





Looking at the Overlooked

# Portraits of Law School Deans

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I have made a brief study of the portraits of law school deans, in their habitus, on the walls of moot court rooms, in foyers and lounges, classrooms and libraries, offices and corridors. They are everywhere visible but seldom remarked. This is curious in that they are obviously a species of emblem of the law school, *megalographs*, or pictures of greats, and as such serve as models for each generation of students that passes unwittingly by. Although I am conducting a national study, for here and now, I will look specifically at my own law school. >>

The late great Dean Eugene Rostow of Yale Law School apparently believed that deans had no power, and to illustrate this he “was fond of saying that, as dean, the only things he could decide were the placement of portraits and the gender designation of lavatories—and that, even as to these, it was not all that clear.” There is of course a certain coded modesty to this disparagement of the power of the dean, and by the same token one could surmise that where the portraits are hung and the gender segregation of bathrooms also have their significance. Would that he had focused instead upon the gender of portraits and the placement of lavatories, but it was not to be.

As it is, Rostow was right with respect to portraits in the sense that neither aesthetics nor semiotics is a much-used term in legal scholarship. The purchase and placement of paintings, or sitting for portraits, are not practices that gain any significant attention in the annals of law schools or the discourse of the legal academy. It is at best “a rather charming tradition,” a bauble of decanal tenure. And thus, somewhat ironically in a legal system that prides itself upon being “common” law, these everyday icons are not generally deemed of much normative significance. Those who overlook are overlooked. Such inattention, however, is a mistake.

Go visit the dean of Cardozo School of Law, and as you exit the elevator, hardly a site of great prominence, not far from the toilets as it happens, yet at the same time fully visible and definitive of the space, the portraits of deans past immediately confront you. Their faces are in your face.

## Pater legum

Start then with the portrait of Monrad Gotke Paulsen, founding dean of Cardozo School of Law, the heir of the dogma, one might say, and a painting that is mildly prophetic in tenor. He is seated and bespectacled, white haired, and with a law book, encased in red, on a table before him. There are various striking features to this amicable and avuncular representation. He is seated well back, loin thrust forward at the level of what seems to be a coffee table in front of him. He is at ease, in power, almost too relaxed. Add to this that his left hand is hidden below the table while the right hand, much larger than life, grasps his ample knee\* and is seen both directly and reflected in the glass of the coffee table. The right hand, larger or smaller than the real, according to the dictates of fashion in portraiture, is symptomatic of a slide

\*I owe it entirely to Michael Herz for saving me here from the descriptive solecism of viewing Paulsen as grasping the arm of his chair. I was wrong and here offer my thanks on this account.



Monrad Gotke Paulsen

from mundane representation to instantiation of tradition.

It is in the end not the person but the life and character that the portrait is to represent. In this perspective, the hand is a key marker of law, a sign of *potentia*, or power, a liminal site and hence a perfect point at which to slip from the real to the imaginary relation to legality. Paulsen's hand, his role as the law, is clearly large, even doubled, if only locally. More than that, there is red ink or paint on the right hand, as if the red of the law text in front of the dean has rubbed off on him, and he now is literally the bearer of the text of a law that got onto the skin, if not visibly under it. That, or he is bleeding.

The hand spread down is a gesture of friendship and indicative of the habit of bounty. In the classical treatises it connotes liberality. That the hand is extended also marks a tentative gesture of aid—*auxilium fero*—which clearly befits a pedagogic as well as a founding function. One might note also, and this is somewhat unusual, that Paulsen is not figured making any gesture to either rhetoric or writing. His liberality is as educator rather than author, and this is marked, intentionally or otherwise, by the fact that framed not far from his portrait is a page of finely calligraphed quotation from the valedictory speech that Paulsen made upon stepping down as the dean of University of Virginia Law School. The quotation is not from what the dean emeritus had said, but is a passage from an 18th-century schoolmaster whom Paulsen quoted. In other words his generosity lay in passing things on, rather than in composition.

## Imago

The subsequent dean is portrayed more as an aesthete and inventor. Not *pater legum*, or father of the law, but rather one who comes after, a hermeneut, an interpreter, a living voice of the law. The second founder of Cardozo, its symbolic sovereign, was Dean Monroe Price, M.P. the second. It was Monroe Price who raised the value of the School and over-

saw the introduction of a global group of scholars, from Derrida to Luhmann, Habermas to Alexy, Schlink to Salecl, into the academic community. If his tenure as dean were to be captured pictorially, his portrait would need to be a different kind of *megalograph*. And it is.

Price is portrayed in an angular and plastic mode. His face, adorned by surreally large, cubist spectacles, not only stares out but also actually comes out of the frame. Here is a potentate who seemingly might actually bite.

A three-dimensional framed portrait is certainly not the norm in painting or in law schools; it constitutes a demi-bust, a plastic mask, an imago or imprint in the oldest of senses. Here the *megalograph* is sufficiently explicit, and the high price of the dean, the megaprize as it were, institutes a representation that literally adds a dimension to the usual aesthetic norms of portraiture. Price, in other words, belongs in the atrium; he is the ur-ancestor of Cardozo, the Langdell of Cardozo's global legal scholarship, a lawyer, an aesthete, a maverick.

The portrait of Price the potentate is both unusual and instructive. It is a face made from a cast, although it is not a mold of the face. It thus draws upon the tradition of the imago, the imprint of the ancestor, but inverts it through the ironic device of providing a mask of something other than the actual face, here the image being cast from photographs rather than the person. The act of making a cast from pictorial figures of the living subject distances the mask a second time from the subject represented. It makes it in essence an imprint of an imprint, vestige of a vestige of a visage, and so institutes a distance that allows for an explicit hermeneutics, a negotiation as to the meaning. At the same time, the portrait also offers a glimpse of an unconventional aesthetic for a lawyer. Drawn to interdisciplinary scholarship and to international programs, and so to the exterior of national

law and its jurisdiction, Price is represented in a suitably mixed aesthetic form, part icon, part idol, part portrait, and part bust or even busted.

The delegated sovereign maintains the function of the father and furthers the parental role of the juridical. The portrait of the dean as sovereign has to capture a duality that mediates the anterior and awful power of sovereignty with its tellurian translation. The fact of delegation thus institutes a presence that harbors an exterior and higher cause, one that makes the dean into a secular as opposed to prophetic representative of divine or at least extra-human law. The delegate is thus a medium, a harbinger, and translator of a law dictated to him by a superior power that nonetheless inhabits him. The pedant constitutes the next stage of secularization or of progression down the hierarchy.

The word *pedant* has a lengthy history. Classically, it simply meant schoolteacher and sometimes it meant Latinist. It shares its etymological roots with *paedagogus*, meaning a slave who attended children, particularly at school. The pedant was a tutor of youth, a teacher, the ruler of the *schola* who would pass on the inherently beneficial rules contained

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in the juridical library. The dean as pedant is perhaps one of the most common of depictions, marked by props such as academic hat and gown, a scroll in hand, or bookshelves in the background. The pedant is signified as unthreatening, and his pedantry or wisdom is generally passively portrayed by the above or other insignia, not only of law but of scholarship and the essentially contemplative tradition that it represents. The pedant is essentially an avuncular figure of transmission.

### The Tutor

So there has been little time at Cardozo to build up a catalogue of the various subdivisions of decanal pedant, but my friend Dean Frank Macchiarola certainly provides an instance of a curious kind. He is portrayed, slightly larger than life, with a fulsome realism, in his decanal office. The walls are wood paneled, which might lead one to think that he was in a judicial office, indeed possibly in court or moot court, but in fact it is simply the unremodelled 10th-floor room that is used by the dean. One has also to remark of the painting, however, that there are no indicia of scholarship, no books or papers, and hence the curious purity of his pedantic or pastoral role.

Monroe Price



Dean Macchiarola is depicted in a blue shirt, with a dark tie and pants. He is quite casual in his way, but his arms are folded across his chest and his hands are hidden. The posture of folded arms and hidden hands somewhat defies chronological classification. What can be said is that it suggests a certain intensity and that it implies both concentration—a full, if not fully frontal, attention—and an undisclosed wealth of knowledge. That kind of fits the man whose aura, in the portrait at least, is shimmering and golden. His is the figure of a dean given entirely to teaching and to pastoral care. So much so that his arms don't stretch out and he makes no



Frank Macchiarola

gesture or rhetorical figure of either reading or writing. He will listen, he is all face, and, because he is portrayed in profile, he is by implication all ears. Thus there are no hands visible, no unfurled finger signifying writing, no open palm of eloquent delivery.

The pedant exists in a paradoxical relation to the pupil. He is the slave of his youthful subjects and the servant of

knowledge, yet at the same time he is powerful and an object of transference as well as of an often covert reverence. The student wants to like and to be like the teacher; she desires what the teacher knows; and one avenue for such desire is through the person of the teacher, through the living embodiment of the knowledge that she wants. Perhaps the folded arms can be understood as expressing that paradox and its attendant counter-transference. The hands are hidden because the student must not be touched, because the pedagogue serves a greater love and a higher desire. He is both master and servant, sovereign and slave, or perhaps simply divine and human, rolled into one. That at least seems to be the color of the portrait, its impressionistic backdrop, its shimmering aura, as well as the more direct connotation of hidden hands and a sideways look.

According to the critic Georges Didi-Huberman, the most powerful images, and by the same token the images most given to transmitting power, are those that conceal the hand of the artist. They are technically termed *acheiropoietic* images, handless creations, representations that are untouched by merely mortal distractions and desires. The exemplar of the *acheiropoietic* image is the Veronique or Turin shroud, the mask of Christ imprinted mystically upon cloth. There is nothing especially *acheiropoietic* about the portrait of Macchiarola, but the portrait begins a trajectory towards imprint or rift of the image from life.

### The Specter

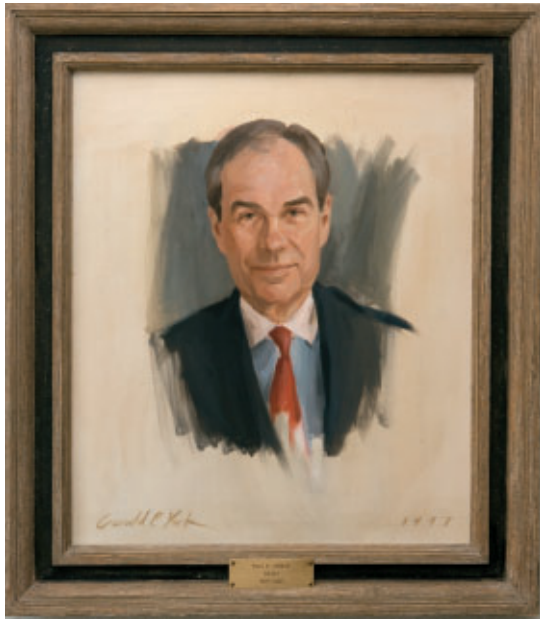
The portrait of the most recently retired dean of the Cardozo School of Law, Paul Verkuil, however, mimics the *acheiropoietic* form by representing the face of the dean as a specter imprinted upon a white canvas whose extremities remain white and untouched.

The portrait of Verkuil stands out for being just a face and nothing much more—no torso, no hands, no props or limbs, gowns or robes of any kind, just the seemingly instantaneous imprint or imago of the man within a white collar and red tie. It is a portrait that in Didi-Huberman's terms directly represents the *déchirure*, the rent, fissure, or tearing of the image from life.

That the portrait seems torn or seized from some greater whole accurately depicts the function of the image as something more than the living, as something cast from the soul. That it seems unfinished, interrupted, stolen, or rent also pleasingly aligns the rending of the image with rendering of justice. Both the decanal portrait and the judicial determination should be given without any divagation or interference

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Paul Verkuil

from the hands of those in whom the custody of tradition and transmission are alike entrusted. In other words, the perfect portrait of the dean is one that simply shows the dean, that captures the face so well, that depicts *imago* or character so precisely, that the hand of the artist is invisible. It should appear as if the face were taken and printed upon the canvas by means of a divine exhalation of color. It is the same fiction of pure representation that underpins the notion of the judge finding and declaring the law without adding even a comma of his own. Image and judgment, in this theory, are alike rendered rather than composed. They are hyperreal rather than merely tellurian, they are imprints of the immemorial, of the cause of causes or law of laws, rather than being merely secular human interventions.

### Conclusion: On the Edifice Complex

The emblem of common law is a two-faced deity—Janus, whose faces look back and forward. That is the proper figure for common law because precedent is the pattern of the past, the posterity that the lawyer revives in looking towards the future. In that vein, it would be wrong simply to seek to extract a lesson from the analysis of the portraits of former deans. There is also the future and the portrait of the next dean upon his departure.

From the homely and rather rough-hewn portrait of Monrad Paulsen to the specter of Verkuil, the trajectory could be thought of as being towards an increasing immediacy of representation. In the context of that pattern, the portrait of the next dean should probably be, if not an actual imprint, then a photo portrait, a realistic testimony to his having been there. Dean David Rudenstine, not yet retired, indeed, has a photo portrait posted on the School Web site, and we can take that as the subject of visual analysis while also proffering some interpretive suggestions for the future image, if such there is to be.\*

The photo portrait has occasioned some difficulty. It is appropriately unusual and its most striking feature, the detail or *punctum* that distinguishes it, is the subject's left hand and the shadow that it throws in the lower left corner of the photograph. Begin, however, at the beginning. The subject is sitting. He is in *cathedra* but the seat, the chair or *veritas* of position, is not visible. There is then a subtle assertion of academic status and scholarly drive. They are implied, visible in their presupposed presence, important but not expressly stated. The importance of this sedentary gesture is greatly augmented when we observe that as distinct from virtually every other decanal subject, there are absolutely no props or prompts in the present representation.

The dean will usually have some modern equivalent of the rod of office with him in the image. There are most normally books open or shelved, desk, lectern, gown, or some other index of legitimacy, but here there is simply a blank photographer's backcloth. This accentuates the play of light and shadow, but what is striking is that the focus is all upon the foreground, the decanal countenance, the visage, *vultus* or face. Rhetorically, and Quintilian is here the best guide, the countenance is the indication of sentiment, of the deeper expression of feeling, and of sincerity. Rudenstine is looking forward, slightly to the right, relaxed, smiling, but with a significant portion of the left side of his face, and left ear, obscured by the cupped hand—*cava manu*—that is holding his head.

Why the hand and what does it mean in this most emblematic of contexts? First, it is the left hand and represents, at least since Hobbes, not force but rather knowledge, scholarship, and law. The hand cradles the head, a gesture that we can hazard by analogy as being that of invitation. The cupped hand invites, welcomes in, accompanies the smile. It is made more complicated, however, by the contact with the face, the holding of the head, which signifies a meditation, *le penseur*, a thinker.

The hand is the *artifex* of the art, the literal sign of manual intent, and hence of an architectural design. The blank background, the play of light on the face, and the shadow thrown by the hand signify a double meaning. First the shadow to the left suggests *ex oriente lux* and the globalization of the Law School project, its move into the Pacific rim, the Sino-Manhattan agreement. The hand is the trope of manual construction, concretization, and building. Here then, we have a dean who has devoted tireless endeavor to the edifice of the Law School, to the improvement of the plant, as engineers call it, to beautifying and modernizing the institution from façade to basement, classroom to office, canteen to lounge. He erected flat screens, wireless relays, bronze placards. He worked with head and hand, and here, in portrait, the dean is fully dean in his image. He is captured frontally, head cupped in hand, photographed, irrefragably there, cerebellum and manumission, face and edifice, in project and harmony. ■

\*Editor's Note: See this portrait on page 1.