

Studi danteschi

I. Filosofia

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Cosmological and Legal Order in Dante's *Convivio*

1. Hoping to rid his fellow citizens of false opinions, Dante, accused *in absentia* of political corruption and banned from the city of Florence, decides to prepare a banquet whose meat "will be prepared in fourteen ways: that is, in fourteen *canzoni*, whose subject is both love as well as virtue. By lacking the present bread they possessed some degree of obscurity" (*Cv* I, i, 14). The project consists in writing fourteen treatises (fifteen with the preface), with the second to last dedicated to Justice.

The *Convivio* is therefore the work of an illustrious citizen who, having been banned, exiled and unjustly tried, writes a public defense hoping to find the same solace in Philosophy that the imprisoned Boethius found when writing the *Consolatio Philosophiae*: "So that under the pretext of consolation he might defend himself against the perpetual infamy of his exile, by showing it to be unjust, since no other apologist came forward" (*Cv* I, ii, 13). This concrete and existential post-exile appeal gave birth to a work that tackled great philosophical questions: It examines human nature and man's purpose, it investigates man as a social animal capable of language, it contemplates the sciences and man's potential for knowledge and happiness, it illustrates both a cosmological order and living as part of a society, it questions nobility. The author had never previously written about justice but it was a topic he'd long been contemplating and would later address in the *Commedia*, starting with man's inability to comprehend God's superior justice. This inability reflects the claim of God's ineffability, which is nevertheless gleaned through the poetic wording of the *Commedia*.

The clarity of Dante's intent, that of wanting to dedicate the conclusion of his work to Justice, takes its significance and meaning from the concept expressed in the second treatise of *Convivio*, which preserves the most significant nucleus of Dante's philosophical thought. In the general picture that Dante constructs, placing Moral Philosophy as the last science before Theology is indeed a fundamental and completely new concept.

Angelic hierarchies aside, "the Catholics" take the cosmos designed by Aristotle and Ptolemy and – keeping it separate from the other heavens – add "the Empyrean Heaven, which is to say, the «heaven of flame», or «luminous heaven»; and they hold it to be motionless because it has in itself, with respect to each of its parts, that which its matter desires",¹ which requires theological science in order to be understood. The Empyrean is the formal model of the order which God ingrained upon the cosmos (the law of nature). Moral Philosophy corresponds to the order of the Crystalline Heaven; here Moral Philosophy provides the political order destined for *humana civilitas*, or human society. Moral Philosophy is the intersection between the divine and mankind, between divine justice and the law derived from it and incarnated as the "written law" established by men in order to govern themselves. It's the science that organizes all other sciences and cognitive operations inherent to man's actions as a member of society. Man is able to contemplate both orders because he participates, in different ways and in varying degrees, to the contemplative, theological life (a theology with mysticism at its zenith) and to the active life, so that he may come to know, actualize and maximize the *ratio* imprinted on his nature that asks that he be a creature and social animal in kinship with God and other men.

The school of Chartres identified the perfect mirroring

¹ "Veramente, fuori di tutti questi, li catolici pongono lo cielo Empireo, che è a dire cielo di fiamma o vero luminoso; e pongono esso essere immobile per avere in sè, secondo ciascuna parte, ciò che la sua material vuole" (*Cv* II, III, 8).

between the macrocosm created and ordered by God and the microcosm consigned to man's freedom with laws formulated to discipline it (whereby man's will is both free and a right) – a condition that Dante describes at the pinnacle of Purgatory. In *Policraticus*, John of Salisbury based this ordering on the law of nature by drawing – as Dante also did – from Cicero's *De officiis*, an excellent reflection on Aristotelian *Etica* together with Thomas Aquinas' *De Regime Principum* and his commentary on *Etica Nicomachea*.

2. Dante speaks of the contemplation of such orders, both the cosmological and the human, when he writes of separate "substances":

This does not run counter to what Aristotle seems to say in the tenth book of the *Ethics*, namely that the contemplative life alone befits separate substances. Although the contemplative life alone befits them, to the contemplative life of just a certain number of them falls the circular movement of the heaven, which is the governing of the world, which is a kind of civil order conceived within the contemplation of its movers.²

He's talking about a circular movement of heaven and a cosmological order that is governed as a "civil order" (*Cv* II, iv, 13). "Human society" reflects the "civil order" (*Cv* IV, iv, 1). Moral Philosophy presides over man's actions as he follows his primordial instinct to become a social animal (*zoon politikon*) and it orders and regulates all other operations and the medieval liberal arts of the *trivium* and *quadrivium*. This philosophy unfolds into ethics and law, a law that derives from Justice – as was already stated in the *Digesto* (*Dig.* 1.1.1) – but that does not perfectly overlap it. Superior Justice

2 "E non è contra quello che pare dire Aristotile nel decimo dell'Etica, che alle sustanze separate convegna pure la speculativa vita. Come pure la speculativa convegna loro, pure alla speculazione di certe segue la circolazione del cielo, che è del mondo governo; lo quale è quasi una ordinata civiltade, intesa nella speculazione delli motori" (*Cv* II, iv, 13).

remains unattainable, but with “legal justice,” first a Roman-only right and then the right of all, the written civil and canon laws are the principles and rules of the legal order which attempts to incarnate and duplicate the cosmological order. Its criteria and order comes from the Moral Philosophy in the image and likeness of its creator and of the supreme order while taking into consideration differences and circumstances and adjusting the rules accordingly.

This philosophical reflection in the *Convivio* that turns Justice into the last *ratio* and the first cause of the *humana civilitas* will be completed in the *Commedia's Paradiso* through the principle of *aequitas*. Dear to jurists, civil litigators, and canonists but already present in the ciceronian deliberation in *De officiis*, the concept is that the law must adapt to the circumstances and take into account constraints imposed by nature and the specific situation; it needs to provide justice in ways that the mere application of the law never could. Through analogy Dante uses this principle as the basis to resolve the problem of beatitudes, providing a beatitude in each of the heavens of *Paradiso* that is absolute and entirely different from the others.

Before going further, it's important to read the order which Dante proposes and which is being discussed:

So it is manifest that the Starry Heaven, because of many properties, can be compared to Physics and to Metaphysics. 14 The Crystalline Heaven, which has previously been designated as the Primum Mobile, has a very clear resemblance to Moral Philosophy; for Moral Philosophy, as Thomas says in commenting on the second book of the *Ethics*, disposes us properly to the other sciences. 15 For, as the Philosopher says in the fifth book of the *Ethics*, “legal justice disposes the sciences for our learning, and commands that they be learned and taught in order that they not be forsaken”; so with its movement the aforesaid heaven governs the daily revolution of all the others, by which every day they all receive and transmit here below the virtue of all their parts.³

3 “E così è manifesto che lo Cielo stellato per molte propietadi si può comparare alla Fisica e alla Metafisica. 14. Lo Cielo cristallino, che per Primo Mobile dinanzi è contato, ha comparazione assai manifesta alla Morale Filosofia: ché [la] Morale

The positioning of Moral Philosophy, the last science that orders all others before Theology, proposes the diptych whereby the human order is specular to the divine order: justice (Christ) and the political justice of the *Etica Nicomachea* are specular to the two remedies, that is, to the two guides given to man to reach the two beatitudes, the celestial and the terrestrial. Justification and political justice are the two paths man can take in order to improve his relationship with God (original sin) and with his fellow men (radical cupidity). But this is not enough. This position, this view of a moral science which orders all other sciences of the *trivium* and the *quadrivium* (and therefore of the arts that constitute living as a member of society) is heir to Cicero's cultural operation described in the *De officiis* which links "honorable" to "beneficial". The pursuit of political justice goes through Moral Philosophy, which regulates all sciences and arts and acts as the guarantee for civil cohabitation, as stated by Ciaccio in the first political canto of the *Commedia*.

We find the *Convivio's* most important theoretical contribution in this summary, which inevitably had to have Justice as its final outcome. Happiness is final result of terrestrial and celestial Justice. Happiness is realized through the act of knowing (which man's intellect is conformed to do), and through the act of loving God and his brothers, first on earth and then in heaven. Man is conditioned to

Filosofia, secondo che dice Tommaso sopra lo secondo dell'Etica, ordina noi all'altre scienze. 15. Ché come scrive lo Filosofo nel quinto de l'Etica: «la giustizia legale ordina le scienze ad apprendere, e comanda, perché non siano abbandonate, quelle essere apprese e ammaestrate; e così lo detto cieloordina con suo movimento la cotidiana revoluzione di tutti gli astri, per la quale ogni die tutti quelli ricevono [e mandano] qua giù la vertude di tutte le loro parti» (Cv II, xiv, 13-15). In Cv II xiv 15 Dante is quoting Thomas, *Exp. Eth.*, v, lect. iiiii, 919: "Sed iustitia legalis et iniustitia est universaliter circa totam materiam moralem, qualitercumque potest dici aliquis circa aliquid studiosus vel virtuosus" (see *Convivio* edited by C. Vasoli, in Dante Alighieri, *Opere Minori*, vol. II/1, Ricciardi, Milano-Napoli, 1995, p.154, n.15). In the text I would put *piovono* in stead of *mandano*. See Di Fonzo, *Aequitas e giustizia distributiva nel «Paradiso» di Dante*, in *Challenging Centralism: Decentramento e autonomie nel pensiero politico europeo* (ed. by L. Campos Boralevi), Florence U.P., Firenze, 2011, pp.43-52.

live a peaceful, civil life and to experience ultimate happiness. Neither type of happiness dominates the other, there's a perfect specularly between the two:

We must know, however, that we may have two kinds of happiness in this life, according to two different paths, one good and the other best, which lead us there. One is the active life, the other the contemplative life; and although by the active, as has been said, we may arrive at a happiness that is good, the other leads us to the best happiness and state of bliss, as the Philosopher proves in the tenth book of the *Ethics*.⁴

Instead of subordination, an order is achieved between the parts that replicate the cosmological order through the operation of knowledge, the ultimate perfection of man's soul. And this includes all knowledge; be it the knowledge of the *trivium* or *quadrivium* whose sciences are ordered according to Moral Philosophy, which acts as the juridical science that regulates all sciences preceding it; or be it theological science, that is, the possibility of knowing the unknowable, God Himself and his inscrutable justice.

As the Philosopher says at the beginning of the *First Philosophy*, all men by nature desire to know. The reason for this can be and is that each thing, impelled by a force provided by its own nature, inclines towards its own perfection. Since knowledge is the ultimate perfection of our soul, in which resides our ultimate happiness, we are all therefore by nature subject to a desire for it (*Cv I, 1*).

Moral Philosophy and Theology are the apexes of that knowledge which conforms to natural order (law of nature) and to divine order (divine law) for which everything was created, that allows man to pursue political justice on earth and aspire to an inscrutable Justice incarnated in the figure of Christ as "living

4 "Veramente è da sapere che noi potemo avere in questa vita due felicitadi, secondo due diversi cammini, buono e ottimo, che a ciò ne menano: l'una è la vita attiva, e l'altra la contemplativa; la quale, avvegna che per l'attiva si pervegna, come detto è, a buona felicitade, ne mena ad ottima felicitade e beatitudine, secondo che pruova lo Filosofo nel decimo de l'Etica" (*Cv IV, xvii, 9*).

Justice", and new Adam. In the middle there's the problem of man's actions regulated by free will and the issue of Fortune that thwarts destinies.

As stated earlier, *Convivio* is born from Dante's need to respond to an ignominious verdict that offends his dignity as a citizen and bans him from his own city unless he make public amends. *Convivio* is Dante's public self-defense aimed at his fellow citizens and is a reflection on the problem of fame and fair justice. Dante – a man punished unjustly and banned from the affairs of his town – wishes to teach what Cicero had wanted to teach his son Marco: the necessity of knowledge as a path of reconciliation between "honorable" and "beneficial" as the only way to guarantee peace and happiness and flee man's root evil: cupidity and hatred towards one another.

In these pages we find the parable that, along with Cicero's *De officiis* and the condemnation of cupidity and riches, demonstrates man's necessity for knowledge; a knowledge that, although infinite, finds its peace and satisfaction through varying degrees until it rests in the ultimate peace (Augustine) and thus in the knowledge of God as revealed to man through the incarnation of Christ, the only water capable of acquiescing "the natural thirst that never can be quenched" (Pg XXI, 1), the only "living Justice" which "quickens."

Desire without peace and fulfillment that accompanies the thirst of possession is not comparable to the thirst of knowledge. The former desire, like the she-wolf of the *Commedia*, first desires an apple, then a woman, then a bigger treasure, then one bigger still, while the desire for knowledge is destined to be progressively satisfied in that it leads to truth; the truth of man as a *social animal* by nature, a political animal according to Aristotle, Aquinas, Egidius Romanus and finally Althusius: man as a builder of peace, man as a soul destined to return – through the knowledge of the ultimate end – to Him who brings joy to his soul, and to the happiness he was born to experience, to achieve what's known in the vernacular as

reductio ad unum.

The *Convivio's* preface states that man "by nature" desires to know, and that satisfying this natural inclination for the truth leads to happiness. A similar claim can be found in Cicero's *De officiis* I, 13:

Above all, the search after truth and its eager pursuit are peculiar to man. And so, when we have leisure from the demands of business cares, we are eager to see, to hear, to learn something new, and we esteem a desire to know the secrets or wonders of creation as indispensable to a happy life. Thus we come to understand that what is true, simple, and genuine appeals most strongly to a man's nature. To this passion for discovering truth there is added a hungering, as it were, for independence, so that a mind well-molded by Nature is unwilling to be subject to anybody save one who gives rules of conduct or is a teacher of truth or who, for the general good, rules according to justice and law. From this attitude come greatness of soul and a sense of superiority to worldly conditions. And it is no mean manifestation of Nature and Reason that man is the only animal that has a feeling for order, for propriety, for moderation in word and deed.⁵

The *ratio* inherent in the order of things that we find in Dante's work seems to come from Cicero: the "by nature" found in the *Convivio's* incipit and man's natural disposition towards knowledge is a concept which certainly doesn't negate Aquinas, according to whom Metaphysics prevails upon Ethics in the eschatological and final outcome. If knowledge is "the ultimate perfection of our soul, in

⁵ *De officiis* I,13: "Imprimisque hominis est propria veri inquisitio atque investigatio. Itaque cum sumus necessariis negotiis curisque vacui, tum avemus aliquid videre, audire, addiscere cognitionemque rerum aut occultarum, aut admirabilium ad beate vivendum necessariam ducimus. Ex quo intellegitur, quod verum, simplex sincerumque sit, id esse naturae hominis aptissimum. Huic veri videndi cupiditati adiuncta est appetitio quaedam principatus, ut nemini parere animus bene informatus a natura velit nisi praecipienti aut docenti aut utilitatis causa iuste et legitime imperanti; ex quo magnitudo animi existit humanarumque rerum contemptio"

(Marco Tullio Cicerone, *Dei doveri* [*De officiis*]; testo latino, traduzione e note a c. di D. Arfelli, Zanichelli, Bologna, 1987). English Translation source: http://penelope.uchicago.edu/Thayer/E/Roman/Texts/Cicero/de_Officiis/home.html . See also the upgrated critical edition: Marcus Tullius Cicero, *De Officiis* (ed. by M. Winterbottom), Oxford Classical Texts, Oxford, 1994.

which resides our ultimate happiness" – and to which "we are all therefore by nature subject" – it is also the "chosen habit" which "makes man happy In his actions" (if we reason along the lines of *Etica*) and as we read in the comment to verses 81-88 of "The tender rhymes of love" (*Le dolci rime d'amor ch'io solia*) in *Convivio's* Book IV. The chosen habit "which makes man happy In his actions" and his soul's disposition towards knowledge are both resolved in the pursuit of happiness, for to know is an act of Love, as written in the *Convivio's* preface and in the *canzone* "Ladies who have intelligence of love" (*Donne ch'avete intelletto d'amore*) from the *Vita Nuova* XIX and cited in *De vulgari* (*DeVE* II, viii, 8 and xii, 3) as an example of solemn style.

The hendiadys *iustitia* and *aequitas* reflects the medieval concept of love: the first, a physical conception of love (in its etymological and natural sense); the second, a mental conception of love. "The natural thirst that never can be quenched / except by water that gives grace the draught / the simple woman of Samaria sought" (*Pg XXI*, 1-3) presupposes a knowledge that is akin to *desianza*, a knowledge similar to Plato's Justice, one that reaches a mystical contemplation of Love "that moves the sun and the other stars". The connection between nature and happiness as a sign of knowledge which unveils the truth is at the basis of a retributive *aequitas*; it gives back what one merits through a *ius naturale* in accordance to one's own nature and one's exercising free will. The perfection of this principle of *aequitas* is contemplated in *Paradiso* XIII 143 where "desio" (desire) and "velle" (will) are identified as a "rota ch'igualmente è mossa" (as a wheel equally moved), as Piccarda Donati explains in the Heaven of the Moon. In Love, fulfillment is always reached to its fullest, even when the measure differs equitably in relation to the nature of its recipient, because the concept of equality is suited to its nature (*Decretum*, *Dist.* XLV and L). To the question that Dante poses to Piccarda in the Heaven of the Moon (*Pd* III, 64-66) "though you're happy here, do you / desire a higher place in order to see more and to / be still more close to

Him?" she answers, along with other smiling souls, that Love makes one desire what one has: "Brother, the power of love appeases our / will so-we only long for what we have; / our yearning calls upon no other thing" (vv.70-72). If they were to desire more their *disiri* would be discordant with "the will of Him who has assigned us here" for "if you think on love's nature carefully / The essence of this blessed life consists / in keeping to the boundaries of God's will". In God's will rests the peace of all creatures (Augustine): "And in His will there is our peace: that sea / to which all beings move-the beings He / creates or nature makes-such is His will" (vv. 85-87). It is only at this point that Dante clearly understands the *ratio* of unequal/differentiated equality:

Then it was clear to me how every place
in Heaven is in Paradise, though grace
does not rain equally from the High Good⁶

Man ultimately replicates the cosmological and juridical order within himself because Christ has made this path possible by rectifying man's nature. In Marco Lombardo's canto, the connection between a natural, imprinted order and a legal order that presides over a society is made very clear; it is referred to as the path of the rational soul that is angelic and "has a love of truth and virtue".

Issuing from His hands, the soul-on which
He thought with love before creating it-
is like a child who weeps and laughs in sport;
that soul is simple, unaware; but since
a joyful Maker gave it motion, it
turns willingly to things that bring delight.
At first it savors trivial goods; these would
beguile the soul, and it runs after them,
unless there's guide or rein to rule its love.
Therefore, one needed law to serve as curb;

6 Chiaro mi fu allora come ogni dove/ In cielo è paradiso, etsi la grazia / del sommo ben d'un modo non vi piove (*Pd* III, 88-90).

a ruler, too, was needed, one who could
discern at least the tower of the true city.
The laws exist, but who applies them now?
No one—the shepherd who precedes his flock
can chew the cud but does not have cleft hooves.

Dante develops his reflection on justice and the necessity of *civil and canon law* in order to put *humana civilitas* into effect upon the basis of a dual human and divine law: the “written law” is the depository of rationality structured by Moral Philosophy which governs man in his concrete actions and in his relationships and interactions with other men under the guide of the Emperor. The law of nature, imprinted by God upon the whole Universe, is the divine law that directs each individual towards his natural end and which achieves God’s superior justice, a justice that penetrates and shines even in the *Inferno* according to the idea – which Dante alluded to through Macrobius – whereby the light that organizes chaos reaches all the way down into Hell.

The Emperor is the only man who can think he’s enslaved by cupidity and therefore “possessing all things and being unable to desire anything else, would keep the kings content within the boundaries of their kingdoms and preserve among them the peace in which the cities might rest. Through this peace the communities would come to love one another, and by this love all households would provide for their needs, which when provided would bring man happiness, for this is the end for which he is born” (*Cv* IV, iv, 4).

In the following paragraph, Dante, returning to the concepts expressed at the beginning of the chapter, draws upon the authority of Aristotle’s *Politics* – expressed by Aquinas, naturally – and concludes:

In regard to this argument we may refer to the words of the Philosopher when he says in the *Politics* that when many are directed to a single end, one of them should be a governor or a ruler, and all the rest should be ruled or governed. This is what we observe on a ship, where the different offices and objectives

are directed to a single end: namely, that of reaching the desired port by a safe route.⁷

The human (or legal) law that is conducted in front of a human judge and the divine law (or natural law) that is conducted in the inner forum are the two solutions God gave to man. And man can willingly decide to submit his heart and his will to it, both corrupted by original sin and therefore never perfect, nor mature, nor whole if not when he reaches the pinnacle of Purgatory, where man is crowned, according to Dante, as king of his own desire and as master over his own appetites.

What Dante writes in verse in the Marco Lombardo canto (*Purgatory XVI*) he writes in prose in the *Convivio*:

Since in all of these voluntary activities justice must be preserved and injustice avoided, and this justice may be lost in two ways (either through not knowing what it is, or through not willing to follow it), written Law was invented in order both to establish it and to administer it. So Augustine says, "If men had known it (namely justice) and, when known, had observed it, there would have been no need of written Law". Therefore it is written in the beginning of the Old Digest that "Written law is the art of well-doing and justice".⁹ The official of whom we are speaking, namely the Emperor, is appointed to formulate, demonstrate, and enforce precisely this Law, and to him we are subject as far as our own activities extend, which have already been described, and no further.¹⁰ For this reason in every art and in every trade the craftsmen and apprentices are, and should be, subject to the chief and master of the activities within those arts and trades, outside of which the subjection ceases, because the rule of the master ceases. Thus we might say of the Emperor, if we were to describe his office with an image, that he is the one who rides in the saddle of the human will. How this horse pricks across the plain without a rider is more than evident, especially in wretched Italy, which has been left with no means whatsoever to govern herself.⁸

⁷ "E a queste ragioni si possono ridurre parole del Filosofo ch'elli nella Politica dice, che quando più cose ad uno fine sono ordinate, una di quelle conviene essere regolante o vero reggente, e tutte l'altre rette e regolate. Si come vedemo in una nave, che diversi officî e diversi fini di quella a uno solo fine sono ordinati, cioè a prendere loro desiderato porto per salutevole via" (*Cv IV, iv, 5*).

⁸ "E con ciò sia cosa che in tutte queste volontarie operazioni sia equitade alcuna da

Therefore, legal justice is not reduced to the application of laws but is “the art of well-doing and justice.” What is described is a “*ius commune*” that contemplates principles, laws and the appropriate application of such laws. This perspective, which creates controversy against jurists, physicians and clergy, does not, however, entail controversy against philosophy, law, medicine and theology as such; it is simply adversarial to people who do not love knowledge for love of the truth but desire it for “utility” and “who study not in order to gain knowledge but to secure financial rewards or high office”. The critique against cupidity comes from afar and is a reference to Cicero who, in the first book of the *De officiis*, establishes it as the main cause corrupting man’s living together as part of a society. This coexistence is only restored at the top of mount Purgatory in a *cantica* that, as with Pietro Alighieri’s exegesis, allegorically represents political or active civil life. It’s precisely in the preface of the *Inferno* that Pietro, in speaking of final, agent and formal causes, writes that – by analogy and through the images of Hell, Purgatory and Paradise respectively – the author wants to speak of the threefold nature of human life as already exemplified by Aristotle; voluptuous life, civil active/ political life, and contemplative life.

conservare e iniquitate da fuggire (la quale equitate per due cagioni si può perdere, o per non sapere quale essa si sia o per non volere quella seguitare), trovata fu la ragione scritta e per mostrarla e per comandarla. Onde dice Augustino: «Se questa - cioè equitate - li uomini la conoscessero, e conosciuta servassero, la ragione scritta non sarebbe mestiere»; e però è scritto nel principio del Vecchio Digesto: «La ragione scritta è arte di bene e d’equitate». A questa scrivere, mostrare e comandare, è questo ufficiale posto di cui si parla, cioè lo Imperadore, al quale tanto quanto le nostre operazioni proprie che dette sono, si stendono, siamo subietti; e più oltre no. 10. Per questa ragione, in ciascuna arte e in ciascuno mestiere li artefici e li discenti sono, ed essere deono, subietti al prencipe e al maestro [...] di quelle, in quello mestieri ed in quella arte; [e] fuori di quello la subiezione père, però che pere lo principato. Si che quasi dire si può dello Imperadore, volendo lo suo officio figurare *con* una imagine, che elli sia lo cavalcatore della umana volontade. Lo quale cavallo come vada senza lo cavalcatore per lo campo assai è manifesto, e spezialmente nella misera Italia, che senza mezzo alcuno alla sua gubernazione è rimasa!” (Cv IV, ix, 8-10).

3. All things considered, one also has to take into account the polemic Dante develops against the decretalists. In *Monarchia* III iii 6 it is stated that there are three types of men who are against truth, and the decretalists, who on the basis of their decrees doubt imperial authority, are among these. Dante's treatise tackles the problem of method: what needs to be established is a hierarchy of sources on which to anchor his findings, sources that must be pertinent to his discussion; first comes the Old and New Testaments, followed by the Papal decrees; lastly, the decretalists' interpretations of the decrees.

We have already mentioned Thomas's commentary *Etica Nicomachea* in order to understand the meaning of Dante's question to Ciaccio with regards to the city of Florence: *Is any just man there? (If VI, 62)* and the answer to this question: *Two men are just, but no one listens to them (If VI, 73)*, which does not allude to two different people (as, with the exception of Pietro di Dante, the old exegesis would have it), but instead alludes to the polarization of the two categories of political justice: natural justice and legal justice. In both the second and third editions of Pietro di Dante's exegesis, legal justice may be further subdivided; the conclusion is that "quin dictus Ysiderus dicit quod Ius dictum est quia iustum est [Isid. Etym. V iii 1], ideo auctor vocat dicta duo Iura hic, scilicet primum [ius naturale] et secundum [ius gentium], duo iusta".

The *ius gentium* is a guarantee of peace and social justice, established more to preserve peace than for public benefit, as was the case in Ciceronian times, since it was a premise of the *humana civilitas* perfectly organized by Augustus thanks to his *pax augustea*. This celebration of the past is rooted in classical culture, especially regarding the *Convivio* and other crucial passages of the *Monarchia*, Cicero's *De officiis*. One must start from the Romans if one wants to appropriately read Dante's conception of power, law and justice. Cicero is not only an authority for Dante and his contemporaries, but the best attempt at a theoretical reconciliation between the ethical category of "honorable" and the pragmatic category of "beneficial",

and, therefore, between moral philosophy and political praxis.

Written law, both civil and canonical, and the two guides, the Emperor *in temporalibus* and the Pope *in spiritualibus*, are the only guarantees of peace for the *humana civilitas* that the concrete application of the *pax augustea* had specularly duplicated as the apex of cosmological order: the peace and quiet of the Empyreum. This condition of peace and quiet is the only one that comes close to God's infinite nature, as Thomas writes commenting about Aristotle:

It is clear, therefore, that the process of one thing being moved by another does not go on ad infinitum, but a halt must be made and there will exist a first mobile which is being moved by a mover that is immovable.⁹

What is missing from Thomas' *De Regime Principum* that we find in Dante's *Monarchia* is a reflection on the Roman Empire. What interests Thomas is the unity of leadership as the most perfect terrestrial manifestation of a *reductio ad unum*. That is why many pages of the treatise are dedicated to the *reductio*: peace.

The beginning of the second chapter of Book I of *De regimine* states, "This question may be considered first from the viewpoint of the purpose of government. The aim of any ruler should be directed towards securing the welfare of that which he undertakes to rule. The duty of the pilot, for instance, is to preserve his ship amidst the perils of the sea and to bring it unharmed to the port of safety. Now the welfare and safety of a multitude formed into a society lies in the preservation of its unity, which is called peace. If this is removed, the

⁹ English translation source:

<http://www.logicmuseum.com/authors/aquinas/physics/aquinas-physics-7.htm> .

"Manifestum est ergo quod hoc quod unum moveatur ab altero, non procedit in infinitum: sed stabit alicubi, et erit aliquod primum mobile, quod scilicet moveatur ab altero immobili". See S. Thomae Aquinatis *In octo libros Physicorum Aristotelis Expositio*, VII, l. II, 894 (a. c. di P. M. Maggiolo, Torino, 1965). For the English translation see James M. Blythe, *On the Government of Rulers. De Regimine Principum*, Ptolemy of Lucca, with Portions attributed to Thomas Aquinas (ed. by J.M. Blythe), University of Pennsylvania Press, Philadelphia, 1997.

benefit of social life is lost and, moreover, the multitude in its disagreement becomes a burden to itself. The chief concern of the ruler of a multitude, therefore, is to procure the unity of peace". Once again, the concept is stoic and Ciceronian; common welfare prevails upon private interest.

The point is to guarantee a command that leads the multitude towards unity and therefore towards peace. Unrighteous leadership may belong to one only (the tyrant) or to the multitude (in this case the whole population would act as a tyrant). The category of tyranny runs transversal to forms of government, whether we are speaking of a monarchy or a democracy. "If an unjust government is carried on by one man alone, who seeks his own benefit from his rule and not the good of the multitude subject to him, such a ruler is called a tyrant—a word derived from *strength*—because he oppresses by might instead of ruling by justice".

In the eighth chapter of the first book, Thomas adds that in doing well one attempts to arrive at what one most desires, that is, happiness; therefore the act most suited to a King is to lead his people well, and he will be rewarded with beatitude: "Happiness, we say, is the ultimate end of our desires. Now the movement of desire does not go on to infinity else natural desire would be vain, for infinity cannot be traversed. Since, then, the desire of an intellectual nature is for universal good, that good alone can make it truly happy which, when attained, leaves no further good to be desired". According to Dante, the Emperor and his authority are necessary so human life can reach perfection. The Emperor "possessing all things and being unable to desire anything else" regulates all human activities in conformity to the written law (*Cv* IV, ix, 1).

Man is subjected to the Emperor in those activities that the Emperor himself legislates, demonstrates and enforces and to which all men are subjected, including the Emperor, as the most excellent man among men. It is in fact written in the *Vecchio Digesto* that

“written law is the art of well-doing and justice” and “The official of whom we are speaking, namely the Emperor, is appointed to formulate, demonstrate, and enforce precisely this Law, and to him we are subject as far as our own activities extend, which have already been described, and no further” (*Cv IV, ix, 8-9*).

4. Peace is achieved through the observance of the written law. *Pax augustea* and roman *libertas* are also celebrated by Remigio de' Girolami in *De via paradise*, even though he – albeit also drawing from Aristotle and Cicero – places the virtue of the Paoline hymn as the foundation of the *humana civilitas* (1Cor. 13, 1-13): *charitas* is never self-seeking, it encompasses all, endures everything, and always wants others to be well. Therefore, at the beginning of his *Tractatus de bono communi*, Remigio writes that the only cause of a city's ruin is its citizens' ill-natured love for private wealth over common welfare; this idea is also illustrated at length in the *De officiis*, I 25:

Those who propose to take charge of the affairs of government should not fail to remember two of Plato's rules: first, to keep the good of the people so clearly in view that regardless of their own interests they will make their every action conform to that; second, to care for the welfare of the whole body politic and not in serving the interests of some one party to betray the rest. For the administration of the government, like the office of a trustee, must be conducted for the benefit of those entrusted to one's care, not of those to whom it is entrusted. Now, those who care for the interests of a part of the citizens and neglect another part, introduce into the civil service a dangerous element – dissension and party strife. The result is that some are found to be loyal supporters of the democratic, others of the aristocratic party, and few of the nation as a whole.¹⁰

10 “Omnino qui reipublicae prefuturi sunt duo Platonis praecepta teneant: unum ad utilitatem civium sic tueantur ut quaecumque agunt ad eam referant obliti commodorum suorum, alterum ut totum corpus reipublicae curent, ne, dum partem aliquam tuetur, reliquas deserant. Ut enim tutela, sic procuratio reipublicae ad eorum utilitatem qui commissi sunt, non ad eorum quibus commissa est, gerenda est. Qui autem parti civium consulunt, partem neglegunt, rem perniciosissimam in civitatem inducunt, seditionem atque discordiam; ex quo evenit ut alii populares, alii studiosi optimi cuiusque videantur, pauci universorum”. English translation source:

The question surrounding the legitimacy of the Roman Empire's conquest is derived from the idea that peace is the one true value of an ordered *societas*. Dante feels compelled to question the origin of the Roman Empire's violent act of conquest, as Augustine had done before him in *De civitate Dei*. In *Monarchia*, Dante recycles the idea from Cicero's *De officiis* that what's acquired through a duel is acquired *de iure*, which will be touched upon more later.

In any case, Dante was able to translate the more innovative instances of the political debate of his time and contributed to the rebirth of a political language. The definition of Athens as a city that produced ancient laws and was truly civil (Pg VI, 139) "where every science had its source of light" (Pg XV, 99) is a testimony to the boldness of Dante's genius, capable of encompassing Augustine's philhellenic debate against the *civitas romana* and to resolve it by reconciling two models, Athens and Rome, as the bilingual composition of the "bella scola" of Limbo seems to suggest. After all, the long catalog of Roman heroes listed in *Convivio* (Cv IV, iv) and later reiterated in *Monarchia* (II, v) was taken from *De civitate Dei* (V, 18).

Rome and the Roman Empire are the historical backdrop necessary for the coming of Christ, true man and true God, the embodied recapitulation of human law (written law) and divine law (natural law and God's justice). Only he is capable of perfect "satisfactio" since according to God's justice he is authentic man (and according to the law) and he is authentic God, as explained by Anselmo da Aosta in the *Cur Deus homo*, as we'll see later.

Looking at the *Monarchia* in its European context, one has to once again underline the impact it later had in Italy's reflection on questions which, after Frederick II, had arisen beyond the Alps – in Germany, France, England – and that regarded dynastic problems, such as the legitimacy and usurpation of the throne and the definition of tyranny. The medieval king had to overcome an

http://penelope.uchicago.edu/Thayer/E/Roman/Texts/Cicero/de_Officiis/home.html

obstacle, “the Roman people’s long-standing hatred for the *nomen regium*,” a hatred which diminished under the Empire but didn’t disappear until in the second half of the IV century when, under Christianity’s influence, the figures of the *rex* and the *imperator* were assimilated into the figure of Christ. In the Middle Ages, the evolution of imperial power and of pontifical power served to promote the image of the King and of his power with regards to the figures of the Emperor and of the Pope.

With *Monarchia* Dante marks an important phase in the political discourse of his time, both for its view of the monarch and Empire assimilated in the hypernym “unità di comando” (unity of command), as well as for its idea that a people has a right to represent that which, in heretical terms, could be defined as “possible intellect” or, more simply, as humankind as the total demonstration of man’s rationality. The right to represent humankind’s rationality is followed by the right to transfer “popular sovereignty” into the hands of one Prince only. This transfer is conferred to the Prince by his own people on the basis of a *lex regia* from which descends the legitimacy of such an empire in the eyes of the law (*de iure*) and before God’s justice. This justice is executed in the empire through the parable of Christ and his own submission to God’s law and to man’s right at the height of its expression, that is, when Christ brought peace.

The problem of the legitimacy of regal power was one of the most debated issues in medieval Europe, and it was often thought of and presented as usurpation. The de-legitimization of the Merovingian rulers due to their incapacity to carry out regal functions, the legitimization of the Capetians due to their biological descent from the Carolingians, the problem of the usurpation of the throne by the Norseman William the Bastard, and the ensuing elimination of the Anglo-Saxon dynasty were circumstances that lit up the debate outside of Italy, all of which Dante echoed. Dante indeed wished to demonstrate the legitimacy of the Roman Empire

and, through a *translatio imperii*, placed all hope onto the arrival of Henry VII as the “*veltro ordinatore*”, the new Aeneas. Henry VII had come to Italy to restore a most desired peace in order to liberate all those who’d suffered as exiles in Babylon and were dreaming of a holy Jerusalem, those who, after having recaptured joy, would only be left with memories of their past misery and the current confusion. These are the themes discussed in *Epistola VII* of April 17, 1311, which Dante sent to the Emperor so he would move towards the “*noverca*” (unkind) city of Florence.

The above cannot be understood unless we look at it through the pre-modern paradigm of the Prince as *legibus alligatus* (*lex digna vox*): his power is affirmed in his submission to the law; and the people give sovereignty to its Prince, as codified by Roman law in order to justify the passage from a Republic to a Principality (*lex regia*). The transfer of sovereignty is an act that the people carry out in favor of a sovereign that *de iure* should act in the best interest of his people, and this is the reason why the sovereign is not *legibus solutus* if not through the action in which he guarantees the wellbeing of the collective and creates good civil cohabitation. It’s a difficult balance, which could degenerate into tyranny in the event that the Prince doesn’t exercise his power in the name of the collective that has conferred it to him. This transfer of sovereignty from the people to the Prince is what make the Romans Romans, the people *par excellence*, the population who achieved God’s providence, which the pagans called Fortune, as Dante underlines in the ninth paragraph of the second treatise of the *Monarchia*: Here he demonstrates that the Romans’ first conquest was not an act of violence since “whatever is acquired through trial by combat is acquired by right”, based on the authority of Cicero’s *De officiis*, which isn’t only sited alongside Vegetius’ work but also appears the whole length of the paragraph and states that war should always be avoided and *disceptatione* is always preferable (*Mn II, ix, 3* and *De officiis I, 34*); that battles should be conducted with less brutality (*Mn*

II, ix, 4 and *De officiis* I, 38); and that justice is to be preserved also with regards to the conquered, as Pyrrhus did when he spared the prisoners who had escaped the battle, as it was up to him to kill those who Fortune had spared (*Mn* II, ix, 8 and *De officiis* I, 38). Dante concludes, “Here Pyrrhus called fortune «Hera»; we call that same cause by the more appropriate and accurate name «divine providence»”.

Although in many respects the commentary tradition closest to Dante was not always able to recognize the innovativeness of his ideas and works, and the diachronic accumulation process of the glosses became a filter for what we have defined as the “canonical interpretation,” it doesn’t diminish the fact that this same accumulation process was the vehicle for ideas that were both born and fostered in the hearth of medieval Europe’s Latin literature. Next to the canonizing push, there existed a reading of Dante’s text that, in the diachrony, allowed some of the concepts and themes interwoven in Dante’s text to emerge. So it was that Benvenuto spoke of a Dantesque plurality of styles (*pluristilismo*); Guido da Pisa recycled the Aristotelian interpretation of a moral order as exemplified in canto XI of the *Inferno* (incontinence and malice and mad bestiality); Pietro di Dante gathered all classical and juridical sources, Alberico da Rosciate recovered the legend of the *Purgatorio di San Patrizio* that was circulating in Europe before it became part of Jacopo da Varagine’s *Legenda aurea*.¹¹ And so it was that the last version of the *Ottimo commento* – which the manuscripts refer to as *Chiose tracte da diversi ghiosatori* – gives relevance to the controversy over the confusion of the two powers, the political and the spiritual, incarnated in the two figures that were supposed to guarantee them, the Pope and the Emperor. This becomes very clear in the glosses relative to the Marco Lombardo canto (*Pg* XVI).

11 Di Fonzo, *The Legend of the Purgatory of Saint Patrick: From Ireland to Dante and Beyond*, in *Allegorica: Traditions and Influences in Medieval and Early Modern Literature* (Saint Louis University), vol. 26 (2009-2010), pp.44-81.

The questions delineated so far, which refer to the relationship between the temporal and spiritual powers in particular, hark back to the epoch that preceded the glossarists to the period of *De legibus et consuetudinibus Angliae* by Henry Bracton, who was the English spokesman, together with John of Salisbury (*Policraticus*, IV, II), of the idea that the Prince is bound to the laws. The debate over the Prince's position in respect to the law develops around the literature of *Specula principum* diffused in Italy via Thomas Aquinas, as assisted by Tolomeo da Lucca, and via Egidius Romanus (*De regimine principum*).

Dante gathers and harmonizes all facets of the juridical, political and theological debates and offers a synthesis. As Diego Quaglioni has illustrated, in the first treatise the poet refers to the two *luminaria magna* and the way in which they are portrayed through the canonical tradition.¹² The literature Dante offers regarding the image of the decretalists and of the controversy that he engages into with them in the *Monarchia* is conducted through, and supported by, propositional formal logic. It's on the level of formal logic that the image of the sun and the moon as the two remedies (the Pope and the Emperor) does not work. The sun and the moon are falsely assimilated to the Pope and the Emperor based on the Book of Genesis: On the basis of logic, in fact, the cures, the Sun and the Moon, would have been created earlier than the sinner, man. After demonstrating the falsity of the syllogism put forth by the canonical tradition, Dante offers a theological-eschatological reading at the end of the political treatise: God is the sun from which all other stars take their light and, in this respect, the Emperor – as a Christian – must respect the Pope. On the level of practical philosophy, of Moral Philosophy, Dante doesn't contradict himself at

12 Diego Quaglioni, "Quanta est differentia inter solem et lunam": Tolomeo e la dottrina canonistica dei "duo luminaria" in *Il sole e la luna. The Sun and the Moon*, SISMEL, Firenze, 2004, pp.395-406 («Micrologus» Natura, Scienze e Società Medievali, Nature, Science and Medieval Societies; XII).

all when he writes that “For Rome, which made the world good, used to have / two suns; and they made visible two paths- / the world's path and the pathway that is God's” (Pg XVI, 106-08), but rather integrates the polemic against the decretalists used in the *Monarchia* (*Mn* III, i 5) and stigmatizes the confusion of the two powers in the political and religious praxes of his times which emerged in the aftermath of the Donation of Constantine (*If* XIX, 115-117). To the question posed in the first book, “did the Roman people take on the office of the monarch by right?” (*Mn* I, ii, 3), Dante answers in the second book of his political treatise where he confesses that he was at first surprised by the Roman Empire’s supremacy over the world, but that he soon realized that such supremacy was to be ascribed to Divine Providence. He was so convinced of this that he, too, felt the desire to “cry out in defense of that glorious people and of Caesar - mockingly, yet not without some feeling of grief - along with him who cried out for the Prince of Heaven: «Why did the nations rage, and the peoples meditate vain things? The kings of the earth have arisen, and the princes have gathered together, against their Lord and against his Christ»”.¹³

Regarding the supremacy of the Roman Empire, which covers all of the second book of *Monarchia*, the hendiadys “*pro populo glorioso, pro Cesare*” (“that glorious people and of Caesar”) summarizes the dispute regarding the transfer of power from the people to the Emperor which animated the medieval debate in northern Europe: the supreme authority, conferred to the Roman people by God, is then transferred to the Emperor from the people thanks to the *lex regia* (*Inst.* 1 2, 6 and *Dig.* 1, 4, 1). The Jesuit G. Walsh pointed how Dante’s conception of universal monarchy was democratic and far from the spirit of imperialism.¹⁴

13 “Quare fremuerunt gentes, et populi meditati sunt inania? Astiterunt reges terre et principes convenerunt in unum, adversus Dominum et adversus Cristum eius. Dirumpamus vincula eorum, et proiciamus a nobis iugum ipsorum” (*Mn* II, I, 1).

14 Gerald G. Walsh S.J., *Dante Alighieri. Citizen of Christendom*, Bruce Publishing, Milwaukee, 1946.

After all, the Prince's vicarious function with respect to his community is well inserted within the concept of how "all things, among themselves, possess an order". Organizing the common good is the job of the community or of one who, free from *cupiditas*, manages power for the sake of the community and for *utilitas subditorum*. In this decree by Thomas Aquinas, Cotta individuates an obvious enunciation of the principle of popular sovereignty, while Grossi interprets it as a "reaffirmation of the community as a primary value, of its socio-juridical primacy". Either way, Thomas' key expression, as in Aristotle's *Politics*, is the *bonum commune*, the defense of which is what separates the Prince from the tyrant: "Est autem hujusmodi tyrannis, nullis subjacens legibus, incorrigibilis principatus similium et meliorum propter bonum suum, non propter bonum subditorum".¹⁵

The monarch and the Pope constitute the King's two bodies, the two possible approximations of the double nature of Christ, true man and true God, and in this sense are *exempla* and are vicars of life according to reason, not subjugated to appetites and desires, but vicars of life according to grace, and an anticipation *hic et nunc* of celestial beatitude. The two figures are the depositories of representation in the measure in which they resemble Christ, the only true King with two bodies, in which live the functions of the life of reason and the life of the spirit. Christ remains the one true advocate of man in front of God; Christ, the "*primizia*" of mankind, as Paul writes, is the first to have submitted Himself to the law and to have established the autonomy of the two powers. He does so when he is questioned about the imperial tax owed to the Emperor; after having pointed out the image of Caesar on the coin he invites his questioners to "give to Caesar what is Caesar's and to God what

15 Commentary on Aristotle's *Politics* (see *Opera Omnia*, Paris, L. Vivès, 1875, XXVI, 90-513, p.310). The same concept in *De regimine principum* I, 3: "Si vero non ad bonum commune multitudinis, sed ad bonum privatum regentis regimen ordinetur, erit regimen iniustum atque perversum".

is God's" (Mt 22:15-21).

As stated above, when the *duo luminaria* are discussed in *Monarchia* (Mn III iv, 2-3), Dante writes that it is wrong both from a material and a logical standpoint to affirm that, based on Genesis, God made two principal luminaries, one to illuminate the day and one to illuminate the night, and that it is erroneous to understand them as allegories of the two regimes: the spiritual and the temporal. From this perspective, it follows that the moon cannot shine if not illuminated by the sun; similarly, the Emperor cannot have authority unless given to him by the Pope.

Dante claims that the image used by the decretalists is false for it falsely uses a prevalent source. He also claims that there is no authority superior to God's, the only sun, the Love that moves the sun and other stars, the One who sent his Son on earth, a Son whose vicar is the Pope *in spiritualibus*. The Emperor, on the other hand, is the guide ordered to illuminate the blindness of a world that lives unrighteously due to *cupiditas*, and is the guarantor of the written reason, that is, the law.

If the guides were not intended to serve the community they would be tyrants that, instead of illuminating the night, would blindly lead one into the thick and dark wood of a life not ordered towards its ultimate goal, happiness: The rays of that planet "which serves to lead men straight along all roads" and that Dante the pilgrim catches a glimpse of at the beginning of his journey are rays that penetrate into the chaos of the forest, in the same way that the ordering power of the sun penetrates unformed matter and the *hyle*, the wood of Macrobius' *Saturnalia* (I, xviii). After all, love and the spiritual love for another are the law perfected (*I Romans* 13:10). Just as Moses and Elias prefigure the coming of Christ, so the law and the prophets find their fulfillment in the New Testament: in the love for God and for one's fellow man, one fulfills the law of the fathers, because it is written that the fullness of the law is Love. To this special love is opposed a different kind of "love," a desire for the

world and for the body, a concupiscence of the eyes and a lust for life (*I John* II:15). This might be the hypertext for the literary invention of the three beasts; the she-wolf that stands for the concupiscence of the flesh, the leopard that, with its spotted fur, tickles the concupiscence of the eyes, and the lion whose interpretation is chorally agreed upon by the tradition of antiquity's commentaries.

An interpretation of this kind would be coherent within the complex and erudite moral ordering that Dante offers in the three *cantiche*, and it would complete his theory of Love exposed in *Purgatorio* XVII where Dante explains the spiritual *ratio*, the deep psychological dynamic that moves and directs men's souls in the direction of the appetites divided into the seven deadly sins; Love can be "amore naturale" or "amore d'animo" (love of the mind). Natural love is always without error, while the love of the mind may err in its chosen goal or through excessive or deficient vigor. Love is a *dilectio* that rules the movement of the sun and of the other stars and is at the basis of the lives in Hell and Purgatory, for it penetrates the abyss with the rays of the planet that "serves to lead men straight along all roads" that the pilgrim Dante can see behind the hill at the beginning of his journey. It is the ordering power of the Sun that penetrates all unformed matter, the *hyle* (the woods), and its rays penetrate darkness and order and direct the *agens* towards the highest good and its pure light in Paradise: a neo-platonic vein which Dante picked up from the *Somnium Scipionis* as commented by Macrobius.

5. To conclude, if temporal power is not finalized towards the common good and to the goal of natural happiness then it means that it does not welcome the light that has come among men. If for Plato and for Cicero in the *De officiis* justice protects the weak, for Dante the only way to exercise spiritual power is to imitate Christ, the servant of all men, who announces the beatitudes of the Mountain. The spiritual guide, therefore, when it does not conform

to the proper model of guidance is to blame more than anything. It is from this consideration that the great and dejected polemic over Peter's vacant seat originates. At the time of the polemic, the seat is occupied by Boniface VIII, the Prince of the Pharisees and friend of the adulterers of the affairs of God who should have been the brides of Righteousness (*If XIX*, 2-4). Dante mourns the imperial throne left empty in the aftermath of Henry VII's descent (*Pd XXVII*, 23). Dante does not seem able to find a guide capable of ending the wars of "that world which lives badly" and establishing the peace he so much desired. The two powers are vacant. And if God is the power from which all powers descend, then the dark night of the temporal power can be due to a lack of illumination from above, or rather, of an obscuring of that light, that Sun. In the *Epistola XI* 10, Dante compares the obscuring of the glory of Rome to the eclipse of the Sun, because one power has obscured another (*Pg XVI*, 109).

"Arnaldo's dream is, in its essential features, akin to Dante's dream". The Pope's claim was unfounded. The Donation of Constantine is cause of the church's wrongdoing both for Dante and Bartolo da Sassoferrato. With this in mind, it is perhaps easier to understand the theoretical justification for the imperial political behavior of Henry VII of Luxembourg given by Dante and Can Grande della Scala, who both agreed on this point. The citation by Egidius Romanus in the ancient commentaries represents the attempt to tie Dante's thought into more reassuring canons on the part of those religious commentators who were implicated in the diatribe over the conflict of interests between the spiritual and temporal powers and that were active in the battle of ideas conducted not only by the Emperor and the Pope but also between reformers and prophets, pauperists and spiritualists, and plain clerics. Dante's dream is one that is not warped by the *malo exemplo* (*Pd XVIII*, 126) but rather crowned by a natural happiness and a celestial beatitude sanctioned by the two vicars predisposed to *imitatio Christi*: the Christian Emperor, righteous in that he is justified

by the Incarnation, and a poor Pope (Philippians II).

According to Maccarrone, the *Monarchia* is to be viewed as part of an anti-hierocratic diatribe developed by the theologians more so than by the jurists. If the Augustinian monks Egidius Romanus (*De ecclesiastica potestate*) and Giacomo da Viterbo (*De regime christiano*) supported the “potestas indirecta in temporalibus” of the Pope, Dante takes an even more radical position when he separates the two powers and demonstrates the false syllogism of the decretalists.

In this climate, it is easy to understand why *Monarchia* would have been condemned by the religious power, a condemnation that would have otherwise seemed incomprehensible since at the end of his treatise Dante seems to sanction the superiority of the spiritual power over temporal power. Similarly, what would also seem incomprehensible is the reason why the advisors to Louis IV the Bavararian referred to the *Monarchia* during the controversy against John XXII which culminated into the excommunication of Ludovico (1327). Marsilius of Padova also resorted to the *Monarchia* in support of his idea of universal peace. This explicit recourse, united with the condemnation and censorship of *Monarchia* in 1329 thanks to the papal liaison Bertrand du Pouget, who was sent to Bologna by John XXII between 1327 and 1334, generated a veritable trend of political “anti-dantismo” (anti-danteism): Enrico da Cremona (*De potestate papae*), Agostino Trionfi (*Summa de potestate ecclesiastica*), the Dominican Guido Vernani, *De reprobatione Monarchiae composita a Dante* (1327-1334) and lastly the archbishop Guglielmo da Cremona *Tractatus de iure Monarchiae*.

The problem of the “due giusti” of *Inferno* VI 73 should be rethought along these lines. The only two men that Dante could have been alluding to are the Pope and the Emperor, but, since these two figures – at the moment in which Dante is writing – are hardly just (Boniface is far from righteous) or are not there at all (the imperial seat is vacant), and since the only righteous man is Christ, it follows

that what Dante speaks of has to be the political justice of *Etica Nicomachea*, a justice split into natural justice and legal justice (*two men are just, but no one listens to them*) and divided into the three women of *Tre donne al core* that Pietro di Dante recalls. In order to explain the verse of *If VI 73* mentioned above, Pietro, in speaking about the meaning of the “due giusti” – natural and legal – in his third commentary further subdivides legal justice into civil and personal.

Furthermore, in the theological context in which the maximum authorities are the vicar on the one hand, and the servant of the servants on the other, the notion of nobility – and not necessarily of nobility by birth but of education and righteous action – is appropriately contextualized. Nobility of mores, grace, “*a thing so fair it makes the soul, / in which he reigns, most worthy / of both a throne and an imperial cloak, which is compared to, and not by accident, the Sun: Fully this is like the mighty planet / that, from the east / onward, until the time it hides away, / spreads with its beauteous rays / power and life below*”.¹⁶

An ulterior phase of this journey is the reflection on language and the use of the vulgar tongue “*in qua muliercule communicant*” which sounds trite on the lips of women.¹⁷ The maternal tongue takes on a particular quality in this context. It is to be intended as the primitive tongue in that it is the first language spoken by an infant, the mother tongue, and by analogous proportion can be assimilated to the natural language that was extinguished even before Nimrod built the tower of Babel, and that represents the perfect communication between God and man for it is the language spoken during the creation of the garden of Eden.

It is not by coincidence that Dante became represented as the

16 English translation source: <http://www.italianstudies.org/poetry/cv5.htm>

17 Dante, *Egloga III*, 9: “*Comica nonne vides ipsum reprehendere verba / tum quia femineo resonant ut trita labello, /tum quia Castalias pudet acceptare sorores?*” (in Dante, *Opere minori*, Ricciardi, Milano–Napoli, 1979).

poeta theologus and *scriba Dei* as early as the *tabula picta* of Domenico di Michelino: an emblem executed in a political and civil key. In Domenico di Michelino's *tabula picta* the sacred iconography of the evangelist with the open book, which mimics the Christ image as a benevolent judge and teacher who holds the book of the world in his hands, is applied to a profane symbol for the very first time: The profane subject is Dante who, as Boccaccio affirmed, had strongly desired the laurel crown in his lifetime; he is depicted as an evangelist, a *scriba dei* and teacher of happiness. Singleton will refer to Dante as a *scriba Dei* and as a fifth evangelist many centuries later without mentioning the *tabula*. In order to depict the poet, Domenico da Michelino uses an iconography that up until that point had only been applied to sacred subjects, and places his volume (the *Commedia*) in his hands, he who had looked for Virgil's volume (*If* I, 84) and had opened and read God's great volume (*Pd* XV, 50). In the Chapel of the Scrovegni, God holds the papers of the Universal Judgment in his hands, the evangelists are represented with the Gospels in hand and turned towards their observer: Such is also the case for some saintly figures for whom the connection to the written word is only fitting: Saint Benedict, as author of the most important rule for the western monasticism, Saint Augustine, Saint Dominick and Saint Thomas (as in the example of the Spanish Chapel in Florence). An iconographic codification that can be read in two ways: either as a *translatio* of the theological and transcendent discourse on the *humana civilitas*, or as the promotion of Dante the poet as a strong authority for the life of man and for man as citizen. Upon close examination, both readings are harmonious and indicate both the passage from transcendence to immanence of the sacred in civil humanism, as well as the promotion of a poet as fifth evangelist while highlighting his civil and political function.

The only thing left to do is to establish how Dante drew, always and no matter what, from the gazophylacium of classical and medieval tradition utilizing motifs and legends that circulated in

Europe (or that sometimes came from the far East), and generated a system of thought and an artistic expression whose innovative import become evident only once compared to the reception of his work and the exegetical tradition that ensued in the context of his territory of reference. If in fact the flowering of the many commentaries of the *Commedia* signifies a recognition of the product's haecceity, on the other hand it has represented the need to canonize, within a certain variability, the interpretation of Dante's text, which was viewed as somehow authoritative.

The knowledge of the ancient and classical world does not always come from primary sources. Often, we are speaking of a patrimony of indirect sources, sometimes mediated by centonism, other times by repertories, others still by encyclopedias. In this regard, it would be useful to think of how the reference to Trajan's salvation and to his act of justice towards a widow is to be traced back to a medieval legend transmitted by an interpolation of Paolo Diacono's *Vita Gregorii Magni*. Dante chooses to ignore the dark tale of Trajan, the persecutor of the Christians, handed down to posterity by Augustine, who took it from the classics. In Trajan's case, the Emperor placed in the Heaven of Jove, the idea that his soul be liberated from Hell thanks to Gregory's intervention was something Dante took from tradition. In other cases, however, Dante innovates and goes beyond tradition, as is the case with Cato, Statius, and Rhiphaeus.¹⁸

18 See R. Cella, *Centralità politica della giustizia in Dante*, in AA. VV., *Studi per Umberto Carpi. Un saluto da allievi e colleghi pisani* (a c. di M. Santagata e A. Stussi), Edizioni ETS, Pisa, 2000, pp.271-289. See also Justin Steinberg, *Dante and the Limits of the Law*, University of Chicago Press, Chicago, 2013.

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CLAUDIA DI FONZO

Cosmological and Legal Order in *Convivio*

– Abstract –

In this paper Dante's convictions are examined in relation to the histories of jurisprudence and medieval philosophy, and the article presents several new observations regarding the role of Moral Philosophy and the concept of the order as a legal and cosmological principle in Dante's world. Some of these observations were partially addressed in the volume entitled *Dante between jurisprudence, theology and ancient exegesis (Dante tra diritto, teologia, ed esegesi antica)*, Naples, 2012).