

LAW, JUSTICE AND ROYAL POWER IN SIXTEENTH CENTURY PORTUGAL IN A PAINTING BY FRANCISCO HENRIQUES

Duarte Manso¹

Abstract

Through an iconographical method of analysis, this article on the painting *O Profeta Daniel e a Casta Susana* (*The Prophet Daniel and the Chaste Susanna*) will discuss the choices made by both its author, the painter Francisco Henriques, and his patron, King Manuel I, in order to unravel the true symbolic meaning of the artwork. The ties between law, justice, art, and power are complex and often unexpectedly deep, and in this sixteenth century panel, I believe to have found an interesting example of how art can be subtly manipulated to serve political interests, by shaping the way justice is socially perceived through the use of *exempla iustitiae*, ‘examples of justice’. In particular, this analysis will address the way an absolutist monarch can make use of religious imagery as an instrument for judicial legitimization, via the appropriation of a popular biblical narrative, slightly altered to fit an intended narrative.

Keywords

Legal Iconography. *Exempla iustitiae*. Judicial Legitimation;. Renaissance. Royal Power.

Summary

1. Introduction. 2. Description of the artwork. 3. Iconographical interpretation. 4. Comparative analysis. 5. Historical context: King, Prophet, or Judge? 6. Conclusion. 7. References.

¹ Bachelor student, Faculty of Law, University of Lisbon – Portugal.



Figure 1: Francisco Henriques, *O Profeta Daniel e a Casta Susana* (*The Prophet Daniel and the Chaste Susanna*), oil on panel, 1509-1502, 248 cm × 202 cm, Évora, Museu de Évora. Source: Wikimedia Commons.

1. INTRODUCTION

In this article, my intention is to comment on the sixteenth century Portuguese oil painting *O Profeta Daniel e a Casta Susana*, painted by Francisco Henriques (died 1518), a royal painter of Flemish origin. It is a large altarpiece panel, 248 cm high and 202 cm wide, originally painted for

one of the side chapels of the Church of São Francisco, in Évora, somewhere between 1509 and 1512. It was produced alongside other panels that also depict several biblical episodes. And perhaps most importantly, it is a work, as far as we know, commissioned by the monarch King Manuel I himself.²

The Church of São Francisco belonged to the Franciscan Convent of Évora, but it was also in service of the Royal Palace adjacent to it. It is understandable that the royal family wanted to dignify it, since they attended liturgical celebrations there when they were in the city. They did so even frequently during the second Portuguese dynasty (the Avis dynasty). The monastery eventually earned the title of ‘the Convent of Gold’.³ Francisco Henriques took charge of most of the church’s decoration, which included, besides the polyptych of the main altar, large panels for the side chapels, with various invocations.⁴ The panel under analysis was one such work from that set of commissions.

Reportedly, Francisco Henriques arrived in Évora in January 1509,⁵ with the painter being integrated within King Manuel’s court, a monarch who was known to adopt an active role in the constructing and decorating undertakings of his Kingdom – an aspect to be kept in mind throughout this article. There are reports of a certain level of supervision practiced by

² BILOU 2020, 3-4.

³ TEREÑO 2002, 113-139.

⁴ Information from MatrizNet, the collective online catalogue of movable cultural objects of the museums of the Portuguese State’s central administration (Direção-Geral do Património Cultural) as well other cultural institutions, <http://www.matriznet.dgpc.pt/MatrizNet/Objetos/ObjetosConsultar.aspx?IdReg=13805>, accessed 5 June 2022.

⁵ BILOU 2020, 1.

the Monarch, not only through his presence, in-person, at the construction site, but also through the existence of paintings and representations of his figure within it.⁶ This well-documented involvement of King Manuel in the creative process of the panel may be related to the fact that the representation of the prophet Daniel, in the panel, has strikingly similar facial features to those of the Monarch himself, a detail that will be subject to further examination and interpretation later in the article.

2. DESCRIPTION OF THE ARTWORK

The portrayed episode tells the tale of two elders, who approach the beautiful Susanna, wife of their colleague Joachim, while she bathes in her private garden, with the intent of sexually coercing her. She resists their attempts, which prompts the two men to threaten to accuse her, falsely, of committing adultery. If she doesn't submit to their wishes, they would testify in court that she was seen secretly meeting with a lover in her own garden. The two elders were judges, and as such, well-respected members of the community, whose words could carry a lot of influence. If she were convicted for the crime of adultery, the punishment at the time would be nothing short of a death sentence; Susanna would be stoned alive. However, the Chaste Susanna, preferring to be unjustly punished than to sin in the eyes of the Lord, rejects the wicked elders' ultimatum. The following day, the innocent young woman is put on trial, not even having the opportunity to defend herself properly, for the elders' testimony is

⁶ BILOU 2020, 1.

immediately seen as definitive. After being sentenced to death, Susanna prays to God for salvation, and at that moment, the young prophet Daniel appears in her defence, demanding a new trial and prompting the accusers to repeat their testimonies, now separately, and going into some particular details (like the type of tree Susanna and her lover were seen under) in order to expose their lies and abuse of power.

For the analysis of this piece and what meaning it may hold, there is no better approach than to rely on art historian Erwin Panofsky's (1892-1962) iconological method of analysis. This is an iconographical analysis. Panofsky describes it as the branch of the history of art studying the subject matter or meaning of works of art, as opposed to their form,⁷ which is precisely our intention with this text.

One cannot begin to grasp the meaning of a work of art before a careful apprehension of all its elements: what colours the artist employed, what beings or objects are being represented, what kinds of events can be seen occurring, etc. All of these elements can be absorbed by the viewer through the practical experience of a basic human sensitivity, requiring only an 'everyday familiarity with objects and events'.⁸ We are merely investigating the factual or expressional meaning of the artwork at this point, which may be classified as what Panofsky calls 'the class of primary or natural meanings'.

Starting then with a pre-iconographical description of this work of art, which leads our attention to the content of the panel itself, we can see it is a broad composition of transparent chromatic matter, with an exuberance

⁷ PANOFSKY 1955, 26.

⁸ PANOFSKY 1955, 27.

of bright hues (mostly yellows and reds, colours Francisco Henriques is known for employing) and an ample treatment of luminosity. Its style is, by its verism and its communicative grandiloquence, close to that of the Italian *fresco* painters, with a bold *sfumato* that reveals much of the artist's own taste and personality.⁹

The panel is divided in two scenes: one in the foreground, one in the background. In the main or foreground scene, on the left, we can see a woman with a serious yet serene expression, her head covered by a hood and her body cloaked by an ample red dress. Her posture seems to indicate modesty, as she uses her left hand to cover her torso while the right holds her robes. Opposite her, we can observe a man, seated on a throne, firmly wielding a rod. His luxurious clothes are befitting of a king, and he sits sheltered by an intricately decorated canopy. With a stern posture and a calm expression, this dignified figure suggests wisdom and austerity, both essential qualities of a true judge, who should be impartial and relentless in the pursuit of the truth. In the middle, between the two characters, stand two men, seemingly arguing with the majestic figure on the right. Their body language is invocative of movement, with both arms being used in an argumentative fashion – one of the men even seems to point away from the enclosed space they are standing in. In contrast to this disputatious effervescence, the seated man remains serene, his body language firm, raising only an accusative finger pointing straight at the two men, whose raised arms and nervous expressions suggest a more defensive and vulnerable stance.

⁹ SERRÃO 2002, 110.

All of these characters seem to stand in an almost secluded space, inside a building, away from the public open air area seen in the background. In this secondary scene, we can observe some kind of town square, in which two men are tied to a stake and stoned by an angry mob. Spatially, the two spaces seem to be adjacent, but there is a significant distance between the secluded space where the main characters stand, and the plaza where the stoning takes place.

3. ICONOGRAPHICAL INTERPRETATION

After a thorough description of the contents of the panel itself, the next step is one of interpretation. We must understand who these characters are, where they are, and what kind of situation they find themselves in, by invoking our cultural knowledge. In doing this, we connect artistic motifs and combinations of artistic motifs with themes or concepts,¹⁰ which will allow us to identify an underlying personification, allegory, legend, history...

Taking another look at the painting with the necessary knowledge that it consists of a representation of the biblical narrative of Susanna the Chaste allows us to impart meaning from what previously could only be identified as a combination of vague artistic motifs. Panofsky calls this meaning ‘secondary or conventional’. It differs from the primary or natural one in

¹⁰ PANOFSKY 1955, 29.

that it is intelligible instead of being sensible, and in that it has been consciously imparted into the artwork by which it is conveyed.¹¹

With this knowledge, we can deduce that the steadfast woman on the left is Susanna herself, while the two men arguing are representations of the two accusers, the perverted village elders. In contrast, the seated figure seems to be the prophet Daniel, wielding the rod of justice, symbol of judicial power, despite him not being a judge himself. Instead of being depicted as a young man, in accordance with the biblical description of his character, Francisco Henriques chose (or might have been asked) to represent the prophet as some sort of royal figure, as we can deduct from his posture, vests, and even a possible resemblance to the monarch Manuel I himself, whose involvement in the work has been alluded to early. Presumably, this scene is a representation of the moment in the biblical narrative when Daniel points out the contradictions within the accusers' testimonies, revealing the objective truth through essentially legal techniques – an individual interrogation, followed by a thorough cross-examination of facts.

In the background scene, we see the punishment of the false accusers, who, after being exposed, were subjected to the same punishment they intended to subject the innocent Susanna to. It is clear, then, that the first and second scenes do not overlap temporally, despite them being spatially adjacent. As such, we can understand that the second scene consists of the result of the trial conducted by Daniel, after the lies of the two elders have been revealed, and a 'fair' sentence has been pronounced, in line with an Old Testament understanding of how justice should be made. In a way,

¹¹ PANOFSKY 1955, 27.

this episode could have been intended to legitimize the use of severe punishments on the basis of divine approval,¹² adhering to the biblical principle of ‘an eye for an eye, a tooth for a tooth’.

4. COMPARATIVE ANALYSIS

Before moving on to the third and final level of Panofsky’s analytical method (after the descriptive and the iconographical, the iconological one), it is beneficial to compare this artwork with similar representations from the Late Middle Ages and Early Modern Era. While at a first glance, this panel by Francisco Henriques might be interpreted only as yet another of the many representations of the Chaste Susanna’s biblical narrative, particularly popular at the time (because it gave a biblical motif to represent a naked woman?), in truth it presents some notable distinctions which should be highlighted.

The first distinction is in regard to the number of scenes in the piece. Historically, the *exempla iustitiae* were generally composed of four scenes. The episode of Susanna and the Elders, whose themes include issues of social discipline and the administration of justice, was often used for this purpose, serving both as a warning about the dangers of false accusations and abuses of power, and as a helpful learning tool for legal scholars to understand the importance of a proper trial.

¹² MARTYN 2016, 43.



Figure 2, Heinrich Aldegrever, *The Story of Susanna*, engraving, first state of three, 1555, 11,3 × ,1 cm. Source: Metropolitan Museum of Art, Harris Brisbane Dick Fund, 1947.

By observing the engraving, authored by the German artist Heinrich Aldegrever (circa 1502-1555 or 1561), we can understand in which way the narrative was generally divided into four scenes. The first one usually took place within the private garden, where Susanna was bathing, while the depraved elders spy on her and plan their approach. In the following scene, the first judgement is already underway, with Susanna being unable to defend herself from the false accusations thrown at her, due to the elders' power and influence within the townsfolk. In the third scene, however, we can now observe the second judgement: the young Daniel has intervened, and through cross-examining the accusers' testimonies, their lies are about to be exposed. Finally, the last scene concludes the story, as we see the false accusers being stoned by an angry mob, as punishment for their deceit and abuse of power.

Thus begs the question: why is it, that in Francisco Henriques' representation of this biblical episode, the first two scenes were omitted? This painter's preference towards representing only the third and fourth scenes of this narrative may reveal some information about the symbolic purpose of his work. If the focus of the first two scenes is the beauty and innocence of Susanna, nude in her garden, and the injustice of the first trial, then what we can take from the final two scenes may be interpreted as the wisdom of Daniel's judgement and the importance of retributive and exemplary justice.

As an aside, it is important to note that the Chaste Susanne narrative was not always painted with the intention of serving as an *exemplum iustitiae*. Among all of the defining moments of this story, by far the most commonly portrayed one, throughout history, especially during the Renaissance and Baroque periods, has been the one corresponding to the

first scene, where we can see the woman bathing in her private garden, undressed and subjected to the lustful gaze of the two elders. Other moments in the narrative, like the trials or the stoning of the elders, are significantly rarer, being mostly found in courtrooms and other judicial institutions. This reveals the preference by the artists (or the patrons who sponsor them) for the representation of the nude female form. This inclination was natural considering the popularity of depictions of naked female figures at the time, often associated with the Renaissance period. Curiously, in this panel, the opposite is true. Despite it not being directly commissioned by a judicial institution, the first part of the story is omitted, the focus of the work being exclusively on the moment where the truth is unravelled through the prophet's wisdom, and the consequent application of justice. This is a peculiar and no doubt intentional choice on behalf of the artist and his patron, which will be later interpreted at greater depth.



Figure 3: Jan Massys, *Susanna and the Elders*, 1564, oil on panel, 106,7 x 196,9 cm. Source: Norton Simon Art Foundation.

The fact that the same biblical episode has had so many different representations, many of them focused on different moments within the story, only serves to demonstrate the metaphorical flexibility of this narrative. Some artists have chosen to represent Susanna to allude to the importance of women's chastity, others have used it to inspire in the viewer her courage and faith in God, strong enough to make her prefer death to sin. Some might have highlighted the importance of proof and truthful testimony in the judicial process, or even interpret this story as a criticism of the idea that there should be secrecy in matters of politics and justice, for example.

Another unusual detail that we can find in Francisco Henriques' work consists of the physical space where the trial takes place. In the painter's panel, Daniel confronts his accusers in a cloistered, almost segregated

space, away from the public area where the crowd is. This is another detail that represents a conscious decision by the artist to create an ideal setting, slightly different from the one resulting from a direct interpretation of the original texts.

Finally, the last difference that should be pointed out is in regard to the physical characteristics of the young prophet himself. In the texts, he is described as a young man, possibly still in his teens, inspired to action by God himself, whereas in Francisco Henriques' representation, the prophet is seen wearing extravagant clothes, fit for a king, seated on a throne and covered by a highly decorated canopy. In addition, if we look at other contemporary representations of the figure of King Manuel (see Figure 4, for example), we can easily find similarities between the artists' representation of the prophet and the visage of the Monarch, which may not be coincidental.



Figure 4: Unidentified artist, *King Manuel I*, stained-glass window in the chancel of the Church of Santa Maria da Vitória, Batalha, 1510-1513. Source: https://artsandculture.google.com/asset/_/MQEh_89-XAVxIw.

In sum, in this panel, three unusual elements or differentiating factors can be highlighted, that are not commonly present in other contemporary representations of this biblical episode. The first is the artists' clear preference for representing the moments of Daniel's intervention and the

punishment of the accusers. The second is the fact that the trial took place in a sheltered space, not only hidden from the public, but also, symbolically, from God's watchful eye above. Finally, there is the similarity between the figures of the prophet Daniel and that of King Manuel I, based on the clothing and posture of the man in the painting. Adding to these three elements, if we also consider the fact that it is known that this work was commissioned by King Manuel himself, it is possible to arrive at a conclusion about what was the true meaning that the royal painter intended to instil in this beautiful piece. We start to unravel what Panofsky calls the 'intrinsic meaning' of the piece.

5. HISTORICAL CONTEXT: KING, PROPHET OR JUDGE?

Finally, we are ready to move on to the third and final stage of Panofsky's iconological method of art analysis. So far, we have extracted all of the factual and expressive information that the artwork offers, and applied to it our own cultural and artistic knowledge, in order to draw inferences and recognize icons or allegories. The next step is grasping the aforementioned 'intrinsic meaning or content', which is essential (while the two other kinds of meaning, the natural and the conventional, are phenomenal).¹³ Essentially, to unravel the true meaning of this piece, we must now dive into the historical and religious influences on the work, and expose the underlying principles which, consciously or unconsciously, guided the artist during the process of creation. This deep, multidisciplinary form of

¹³ PANOFSKY 1955, 28.

art analysis allows us to reveal the ‘basic attitude of a nation, a period, a class, a religious or philosophical persuasion – qualified by one personality and condensed into one work’.¹⁴

Therefore, this iconographical analysis cannot continue without first establishing some facts about the Portuguese society around the time Francisco Henriques was an active painter. In the early sixteenth century, Portugal was living under absolutism, power being concentrated in the reigning monarch’s hands. A form of enlightened despotism was popular at the time, and under pressure from royal absolutism, the Church was forced to abide by the Monarch’s will. King Manuel I combined political with religious and legal power. The Manuline period of Portuguese history was marked by an impulse towards centralisation and a significant increase in public service activity. During the reign of King Manuel, numerous legislative reforms are published which thoroughly regulated many state activities, including the economy, the military, central and local administration, as well as justice. It was a period of change; the modern state gradually replaced the medieval state in laws, arms and ideas.¹⁵ The biggest consequence of the legislative transformation was the elimination of the old charter-based law, contained in the municipal registers of each county, making way for general royal legislation, whose compliance was enforced even if it went against the local laws. The *forais* or municipal charters were no longer the titles of former local autonomy but merely regulations of the rights and laws imposed by the crown.¹⁶ This reform was considered completed in 1522.

¹⁴ PANOFSKY 1955, 30.

¹⁵ SARAIVA 1978, 139.

¹⁶ SARAIVA 1978, 140.

An example of such legislative reforms were the Manueline Ordinances, one of the most important legal compilations in the history of Portuguese Law. Issued in 1512, they exhaustively compiled the entirety of a newly revised Portuguese legal system, adapted to the needs of a growing, expansionist global empire. They represent a turning point in the evolution of Portuguese Law, and reveal King Manuel's interest both in affirming national unity throughout the empire by creating a general legal system, and in reinforcing the monarch's role in the administration of justice.

Previously, as a result of legal pluralism, criminal law took on a much more symbolic or imaginative function than a disciplinary one,¹⁷ especially in medieval times. And to this end, the representations of the so-called *exempla iustitiae* were important, by being capable of showing the population how justice should be administered, and perhaps most importantly, who had the legitimacy to administer it. It is clear that one of the main themes of the Chaste Susanna episode regards the way justice is dispensed in society. Therefore, its representations, besides containing a moralising element regarding women's behaviour, also possess a strong legal essence, teaching the importance of a fair trial, guided by the search for the truth, regardless of the social status and influence of the parties involved.

Now, the 'thesis' of this commentary, if one may call it so, is that King Manuel's intention when he commissioned the panel in question to the royal painter Francisco Henriques was precisely the appropriation of a well-known biblical narrative to exemplify and disseminate the image of an

¹⁷ DE ALBUQUERQUE & LOUREIRO 2021, 5.

‘ideal’ court procedure. This was an attempt to confer centrality to the governance of justice, submitting it to royal power, through a clever instrumentalization of art and its symbolic potential in a mostly illiterate society. The first two scenes could have been omitted precisely because they contribute nothing to legitimize the King’s jurisdictional capacity, since his ‘representative’, the young prophet Daniel, only comes into scene in the third scene of this story.

This theory helps explain why it is that in Francisco Henriques’ representation, the trial before wise Daniel, a ‘stand-in’ for the King, takes place in a clearly closed space. This concealment of the administration of law symbolises the aforementioned concentration of judicial power in the monarch’s hands – there is no place for popular or democratic justice, as the location where justice is dispensed is far away from the crowd. A trial ‘behind closed doors’ represents not only a detachment between justice and the common folk, but also a detachment between justice and God – his intervention is not necessary, since the monarch himself, like the prophet Daniel in the story, received divine inspiration and is empowered by a higher power to do justice by himself. No individual or group has legitimacy to judge the King’s decisions; he is the ultimate judge, and that is his exclusive right, as someone who has been inspired by God with the wisdom to distinguish evil from good, to reward innocence and punish wickedness.

The depiction of the prophet Daniel as King Manuel I serves the purpose of painting an image of the monarch as an enlightened individual, chosen by God, having received the divine wisdom needed to govern his country and establish social harmony among his subjects. In fact, the association of sacred iconology to the figure of the King was not an unheard-of practice at the time; it was one of the strategies employed by Manuel to

strengthen his position and influence within the Kingdom. To achieve this goal, his word had to be religiously venerated, and his person ascended to an almost messianic state. His Manueline iconography and symbolism was developed in an artistic style, that ran not only through painting, but also sixteenth century Portuguese architecture and sculpture. To strengthen his image as a King chosen by God, destined for great things, Manuel I made use of royal painters and their art, appropriating this popular biblical narrative as a way to exemplify his virtue, by comparing himself to the wise and just prophet Daniel, loved by the population after his brilliant intervention in the trial of the innocent Susanna. The fact that the work is known to be commissioned by the King himself, and presumably painted under his indirect instructions, makes it even more likely that these similarities are more than a mere coincidence.

Out of all the biblical figures known for their wisdom and virtue, the artist chose Daniel, a prophet, to represent the royal figure. This may be related to the important biblical role prophets play when it comes to law-making. After all, wasn't the main function of the great prophet Moses in the history of Israel one of mediating the Law?¹⁸ It was not a king nor a judge, but a prophet who was summoned by God to climb up Mount Sinai and receive the Ten Commandments. The allusion to the figure of a prophet bestows in King Manuel the mythological aspect of the 'chosen one', tasked with guiding those who follow him, using the laws and sense of justice imparted to him by a higher power, lending strength to his political ambitions.

¹⁸ JACKSON 1992, 124; JACKSON 1994.

Another angle of interpretation, which might explain the monarch's interest in the representation of this particular biblical episode (and this specific part of it), may be related to the position of judges and magistrates in an *Ancién Regime* monarchy. It is important to note that in this narrative, both of the accusers are magistrates, thus supposedly having an even stronger obligation to act in accordance with the law and set an example of justice for their community. In representing a narrative in which the figure of the judge appears as a person of corruption and abuse of power, in stark contrast to the just and wise Daniel, represented here as an expression of royal power, my interpretation is that we are looking at an attempt by the monarch to constrain the actions of his court officials,¹⁹ submitting them to the intentions of the Crown. These magistrates should apply the law correctly and remain impartial and righteous in their conduct, or they might find themselves in the position of the two scheming elders, exposed and punished not by a prophet, but by the King himself. Again, we see an attempt to reduce intermediate powers in the administration of justice. If, as we have previously discussed, the private nature of the trial is an attempt at delegitimizing popular justice, then choosing a narrative in which the judges appear as symbolic persons of sin and corruption serves only to delegitimize jurisprudential law, which is based on the magistrates' legal knowledge and the local town charters. Shortly put, the intended message was that justice was first and foremost a royal affair, and that any kind of 'community justice' or local means of resolving conflicts was fallible and prone to injustice and corruption, which helped establishing the supremacy of a royal and centralised law,

¹⁹ DE ALBUQUERQUE & LOUREIRO 2021, 23.

indistinguishable from canon law. Bearing in mind that in the fifteenth century, art was one of the most efficient ways of disseminating propaganda to a mostly illiterate community, and bearing in mind that this work was commissioned by King Manuel I, these details reflect, in my opinion, a specific intention on behalf of the painter to represent the conditions in which justice should be ideally carried out in Manueline society.

6. CONCLUSION

Interpreting all of the most unusual characteristics found in this representation of a classic episode from religious literature, along with its historical and political context, the commented Manueline panel can be seen as part and parcel of royal propaganda. Through a deeper interpretation of an artwork that, at first sight, seems to be nothing more than a simple depiction of a biblical scene, without any major changes or added symbolic content, it ends up revealing interesting details about the way justice was seen, and eventually manipulated, by political power during a European monarchy in the *Ancien Régime* period.

Art served – and probably still serves – as a means of a kind of manipulation or propaganda, not only via painting, but also via architecture, sculpture, and several other visual arts (because, after all, ‘a picture is worth a thousand words’). In this way, the curious relationships between art, justice and politics, three concepts that constitute a trinity of mutual influences, can piecemeal be unravelled. For centuries, this tripartite relationship has been influencing our history, and art will no

doubt continue to subtly shape the future of our society – either as a catalyst for change, or as a symptom of it.

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