

"Reality" of Images - "Realities" of Law

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My argument concerns the ongoing differentiation of the system of law in the later middle ages (i.e. regulation of proceeding, reception of Roman law, generalization of legal norms), and its implications for the changing contents of images, especially the impact of criminal law on Passion-Iconography. To a certain extent one could say that reality occupies the sphere of pictorial tradition.¹

This is the case, for instance, if we take a look on representations of Judas' suicide. The motif of the hanging-tree changed in the 13th century and turned into gallows which are surrounded by black birds. Emphasis is no longer set on suicide as last chapter of an extraordinary sinner-biography, but on the aspect of a rather shameful death which was considered by theologians as anticipation of eternal punishment for the betrayal of Christ. Another example is offered by the iconography of the mocking-scene during Passion: Aspects of shame and disgrace resulting from the arrestment and trial against Christ more and more overlay this scene. Such development is indicated by a systematic stigmatization of servants through clothes, gestures and monstrous physiognomics which contrast harshly with the virtuous figure of Christ. Occasionally the loss of honour seems more painful to Christ than the bodily tortures he had to suffer.²

In a 15th-century manuscript from the state-library in Munich ("The Book of the Holy Trinity") the impact of legal history becomes unmistakably clear. The represented scenes do no longer follow the biblical narrative, they are rather oriented towards different modes of

¹ Especially on History of Law and its impact on Passion Iconography, see G. Kocher, "Passionsdarstellungen und rechtliche Volkskunde", *Forschungen zur Rechtsarchäologie und rechtlichen Volkskunde* 1 (1978), 131-189.

² N. Schnitzler, "Der Tod des Judas – Ein Beitrag zur Ikonographie des Selbstmordes im Mittelalter", in *Mundus in Imagine. Bildersprache und Lebenswelten im Mittelalter. Festgabe f. K. Schreiner*, eds. A. Löther et al., Munich 1996, 219-46; id., "Unformliche zeichen und freche Vngeberden – Zur Ikonographie der Schande in spätmittelalterlichen Passionsdarstellungen", in *Körper-Geschichten*, ed. R. v. Dülmen, (Studien zur historischen Kulturforschung V), (Frankfurt/Main, 1996), 13-42.

execution. Rudolf Berliner, a persecuted Jewish art-historian and expert of medieval German art, discovered a further detail which illustrates the contemporary range of interest in the judicial trial against Christ. He analyzed a humanistic debate of the 16th century which discussed the value of a parchment that covers allegedly the sentence of Pilate as well as the impact of this debate on passion iconography.³

There are even other indications that point into the same direction. For instance, how should we estimate a phenomenon like that described by Leo Steinberg, who states that on late medieval altar-pieces Jesus is frequently painted with a swollen penis?⁴ Does this reflect observations that contemporaries made facing the naked bodies of the hanged? How should we read a comment like that of a Protestant churchwarden from 16th-century Stralsund, a city at the Baltic Sea, who compared the ropes which served on Good Friday to lift up the figure of Christ with those ropes that were used to lift up criminals to the gallows?

In order to come to terms with the question of the "reality" of paintings and their place in legal proceedings of the past we have to ask how those images of the Last Judgment or of the trial against Christ modelled the perceptions and the experiences of judges, plaintiffs and their audience. Since court-house rituals were designed for public representation, they were based on symbolic acts as well as effective strategies to represent authority. In order to realize their demand for deterrence, legal proceedings required a careful and effective staging which focused the body of the criminal. Actually scholars share the opinion that the body of the criminal played the central part of the drama, less because it figured as pure object of power and domination, but rather because it figured as a strong collective symbol (a »master-metaphor« Haiden White would call it) which bundles and shapes social, political and religious ideas as well as the common modes of experience. Particularly scholars who are interested in cultural and anthropological issues recently raised the question if there was a sort of »Wahlverwandschaft« (voluntary kinship) between the bodies of saints and the executed bodies of criminals.⁵

Medieval *vitae* and legends prove the opinion that those extraordinary properties of holy men and holy women, their pious behavior as well as their ascetic virtuosity became manifest as visible signs on their bodies. For instance the *vita* of St. Clara says that during

³ R. Berliner, "Das Urteil des Pilatus", *Christliche Kunst* 30 (1934), 128-47.

⁴ L. Steinberg, *The Sexuality of Christ in Renaissance Art and Modern Oblivion* (London, 1983).

⁵ S. Y. Edgerton, "Maniera and the Mannaia: Decorum and decapitation in the Sixteenth Century", in *The Meaning of Mannerism*, eds. F. W. Robinson and S. G. Nichols (Hanover (N.H.), 1972), 67-103.

the examination of her dead body there were discovered several *Arma Christi* (-symbols) near her heart and several crosses in her flesh. In the eyes of contemporary witnesses this was a reliable sign that the saint had suffered Christ's pain and sorrow once again. On the other hand we have some evidence that even pious laymen in early modern Europe believed in the supernatural power of the blood of the executed. An official record from Brussels, dated 1568, describes the execution of two noblemen which were leaders of the rebellion against the Spanish government in Flanders. Immediately after the execution some passengers took chance to dip their cloth into the "holy" blood. Leaving the authentic qualities of the text beside, it seems obvious, that princes and urban governments of medieval and early modern times were anxious to render legal proceedings and executions in pious forms. The act of execution should be transformed into a sacral event, it should figure as a didactic-deterrent performance based on the esthetic techniques of *decorum* in which the criminal had to play the part of the penitent sinner.⁶

As a matter of fact traditions of the ecclesiastical penal-law seem to have penetrated the new forms of public criminal law. Monastic prayer- and penitent-books prove that prayers of penitent monks regularly were accompanied by postures and gestures of the body which gave an expression of the inner state of that person. For instance one could lay down with one's face on the ground praying penitent psalms with crosswise outstretched arms. In the same way, like a living image (*imago vivente*), those penitents went their way making a vow to undertake a pilgrimage to holy places. One may suggest that even earthly law courts were anxious to render those criminals who ought to be put to death the role of a sincere penitent. The chronicler Hector Mülch reports the case of two brothers who were both executed in Augsburg in 1477. Immediately before the hangman took the rope, they both delivered an address to the crowd according to which they would forgive their enemies. After they were hanged the sight of their bodies impressed the audience deeply, and especially the hardened civic mercenaries, whose eyes were filled with tears, as Mülch puts it. Furthermore the martyrlike death of several Protestant leaders assumed Christological traits. Daniel of Soest relates the story of the leader of the Protestant party in Soest. Just when the city-officer came to arrest him, he embraced him and kissed him like Christ had embraced and kissed his traitor. It was this event, Daniel wrote, from which arose the Protestant upheaval.⁷

⁶ K. Park, "The Criminal and the Sainly Body: Autopsy and Dissection in Renaissance Italy", *Renaissance Quarterly* 47 (1994), 1-33.

⁷ N. Schnitzler, *Ikonomismus – Bildersturm. Theologischer Bilderstreit und ikonoklastisches Handeln während des 15. und 16. Jahrhunderts*, (Munich, 1996), 139.

Let me sum up my argument with the following statement: Pictures of medieval times are indispensable sources for the historian, in particular for those working in the field of legal history. Furthermore the relation between text and image, the tensions and reciprocal comments deriving from it, obtain methodologically important starting points for reliable interpretations. But we should keep in mind that the legal system of the Middle Ages was for the most part a ritualized enterprise, that means it was built upon strong symbolic references, in which the body of the executed as well as its image played the central part.

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VON GERHARD JARITZ

GEDRUCKT MIT UNTERSTÜTZUNG DER KULTURABTEILUNG
DES AMTES DER NIEDERÖSTERREICHISCHEN LANDESREGIERUNG

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Vorwort

Medium Aevum Quotidianum legt mit diesem Heft 38 die erste Veröffentlichung des Jahrgangs 1998 vor. Der Band widmet sich im besonderen den Statements zu einem Round-Table-Gespräch "History of Daily Life: The Variety of Approaches", welches im Juli 1997 am *International Medieval Congress* in Leeds mit reger Publikumsbeteiligung stattgefunden hat. Dabei zeigte sich wieder, daß einerseits die interdisziplinäre Analyse unterschiedlichsten Quellenmaterials im jeweiligen Kontext, andererseits die vermehrte Heranziehung bildlicher Überlieferung im Zentrum der Diskussion stehen. Aspekte der digitalen Bildverarbeitung spielen dabei eine relevante Rolle sowohl in bezug auf Bilddokumentation als auch hinsichtlich der Analysen. Zwei Einzelstudien behandeln Wirtshauskriminalität im spätmittelalterlichen Ragusa, sowie die Ausgestaltung von Kaufmanns- und Handwerkerfesten im spätmittelalterlichen Baltikum.

Heft 39 wird bereits anfangs Juli 1998 erscheinen und sich vorrangig mit verschiedenen Möglichkeiten der Bildanalyse in der Geschichte des Alltags auseinandersetzen. Die einzelnen Beiträge werden den nord- und zentraleuropäischen Raum behandeln und konzentriert von Beispielen mittelalterlicher Wandmalerei ausgehen.

Unser Heft 40 wird – mit Schwerpunkt auf dem ungarischen Raum – vor allem der mittelalterlichen Ernährung gewidmet sein und soll neue interdisziplinäre Forschungsansätze vorstellen; dabei werden besonders die Möglichkeiten einer Verbindung der Analyse schriftlicher Quellen und archäologischen Materials im Zentrum der Argumentation stehen.

Heft 41 wird sich wiederum in starkem Maße mit jenen Ergebnissen auseinandersetzen, welche am *International Medieval Congress*, Leeds 1998, in dessen alltagsgeschichtlichen Sektionen zur Vorstellung gelangen werden. Damit soll neuerlich vermittelt werden, auf welcher intensiven Weise sich die Anwendung moderner Methoden und die Verwirklichung neuer Ansätze in aktuellen Studien zu Alltag und materieller Kultur des Mittelalters – im internationalen Rahmen – verfolgen läßt.

Medium Aevum Quotidianum dankt seinen Mitgliedern und Freunden für das anhaltende bzw. steigende Interesse an den Anliegen und an der Arbeit der Gesellschaft.

Gerhard Jaritz, Herausgeber

History of Daily Life: The Variety of Approaches

At the *International Medieval Congress*, Leeds 1997, a round table discussion was organised as part of the strand "History of Daily Life" that dealt with the variety of possible approaches towards this, still rather young field of Medieval Studies. The international panel consisted of Axel Bolvig (Copenhagen), Gerhard Jaritz (Krems), Françoise Piponnier (Paris), Norbert Schnitzler (Chemnitz), and Melitta Weiss Adamson (London, Ontario).

As a kind of basis for the discussion, it was emphasised that the history of medieval everyday life is a field of research dependent on interdisciplinary approaches. Written and pictorial sources, as well as archeological evidence play important roles for any analysis. The different contexts of information and their interpretation determine our (re)construction of everyday life in the Middle Ages decisively. The aim of the round table was to discuss some of the methods and approaches which are relevant for today's research. It should also show that "History of Daily Life", generally, has to be seen as an indispensable field of Medieval Studies that also offers relevant methodological aspects and results for many other historical disciplines.

We are happy to be able to publish the modified short statements of the panelists in this volume of *Medium Aevum Quotidianum*. The originally English statements of Françoise Piponnier and Gerhard Jaritz were translated by their authors into French and German respectively.