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The Art of Law

Artistic Representations and Iconography
of Law and Justice in Context,
from the Middle Ages to the First World War

 Springer

Chapter 10

Lawyers and Litigants: The Corrupting Appeal and Effects of Civil Litigation in Hendrick Goltzius' *Litis abusus*

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Abstract The series *Litis abusus* by Hendrick Goltzius (later recast in different versions by Philips and Theodoor Galle) entails a strong moral criticism of civil litigation. Although the artist highlights conventional targets of attacks on litigation, in particular the duration and costs of civil proceedings, the litigant himself, rather than legal professionals, is the central character whose greed and acrimony are the driving forces behind his procedural obstinacy, which ultimately leads to the exhaustion of his patrimonial, physical, mental and spiritual resources. The representation of civil litigation as a monstrous predator also suggests that the system of civil procedure is per se flawed. The sequence of eight prints offers a mostly secular view of the artist's moral censure of greed and querulous abuse of the system of justice. The addition of several Biblical quotes, at the bottom of each print, gives religious force to the general moral message of the series.

10.1 Civil Litigation as a Minor Topos in Art History

Civil litigation, unlike criminal justice, has rarely been prominently represented in the early modern Western iconographic tradition, at least in pictorial representations. The scales of Lady Justice may arguably be more closely associated with the adversarial system of proceedings which has prevailed in civil litigation since the

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Second Middle Ages than with the inquisitorial principle of criminal prosecutions (at least on the European continent), yet as a symbol it remains, however powerful, a comparatively abstract image of the administration of justice between private litigants. Although in the Western tradition, the volume of civil litigation has traditionally far outweighed that of criminal cases, the latter have usually attracted the most attention from public opinion and non-legal writers, and that is still true in modern coverage of legal proceedings in the press and other media. Similarly, artists appear to have been more readily inspired to represent scenes of criminal justice.

A few exceptions stand out. In the Low Countries, the illustrations in Joos de Damhouder's printed work on civil proceedings have contributed to reach a wider readership beyond legal professionals and to formalise to some degree the representation of particular stages and actors of the administration of civil justice (Monballieu 2016).

A more committed genre of artistic representations deals with moral and social criticism of civil litigation: recurrent topics in that genre are corruption through bribery, and, more specifically associated with civil litigation, undue delays and costs of litigation. Bribery appears very explicitly linked to the adversarial model of (civil) procedure in Hans Vredeman de Vries' (1527–1607) allegory of human justice in the series on public governance painted around 1595 for the town hall of Danzig (Wijffels 2011). Costs and delays are hinted in various parts of Marinus van Reymerswale's (1490/1495–1546/1556) detailed representation of a lawyer's office (ca. 1542–1545, Monballieu 1972, 1973). In those examples, professional lawyers or legal officials (counsel, judge) appear to be the main instruments and beneficiaries of the flaws in the administration of justice, although dishonest or inordinately ingenuous litigants share part of the blame.

In sixteenth-century critical pictorial representations of civil litigation, the series *Litis abusus* holds a special place. While it primarily censures the moral flaws of litigants who unreasonably pursue their claims before the courts, and less unequivocally the lawyers' part in the detrimental effects of litigation, it also conveys the idea that civil litigation is per se pernicious. The series offers no positive alternative to the corrupting nature of civil proceedings.

10.2 *Litis abusus*: Three Closely Related Versions

Following *The New Hollstein*, three main versions of the series comprising a sequence of eight numbered plates were produced in the Netherlands (Leesberg 2012 [NHD], vol. II, n° 186–193; Strauss 1977). The original series is said to have been 'designed and executed' by Hendrick Goltzius (1558–1617) himself, after a concept from his then teacher Dirck Volckertsz. Coornhert (1522–1590), who is

credited with the first (and unsigned) edition in Haarlem around 1576 (Leesberg 2012 [NHD], vol. I, p. xlv).¹

A second edition with Goltzius' signature added on all plates appeared in Haarlem (Marten Spiegel for his father Hendrick Laurensz. Spiegel) in 1597, and a third edition at The Hague (by Hendrick Hondius) around 1604. Copies, including several variations with regard to size, orientations and captions in different languages, are reported in Italy (*partim* s.l.n.d.), in Germany (Frankfurt 1614) and France (s.l.n.d.).

Possibly before the second edition of the Goltzius version, an adapted version featuring the same sequence of eight plates was published in Antwerp by Philips Galle (1537–1612), who is also credited with the new design of the engravings around 1590.² That version, signed by Philips Galle's eldest son Theodoor (Sellink and Leesberg 2001 [NHD], vol. I, p. lxii), may have been published again by the latter (in Antwerp) before 1636 and certainly by Joannes Galle (also in Antwerp) some time before 1677.

Finally, a third version published in the Netherlands—if, as in the present contribution, Goltzius' version may be regarded as the first version, and Philips Galle's version as the second—was also published in Antwerp by Theodoor Galle before 1636: the eight scenes are here incorporated in one larger plate (37.0 × 45.5 cm).³ In the three versions published in the Netherlands, the sequence

¹Around the same time, Coornhert published a series which, as in *Litis abusus*, combined, sometimes in the same plate, realistic and allegorical figures (Puhlmann 2007, p. 159–60; the book in which the plates are included, published by Plantijn in Antwerp in 1575, is available on-line on *Gallica*). On the collaboration between Coornhert and Goltzius, see Veldman (1990), p. 23–26 (emphasising *inter alia* how Coornhert's experience as a notary may have influenced some elements in plates 2 and 3). Greed and avarice were a main theme in Coornhert's work, *ibidem*, p. 56–57.

²That version by Philips and Theodoor Galle is discussed more in detail by Martyn (2016) (including reproductions of the copies exhibited, from the collection of the Royal Library in Brussels, the same copies I have consulted for the preparation of my paper).

³I shall not discuss hereafter in my contribution that third version, limiting a few elements of comparison to the versions by Goltzius and Philips Galle. The smaller plates in the all-in-one version are very close to Philips Galle's adaptation of Goltzius. In the copies I have seen, plates 1 and 8 in the last version are arranged as mirror images of the Galle engravings, but the other plates follow the same arrangement as Galle. The main difference in the texts below is that, for each plate, the Dutch verses are preceded by an equivalent set of verses, first in Latin, then in French. The Biblical references which follow (see Appendix) are the same as in Philips Galle's version. The Dutch texts in the all-in-one version are almost identical to those in Philips Galle's version, but for the odd misprint and a few more or less consistent spelling variations. Occasionally, the text has been slightly adapted: for example in plate 7, where in the one-in-all version the last verse reads '*Voor Goey rechters ist goet, voor Quaden ist mommescansen*' (perhaps the change has been inspired by the need, in that version, to identify the figures on the picture with a reference number, which is not the case in Philips Galle's version: the all-in-one version identifies the good judges with a n° 2, the bad judges with a n° 3). The Latin verses in the all-in-one version are original and replace the Latin verses published in Philips Galle's version. The general title on top of the engraving in the all-in-one version is trilingual, in capital letters: *Litis abusus. Abus du proces. Misbruyck van't process*. Bottom right of the plate: 'Theodorus Galle excudit Antverpiae cum privilegiis. Utiliter evulgabitur P. Coens C.A.'. I have consulted (on-line) the copy of Rijksmuseum Amsterdam, inv. RP-P-OB-80.477.

of eight plates is the same, in the sense that each plate in the different versions illustrates the same scene, although the setting and the arrangement of the characters may differ significantly. However, the versions by Goltzius and Galle also share many crucial original features. The graphic styles of both artists are nonetheless strikingly different.⁴

10.3 The Sequence of the Scenes

The plates in Goltzius' and Galle's versions are numbered. The captions under the pictures give a brief description of the scene in verse form and a number of quotes from the Bible (discussed *infra* and listed in the Appendix). The captions which can be regarded as the subtitles describing the individual scenes are in Goltzius' series as follows (original Dutch and modern English translation (AW)):

1. 'LITIS ABUSUS. Mijnn en dijn verdriven door onmatich begeren/die zoete Liefde, Eendracht, Vreed. en Vrees des heeren' (THE ABUSE OF LITIGATION. Mine and Thine chase away through immoderate greed/the sweet Love, Concord, Peace and the Fear of the Lord, Fig. 10.1).

Each of these characters mentioned in the caption is depicted and identified in the picture in Latin and Dutch.⁵ The fleeing characters are preceded by a barking dog looking back.

2. 'Door t'scalke bedroch; door valscheit argelistich/ooc door scryvers zot werd't de coopman meest twistich' (Through devious fraud, through deceitful falsehood/and also through foolish scribes has the merchant become most litigious).

Against the backdrop of a harbour and quayside with ships, two men, at least one of them a merchant, are striking a deal: they shake hands, encouraged by Falsitas (a woman), holding a bent measuring rod. Another woman, Fraus (with a small trap on

⁴As I am not an art historian, I cannot venture any attribution based on stylistic features. From what I have seen of other engravings attributed to Philips Galle, many share several features of style and concept with the series of *Litis abusus* attributed to Goltzius, while the same series attributed to Philips Galle seems stylistically rather different from other, comparable, pictures attributed to the same artist. The connection between Philips Galle and Hendrick Goltzius should not be underestimated, especially during the 1570s, when both Galle and Goltzius, encouraged by Coomhert, strongly developed their production of prints on moralising topics (Sellink and Leesberg 2001 [NHD], vol. I, p. xlix and lxii). To my untrained eye, the Goltzius *Litis abusus* series often presents more similarities with the style of some of Cornelis Cort's works, although the latter's backgrounds are often more sophisticated than the somewhat raw background setting in Goltzius' present early series (Sellink 2000 [NHD]).

⁵*Tuum/Dijn; Meum/Mijn* (both men); *Concordia/Eendracht* (woman); *Charitas/Liefde* (woman, with boy and young child); *Pax/Vrede* (woman); *Timor Dei/Vrese Goods* (man).

her head),⁶ holds up the right arm of one merchant, as if to gesture an oath, and pulls the other merchant's right hand to shake the first merchant's left hand. Behind them, sitting among the barrels and bales (some adorned with merchants' signs) a blindfolded man (identified as '*Notarius imperitus*') is sitting and writing up a document.⁷

3. '*Waen[ec]ht hartneckich, duister testament, myn en dyn/met begeerte blind, halen t'Proces, eendrachts venyn*' (An obstinate delusion of one's right, an obscure will, Mine and Thine/together with blind desire, fetch Litigation, the venom of concord).

Walking out of a cave, with a city in the distance, a procession led by a Cupido whose upper part of the head, including his eyes, is covered by (possibly) a handbag turned upside down,⁸ a woman whose head has turned into a skull ('*Testamenta*'),⁹ holding with her right hand the left arm of Litigation ('*Lis*'), dressed as a gentleman, *cf. infra* for his description), whose right arm is held by another woman ('*Opinio*', whose hair is held by several reading-glasses),¹⁰ and followed by Mine ('*Meum*') and Thine ('*Tuum*'), both engaged in a discussion.

4. '*Hi behoeft drie sacken die met process is gequelt./Een vol onscamelheit, een vol gedult, een vol gelt*' (He who is affected by litigation needs three bags:/One full of shamelessness, one full of patience, one full of money, Fig. 10.2).

A male litigant ('*Litigator*') walks up the steps towards a building (which can be understood to be the courthouse) carrying in each hand a labelled case bag. He is followed by three women, all carrying a large and full bag over their shoulder: on the bags, the inscriptions, respectively, '*Impudentia*', '*Patientia*', '*Pecunia*'. On top of the steps, a pair of gentlemen engaged in conversation, two others leaning casually against the railing, one looking down at the figures walking up.

5. '*Huis en hof verslint het Proces onversadelijck/Met gesindts, tyds en der zielen versuym scadelijck*' (Litigation insatiably devours house and yard,/detrimental because of the neglect of one's home, one's time and one's soul).

⁶In Galle's representation, also a fishing-rod with a fish hanging from the hook, as in his general representation of *Fraus*, Sellink and Leesberg 2001 [NHD], vol. III, p. 28, n° 353.

⁷For a brief analysis (and a good quality reproduction), see the entry by Eva Fußwinkel in Eichler et al. (2010), p. 142–143.

⁸For more conventional representations of a blinded Cupid in Goltzius' *œuvre*, see Leesberg 2012 [NHD], vol. I, p. 154, n° 79.

⁹Similar depictions of a skull to which locks of hair are still clinging in the Goltzian corpus: Leesberg 2012 [NHD], vol. III, p. 223–225.

¹⁰*Opinio*, very much represented in the same way, plays a central part in the series *The world ruined by wrong opinion* (Leesberg 2012 [NHD], vol. III, p. 207–209). Spectacles were also associated with *Temerarium iudicium*, e.g. *ibidem*, vol. I, p. 153, n° 76; see also *ibidem*, vol. IV, p. 156, on the vain effect of the use of spectacles on a fool's mind.

Inside a hall, the male litigant ('*Litigator*') serves to the mouth of the monster Litigation, sitting on a raised bench, a house surrounded by land (Fig. 10.3). From the trunk of the monster, two small monsters sprout (caption in the picture: '*Lis lites generans*'). Behind the litigant, three women: one holding a wrecked building ('*Negligentia domus*'), one an hourglass ('*Negligentia temporis*'), while the third one ('*Negligentia animæ*') hangs a lifeless corpse ('*Anima litigatoris*') over a horizontal pole along the wall (Seelman 1988, p. 207, Fig. 341).

6. '*Onrust des herten craeyt wacker den pleyter verstijft/Door ancxstige sorge, die den zoeten slaep verdrijft*' (Crowing unrest in his heart keeps awake the litigant who has become stiff/because of his anxious worries, which chase away sweet sleep).

In a bedroom: in his four-poster bed, the litigant ('*Litigator*', with nightcap) is busy writing, while a lady at his bedside ('*Inquietatio cordis*'), holds a candle and (possibly) a clapper.¹¹ Next to her, a rooster, wide awake. In the same room: a woman with a whip (to which bats are attached), '*Anxia cordis*', is chasing away another woman, '*Somnus dulcis*' (with closed eyes).

7. '*Goede saec moet dic na zeech door den spietsen danssen./Voor goey rechters ist goet, anders ist mommescanssen*' (A sound case often has to struggle its way to victory through the stakes./It is all right when one deals with good judges, otherwise, it is a hazardous game, Fig. 10.4).

On a town square, a woman ('*Bona causa*') is running towards Lady Victory ('*Victoria*'). On both sides of her way men are standing holding huge quills as if they were spears: on the left hand side of her flight, eight men with captions '*Testes veraces*', '*Procuratores fideles*', '*Advocati periti*', '*Judices justi*'; on the right, nine men with the captions '*Judices iniusti*', '*Advocati imperiti*', '*Procuratores negligentes*', '*Testes falsi*'.

8. '*Wat wint donwijse pleiter met syn moeilick draven? Dat hem quaeey conscientie en armoey begraven*' (What does the unwise litigant achieve with all his heavy toil? That Bad Conscience and Poverty will bury him).

On a town square, two women are digging a hole from which flames flare up. One is identified as '*Conscientia mala*', the other, very dishevelled, as '*Paupertas*'. Behind the first woman, the litigant ('*Litigator*'), lifeless, lies on a straw bedding laid out on the square. A smaller version of the litigation monster, but winged as a devil, is fluttering above him and pulling a small human figure (viz. the litigant's soul) escaping from the litigant's mouth.

The general sequence of the plates conveys a clear message: civil litigation can be a descent into hell—literally. The first two plates show attitudes and the moral

¹¹See the attributes of *Inquietatio* (viz. a weasel or squirrel, and, as in *Litis abusus*, a *crotalum* and a *horarum machina*, a wheel mechanism drilling into a heart) in Sellink and Leesberg 2001 [NHDI], vol. III, p. 24, n° 346.

perversion of actions which lead to litigation. In plates 3 and 4, litigation and the litigant are on their way to the court. Plates 4 and 5 show how, as the proceedings drag on, the litigant is wasting, respectively, his patrimonial, physical and mental resources. Plate 6 warns that even a case which deserves to win on its merits will face numerous procedural hurdles. Finally, plate 8 ends with the by now destitute litigant's death, losing his soul to the devil whose shape replicates that of the litigation monster.

10.4 Graphic Mise En Scène: Some Main Differences Between Goltzius' and Galle's Representations

The series of Goltzius and Galle follow the same sequence, representing in each plate the same characters involved in the same action, more or less in the same display 'on stage' in both series. In most plates, the general setting is the same, i.e. outdoors, indoors, or city centre. The only major difference occurs in the last plate, which Goltzius has set on a city square, whereas Galle shows a cavern.

In a few plates, Galle has opted for a 'mirror image' in the arrangement of the characters: in plate 1, the chase runs from the left of the picture to the right in Goltzius' representation (Fig. 10.1), whereas Galle makes the same figures run in the opposite direction; a similar mirror-image arrangement occurs in plate 2.

Only in plate 5 has Galle rearranged the position of the characters on stage, so as to place the litigation monster at the centre, reinforcing the similarity with the traditional representation of a judge overlooking a courtroom.

Both series are closely related, except for the style, and share many original features and details, but at the same time, Galle has departed from the presumed original version in his specific representations of the settings and characters. Some of these changes which appear relevant for understanding the central theme of the series will be discussed further on.

10.5 The Recurrent Actors of *Litis abusus*

A few characters appear in different plates. Firstly, the pair Mine and Thine, in plates 1 (Fig. 10.1) and 3. Their recurrent appearance emphasises their role both as a deeper cause of litigation and the initiation of legal proceedings.

The litigant, a central character in the theme of the series, appears in four plates (4, 5, 6 and 8). We see him at the outset of the court proceedings and at the very end of the tale, when he expires, exhausted by the litigation. The two middle plates depict how that ending is reached, through the consumption of property, body and soul. In the first three of those plates, he appears as an active agent of his own downfall.

The last of the recurrent actors is the litigation monster (plates 3 and 5 (Fig. 10.3), and, transformed as a devil, in Table 8). A well-dressed male figure in Goltzius' series, his head is that of a predatory animal (usually referred to as a wolf, though he may also suggest a rodent),¹² he has treble hooks for hands and large wooden screws (similar to those of a wine press, linen press or printing press) for legs. His trunk opens as a monstrously faced blazing furnace, spewing out (in plate 5) litigation cubs drawn after his own image, illustrating the caption '*Lis lites generans*' (Fig. 10.3). In one single picture, Goltzius thus refers to the criticism of both the costs and the duration of civil litigation.¹³

All other (allegorical) figures appear only once. Galle's version includes the same (identified) figures as Goltzius, sometimes under a slightly different name.¹⁴

10.6 The Props

10.6.1 Writing Utensils

Some of the 'props' displayed by the various allegorical figures are the iconological symbols conventionally associated with the figures represented, like Peace's palm leaf and The Fear of God's clarion (both in plate 1) (Fig. 10.1).

¹²Galle's version may also suggest a bear, comp. with Sellink and Leesberg (2001) [NHD], vol. III, p. 261, n° 524/1 (bear hunt) and p. 265, n° 528/1 (wolf hunt; also on p. 266). For a bear's representation in the Goltzian tradition, see Leesberg (2012) [NHD], vol. III, p. 252, n° 560/1.

¹³Goltzius' allegorical representation of litigation appears to have been recycled in 1641 in England, not for referring to legal proceedings, but for criticising the system of patents. The wolf's head, the (quadruple) hooks instead of hands, and the legs in the shape of pressing screws are the features which show how the monster is a 'wolfe like devourer of the Common Wealth' (Leesberg 2012 [NHD], vol. II, p. 4 and 12, n° 188e).

¹⁴Goltzius has inserted the names of the characters in the plate, in Dutch and Latin, Galle only in Latin. Apart from an occasional spelling variation, the different designations are: in Plate 2 Galle has replaced '*Falsitas*' by '*Fallacia*', '*Notarius imperitus*' by '*Scriba imperitus*', and has added the designation '*Mercator*'; in Plate 3, '*Opinio*' became '*Opinio mala*', '*Testamenta*' simply '*Testamentum*', while Goltzius' '*Cupido cecus*' became '*Cupido caeca*' (a grammatical transgender change not warranted by the character's physical attributes); in Plate 4, '*Litigator*' became, perhaps more negatively, '*Litigiosus*', a change Galle has also made in the other plates, where the same character appears (5, 6 and 8), and '*Pecunia*' became '*Pecuniae*'; in Plate 5, '*Anima Litigatoris*' is changed into '*Anima Litigiosi*', and the same applies for that character himself in the same picture, while '*Lis lites generans*' is changed into '*Lis lites procreans*'; in Plate 6, '*Inquietatio cordis*' is changed into '*Inquiet cordis*', '*Somnus dulcis*' into '*Sopor*'; in Plate 7, all the names are identical in both versions; in the last plate, apart from the litigant's name, '*Paupertas*' became '*Pauperies*'. In the all-in-one version, the names follow those in Galle's version (the only striking difference being a change in the sequence of forensic actors in Plate 7). The names appear in the picture (in Latin), with a reference number, which is mentioned in the French and Dutch versions of the verses under each picture, suggesting that the French or Dutch reader may not have been assumed to understand the Latin captions – although the Latin Bible quotations remain untranslated.

Some of the items included by Goltzius are directly linked with the imagery associated with lawyers and litigation. The writing utensils and (legal) documents have thus been included in several plates:¹⁵ the small whips brandished by Mine and Thine in plate 1 (Fig. 10.1) consist of quill-cases to which inkpots are attached with a string; in plate 2, the blindfolded notary is writing up a document, presumably the spurious contract being concluded next to him; in plate 3, the woman's skull (identified as '*Testamenta*') is capped by a deed to which five seals are attached; in plate 4 (Fig. 10.2), the litigant's case-bags are already full and have been labelled ('evangelised', according to sixteenth-century practitioners' jargon); in plate 6, the litigant is busy writing yet another document in the middle of the night (and in Galle's corresponding plate, more documents and case bags can be seen in the room next door); finally, the most spectacular and original reference to the legal professionals' inclination for producing and exchanging written documents is highlighted in plate 7 (Fig. 10.4), where the judges, advocates, proctors and witnesses on both sides are wielding oversized quills as spears, alluding to the need, in all civil proceedings influenced by the Roman-canonical model, for written documents which were ubiquitous at every stage of the adversarial procedure, a practice reflected in the saying *Quod non est in actis, non est in mundo*.

10.6.2 The Courthouse

Goltzius (in contrast to Galle) also gave the outer courthouse a prominent place,¹⁶ thus strengthening the importance of litigation in the whole sequence. In plate 1 (Fig. 10.1), there is no indication that the nearest building immediately behind the chase by Mine and Thine is a courthouse, but its characteristic features (especially the railing and the bench on the top stair) reappear in plate 4 (Fig. 10.2), where the litigant and his lady companions are about to climb the stairs to the building where it is suggested the proceedings will take place. The background view of a square and an avenue bordered by buildings is (almost) the same as in the first plate, the most striking difference being that the fountain on the square in plate 1 has vanished in plate 4—giving the latter a more desolate outlook.¹⁷

The same building, which may now be identified as the courthouse, is also seen in the far background in plate 7 (Fig. 10.4), behind the almost inaccessible figure of

¹⁵The representation of such items in a different context has been discussed by Gustav Kalm in his contribution to the present volume.

¹⁶The insistence on the courthouse in Goltzius' series may also link the moralistic central theme of the series to that of the individual's duties in the civic space, see Resnik and Curtis (2011), p. 18–37.

¹⁷It would probably be stretching too far the interpretation of the disappearance of the fountain as a symbol of the 'fountain of justice' having dried up.

Victory, and as the immediate backdrop of the last scene (plate 8) where the dead litigant is lying on the city square, and Poverty and Bad Conscience are digging a grave in hell.

No such persistent theme of the courthouse appears in Galle's series, though in both versions, one may assume that the scene of plate 5 takes place in the courtroom.

10.7 Secular Iconography and the Religious Subtext

In critical or satirical representations of justice, the flaws of legal professionals tend to be a central topic. In the *Litis abusus* series, the lawyers do not appear the prime targets of Goltzius' charges. Two of the four figures on the doorstep of the courthouse in plate 4 (Fig. 10.2), presumably proctors or advocates, may look somewhat haughty, but the essential criticism of the scene is directed towards the litigant. Perhaps surprisingly, the only courtroom scene (plate 5) does not include any professional lawyers: again, the litigant's foolish squandering of his estate, time and soul are the main theme of the scene.

The only picture where professional lawyers take centre stage is plate 7 (Fig. 10.4), but the representation is not unambiguously disparaging for the legal profession. The picture does not make it clear whether the 'good case' will eventually attain victory, but it conveys the message that there are just judges, experienced advocates, and trustworthy proctors (as there are also truthful witnesses). The caption under the picture suggests that when a case is sound and in the hands of fair judges, the litigant may rely on an appropriate outcome. However, even the travails of the good legal professionals with their quills and endless paperwork may be seen to impede a straightforward progress to the final judgment. Moreover, one notes that the corrupt legal professionals and witnesses outnumber (by nine to eight in Goltzius' series, eight to seven in Galle's) their honourable counterparts. The inference must be that the artist's aim was not to present the whole legal professional as a corrupt lot—the picture implies that a substantial number (though a minority) are honest and competent—, but the giant awe-inspiring quills on both sides of the case's forensic trajectory point out that the very structure of civil proceedings is the principal impediment preventing that a just case may count on a straightforward administration of justice.

The litigant and the litigation monster appear as the two main characters of the series. The role of the legal professionals in the litigant's downfall is ancillary. The litigant's own moral flaws are the principal cause which bring him to initiate and, against all reasons, to pursue interminably the legal proceedings. The monstrous appearance of civil litigation seems to imply that civil litigation does not have any redeeming features, but on the contrary that it is harmful per se. It is, as suggested in the last plate, an instrument of the devil, which can bring no good to mankind. In

other words, the implication of *Litis abusus* is that civil litigation is inevitably corrupting. Whereas most critical depictions of the administration of justice tend to show how the court's system can be corrupted by various actors of the system, here the system only needs to be triggered into action as the result of greed or fraud, and it will inescapably grind down the litigant. In that sense, *Litis abusus* does not fit in the tradition of positive or negative representations of justice, who as an allegorical figure remains conspicuously absent from the whole sequence. This is essentially different from the representations of justice *v.* injustice, or good justice *v.* corrupt (ed) justice, or even of the standard representations of justice in the broader sense of just policies underlying good public governance, as for example in the traditional imagery coupling justice and peace. Those traditions assume that public governance is also exercised through a fair administration of justice which contributes to maintain the social peace. That political and social dimension of the administration of justice is not a primary concern of *Litis abusus*. The social and public virtues only appear prominently in the first plate (Fig. 10.1), where they are from the outset driven away. The series' concern consists almost entirely in documenting the individual downfall of the litigant.

That downfall is largely represented in secular terms. The illustrations contain very few, and rather oblique, religious references: '*Timor Dei*' in Plate 1, and the evocation of hell and the devil in the last plate—the latter discreetly anticipated in Plate 5 where the litigant is seen to neglect his soul. None of these references is specifically Christian. By contrast, the textual additions under the plates bring the whole storyline back into a Christian and Biblical orbit. Admittedly, a closer look at those Biblical quotations¹⁸ does not reveal many specifically religious references (e.g. to God, heaven, or spirituality), as most of them express moral exhortations or condemnations which could also apply in a pagan or secular society. Nevertheless, the explicitly stated provenance of those quotes as Biblical texts underlines that these are moral statements which have a divine foundation. Moreover, the last plate's sting is that after losing all his physical, material and spiritual assets, the litigant is finally doomed and will face eternal damnation in his afterlife.

Bearing in mind the religious character of the quotes which underpin each plate, one may speculate whether, or to what extent, the artists' purpose has been to give a figurative expression to the quotes, or whether the quotes have been added afterwards in order to strengthen the plates' message. Any speculation on that relationship is blurred by the presence of the verses, which match much more closely and literally the various elements of the pictures, and here, too, one may wonder whether the artist made his drawings directed by those verses, or whether the latter were composed afterwards. An intermediate possibility is that the drafts and the

¹⁸In Goltzius' series, the Biblical quotations are given in Latin and German (Galle only gives the Latin text). The German Bible translations follow closely the Zürich Bible (I have collated the excerpts with the corresponding verses in the 1570 Froschauer edition on-line).

verses were the product of a combined effort.¹⁹ In any case, it seems more likely that the Biblical references were sought to back up (and perhaps, here and there, to adjust) the phrasing of the verses, and that, in some cases, a verse of the Bible may have directly influenced an element of the imagery.

An example could be the insistence on the litigant's insomnia in Plate 6, both in the Biblical passages and in the whole depiction of the scene. In Plate 8, the reference to Prov. 11:7 expresses the essential message of the picture. On the other hand, it is plausible that several of the Biblical references were simply selected because they included some key phrase or term reflecting an essential theme of the picture, for example 'fraud' in Plate 2, or 'cupidity' and 'concupiscence' in Plate 3 (which, in turn, may have inspired its representation by the somewhat incongruous figure of a blind Cupid).

Other Biblical quotations have obviously been selected because they included an explicit reference to litigation, or at least a phrase associated with litigation (e.g. 'iudicium' in Plates 1 (Fig. 10.1) and 7 (Fig. 10.4); 'lis', borrowed from closely related verses in Ecclesiasticus 8:1-2 in Plates 4 (Fig. 10.2) and 5; 'lites' again in Plate 4; arguably, 'consilium' in Plate 7 (Fig. 10.4), and in the same plate, 'testimonium'; similarly, 'adversarius' in Plate 8, where 'solicitorum expectatio' may have been meant ironically: some of the latter examples show that general terms in their original Biblical context may have been given here, because of the context of a criticism on litigation, a more specific legal connotation, well established in legal jargon).

10.8 Conclusion

Hendrick Goltzius' *Litis abusus* is a warning against greed and unethical behaviour leading to civil litigation and the ruin of the litigant's property, of his physical and mental welfare, and, ultimately, of his soul. The series considers mainly the moral flaws of the individual driven to litigation. Contrary to most other representations

¹⁹These speculations about the relationship between verses, Biblical quotations and images refer of course to the presumed inspiration and influence of Dirck Volkertsz. Coornhert on the young Goltzius, at a time when the series *Litis abusus* may have originated. A few other moralistic series have also been linked to some form of collaboration between Coornhert and Goltzius: for example, the series *How mistaken belief brings the world to its downfall* has the central *Opinio* (as mistaken belief) which is represented with spectacles covering her hair, as in *Litis abusus* Plate 3, Rijksmuseum Amsterdam, inv. RP-P-BI-6597 (*Mistaken belief carries the world to hell*, with a winged Justice in the background, whose sword and scales lay on the ground, <http://hdl.handle.net/10934/RM0001.collect.295403>). In the same series, the plate showing Foolish World attacking Truth with a sword while *Opinio* (here also recognisable by the spectacles on her hair) is reading a book and, in the background, Justice throws herself (without wings!) from a rock, inv. RP-P-BI-6594, <http://hdl.handle.net/10934/RM0001.collect.98193>. The *Opinio*-plates just referred to also display Biblical quotations (in Latin) and a moralistic explanatory verse (in Dutch) under the picture. On the association between Goltzius and Coornhert in several series: Leeftang et al. (2003), p. 36–37

criticising the administration of justice, legal professionals are not depicted as the main agents of the individual's corruption. However, the series conveys the idea that corruption is inherent to litigation as a process. Legal proceedings are an obstacle to the achievement of justice, the latter a figure and theme which do not appear in the series. The core message seems therefore to resist falling prey to immoral and unreasonable passions which urge the individual to venture into litigation, presented as systemically evil. Civil litigation is ultimately seen as an instrument of the devil, with no redeeming features. The moral message is thus supported by a religious reference, enhanced through the Biblical quotations accompanying each plate.

Appendix: Synopsis of Biblical References

	Goltzius (1597)	Ph. Galle (ca. 1590)	Th. Galle (all-in-one)
Plate 1	1 Cor. 10:24 ^a	1 Cor. 10:24	1 Cor. 10:24
	Phil. 2:21 ^b	Phil. 2:21	Phil. 2:21
	Mt. 24:12 ^c	Mt. 24:12	Mt. 24:12
	Isaiah 59:8 ^d		
	Ecclesiasticus 1:28 ^e		
Plate 2	1 Cor. 6:8 ^f		
	Marc 10:19 ^g		
	Prov. 20:23 ^h	Prov. 20:23	Prov. 20:23
	Prov. 20:14 ⁱ		
	Mt. 7:12 ^j	Mt. 7:12	Mt. 7:12
Plate 3	1 Tim. 6:10 ^k		
	Jac. 4:1 ^l	Jac. 4:1	Jac. 4:1
	Prov. 15:18 ^m		
	1 Tim. 6:9 ⁿ	1 Tim. 6:9	1 Tim. 6:9
Plate 4	Ecclesiasticus 8:2 ^o	Ecclesiasticus 8:2	Ecclesiasticus 8:2
	Prov. 12:26 ^p		
	Ecclesiastes 10:15 ^q		
	Prov. 20:3 ^r	Prov. 20:3	Prov. 20:3
Plate 5	Isaiah 58:4 ^s		
	Ecclesiasticus 8:1 ^t	Ecclesiasticus 8:1	Ecclesiasticus 8:1
	Prov. 30:15 ^w		
Plate 6	Isaiah 9:19-20 ^x		
	Gal. 5:15 ^y	Gal. 5:15	Gal. 5:15
	Ecclesiastes 2:26 ^z		
Plate 6	Prov. 4:16 ^{aa}		
	Ecclesiastes 8:16 ^{ab}	Ecclesiastes 8:16	Ecclesiastes 8:16
	Ecclesiastes 2:23 ^{ac}	Ecclesiastes 2:23	Ecclesiastes 2:23

(continued)

(continued)

	Goltzius (1597)	Ph. Galle (ca. 1590)	Th. Galle (all-in-one)
Plate 7	Prov. 18:5 ^{ad}	Prov. 18:5	Prov. 18:5
	Prov. 12:5 ^{ae}		
	Psalms 13:6 ^{af}		
	Prov. 10:26 ^{ag}		
	Prov. 25:18 ^{ah}	Prov. 25:18	Prov. 25:18
Plate 8	Prov. 11:7 ^{ai}	Prov. 11:7	Prov. 11:7
	Isaiah 66:24 ^{aj}	Isaiah 66:24	Isaiah 66:24
	Prov. 11:24 ^{ak}		
	Mt. 5:25 ^{al}		
	Ecclesiasticus 13:30 ^{am}		

^a*Nemo quod suum est quaerat, sed quod alterius* 1. Cor.10. *Niemants suche seinen eignen Nutz, sunder den nutz des anderen.* 1. Co[r]int. 10.'

^b*Omnes quae sua sunt quaerunt.* Phil. 2.' [no translation included: 'dann sie suchen all das ir [nit das Jesu Christi] ist.'

^c*Et quoniam abundavit iniquitas: refrigescet charitas multorum.* Matthei. 24. *Und dieweyl die ungerechtigkeit wirdt uberhand nemmen wirdt die lieb in vilen erkalten.'*

^d*Viam pacis nescierunt, et non est iudicium in gressibus eorum.* Esai. 59. *Den waeg des fridens kennend sy nit: in iren gengen ist kein billigkeit.* Esai. 59.'

^e*Qui sine timore est, non poterit iustificari, iracundia enim animositatis illius, subversio illius est.* Ecli. 1. *Das ungerrecht gemut mag nit gerechtlich hanlen, dan das wanken seines gemuts macht in fallen.* Ecli. 1.'

^f*Sed vos iniuriam facitis et fraudatis: et hoc fratribus.* 1 Cor. 6. *Sunder ir thund unrecht, und verforteilen, und soelichs an den bruederen.* 1 Corint. 6.'

^g*Ne fraudem feceris.* Mar. 10' [no translation included]

^h*Abominatio est apud Dominum pondus et pondus, statera dolosa non est bona.* Pro. 20. *Dem Herren ists ein grewel zweierley gewicht, und ein falsche wag ist ein boesz ding.'*

ⁱ*Malum est, malum est, dicit omnis empir: et cum recesserit, tunc gloriabitur.* Pro. 20. *Est ist boesz, es ist boesz, spricht der, der etwas kauft; so es aber im wirt so lobt ers.* Pro. 20.'

^j*Omnia ergo quaecunque vultis ut faciant vobis homines: et vos facite illis.* Matth. 7. *Alles nun das ir woellend d[a]z euch die leut thun sollend, dasz thund auch ir inen.* Math. 7.'

^k*Radix enim omnium malorum est cupiditas: quam quidam appetentes erraverunt a fide.* 1. Tim. 6. *Dann geyt ist ein wurtzel alles ubels: welcher hat etliche gelustet und sind etcet.'* [The spelling 'geyt' also occurs in the 1570 edition of the Froschauer Bible I have consulted; other editions appear to have the spelling 'geyz'.]

^l*Unde bella et lites in vobis? nonne hinc: ex concupiscentiis vestris quae militant in membris vestris.* Jac. 4. *Wohaer ist streit und krieg under euch? ist nit dahaer ausz euweren wollusten, die etcet.'*

^m*Vir iracundus provocat rixas: qui patiens est mitigat suscitatas.* Proverb. 15. *Der zornuetig richtet zanck an: der dulmuertig aber stilltet den zanck und hader.'*

ⁿ*Desideria multa, inutilia et nociva que mergunt homines in interitum et perditionem.* 1. Tim. 6. *Vil torecht[ig]e und scaedli[c]he lust, welche versenckend die menschen ins verde<r>ben.'*

^o*Non contendas cum viro locuplete, ne forte contra te constituat litem tibi.* Eccli. 8. *Zouck nit mit einem reichen, das er nit wider dich einen schwaren handel anrichte.'*

^p*Iter impiorum decipiet eos.* Prov. 12. *Den gottilosen verfuend seine waeg.* Pro. 12.'

^q*Labor stultorum affliget eos.* Eccl. 10. *Das benuyet und bekumberet die thooren etcet.'*

^r*Honor est homini qui separat se a contentione: omnes autem stulti miscentur contumeliis.* Pro. [...]. *Der mensch der sich von zanck und hader huetet wirt eerlich: ein yeder aber der sich etcet.'*

^s*Ecce ad lites et contentiones ieiunatis, et percutitis pugno impie.* Esaias. 58. *Sich ir fastend zu zancken und haderen, und das ir den zugesprochenen mit der etcet.'*

^t*Non litigas cum homine potente, ne forte incidas in manus illius.* Ecclesiasti. 8. *Stryt nit mit dem gewaltigen, das du im nit in seine hend fallist.'*

^u*Sanguisugae duae sunt filiae, dicentes, Affer, Affer.* Proverbior. 30. *Die aeglen hat zwo toechteren: (die eine heiszt) Traghauer (die ander) Bringha[e]r.'*

^v*Vir fratri suo non parceret.—Unusquisque carnem brachii sui vorabit.* Esai. 9. *Es wirt yeder das fleisch seines arms essen.'*

^w*Quod si invicem mordetis et comeditis: videte ne ab invicem consummami.* Gal. 5. *So ir euch aber under einander byssend und fraessend, so sehend zu das ir nit under einander verzeert werdind.'*

^x*Peccatori autem dedit afflictionem et curam superfluum.* Ecclesiastes. 2. *Dem s[ue]nder aber gibt es moy und kumber.'*

^y*Non [... et] rapitur somnus ab eis nisi supplantaverit.* Proverb. 4. *Kein slaafficht sy an, sy habend dann vor einen unfal angerichtet.'*

^z*Est homo qui diebus ac noctibus somnum non capit oculis.* Ecclesiastes. 8. *Es ist ein mensch der weder tag noch nacht seinen augen keinen schlaaff gunnet.'*

^{aa}*Cuncti dies eius doloribus et aerumnis pleni sunt, nec per noctem mente requiescit.* Eccl[esiastes] 2. *Das er alle seine tag mit traurigkeit, mit leid und iamer vertreibt, das auch sein hertz bei nacht kein ruh hat.'*

^{ab}*Accipere personam impii in iudicio, non est bonum, ut declines a veritate iudicii.* Pro. 18. *Vast boesz ists so man am gericht den unsculdigen [a]usz ansehen des gotlosen verurteilt.'*

^{ac}*Consilia impiorum fraudulenta.* Pro. 12. *Die ratsleg der gotlosen sind falsch.'*

^{ad}*Consilium inopis confutis.* Psalm. 13. *Ir habend den raat des armen verspottet.'*

^{ae}*Sicut acetum dentibus, et fumes oculis, sic piger his qui miserunt eum.* Proverb. 10. *Wie der essig den zaenen ist, und der rauch den augen, also ist der faul denen die in auszendend.'*

^{af}*Jaculum, et gladius, et sagitta acuta, homo qui loquitur contra proximum suum falsum testimonium.* pro. 25. *De wider seinen naec < h>sten falsche zeugnusz gibt, ist wie ein bickel, ein schwaert un<d> scarpffe pfeyl'*

^{ag}*Mortuo homine impio nulla erit ultra spes, et sollicitorum expectatio peribit.* Pro. 11. *So der gotlos stirbt, so ist sein hofnung usz: dan das hoffen der fraefflener ist verderbnusz.'*

^{ah}*Vermis eorum non morietur, et ignis eorum non extinguetur: et erunt usque ad satietatem.* Esa. < 66 >. *Ire wurm werdend nit sterben, noch ir fheur erloscen.* Esai. 66.'

^{ai}*Alii rapiunt non sua et semper in egestate sunt.* Proverbi 11.'

^{aj}*Esto consentiens adversario tuo cito dum es in via cum eo, ne forte tradat te adversarius iudici.* Mat. 5. *Bisz wilfertig deinen widersacher bald, dieweil du noch mit im auf dem waeg bist.'*

^{ak}*Bosz ist die Armut in dem mund des gotlosen.* Ecclesiasti. 13.' No Latin text included; in the Vulgate, the verse Ecclesiasticus 13:30 is 'et nequissima paupertas in ore impii'.

References

- Biblia, das ist, Alle Bücher Alts unnd Neüws Testaments (1570). Froschauer, Zürich. <http://dx.doi.org/10.3931/e-rara-9023>
- Eichler A, Fußwinkel E, Löffler N (eds) (2010) Spott und Respekt. Die Justiz in der Kritik. Michael Imhof Verlag, Petersberg
- Leefflang H, Luijten G, Engelsman WJ, Nichols LW (2003) Hendrick Goltzius (1558–1617). Tekeningen, prenten en schilderijen (exh. cat. Amsterdam). Waanders, Zwolle

- Leesberg M (2012) Hendrick Goltzius. In: Leeftang H (ed) *The New Hollstein. Dutch & Flemish Etchings, Engravings and Woodcuts (1450–1700)*, vol. I-IV. Sound & Vision Publishers, Ouderkerk aan den IJssel
- Martyn G (2016) Greedy lawyers and courtroom monsters. In: Huygebaert S, Martyn G, Paumen V, Van Poucke T (eds) *The Art of Law. Three Centuries of Justice Depicted* (exh. cat. Bruges). Lannoo, Tielt, pp 132–135
- Monballieu A (1972) *The Lawyer's Office by Marinus van Reymerswael in the New Orleans Museum of Art. Jaarboek van het Koninklijk Museum van Schone Kunsten Antwerpen 1972*:109–144
- Monballieu A (1973) Een 'advokatenkabinet' (1545) van Marinus van Reymerswael en een proces voor de Grote Raad van Mechelen. *Handelingen van de Koninklijke Kring voor Oudheidkunde, Letteren en Kunst te Mechelen* 27(2):69–112
- Monballyu J (2016) Joos de Damhouder, an internationally influential jurist from Bruges. In: Huygebaert S, Martyn G, Paumen V, Van Poucke T (eds) *The art of law. Three centuries of justice depicted* (exh. cat. Bruges). Lannoo, Tielt, pp 107–119
- Puhlmann H (2007) Ethik in Wort und Bild. Dirck Volckertszoon Coornhert und das moralisierende Emblembuch *De rerum usu et abusu* (Antwerpen 1575). Scaneg Verlag, Munich
- Resnik J, Curtis D (2011) *Representing Justice. Invention, Controversy, and Rights in City-States and Democratic Courtrooms*. Yale University Press, New Haven
- Seelman K (1988) Relativierung von Recht und Gerechtigkeit. In: Pleister W, Schild W (eds) *Recht und Gerechtigkeit im Spiegel der europäischen Kunst*. DuMont Buchverlag, Cologne, pp 195–213
- Sellink M (2000) Cornelis Cort. In: *The New Hollstein. Dutch & Flemish Etchings, Engravings and Woodcuts, 1450–1700*, vol. I-III, ed. Huigen Leeftang. Sound & Vision Publishers, Rotterdam
- Sellink M, Leesberg M (2001) Philips Galle. In: *The New Hollstein. Dutch & Flemish Etchings, Engravings and Woodcuts, 1450–1700*, vol. I-IV, ed. Manfred Sellink. Sound & Vision Publishers, Rotterdam
- Strauss WL (ed) (1977) *Hendrik Goltzius: The Complete Engravings and Woodcuts*. Abaris Books, New York
- Veldman IM (1990) *De Wereld tussen Goed en Kwaad. Late prenten van Coornhert*. The Hague, SDU
- Wijffels A (2011) Justitie en behoorlijk bestuur. Hans Vredeman de Vries' schilderijen in het stadhuis van Danzig (Gdańsk). *Pro Memoria* 13.1:103–116

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Figures



Fig. 10.1 Hendrick Goltzius, *Litis abusus* (Plate 1), 1597, Rijksmuseum Amsterdam, inv. RP-P-1886-A-10435, <http://hdl.handle.net/10934/RM0001.COLLECT.381062>



Fig. 10.2 Hendrick Goltzius, *Litis abusus* (Plate 4), 1597, Rijksmuseum Amsterdam, inv. RP-P-1886-A-10438, <http://hdl.handle.net/10934/RM0001.COLLECT.381066>

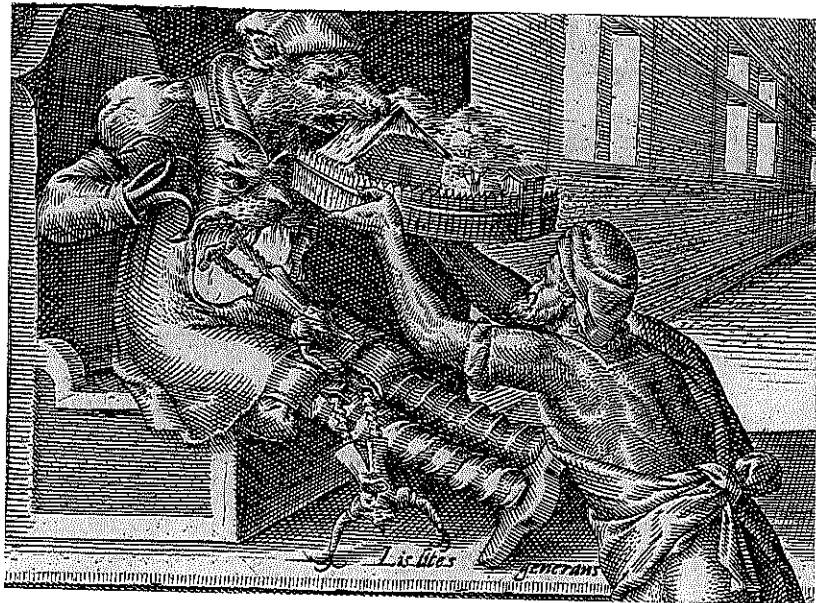


Fig. 10.3 Hendrick Goltzius, *Litis abusus* (Plate 5, detail: the litigant monster), 1597, Rijksmuseum Amsterdam, inv. RP-P-1886-A-10439, <http://hdl.handle.net/10934/RM0001>



Fig. 10.4 Hendrick Goltzius, *Litis abusus* (Plate 7), 1597, Rijksmuseum Amsterdam, inv. RP-P-1886-A-10441, <http://hdl.handle.net/10934/RM0001.COLLECT.381068>