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► **To cite this version:**

Marc Renneville, Sophie Victorien. Light and Shade. The Challenges of Judicial Heritage. Criminocorpus, revue hypermédia, 2024, 10.4000/criminocorpus.14855 . hal-04541658

HAL Id: hal-04541658

<https://hal.science/hal-04541658>

Submitted on 11 Apr 2024

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Electronic version

URL: <https://journals.openedition.org/criminocorpus/14855>

DOI: [10.4000/criminocorpus.14855](https://doi.org/10.4000/criminocorpus.14855)

ISSN: 2108-6907

This article is a translation of:

D'ombre et de lumière. Les enjeux du patrimoine judiciaire - URL : <https://journals.openedition.org/criminocorpus/14260> [fr]

Publisher

Criminocorpus

Electronic reference

Marc Renneville and Sophie Victorien, "Light and Shade. The Challenges of Judicial Heritage", *Criminocorpus* [Online], Dark Heritage, Somber Legacy. Memories and Stories of the Justice System, Online since 31 January 2024, connection on 15 February 2024. URL: <http://journals.openedition.org/criminocorpus/14855> ; DOI: <https://doi.org/10.4000/criminocorpus.14855>

This text was automatically generated on February 15, 2024.



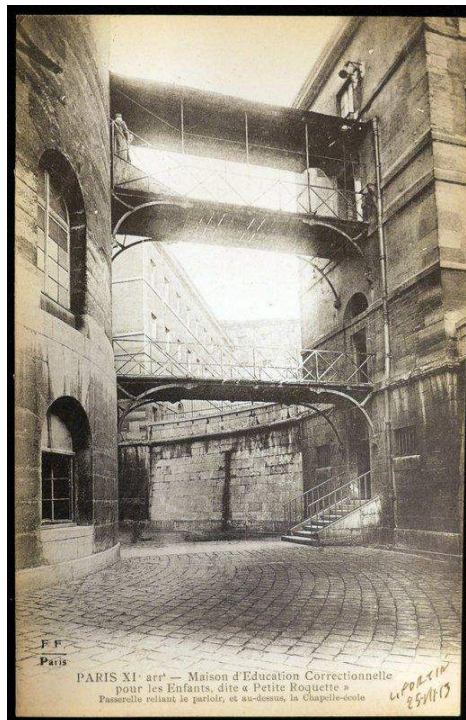
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Light and Shade. The Challenges of Judicial Heritage

Marc Renneville and Sophie Victorien

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- 1 Should the heritage of justice be considered a “dark heritage”? The questions raised in this new issue of *Criminocorpus* journal in the context of the project’s 20th anniversary celebrations in 2023 are in line with its long-standing willingness to promote the creation of a museum of justice in France to showcase the entire judicial world and penal chain; a unifying place that could bring together all institutional memories and would be both scientifically demanding and open to the public. The first virtual groundwork was laid in 2016 as we launched the first online digital museum dedicated to the history of justice. Since then, the editorial policy of *Criminocorpus* has always remained in line with this perspective¹. The question of the relationship between historians of justice and the notion of heritage was raised as early as the 1990s, when Jean-Claude Vimont set a few milestones pleading in favor of studying the penal heritage of Haute-Normandie by questioning his own motivations: “To open a breach in a deeply-repressed past? To raise awareness about a new dimension of heritage? To encourage preservation? Certainly all of the above, but also because it is the duty of social history to explore the dark corners of our civilization.”² It is in the spirit of this social history approach that the experiment of a national museum of prisons was led



from 1995 to 2005 at the former Fontainebleau prison³. A decade on, the museum had to close, owing to a lack of resources and support, and possibly also because the national school of prison administration relocated to Agen in 2001 – student wardens were, after all, its primary target audience. As shown in the dossier, another partly similar experiment, carried out under different conditions, led to the creation of a venue dedicated to history and memory under the aegis of the Juvenile Justice and Child Protection Department (DPJJ): the Pierre Cannat exhibition area at ENAP is opening up a novel perspective for the prison administration.

- 2 On September 18th, 2014, on the occasion of the European Heritage Days, a collective of historians and architects attempted to raise awareness on France’s “dark heritage” in *Libération*: “Should prisons be razed? Should we save France’s ‘dark heritage’ – that of detention centers, juvenile penitentiary colonies, all places of internment?”⁴. Not having a say in the decision-making process regarding the demolition, conservation, or re-appropriation of the buildings, we took the initiative of visiting justice facilities slated for closing. The first such visit took place at Le Havre detention center in 2012⁵, setting the tone for a type of filmed intervention that has become a regular occurrence since then. Still, the fact remains that the relationship between history and patrimonialization – the process of granting the past cultural heritage status – is neither unequivocal nor natural. After all, it is part of a historical process too. For a better understanding, it may be useful to inscribe it in the dynamic of the distinction proposed by François Hartog, who sees patrimonialization as a two-stage process⁶. Stage one is government-initiated: buildings get defined and recognized as “historic monuments” possessing distinctive features that have contributed to shaping the history of the nation through art and beauty. This initial phase is part of the “modern regime of historicity” whereby the future sheds light on the past. This monumental and artistic heritage now coexists with a second regime of patrimonialization, initiated in the 1980s and characterized by a democratization of the concept with exuberant, presentist appropriation processes that unabashedly produce new heritages based on affect, empathy and, we might add, a willingness to do justice to little-known, if not “forgotten”, events and places. One consequence of the development of this new heritage regime is that the question of its definition is no longer left in the hands of experts and historians alone. While the latter may still quite extensively contribute to the patrimonialization process – indeed the HUGO project here at Criminocorpus is meant to do exactly that – the multiplication of places of memory is not, far from it, a consequence of the workings of history. We certainly are aware of how far social memories can stray from – or even conflict with – history⁷, and the field of judicial heritage is particularly prone to such issues and memory clashes⁸, all the more so as the very definition of its boundaries remains an open discussion.
- 3 The topicality of this branch of historical research was illustrated in 2022 when *In Situ. Revue des patrimoines* devoted two consecutive issues to the heritage of the justice system, in an attempt to define the issues along four axes: architecture, archives, decor and furniture, and valorizing the heritage of the justice system⁹. As a follow-up to this double issue, we wanted to probe the judicial heritage further, exploring how it hinges on memory issues and where it fits in the process of writing and passing on the history of justice. Why would this heritage be considered “dark”? Do we mean that it is invisible or that not enough light is being shed on it to achieve knowledge and recognition? Does the epithet apply to the whole of the judicial heritage? Why,

specifically? How does the judicial world get patrimonialized in practice? Which factors obstruct or foster the patrimonialization process?

- 4 The *Criminocorpus* thematic dossier therefore offer studies exploring the following three avenues:

Destroy? Preserve? Repurpose? What to Do with Justice Facilities?

Should justice facilities be destroyed or preserved? In the early 1970s, some historians and the philosopher Michel Foucault teamed up to protest against the destruction of the Petite Roquette prison in Paris¹⁰. Suggestions were made for repurposing the facility into a care home, a youth center, or even a school. Issues pertaining to the conservation or repurposing of justice facilities in various countries (into museums, hotels, etc.) are evoked in this section, and the data collected when such places were closed or reappropriated (web documentaries, virtual tours, etc.) is showcased as the implementation of these initiatives and their reception by the general public is being discussed. Architect Alban Prin tackles the question of the feasibility and durability of repurposing projects of the French prison architecture heritage in what is considered a tense real estate market. He calls for an urgent examination of this issue and an initial assessment of completed prison repurposing projects to “reconcile the imperatives of unavoidable urban renewal with the desire to preserve”. The case of the Guingamp prison, presented by Emmanuel Laot, illustrates the stratified history of these facilities, shifting between periods of abandonment and slapdash reallocation projects showing little regard for heritage conservation – indeed leading to their destruction in most cases. The unique architecture of the Guingamp prison made it possible to save it and carry out a conservation operation as a result of which is now houses an art center as well as a higher education establishment, the *Institut national supérieur de l'éducation artistique et culturelle*. Gaïd Andro and Fanny Le Bonhomme's article is a veritable experience feedback that questions not only how to potentially patrimonialize the Jacques Cartier prison in Rennes, which closed in 2010, but also the place of researchers in these processes, the possible interactions with the various players, and the “power relations” at work. Jean-Fabien Philippy's presentation of the “*Graffitis et créations carcérales*” (Graffiti and prison creations) survey – photographs taken by the preservation and archives department of the southeastern region of PACA (Inventaire général du Patrimoine PACA), 140 documents entrusted to the Mucem archives, 42 items listed in the museum's inventory – carried out before the Baumettes prison in Marseille was destroyed in 2022, considers the difficulties involved in safeguarding prison heritage, right up to the valorization of objects within a museum as a testimonial of the daily life of inmates. A glimpse of life inside penal institutions: such was also the point of the video tours offered by the online Criminocorpus Museum of the history of justice, crime and punishment (*Musée d'histoire de la justice, des crimes et des peines*). Jean-Lucien Sanchez, tagging along filmmaker Hervé Colombani during filming sessions in prisons scheduled for closure, recalls the genesis and development of the virtual tours available online via Criminocorpus¹¹, an initiative which is now receiving fully support from the national Department of prisons (Direction de l'Administration pénitentiaire).

Memory Issues regarding the Judicial Heritage

- 5 The controversies surrounding the memory of judicial heritage are multifaceted. To begin with, the objects of study themselves appear to be at the fringe of historical research, barely recognized as such, either by heritage experts or the general public. Mathieu Vivas, a historian specializing in the medieval archaeology of penal death, shows why gibbets, patibulary forks, and gallows belong in historical judicial heritage and how these “sensitive monuments” deserve to be given greater value and recognition.
- 6 Another question is raised by Elsa Besson through the example of the Saint-Michel prison in Toulouse: that of the issues underlying patrimonialization and enhancement projects for buildings with a complex history, as well as debatable choices of scenography on a sensitive topic, in a context where the tension between the very notion of heritage – historically associated with buildings where a noble function is being performed – and prison architecture may still be palpable.
- 7 The role of researchers in preserving and promoting these lesser-valued research objects, more difficult to make visible, or even erased from the judicial heritage, is therefore questioned in these studies, particularly in the article proposed by H el ene Duffuler-Vialle, Jeanne Barnicaud and S ebastien Landrieux, as well as the documentary directed by Herv e Colombani in Lille about the “*Lion d’Or*” crime case (1925). Not only the features of the case itself but also the very topics that are dealt with here – homosexuality and prostitution – deserve to be brought out of the shadows, while the works of researchers on these topics deserve to be given greater prominence.
- 8 The research conducted on these objects and places connected to penal history and justice more generally should truly be seen as a rescue operation meant to safeguard a fragile heritage and fading memories. Crucially, awareness needs also be raised regarding sound archives. Prisoners’ voices are therefore central to the work of Simon-Olivier Gagnon and Anne Klein, focusing on the work done to preserve the sound archives of *Souverains anonymes*, a radio show produced with detainees of the Montr eal detention center and broadcast on community radio stations in Qu ebec, Canada and France since 1989. These novel objects of the judicial heritage are an invitation to rethink the status of these archives, their conservation – which is key if the very memory of this history is to be preserved – and their dissemination, since they provide a fresh outlook on research about justice and penal facilities.

Passing Down the History of Justice. Places, Objects and Mediations

- 9 Is a justice facility the proper place to teach the history of justice? Turning disused justice facilities into teaching spaces for memory and history is a tempting proposition. Camps, prisons, courthouses are frequently repurposed with this objective, in turn raising questions about the development of “dark tourism” investing crime locations, such as the “Jack the Ripper tours” in London and, more recently, crime-themed walking tours in Paris. What practical arrangements are being made for these places and tours? Who are the targeted publics? Who are the users?

- 10 Here, Frédéric Chauvaud explores both the tangible and intangible heritage of Napoleonic penal organization in France. This historiographical review is an opportunity to examine the ruptures, continuities, the very notion of a penal model and the traces left by this era in the organization and history of justice. Clément Ader and Cindy Géraci present the *musée du Barreau de Paris*. A unique institution in France, it boasts collection that bear witness to the rich history of lawyers and justice in general. The temporary closure of the premises provided an opportunity to reflect on how to enhance the collection. The article by Sophie Abdela, David Lacoste and Yanick Laverdière focuses on the efforts of the Mhst-Musée d'Histoire of Sherbrooke (Québec) to revitalize the Winter prison, which closed in 1990. The authors take an in-depth look at how the site is to be preserved and developed, the obstacles that may arise, the pitfalls to be avoided, and the urgency to address this dark heritage before it disappears altogether. We felt it was important to round off this overview with a visit to the "Children in justice" exhibition center in Savigny-Sur-Orge, just south of Paris. Véronique Blanchard recounts the history of this unique center for "irregular", i.e., marginalized children, which was inaugurated 20 years ago, and the methods implemented to enhance the value of this piece of prison heritage in a place – a former observation center – marked by the memory of correctional education.
- 11 The articles published to launch this thematic dossier testify to the vitality of research in the field of judicial heritage. Several additional research avenues would be precious to further our reflection on this dark heritage, its place in research, and promote it towards the general public. The indispensable work on history and dissemination notwithstanding, justice facilities are sometimes an object of competition or even conflicts of memory, particularly those places of punishment where the strata of history seem to make it difficult for the various participants to cohabit. The question of memory also arises very sharply in the case of places and areas connected to news stories and criminal cases. Should these "crime houses" be put forward, and to what extent is it worthwhile for researchers and the general public to preserve their memory? Similarly, one must ask how relevant to heritage some museums (such as the London Dungeon and the Museum of Torture in Amsterdam) may be when younger visitors cannot be allowed to visit them insofar as they feature torture implements and crime scenes.
- 12 Also interesting would be an exploration of the many different media used throughout the history of justice and how they are being preserved, since in addition to these places, used for many different purposes (tourism, learning, business...), the telling of history is increasingly based on images of the justice system and litigants, postcards, press cartoons, scholarly studies, documentary and fiction films. Surely these media and vectors of history have a heritage value of their own.
- 13 In line with our journal's editorial policy, the topic of this thematic dossier is open to any new article submission furthering our knowledge of judicial heritage.

NOTES

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4. « Prisons : conserver ou détruire ? », *Libération*, 18 sept. 2014 https://www.liberation.fr/societe/2014/09/18/les-prisons-font-aussi-partie-de-notre-patrimoine_1103194/ see also the op-ed « Ne détruisons pas la prison de Clairvaux », *Libération*, 21 September 2021 https://www.liberation.fr/idees-et-debats/tribunes/ne-detruisons-pas-la-prison-de-clairvaux-20210920_XYIYBZYWTFPCPFMV6JIAGAS6FM/
5. See on Criminocorpus : <https://criminocorpus.org/fr/ref/144/1/>
6. François Hartog, « Patrimoine, histoire et présentisme. Entretien avec F. Hartog », *Vingtième siècle. Revue d'histoire*, 2018, vol. 1, n° 137, p. 22-32. <https://www.cairn.info/revue-vingtieme-siecle-revue-d-histoire-2018-1-page-22.htm?contenu=article>
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8. Marc André, *Une prison pour mémoire. Montluc, de 1944 à nos jours*, Lyon, ENS Éditions, 2022.
9. Marc Renneville et Michaël Vottero (dir.), « Le patrimoine de la justice », *In Situ. Revue des patrimoines*, 2022, n° 46, <https://journals.openedition.org/insitu/33244>
10. Michelle Perrot, *Les ombres de l'histoire. Crime et châtement au XIXe siècle*, Paris, Flammarion, 2001, p. 302-303.
11. <https://criminocorpus.org/fr/ref/25/18298/>

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