

## Rembrandt's *Injustice of Piso*\*

In the first volume of the *Corpus of Rembrandt Paintings* Josua Bruyn and his colleagues wrote that, in the young painter's 1626 *History Piece* (fig. 1) in Leiden:

The subject of the picture remains, for the present, unclear. If our reading of the scene, as showing a pronouncement being made by a crowned figure on three young men who are appearing before him, is correct, then none of the suggested interpretations would fit: Saul giving weapons to David, Coriolanus as conqueror, the Judgment of the consul L. Junius Brutus, the Sentencing of the son of Manlius Torquatus, the Clemency of Titus, Palamedes before Agamemnon, the Judgment

<sup>1</sup>  
Rembrandt, *The Injustice of Piso*, signed and dated 1626, oil on panel, 90.1 x 121.3 cm. Stedelijk Museum de Lakenhal, Leiden.



of Saul upon Jonathan, the Consul Cerialis and the legions and Ludolf and Konrad the Red before Otto I.<sup>1</sup>

This analysis of the painting's pre-iconography is surely a plausible one. Before the dais on which the crowned figure is raising his sceptre, there are three figures; two are kneeling, one is standing. Of the kneeling figures, one holds a shield and sword, while another holds up his empty hands in a gesture of surprise. Behind them stands a figure with a spear. Whether this standing figure is being 'pronounced on' is less clear; his different posture may suggest that he is guarding the two kneeling men. But whether or not he is an object of the pronouncement, he is surely playing some active part in the story, since he seems to be addressing the crowned figure, and holding up two fingers in order to convey some information. Perhaps his fingers are meant to enumerate the two figures kneeling before him.

As Bruyn and his colleagues observed, none of the solutions to the iconography suggested before the publication of volume one of the *Corpus* captured the intricacies of the story as they described it;<sup>2</sup> and there are a number of other aspects of the picture which a satisfactory account of its iconography must also explain. First of all, the narrative has to take place in the presence of an army, which is eager to observe what is going on.<sup>3</sup> Secondly, there should if possible be some explanation for the presence of a sheep on the column in the background. Efforts by some art historians to read this creature as a wolf are impositions of iconographic theory on pre-iconographic fact; as Jeroen Stumpel has observed, if this creature is a wolf, then it is surely a wolf in sheep's clothing.<sup>4</sup>

<sup>2</sup> Rembrandt, *The Stoning of St Stephen*, signed and dated 1625, oil on panel, 89.5 x 123.6 cm. Musée des Beaux-Arts, Lyon.



Another desideratum of any theory is that it should explain the style of the architecture in the background. Very similar buildings occur in much the same position in Rembrandt's *Stoning of St Stephen* (fig. 2), painted the year before; and Pieter Lastman used architecture of the same sort when depicting biblical subjects.<sup>5</sup> If we are to draw from this the obvious conclusion, we should say that the event depicted must be taking place somewhere in the ancient Levant.<sup>6</sup>

A further requirement of the perfect theory, and one that none of the theories presented hitherto has attempted to fulfil, is that it provide an explanation for the resemblances between the Leiden painting and the *Stoning of St Stephen*.<sup>7</sup> The two panels are very large – much the largest paintings of Rembrandt's Leiden period – and almost exactly the same size: the latter is 89.5 x 123.6 cm, the former 90.1 x 121.3 cm. What is more, there are clear structural similarities between the two compositions: the 'Oriental' architecture at top right, the crowd in the background climbing to see the event in the foreground, the figure of authority on high at left, the subject(s) of his authority kneeling at right. It has been suggested before now that the two paintings were 'part of a rather grand series',<sup>8</sup> but no one has ever put forward an interpretation of the Leiden picture that draws out the parallels with the *St Stephen*.

A passage from Seneca's *De ira* provides a reading of the painting which would seem to fulfil all the desiderata listed above. Seneca writes:

There was Gnaeus Piso, whom I can remember; a man free from many vices, but misguided, in that he mistook inflexibility for firmness. Once when he was angry he ordered the execution of a soldier who had returned from leave of absence without his comrade, on the ground that if the man did not produce his companion, he had killed him; and when the soldier asked for a little time to institute a search, the request was refused. The condemned man was led outside the rampart, and as he was in the act of presenting his neck, there suddenly appeared the very comrade who was supposed to have been murdered. Hereupon the centurion in charge of the execution bade the guardsman sheathe his sword, and led the condemned man back to Piso in order to free Piso from blame; for Fortune had freed the soldier. A huge crowd amid great rejoicing in the camp escorted the two comrades locked in each other's arms. Piso mounted the tribunal in a rage, and ordered both soldiers to be led to execution, the one who had done no murder and the one who had escaped it! Could anything have been more unjust than this? Two were dying because one had been proved innocent. But Piso added also a third; for he ordered the centurion who had brought back the condemned man to be executed as well. On account of the innocence of one man three were appointed to die in the selfsame place. O how clever is anger in devising excuses for its madness! 'You,' it says, 'I order to be executed because you were condemned; you, because you were the cause of your comrade's condemnation; you, because you did not obey your commander when you were ordered to kill.' It thought out three charges because it had grounds for none.<sup>9</sup>

Although *De ira* is not a very familiar text today, in Rembrandt's time it was widely read and much admired, together with Seneca's other moral essays.<sup>10</sup> Painters too were aware of the Stoic's moral writings. Rembrandt's pupil, Samuel van Hoogstraten, quoted *De ira* five times in his *Inleyding tot de Hooge Schoole der Schilderkonst*,<sup>11</sup> while Philips Angel began his *Lof der Schilderkonst* with a quotation from Seneca's *Moral Epistles*.<sup>12</sup> Neither Hoogstraten nor Angel is likely to have read these texts in the original or in translation, probably relying instead on Dutch compendia of Seneca's sayings.<sup>13</sup> If we assume that Rembrandt too would have found Seneca hard-going in the original (although at the age of 19 or 20 he might perhaps have remembered enough of his school Latin to struggle through) then he must have been told about the Piso



<sup>3</sup> Gérard de Lairese, *The Death of Germanicus*, signed, oil on canvas, 74 x 88.5 cm. Staatliche Kunstsammlungen, Kassel.

passage by someone else, since it did not appear in Dutch until 1678.<sup>14</sup> However we do not have to imagine a distinguished scholar giving learned assistance. Most people with a reasonable education in Latin – and in a university town like Leiden, there were plenty of those – would have known Seneca's essay. It was not in any way *recondite*.

If this passage from *De ira* is indeed the source for Rembrandt's painting, then the crowned figure holding the sceptre is meant to be Gnaeus Calpurnius Piso (ca 43 BC – 20 AD), who was Governor of Syria under Tiberius. Piso's historical reputation is not a savoury one. He was accused of poisoning Germanicus Caesar, Tiberius' nephew, a figure much loved by the legions, whose affecting death was depicted by Poussin and Lairese (fig. 3). Piso was recalled to Rome, but before his trial for corruption, mismanagement and murder could be completed he was found dead with his throat slit. Tacitus and Suetonius both voice the suspicion that he was killed on the orders of Tiberius, so the latter's complicity in the death of Germanicus could be hushed up.<sup>15</sup>

Seneca does not tell us where Piso's unjust judgement of the three soldiers was made. Since he was also at different times governor of Spain and proconsul of Africa, the event need not have occurred in Syria. But by far the most famous period of Piso's career was his Syrian governorship, which is picked over in detail by Tacitus in his *Annals*; so Rembrandt, or his patron, may automatically have supposed that Piso's unjust act took place in Syria.<sup>16</sup> This then accounts for the 'biblical' appearance of the architecture in the background of Rembrandt's painting.<sup>17</sup>

A problem with the interpretation presented here is Piso's crown: Roman governors did not wear crowns.<sup>18</sup> However, given the level of archaeological accuracy in the picture as a whole, perhaps we should not be too concerned about this. Rembrandt dresses some of his figures in modern clothes, and even gives muskets to the army.<sup>19</sup> If he is able to introduce anachronisms like these, we can imagine that he might have supposed that Governors of Syria were crowned to show their rank.

Of the figures kneeling before the dais, the soldier with the shield and sword, since he has not yet been disarmed, must be the one who has just returned from leave, while the man behind, who is holding up his hands, is the prisoner who thinks he has been saved. The man with the spear is clearly the centurion. He is raising two fingers in order to point out to Piso that he has found both soldiers, so there is no need to execute the first. Rembrandt has chosen the moment in the story when Piso is just opening his mouth to make his pronouncement. This is indeed a sensible moment to choose, since he can distinguish the different emotions of the three characters. If he had decided to paint them after Piso's unjust judgement, then they would all have looked equally horrified and the complexity of the narrative would have been lost.

If this interpretation is correct, then there is a very obvious similarity of theme with the *Stoning of St Stephen*. Both pictures are concerned with events in which anger leads to unjust punishment. In the Acts of the Apostles, Stephen is stoned to death by a furious crowd of Jews after he has accused them of being the murderers of the Just One.<sup>20</sup> Piso's victims are, like Stephen, innocents killed in a moment of anger.<sup>21</sup> Both paintings are *exempla*, of innocence, injustice, anger, all three.<sup>22</sup>

Who might have commissioned this pair of paintings? We can, I think, rule out the idea that Rembrandt painted them on his own initiative. They are far too large, and in any case, it seems unlikely that he would have found the Piso passage on his own. It is more likely that the paintings were meant for a court room, or a town hall, and that the subjects were chosen by whoever was supervising the decoration. The themes of innocence, injustice and anger would be fitting subjects for such venues. Alternatively, they could have been commissioned by some well-to-do person with an interest in Stoicism; someone who wanted to overcome his passions and live virtuously, in the rational manner advocated by Seneca. Given the contemporary taste for Neo-Stoicism, people with aspirations of this kind were not so very rare in Rembrandt's Leiden.

And, finally, what of the sheep on the column? This does not feature in Seneca's tale, and it does not feature in Tacitus or Suetonius, either. Perhaps there is an allusion in general to innocence: and perhaps specifically to the Just One, the Lamb of God. When Piso was Governor of Syria, Christ was living in neighbouring Palestine. The innocent mercy of Jesus would also fall victim to the anger and cruelty of the Roman world.

## NOTES

<sup>1</sup> I thank Jill Kraye, Elmer Kolfin, Elizabeth McGrath and Fred Meijer for comments and criticism.

<sup>2</sup> J. Bruyn et al., *A Corpus of Rembrandt Paintings*, vol. 1, The Hague 1982, p. 112. Since 1982 the following discussions of Rembrandt's painting have appeared in print: J. Bruyn, 'Nog een suggestie voor het onderwerp van Rembrandts Historiestuk te Leiden: De grootmoedigheid van Alexander', *Oud Holland* 101 (1987), pp. 89-94; R. van Straten, 'Rembrandts "Leidse Historiestuk". Een iconografisch standpunt', *Leids Jaarboekje* 83 (1991), pp. 89-107; S. Schama, *Rembrandt's Eyes*, London, New York, Victoria and Toronto, 1999, pp. 228-229 (Schama's theory, as he points out, is based on an unpublished suggestion by Benjamin Binstock); J. Stumpel, 'A twelfth attempt: the subject of Rembrandt's *History Piece* in Leiden', *Simiolus* 28 (2000-2001), pp. 44-50; and J. Zwakenberg, 'Het historiestuk (1626) van Rembrandt te Leiden. Een bronnenonderzoek', *Leids Jaarboekje* 102 (2010), pp. 41-59. I discuss these theories in notes 2, 3, 6, 8, 18 and 19 below.

<sup>3</sup> The same can be said of Bruyn's own theory (Bruyn 1987 (note 1)) that the painting depicts the sons of Andromenes before Alexander, a story found in Quintus Curtius' *History of Alexander*, VII, 1-2. In Curtius' narrative one of the sons is bound, and since all are suspected of high treason it is hardly likely that one would be allowed to wear a sword and shield. For other criticisms of Bruyn's idea see Stumpel, 2000-2001 (note 1), pp. 44-45.

<sup>4</sup> This requirement rules out the theory proposed in Stumpel 2000-2001 (note 1), that the scene depicts the Horatii agreeing to fight the Curatii; their agreement took place behind closed doors in Rome. See Dionysius of Halicarnassus, *Roman Antiquities*, III, 17. Stumpel's theory also fails to account for the gesture of the man raising his hands in surprise, and the two raised fingers of the man holding the spear. Zwakenberg 2010 (note 1), p. 49, argues that the painting depicts Christian von Anhalt kneeling before the Emperor Ferdinand II, an event that took place in 1621. However Anhalt knelt before the emperor in the latter's palace at Vienna, not in front of an army. Moreover, it would be most unusual for an artist to devote a large history painting to an insignificant happening that took place a few

years previously. Van Straten 1991 (note 1), who first proposed the idea that the painting depicted some contemporary event connected to the Emperor Ferdinand II, argues (p. 97) that we should think of Rembrandt's painting not as 'historieschilderkunst' but as 'geschied-uitbeelding', but there is nothing similar in H. van de Waal's *Drie eeuwen vaderlandsche geschied-uitbeelding, 1500-1800: een iconologische studie*, The Hague 1952. The relatively few Dutch paintings of Netherlandish or German history invariably depicted exemplary scenes from antiquity or the middle ages, not recent occurrences.

<sup>5</sup> Stumpel 2000-2001 (note 1), p. 45, note 3. The sheep reminds Van Straten 1991 (note 1), p. 94, of the emblem of the Order of the Golden Fleece.

<sup>6</sup> Stumpel 2000-2001 (note 1), p. 45, note 3.

<sup>7</sup> The claim in Van Straten 1991 (note 1) and Zwakenberg 2010 (note 1) that the painting depicts an event taking place in central Europe in the first quarter of the seventeenth century is clearly in conflict with our architectural requirement. This is also problematic for Stumpel's theory, as well as for the theory proposed in Schama 1999 (note 1), pp. 228-229, that the painting represents the magnanimity of Claudius Civilis. I agree with Stumpel that in general the Binstock/Schama theory 'does not seem very plausible', since it 'fails to explain the presence of the three men before a crowned individual'. Stumpel 2000-2001 (note 1), p. 44, note 2.

<sup>8</sup> J. Bruyn et al., *A Corpus of Rembrandt Paintings*, vol. 1, The Hague 1982, p. 113, note the 'major differences' between the two paintings, differences 'that can be interpreted as progress in spatial composition achieved through the handling of colour and lighting'; they go on to observe that 'it differs so much from the *Stoning of S. Stephen* dated 1625 that it may be assumed not to have been painted immediately after that work.' This seems plausible, but the Leiden painting could still have been commissioned to form part of a series with the *St Stephen* of the previous year.

<sup>9</sup> H. Gerson, *Rembrandt Paintings*, London 1968, p. 172. Van Straten 1991 (note 1), p. 102, claims that 'de veronderstelling dat de "Steniging

van Stefanus" een pendant zou zijn van wat ik de "Grootmoedigheid van Ferdinand II" zou willen noemen, is uiterst onwaarschijnlijk – en dat niet alleen op grond van mijn nieuwe zoekrichting.' However there is no footnote to back up this assertion; and if we insist on the premise, Van Straten's *zoekrichting* becomes implausible. Cf. note 3 above.

<sup>10</sup> 'Cn. Piso fuit memoria nostra, vir a multis vitii integer, sed prauus, et cui placebat pro constantia rigor. Is cum iratus duci iussisset eum, qui ex commeatu sine commilitone redierat, quasi interfecisset, quem non exhibebat, roganti tempus aliquod ad conquiendum, non dedit; damnatus extra vallum ductus est, et iam ceruicem porrigebat, cum subito apparuit ille commilito, qui occisus videbatur. Tunc centurio supplicio praepositus, condere gladium speculatorem iubet: damnatum ad Pisonem reducit, redditurus Pisoni innocentiam; nam militem fortuna reddiderat. Ingenti concursu deducuntur, complexi alter alterum, cum magno gaudio castrorum, commilitones. Consendit tribunal furens Piso, ac iubet duci utrumque, et eum militem qui non occiderat, et eum qui non perierat. Quid hoc indignius? quia unus innocens apparuerat, duo peribant: Piso adiecit et tertium. Nam ipsum centurionem, qui damnatum reduxerat, duci iussit. Constituti sunt in eodem illo loco perituri tres, ob unius innocentiam. O quam solers est iracundia, ad fingendas causas furoris! Te, inquit, duci iubeo, quia damnatus es: te, quia causa damnationis commilitoni fuisti: te, quia iussus occidere, imperatori non paruisti.' Excogitavit quemadmodum tria crimina faceret, quia nullum invenerat.' L. Annaei Senecae philosophi opera, quae extant omnia: a Iusto Lipsio emendata, et scholijs illustrata, Antwerp 1605, pp. 14-15 (Seneca *De ira*, I. xviii, 3-6). The English translation is from the Loeb edition: Seneca, *Moral Essays*, tr. J. W. Basore, Cambridge, Massachusetts and London 1928, I, pp. 155-157. This passage has given rise to an expression, 'Piso's justice', in English, meaning a judgment which is legally right but morally wrong. However although the expression can be found in standard dictionaries of English proverbial expressions, such as Brewer's Dictionary of Phrase and Fable and Webster's Dictionary, it is not I think widely known; it was unknown to me before working on this paper, and none of the lawyers I have spoken to has heard of it.

<sup>10</sup> On Stoicism in the Low Countries see i.a. Mark Morford, *Stoics and Neostoics: Rubens and the circle of Lipsius*, Princeton 1991; *Lipsius in Leiden: studies in the life and works of a great humanist on the occasion of his 450th anniversary*, eds. K. Enenkel and C. Heesakkers, Voorthuizen 1997; *Iustus Lipsius Europae lumen et column: proceedings of the international colloquium, Leuven 17-19 September 1997*, eds. G. Tournoy, J. de Landtsheer and J. Papy, Leuven 1999.

<sup>11</sup> S. van Hoogstraten, *Inleyding tot de hooge schoole der schilderconst*, Rotterdam 1678, pp. 92, 112, 216, 221 and 349; H.-J. Czech, *Im Geleit der Musen: Studien zu Samuel van Hoogstratens Malereitraktat Inleyding tot de Hooge Schoole der Schilderconst: Anders de Zichtbaere Welt* (Rotterdam 1678), Münster 2002, p. \*135. On Hoogstraten and Neo-Stoicism, see T. Weststeijn, *The Visible World: Samuel van Hoogstraten's Art Theory and the Legitimation of Painting in the Dutch Golden Age*, Amsterdam 2008, pp. 39, 113-115.

<sup>12</sup> 'Seneca, een Man van voortreffelijk oordeel, en uytnemende gheleertheit, heeft onder alle seer wel in een van zijn Sin-spreucken gheseyt, dat de eene begheerlijckheit wast uyt het eynde van de anderen.' P. Angel, *Lof der Schilderconst*, Leiden 1642, p. 1. Seneca, *Epistulae morales ad Lucilium*, II, xix, 6. 'Philips Angel, *Praise of Painting*, translated by Michael Hoyle, with an introduction and commentary by Hessel Miedema, *Simiolus* 24 (1996), pp. 227-258 (251).

<sup>13</sup> Czech 2002 (note 11), p. \*135; Miedema 1996 (note 12), p. 251. The precise intermediary sources of Hoogstraten's and Angel's quotations have not yet been identified.

<sup>14</sup> Czech 2002 (note 11), p. \*135. The only Senecan texts to appear in Dutch before 1626 were Dirck Volckertsz Coornhert's translation of *De beneficiis* (*Van de weldaden*, Haarlem 1562) and a compilation by Govert van den Eembd

of Senecan moral dicta (*Eenighe uyt-ghelezene spreucken uyt Seneca niet min troostelijck als goddelijck*, Haarlem 1623).

<sup>15</sup> Tacitus, *Annals*, III, 15-16; Suetonius, *Tiberius*, 52.

<sup>16</sup> In fact Tacitus tells us that Piso, far from being a cruel disciplinarian, tried to curry favour with the Syrian troops by encouraging laxity: Tacitus, *Annals*, II, 55. One might deduce from this that the event recounted in Seneca, if it happened at all, must have happened earlier in Piso's career. However Rembrandt's patron probably did not notice this historical contradiction, since it also went unnoticed by Justus Lipsius; and Lipsius seems not to have known either about the earlier career of Piso in Spain and Africa. At the appearance of Piso's name in Seneca's text Lipsius adds this footnote: 'Credo ipsum esse, qui Syriae praefuit sub Tiberio, et caussa mortis putatur Germanico fuisse. Nota, qua hic Seneca insigniuit, prauum et rigidum fuisse, convenit cum iis, quae Tac. II An Cn. Pisonem, ingenio violentum, et obsequii ignarum, insita ferocia a patre Pisonem.' Seneca 1605 (note 7), p. 14. Lipsius is here referring to Tacitus, *Annals*, II, 43.

<sup>17</sup> One of the buildings is surmounted by a cross. Piso's governorship of Syria took place between 17 and 19 AD, so during the life of Christ: too early then for a church. However this anachronism is mild when compared with the others in the painting. See the following two notes.

<sup>18</sup> Van Straten 1991 (note 1), p. 91, argues that this figure must represent a Holy Roman Emperor, since he is wearing the imperial crown. I would agree that the crown does indeed resemble the crown of the Holy Roman Emperor. However the emperor only wore this crown on state occasions, and would not have worn it in an army camp, as here. Van Straten and, following him, Zwakenberg 2010 (note 1), also argue that the emperor must be a

contemporary of Rembrandt's, and so must be Ferdinand II. However Ferdinand II does not resemble this figure, and he was in any case invariably depicted wearing a ruff, which is conspicuously absent in Rembrandt's painting. The semi-classical dress of Rembrandt's ruler is most unusual: as Van Straten himself acknowledges (p. 91): 'Vergelijkbare kostuums heb ik niet kunnen vinden, maar het is niet moeilijk vast te stellen dat Romeinse keizers in de 17de eeuw (en ook daarvoor) altijd geheel anders werden uitgebeeld.' Despite the fact that, on his own admission, the costume does not support his argument, Van Straten holds up the costume as the strongest support for his argument (p. 95). Rembrandt was never unduly bothered by anachronism in the dress of his figures; witness the post-medieval armour in e.g. the *Blinding of Samson* (Städel, Frankfurt) or *St Peter betraying Christ* (Rijksmuseum, Amsterdam). In the *Christ and the Adulteress* (National Gallery, London), there is a soldier dressed in slashed sleeves, slashed trousers and breastplate, like the figure with the raised hand in the *Injustice of Piso*.

<sup>19</sup> Stumpel 2000-2001 (note 1), p. 50. Of course, one could argue from this – as Van Straten 1991 (note 1) and Zwakenberg 2010 (note 1) do – that if there are muskets in the scene then the scene must be contemporary. But on Rembrandt's anachronisms see the preceding note.

<sup>20</sup> *Acts* 7: 51-60.

<sup>21</sup> Jill Kraye has observed (pers. comm.) that the figure of Piso does not look very angry. It seems to me that, with his raised eyebrows and pursed lips, he looks angry enough: in Seneca's essay, anger is often concealed behind a mild face (e.g. II. xxxiii, 5; III. ix, 5).

<sup>22</sup> On the theory of the *exemplum*, see E. McGrath, *Subjects from History*, Corpus Rubenianum XIII, London 1997, ch. 1: 'Themes and Traditions'.