

## Miserere. Aesthetics of Terror

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### Abstract

I say: “Oh, what a beautiful surrealist picture!” With quite precise awareness: this *páthos*, these emotions of mine do not stem from our *common sense*. An aesthetic judgment is founded on an immediate subjective intuition: an emotion or a free feeling of a single subject towards an object. A universal sense, possibly. Some judgments of ours in ethics and in law are no different from our perceptions in front of art. It would be the same for a hypothetical sentence of the judge that concluded with these words: “I acquit Arsenio Lupin because of his magnificent handlebar moustache like that of Guy de Maupassant”. Everyone would think intuitively that it is an unfair sentence. Is there aesthetics of terror? The case that the article intends to examine is that of the famous kidnapping and murder of the Italian statesman Aldo Moro by the “Brigate Rosse” [*Red Brigades*] (1978). The method used here consists in studying the image of the kidnapping as iconic documentation of reality, and, above all, as an ethical-legal judgment about the terrorist crime. Moro was photographed during his kidnapping. There are at least two pictures. Both constitute an extraordinary source for a judgment on the basis of an image. In both of them, Aldo Moro is pictured in front of a Red Brigades banner during the captivity. In what sense do these pictures document an aesthetic judgment concerning the “case Moro”? The answer can be found in a remarkable iconic coincidence of these pictures with a masterpiece by Georges Rouault (Paris 1871-1958) devoted to the theme of the “*Ecce Homo*”. The Gospel in the “*Ecce Homo*” scene (*John*: 19, 4-5) narrates how Pontius Pilate wanted to arouse the compassion of the people with a scourging and the exposure of Jesus to the crowd. The plate under consideration is entitled “*Qui ne se grime pas?*” [Who does not have a painted face?] and is a key work in Rouault’s *suite* of prints *Miserere*, dated for 1923.

**Keywords:** aesthetic, law, miserere, Moro Aldo, pathos, terror, Rouault Georges.

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## 1. Law and *páthos*

An aesthetic judgment is founded on an immediate subjective intuition: an emotion or a free feeling of a single subject towards an object. I say: “Oh, what a beautiful surrealist picture!” With quite precise awareness: this *páthos*, these emotions of mine do not stem from our *common sense*. A universal sense, possibly. Some of our judgments in ethics and in law — as I claim here — are no different from our perceptions in front of the art.

### 1.1. Aesthetical judgment in the art

Kant introduces in his *Critique of Judgment* [*Kritik der Urteilskraft*] the following idea of “common sense” [*sensus communis*, *Gemeinsinn*, *gemeinschaftlicher Sinn*]:

*Unter dem sensus communis [...] muß man die Idee eines gemeinschaftlichen Sinnes, d.i. eines Beurteilungsvermögens verstehen, welches in seiner Reflexion auf die Vorstellungsart jedes andern in Gedanken (a priori) Rücksicht nimmt, um gleichsam an die gesamte Menschenvernunft sein Urteil zu halten [...]. Dieses geschieht nun dadurch, daß man sein Urteil an anderer nicht sowohl wirkliche, als vielmehr bloß mögliche Urteile hält [...]. An sich ist nichts natürlicher, als von Reiz und Rührung zu abstrahieren, wenn man ein Urteil sucht, welches zur allgemeinen Regel dienen soll.*

*By the name ‘sensus communis’ is to be understood the idea of a public sense, i. e., a critical faculty which in its reflective act takes account (a priori) of the mode of representation of everyone else, in order, as ‘it were’, to weigh its judgement with the collective reason of mankind [...]. This is accomplished by weighing the judgment, not so much with actual, as rather with the merely possible, judgements of others [...]. In itself nothing is more natural than to abstract from charm and emotion where one is looking for a judgement intended to serve as a universal rule<sup>1</sup>.*

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<sup>1</sup> Kant (1913: 293-294; trans. 1952: 519).

In our aesthetic expressions there is a prefiguration of the accord of our own judgment with that of others. There would be no aesthetic judgment without this openness for the universal. Others may not always agree, but the point is, rather, that it is dubious if it would make any sense at all to exclaim “What a beautiful picture!” or pass any other judgment of this sort without sensing the feeling that unites all perceiving subjects in it.

“Beauty” or “ugliness”, on this basis, are founded on “common sense”. The logic of the aesthetic judgment is not that of deduction; if anything, it is that of perception. Whoever says, “What a beautiful surrealist picture!” does not reason like this: “Surrealist painting is beautiful”; (ii) “This picture by Paul Klee is an example of surrealist painting”; (iii) “Therefore, this picture is beautiful”.

## 1.2. Aesthetical judgment in the legal science

Some moral or legal judgments work as first and immediate perceptions. I repeat, for example, what Ivàn says in *The Brothers Karamazov* by Dostoyevsky: “It is unacceptable that children suffer”. For the explanation of this judgment a fundamental feeling is enough. It would be the same for a hypothetical sentence of the judge that concluded with these words: “I acquit Arsenio Lupin because of his magnificent handlebar moustache like that of Guy de Maupassant”. It is equally clear that this would be an unfair sentence.

This holds, too, for the fundamental legal categories. The glossator Irnerius in a gloss to the *Digestum vetus* teaches that the equity [*aequitas*] “is perceived in the things themselves” [*in rebus percipitur*]. The same thought occurs in the glossator Martin, a student of Irnerius. The equity is given in the first place in the things: “What is equitable – declares Martin – consists in the things themselves” [*Ipsum autem aequum not nisi in rebus consistit*]<sup>2</sup>.

It has been observed, however, that the Greek name of “equity”, or rather the female noun ‘*æpieíkeia/epieíkeia*’, is etymologically related to the Greek name of “image”: the female noun ‘*eêkín/eikón*’<sup>3</sup>. In the middle of the 12<sup>th</sup> century the English prelate John of Salisbury in his great essay on political philosophy *Policraticus* lets the figure of “prince-iudge” [*princeps-iudex*] embody the visible image of equity. It is perhaps less interesting which subject (a prince or monarch) justice is embodied in; of more interest is that justice is translated in an image, and it is perceived in this way in the life of a perceptible reality: “image of equity” [*imago aequitatis*]. In Gothic cathedrals images were used for explanatory purposes. Gregory the Great considered images a

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<sup>2</sup> It is the famous “fragmentum de aequitate”. See Irnerius (1894, § I).

<sup>3</sup> Conte (2006: 186).

book for the illiterate: “As writing is to those who can read, so is painting to the ignorant” [*Quod legentibus scriptura, hoc idiotis praestat pictura cernentibus*]<sup>4</sup>.

## 2. Aesthetics of the terror

Is there an aesthetics of terror? The case that I intend to examine is that of the famous kidnapping and murder of the Italian statesman Aldo Moro by the “Brigate Rosse” [*Red Brigades*] (1978). My method consists in studying the image of the kidnapping as iconic documentation of reality, and, above all, as an ethical-legal judgment about the terrorist crime.

Moro was photographed during his kidnapping. There are at least two pictures. Both constitute extraordinary sources for a judgment on the basis of an image. In both of them, Aldo Moro is pictured in front of a Red Brigades banner during his captivity.

**Picture 1: Aldo Moro photographed during his detention by the Red Brigades (March 19, 1978, first communiqué)**



(source: en.wikipedia.org, 02.09.2011)

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<sup>4</sup> Gregory the Great (1992, XI.13).

## 2.1. Two pictures of Moro

Two pictures. The first one is the one that reached the newspapers on March 19, 1978, with the first communiqué. The second one portrays Moro with a copy of the daily newspaper “La Repubblica” on April 19, 1978, and accompanies the seventh communiqué. On 18 April the forged communiqué n. 7 had been diffused.

The first one is particularly relevant for the method of my investigation. Why is this picture extraordinary? In which sense does it document an aesthetical judgment concerning the “case Moro”? The answer to these questions is in a remarkable iconic coincidence of this picture with Georges Rouault’s masterpiece of contemporary art devoted to the theme of the “*Ecce Homo*”. The Gospel in the “*Ecce Homo*” scene (*John*: 19, 4-5) narrates how Pontius Pilate wanted to arouse people’s compassion by scourging and exposing Jesus to the crowd. The *páthos* is the same as in the images of Moro from his kidnapping. It is a way “to be moved by the pity and terror of a modern tragedy”<sup>5</sup>.

Images become meaningful not in some impossible kind of aesthetic isolation, but in a continuous tradition of painting codes. A photograph, too, as a picture alludes to a human perspective on the world. “What is crucial about the camera obscura is its relation of the observer to the undemarcated, undifferentiated expanse of the world outside, and how its apparatus makes an orderly cut or delimitation of that field allowing it to be viewed, without sacrificing the vitality of its being”<sup>6</sup>. The “camera obscura” of painting is the interior eye of the artist.

## 2.2. Miserere according to Rouault

I would now like to refer to a work by Georges Rouault (Paris 1871 -1958), the most passionate Christian artist of the 20<sup>th</sup> century, in the representation of the passion of Christ. This work belongs to the *suite* of prints, composed of 58 tables, entitled *Miserere*. It includes a hundred images for a two-volume edition, with the title *Miserere et Guerre*, which was originally to appear with a text by the poet André Suarès. Rouault started painting the *suite* in 1914 and continued working on it till 1927. The prints employ different composition techniques, such as etching, aquatint, drypoint, engraving, to provide a rich expressive power to the images. In 1948 Rouault decided to publish his collection of prints as a single volume entitled *Miserere* (he entrusted to publication to “L’Étoile Filante”<sup>7</sup>). It is dedicated to Gustav Moreau. The title

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<sup>5</sup> In these words Godfrey Hodgson of the *Washington Post Book World*, May 27, 1980, comments on the book by Robert Katz, *Days of Wrath. The Ordeal of Aldo Moro, the Kidnapping, the Execution, the Aftermath* (1980).

<sup>6</sup> Crary (1992: 34).

<sup>7</sup> Complete sets of the *Miserere* are owned by, among others, the Art Institute of Chicago (two copies), the Brooklyn Museum of Art, the Boston Public Library, the Fogg Art Museum at Harvard, the Grunwald Center for

is taken from the 51<sup>st</sup> Psalm, which starts with the words: “*Miserere mei, Domine*” [Have mercy on me, Lord]. The horrific events of World War I (1914-1918) offer the force to announce the main theme of the series: the suffering of human beings even more distressing because there is no reason to endure it. The nuances of black and grey depict the abyss of war, creating a poignant environment in which “Baudelaire’s crepuscular atmosphere and the ‘majestic sadness’ [*tristesse majestueuse*] that Racine sought in his preface to *Berenice* come together”<sup>8</sup>.

The war casts a shade on humanity. The catastrophe is experienced by all people lined up in the war field. External war events are not represented. It is, instead, a battle of the soul in which the victim is always humanity. The incipit *Miserere* expresses the connection between sin and salvation. It expresses the sacredness of life despite the poverty of man.

Contemporary music, too, refers sometimes to the 51<sup>st</sup> Psalm. Some extracts thereof have been situated at the centre of one of the most famous compositions by Krzysztof Penderecki: *Passio et Mors Domini Nostri Iesu Christi Secundum Lucam*, the work which made the composer famous. In 1987 a work entitled *Miserere* by Henryk Mikołaj Górecki was performed for the first time. Finally, in 1989, a *Miserere* for soli, choir and ensemble, written by Arvo Pärt was performed. In its third section the polyphonic weaving concludes with a bass voice which reaches the last audible note in its register, E. It is the symbol of human condition that can be saved only by an external intervention<sup>9</sup>. It is identical with Rouault’s reflection .

As the catalogue to a Rouault retrospective (held at the Musée de Quebec and the Musée d’Art Contemporain de Montreal) says, *Miserere* is the “center and the summit of the art of Rouault”<sup>10</sup> and “ranks with the *Small Passion* of Dürer, the *Hundred Guilder Piece* (the large Crucifixion) and the *Three Crosses* of Rembrandt, and the *Caprichos* of Goya as monuments of printmaking”<sup>11</sup>. All prints in the catalogue are supplied with short poetic texts in French or Latin. Some are by Rouault himself.

### 2.2.1. The artistic inspiration

Rouault depicts a lonely man, tired and sad, a man with the silent cry, as it were. The sufferings of Christ, as seems to be the suggestion made by Rouault, who was a devout Catholic, are woven together with those of Man. This brings the painter’s work close to the “integral humanism” of Jacques Maritain. The root of the spirituality of

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the Graphic Arts (UCLA), the Metropolitan Museum of Art, the Museum of Modern Art (MoMA), the National Gallery of Art, and the Philadelphia Museum of Art.

The standard reference work on Rouault’s prints is the two-volume set by Chapon and Rouault (1978).

<sup>8</sup> It is the beautiful comment of Fabrice Hergott (1991: 23).

<sup>9</sup> For references of contemporary music to the 51<sup>st</sup> Psalm, see Restelli (2007: 43-46).

<sup>10</sup> Johnson (1977: 123).

<sup>11</sup> Johnson (1977: 124).

both Maritain and Rouault is the work of the writer Léon Bloy (1846-1917) on the mystery of the human suffering.

### 2.2.2. “Qui ne se grime pas?”

The 1923 plate entitled “*Qui ne se grime pas?*” [“Who does not have a painted face?”] is a key work in Rouault’s *Miserere*.

Picture 2: Georges Rouault, *Qui ne se grime pas?* 1923



(source: [www.rouault.org](http://www.rouault.org), 30.09.2011<sup>12</sup>)

In this work, Rouault depicts a clown. It is not a rare object in Rouault’s pre-war oeuvre, as it is in Watteau, Daumier, de Toulouse-Lautrec. What meaning does “*Qui ne se grime pas?*” convey? The costume of a clown seeks to conceal the face of a man who contemplates his sad destiny as impotent and submissive, as did Christ in the solitude of the Passion. Rouault put it this way: “We all wear a spangled dress of some sort, but if someone catches us with the spangles off, as I caught that old clown, oh! the infinite pity of it!”<sup>13</sup>

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<sup>12</sup> The permission by Jean-Yves Rouault.

<sup>13</sup> These remarks of Rouault are quoted by Getlein (1964: 43).

Now look at Moro: the plate and the image of the hostage are placed one upon another in a surprising fashion. The head appears tilted along the same diagonal. Leaned slightly, it offers to the spectator a look indeed pitiable without lashes, sad and abused, underlined by a false uptight smile. The right eye is more open than the left one.

I find that the difference in the eyes reveals the whole tragic essence of the man.

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