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Crime and Punishment in Art: Motifs and Examples

Joanna Kamień and Kamil Zeidler

University of Gdańsk

Abstract: **Crime and Punishment in Art: Motifs and Examples**
The discussion in this article lies within the framework of the aesthetics of law, a trend in the philosophy of law that deals with the relations between law and beauty. The analyses presented belong primarily to an external approach to the aesthetics of law, inasmuch as they concern selected works of art that depict crimes described in the Bible in the Book of Genesis (original sin and Cain's murder of Abel) and in the Gospel of St John (the episode concerning Jesus and the woman taken in adultery).

Keywords: Aesthetics of Law, Crime in Art, Punishment in Art, The Bible, Philosophy of Law.

Summary: 1. Introduction – 2. Crime and Punishment in the Bible – Examples in Art – 2.1. Adam and Eve – 2.2. Cain and Abel – 2.3. Christ and the Woman Taken in Adultery – *Relicti sunt duo, misera et misericordia* – 3. Conclusions.

1. Introduction

The issue of punishment and approaches to punishing criminals is not only the subject of research into criminal law, but it is also an important philosophical and legal matter. After all, it is closely related to key questions in the philosophy of law, especially: the ontological question concerning the nature of law, that is what it is based on; the teleological-axiological question, which focuses on the main goals of law and how to achieve them; and the question concerning about the foundations and motives for society to obey the law. Any answer to these questions shapes an understanding of how in terms of criminal law to formulate specific provisions penalizing specific crimes. At the same time, it shapes attitudes of legislators and those who practice law, that is, those responsible for creating, interpreting, and applying the law. Will it be law that aims to rehabilitate the criminal, at his/her resocialization and return to society, or law aimed at eliminating depraved individuals from society? Ultimately, this also takes us to a question of Christian provenance: does a criminal deserve mercy? What should be the punishment that will permit the law's purposes to be implemented? The answers to these questions vary depending on the concept of law adopted. Such concepts have changed over

space and time. However, what has not changed is that crimes have accompanied humanity since the dawn of time, since the very creation of the world. We see them in the Bible, we read about them in mythology, and recent history, that of the twentieth century and the contemporary world, is strongly marked by them. The world changes, but human nature, which is inscribed with a desire for good, on one hand, and, on the other, with weakness driving us to commit forbidden and wicked acts, does not change. This truth has often drawn the attention of painters and sculptors. As the authors of the album accompanying the exhibition entitled "Guilt and Punishment: Justice in European prints from the 16th to the 19th centuries" write:

> Crime, misdemeanour or, in religious categories, sin; judgement thereof; and the ensuing punishment or on occasion pardon, is a major theme in mythology systems and sacred books, drama and literature, legends and ballads, and popular songs and literature. It was not a theme restricted solely to the domain of the oral or writ ten word, however; the issue of guilt and punishment has held equal attraction for visual artists, both the great masters such as Albrecht Dürer, Pieter Brueghel the Elder, Peter Paul Rubens, Jacques Callot and William Hogarth, and lesser known talents who have recorded the quotidian affairs of the day in interesting ways that have not always retained their legibility to our times[1].

Taking the above into account, in our article we focus not on theoretical concepts of punishment for crimes committed, but on specific examples of criminals and crimes that have been depicted in art. Our discussion is situated within aesthetics of law, the legal-philosophical current that deals with the relations between law and beauty. These relations can take different configurations, and, therefore, within the framework of legal aesthetics we distinguish three basic approaches: 1) an internal perspective, that is, a search for aesthetic values in the law itself; 2) an external perspective, that is, the discovery of material related to law in art and culture; and, finally, a perspective that we call 3) law as a tool of aestheticization, that is, the demonstration of the impact of legal norms on what can be broadly understood as art[2]. Further analyses are located within the framework of an external approach to the aesthetics of law, because they concern selected works of art, the subjects of which are crimes described in the Bible. Law has been a source of inspiration for artists, who in their output not only depict events related to breaking the law or to the administration of justice, but who also express their attitude to the law and present a commentary on reality in how they depict such situations. In the history of art, we find a wide catalogue of recurrent motifs of crime and its punishment, many of them having a mythological or biblical origin.

[1] K. Grodziska, J. Purchla, "Foreword", in *Guilt and Punishment: Justice in European prints from the 16th to the 19th centuries*, International Cultural Centre, Kraków, 2009, p. 6.
[2] K. Zeidler, *Aesthetics of Law*, Gdańsk University Press/Wolters Kluwer, Gdańsk/Warsaw, 2020, pp. 40-41.

Before we move to those, it is worth noting that the aesthetics of law plays an increasingly important role in legal-philosophical discussions[3]. For the law does not function, nor has it ever functioned, divorced from its means of expression, means that are incontrovertibly subject to aesthetic assessment.

In 1932, in his *Rechtsphilosophie* (Philosophy of Law), Gustav Radbruch writes:

> Law may avail itself of art, and art of law. Like all other creations of culture, law needs a sensory medium that makes it possible to articulate it: language, gesture, robe, insignia, symbolism, imposing architecture. Thus, the sensory means of expression of the law, just as with other means of this kind, are subject to aesthetic evaluation[4].

Therefore Radbruch suggests that it is necessary to demand a systematic aesthetics of law, one that hitherto had not developed into a coherent whole[5]. Further, in *Einführung in die Rechtswissenschaft*, he suggests that law as a cultural phenomenon is a human product, containing, on one hand, the weight of an earthly matter, and, on the other, flights of fancy tending toward higher regions"[6]. These higher regions are partly axiological in nature. They are values contained in the idea of law formulated by Radbruch, that is, the justice, security, and purposefulness of law. However, we can assume that they also have an aesthetic dimension, in the sense whereby, within the perfect triad of values *verum*, *bonum*, and *pulchrum*, aesthetics is combined with ethics, that is, what is generally understood as good and truth[7]. Thus, when we think about the main idea behind this issue of *The Concept of Punishment. Justice, Human Rights and Mercy*, it is worth looking at the subject not only from the perspective of theory, but also from that of the philosophy of law in terms of an aesthetic and legal approach.

This is all the more noteworthy because the motif of crime and punishment often appears in art. In the past, art had to fulfil, *inter alia*, an educational function,

[3] Recently, an interest in the aesthetics of law has grown considerably. Proof of this growth are many publications. See, *inter alia*: P. Goodrich, *Legal Emblems and the Art of Law: Obiter Depicta as the Vision of Governance*, Cambridge University Press, New York, 2014; S. Mareel (ed.), *Call for Justice. Art and Law in the Low Countries (1450–1650)*, Hannibal, Mechelen, 2018; S. Huygebaert, G. Martyn, V. Paumen, E. Bousmar, X. Rousseaux (eds.), *The Art of Law. Artistic Representations and Iconography of Law and Justice in Context, from the Middle Ages to the First World* War, Springer, Cham, 2018; V. Hayaert, *Lady Justice. An Anatomy of Allegory*, Edinburgh University Press, Edinburgh, 2023; K. Zeidler, J. Kamień (eds.), *Aesthetics of Law From Methodology to Manifestations*, series: Law and Visual Jurisprudence, vol. 14, Springer, Cham 2024.

[4] G. Radbruch, *Filozofia prawa*, trans. E. Nowak, PWN, Warszawa, 2009, p. 116; qtd. in K. Zeidler, *Aesthetics of Law*, cit., p. 37.

[5] G. Radbruch, *Filozofia prawa*, cit., p. 116; qtd. in K. Zeidler, *Aesthetics of Law*, cit., p. 261.

[6] G. Radbruch, *Einführung in die Rechtswissenschaft*, GRGA, Bd. 1: *Rechtsphilosophie I*, hrsg. A. Kaufmann, C.F. Müller Verlag, Heidelberg, 1987, p. 220.

[7] See: K. Zeidler, J. Kamień, *Introductory Remarks on the Aesthetics of Law*, in K. Zeidler, J. Kamień (eds.), *Aesthetics of Law. From Methodology*, cit., pp. 1-4.

which explains the warnings against sins and the punishments threatened for sins contained in many works[8]. Thus, on one hand, the viewer is admonished by showing a forbidden act; on the other, the means and manners of inflicting punishment for such a deed are equally frequently shown[9].

2. Crime and Punishment in the Bible – Examples in Art

The Bible, which is considered a holy book by Christians, is paradoxically full of violence, crime, betrayal, and rape. In the Book of Genesis we read about the first crime in the history of humanity, fratricide. Earlier in the same book we learn about the original sin, disobedience to God, which led to theft, the picking of the forbidden fruit. Felony and theft, these are crimes. Indeed, these acts initiated a whole series of similar deeds. In the Bible, we read about: the crime committed by Joseph's brothers; the crime of King David who sent Uriah to his death in order to possess his wife Bathsheba; the crime of Judith who tricked Holofernes, the leader of the enemy forces besieging her city; the crime of King Herod who slaughtered innocent children; and the crime of Salome who demanded the head of John the Baptist. To this should be added a whole series of brutal, often gang rapes, as well as various types of fraud[10].

Thus, when writing about crimes in art, it is impossible to ignore biblical motifs, especially since stories from the Old and New Testaments have inspired artists since the Middle Ages; they drew willingly and often on these stories. The Bible is, therefore, not only the most famous book in the world, but also, alongside Greek and Roman mythology, is the source of the most frequently taken up topics in art at least until the nineteenth century. There are so many examples of crime and betrayal in the pages of individual books in both the Old and New Testaments that describing them all would fill a separate book, or even several books. So here we focus on three selected crime narratives. These are: the act of disobedience by Adam and Eve; the murder of Abel by his brother Cain; and the New Testament story of the mercy and forgiveness shown to the woman taken in adultery. The first two acts depicted are still crimes today; the third – adultery – was a crime according to the Moses law in force at the time in which the story is set.

[8] Cf. T. Leśniak, J.P. Gawlik (eds.), *Siedem grzechów głównych. Ryciny z Gabinetu Rycin PAU w Bibliotece Naukowej Polskiej Akademii Umiejętności i Polskiej Akademii Nauk w Krakowie. The Seven Deadly Sins. Prints from the Print Room of the Polish Academy of Arts and Sciences, in the Scientific Library of the Polish Academy of Arts and Sciences and the Polish Academy of Sciences in Cracow*, Zamek Królewski w Warszawie, Warszawa, 2006.
[9] K. Zeidler, *Aesthetics of law*, cit., p. 188.
[10] See: R. Zając, *Biblia początek, czyli jak powstał najlepszy know how na świecie*, Stacja7 – Wydawnictwo Znak, Kraków, 2016, pp. 278-284.

2.1. Adam and Eve

> Now the snake was wiser than any beast of the field which the Lord God had made. And he said to the woman, "Has God truly said that you may not take of the fruit of any tree in the garden?" And the woman said, "We may take of the fruit of the trees in the garden: But of the fruit of the tree in the middle of the garden, God has said, 'If you take of it or put your hands on it, death will come to you'." And the snake said, "Death will not certainly come to you: For God sees that on the day when you take of its fruit, your eyes will be open, and you will be as gods, having knowledge of good and evil."
> And when the woman saw that the tree was good for food, and a delight to the eyes, and to be desired to make one wise, she took of its fruit, and gave it to her husband. And their eyes were open and they were conscious that they had no clothing and they made themselves coats of leaves stitched together (*Genesis* 3, 1-7)[11].

The scenes connected with the deed perpetrated by Adam and Eve are concerned both with the moment in which the crime is committed, that is, their picking of the fruit of the tree of the knowledge of good and evil and their tasting it (*Genesis* 3, 1-7), and with the punishment inflicted by God for Adam and Eve's breach of His prohibition (*Genesis* 3, 16-24). God drives the first humans from the Garden of Eden, laying consequences on them that embrace all humanity:

> To the woman he said, "Great will be your pain in childbirth; in sorrow will your children come to birth; still your desire will be for your husband, but he will be your master."
> And to Adam he said, "Because you gave ear to the voice of your wife and took of the fruit of the tree which I said you were not to take, the earth is cursed on your account; in pain you will get your food from it all your life. Thorns and waste plants will come up, and the plants of the field will be your food; 19 With the hard work of your hands you will get your bread till you go back to the earth from which you were taken: for dust you are and to the dust you will go back" (*Genesis* 3, 16-19).

The punishment is meted out immediately, Adam and Eve immediately suffer the consequences of their act. Their lives are marked by hardship, work, and suffering. The expression of God's mercy towards these first people is redemption, sending His Son as Saviour. However, this is a completely different story and a separate motif in art. The story of Adam and Eve is one of the most popular and most frequently depicted narratives. Perhaps, as Bożena Fabiani suggests, this is because in the Middle Ages, when nudity in Christian art was frowned upon and

[11] All biblical quotations here and subsequently are taken from: Christianity.com, Bible in Basic English.

associated with pagan antiquity, illustrating the disobedience of Adam and Eve offered practice in nude painting for artists[12].

In painting, the scene of picking the forbidden fruit described in *Genesis* appears virtually identical in most cases: Adam and Eve are naked standing under a tree, usually an apple tree, on which Satan is ensconced in the form of a snake, sometimes with a human face. Eve holds the fruit in her hand or gives it to Adam. The apple appears in paintings as a symbol of the forbidden fruit, even though the Bible does not specify what kind of fruit it is. Anna Świderkówna in her book *Rozmowy o Biblii* (Conversations about the Bible) notes that although we cannot fully explain how the apple entered the idea of paradise, it is most likely related to the Latin language. In Latin the noun *malum* has two meanings: *malum* means "evil" or "misdemeanor", but it also means "apple". *Malus* means "bad", but also "apple tree"[13].

Lucas Cranach the Elder (1472–1553) was particularly enthusiastic in his employment of the motif of original sin and created as many as a dozen or so versions of this biblical scene. Most of these are paintings with the same title, *Adam and Eve*, and present the couple under a tree. But the artist also depicts Eve herself and the first man and woman in the Garden of Eden. If we visit museums all over the world, we constantly come across Cranach's vision of the scene of original sin. Thus, the painting *Adam and Eve* by Lucas Cranach the Elder can be found, among other museums, in the Musée des Beaux-Arts de Besançon (1508–1510), the National Museum in Warsaw (1510), the Kunsthistorisches Museum in Vienna (circa 1510–1520), the Museo Soumaya in Mexico (1520), the Courtauld Gallery in London (1526), the Uffizi Gallery, Florence (1528; fig. 1), the Norton Simon Museum, Pasadena (circa 1530), the Staatliche Kunstsammlungen in Dresden (1531), the Museum der bildenden Künste in Leipzig (1533), the Art Institute of Chicago (circa 1533–1537), the Royal Museum of Fine Arts in Antwerp (1500–1550), and the National Gallery in Prague (circa 1538). If we add to these the depiction of Eve herself (for example, in the Royal Museum of Fine Arts in Antwerp, circa 1528–1530) and that of the Garden of Eden (*The Garden of Eden*, circa 1530, in a private collection, and another version from the same time in the Staatliche Kunstsammlungen in Dresden; and *Paradise*, 1530, in the Kunsthistorisches Museum in Vienna), then we can say that this theme almost entirely captured the imagination of Lucas Cranach the Elder.

[12] B. Fabiani, *Biblia w malarstwie*, PWN, Warszawa, 2019, p. 36.
[13] A. Świderkówna, *Rozmowy o Biblii*, Wydawnictwo Naukowe PWN, Warszawa, 2004, p. 63.

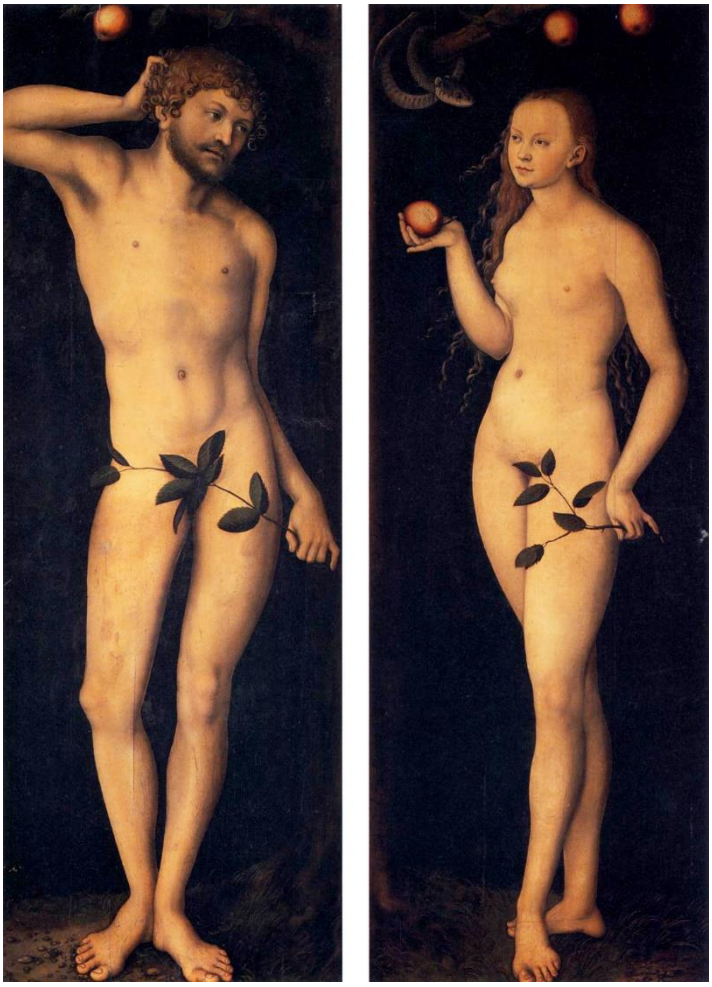

Fig. 1: Lucas Cranach the Elder, *Adam and Eve*, 1528, oil on panel, 172×63 cm and 167×61 cm, Uffizi Gallery, Firenze

Well-known depictions of the scene of original sin included, among others, works by Albrecht Dürer (fig. 2), Titian (fig. 3), and the fresco by Raphael on the ceiling of the Apostolic Palace (fig. 4).



Fig. 2: Albrecht Dürer, *Adam and Eve*, 1507, oil on panel, two panels, each 209×81 cm, Museo del Prado, Madrid



Fig. 3: Titian, *Adam and Eve*, c. 1550, oil on canvas, 240×186 cm, Museo del Prado, Madrid



Fig. 4: Raphael, *Adam and Eve* (ceiling panel), between 1509 and 1511, fresco, 120×105 cm, Apostolic Palace, Stanza della Segnatura

The punishment for original sin, as we noted above, was expulsion from Paradise. This scene is depicted, among others, in the abovementioned painting by Cranach from the collection of the Staatliche Kunstsammlungen in Dresden (fig. 5).



Fig. 5: Lucas Cranach the Elder, *The Garden of Eden*, 1530, oil on lime, 80×118 cm, the Gemäldegalerie Alte Meister (Dresden)

However, we would like to focus on one of the most moving visions of this tragic moment. In the Brancacci Chapel in the Church of Santa Maria del Carmine in Florence, on one of the columns there is a fresco by the Italian artist known as Masaccio (originally named Tommaso di Ser Giovanni di Simone, 1401–1428) entitled *Expulsion from the Garden of Eden* (fig. 6).

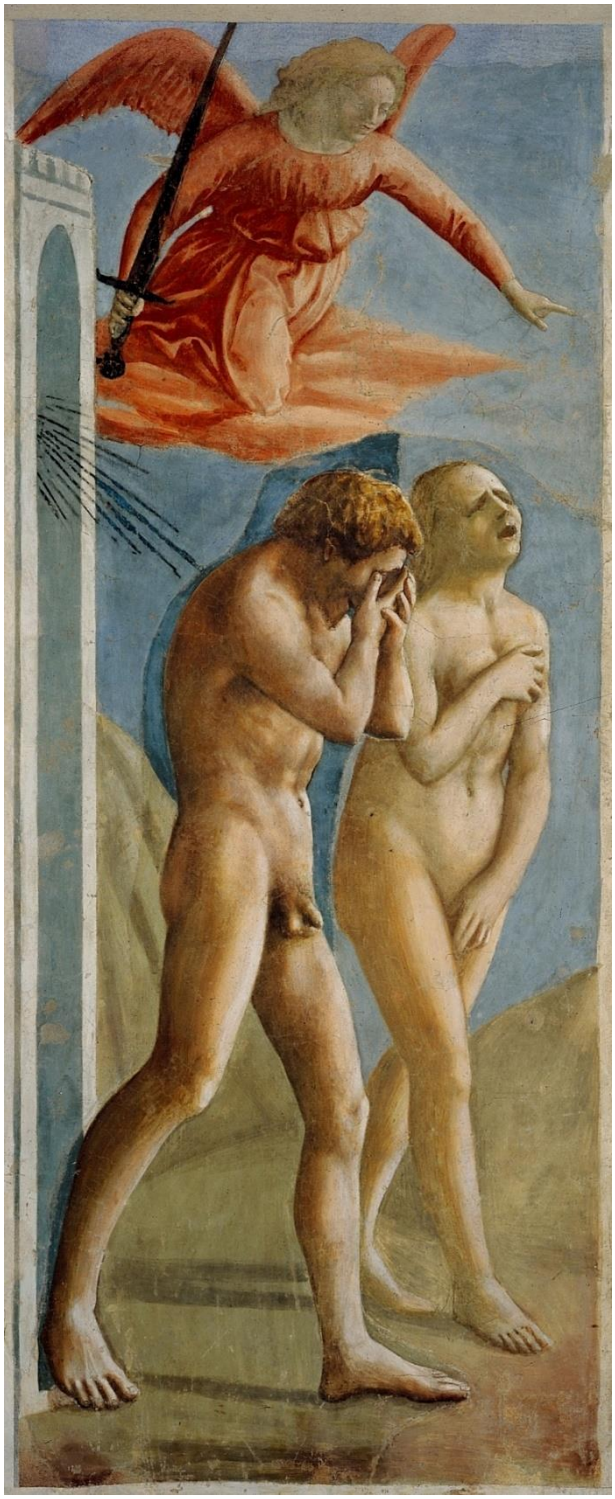

Fig. 6: Masaccio, *The Expulsion from the Garden of Eden*, between 1426 and 1427, fresco, 208×88 cm, Brancacci Chapel in Santa Maria del Carmine Church, Florence

Masaccio's vision is marked by the emotional intensity of the scene: the despair captured in Adam's posture, his hiding his face in his hands; Eve raises her head, weeping, and she tries to cover her privates with both hands. Her gesture indicates that she is ashamed of her nakedness. But what is more moving is the expression on her face: her mouth is open, her eyes are closed, and she wears a grimace of despair and helplessness. Above Adam and Eve, who have just been expelled from the Garden of Eden, as the gate behind them shows, hovers a red-winged angel in a red robe with a sword in his hand, a symbol of punishment, of the administration of justice, one that is also known from visions of the Last Judgment, where the sword is usually held by the Archangel Michael, the leader of the heavenly host[14]. The angel's red robes are significant: in the Christian imagination, red is the colour of Christ's robes, symbolizing, on one hand, royalty, mercy, God's love, purification, and the blood of Christ shed to redeem human sins, and, on the other hand, sin and penance[15]. Thus, the red-winged angel clad in scarlet robes shows God's anger and the necessity of penance, of paying for sin, but he also shows forth God's mercy, proclaiming redemption and the coming of the Saviour. Adam and Eve do not know this yet, and this ignorance sharpens the tragic nature of the scene.

2.2. Cain and Abel

> And Cain said to his brother, "Let us go into the field", and when they were in the field, Cain made an attack on his brother Abel and put him to death.
> And the Lord said to Cain, Where is your brother Abel? And he said, I have no idea: am I my brother's keeper? And he said, What have you done? the voice of your brother's blood is crying to me from the earth. And now you are cursed from the earth, whose mouth is open to take your brother's blood from your hand; No longer will the earth give you her fruit as the reward of your work; you will be a wanderer in flight over the earth.
> And Cain said, My punishment is greater than my strength. You have sent me out this day from the face of the earth and from before your face; I will be a wanderer in flight over the earth, and whoever sees me will put me to death.
> And the Lord said, Truly, if Cain is put to death, seven lives will be taken for his. And the Lord put a mark on Cain so that no one might put him to death. (*Genesis*, 4, 8-15)

Cain, the firstborn son of Adam and Eve, is the first murderer in the history of mankind, and worse, his crime is fratricide. Jealous that his younger brother's sacrifice is more pleasing to the Lord, he kills Abel. As a punishment, God curses

[14] J. Marecki, L. Rotter , "Michał Archanioł", in J. Marecki, L. Rotter, *Jak czytać wizerunki świętych. Leksykon atrybutów i symboli hagiograficznych*, Universitas, Kraków, 2013, p. 609.
[15] W. Kopaliński, voce "Czerwień [Red]", in Id., *Słownik symboli*, Oficyna Wydawnicza Rytm, Warszawa, 2006, pp. 51-52.

him and banishes him from the land he has cultivated, condemning him to wander endlessly. At the same time, however, He shows Cain mercy, extending a kind of protection over him so that no one will kill Cain when he finds himself in an alien land. The mark of Cain, which has entered contemporary language as a well-known phrase defining the stigma borne by the criminal, here a murderer of his brother, is in the Bible itself something that, in fact, protects Cain. Therefore, Cain endures a punishment for his crime that is similar to that of his parents for breaking God's prohibition: he becomes an exile.

In painting, artists referring to the motif of Cain and Abel most often depict the moment of the crime itself. Abel lies on the ground, and Cain stands over him, usually with some kind of murder weapon, a stick, a pole, a knife, or an axe. The physical superiority of Cain is clear, as in many depictions he holds down Abel with his leg while with his hand he is about to strike a blow. Titian paints such a vision of the first murder (fig. 7). In his painting, Abel is already wounded; he has received a blow to the head, as the blood in his hair shows. Similar depictions can be found in paintings by Tintoretto (fig. 8), Abraham Bloemaert (fig. 9), and Pier Francesco Mola (fig. 10). In all these paintings, Abel is completely defenceless, trying somehow to ward off the blow. Cain commits an act of premeditated murder; his face shows fierceness, evil, hatred, and even savagery, as in Bloemaert depiction (fig. 9). Although much less common, the image of punishment for Cain's crime also appears in art. This theme is the subject of Théodore Chassériau's work *The Punishment of Cain* from 1836 (fig. 11). The darkness of the painting is striking; Cain escapes/is expelled with his family, his wife and two children. There is darkness all around. Of the figures depicted by the artist, only one shows us his face. The description of the painting on the Harvard Art Museums' website indicates that the boy whose face is visible in the painting is modelled on the artist's own face[16]. He looks at his tearful mother with concern. In turn, in the Tuileries Gardens in Paris, there is a sculpture by Henri Vidal depicting a distraught Cain (fig. 12). The figure of Cain resembles the image of Adam expelled from paradise in Masaccio's painting (fig. 6). Cain is bent over, resigned, hiding his head in his hand in a similar gesture of despair. Despite his athletic build, he gives the impression of being very weak, crushed by the weight of his deed. The greatest punishment seems to be the awareness of what he has done.

[16] *2020.296: The Punishment of Cain*, https://harvardartmuseums.org/collections/object/333620 [Accessed: 20/10/2024].



Fig. 7: Titian, *Cain and Abel*, between 1542 and 1544, oil on canvas, 298×282 cm, Santa Maria della Salute, Venice



Fig. 8: Jacopo Tintoretto, *Cain and Abel*, between 1550 and 1553, oil on canvas, 149×196 cm, Gallerie dell'Accademia, Venice



Fig. 9: Abraham Bloemaert, *Cain slaying Abel*, ca. 1593, oil on oak panel, 32,5×43,5 cm, National Museum in Warsaw



Fig. 10: Pier Francesco Mola, Cain Slaying Abel, ca. 1650–1652, oil on canvas, 139×90 cm, The Metropolitan Museum of Art, New York



Fig. 11: Théodore Chassériau, *The Punishment of Cain*, 1836, oil on canvas, 120,7×162,6 cm, Harvard Art Museums, Cambridge, MA

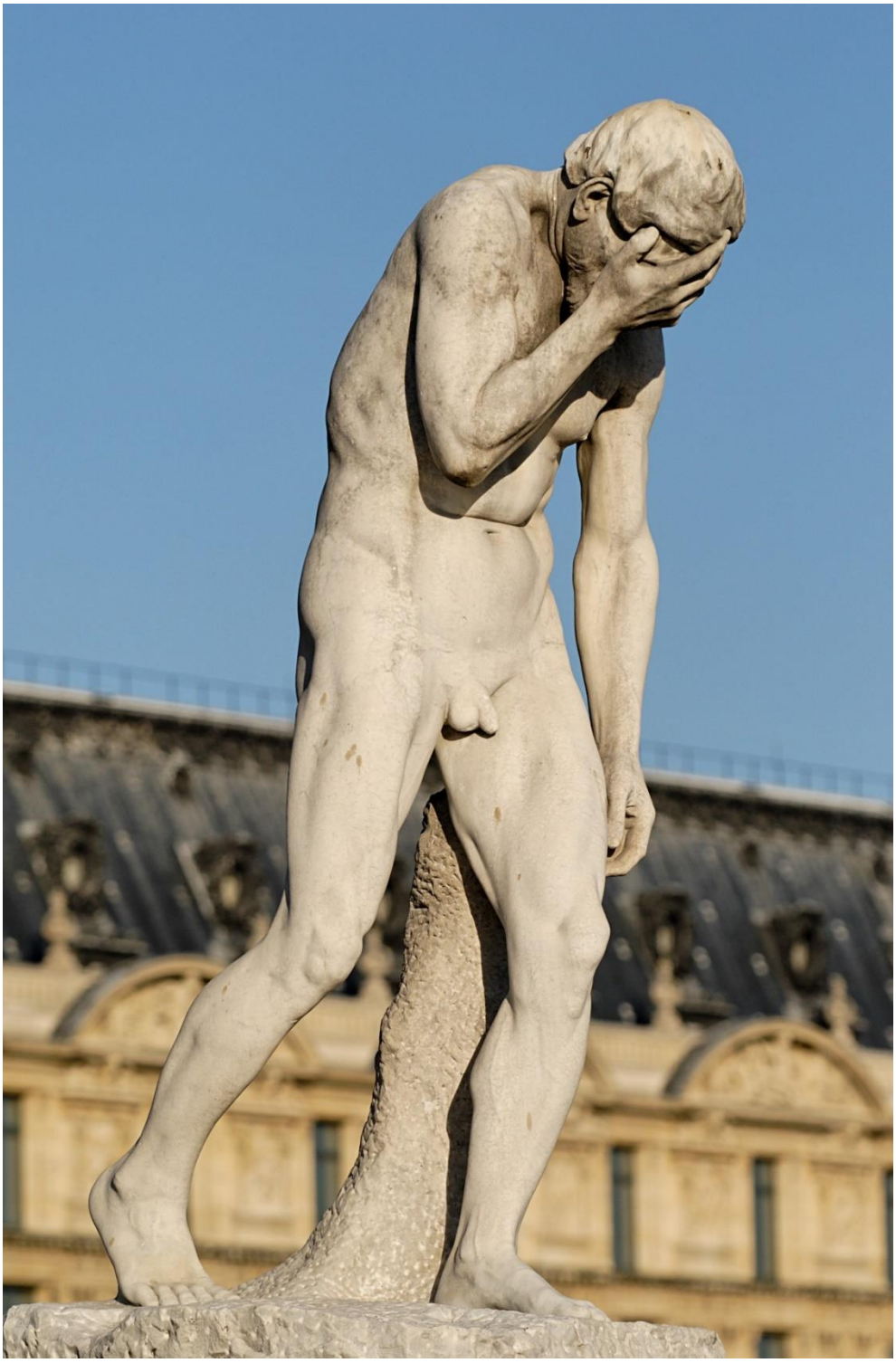

Fig. 12: Henri Vidal, *Cain*, 1896, sculpture in the Tuileries Gardens, Paris
(photo: Marie-Lan Nguyen, Wikimedia Commons)

2.3. Christ and the Woman Taken in Adultery – *Relicti sunt duo, misera et misericordia*

> But Jesus went to the Mountain of Olives. And early in the morning he came again into the Temple and all the people came to him and he was seated teaching them. Now the scribes and Pharisees came, with a woman who had been taken in the act of sinning against the married relation; And putting her forward, they said to him, "Master, this woman has been taken in the very act of sinning against the married relation. Now in the law Moses gave directions that such women were to be stoned; what do you say about it?" They said this, testing him, so that they might have something against him. But Jesus, with his head bent down, made letters on the floor with his finger. But when they went on with their questions, he got up and said to them, "Let him among you who is without sin be the first to send a stone at her". And again, with bent head, he made letters on the floor. And when his words came to their ears, they went out one by one, starting with the oldest even to the last, because they were conscious of what was in their hearts: and Jesus was there by himself with the woman before him. Then Jesus got up, and seeing nobody but the woman, he said to her, "Where are the men who said things against you? Did no one give a decision against you?" And she said, "No man, Lord". And Jesus said, "And I do not give a decision against you: go, and never do wrong again" (*John* 8, 1-11).

The story of the woman taken in adultery is one of the most enigmatic biblical stories, partly because it is not fully known who the sinner is, and partly because the text of this narrative disappeared from the Gospels for several centuries, and was, thus, clearly subject to censorship. As Krzysztof Niedałtowski writes: "In the environment of early Christian communities, the scene of the exposed sinner who is treated so mildly by Jesus could have aroused surprise and even indignation among the men who stood at the head of the first, radical communities. It was, therefore, removed from the codices intended for public reading, so as not to provoke scandal. Even St Augustine demanded the restoration of the censored fragment. But this did not happen until much later"[17]. Thus, this story can also be the subject of research into the aesthetics of law working within the approach we have defined as law as a tool of aestheticization. However, we only mention this in passing here.

If we return to the issue of the identity of the main female character in this narrative episode, we know that this term refers to a woman of easy virtue. There are at least two such public sinners in the New Testament: one is from the Gospel of John (8: 1-11), who is brought to Jesus by the Pharisees so that he can judge her; the other is from the Gospel of Luke (7: 36-50), who comes to Jesus alone while he

[17] K. Niedałtowski (2022), "Jawnogrzesznica, czyli pytanie o istotę chrześcijaństwa", in *Więź*, https://wiez.pl/2022/04/03/jawnogrzesznica-czyli-pytanie-o-istote-chrzescijanstwa/ [Accessed: 20/10/2024].

is in the house of the Pharisee Simon and washes his feet with her tears, anoints them with oil, and wipes them with her hair. The public sinner is often identified with Mary Magdalene, although there is no information in the Bible that would indicate this. However, since we are dealing here with crime and punishment, we will stick to the public sinner from the Gospel of John, because it was she who was "caught in adultery" and whom Jesus was supposed to judge.

As we know, Jesus does not let himself be provoked and not only does not condemn the public sinner, but also ensures that no one in the crowd dares to condemn and judge her. In the Old Testament, adultery is considered a matter of the bad behavior of a married woman or of extramarital sexual intercourse between a man and a married woman. It is a sin unequivocally condemned by God's commandments and the law (Exodus 20: 14; Deuteronomy 5: 18)[18]. The scribes and the Pharisees, as experts in Jewish law, bring the public sinner before Jesus and dictate to him what the sentence of the Jewish court should be. They want to stone her, because that is the punishment prescribed by Moses law. Meanwhile, Jesus does not answer the question: "What do you say about it?", but reverses the perspective and says: "Let him among you who is without sin be the first to send a stone at her." In this way, he changes the scene of judgment into a scene of showing mercy. Jesus knows that the woman has broken the law and sinned, but his goal is not to eliminate her from society but to have her mend her ways and change her life. The purpose of the law that Jesus follows is to change a person for the better; the purpose of the law that the Pharisees refer to is to punish the guilty and dispose of that person. Jesus makes the crowd, only a moment ago ready to stone the sinner, disperse; no one has the courage to judge her. The scene ends with Jesus's words: "Go, and never do wrong again". Saint Augustine summed up this scene with the words: *relicti sunt duo, misera et misericordia* (Two of them alone remained: misery with mercy").

The narrative episode of the woman taken in adultery from St John's Gospel has been rendered by many painters. Some depict it very precisely and literally, like Pieter Bruegel the Elder (an engraving from 1579, fig. 13, also the painting *Christ and the Woman taken in Adultery* from 1565 in the collection of the Courtauld Institute of Art, London) or Rembrandt (a painting from 1644, fig. 14). Others include elements into the scene that even more strongly emphasize Jesus's merciful attitude. In a painting by Lucas Cranach the Younger (fig. 15), attention is drawn to Jesus's tender gesture. He holds the sinner by the hand, while she gently hugs his back, bowing her head in a gesture of modesty; her face is gentle, without fear, full of trust and gratitude. The sinner in Cranach's painting is pure and innocent. Perhaps just a moment ago she was completely different; perhaps she had a different expression on her face, more confident and provocative. But the painter, by showing

[18] R. Żarnowski, "Niech rzuci kamieniem... Jezus i jawnogrzesznica", in *Biblioteka Robsona*, https://bibliotekarobsona.pl/niech-rzuci-kamieniem-jezus-i-jawnogrzesznica/ [Accessed: 20/10/2024].

her thus, so delicate and innocent, shows that Jesus's love that has already transformed her.

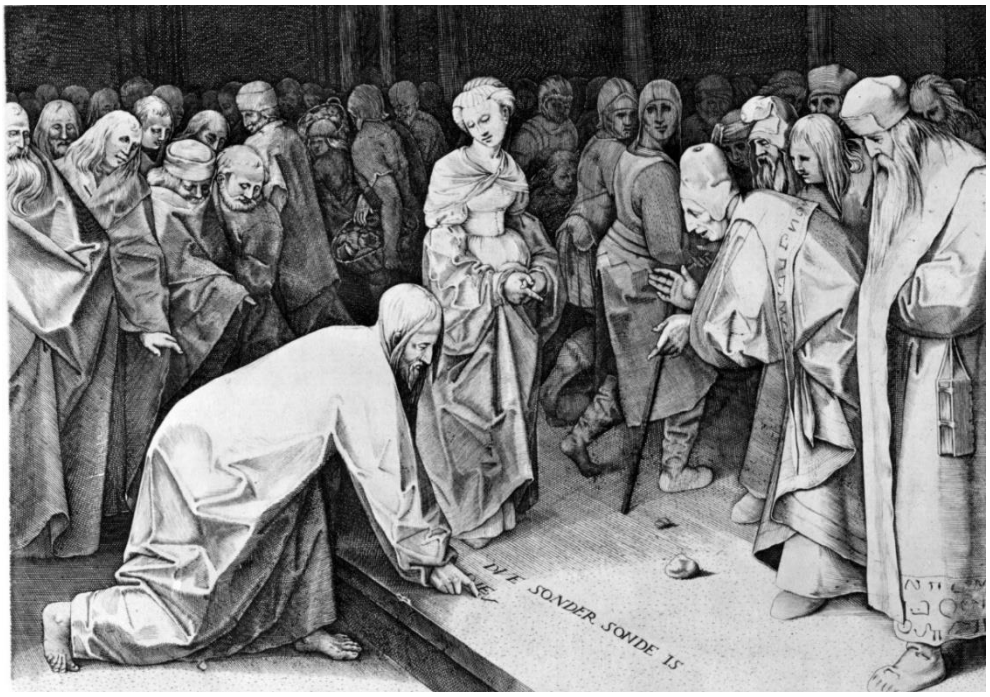

Fig. 13: Pieter Bruegel the Elder, *Christ and the Adulteress*, 1579, engraving, 26,7×34,2 cm, Royal Library of Belgium



Fig. 14: Rembrandt, *Christ and the Adulteress*, 1644, oil on oak wood, 83,8×65,4 cm, National Gallery, London



Fig. 15: Lucas Cranach the Younger, *Christ and the Adulteress*, after 1532, oil on copper transferred from wood 1770, 84×123 cm, Hermitage Museum, Saint Petersburg

In his painting *Christ and the Woman Taken in Adultery* from 1653 (fig. 16), Nicolas Poussin, adds several details not in the evangelist's account. One of them is the mysterious figure of a woman with a child in her arms, placed in the middle of the canvas. She calmly watches the dramatic scene in which men play the main role. Many of them show agitation on their faces; the scene is very dynamic. Three Pharisees are looking at the words Jesus has written on the ground, trying to read them. An ancient legend says that Jesus outlined the sins of his accusers with his finger. Two men try to leave, stopped in their excited gestures by their companions. Who is the mysterious woman? Perhaps this is the Madonna and Child added as a defender, an advocate for the accused woman.



Fig. 16: Nicolas Poussin, *Christ and the Woman Taken in Adultery*, 1653, oil on canvas, 121×195 cm, Louvre Museum, Paris

The vision of Henryk Siemiradzki painting on this topic (fig. 17) is very interesting, based, as it is, not so much on the Gospel message, but on a motif taken from Aleksey Konstantinovich Tolstoy's long poem *The Sinner*. The originality of this vision in relation to other, more classic depictions is striking. In a very bright image, radiating warm sunlight, there is a clear contrast between the two sides of the image and two worlds: the left-hand side, on which Jesus and his companions are placed, and the right-hand side, presenting a scene of debauched fun full of oriental splendour, shown by the presence of women with bare breasts. The link between these two worlds is Jesus and how the sinner reacts to the sight of Him. In contrast to the other participants in debauchery, she is moved and ashamed, even frightened; the faces of her companions express curiosity, perhaps surprise, but not shame. The faces of Jesus's companions show agitation and outrage at the sight of debauchery, while Jesus is calm. There is clear eye contact between the sinner and Jesus; they are placed at the centre of the image and are its main figures.



Fig. 17: Henryk Siemiradzki, *Christ and Sinner*, 1873, oil on canvas, 550×350 cm, State Russian Museum Saint Petersburg

Among the biblical motifs of crime we have discussed, the narrative of the meeting of Jesus and the adulteress is most frequently reinterpreted. It also says the most about what the sense and purpose of the law is, in that it shows a human being can change.

3. Conclusions

When we discuss law in the fine arts, the first thing that comes to mind are pictures and sculptures of the goddess of justice, the Roman Iustitia or the Greek Themis[19]. She is the personification of law. She, or at least her attributes – scales or a sword – are most often used by lawyers as a motif in their bookplates, if they have any[20].

[19] See, for example: J. Resnik, D.E. Curtis, "Images of Justice", in *Yale Law Journal*, 96 (1987), pp. 1727-1772; W. Schild, *Bilder von Recht und Gerechtigkeit*, Du-Mont Buchverlag, Köln, 1995; O.R. Kissel, *Die Justitia Reflexionen über ein Symbol und seine Darstellung in der bildenden Kunst*, 2nd ed., Verlag C.H. Beck, München, 1997; S. Mareel (ed.), *op. cit.*; V. Hayaert, "Justice", in P. Goodrich (ed.), *Cultural History of Law in the Early Modern A*ge, Bloomsbury Academic, London/New York/Oxford, 2019; V. Hayaert, *Lady Justice*, cit.; V. Hayaert, "The Paradoxes of Lady Justice's Blindfold", in S. Huygebaert, G. Martyn, V. Paumen, E. Bousmar, X. Rousseaux (eds.), *The Art of Law*, cit.; J. Unterschütz, "Allegories of Justice and Other Virtues: Glimpses at European Painting", in K. Zeidler, J. Kamień (eds.), *Aesthetics of Law*: *From Methodology*, cit., pp. 295-314; about Chinese culture see: A. Hoi-Chun Hung, "The Unaesthetic Complexity of the Image of Xiezhi in Representing the Jurisprudence in Ancient and Modern China", in K. Zeidler, J. Kamień (eds.), *Aesthetics of Law*: *From Methodology*, cit., pp. 277-294.

[20] See, for example: K. Zeidler, "Estetyka prawa: ekslibris prawniczy", in *Gdańskie Studia Prawnicze*, 38 (2017), pp. 645-658; K. Zeidler, *Aesthetics of law*, cit., pp. 209-216; H.J. Kretz, *Exlibris für Juristen. Ein kulturgeschichtliches Bilderbuc*h, Verlag C.H. Beck, München, 2003, pp. 130-198.

Next, we think of court scenes or courthouses themselves[21]. Meanwhile, crime itself, although obviously related to the law, or more precisely, to its violation, is not as often subject to aesthetic and legal evaluation. This is surprising, considering that: "For obvious reasons, the kaleidoscopic variety, of vices, and evil, have always attracted the interest of both artists and audiences more than allegories of Justice, Truth, Peace or even Good Governance. These latter, like images of just and god-fearing people, eminent legislators or ideal rulers, are less appealing to viewers than depictions of crimes or acts considered crimes in given times or places. Crime necessitated punishment: whether the banishment from Eden, the destruction of Sodom and Gomorrah, the flood, or the chaining of Prometheus to the rock, the punishment of Tantalus, or the condemnation of Sisyphus to endless, hopeless, toil"[22].

Finally, art had the task of giving instruction as to moral norms and to those of the law. There are frequent references to the seven deadly sins, which aim to warn against them[23], and among these we find murder, theft, adultery, of which we have written. These images, therefore, play an important part in offering a way of having the law speak to the imagination and conscience of viewers. Because of the realism of the scenes presented, they have a greater impact than allegorical representations. As Peter Goodrich notes: "The figure is pedagogic and salutary"[24].

[21] See: K. Zeidler, *Aesthetics of law*, cit., p. 189.
[22] K. Grodziska, J. Purchla, *op. cit.*, p. 6.
[23] See more: K. Zeidler, *Aesthetics of law*, cit., p. 189.
[24] P. Goodrich, *Preface*, in Id., *Legal Emblems*, cit., p. xxvi.