

# The Debut of the Palais de Justice: Official Architecture and Its Representations

Katherine Fischer Taylor, *In the Theater of Criminal Justice: The Palais de Justice in Second Empire Paris*. Princeton: Princeton University Press, 1993. Pp. xxii, 161. \$35.00.

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"A drawing-room in Second Empire style. A massive bronze ornament stands on the mantelpiece."<sup>1</sup> With these two sentences, Jean-Paul Sartre set the stage for his *No Exit*. Despite the fact that Hell has "no need for red-hot pokers" since "Hell is—other people," it nevertheless suited his vision that Hell be decorated after the tastes of the Second Empire. The Second Empire, with its massive bronze ornaments, stands as the perfect embodiment of grotesque bourgeois taste. Whether or not Sartre viewed the Second Empire as a figure for Vichy, with those two sentences he communicated a disdain for all that was bourgeois and philistine. Thus, when the Philadelphia Museum of Art produced its exhibition on Second Empire art in the 1970s, Jean-Marie Moulin wrote in the catalogue that had the exhibition "been proposed in France by Frenchmen it would have had great difficulty seeing the light of day."<sup>2</sup> Clearly, the regime of Louis Napoleon represented more punchline—"the second as farce"—than serious art.

Without reference to such images of art under Napoleon III, it is difficult to analyze the west wing of the Palais de Justice, completed in 1868. It may be a temptation to approach the west wing de novo as a

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1. JEAN-PAUL SARTRE, *NO EXIT AND THREE OTHER PLAYS* 3 (1955).

2. JEAN-MARIE MOULIN, *THE SECOND EMPIRE: ART AND SOCIETY* 11 (1978) (Catalogue for the exhibit "The Second Empire 1852-1970: Art in France under Napoleon III" at the Philadelphia Museum of Art).

1920s British tourist family with a Blue Guide in hand that confidently explained:

The handsome facade in the Place Dauphine, by Duc (1857-68), is adorned with statues of Prudence and Truth by Dumont, Chastisement and Protection by Jouffrey, and Strength and Justice by Jalay. The lions flanking the steps in the center are by Isidore Bonheur. The three bronze doors lead to the Vestibule de Harlay.<sup>3</sup>

Each element of the facade would appear to be a neutral ornament, the artists' names entirely interchangeable to the tired tourists as they followed the guide on to the Quai des Orfèvres and Sainte-Chapelle.

Rather than taking either of these two routes through the doors of the Palais de Justice, Katherine Fischer Taylor begins her new book on the Palais de Justice with a problematic. She opens her introduction by explaining that "French justice was rarely talked about in the 19th century without reference to the dramatic change from *ancien régime* to modern justice, a change identified with the historic Palais de Justice, where French centralized justice had been founded centuries earlier."<sup>4</sup> Having situated the Palais de Justice at the core of the nineteenth-century image of justice, Taylor moves on to articulate one of the central questions of her book. She explains that the movement from pre-revolutionary to post-revolutionary justice was accompanied by a move from an *ancien régime* courtroom with its "rich decoration and sculpted ceiling, display[ing] the icon, the king on his *lit de justice* in the corner"<sup>5</sup> to a courtroom "stripped for duty by the new Supreme Court, which considered the early French Renaissance decor inappropriate for a courtroom ruled by an ideal of codified law."<sup>6</sup> Taylor thus sets up polarities in which "text replaces icon"<sup>7</sup> and neoclassicism replaces the sumptuous decor of the French Renaissance. Establishing these polar opposites on either side of the revolution, Taylor views the courtroom designed by Louis Duc as an odd reversal of the shift brought about by the revolution. "Why," she queries, "readopt rich decoration, which was explicitly associated with the vanished French Renaissance decor of the chief courtroom?"<sup>8</sup>

Taylor poses this as a problem requiring explanation. But from the start it should not be surprising to find that official architecture under Napoleon III does not embody republican neoclassical virtue. After all, the Second Empire represented a political compromise between

3. FINDLAY MUIRHEAD & MARCEL MONMARCHÉ, *PARIS AND ITS ENVIRONS* 98 (1922).

4. KATHERINE FISCHER TAYLOR, *IN THE THEATER OF CRIMINAL JUSTICE: THE PALAIS DE JUSTICE IN SECOND EMPIRE PARIS* xvii (1993).

5. *Id.* at xvii-xviii.

6. *Id.* at xvii.

7. *Id.* at xviii.

8. *Id.*

republicanism and authority, promising order at the same time that it claimed to be a continuation of the revolution. And Louis Napoleon was himself full of ambiguities. As Theodore Zeldin has pointed out, "if his books are read with care, it will be seen that they contain contradictions on nearly every subject."<sup>9</sup> Thus, an artistic eclecticism would fully fit his reign; indeed, one would not be surprised by a premonition of postmodernism.

Moreover, Louis Duc's courtroom shares the aesthetic of the artifacts reproduced in the Philadelphia Museum of Art catalogue, what I would describe as an ornamental, almost baroque, neoclassicism. The aesthetic link between Duc's courtroom and the sugar bowls and other objects displayed in the Philadelphia exhibition is unmistakable. That very link poses a problem for Taylor and the way she frames the problematic of her book, for Taylor has located the courtroom entirely in the context of legal ideology while it is clear that the aesthetic represented by the courtroom is not confined to legal institutional settings. To the extent Duc's design is decipherable, or as Taylor puts it, "legible," she sees its meaning as deriving from the debates about the criminal justice system in France. Taylor analyzes the west wing of the Palais de Justice too exclusively in terms of the social dynamics of French criminal procedure. Although she attempts to underline its theatrical aspect, she shows little interest in the nineteenth-century French stage. Thus, the *grands spectacles* of the Opera do not play a large part in her study. And the obvious comparisons between the west wing of the Palais de Justice and the Opera, with its self-conscious luxuriousness, play little part in Taylor's book—even though the Opera would help to provide an answer for the move back towards an ornate aesthetic.<sup>10</sup>

Having set up her question in terms of the return to "rich decoration," Taylor refocuses the attention of her reader on the textual/iconic split and states that "the schema that text replaces icon does not fit the modernization of French justice during the Revolution and the Napoleonic Empire when one turns from law and its basis in king or code to courtroom procedure."<sup>11</sup> As she explains, the change in the criminal courts was "from written, secret proceedings to emphasis on publicity,"<sup>12</sup> represented by two allegories of Justice in different wings of the Palais de Justice: an eighteenth-century statue of Justice holding an open book, its pages facing the viewer, and a nineteenth-century Justice casting her ballot in an urn to reflect the balloting by the juries

9. THEODORE ZELDIN, *FRANCE 1848-1945: POLITICS AND ANGER* 145 (1979).

10. On the Opera's self-conscious luxuriousness, see FRÉDÉRIQUE PATUREAU, *LE PALAIS GARNIER DANS LA SOCIÉTÉ PARISIENNE, 1875-1914* (1991).

11. TAYLOR, *supra* note 4, at xviii-xix.

12. *Id.* at xix.

in the criminal courtroom. As Taylor explains, "modern French justice instituted two kinds of publicity, one doctrinal—the text of the codes, available to a reading public—and one procedural—the oral trial open to the public."<sup>13</sup> She explains that these two forms of public access to the judicial system "separated in practice over the course of the 19th century," and exactly this separation proved decisive "for construing architecture as the framework for practice: the building as a neutral setting for the work of internal meditation prompted by texts, or as a theater for the social activity in which architecture interacts with the institutions to shape its meaning."<sup>14</sup>

Taylor uses this introduction to launch into a masterfully rendered discussion of the theatrical dynamics of the mid-nineteenth-century French criminal courtroom, but she might have dwelled just a little longer over the suggestive fragments with which she opens her book. She moves, for example, a bit too quickly from the text-icon polarity with which she starts her book to the text-oral polarity that will become central to the book as it develops, as if they captured the same opposition. The *lit de justice*, representing the authority of the king, and the ballot of the lay jury shared certain traits. Taylor might have pointed to their embodiment of subjective authority in opposition to the written word. However, the written word should not automatically be equated with an image of law as objective and eternal. Writing is often narrative and historical, representing the changing and the developmental. Even when writing attempts to codify justice, the very fact that it remains frozen in time may stand as proof of movement, so that, for example, the very anachronism of the Roman codes provoked French Renaissance jurists to explain historical change.<sup>15</sup> Ultimately, Taylor's substitution of orality for the iconic blurs the obvious differences between the clear hierarchy that descends from the *lit de justice* and the complicated dynamics of Taylor's nineteenth-century courtroom.

In her hurry to distinguish the eighteenth-century statue depicting Justice with book in hand, and the nineteenth-century allegory of Justice casting a ballot, Taylor seems to pass over the striking resemblance between the two idealized, classically robed statues. Although the ballot and the urn are meant to signify the participation of the lay jury in the process of justice, the jurors are nowhere in sight. Instead, a reified image of Justice communicates the same rectitude and clarity that seems to be represented by the code-carrying figure in a vestibule of the Cour d'appel.

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13. *Id.* at xix-xx.

14. *Id.* at xx.

15. On this point, see DONALD KELLEY, *Jurisprudence in the French Manner*, in *THE HUMAN MEASURE: SOCIAL THOUGHT IN THE WESTERN LEGAL TRADITION* 187-208 (1990).

Taylor claims that her book "focuses on conflicts over the locus of authority to judge in post-Revolutionary France."<sup>16</sup> And indeed, her study examines the dynamics of power in the courtroom. However, judging the guilt or innocence of a criminal defendant should not be identified with the power to forge the law itself. American law students learn early in their studies that juries decide issues of fact and judges define the law within which the juries must operate. While French judges do not have quite the common-law role of their American counterparts, it must be remembered that the French king had represented the source of law at the same time that he was the final judge. But Taylor focuses only on the power to judge. By concentrating on the jury, Taylor ignores the power to make law. Juries can, of course, change the law by consistently refusing to convict defendants of certain crimes. As Taylor notes, the jury and the public "were notorious for not cooperating with the magistrature—for insisting on their own sovereignty, even for contravening the code."<sup>17</sup> However, the legislative function is removed from the theater of criminal justice described by Taylor. The complicated battles over legislative sovereignty in the Second Empire, which ultimately play a part in the narrative about the authority to judge, should have received more attention in Taylor's story.

The core parts of Taylor's book are devoted to two major events in the early life of the west wing of the Palais de Justice. The first of these events occurred in October 1868 with the inauguration of the Cour d'assizes, or the criminal wing, when "in lieu of ceremonies, the government held a week-long open house, opening even the back stage dependencies, inviting comment."<sup>18</sup> The second event was the first sensational murder trial held in the new west wing, the trial of Jean-Baptiste Troppmann, which took place in late December 1869. In her study of the Palais de Justice, Taylor reverses the chronology and begins with the "poor Alsatian mechanic" accused of single-handedly murdering an entire family. She then turns to the inauguration that had taken place the year before—only at that point analyzing the critical reaction to the wing designed by Louis Duc. This strategy works perfectly because Taylor uses the Troppmann trial as a vehicle to describe the theatrical dynamics of the French criminal courtroom in action, telling her reader what the French populace of the 1860s already knew about the functioning of the French courtroom before turning to how Duc's architectural effort departed from these expectations. Indeed, Taylor moves very quickly from a description of the crime and the bodies of the victims on public display at the Paris

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16. TAYLOR, *supra* note 4, at xxii.

17. *Id.* at 8.

18. *Id.* at 75.

morgue to an examination of the criminal justice system at work in the courtroom.

For Taylor, one of the central characteristics of criminal justice in mid-nineteenth-century France was its compromise between an inquisitorial model of justice, in which the defendant is interrogated by a representative of governmental authority, and an accusatorial model, which "entails an oral duel in public between the accuser and the accused."<sup>19</sup> Taylor explains that the inquisitorial model of the prerevolutionary criminal justice system remained the model for the pretrial investigation: "At the request of the public prosecutor, an examining magistrate questioned the suspect in private without a lawyer, assembled a dossier of evidence and witness depositions, and decided whether to propose the case for trial, where the prosecutor would take over."<sup>20</sup> By comparison, the courtroom provided "a sudden release of the defendant into a relatively balanced contest with the public prosecutor."<sup>21</sup> For Taylor, however, the "compromise" of the two models was not merely represented by the stages of a criminal trial. Rather, both models appear in the courtroom itself.

In her discussion of the two models, Taylor links the inquisitorial to the written and the accusatorial to the oral. She sees one as a "trial based on the reading of documents, presented and judged by experts" and the other as based on oral testimony, which, "because it represents events on the spot to an uninformed lay audience, tends to be agonistic and experiential."<sup>22</sup> Because of its public setting, the oral slides into the theatrical: "The architectural effect of oral procedure is to convert the courtroom to a stage, in which space, sight lines and acoustics are critical."<sup>23</sup> It is at this point that Taylor describes the courtroom: the defendant directly across from the jury rather than the prosecution; the presiding judge at one end of the courtroom; an enclosure called the *barreau* at the center of the room where the witnesses sat along with members of the press and attorneys who had come to the trial as spectators; and, finally, two sections of public seating differentiated by class, the reserved section close to the *barreau* and a public section behind it and farthest removed from the presiding judge.

To underscore her interpretation of the courtroom as a stage, Taylor quotes Jean Cruppi, a French magistrate:

The clinic of a theater, rather than a hospital, this courtroom fosters the striking of 'attitudes' by virtue of the handsome distances

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19. *Id.* at 6.

20. *Id.* at 9.

21. *Id.*

22. *Id.*

23. *Id.* at 10.

the architect has arranged between the actors. This milieu, this atmosphere, imposes on the personages who will arrive on the brilliant stage from its many entrances, something of the attitude of artists ready to play a role, and already bearing the heat of public scrutiny.<sup>24</sup>

With its references to the floor plan of the courtroom, the passage from Cruppi is wonderful. But it raises important questions about what it means for there to be such self-consciousness about the court as theater.

To exemplify the criminal trial as an oral battle, Taylor uses a work by Daumier depicting a black-froaked lawyer, his mouth wide open in oration and his arm stretched out pointing to his adversary. The exaggerated gesture is almost identical to that in one of the lithographs from Daumier's 1840s series, "Lawyers and Justice," which bears the caption: "A lawyer who is evidently profoundly convinced . . . that his client will pay him well." As this caption—and so many others in "Lawyers and Justice"—makes clear, the public was in on the joke. Everyone knew that the impassioned eloquence of the lawyer in the courtroom was little more than playacting. Thus, although the metaphor of theater is used by Taylor, as well as by other historians of criminal justice,<sup>25</sup> to describe the sensory impact on the public and the dramatic qualities of the public procedure, the fact that contemporary audiences recognized the artificiality of the courtroom drama is not fully explored. Although Taylor has uncovered some very self-conscious articulations of the trial-as-theater, such as the passage from Cruppi, her theater has more to do with ritual than with the *grands spectacles* that entertained crowds at the Opera. Indeed, the word "ritual" appears numerous times in Taylor's text. Taylor is quite conscious of the trial-as-entertainment, mentioning the rush for tickets and even the hawking of refreshments in the public section of the courtroom. And while she draws the Opera's *grands spectacles* into her discussion of the west wing's audience, certain questions about the self-consciousness of the trial's artifice should have been foregrounded more than they are in her study.

In part, those questions emerge because Taylor's depiction of the choreography and the stock characters of the nineteenth-century French criminal courtroom is so convincingly and colorfully rendered. Her chapter on the "trial personae" is masterful, beginning with the air of expectancy at the start of a performance: "With spectators installed, those with professional roles in the trial began to arrive,

24. *Id.* at 13.

25. See, e.g., Steven Wilf, *Imagining Justice: Aesthetics and Public Executions in Late Eighteenth-Century England*, 5 *YALE J. L. & HUMAN.* 51 (1993).

through that array of specialized staircases and entrances from the backstage dependencies . . . ."<sup>26</sup>

Rather than bringing the reader straight to the action of the trial begun with the "usher's rap" and the cry "La cour, messieurs!"<sup>27</sup>—suggesting the three sharp staff raps on the French stage—Taylor analyzes the entrance of the players from their designated points of entrance:

Most striking is the distinction between the entrances for the magistrates and for the lawyers, since this ceremonial difference announced and symbolized the difference in status and style between the two sides of the case. Lawyers entered from the public or west end of the courtroom, but arrived from a private stairway tucked away to the side of the courtroom's public doors, and traversed a private passageway lining one side of the witnesses' enclosure to reach their own bench below the dock in the *barreau*.<sup>28</sup>

By comparison, not only did the magistrates arrive announced by the usher's rap and cry, but they arrived in red robes trimmed with white rather than the black robes of the lawyers. "These red robes," Taylor explains, "were not merely more splendid than the black garb of lawyers, they literally signified royal authority, for traditionally high-ranking magistrates had received their red robes as hand-me-downs from the king and wore them at the king's funeral to signify the immortality of sovereignty."<sup>29</sup>

Here Taylor provides some of the story behind the story. She explains that insiders to the criminal justice system understood that prosecutors chose the presiding judge for a trial and that their favor was required for a judge's promotion.<sup>30</sup> In essence, the hierarchy of promotion was reversed from the ceremonial hierarchy of the courtroom. Unfortunately, Taylor's comments are little more than an aside rather than a point of departure for an examination of the dissonance between the real power structure of the Second Empire's criminal justice system and its public performance.

There is no comparable split between the politics of the jury and its function in the courtroom. Taylor explains that the Second Empire cut back on the Second Republic's "universal suffrage" of jury service. The jury of the Second Empire was "dominated by petty bourgeois in commerce, with smaller proportions of men of private means and from the liberal professions, all of whom local government officials

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26. TAYLOR, *supra* note 4, at 31.

27. *Id.* at 33.

28. *Id.* at 31-33.

29. *Id.* at 33.

30. *Id.* at 34.



could certify as 'intelligent, ethical, supporters of law and order.'"<sup>31</sup> Taylor describes the session jurors being led into the judge's deliberation chamber for jury selection. The jurors' names were then drawn from an urn and could be rejected by either the prosecution or the defense. But it was only in the courtroom, taking up their place in the *barreau*, that the jurors were sworn in by a magical "ritual," transforming them temporarily from "private individuals into public servants."<sup>32</sup> They were admonished, according to the jury instructions of article 342 of the code of criminal procedure, not to assume the truth of any fact that had been attested to by numerous witnesses. Rather, the jurors were there to "search their consciences," so as to be able to determine finally whether they had an "*intime conviction*."<sup>33</sup> Taylor makes much of the subjectivity required of the juror. To underscore the tie between the juror's subjective conviction and the emphasis on the oral duel in the Second Empire courtroom, she quotes a passage from Justice Charles Nouguier that begins with the proposition that "[o]ral debate is the fundamental, absolute rule" and ends by pointing to the necessity of the juror's "*intime conviction*."<sup>34</sup> In essence, Taylor is on her way to establishing the juror's realm of deliberation as a theater of sense impressions. Every gesture, every inflection of the voice of the defendant and the various witnesses was essential to the juror's act of judging.

As Taylor describes it, the criminal procedure of the trial is divided into three segments: the interrogation of the defendant by the president of the court, the testimony of the witnesses, and finally, the two attorneys meeting in an oratorical duel. Taylor tells us that the president's interrogation "inscribed the oral proceedings to come within the deductive logic of the dossier."<sup>35</sup> Her choice of the word "inscribed" is, of course, determined by her argument, for the dossier embodies the written pole of her oral/written polarity. Indeed, she tells us that the three phases of the trial's procedure "betray the tensions between professional and lay authority and written and oral procedure" that she established earlier in the book.<sup>36</sup>

The dichotomy of the oral and the written is, as I have suggested, central to Taylor's understanding of the Palais de Justice. Early in her analysis of the written and the oral, she refers to the work of Walter Ong and his "observations on the phenomenological differences between oral and literate cultures," which she finds "suggestive" for her effort to characterize the two stages of French criminal procedure,

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31. *Id.* at 35.

32. *Id.* at 37.

33. *Id.*

34. *Id.* at 38.

35. *Id.* at 45.

36. *Id.* at 44.

the pretrial investigation and the public trial.<sup>37</sup> In a footnote, Taylor distinguishes her understanding of the written and the oral from Ong's, explaining that, for Ong, one of the fundamental characteristics of the written is its visual quality. Taylor, on the other hand, attempts to combine the oral with the visual to create the theater of criminal justice. The real distinction between Taylor and Ong, however, is that Ong is not analyzing the difference between the oral and the written in literate cultures. In the first chapter of his book, Ong explains: "The orality centrally treated here is primary orality, that of persons totally unfamiliar with writing."<sup>38</sup> It is not Taylor's purpose, however, to examine the modernization of Parisian society, to provide an urban *Peasants into Frenchmen*.<sup>39</sup>

Although literacy is not an important variable in Taylor's study, class is. She describes the division of the public seating area of the courtroom into a "two-class system of access" and quotes a contemporary observer: "The public is clearly divided: on the reserved seats there is lace, here in back are blue handkerchiefs; up in front the scent of heliotrope, back here, the stench of garlic sausage."<sup>40</sup> In line with her general theme, Taylor's interest in class focuses on the public's participation in the theater of the criminal trial. She describes the tension between the judges' desire for a silent public and a public that responded audibly throughout the trial, and she views audience reaction as a substitute for reaction from a jury admonished not to reveal any hint of emotion during the trial.

Since the trial is theater for Taylor, it is the "role" of the public that concerns her.<sup>41</sup> Although she is less concerned with the public reception of trials despite the sensationalist representation of the Troppmann trial, she is deeply interested in the public's consumption of the trial *in the courtroom*, especially the demand for tickets. She tells us that "[s]ociety overcame class and gender scruples to squeeze among the *peuple* at the back of the courtroom."<sup>42</sup> Nevertheless, while she describes the large number of newspaper reporters crowded into the *barreau*, she shows little interest in the way in which much of Paris and France consumed the details of the trial—through newspaper accounts. That, however, might reverse her privileging of the oral over the written. Admittedly, newspaper accounts would be further broadcast by word of mouth, but perhaps that is the point: an event like the Troppmann trial has such an overlay of oral and written filters

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37. *Id.* at 9.

38. WALTER ONG, ORALITY AND LITERACY: THE TECHNOLOGIZING OF THE WORD 6 (1982).

39. EUGEN WEBER, PEASANTS INTO FRENCHMEN: THE MODERNIZATION OF RURAL FRANCE (1976).

40. TAYLOR, *supra* note 4, at 22.

41. *Id.* at 25.

42. *Id.* at 24.

and involves so many different experiences that the hierarchies of Taylor's book, as fraught with tension as they already are, should be rethought within a larger context that provides more perspective on the social consumption of the French criminal courtroom.

In recent years, the collective-event-as-theater has become an important topos in the study of political and legal culture. One thinks, for example, of John Brewer's "Theater and Counter-Theater in Georgian Politics" or, more recently, Steven Wilf's "Imagining Justice."<sup>43</sup> As one reads the literature on legal or political events as theater, the words "ceremony" and "ritual" are common refrains, and it soon becomes quite clear that the theater is a figure for the rites documented by the cultural anthropologist. Clifford Geertz's analysis of the Javanese funeral rite, with all of its tension and disruption, has clearly influenced Taylor's thinking.<sup>44</sup> Taylor does not trace her intellectual genealogy directly to Geertz, but ultimately, she is less concerned with placing her "theater of justice" within the conventions of the nineteenth-century French stage than she is with developing the trial as social ritual. This explains why the Opera and its *grands spectacles* make little more than cameo appearances in Taylor's book; instead, Taylor repeatedly refers to "ceremony" and "ritual." But if Taylor is doing cultural anthropology of the Second Empire, her analysis is a compromise between Geertz's understanding of ritual as a scene of social change and the seamless web of the functionalists that Geertz criticizes. Taylor underscores the tensions of the courtroom, such as between orality and literacy and between lay and judicial authority; however, there seems ultimately to be a good deal of coherence to the object of her study—even the tensions become recurring motifs. The tensions she indicates become tropes replicated in the trial and in Duc's design.

One of these tensions she identifies is between the male and female trainging of various aspects of criminal justice. Taylor refers to the "association of equity with feminine susceptibility" as opposed to the "masculine duty of repression."<sup>45</sup> With this in mind, she is highly perceptive of the erroneous neoclassical rendering of the courtroom in a print of the Troppmann trial and provides the following sharp observation: "By contrast to the feminized atmosphere of the jurisdiction of impression, a popular illustrator of the Troppmann trial unconsciously substituted the stern neoclassical courtroom evocative of male severity, graphically expressing the major criticism the new wing aroused at

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43. John Brewer, *Theater and Counter-Theater in Georgian Politics: The Mock Elections at Garrat*, 22 *RADICAL HIST. REV.* 8 (1979-80); Wilf, *supra* note 25.

44. Clifford Geertz, *Ritual and Social Change*, in *THE INTERPRETATION OF CULTURES* 142-69 (1973).

45. TAYLOR, *supra* note 4, at 66.

the trial and at its inauguration.”<sup>46</sup> Turning to the architecture of Louis Duc’s west wing, Taylor identifies columns of indeterminate gender: “[T]he order defied categorization on the canonical scale from the masculine Doric, stocky and strong, to the matronly Ionic and the maidenly Corinthian, increasingly slender and elegant.”<sup>47</sup> She continues: “Equally ambiguous were the capitals . . . these combined chaste Doric shape with budding Corinthian foliage, confounding genders in an image of adolescent androgyny.”<sup>48</sup> “The point,” Taylor explains,

is not that the facade was ‘about’ gender, but rather that it appeared to employ the symbolic language of gender, with its powerful political implications, as a means to characterize modern justice in the terms in which it was popularly and professionally discussed—those of textual severity and of popular equity.<sup>49</sup>

In a further point on gender representation, Taylor compares an allegorical painting by Léon Bonnat on the courtroom ceiling to an earlier representation by Pierre-Paul Prud’hon of *Divine Justice and Vengeance Pursuing Crime*: “[W]here Prud’hon made his figures of Vice and of (Assassinated) Virtue both male, Bonnat explicitly gender-typed the figures in his central panel.”<sup>50</sup> One might wish here for an iconological history of the allegory, something along the lines of Erwin Panofsky’s *Hercules am Scheidewege*, in which Panofsky chronicled representations of Hercules’s choice symbolized by two Venuses set in moral opposition.<sup>51</sup> Bonnat’s painting aside, Taylor is convincing on the aesthetic compromise struck by Louis Duc’s structure.

As Taylor describes it, the courtroom itself was an aesthetic gamble, its gold and richness becoming the focus of much of the critical reaction to Duc’s building. Contemporary architectural critics and others generally felt that the gold resulted in making the courtroom “worldly and luxurious, insouciant of the misery of the defendant.”<sup>52</sup> Indeed, the materials Taylor cites in the debate over the courtroom’s sumptuousness fit directly into the thematics of her study; their language is evocative of the lines she has carefully established. But if the criticism did indeed focus as uniformly as she suggests on the golden sumptuousness of Duc’s revived French Renaissance style, then it is questionable whether Duc’s choices were representative of the legal culture of the Second Empire—even with all of its ambiguities. In the face of contemporary criticism, Taylor attempts to shore up the representa-

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46. *Id.* at 67.

47. *Id.* at 77.

48. *Id.*

49. *Id.*

50. *Id.* at 93.

51. ERWIN PANOFSKY, *HERCULES AM SCHEIDEWEGE UND ANDERE ANTIKE BILDSTOFFE IN DER NEUEREN KUNST* (1930).

52. TAYLOR, *supra* note 4, at 95.

tiveness of Louis Duc's structure. In answer to the question of whether the richness of the courtroom was the result of Duc's personal whims rather than an expression of current legal ideology, Taylor is quick to point out that "the host of review committees to which the architect answered—architectural, artistic, political, financial, and in Duc's case, judicial—carried significant power and commented, sometimes antagonistically and definitively on matters of character."<sup>53</sup> Given the seemingly uniform reaction to the gilt splendor of Duc's interior, that argument cannot dislodge the impression that the Palais de Justice upset popular expectations about what a criminal courtroom should look like.

Yet, while it is ultimately unclear whether Duc's courtroom conformed to the judicial theology of his day, it is also true that even dramatic challenges to expectations—including those which, unlike Duc's west wing, were not officially sanctioned—must be read inside the culture that produced them. In the end, such challenges must be culturally explained every bit as much as cultural artifacts closer to the aesthetic expectations of the culture. And this Taylor has indeed attempted to do.

Whether or not all of her explanations finally convince, the range of Taylor's themes and the intellectual energy of her book are impressive. Particularly impressive is her matching of the criminal procedure of nineteenth-century France with the aesthetic values of Louis Duc's courtroom and the reports of the Troppmann trial. On the first page of *Architectural Principles in the Age of Humanism*, Rudolf Wittkower voices his belief that in contrast to nineteenth-century architecture, Renaissance architecture "was based on a hierarchy of values culminating in the absolute values of sacred architecture."<sup>54</sup> If the values of nineteenth-century architecture have nothing to do with harmonic proportion, it remains nevertheless true that the nineteenth century had its own values of sacred architecture. And Taylor has provided us with a provocative guide to some of those values as well as to their internal tensions.

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53. *Id.* at 103.

54. RUDOLF WITTKOWER, *ARCHITECTURAL PRINCIPLES IN THE AGE OF HUMANISM* 1 (1949).

