1992. *Buddhism betrayed: Religion, violence and politics in Sri Lanka*. Chicago: Chicago University Press.
- Thapar, Romilla. 1961. *Asoka and the decline of the Mauryas*. Oxford: Oxford University Press.
- Walters, Jonathan. 2003. Communal karma and karmic community in Theravada Buddhist history. In *Constituting communities: Theravada Buddhism and the religious cultures of South and Southeast Asia*, ed. John Clifford Holt, Jacob N. Kinnard, and Jonathan S. Walters, 9–40. New York: SUNY Press.

Chapter 26

Linguistic Landscape, Law and Reflexive Modernity

Christopher Mark Hutton

Abstract This chapter links the linguistic landscape, that is, the visible texts in the modern urban environment, to the evolution of law within what has been termed ‘reflexive modernity’. A major symptom of reflexive modernity is the rise of ‘managerial’ modes of governances. Law and regulation are blurred within juridification, and the citizen is positioned simultaneously as subject to rules and as the consumer of state services under a civic contract. Signage in the cityscape merges legal warnings, regulatory advice and exhortatory appeals. Law, regulation and civic responsibility are not clearly—semiotically—distinguished. These processes are illustrated using examples from Hong Kong and mainland China. In Hong Kong, the cityscape shows increasing density of regulatory signs, safety warnings and appeals to citizens to adopt appropriate modes of behaviour. In mainland China, the linguistic landscape has been semiotically softened, with similar exhortatory appeals and cartoon-like figures representing the police. The citizen is situated in this process as a consumer-partner rather than merely the subject of law’s disciplinary control. Managerial modes of governance are visible at immigration checkpoints, with the ‘traveller-consumer’ invited to evaluate the ‘service’. It is argued that there is a degree of convergence in the linguistic landscape of these two very different jurisdictions (both within the People’s Republic of China) which reflects the rise of reflexive modernity and managerial modes of governance.

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26.1 Introduction

Public spaces as textual spaces, including institutional and commercial spaces to which the public is allowed access, reflect a mixture of legal, moral, commercial and aesthetic considerations. No space is entirely beyond the reach of law, but some spaces are more explicitly monitored and signposted than others. This chapter addresses the nature of the 'textscape' or 'linguistic landscape' of the modern city. It seeks to relate aspects of the everyday experience of the city to debates about the juridification of modern societies within so-called 'reflexive modernity', examining public signs in Hong Kong and mainland China. The study of the linguistic landscape takes as its main object of inquiry the signage, billboards, notices, advertisements and graffiti of the modern city. It understands signs as integral to the urban landscape and looks at linguistic and sociolinguistic issues (multilingualism, metaphor, naming) in the context of design or 'styling' of public written language (Shohamy and Gorter 2008).

The citizen of a modern society moves through a landscape which marks boundaries, advises, exhorts, warns, threatens and seduces. This landscape reflects an underlying economic order, for example, the relationship of commercial premises to commercial signage, a cultural order (e.g. the use of typeface in commercial signs to connote tradition, modernity and exotic foreignness) and also a political-civic order, in that names of parks, streets, districts and towns to varying degrees connote social, political or national values. The linguistic landscape is oriented towards a range of addressee roles, including tourist, driver, pedestrian, shopper, citizen and consumer, and is embodied in media with varying degrees of permanence (compare a street sign with a notice stuck with sticking tape onto a wall), marking differing levels of authority and relevance. The textscape of a city reflects aspects of the legal order prevailing in a given jurisdiction, and it enacts a complex set of legal relationships, responsibilities and duties. It defines boundaries between different kinds of public space and between private and private, warns its addressees of potential or characteristic offences, and in some cases gives notice to offenders of the penalty they may expect. Notices may actually cite legislation verbatim (e.g. in signs outside prisons) or may offer concise summaries. By-laws and other regulations frame the entrance to parks and other public spaces, often in both textual and iconic form, as in the familiar circular sign with a red line through the image of the forbidden or undesirable behaviour. Citizens and visitors are also the target of a civilising discourse, with or without the threat of legal sanction, for example, signs about personal conduct, dress codes, smoking and littering.

26.2 Reflexive Modernity

Terms like 'reflexive modernity', 'remodernisation', 'second modernity' or (in some usages) 'postmodernity' reflect an understanding that modernity at a certain point turns on itself and begins to modernise and radicalise itself (Beck et al. 2003, 1): 'It begins

to transform, for a second time, not only the key institutions but also the very principles of society. But this time the principles and institutions being transformed are those of modern society'. Shields (2006, 234 fn 2): 'It posits a normative and homeostatic modernity which is now changing or being "updated" or "re-modernised" in ways which utilise the same processes that produced "first modernity" but are now reflexively leading to a qualitatively distinct "second modernity"'. This has been termed 'liquid modernity', a stage of development characterised by highly mobile nomadic and extraterritorial elites, increased spatial differentiation as commercial spaces like shopping malls dominate the public experience of space and gated communities or 'voluntary ghettos' (Bauman 2000, 1–33). The citizen is reconceptualised as consumer, as part of a social order which is fundamentally at odds with the ideology of the welfare state (Abrahamson 2004, 171–179). Reflexive modernity in this chapter is understood primarily in terms of the dominance of the consumerist-contractual understandings of citizens and the public sphere, managerialism and juridification.

Reflexive modernity retains the commitment of modernity to procedural and substantive rights, equality and transparency. However, these concepts and the associated discourse are co-opted within a managerialist reform as part of a wider 'audit culture'. Following the 'managerial turn', public institutions and corporations create explicit statements of their goals in the form of 'vision' and 'mission' statements, undertake branding and market-positioning exercises, codify internal policy and develop meta-mechanisms (or feedback loops) for monitoring their own compliance with stakeholder, societal and institutional aims. Institutional energy is then strongly focused on achieving a coordinated mobilisation of resources in the pursuit of a set of articulated goals or outcomes. That these goals are set out in an explicit manner is fundamental to this process, since without precise formulations of goals, there can be no transparent accountability to them. The managerial turn is a revolt against the informal, the intuitively understood and unstated, following the maxim 'what can be measured can be managed'. Belief in effability and the transparency of reasons is one important component of the managerial state in which 'all of us move through a social space that becomes more saturated with rules' (Campos 1998, 5).

Managerialism is driven by a profound distrust of the taken-for-granted, seeing this as a cover for inefficiency and obfuscation. It seeks to break institutional consensus by setting in motion a set of reflexive practices and processes that ensure continual review. Institutions are perceived to have been run unreflexively through the unthinking appeal to established practices, language and habits. These are habits of language, of mind or procedure and of spatial organisation that must be subject to perpetual scrutiny. One symptom of demands for transparency, accessibility and openness is the use of the present participle in logos, slogans, tags and mission and vision statements ('bringing you increasing levels of excellence', 'passionate about the south-west'), which positions the addressor and the addressee as involved in an open-ended reciprocal, if ill-defined, relationship in which engagement of the 'service provider' to excellence is unbounded. Discourse boundaries between domains become blurred as buzzwords ('excellence', 'value added'), management techniques

and modes of assessment spread from the private to the public sector, from commercial to educational institutions and so on.

The Citizen's Charter promulgated by John Major as prime minister of the United Kingdom in 1991 was an important stage in this global process. Among its aims was 'to replace bureaucratic public sector structures with marketised ones' (Barron and Scott 1992, 526), as a stage in the managerial revolution that had been in progress since the early 1980s with the rise of new model management. It was followed in Hong Kong by a series of performance pledges introduced by the incoming governor Christopher Patten in 1992. The labour government's 'service first' initiative in 1998 recast the original Citizen's Charter, an illustration of the need for constant reflexive reform as old policies and buzzwords begin to appear stale and routine. India's Citizen's Charters define 'citizen' as 'the clients or customers whose interests and values are addressed by the Citizen's Charter and, therefore, includes not only the citizens but also all the stakeholders, i.e., citizens, customers, clients, users, beneficiaries, other Ministries/ Departments/ Organisations, State Governments, UT [Union Territory] Administrations etc.'¹ A recent British reform in this opened series of initiatives involves 'customer service excellence', a benchmarking process which is intended 'to bring professional, high level customer service concepts into common currency with customer-facing public services by providing a unique improvement tool.'²

These managerial reforms have had a clear impact on the linguistic landscape worldwide, with conscious attempts to brand public services as a product and with mission statements appearing in railway stations, hospitals (which in the UK have their own patients charter, see Stocking 1991) and municipal offices, along with performances pledges and related statistics.

26.3 Juridification

Juridification refers to the increasing encroachment of legal modes of thought upon institutions, public spaces and social practices. The contractual elements of modern civic culture lead to a shift towards explicitness, transparency of purpose, market-oriented commercial phrasing and therefore new forms of public language. Two related features of reflexive modernity come together here, namely the blurring of the boundary between law and regulation (see Morgan and Yeung 2007, 223–237) and the encroachment of legal ways of thinking, legal language and the legal mind-set on the everyday public world. Given that the rule of law is a mark of modernity, juridification within reflexive modernity reflects law's elaboration of its most modern features, including its proliferation of procedural rights, scrutiny of the reasoned

¹ <http://goicharters.nic.in/chartermain.htm>

² <http://www.cabinetoffice.gov.uk/chartermark.aspx>, <http://www.cse.cabinetoffice.gov.uk/about-TheStandardCSE.do>

basis of administrative action and its diversification into regulation, administrative control, arbitration, voluntary codes of practice and civil exhortation. The rise of judicial review of administrative action reflects this reign of reasons: even if an administrative body is not required to give reasons for its decision, the system at some level must nevertheless explain the reason for not giving reasons, for example, a court will have to justify its decision not to require a public body to give reasons (see Loughlin 1978, 215–241). There is no way to calculate the overall cost-benefit to society of aggressive juridification through judicial review (Sunstein 1989, 522–537); as with tort, there is also no clear ‘bright-line’ outer limit to the expansion of this domain.

If liquidity is a diagnostic of this unsettled reflexive modernity, then questions of ‘boundaries and border making’ are at its heart (Shields 2006, 224). The boundary between law and non-law is itself unsettled and indeterminate, as law extends into and formalises social practices in different domains and is also hybridised by its interaction with institutional codes, quasi-juridical discourses and ‘hallucinatory law’ (fantasies about what the law is, does and can do, media images and so on, see Haltom and McCann 2004). This brings the assumption ‘that whatever the domain of its intervention, the further incursion of legal regulation is necessarily a social and political good’, introducing ‘a form of reasoning that subjects the plural disciplines and identities of social life to the homogeneous and hierarchical norms of a self-defining and increasingly asocial discourse of law’ (Goodrich 2000, 148).

The domain of law expands as domains of social activity orient themselves towards law as the ultimate off-stage arbiter. Nonlegal forms of social control ‘acquire legalistic characteristics’ (Hunt and Wickham 1994, 48). As Campos argues, whereas before it was common to speak of ‘going to law’, now law ‘comes to us’: ‘Legal modes of vocabulary and behaviour pervade even the most quotidian social interactions; the work-place, the school, and even the home mimic the language of the law, and as a consequence replicate its conceptual schemes’ (Campos 1998, 5). One of its many reference points is Jürgen Habermas’s concern with the colonisation of the life-world and public discourse by law (Habermas 1987). In this, law comes to represent both ‘a normalisation and a confinement or depoliticisation of social relationships, a colonisation of everyday life that brings the psychic malaise of law into ever-further aspects of cultural life’ (Goodrich 2000, 148).

26.4 The ‘Neighbour Principle’ and Juridification

Key historical moments in the juridification of public spaces can be found in the early twentieth century, with decisions like *MacPherson v Buick Motor Co.* (1916) and the House of Lords decision in *Donoghue v Stevenson* (1932). These decisions can be understood in a variety of ways, as widening the duty of care by liberating it from privity of contract, as obviating the need for the use of concepts of fraud and misrepresentation or as moral statements of interpersonal responsibility constrained by a desire to draw a practical legal limit when faced with a ‘floodgates’ argument,

as inaugurating new standards of protection. In *Donoghue v Stevenson*, Lord Atkin recognised a general moral obligation to others, but one circumscribed by law (at 580):

The liability for negligence whether you style it such or treat it as in other systems as a species of ‘culpa’ is no doubt based upon a general public sentiment of moral wrongdoing for which the offender must pay. But acts or omissions which any moral code would censure cannot in a practical world be treated so as to give a right to every person injured by them to demand relief. In this way rules of law arise which limit the range of complainants and the extent of their remedy.

But this leads nonetheless to a very general statement of potential liability (at 580):

The rule that you are to love your neighbour becomes in law you must not injure your neighbour; and the lawyer’s question ‘Who is my neighbour?’ receives a restricted reply. You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who then in law is my neighbour? The answer seems to be persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question.

Discussions of reflexive modernity draw on intellectual frameworks from systems theory and Foucauldian discourse analysis and employ the dramatic language of invasion, colonisation and metaphors of mental disorder (‘psychic malaise’, ‘madness’). But there is also a recursive moral logic to juridification where the law is widened because it is understood—taken for granted—that it is the law’s role to grant justifiable and necessary legal protection in all possible circumstances. Once the duty of care was conceptually and jurisprudentially segregated from considerations of privity of contract and given a framing in a universalizing Christian morality, there was no clear outer boundary to the application and reapplication of the basic reasoning in *Donoghue v Stevenson*. This process has been fed by analogies between domains such as product liability, safety in public spaces, interpersonal conduct in institutional contexts or assertions of the moral equivalence of acts and omissions. A British legal academic writing in the late 1980s described a ‘dramatic increase in the variety of circumstances in which courts are willing to hold that one party owes a duty of care in tort to another’ and could dismiss as ‘quaint’ a statement by Viscount Dilhorne in *Dorset Yacht Co Ltd. v Home Office* (1970) to the effect that the categories of relationship for which a duty of care could be invoked had been fixed by the common law and precedent (Logie 1989, 115).

In addition to this rise of tort law for regulating the public sphere, one can find within reflexive modernity a radicalisation of the fundamental evolutionary process identified by Sir Henry Maine, namely the shift from ‘status to contract’ (Maine 1861). The redefinition of citizen as consumer of state services, or of the university as a service provider to students with contractual and quasi-contractual obligations, represents a further shift away from the status regime where the citizen is primarily the subject of the state, just as the notion of the inherent authority of the status of a professor and of a student as supplicating to the university for a degree are now archaic when set against a contractual and consumer understanding of higher education

(see Delucchi and Smith 1997, 322–327; Valey 2001, 1–8). Contract law, with its ideal of explicitness and transparency to both parties (the *consensus ad idem*), agreed performance criteria for measuring success, and suggestion of partnership and consent, in conjunction with the post-WWII expansion in consumer law in jurisdictions like the United Kingdom which made the state an increasingly important party to every commercial contract, is fundamental juridification in its impact on the language of the public sphere within reflexive modernity.

Juridification responds to the morality of the individual case and generalises the equitable principle that there should be no wrong without a remedy, at the same time as widening without horizon the notion of wrong, a process which has as its corollary the identification of new classes of wrongdoers or tortfeasors with liability. This gives rise to an increasingly defensive posture from public bodies in the face of potential risk and liability, with pre-emptive notice given of a wide range of potential hazards, at the same time as public spaces are controlled for activities that might conceivably produce hazards. Thus, a ‘no-skateboarding’ sign and a ‘wet floor’ sign are two faces of the same process, even though the one is cast as a prohibition and the other as a warning.

26.5 Signs in the Hong Kong Cityscape

The Hong Kong Special Administrative Region, until 1997, the British colony of Hong Kong, has retained its common law legal system under the ‘one country two systems’ doctrine and the basic law and is in effect a common law enclave within the civil law jurisdiction of the People’s Republic of China. The cityscape of Hong Kong has a high degree of commercial signage, as well as official signs of various genres, including tourist and heritage information, warning signs, prohibition signs and exhortatory signs about good or advisable conduct. The visible signage forms the urban ‘frontstage’, with signage not merely affixed to, but actually constituting the cityscape, especially in areas where small businesses and trading companies dominate or where there are large numbers of restaurants and retail and wholesale outlets. The amount of signage escalates as vendors, official agencies and private citizens compete within an ‘economy of attention’. The signage bombards the user with messages (Cookson Smith 2006, 41). While this creates its own aesthetic of activity and vibrancy, it also means that signs which have legal force may be absorbed and lost into an overall visual experience of pleasurable disorder or semi-otic ‘buzz’. This has become an issue in arguments to the effect that the density of signage regulating traffic actually detracts from road safety, both by overloading the driver, particularly more elderly motorists, with information and instructions, and by externalising too much of the authority over decision making and safety (Ho et al. 2001, 194–207; Staddon 2008).

To begin with a simple example, there is a sign outside my office in the University of Hong Kong which reads ‘wet floor 小心地滑’. The Chinese could be translated as: ‘take care, slippery floor’. It is a permanent sign and appears frequently around

the building, often accompanied by its regulatory partner ‘no smoking 不准吸烟’. The Chinese could be translated as: ‘smoking is prohibited’. The ‘no smoking’ sign asserts a prohibition which is valid at all times, whereas the wet floor sign warns about a condition which is in fact rarely present. The prohibition against smoking is not merely an institutional rule; it has the force of law, namely the Smoking (Public Health) Ordinance (2006), which in schedule 2, part 1 lists locations where it applies, including ‘any specified educational establishment’. The ‘wet floor’ sign is on its face a simple safety warning and could be read literally as stating that the floor is wet and that passers-by should take care. However, the floor is rarely wet, making this sign, if understood, as referring to a state of affairs, much less accurate than a stopped clock which refers to the correct time twice a day. To impose a coherent message upon it, the sign has to be read as a generalised warning that on occasion the floor may be wet and that in those circumstances one should take care.

The university has a general duty under the Occupational Safety and Health Ordinance, section 6, Part II (1) to the effect that: ‘Every employer must, so far as reasonably practicable, ensure the safety and health at work of all the employer’s employees.’ In addition to its employees, the university also must ensure the safety of students, contractors and visitors, and its responsibilities in this area are set out in an institutional Statement of Safety and Health Policy which in section 1.2 commits the university to take ‘all reasonably practicable steps within its power’ in respect of ‘(a) compliance with all relevant legal requirements; (b) identifying hazards, assessing risks and managing those risks; (c) ensuring that employees, students, visitors and contractors are adequately informed of those risks and, where appropriate, receive instruction, training, and supervision’.³ But the ubiquity of these ‘wet floor’ warning signs means that they become part of the design and textscape of the building, and they arguably can scarcely function as ‘notice’ in the legal sense of drawing attention to a hazard as means of meeting one’s legal responsibilities under the ‘neighbour principle’ and avoiding legal liability in the case of an accident.

Neither the ‘no smoking’ nor the ‘wet floor’ sign invokes directly any legal authority, and both are semiotically analogous. They are mass-produced standard signs available in Hong Kong, sharing the use of red, black and grey and bilingual in English and Chinese with an image or icon accompanying the text. Both are found in the publicly accessible areas of the building and its classrooms, but not in the individual or departmental offices. The individual office is marked as a quasi-private space, even though smoking similarly no longer permitted there. In semiotic terms, there is no distinction between the regulation which comes with legal sanctions and the warning which meets the institutional requirement to enhance safety. In fact, smoking bans are also understood in terms of environmental safety and concern for the impact of specific states or actions on the health of others, so there is at a deeper level an underlying shared logic. The ‘no smoking’ sign has legal force, but it also

³ <http://www.hku.hk/safety/pdf/HKUSHP.pdf>

represents a moral principle of concern for others; the 'wet floor' sign on its face suggests concern for the well-being of those in the building, but it also references law, albeit at one remove. More recently, signs have appeared in the university toilets with the instruction: 'To reduce the spread of germs/Please put down the toilet lid before flushing'. Law, responsibility, public hygiene and morality are not clearly—semiotically—distinguished.

A further new class of sign in the university operates an index of community, transparency of purpose and an indication of a service relationship between the institutions and its clients, primarily the students. For example, the University Library since 2008 has designated itself at the entrance as 'your learning place'. This evocation of community has its counterpart in Hong Kong government discourse, including the slogans 'keep Hong Kong clean' and 'don't rubbish your home' (香港是我家清潔齊參加). The first wave of this exhortatory advertising has its origins in the 1970s, as the colonial government sought to create a civic-minded, albeit apolitical, identity out of the largely immigrant society of Hong Kong.

There is a longstanding and more traditional genre of signs which indicate the source of their authority. Outside the decommissioned Victoria prison in Central, Hong Kong, there are obsolete signs such as: 'In accordance with prison rule 22 payment of fines will only be accepted on a weekday between the hours of 9 and 12 in the morning and 2 and 4 in the afternoon' or announcements with the phrase 'superintendent, Victoria prison' underneath. 'By order of' or 'by authority' are familiar phrases in this genre. Signs may also cite the actual legal text of which they are an index. At the other extreme, we can see reflexive modernity as involving a blurring of voices and discourse positions, in which authority hides its ultimate regulatory or disciplinary voice, and for example, inanimate objects acquire anthropomorphically first-person identities. This was pioneered in commercial advertising discourse ('I speak your weight') but is now a feature of official announcements. A Hong Kong government advertisement depicts an anthropomorphic tooth pleading 'take good care of me! Please cut down on snacks and beverages!'

In public spaces administered by the city authorities, there are restrictions on commercial signage, but there are similar debates about density of signage and individual (and group) responsibility. Smoking is banned in almost all publicly managed spaces in urban areas in Hong Kong, that is, almost everywhere except the street itself and limited designated smoking areas in urban parks and 'sitting-out areas'. However, the placing of large yellow banners at the entrance to the often very small urban parks, in conjunction with the large number of prohibition and warning signs, has led to complaints both about the aesthetic effect and the overregulation of activities within the park. One response to this has been the 'freedom ball/自由波' campaign, with the slogan 'say no to no fun/向規條說 [不]'. This campaign 'questions whether the Hong Kong government controls the use of public space for the benefit of Hong Kong people'. The campaign involves a creative form of civil disobedience in which large red inflatable balls are released in parks where ball games are banned, so as to create spontaneous game activities: 'The principles of our interventions are that they challenge the rules in a way that is positive and

engaging and encourage the public to join in actively'.⁴ On Sunday November 22, 2009, a 1,000 freedom balls were released in Shatin Park in the New Territories.

In reflexive modernity complaints about the 'nanny state', form-filling and juridification of personal safety, public spaces and institutional conduct can themselves be ironically co-opted as just one more consumerist voice demanding better value and service from the state and the legal system. The authorities are required to 'square the circle' by dramatically widening protection of various forms of rights and of public safety without encroaching on individual autonomy, indicating clearly and transparently the rules and regulations and expectations that govern daily life without appearing to control and colonise its informal and spontaneous forms.

26.6 Mainland China, Juridification and Reflexive Modernity

In mainland China (i.e. the current jurisdiction of the People's Republic of China, excluding Hong Kong), one can find symptoms of reflexive modernity which relate to discourse features of public spaces. For example, today, one can find signs exhorting citizens to acknowledge the city or location 'as their home'. Consumerism is now a framework within which state operations are being redefined. In 1990, I observed an immigration official at the Shenzhen border (the land border from then British colony of Hong Kong) who after inspecting and stamping the passports would lean back and toss them with a slight spin back across to the traveller. Today, one is met with modern blue uniforms, professional demeanour, sometimes a greeting in English and ultrarapid processing. In airports, a recent innovation is a system for recording customer satisfaction. The traveller is invited to provide feedback on the immigration official's performance (whose police ID number is shown) by pressing one of a row of three or sometimes four buttons. The categories in the four-button model are greatly satisfied (非常满意), satisfied (满意), checking time too long (时间太长), and poor customer service (态度不好), each with an abstract face icon depicting the relevant emotion. The device bears the caption 'you're welcome to comment on my work' (欢迎对我的工作进行评价).

Anyone (citizen or not) passing through the immigration is thus positioned as consumer of the state's services, and the immigration official becomes a front-line provider of those services, answerable to the consumer via the accumulation of data which the consumer provides to backstage authorities and which can be amalgamated and aggregated at different levels of abstraction for a variety of audit purposes. The performance indicator inevitably creates hierarchies of achievement with the strong visual appeal of objectivity and easily reviewable at a distance when represented in statistical tables.

This reform can be read as a reflection of the increasingly competitive job market, in private- and state-owned companies and in official agencies, and can be set

⁴ See <http://freedomball.blogspot.com>, accessed December 17, 2009.

against both communist-bureaucratic inertia and traditional Chinese *guanxi* (the use of relationship networks) and identified as a symptom of new transparency and openness (Faure and Fang 2008, 197). The feedback process certainly reflects marketisation and managerial reforms which redefine and integrate practices and linguistic habits across public-private boundaries, in so doing redefining and reframing the roles of state actors and private citizens. The optional possibility of providing feedback on those services complicates semiotically what was previously a more straightforward encounter between an individual traveller (whether citizen or not) and the state, with the traveller positioned as supplicating an individual official for the state's permission to pass the border. Now the traveller has in some sense a controlling gaze over the official, while at the same time, both traveller and official are submitted in different ways to the ultimate authority of the state. The traveller may take the chance to record their opinion, wondering at the effect either on their own progress through immigration or the career progress of the official (of their supervisors at various levels) of negative feedback.

One suspects that as in many other grading schemes, anything less than a perfect score is potentially problematic. The possibility of a foreign visitor being invited to offer direct criticism (or praise) of an official of the People's Republic of China is itself highly disorienting, especially given that in the PRC, border security falls under the Ministry of Public Security. One can diagnose this sue of consumer feedback as indicating the increasing power of the nomadic elites in liquid modernity or just simply as the repackaging of state power within a consumerist frame for more effective 'soft' control. The traveller may decide to ignore the audit system as oppressive of the officials, but it is perfectly possible to audit the percentage of responses for travellers processed and compare this across different officials, shifts, airports, etc. In that sense, the traveller cannot opt out, a symptom of the all-embracing grip of managerialism. The authority filters its interaction with the consumer of its services through predetermining the mode, timing and format of the interaction and commodifying and formalising the terms of the relationship as an exchange of pre-packaged information.

A further indicator of this reframing of state-citizen relations is exhortatory signs urging good behaviour, rather than threatening sanctions. Signs in Shanghai and Guangdong, regions with the strong regional speech varieties of Shanghainese and Cantonese, urge politely the use of the national standard (Putonghua): 'Please speak Putonghua. Please use standard characters' (请讲普通话请用规范字), and framing the public use of the national standard as an act of good manners, cultivation or hospitality. A police sign in a Beijing side-street sign headed in Chinese only reads 人人义务城管员,处处靓丽风景线 ('If we all take responsibility as guardians of the city, we can enjoy a beautiful landscape here'). The sign urges underneath, in both Chinese and English: 'May we remind you: For a better and comfortable life, please cherish the environment of our community' (为了大家都能拥有舒适的生活,请爱护我们社区环境), and depicts various undesirable activities, with a request (请 'please') to refrain from them, rather than a threat to punish offenders. The text is accompanied by a cartoon of a uniformed member of the urban management forces (城管队员, variously translated as 'auxiliary police', 'parapolice', 'city patrol', 'municipal police'),

depicted with hyper-large round eyes in a style familiar from Japanese popular and *manga* culture. The sign also directs the reader to an official website,⁵ where the senior officials of the city are pictured, different departmental mission statements are given, and one of the links proclaims: 'At your service'. Similar round-eyed cartoon figures appear in police posters warning about the variety of scams being worked by con artists in the city and urging residents to prevent fires. In the Beijing cityscape (e.g. along Fucheng Road), there are multiple permanent pillars set into the pavement, with slogans in white on blue insets, urging respect for the rules of good conduct on the roads (崇尚文明交通) and promoting the idea of social harmony as offering a better future for all (和谐让大家享受明天). A sign at the street corner in the Haidian district in white and blue proclaims 'new Beijing, new Haidian, new development' (新北京, 新海淀, 新发展). A municipal sign in the Special Economic Zone of Zhuhai adjacent to Macao proclaims: 珠海是我家/清洁靠大家 ('Zhuhai is my home/to keep it clean is everyone's responsibility').

One way to understand this consumerist turn is that the state co-opts are both in its rhetoric and practice the subjectivity of those under its authority and law and in so doing mimics the orientation of service industries with their claims of 'putting you first'. A tourist map in the centre of Beijing even tells those who consult it not 'you are here' but 'I am here' (我在这). Signs of juridification include stands with prohibitions and warnings in the form of the familiar red circle with a line through it over white icons framing escalators in high-end shopping malls. Under each picture of the dishes, the menu in a Thai restaurant in central Beijing offers this legalistically phrased disclaimer: 'Picture only for reference. Please refer to the real object' (图片仅供参考, 请以实物为准).

However, citizens are not merely the passive recipients of the redefinition of their relation to the state. Law is also now available, to some at least, as public and political theatre, even where the actual lawsuit has little chance of being heard, much less succeeding. In 2007, a law student, Dong Yanbin, angered by the censorship of Ang Lee's film *Lust Caution* (2007), filed a lawsuit against the State Administration of Radio, Film and Television (SARFT), as well as against UME Huaxing International Cineplex in Beijing, for infringing his rights as a consumer and for failing to develop a ratings system which would allow adults to view sexually explicit material. It is important to note that this lawsuit was not itself grounded in an objection to censorship *per se*—it was not a classic civil libertarian intervention. Rather, it involved a demand for transparent and explicit standards and criteria, classic features of reflexive modernisation, as well as for an apology and RMB 500 in 'psychological damages'. This subjectivist take on the question of rights is again arguably symptomatic of reflexive modernity, in that it takes the form of a statement to the effect that: 'I have been hurt and you are responsible so you owe me an apology and compensation'.⁶

⁵ <http://www.ebeijing.gov.cn>

⁶ See internet sources, for example: <http://globalvoicesonline.org/2007/11/16/china-doctoral-student-accuses-sarft-of-movie-censorship/>, <http://www.cbc.ca/news/story/2007/11/14/lustcaution-lawsuit-censor.html>, accessed December 17, 2009.

Consumerist protest from the urban middle class is just one strand in legal activism in contemporary China, itself one element in an increasingly complex and diversified landscape of social activism. This activism involves sporadically violent rural confrontations over land, workers' protests over unpaid wages, petitioners who travel to Beijing to appeal to the central government, urban resistance to relocation, a rowdy 'netizen' sphere, feminist pressure groups and much else (see the essays in Hsing and Ching 2010). Much of this involves the struggle for the basic rights of modernity and the rule of law, but the speed and complexity of social developments in contemporary China is indicated by the symptoms of reflexive modernity clearly visible in the prosperous urban centres.

26.7 Conclusion

To sum up, the symptoms of reflexive modernity and juridification in urban textscape include orientation to the subjectivity of the citizen/traveller/tourist, greater transparency and explicitness of the cityspace in terms of directions, usage of bilingual or trilingual signs, warnings of prohibitions, hazards and exhortations as to the moral and social roles that good citizens and visitors should adopt and the use of branding as an instrument of governance. The corollary of this more engaged and engaging public sphere is the masking of law enforcement power behind a civilising discourse that appeals to ideals of community, home, family, etc. The citizen and the visitor are positioned as consumers with an entitlement to good service, and the authorities present themselves as service providers, with quasi-contractual sets of aims and objectives, and as moral cheerleaders for community mindedness and a better shared future. Visual indicators of this process include the use of familiar international icons and cartoon figures representing authority and greater use of colour, texture and design features characteristic of commercial advertising, rather than simple monochrome list of rules and regulations.

This should not be taken as implying a profound convergence of political systems. A full analysis of the juridical-ideological nature of the textscape of the People's Republic of China is beyond the scope of this chapter and would be required to analyse the reduced but still important role of traditional ideological slogans as a public frame for social life and the responses in the linguistic landscape to major anniversaries and international events such as the 60th anniversary of the founding of the PRC, the 2008 Beijing Olympics and the National Congresses of the Communist Party held every 5 years. It would also need to take in the extremely uneven advance of consumer modernity in China. What is quite striking however is that at the most modern points of development, public signage in China displays clear symptoms of reflexive modernity, marketisation of public discourse, the rise of audit culture, branding, juridification and an incipient managerialist revolution.

References

- Abrahamson, P. 2004. Liquid modernity: Bauman on contemporary welfare society. *Acta Sociologica* 47(2): 171–179.
- Barron, A., and C. Scott. 1992. The Citizen's charter programme. *The Modern Law Review* 55(4): 526–546.
- Bauman, Z. 2000. *Liquid modernity*. Cambridge: Cambridge University Press.
- Beck, U., W. Bonss, and C. Lau. 2003. The theory of reflexive modernization: Problematic, hypotheses and research programme. *Theory Culture Society* 20(2): 1–33.
- Campos, P. 1998. *Jurismania: The madness of American law*. New York: Oxford University Press.
- Cookson Smith, P. 2006. *The urban design of impermanence: Streets, places and spaces in Hong Kong*. Hong Kong: Mccm Creations.
- Delucchi, M., and W. Smith. 1997. A postmodern explanation of student consumerism in higher education. *Teaching Sociology* 25(4): 322–327.
- Faure, G., and T. Fang. 2008. Changing Chinese values: Keeping up with paradoxes. *International Business Review* 17: 194–207.
- Goodrich, P. 2000. Law-induced anxiety: Legists, anti-lawyers and the boredom of legality. *Social & Legal Studies* 9(1): 143–163.
- Habermas, J. 1987. *The theory of communicative action*, vol. 2, *Lifeworld and system: A critique of functionalist reason*. Cambridge: Polity.
- Haltom, W., and M. McCann. 2004. *Distorting the law: Politics, media, and the litigation crisis*. Chicago: The University of Chicago Press.
- Ho, G., C. Scialfa, J. Caird, and T. Graw. 2001. Visual search for traffic signs: The effects of clutter, luminance, and aging. *The Journal of the Human Factors and Ergonomics Society* 43(2): 194–207.
- Hsing, Y.T., and K.L. Ching. 2010. *Reclaiming Chinese society: The new social activism*. London: Routledge.
- Hunt, A., and G. Wickham. 1994. *Foucault and law: Towards a sociology of law as governance*. London: Pluto.
- Logie, J. 1989. Affirmative action in the law of tort: The case of the duty to warn. *Cambridge Law Journal* 48(1): 115–134.
- Loughlin, M. 1978. Procedural fairness: A study of the crisis in administrative law theory. *The University of Toronto Law Journal* 28(2): 215–241.
- Maine, H. 1861. *Ancient law*. London: John Murray.
- Morgan, M., and K. Yeung. 2007. *An introduction to law and regulation: Text and materials*. Cambridge: Cambridge University Press.
- Shields, R. 2006. Boundary-thinking in theories of the present: The virtuality of reflexive modernization. *European Journal of Social Theory* 9(2): 223–237.
- Shohamy, E., and D. Gorter (eds.). 2008. *Linguistic landscape: Expanding the scenery*. New York: Routledge.
- Staddon, J. 2008. Distracting Miss Daisy: Why stop signs and speed limits endanger Americans. Atlantic, on-line edition, July/August 2008, <http://www.theatlantic.com/doc/200807/traffic>. Accessed 17 Dec 2009.
- Stocking, B. 1991. Patient's charter: New rights issue. *British Medical Journal* 303(6811): 1148–1149.
- Sunstein, C. 1989. On the costs and benefits of aggressive judicial review of agency action. *Duke Law Journal* 1989(3): 522–537.
- Valey, T. 2001. Recent changes in higher education and their ethical implications. *Teaching Sociology* 29(1): 1–8.

Cases Cited

Donoghue v Stevenson [1932] AC 562.

Dorset Yacht Co Ltd. v Home Office [1970] AC 1004.

MacPherson v Buick Motor Co., 217 NY 382, 111 NE 1050 (1916).

Legislation Cited

Occupational Safety and Health Ordinance, 39 of 1997, Cap 509 (Hong Kong).

Smoking (Public Health) Ordinance, 21 of 2006, Cap 371 (Hong Kong).

Chapter 27

Visual Art in American Courthouses

James R. Fox

Abstract The Beaux Arts architecture of late nineteenth century, a style that embodied the idea that a building should represent its function in all aspects of its design, incorporated murals as an integral part of this message. Courthouses built in this style were filled with visual images containing messages about law and the ideals of the society that the courthouse served. Much of the visual art in courthouses was meant to instruct the populace in history and civic virtue. The most common image in the courthouse, after the ubiquitous judicial portraits, is Justice, but she is accompanied by an array of other allegorical figures (Prudence, Temperance, Rectitude, and Prosperity, among others) that few of us recognize without a helpful label. One is struck today by the frequency of depictions of the Native Americans, a subject that has faded almost completely from our popular culture though it was pervasive at the time the works were created. These murals provide us with a compelling narrative of the community's collective memory of the indigenous peoples as they disappeared from the land and pass the land to the current inhabitants (with little of the unpleasantness that accompanied that transfer). The visual art in the courthouse contains multiple messages about the place of law in the community and the place of community in the law.

27.1 Conclusion

Visual art inside the courthouse contains multiple messages about the place of law in the community and the place of community in the law. Of the roughly 4,000 courthouses in the United States, more than 3,000 are county courthouses, and most of the remainder are Federal courthouses.¹ For much of the nation's history,

¹ In the course of this study, I have visited more than 250 courthouses in 30 states.

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its citizenry has viewed the county courthouse as the principal representation of the presence of government. Courthouses have been the object of civic pride, housing the offices of local officials and the justice system and serving as gathering place for community events. Numerous books have been produced about the architecture of these buildings,² but the visual art decorating them has been mostly neglected. Much of the provenance of this art and even the identity of many of the artists are unknown today. This chapter will sketch a brief history of and describe recurring subjects and themes in the visual art American courthouses.

Our justice system takes great pains to appear impartial, and we believe this to be a central political value (Cross 2001, 129–144). The courts are the neutral arbiter. The artifacts in a courtroom, however, can easily distort this perception. For example, in Austria, a predominately Roman Catholic country, a crucifix is mounted on the bench in front of each judge. Most Austrians think nothing of this, but a large number of the people brought before these courts on criminal charges are poor Muslims from southeastern Europe. It is difficult to imagine that they are comfortable with the neutrality of their judge. This is an extreme example of the decor giving a message of bias, but pictures of Native Americans in some United States courts might have similar effect. In *The Democratic Muse*, Edward Banfield asks, "... [t]he public interest clearly requires a courthouse. But does it also require that there be a statue in front of the courthouse?" (Banfield 1984, 11). In the past, the people in control of such decisions often thought a statue in front of the courthouse was a fitting expenditure. Many courthouses from the last half of the nineteenth century have Civil War monuments in front. Center County Pennsylvania so honors its most famous native son, Andrew Curtin, Pennsylvania's Civil War Governor. One imagines that there was little controversy in Bellefonte, Pennsylvania, when this statute was erected.³ The status of the Confederate General on the southern courthouse lawn is no longer so benign. Statues were followed by a contest among some county seats to hire most renowned muralist to decorate their courthouses.⁴

Colonial era courthouses in America were decorated with a seal or coat of arms above the bench, and soon portraits of the King were added reminding those present of the source of the court's authority. Courthouses in the United States in Colonial times and the early years of the Republic were, for the most part, simple structures

² Richard Pare (1978), *Court House: A Photographic Document*. For more than half the states, there is a book detailing the history and architecture of the courthouses of its counties, e.g., L. Roger Turner and Marv Balousek (1998), *Wisconsin's Historic Courthouses*, Ray Graves (2002), *Washington's Historic Courthouses*, and Susan W. Thrane (2000), *County Courthouses of Ohio*.

³ Placing art in front of the courthouse today is almost certain to invite discord. In Minneapolis, Minnesota, Martha Schwartz installed tear-shaped earth mounds planted with native species to suggest a field of glacial drumlins in the plaza in front of the new US Courthouse. Critics claimed they were too lumpy and looked like Indian burial mounds. Silver-stained log benches meant to evoke the heritage of the state's lumber industry were unpopular as well.

⁴ For example, Luzerne County, Pennsylvania, commissioned works for its four courtrooms by the most famous muralist of the time: *Edwin H. Blashfield, Will H. Low, Kenyon Cox, and William I. Smedley*. See http://www.luzernecounty.org/living/history_of_luzerne_county/luzerne_county_courthouse_history.

with little artistic adornment. Indeed, the early courthouses in New England, relatively small clapboard structures, are easily mistaken for private homes. When any decoration was present, it was a royal coat of arms or a governmental seal and the occasional portrait of a judge.⁵

The reconstruction of the Courthouse of 1770, in Colonial Williamsburg, has the coat of arms of George II high above the judge's bench, a reproduction of (with some license) similar coats of arms that were commissioned for colonial courthouses. In 1702, the Virginia Government requested that Queen Anne send her portrait to replace that of King William in their Council Chambers and her coat of arms for the courtroom of the Supreme Court. Records show that in 1739, Charles Bridges painted the King's Arms on the courthouse wall in Caroline County for a payment of 1,600 lb of tobacco. It was acclaimed the "the finest of its kind in British America."⁶ Bridges was a successful portrait painter in England with many commissions from colonial Virginia and became the first artist to immigrate to Williamsburg in 1735 (Wright 1957, 210). Queen Anne's coat of arms was also ordered for the courtroom in Salem, Massachusetts.

By the second half of the nineteenth century as the country prospered, more decoration was added to the courthouse, particularly statuary on the lawn and murals on the interior. The Civil War was continued by proxy with a statue of war veterans (Union soldiers in the Northern states and Confederates in the South) on almost every courthouse lawn. It became common to have a picture of Justice with her sword and scales behind the bench replacing the seal of the state with an allegorical ideal.

The Beaux Arts architecture of late nineteenth century, a style that embodied the idea that a building should represent its function in all aspects of its design, incorporated murals as an integral part of this message (Van Hook 2001, 114–118). Courthouses built in this style were filled with visual images containing messages about law and the ideals of the society that the courthouse served. The courthouse "looked" like a courthouse. The architect of the present day would question such an intent saying that buildings are identified with a function over time. Yet, when you drive through a town with a 100-year-old courthouse, we all recognize it as a courthouse, white columns, a dome, and Lady Justice with her scales somewhere about. At the dedication of the Pennsylvania Supreme Court Murals by Violet Oakley, the Hon. George Wharton Pepper said, "Without mural paintings a building such as this would be merely a finely featured face devoid of expression. The paintings give character to the face. In the domain of art they correspond to those changing expressions of the human countenance which are indications of what is passing in the mind. These paintings make this Capitol a silent but convincing witness to those things without which we build in vain" (Oakley 1950, 105). The late nineteenth and early

⁵The old courthouse in Cumberland County, Pennsylvania, has two judicial portraits from Colonial times hanging in the courtroom balcony. They are probably the first two county judges, Thomas Smith and James Hamilton.

⁶Reference Chart: Virginia County Courthouse Interiors. Colonial Williamsburg Foundation Library Research Reports Series – 241 (1990).

twentieth century marked the high point in the decoration of courthouses with visual art filling the building with messages of purpose, history, and civic responsibility.

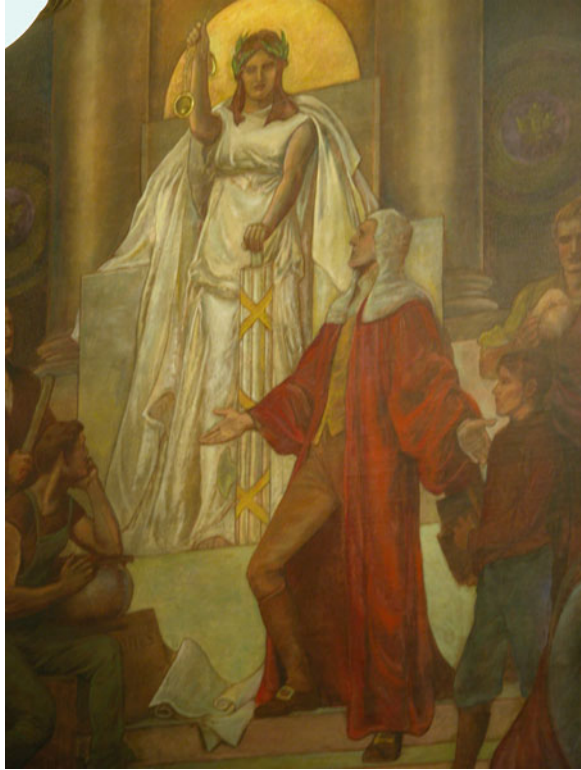
After the Beaux Arts courthouses built between about 1890 and 1910 and the Art Deco buildings of the following two decades, the visual arts became, in many instances, both less related to the ideas associated with a courthouse and less important in the message of the building and more varied in content. The meaning, message, and relevance of much of the visual art in these newer courthouses are often unrelated to ideas associated with “courthouse,” and much of the visual art in the older courthouses has become a curiosity to us today.

The visual art in courthouses is often directed at instructing the populace in history and civic virtue. The most common image in the courthouse, after the ubiquitous judicial portraits, is Justice (Warner 1985, 73). This allegorical figure works to inspire our contemplation of fairness, what do we want to see in our justice system. Justice is usually pictured holding a sword (or, occasionally, a spear) indicative of her power to punish, and scales, which reminds us of her task of weighing the case made by each side in the dispute. She may also hold a scroll, representing written law. Occasionally, she carries a fasces, the bundle of sticks with a protruding axe, the symbol of authority in Rome. Sometimes these symbols are entrusted to members of her retinue who stand ready to supply them when Justice requires. Her usual garb is a classic floor-length robe. The robe is most often white, signifying purity, but red, green, and purple are not uncommon. Frequently, Justice is accompanied by an entourage of other allegorical figures, including Prudence, Temperance, Rectitude, and Prosperity, among others. A 100 years ago, most educated people would have recognized these allegorical figures based on their accompanying symbols. Temperance carried a bridle symbolizing restraint. Rectitude held a carpenter’s square, Prosperity held a horn of plenty, and Law will hold a book with the word law or the Roman numerals “I thru X” for the Ten Commandments. The presence of two figures, Law and Justice, reminds us that they are not necessarily the same. And Mercy (in white) may stand between the penitent and Lady Justice’s sword. Today, the only allegorical figure that is widely recognized is Justice with her sword, scales, and blindfold.⁷

These allegorical figures are often arranged in a tableau: Mercy beseeching Justice to show such to the young or poor. For example, in Courtroom 2 of the Mercer County, Pennsylvania, Courthouse, in a mural by A.E. Foringer titled *Civil Law* (Picture 27.1), Justice stands before her white throne in her white robe looking rather disdainfully at the British barrister in his red robe and wig pleading the case of a boy while his parents watch. Members of the community, businessmen, farmers, and laborers witness the trial. Her left hand rests on a sheathed sword, and her right holds a scale the pan of which is tipped and empty. The county’s pamphlet for jurors says that “[T]he mural symbolizes the impartial administration of justice in the Courts.” If it were the moment of judgment that might be the message, but here the barrister is pleading. Unblindfolded Justice looks unimpressed. Her scales are already tipped—in verdict or, perhaps, they are not being adequately filled by the barrister.

⁷ For a poetic take on this, see Billy Collins (1999, 13), *Questions About Angels*, “The Death of Allegory,” (University of Pittsburgh Press).

Picture 27.1 Civil Law by A.E. Foringer. Mercer County Courthouse, Mercer Pennsylvania



A white-robed Justice in a Mahoning County Ohio Courtroom listens to a supplicant with earnest concern while her retainers stand stone-faced at her side holding sword, law book, and a palm branch. In the Greene County Courthouse in Xenia, Ohio, Justice is robed, but her male retainers are nude (and posed discretely) holding sword and the bridle of restraint. Justice's robes are rich red and green, giving her a commanding presence in the outdoor setting of the mural. A lion sits in the background reminding of the strength and courage required for Justice. In an unusual pose as instructress, she points to a tablet with a pointer. The tablet reads, "A government of the People, By the People and For the People." It is a curious choice for Justice whose principal role is the protection of the individual (Picture 27.2).

Justice behind the bench in Washington Courthouse, Ohio, sits to the right of Law in the picture's center. She has her sword and scales, and though blindfolded, she looks toward Law. Law holds a book of law and a scepter. Prudence, with her back to Law, looks to the viewer who is invited to peer into her mirror. Stained-glass windows in the Putnam County Courthouse in Ottawa, Ohio, portray Justice blindfolded and looking to the side. She is flanked by profiles of Presidents Lincoln and Washington held aloft by cherubs with butterfly wings, a touch that one might call Monty Pythonisqure. The Cuyahoga County Courthouse in Cleveland, Ohio, has a



Picture 27.2 Justice. Greene County Courthouse, Xenia, Ohio

beautiful art deco stained-glass window portraying Justice in a rather unusual way. She wears a royal crown of a Central European style (similar to the Crown of St. Stephen) which announced her authority to the immigrants who came to work in Cleveland's factories. She holds a book of written law, and her sword lies across it. The mural behind the bench in the Fulton County Courthouse in Wauseon, Ohio, is the centerpiece of an elaborately decorated courtroom. Angels are bringing her sword and scales down from heaven. She rests an arm on the pillar of the law while Prudence and Temperance sit on her right. She stares off into the distance ignoring the lawyer arguing at her feet.

In "Trial and Justice" (Picture 27.3) by Axel Edward Soderberg in the Cottonwood County, Minnesota, Lady Justice appears in a mysterious, perhaps religious, Art Nouveau setting with a golden halo and sword in the crook of her arm. A woman with short hair and outstretched arms pleads to the stern, dark-eyed, frowning woman on the throne for justice. Lady Justice is attended by counselors in priestly robes; they hold books labeled "Common Law" and "Civil Law." A Roman soldier stands behind them. A woman at her side with gold stole holds a book with a gold cross on its cover. The courtroom audience may ponder the sternness of justice or the religious and secular sources of the law.

Of Justice's attributes, her blindfold arouses the most interest and controversy. By some accounts, she gained the blindfold in the Middle Age as a comment not on her impartiality but her foolishness and uninformed decisions. Others trace the blindfold to Roman myth that she donned a blindfold to settle a dispute among the gods (Curtis and Resnik 1987, 1727–1772). In representations in American court-houses, the blindfold is sometimes employed, but there are many of a seeing Justice. In the 1990s, Diana K. Moore sculpted three versions of Justice for US Federal



Picture 27.3 Trial and Justice by Axel Edward Soderberg. Cottonwood County Courthouse, Windom, Minnesota

Courthouses. Her statue for the Warren B. Rudman Federal Courthouse in Concord, New Hampshire, Justice is tying on her own blindfold, but her eyes are visible. She is placing the blindfold on herself, assuming a position of impartiality. This commission was controversial. Ms. Moore's original proposal was for a nude justice which was rejected by the local Judges, including one David Souter. The revised proposal was for a Justice in tank top and hip-hugger jeans, which was also rejected. The accepted version is wearing a very plain gown.⁸

For the Martin Luther King, Jr. Federal Courthouse in Newark, New Jersey, Moore created an 11-ft high head of Justice for the plaza in front of the building. The proportions of the bust place Justice's eyes at eye level of the approaching pedestrian. In this case, Justice's eyes are visibly closed behind the blindfold. The General Services Administration calls it, "a curious and engaging piece of urbane surrealism with heroic but also humane implication." For the Federal Courthouse in Lafayette, Louisiana, Moore created large urns (Picture 27.4) in the shape of Justice's head. Moore's Justices have no sword or shield, but the blindfold and location make her identity plain.

Justice may be absent from the allegorical tableaux in a courtroom. In Tuscola, Illinois, the figure behind the judge's bench is not Justice but Rectitude (Picture 27.5) holding a carpenter's square and gazing directly at the courtroom. This beautiful

⁸ Legal Affairs, http://www.legalaffairs.org/issues/July-August-2003/exhibit_julaug03.msp



Picture 27.4 Justice Urn by Diana K. Moore. Federal Courthouse, Lafayette, Louisiana



Picture 27.5 Rectitude by E. Martin Hemmings. Douglas County Courthouse, Tuscola, Illinois

mural was painted on canvas by E. Martin Hemmings in Chicago (1911–1913) for the Douglas County Courthouse. At her feet, two children hold signs saying “FAIT IVSTITIA” “RVAT COELVM” (“Do Justice though the heavens be destroyed.”). To her right, the figure of Law holds a book and looks at Prudence who holds a mirror of self-reflection, for guidance. To Rectitude’s left, Temperance with her bridle looks out into the audience entreatingly. A Roman soldier representing power and

authority awaits the directions of the others. Though the figures are classic, the faces and hairstyles are contemporary. Hemmings painted a second mural which is displayed in the lobby outside the courtroom. A beautiful woman reaches out to a farmer and a miner both dressed in their Sunday best for the picture. Two children hold the rewards of their labor: a sheaf of wheat and a cornucopia. The classic garden setting proclaims the cultural sensitivity of the community.

The decoration in the open space at the center of a courthouse (often capped by a dome) may include biblical scenes, figures representing virtues or aspects of community life, and more elaborate scenes. In the courthouse in Red Wing, Minnesota, three large murals under the dome simply portray agriculture, industry, and manufacturing. In contrast in Fairmont, Minnesota, Franz Rohrbeck painted figures representing peace, war, inspiration, genius, sentence, and execution.

Pictures of the “old” courthouse abound in the new courthouse. The desire for continuity is very strong. The Wyandot County Courthouse in Upper Sandusky, Ohio, built in 1900, has a mural of its predecessor in a wide frieze in the entrance foyer. Opposite the “Old Court House” (of 1849) is pictured the “Old Sycamore” where first the Indians, then the early settlers, met to conduct public business. Images and references to Native Americans abound in the art in American Courthouses.

The profusion of Native Americans in American courthouse art may seem curious today. What made Native Americans a compelling subject for courthouse decoration? Throughout the nineteenth century, books about Indians, images of Indians in advertising, and Indians in the entertainments of the day were ubiquitous, so it is not at all surprising that Indians appear in courthouse decoration (Conn 2004). These murals provide us with a compelling narrative of the community’s collective memory of the indigenous peoples as they disappeared from the land.

The most ironic and woebegone piece of art in an American courthouse is the giant art deco Indian, “Vision of Peace,” in the Ramsey County Courthouse in St. Paul, Minnesota. The figure was dedicated in 1936 to the Ramsey County War Veterans. The 36-ft tall statue rises from a base where five Indians sit around a campfire smoking peace pipes. The creator of the piece, Carl Milles, a Swedish pacifist, was inspired by Indian ceremonies he had witnessed in Oklahoma. Milles said, “Out of that smoke of tobacco and fire arises in their imaginations, their vision of peace, talking to them and the World.” This is an ironic message given that the county is named for Alexander Ramsey, territorial and state Governor of Minnesota, who made his political career and fortune leading the genocide of Minnesota’s Indian population (Brown 1970, 50–59).

By the late 1800s, when all the land that was deemed worth taking was safely in the hands of the European settlers, the “Indian Wars” were romanticized and then memorialized in courthouse decoration and other forms of art and entertainment. Particularly in the states of the Northwest Territory where the native population had completely disappeared (with a few scattered reservations in the far north), many courthouses were decorated with pictures of the departed Indians. Indian maidens took part in allegorical tableaux, noble chief signed treaties, and the vanquished were portrayed putting up a brave fight against the heroes of the settlers. And Indians often play a passive role as in the patriotic tableaux as in the Brown County Courthouse in Green Bay, Wisconsin. The painting depicts the God-given right to



Picture 27.6 Treaty at Cosmopolis by Franz Rohrbeck. Gray's Harbor County Courthouse, Elma, Washington

the land as a winged figure descends in a cloud wrapped in the American flag. A Christian cross stands tall behind the figure and flag. To the right in the cloud, a standing figure holds a palm frond and releasing a dove while on her left, a woman sits with an arm full of flowers. To the left on the ground stand four figures representing the Europeans presence, a priest, a trapper, a colonial man in tricornered hat, and a Union soldier while on the right stands a Wisconsin settler. In the center, kneeling on the ground is an Indian in buckskins and war bonnet spreading out a beaver skin welcome mat. The heavens have blessed America, and the Indian has accepted the inevitability of history.

In many cases, the Indians that populate courthouses are incongruous. The artists placed the Indians of the Plains, for example, in places they never were found, fighting battles they never fought, and signing treaties giving away land that was far from the prairie. Writing about Indians in the movies, Rennard Strickland asks, "Who is that Seminole in the Sioux war bonnet?" In Gray's Harbor County, Elma, Washington, on the Pacific Coast, the courthouse contains several murals including one by Franz Rohrbeck of Gov. Isaac Stevens negotiating a treaty with Indians at Cosmopolis, Washington (Picture 27.6). He is pictured talking with a group of Plains Indians in war bonnets and buffalo skins who live in the teepees standing in the background. There is no sign of the local indigenous people wearing shells and living in longhouses. Pages of the Treaty seem to be on the ground by the Governor's feet.

Rohrbeck did a little better job of dressing his characters in the mural of the “Landing of Jean Nicolet” in the Brown County Courthouse in Green Bay, Wisconsin. This scene probably comes closest to portraying the reality of the relationship between Europeans and the natives. Ho-chunk (Winnebago) people watched Nicolet’s approach from the eastern shore, high on the wooded slopes of Red Banks, north of present Green Bay. Nicolet stepped ashore, raised his arms, and discharged two pistols into the air. The *History of Northern Wisconsin* describes the event as such: The squaws and children fled, screaming that it was a manito or spirit, armed with thunder and lightning, but the chiefs and warriors regaled him with such a bountiful hospitality that 120 beavers were devoured at a single feast (Western Historical Company 1881, 35).

The Supreme Court of Wisconsin’s Courtroom contains four large murals by Albert Herter. Over the bench is the Signing of the United States Constitution with George Washington presiding in an unusually reflective pose. Thomas Jefferson is standing to Washington’s left though he was the ambassador in France at the time of the Constitutional Convention (this historical mistake is made in several other courthouses contributing to the “creation myth” of the Constitution). Herter’s signing is a very dignified event except for the papers which have fallen on the floor in front of the desk. “The Signing of the Magna Carta” illustrates the origin of the Anglo-American Legal System, the beginning of law as a restraint on the exercise of governmental power. The Roman roots of our legal system are represented by “Appeal of the Legionary to Caesar Augustus,” and “The Trial of Chief Oshkosh by Judge Doty” ties the European legal system to Wisconsin and its indigenous people. Violet Oakley painted the Convention in a difficult space, a wide arch over a door in the Cuyahoga County Courthouse in Cleveland, Ohio. Muralists were often tasked with putting scenes into odd-shaped spaces. Again, Washington presides listening intently on the one side of the door that divides the picture, while fellow Pennsylvania delegate, James Wilson, reads the speech of Benjamin Franklin who was too frail to make it. In this picture, however, Franklin is able to stand during the reading.

The standard for incorporating a program of murals into the architecture was set by Cass Gilbert in the building of the Minnesota State Capitol, a project which he dominated from 1895 until its completion in 1905. Artists were commissioned to decorate all the public spaces. Kenyon Cox and John La Farge were chosen to do murals for the Supreme Court Chamber.

Cox, a conservative traditionalist, painted the lunette over the entrance with the Contemplative Spirit of the East, a classic allegorical scene with central figures, the Spirit, with figures representing Law and Temperance to the sides. For the Minnesota Supreme Court Courtroom, John LaFarge “...chose to depict figures from four different civilizations, of both East and West, whose activities illustrated key turning points in the law: Moses, Socrates, Count Raymond of Toulouse, and Confucius. He represented law not as fixed but evolving, and not as limited to one culture, but gleaned from the tradition and knowledge of all peoples. His figures exemplify not a process of coercion, but a process of inquiry, dialogue, and accommodation” (Adams 1879, 66). In his depiction of Moses, the law is not yet given, and Moses seeks it as Joshua stands watch and Aaron kneels in reverence and fear. La Farge says that, “the forces of nature and of the human conscience are meant to be typified” (La Farge 1905).

In the second panel by La Farge, Socrates is engaged in a dialogue with Polemarchus and guests at the house of Piraeus as recounted by Plato in the first book of the Republic. Cloaked in red, the Sophist, Thrasymachus, listens and prepares to interrupt. La Farge says of this work, “we are at the furthest distance from the meaning of the medieval subject [Count Raymond of Toulouse, where strict law, not ethical justice are the theme]; the Greek subject representing an absolutely free discussion of the interdependence of men” (La Farge 1905). And of the style of the painting he says, “In this painting there has been no strict intention of giving an adequate and, therefore, impossible historical representation of something which may never have happened. But there has been a wish to convey the serenity and good nature of which is the note of the famous book and of Greek thought and philosophy. Hence, the choice of open air and sunlight and a manner of representation that will exclude the mistake of Academic formality” (La Farge 1905).

Count Raymond of Toulouse appears in the third lunette. The count takes an oath at the altar to respect the ancient liberties of the city in the presence of the bishop and representatives of the religious orders and magistrates of the city. La Farge’s fourth lunette shows Confucius and his pupils in a garden copying legal texts. His intention was to convey a sense of “serenity and purpose, somewhat similar to the Greek [Socrates], but more in the manner of instruction and less of argument” (La Farge 1905).

One of the most ambitious programs of courtroom decoration is in Pennsylvania State Capitol Building, a building resplendent with art in the courtroom used by the Pennsylvania Supreme and Superior Courts when sitting in Harrisburg. Violet Oakley undertook to paint 16 large murals for the courtroom depicting the development of law. In a complex vision relating law to the musical scale and to her Quaker ideals for world peace and order, she created a masterpiece of mural art. Oakley was the first woman to be given a major commission in the male-dominated world of murals. She brought to her work a combination of mysticism and idealism along with great talent and excellent training. The murals take the form of a giant illuminated manuscript with the title panel, *Divine Law*, above the entrance. As Oakley described it, “A great monogram is made of the letters L A W. Subsidiary letters forming the words ‘Love and Wisdom’ are put in place by winged figures of a Seraphim and a Cherubim, symbolically garbed in red and blue. Above the green globe of the earth is the ethereal sea, stars and planets, and the face of Truth looms in the background, half-concealed, half-revealed” (Oakley 1950, 110).

At the right side of *Divine Law* is the *Octave*, a manuscript page reciting the scale of the law and its harmonies. The scale begins with *Divine Law* and proceeds through the *Law of Nature*, *Revealed Law*, *Law of Reason*, *Common Law*, *Law of Nations*, and *International Law* and returns to *Divine Law*.

Following Oakley’s *Scale*, the murals trace the evolution of Law clockwise around the chamber beginning with the *Law of Nature*. Each picture has an associated text. For example, the text for the *Law of Nature* reads:

The chief object of the following pages is to indicate some of the cruelest ideas of Mankind as they are reflected in Ancient Law and to point out their relation to Modern Thought showing an essential Unity of Substance beneath a startling difference of Form. The Natural