Maryland Law Review

Volume 45 | Issue 4 Article 7

10-10-2012

Book Review

Follow this and additional works at: http://digitalcommons.law.umaryland.edu/mlr

Recommended Citation
Book Review, 45 Md. L. Rev. 1066 (1986)
Available at: http://digitalcommons.law.umaryland.edu/mlr/vol45/iss4/7

This is brought to you for free and open access by the Academic Journals at DigitalCommons@UM Carey Law. It has been accepted for inclusion in Maryland Law Review by an authorized administrator of DigitalCommons@UM Carey Law. For more information, please contact PBluh@law.umaryland.edu.

Book Review

PICTURES AND PUNISHMENT: ART AND CRIMINAL PROSECUTION DURING THE FLORENTINE RENAISSANCE.
By Samuel Y. Edgerton, Jr. Cornell University Press 1985.

REVIEWED BY HELEN AND ALBERT BOROWITZ

In *Pictures and Punishment: Art and Criminal Prosecution during the Florentine Renaissance* Professor Edgerton presents an illuminating study of the interrelations between art and criminal justice in Renaissance Florence. Like many contemporary art historians, Professor Edgerton takes an interdisciplinary approach to Renaissance art. He focuses on the powerful role played by art in creating visual imagery in support of the administration of justice, and demonstrates how the justice system generated state patronage for the artist by commissioning pictures intended to humiliate criminals and enemies of the state. The book represents years of research that began in 1970 with Edgerton's study of depictions of capital punishment in religious martyrdom paintings of the Italian Renaissance. Indeed, this material forms the basis for his fourth chapter in which the author discusses the importance of visual imagery in determining the type of execution chosen by the state and the relation of the execution scene to religious paintings.

For example, except in England, decapitation was usually staged in the manner of a martyrdom scene with the condemned placed in a position of prayer, like a victimized saint, and the executioner, often swarthy and dressed in outlandish garments, impersonating the devil. Thus, the image presented to the spectators at the beheading suggested a battle between Satan and a pitiable soul who sought redemption in prayer. This close resemblance to martyrdom scenes in art sometimes aroused the crowd's sympathy for the condemned, as in 1503 when an executioner was stoned to death by the crowd after botching his job.

In Italian art, beheading was more frequently depicted than hanging, which was the punishment allotted to the common criminal. Burning was seldom used, except to punish severe forms of heresy or sodomy and, like hanging, seldom depicted. Both burning and hanging were considered demeaning. However, Edgerton's abstract of the records and executions from Santa Maria della Croce

al Tempio (listed in Appendix B of the book) shows that after 1478 hangings increased over beheadings—suggesting, according to the author, that public policy demanded that the criminal be demeaned.

This new vindictiveness began with Lorenzo il Magnifico's rage against the members of the Pazzi conspiracy, whom he humiliated by hanging from the windows of the Palazzo Vecchio and the adjoining Captain's Palace. Lorenzo further degraded the Pazzi by commissioning Botticelli to depict them, being hanged, in a series of pictures painted on the very walls against which they had been executed. Edgerton traces Botticelli's commission to the earlier practice, originating in Northern Italy in the thirteenth century, of painting defaming pictures (*pitture infamanti*) of people who had fled the city to escape punishment. These fugitives and their families suffered public disgrace when their portraits were painted showing them hanging by one foot on the walls of the police headquarters. The pose may derive from figures of the damned being tortured in hell in *Last Judgment* paintings.

Edgerton points out that the Italian defaming picture differed from German *Schandbilder* (pictures of disgrace), which were painted by private individuals on the houses of victims who, unsurprisingly, were usually Jews. The *pitture infamanti* were official art, ordered by the municipal government, and probably related to the administration of the *podestà*, an itinerant police administrator. From documents related to the paintings as well as some preparatory drawings, Edgerton disproves the claim that these pictures were mere daubs produced by second-rate artists. He points out that they were works of strong realism, very much in the style of Renaissance art on loftier subjects, and that they were admired by art critics of the day. As proof he cites the comments by the first art historian Gorgio Vasari on Andrea del Castagno's commission to paint the Albizzi conspirators:

> and having set himself to the work, made it so beautiful that it was an astonishment; nor could anyone say how much art and judgment was known in those personages, portraits of more than natural size, and hung by the feet in strange attitudes and all different and most beautiful. Which work, because it pleased the whole city, and particularly those who understand about painting, was the reason he was called no longer Andrea del Castagno, but Andrea of the Hanged Men.[1]

---

1. S. EDGERTON, PICTURES AND PUNISHMENT: ART AND CRIMINAL PROSECUTION DURING THE FLORENTINE RENAISSANCE 100 (1985).

Although Andrea del Castagno gained renown for his defaming pictures, his new nickname must have had little appeal for the well-established artist Andrea del Sarto, who later during the siege of Florence avoided acknowledging publicly that he was engaged in a similar commission. Instead, del Sarto gave credit for his defaming paintings to a studio assistant, yet did the work himself under cover of darkness. Though reluctant to acknowledge the frescoes as his own, del Sarto made several preparatory studies, seven of which were sufficiently admired to be preserved. Edgerton shows the progression of the studies from nude to fully draped figures and discusses the possibility that they were drawn from wax models of the hanged men. Despite the subject matter, the drawings are hardly caricatures calculated to insult the offenders, but rather virtuoso studies of the draped bodies hanging from their feet. Indeed, the idealism of Renaissance art as exemplified in Andrea del Sarto's drawings may have been, according to Edgerton, one of the causes of the demise of the defaming pictures. Yet an echo of the *pitture infamanti* exists in the modern world: the bodies of Mussolini and his mistress were hung upside down from a gas station in Milan after their execution in April 1945.

It is significant that the use of the upside-down posture for humiliation found its source in *Last Judgment* paintings, such as Grotto's *Arena Chapel* fresco. *Last Judgment* scenes were also the origin of the traditional placement of the criminal on the judge's left in the Renaissance courtroom. The connection between heavenly and secular justice is exemplified in Fra Angelico's *Last Judgment*, in which paradise is visualized as a contemporary Tuscan town. The association between the Christian *Last Judgment* and the earthly administration of law and order was codified as canon law in the 12th century *Decretals* of Gratian. Miniatures accompanying these texts often placed the judge presiding in court in the same position as Christ at the Last Judgment. Furthermore, during the fifteenth and sixteenth centuries, *Last Judgment* scenes were frequently painted behind the judges' benches. Edgerton relates Lorenzetti's famous *Allegory of Good Government* fresco in the Palazzo Pubblico in Siena to earlier *Last Judgment* compositions and discusses the fresco's visual imagery in relation to Renaissance ideas of justice.

During the Renaissance, art was accorded such great importance that public officials authorized artists as well as physicians to receive the bodies of executed criminals for anatomical research. Michelangelo, like Leonardo da Vinci, took part in dissections of bodies provided by the scaffold, with the intention of illustrating an

anatomy textbook; neither artist, however, brought that project to completion. Leonardo's keen interest in science spurred him to abandon his original purpose in favor of a broader study of the human body in the context of the universal system of creation. Michelangelo, too, although requested by Vesalius' successor at Padua to illustrate his anatomy treatise, failed to carry out the assignment. Edgerton surmises that in Michelangelo's case, a deep concern for the spiritual welfare of the condemned may have caused the artist to feel distaste for tampering with the human body. As a member of the lay order of the Archconfraternity of San Giovanni Decollato he had pledged himself to comfort the condemned and to perform their burial rites.[2]

Renaissance art not only upheld the power of temporal authority but also attempted to relieve the suffering of the criminal. In order to prepare the criminal to face execution and to gain redemption through his suffering, a small painting, called a *tavoletta*, was held before the eyes of the condemned. These "pictures of redemption,"[3] as Edgerton calls them, were noted by Montaigne when he witnessed a public hanging in Rome in 1581. Montaigne described the lay brothers of the Archconfraternity of San Giovanni Decollato, who accompanied the condemned to their deaths and held the *tavolette* before their eyes, as

> gentlemen and other prominent people of Rome who devote themselves to this service of accompanying criminals led to execution and the bodies of the dead . . . . [O]ne of them continually holds before his face a picture on which is the portrait of Our Lord, and has him kiss it incessantly . . . . At the gallows . . . they still keep this pic-

2. Michelangelo's empathy for the condemned is suggested by his self-portraits in two of his works. In his *Last Judgment* fresco in the Sistine Chapel, Michelangelo painted his own features on the face of the stunned victim suspended over the abyss of hell by Saint Bartholomew, who himself was martyred by flaying. The grotesque self-portrait as punished sinner carries great spiritual force. In his Florentine *Pietà*, which he had intended for his own tomb, Michelangelo again carved his own features, this time into the face of the hooded figure (Joseph of Arimathea) supporting the body of Christ. In depicting himself in this manner, the artist may well have intended the figure not only to represent Joseph of Arimathea, or perhaps Nicodemus, but also to represent a monk of the Archconfraternity of San Giovanni Decollato. He may also have intended the crucified Christ to symbolize all those unjustly punished. Before exiling himself from Florence, four years after the destruction of the Medici restoration of the republic which he had supported, Michelangelo had had ample opportunity to view ninety public executions. One would assume that he was sympathetic to many of those condemned by the ducal government of the Medicis.

3. EDGERTON, *supra* note 1, at 165.

ture against his face until he was launched . . . .[4]

Edgerton points out that these paintings of the crucifixion were intended as devotional images which would serve "as a kind of visual narcotic to numb the fear and pain of the condemned criminal during his terrible journey to the scaffold."[5] Ironically, while the picture helped the condemned to perform well "the art of dying"[6] and prepare for redemption after death, those who carried the *tavoletta* were often the very government officials who may have handed down the death sentence. In fact, some scholars believe, as Edgerton acknowledges in a footnote,[7] that these confraternities may have sought to justify harsh sentences by presenting them as required penance for redemption. Edgerton, however, holds the more positive view that the use of the *tavoletta* at executions showed public compassion for the condemned and may have contributed ultimately to a rejection of capital punishment.[8]

---

4. *Id.*
5. *Id.* at 172.
6. *Id.* at 173.
7. *Id.* at 220, n.56.
8. Cesare Beccaria's treatise of 1764, *Dei delitti e delle pene* (On Crimes and Punishments), advocated a system of criminal law based on compassion and inspired Pietro Leopoldo, grand duke of Tuscany, to abolish capital punishment in 1786; the duke also ordered the burning of instruments of torture and *tavolette*. Edgerton points out that Beccaria's book had far-reaching influence on the framers of the United States Constitution, since it inspired the eighth amendment forbidding cruel and unusual punishment. *Id.* at 220.