

Images of Justice: A European Survey of Legal Symbolism

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ABSTRACT

In Europe, most of today's courthouses are symbolically silent. Because Justice not only needs to be done but also needs to be seen to be done, this project intends to exemplify the claim that images of justice have an important role to play in the maintenance of social bonds.

The power of judicial images is a useful ally to revive the foundational principles of fair trial and due process.

Drawing inspiration from visual studies, cultural legal history, legal anthropology, this multidisciplinary investigation aims at revealing the essential dynamic function of a civic allegory: its composition or invention, its role into the dissemination of meaning and the ways in which it was perceived by different audiences, in order to question to which extent this device fulfilled didactic, persuasive, mnemonic, evidential, or deontological functions.

1- Introduction

Our project is informed by three premises:

- 1) Images have a potential for action inside the tribunal, as they may even act as substitutes for real people (judges).
- 2) Artworks are full social agents, situated at the interface of institutions and emotions.
- 3) An image is not a discourse. The project pay special attention to the plurivalence of images. The discourses on legal images are themselves a part of a process of institutionalization (Legendre, 1993). Taking into account the variegated audiences involved, we will address the question of the historicity of the eye (Baxandall, 1988) by framing different practices of seeing and observing.

2- Experimental details

As you may imagine, the Covid-19 pandemic had a strong impact on my research program, hampering my ability to conduct field work in France and Europe. For instance, my planned visits to Bordeaux, Grasse and Toulouse had to be cancelled and I was only able to achieve fieldwork in Richelieu and Poitiers in August 2021. The originally envisaged studies of courthouses and places of interest was severely hindered by travel restrictions on one hand and institutional and museum closures on the other hand. An important building block of my method is precisely gauged examination of artworks *in situ*, that is to say in courtroom spaces and legal sites. Considerable thought is given to how Justice needs to be staged, to whom and how spaces should be allocated and where does the trial stage ends. This novel approach, implemented through a round of *in situ* visits, was intended to ground my enquiry

in the materiality of space dispositives, allowing the benefits of comparing ancient legal monuments to their contemporary counterparts, and tease out debates between empirical constraints and artistic ventures that might otherwise never happen.

I have quickly decided to use secondary data to supplement the primary data I had collected before the lockdown. I also chose to narrow down my first research program and focused on Tours (the in-depth study of two *tavolette*, on which I based my 1st July 2021 conference in Orléans and my conference participation on 12th October 2021) and Richelieu (where the allegorical painting of the kiss of Justice and Peace by Nicolas Prévost led to the publication of an article, commissioned for *La Documentation Française*, by Pr. Sylvie Humbert. The main challenge of this fellowship was to access the buildings of the CESR which were never officially presented to me, nor introduced by my host scientist. Consequently, remote working created less physical presence in the CESR, which unfortunately led to no opportunities *at all* to discuss ideas or share my findings with colleagues from the CESR. I also have to mention that for reasons that are still difficult to understand, I never received proper guidance so as to use some office space somewhere in the CESR. I thus sought other venues and other collaborations.

Fortunately, I was able to weave fruitful scientific collaboration with Christophe Regnard, judge and *Président du Tribunal Judiciaire de Tours*, who immediately supported my conference project by allowing it to happen within the historical courthouse precincts, in the spectacularly frescoed *Cour d'Assises*. I also built a genuine scientific dialogue with Dr. Elsa Gomez, Curator in charge of Medieval and Renaissance Paintings at the *Musée des Beaux-Arts de Tours*. She notably arranged a first meeting at the Museum with her regisseur in April 2021, one sound-engineer and a cameraman I had hired to record the examination of both panels. This collaboration was key as I was able to ask to unframe a rare example of this type of *tavolette*

(small panels depicting a Christian scene, we know of about 30 examples of this type of objects *in the world* and two of them are preserved in Tours). A thorough radiographical analysis had been completed in recent years, and new high-definition photographs were made after my visit, so as to look at these objects with the most updated and appropriate tools. The recent X-ray analysis of both panels has evidenced the original gory details of the *cruor* (the Latin word for blood when it is pouring out of a wound). Octave Linet (the 20th century owner of both panels, who gave them to the Musée des Beaux-Arts de Tours) has transformed the two panels into private devotional paintings, erasing the gory details such as bloodletting wounds. My goal was to assess how the material dispositive was concretely used by the laybrothers in order to take hold of the fear of the sinners and reorientate it towards an itinerary of patience and resignation. These objects were used as visual tools for a silent rhetoric, aiming at persuading the poor foes to get rid of their earthly fears before accepting the process of public humiliation tied with the staging of their punishment. The French title of the first panel reads *Calvaire avec décollation de Saint-Jean Baptiste et Martyre de Sainte Catherine d'Alexandrie*. It depicts the martyrdoms of John the Baptist (on the left) and the failed martyrdom of Catherine of Alexandria (on the right), both figures are painted below the suspended figure of the Crucified. These panels are created on a mobile wooden flat surface where large figures are projected against a unified golden backdrop. If we bear in mind the medieval forms of public social display, we have to acknowledge that these images would resonate in the viewer to an incomparably greater degree than we can imagine today. These icons depicting saints would draw upon the aura of Christian cult paintings.

The experimental focus on these panels has helped to weave a better understanding of these visual dying aids. I presented these findings on two occasions: during my Studium conference on the 1st of July at the Musée des Beaux-Arts

d'Orléans to the multidisciplinary audience of Studium researchers. This event was an invaluable moment of my fellowship as I received a lot of useful comments and feedback from a wide-ranging audience. It helped me to reconsider some of my hypotheses for my 12th October presentation at the Musée des Beaux-Arts de Tours, where I presented this material for the second time, allowing judicial professionals, historians and curators to look at these *tavolette* from another prospective.

3- Articles published in the framework of the fellowship

The difficulties underlined above didn't hamper my productivity as I was able to complete a book manuscript and three articles related to my fellowship program. The book is under contract with Edinburgh University Press under the title *Lady Justice: An Anatomy of Allegory*. One article was out in July 2021 : « Les rôles de l'image dans l'imprimé juridique (XVI^e-XVII^e siècle) : Arts de mémoire, diagrammes visuels et « hiéroglyphes du droit », Histoire de l'édition juridique (XVI^e-XXI^e siècle) : un état des lieux, LGDJ, Contextes, dir. Robert Carvais et Jean-Louis Halpérin, pp. 219-256.

One articles is under press: "Le *Baiser de Justice et de Paix* : à propos d'une allégorie politique peinte pour le château de Richelieu par Nicolas Prévost » issue supervised by Pr. Sylvie Humbert, Université Catholique de Lille et Association Française pour l'Histoire de la Justice.

The other forthcoming article is my contribution to the proceedings of the conference I organized on 11th/12th October 2021 thanks to Le Studium and the *Institut des Hautes Etudes sur la Justice*. In order to get extra funding from the IHEJ (2000 euros), I committed myself to edit the proceedings of the conference "*Justice en scène(s)*" in a reasonable timeframe. Contributions were of exceptional quality and I asked the participants to hand back their written papers within one year maximum. Among the participants of this event, Dr. Raphaël Cahen (also Le Studium fellow this

year) and Concetta Pennuto (CESR) agreed to serve as respondent to two of our speakers. This format helped to add input to the cross-disciplinary conversation between fields which rarely interact.

Le Studium provided excellent organizational and logistical input to this two-day conference and I'm glad to report that all participants were impressed by the venues, the quality of the debates and the good companionship achieved during these exchanges. These two engaging days will cross-fertilize in the future. The IHEJ has already mentioned its will to participate in future events, involving the Criminal Justice Centre of the University of Warwick to which I am now affiliated.

Le Studium has proven to be the ideal place to step outside my comfort zone within my existing projects in order to achieve wider goals. Moreover, as I faced this year serious obstacles (not being able to liaise with CESR staff being the main one), I'm satisfied to report that I was able to turn around them into successful outcomes. In the end, this year has been a time of adversity, but it only required extra effort, determination and the right partners to share strategies and approaches for success. This year taught me persistence and resilience as I was able to move past initial obstacles and barriers. The other strength I developed thanks to Le Studium is an ability to try presenting to a variety of audiences. I was offered the opportunity to discuss my research topic with Le Studium community, *i.e.* a broad range of researchers, as well as with senior people in my field, during the event I organized.

Last but not least, the writing of my forthcoming book (EUP), thanks to the continuous feedback of Professor Peter Goodrich (Cardozo School of Law, New York) and Professor Desmond Manderson (Australian National University), has provided invaluable advice for improving style and structure to my English drafts. It helped me to improve drastically my English writing skills.

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