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Thomas Kirchner, *Peindre contre le crime: De la justice selon Pierre-Paul Prud'hon*. Translated by Aude Virey-Wallon. Paris: Éditions de la Maison des sciences de l'homme, 2020. 135 pp. Figures and notes. €12.00 (pb). ISBN 9782735127078; €8.49 (eb). ISBN 9782735127436.

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Thomas Kirchner's *Peindre contre le crime: De la justice selon Pierre-Paul Prud'hon* takes an icon of French Romanticism—Pierre-Paul Prud'hon's 1808 *La Justice et la Vengeance divine poursuivant le Crime*—and situates it in the history of criminal law and judicial reform in France. This slim volume is bristling with insights that add a key dimension to the study of Prud'hon's painting. In Kirchner's analysis, the painting emerges as a full participant in the pivotal legal and philosophical debates of eighteenth-century France, debates that ultimately led to the development of a new Penal Code and new Code of Criminal Investigation in the early nineteenth century.

The first two chapters of the book trace the history of the painting's commission and completion, while looking closely at its iconographic and formal sources. It was Nicolas-Thérèse-Benoît Frochot—a friend of Prud'hon's and the Prefect of the Department of the Seine—who commissioned the piece, which was designed to hang in the Criminal Court of the Palais de Justice in Paris. As the story goes, Frochot quoted Horace to Prud'hon as inspiration for the painting: "*Raro antecedentem scelestum deseruit pede Poena claudo*," or, "Mais rarement le Châtiment / Quoique en boitant, a manqué le coupable" (p. 9). Kirchner looks closely at two studies Prud'hon initially made for the project. The first study, *Themis and Nemesis*, depicts Nemesis dragging two criminals by the hair before the throne of Justice, which is flanked by Fortitude, Prudence, and Temperance. Two victims—a woman and her child—lie dead in the foreground, causing the assassins to recoil. In the second study—the one ultimately pursued by Prud'hon—a criminal is pictured in a rocky landscape; having robbed and murdered a man who lies on the ground, he flees with dagger and stolen purse in hand, while the personifications of Justice and Vengeance pursue him from above.

Although Prud'hon's choice of the second composition for the final painting has frequently been explained by the idea that the predominantly allegorical figures of the first composition were deemed ineffectual, Kirchner argues for a more considered selection of composition number two. This sets the tone for the entire monograph, where he argues that it was both aesthetic and jurisprudential considerations that motivated Prud'hon's artistic choices. In his second chapter, Kirchner examines the diverse iconographic sources for the painting, demonstrating how Prud'hon crafted a mode of artistic representation that was significant for both the Revolutionary and Napoleonic contexts. Prud'hon's final composition worked to express a rapport between the victim and the allegorical figures of Justice and Vengeance, while presenting the assassin as a disruptive element—one ultimately brought to heel by the dominant presence of the allegorical figures of Justice and Vengeance. In this way, Prud'hon

settled on an iconography that not only reflected contemporary principles of criminal justice, but also the values of a society ever intent on expelling enemies of the Revolution.

In his third chapter, Kirchner examines Prud'hon's choice to work in an allegorical mode. Allegorical styles had been subject to growing criticism throughout the eighteenth century for compromising the readability of their subjects. Allegory had its proponents, however--most prominently in Winckelmann and Quatremère de Quincy--who promoted the style of expression for its instructive capacity and moral clarity. Again, Prud'hon's artistic decision is framed in ideological terms: through recourse to allegory, the artist was able to transcend the particularities of narrative expression and create a deeper meaning, one pertinent to its historical and political context. As Kirchner writes, "d'une part, ces figures sont à interpréter comme une menace réelle pesant sur le criminel; de l'autre, leur immatérialité de créatures ailées les soustrait clairement à la réalité et les rattache, au-delà d'elles-mêmes, à une trame signifiante plus profonde" (p. 45). In allegory, Kirchner argues, Prud'hon found the appropriate means for an expression that was at once artistic and political.

In chapter four, Kirchner elaborates on the political context in which the painting was situated, providing a brief sketch of the evolution of the French judicial system and penal code from the *ancien régime* to the Napoleonic era. Under the pre-Revolutionary system, justice was based on Christian principles and canon law, with the criminal being equated with the sinner, and crime framed as a consequence of original sin. Two concerns emerged in the eighteenth century, gaining traction during the Revolution: punishment now needed to both rehabilitate the criminal and to prevent further harm to society by serving as a warning to the public. The exemplary nature of the sentence was made primary and the idea of revenge--with the "sanction comme expiation du délit" (p. 52)--crept back into jurisprudential thought.

Chapter five matches the judicial evolution that Kirchner has just traced to changes in the decor of the criminal court, the original destination for Prud'hon's painting. Under the *ancien régime*, the rooms of the Palais de Justice in Paris were adorned with crucifixion scenes, as befitted the rootedness of pre-Revolutionary justice in Christian principles and canon law. Such paintings had been removed by 1792, replaced with a generalized reference to "Laws." Prud'hon, however, visualizes not only the law, but crime as well, and its relationship to justice. As Kirchner argues, Prud'hon's choice of the second composition had significance for the new penal code, particularly, the inescapable nature of the conviction following a crime. The real subject of the canvas was not simply the condemnation of the crime, but more importantly, the idea that the penalty must immediately follow the offense. Under the Code of Criminal Investigation of 1808 and the Penal Code of 1810, the offense and the sanction were inseparable. Kirchner points out that the evolution of Prud'hon's composition--and Frochot's favoring of the second project--temporally coincides with the path that led to the adoption of this new jurisprudence, suggesting a direct relationship.

Chapters six and seven illuminate some of the subtler nuances of Prud'hon's painting, such as his rejection of a mythological narrative, and the iconography that informed the representation of the painting's protagonist. *La Justice et la Vengeance divine poursuivant le Crime* is unusual among elevated genres of painting, in that it focuses on a negative action as a warning, rather than offering an honorable model for emulation. Eschewing the *exemplum virtutis* that had dominated history painting from at least the mid-eighteenth century, Prud'hon places crime at the center of the painting's narrative action. This was a risky proposition given the moral and

educational mission of art, as it left to the viewer to “tirer un enseignement positif d'une action à connotation négative” (p. 64). Kirchner finds, however, both theoretical and aesthetic justification for Prud'hon's choices, and indeed demonstrates how the artist is engaged in some of the most pressing debates of the day. Rather than base the central action of the painting around the expression of the passions as had previously been the standard, Prud'hon utilizes physiognomy to mark the character of the criminal. His painting thus exhibits “une image figée du criminel clairement et immédiatement identifiable en tant que tel” (p. 74).

Prud'hon's recourse to physiognomy solved one problem the painting faced—pedagogical clarity, unmistakably identifying the protagonist as criminal—but at the same time, opened up sticky questions around criminal responsibility and free will. Despite being an “enlightened” science, physiognomy was subject to criticism for denying the individual freedom of choice, much like Christian predestination. Chapter eight interrogates how Prud'hon navigated these “questions cruciales de la pensée des Lumières” (p. 78). As is characteristic of his work throughout the monograph, Kirchner here identifies both the philosophical infrastructure and iconographical means by which the painting is able to communicate contemporary jurisprudential thought in visual terms. Kirchner points out that it is Immanuel Kant in his 1797 *Metaphysics of Morals* who offers a solution to the paradox that physiognomy posed in relation to criminal responsibility and free will. According to Kant, free will could generate both moral and immoral actions and therefore an immoral action was logically the result of choice. As Kirchner notes, both the transformation of judicial practice and Prud'hon's painting “s'appuie précisément sur l'idée d'un homme agissant librement et, par là même, pleinement responsable” (p. 79). Prud'hon signals this responsibility in a subtle way: he models his assassin on an iconographic engraving by Nicolas Poussin illustrating a figure walking against the wind. Only in this painting there is no wind. Rather, what causes the criminal to hesitate and look back in the midst of his flight is nothing other than his conscience, or what Kant refers to as “le sentiment d'un tribunal intérieur en l'homme” (p. 81). With his complex iconographic choices, Prud'hon creates an image of crime and justice that is both aesthetically legible and theoretically nuanced.

In chapter nine, Kirchner explains how Prud'hon could have arrived at such a coherent scholarly program for addressing complex legal and philosophical questions in this painting, an approach which the artist does not replicate in other works. In short, Kirchner argues, “tout laisse penser que Nicolas-Thérèse-Benoît Frochot l'a guidé dans tous ces domaines, et qu'il est même le véritable auteur du programme iconographique” (p. 84). As Kirchner elaborates, Frochot was directly involved in the judicial debates and reforms that led to the adoption of the Code of Criminal Investigation of 1808 and the Penal Code of 1810, and this all happened in tandem with the development of *La Justice et la Vengeance divine poursuivant le Crime*—from the commissioning of the painting and its prompt from Horace, to the favoring of the second composition, to the refining of its final form. Prud'hon's painting is, in the final analysis, a multi-authored work.

In his final two chapters, Kirchner reflects on the painting's address to spectators, the effect of context of display on its message, as well as the painting's afterlife, having been permanently removed from the Palais de Justice in 1815. Here, the dual authorship which Kirchner has just argued for comes together in a dual spectatorship, as Kirchner delineates two distinct “champs sémantiques” for the painting, a moral register, and an aesthetic one: “Dans le premier cas, la scène représentée dans la peinture est lu comme un danger réel menaçant directement la

personne du spectateur et capable, dès lors, d'exercer sur lui l'effet dissuasive... Dans le second, la même action est perçue exclusivement sur le plan esthétique; elle sert à intensifier la délectation visuelle du spectateur" (p. 90). Theorists of the time suggested that painting's moral dimension was always highly dependent on its context of reception—in this case, the courtroom—and worried that once transferred to the museum, an artwork risked being reduced to its aesthetic function. Kirchner argues that this did not happen in the case of *La Justice et la Vengeance divine poursuivant le Crime*, since the moral and aesthetic dimensions of the painting were integrated and indeed nearly inseparable from the outset. If the aesthetic mode of reception perhaps became more dominant once the painting was relocated to the Louvre, this nevertheless did not entail a complete loss of its core pedagogical message about crime and justice. "La question de l'effet sur le délinquant, en particulier, restait une partie intégrante de l'œuvre et de sa réception," Kirchner writes (p. 96).

Kirchner's study presents Prud'hon's painting as an active agent, absorbing and reflecting its context of production and reception, the product not of a singular artistic vision, but of a dynamic interplay of actors, including the artist, patron, and critic; philosophy, jurisprudence, and critical theory; and institutional context. The volume is chock full of an illuminating and diverse catalog of artworks that Kirchner convincingly brings to bear on our understanding of the painting and its display. It is worth noting that while the paperback contains only black-and-white illustrations, the ebook is in full color. *Peindre contre le crime: De la justice selon Pierre-Paul Prud'hon* is a model work of interdisciplinarity that does not sacrifice core tenets of the discipline of art history—careful looking, deep research—while nevertheless incorporating an expansive methodology in order to bring legal history to bear on our understanding of painting, and visual culture to bear on our understanding of legal history.

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