The rediscovery of republican values

The Italian city-republics first began to develop their distinctive political systems as early as the closing decades of the eleventh century. It was then that a number of northern communes took it upon themselves, in defiance of papal as well as imperial suzerainty, to appoint their own 'consuls' and invest them with supreme judicial authority. This happened at Pisa in 1085 (the earliest recorded instance), at Milan, Genoa and Arezzo before 1100, and at Bologna, Padua, Florence, Lucca, Siena and elsewhere by the 1140s.1 During the second half of the twelfth century a further important development took place. The consular system was gradually replaced by a form of government centred on ruling councils chaired by officials known as podestà, so called because they were granted supreme power or potestas in executive as well as judicial affairs. Such a system was in place at Padua by the 1170s, at Milan by the 1180s, and at Florence, Pisa, Siena and Arezzo by the end of the century.2

By the opening years of the ducento, many of the richest communes of Lombardy and Tuscany had thus acquired the status of independent city-republics, with written constitutions guaranteeing their elective and self-governing arrangements.3 For all their self-confidence, however, these urban communities remained deeply anomalous within the legal structures of thirteenth-century Europe. Technically they were mere vassals of the Holy Roman Empire, which vigorously pursued its claims over northern Italy (the so-called Regnum Italicum) throughout the late twelfth and early thirteenth centuries. Frederick Barbarossa mounted five invasions between 1154 and 1190, while Frederick II continued the fight from 1237 until his death in 1250. By this time, moreover, the emperors were able to support their traditional demands by invoking the authority of Roman law, the study of which had become a leading academic discipline in the course of the twelfth century, initially under the inspiration of Gratian and his followers at the University of Bologna. To these early Glossators it seemed incontestable that the Codex of Justinian viewed the Imperator as sole princeps and 'lord of the whole world'. Equating this figure with the Holy Roman Emperor, they concluded that, despite the de facto independence of so many of the Italian cities, they must be altogether subject de iure to the imperial power. As the Bolognese Glossator Lohair explained in a judgement solicited by the emperor Henry IV, if the Imperator is the sole dominus mundi, he must at the same time be the sole bearer of imperium, the one authority capable of making laws and commanding obedience.4

Even more anomalous than the de facto independence of the cities was their republicanism, the fact that they placed their highest executive and judicial functions in the hands of salaried officials elected for strictly limited periods of time. The basic assumption of most writers on statcraft at this period was that all government must be viewed as a God-given form of lordship. As John of Salisbury had put it in his Policraticus of 1159, all rulers constitute 'a kind of image on earth of the divine majesty'. They not only stand above the laws but 'can be said to partake in a large measure of divine virtue themselves'.5 From these assumptions it was widely agreed to follow that hereditary monarchy must be not merely the best but the only conceivable form of legitimate rule. This is taken for granted by John of Salisbury and such followers as Heliodorus of Froidmont,6 who opens his De Bona Regimine Principis of 1210 with the assertion that kings are directly chosen by God himself.7 Gerald of Wales asserts in similar vein in his De Principiis Instructio of c.1217 that 'the establishment of a princely form of power is actually a matter of necessity among men, no less than it is among the

2 Salisbury 1990, vol. i, p. 278: 'in terra quaedam divinae maiestatis imagino... magnum quid divinitatis virtutis declaratur invise principibus.' For the date of the Policraticus see Nederman 1990, pp. 316-17.
3 The twelve chapters of Heliodorus's De Bono Regimine Principis are largely taken, often word for word, from Book IV of John of Salisbury's Policraticus.
4 Heliodorus of Froidmont 1253, p. 775, quoting and glossing Deuteronomy 17:15.
birds, the bees and the rest of brute creation. Finally, it was universally accepted – in line with the inescapable authority of St Augustine – that God’s purpose in ordaining such princely powers must have been, as John of Salisbury adds, ‘to repress the wicked, to reward the good’ and so to uphold the law of God on earth.

Given these assumptions, the city-republics of the Regnum Italicum stood in urgent need of a civic ideology capable of legitimising their anomalous legal position and of vindicating their systems of elective self-government. According to many recent commentators, however, the earliest commune initially failed to rise to this challenge, and consequently lacked any means of conceptualising their freedom and political independence. These intellectual developments, we are told, had to await the recovery and dissemination of Aristotle’s moral and political theory in the latter part of the thirteenth century. J. G. A. Pocock, for example, has contended that it was ‘the politics of the polis’ that came to be ‘cardinal to the constitutional theory of Italian cities’. Nicolai Rubinstein has likewise argued that Aristotle’s Politics ‘provided a unique key to the new world of urban politics’, and that ‘no such guide had existed before the rediscovery of his texts.

Some scholars have gone even further, insisting that we cannot speak even at this juncture of a distinctive ideology of self-governing republicanism. Hans Baron in particular has maintained that such an ideology was formulated for the first time – in an explosive and deeply influential moment of creativity – in Florence at the start of the fifteenth century. Only then did the humanists begin to argue that the values of political liberty and participative citizenship need to be sustained by an elective system of republican rule. Only at that juncture, therefore, can we begin to speak of what Baron described as ‘the new philosophy of political engagement’ characteristic of the early Renaissance. Florence, on this interpretation, was ‘unique among the cities of Medieval Europe in giving rise to such a developed set of ideas appropriate to urban life’.

The rediscovery of republican values

No one doubts that the revival of Aristotelianism and the rise of Florentine humanism were of vital importance for the evolution of republican thought. But it is misleading to suggest that it was only with the emergence of these intellectual movements that an ideology of self-governing republicanism began to be formulated in the communes of the Regnum Italicum. We are still too much in thrall to Jacob Burckhardt’s vision of the Renaissance, still too ready to suppose that there must be one particular moment at which we can hope to contemplate the dawn of humanism and the recovery of classical values, including the values of republican self-government. As I shall try to suggest in what follows, the reassertion of these values and their accompanying practices was a long and incremental process, one that stretches back to the era in which the communes were originally founded. More specifically, I want to argue, the recovery and adaptation of Aristotle’s texts largely served to confirm and underpin two earlier traditions of thought in which the distinctive arrangements of the early communes had already been very effectively celebrated and legitimised.

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The authority chiefly invoked by the city-republics in their earliest attempts to defend their way of life was the Codex of Roman law. By the end of the twelfth century, a number of Glossators were beginning to reinterpret the passages on public law in Justinian’s Digest in such a way as to support rather than to question the autonomy of the cities and their elective forms of government. The first of the leading Glossators to expound the law of Rome in this fashion was Lothair’s great opponent Azo, a native of Bologna and a celebrated teacher of civil law at the university in the opening years of the thirteenth century.

Glossing the concepts of iusdictio and merum imperium in his Summa Super Codicem, Azo wrote in such a way as to vindicate the sovereignty of all communities possessing de facto independence. ‘We must begin,'
he announces in his section De Jurisdictione, 'by considering the meaning of the term juricidicio itself.' It is a power', he goes on, 'publicly established as a matter of necessity, of stating that which is lawful and right and establishing that which is equitable.' So far this was orthodox doctrine. But as soon as Azo turns to ask who can lawfully possess such power, and hence exercise **merum imperium**, he announces a radical new departure. 'I admit', he writes, 'that the very highest juridicidicio rests with the princeps alone.' However, it cannot be doubted 'that any magistrate in a city has the power to establish new law'. 'So my position', he concludes - in a direct allusion to his debate with Lothair - 'is that it must be lawful for merum imperium to be wielded by these other higher powers as well.'

If we turn to Azo's *Quaestiones* we find him defending the sovereignty of independent kingdoms in the same terms. He states his position most clearly in commenting on the dispute between King John of England and Philip Augustus of France, in the course of which the latter had been criticised for ceding certain rights of vassalage. Azo remarks that the first observation to be made in defence of the French king is that 'because it is evident nowadays that every ruler possesses the same power within his own territory as the emperor, it follows that it must have been for the king to act in this matter just as he pleased.' A proposition with momentous consequences for the defence of national autonomy against the legal pretensions of the Holy Roman Empire is thus announced as if it were already accepted in practice as the merest commonplace.

From the point of view of the Italian city-republics, however, Azo's greatest contribution was that he also defended a doctrine of popular sovereignty. For this aspect of his argument he relied on a distinctive analysis of the term **universitas**, the central concept in the Roman law theory of corporations. The earliest Glossators had originally invoked this theory to furnish an account of the place within cities or kingdoms of such lesser institutions as guilds, monasteries and the new phenomenon of universities. But by the end of the twelfth century - especially in the writings of Azo's teacher Bassianus - they had also begun to use the

term to denote any collectivity possessing its own juridical standing. As a result, they came to speak of entire bodies of citizens as instances of **universitas**, as political bodies and hence as legal **personae** capable of speaking with a single voice and of acting with a unified will in the disposition of their affairs. It was this application of the term that Azo went on to put to such revolutionary use.

First he argued that the consent of the whole people considered as an **universitas** is always necessary if the highest powers of **imperium** and thus of **jurisdiction** are to be lawfully instituted. He derived this conclusion from his interpretation of the **Lex regia** mentioned in Book I of the *Digest*. According to this enactment, 'what pleases the emperor has the force of law, the reason being that, by way of the **Lex regia**, which has been passed concerning his authority, the people confer upon him, and place in his hands, their own entire authority and power.'

Glossing this alleged decree in his *Lectura Super Codicem*, Azo concludes that 'the power of the emperor to make law' arose lawfully because 'it was assigned to him by the people' in whose hands it must originally have reposed. So far this too was orthodox teaching among the Glossators, who must unquestionably be regarded as a leading source of the doctrine - later so central to contractarian as well as scholastic political theory - that all legitimate political authority must derive from an act of consent. Azo parts company with his teachers, however, when he goes on to argue that, even after the establishment of a prince with full **imperium** and **jurisdiction**, 'the power to make laws, if it was a power that the people possessed before that time, is one that they will continue to possess afterwards.' As Azo himself observes, the accepted interpretation of the **Lex regia** had always been that 'although the Roman people at one time possessed the power to make laws, they no longer possess it, having transferred all their authority to the emperor by means of the **Lex regia** itself'. This had been Immerius's view, subsequently endorsed by such distinguished Bolognese Glossators as Rogerius and Placentinus. But Azo

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50 *Azo 1966a, III. 13, p. 67*: 'videamus ergo in prinis quid sit jurisdictio ... est potestas de publico introducta cum necessitate in turibus civitatum quae suas leges habere tantum.'

51 *Azo 1966a, III. 13, p. 68*: 'plenissimum jurisdictioneem soli principi competere dico.'

52 *Azo 1966a, III. 13, p. 68*: 'quilibet magistratus est in suo civitate suum statutum posse.'

53 *Azo 1966a, III. 13, p. 69*: 'et merum imperium etiam alin sublimioribus potestatibus competere dico.' On the significance of this contention see Calasso 1957, pp. 85-123.

54 *Azo 1988, pp. 86*: 'quaesit hodie videtur cumdum populos habitare in suo patria, quae imperator, ergo posset facere quod sibi placet.'


56 *Digest* 1959, I. 4, 1, vol. 1, p. 14: 'quod principi placuit, legis habet vigorem; utpote cum legi regia, quae de imperio est, in suis communibus potestatem conferit.'

57 *Azo 1966b, I. XIV. 11, p. 44*: 'potestas [imperatoria] legis condendae ... in eum transtulit populus.'


59 *Tusaery 1969, I. XIV. 11, p. 44*: 'potestas legis condendae ... in eum transtulit populus.'

60 *Azo 1966b, I. XIV. 11, p. 44*: 'populus Romanus non habet potestatem legis condendae, quod olim habebat et lege regia in eum transtulit populus.'
denies this reading outright. ‘My own view’, he retorts, ‘is that the people never transferred this power except in such a way that they were at the same time able to retain it themselves’. We can see how this is possible, he adds, once we introduce the idea of the *populus* considered as an *universitas*. For it is not the people who are excluded by the *Lex regia* from the power to make laws, but merely the individuals who make up the body of the people. They are indeed excluded, but not the people considered as an *universitas*.

If the people transfer and yet retain the power to make laws, who is the true possessor of that power in the last resort? Azo is fully aware of the local relevance as well as the momentous implications of the question. He answers at a later stage in his *Lectura* by introducing a distinction between a ruler’s relationship to his subjects *ut singulis* and *ut universis*, a distinction destined to be endlessly cited in subsequent legal debates about the concept of *merum imperium*. Azo presents his solution in the course of glossing the title *Longa Consuetudo*, the title concerned with the relations between custom and law. He begins by considering the standard objection to the contention that, in the exemplary instance of the Roman people, the right to make laws was never yielded up. Even if they initially retained it, the objection runs, ‘it must be now have lapsed through loss of use, with the result that today it is lodged entirely in the emperor’s hands’. Azo first counters by repeating his earlier contention that the people ‘never transferred this power at all except in such a way that they were able at the same time to retain it’. But he now adds the crucial corollary that, ‘from this it follows that, although the emperor is of greater power than any individual member of the populace, he is not of greater power than the populace as a whole’. The emperor’s unquestionable authority to legislate is thus rendered compatible with an unqualified defence of the *populus sine universitas* as the ultimate bearer of sovereignty.

As Azo recognised, this doctrine carried with it two further and even more radical implications, both of which he underlines in glossing the title *De Legibus* in his *Summa Super Codicem*. Although we habitually speak of rulers as the bearers of *jurisdiction*, strictly speaking we should speak of the right to exercise that power as being transferred to them only in the sense of being conceded, because the people will not in the least have abdicated the power themselves. The true status of rulers is merely that of *rectores*, officials whose authority is assigned to them not in the form of a donation but merely as a matter of administrative convenience. The other implication is that the people must retain the capacity to depose their rulers and resume the exercise of their sovereignty should their *rectores* fail at any time to discharge their duties satisfactorily. This in fact happened, as Azo remarks, at more than one moment in the history of the Roman people, ‘for even after they had transferred their power to make laws, they were nevertheless able to revoke that transfer at a later stage’.

Azo’s way of defending the people’s authority to set up and set down their own chosen forms of government remained an important element in the ideology of the Italian city-republics throughout their later history. Hugolinus and his pupils at Bologna continued to explore the implications of Azo’s argument in the later thirteenth century, while a number of canonists followed Huguccio of Pisa’s lead in deploying a parallel theory to elucidate the relationship between the pope and the *universitas* of the church. During the early decades of the fourteenth century Bartolus of Sassoferrato reformulated the defence of the city-republics in still more radical terms with his doctrine of *sibi princeps*, the doctrine that each independent *civitas* may be regarded as ‘*a princeps* unto itself’ and hence as the bearer of its own sovereignty. While these later developments are well known, however, the point on which I have sought to insist is that we already find a legal defence of the independent and sovereign status of the Italian city-republics fully articulated in the opening decades of the thirteenth century.

By the time of Azo’s death in c.1230, a yet further body of ancient texts was beginning to be pressed into service to defend the independence of the Italian city-republics and their elective forms of government. A number of writers began to invoke the authority of the moralists and

34 Azo 1966a, I. XIV. 11, p. 44: *sed eis quod non transmissit ipsis sibi retinens*.
35 Azo 1966b, I. XIV. 11, p. 44: *hic non excludit populus, sed singuli de populo...ideo singuli excludantur, non universitas sine populo*.
36 Azo 1966b, VIII. III. 2, p. 17: *abrogandae per descendentem, hoc est omnis potestas et annus suum imperatorum*.
37 Azo 1966b, VIII. III. 2, p. 69: *sed nec est ina transita quin sibi retinere*.
38 Azo 1966b, VIII. III. 2, p. 69: *unde non est major potestas imperator quan totus populus, sed quem quibisset de populo*.
historians who had celebrated the virtues of the ancient Roman republic in the period just before it was swallowed up into the principate. The authorities on whom they chiefly relied were Sallust and Cicero, later the favourite political writers of many leading humanists of the quattrocento. So extensive, indeed, was the reliance of the earliest spokesmen for the communes on these sources that it would not be inappropriate to describe them as the originators of a humanist literature—or at least a recognisably pre-humanist literature—on the problems of city government.

We need to consider two closely related bodies of texts produced by these pre-humanist commentators. First there were the numerous treatises on the Ars dictaminis issued by those who acted as dictatores or teachers of rhetoric in the law-schools of the Regnum Italicum. These treatises generally comprised a set of model speeches and letters, often preceded by a theoretical discussion of the rhetorical arts. A small number of these writings survive from as early as the beginning of the twelfth century. Hugh of Bologna’s Ratiores Dictandi, for instance, appears to have been produced around the year 1120. For the most part, however, the earliest surviving examples date from the opening decades of the thirteenth century, by which time the genre had become well established, not to say highly repetitious in content. Among the leading examples from this era are Ramiro da Perugia’s Ars Notariorum of c. 1215, Thomas of Capua’s Ars Dictandi of c. 1230, Boncompagno da Siena’s Rhetorica Notissima of 1235 and Guido Fabia’s numerous writings of the same period, including his Dictamina Rhetorica of 1226–8, his Epistle of

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1239–41 and his Parimenti ed Epistole of 1242–3. We should also note that, by the end of the thirteenth century, a number of similar treatises had begun to appear in the volgare. Matteo de’ Libri’s vernacular Annalgie dates from c. 1275, Giovanni da Vignano’s Flore de Parole from c. 1290, Filippo Cetti’s Librarie from c. 1330.

The other body of writings to be considered are the pre-humanist treatises on city government designed specifically for the guidance of podestà and other magistrates. This genre was originally an offshoot of the Ars dictaminis, with most of the early treatises still containing model letters and speeches in addition to general advice on how to manage city affairs. The earliest surviving work of this description is the anonymous Ocism Pastoralis, which has usually been dated to the 1220s. This was followed by Orino da Loddi’s De Sapientia Polestai, an advice-book composed in Latin verse between the years 1240 and 1260. The next such work to survive—by far the fullest and most important—was Giovanni da Viterbo’s Libro de Regimine Civitatum, probably composed in the course of the 1250s. This was in turn followed—and to a degree plagiarised—by Brunetto Latini in his Livres dou tresor of 1266, a widely used encyclopedia that concludes with a section entitled ‘On the government of cities’.

These writers are all committed to the view that the best form of constitution for a commune or civitas must be republican as opposed to monarchical in character. If a city has any prospect of attaining its highest goals, it is indispensable that its administration should remain in the hands of elected officials whose conduct can in turn be regulated by the people and their established customs and laws. To understand how this conclusion was reached, we need to begin by asking what

1925 Fabia 1239; for the date see Gaudenzio 1245, p. 145.
1926 Fabia 1239; for the date see Gaudenzio 1245, p. 145.
1927 As Castellani 1235, p. 57, 75 shows, however, Fabia had pioneered the production of vernacular
1928 Dictamina a generation earlier.
1929 Libri 1242; for the date see Kristeller 1931, p. 285.
1930 Vignano 1244; for the date see Frari 1243, p. 285.
1931 Cetti 1244; for the date see Gauzzi 1249, p. 5, 19.
1932 For this connexion between rhetoric and politics—between the statio et the minister—see Artifioli 1248.
1933 Garvari 1246, Francesco 1246, p. 3 suggests 1242 as the date of composition; Sorbelli 1244, p. 74 suggests 1242.
1934 Lodii 1246; for the date see Sorbelli 1244, p. 61.
1935 Viterbo 1246; for the suggested date of composition see Volterra 1259, p. 37; but Hettner 1244, p. 32; suggests 1248, while sorbelli 1244, pp. 94–6 suggests 1243.
1936 Najemy 1244 provides the best consideration of the evidence.
these writers had in mind when they spoke about the goals or ends of communities, and in particular about the highest goal to which a city can aspire.

The goal they emphasize above all is that of attaining greatness—greatness of standing, greatness of power, greatness of wealth. This preoccupation is in part expressed in a distinctive literature devoted to celebrating the magnific or signs of greatness in cities. By far the most celebrated contribution to this genre, Leonardo Bruni’s *Laudatio Florentinae Urbis*, is a much later work, composed in 1403–4 in the highest humanist style. But there are several examples dating from the period in which the pre-humanist ideology of the city-republics was first articulated. One of the earliest is the anonymous poem in praise of the city of Lodi, *De Laude Civitatis Laudae*, probably written in the 1250s. Perhaps the best known are Bonvesin della Riva’s panegyric on Milan, *De Magnitudinis Mediolani* of 1288, and the *Liber de Laudibus Civitatis Ticinensis*, an anonymous panegyric on Pavia of c. 1320.

The same preoccupation with glory and greatness suffuses the pre-humanist treatises on city government. The main inspiration for their claim that these are the highest ends of civic life derives from the Roman historians and moralists, most notably from Sallust. Not only do they draw on his account in the *Bellum Catilinae* of how the Roman republic grew to greatness—how the *res publica crevit*—but they also like to quote the passage from the *Bellum Jugurthinum* in which the king of Numidia congratulates Jugurtha on the honour and glory won by his deeds, while adjoining him at the same time to remember how small communities succeed in rising to greatness—how *parsae res crescent*. All the pre-humanist writers speak in similar terms. The *Oedipus Pastorialis*, which opens with a set of model speeches designed for incoming podestà, particularly advises such officials to promise that their government will serve to increase both glory and honour, thereby ensuring that the city grows to greatness. The model speeches included in Giovanni da Viterbo’s *Liber de Regimine Civitatum* likewise emphasize the value of ‘increase’, as well as the importance of ensuring that cities are able to grow and flourish. By the end of the thirteenth century we find the same ideas beginning to be expressed in the vernacular. Matteo de’ Libri advises both ambassadors and podestà to promise that they will ensure increase and growth, while Giovanni da Vignano’s model speech for outgoing podestà bids them express the hope that the city they have been administering ‘will at times grow and increase’, above all in prosperity.

At the same time, the vernacular writers begin to invoke a new concept to describe their vision of the proper ends of civic life. They speak of *grandezza*, using a term evidently coined to supply the lack, in classical Latin, of an expression at once denoting grandeur and magnitude. We already find Guido Faba speaking in this fashion in his *Parlamenti ed Epistle* of the early 1240s. In his model speech intended for the use of newly elected podestà, Faba advises them to promise ‘to do whatever may be necessary for the maintenance of the standing and *grandezza* of the commune, and for the increase of the honour and glory of those friendly to it’. Shortly afterwards the same terminology recurs in one of the vernacular passages in Giovanni da Viterbo’s *Liber de Regimine Civitatum*. An incoming podestà, he advises, should vow to uphold ‘the honour and *grandezza* and welfare’ of the city given into his charge. By the next generation, we find the same terminology in standard use among the writers of vernacular *Dictionaria*. Matteo de’ Libri instructs outgoing magistrates to proclaim that they have in fact succeeded in upholding the city’s *grandezza*, honour, good standing and repose. Giovanni da Vignano echoes the same sentiments in virtually the same phraseology, urging ambassadors and magistrates alike to speak of their city’s ‘exaltation, *grandezza* and honour’, of its ‘good standing, *grandezza* and repose’, and at the same time of ‘the honour, *grandezza*, unity and repose’ of all its citizens.

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63 Bruni 1966, pp. 191–214 gives a classic analysis of this text. But he marks too sharply a break with pre-humanist discussions, especially when he speaks (pp. xvii and 390–4) of a new ideal of ‘grandezza’ in the *Laudatio*. For a contrasting appraisal see Geoffrey 1959, pp. 3–48.
64 *De Laude* 1172a. For the suggested date of composition see Hyde 1959, p. 549.
65 Sallust 1931, 1, X, 1, p. 16.
66 Sallust 1931, X, 6, p. 148.
67 See Guido 1966, pp. 257, 27, on conducting ‘ad incrementum et gloriem et honorum’ and on the hope that ‘inseri in ciuitat’.
What policies need to be pursued if civic grandezza is to be attained? The pre-humanist writers are at first content to reiterate the familiar Augustinian assumption that no community can hope to flourish unless it lives in perfect peace. The Oecolus, for example, contains a model speech for chief magistrates to deliver in the face of warring factions, warning them that ‘only through quiet and tranquillity and peace can a city grow great’.79 Brunetto Latini similarly lays it down in his chapter on the virtue of concord that ‘peace brings very great good, while war lays it waste’.80 The same arguments are subsequently reiterated by the writers of vernacular Dicatina. Matteo de’ Libri strongly associates the rule of those who enable their communities ‘to live in total tranquillity’ with the attainment of ‘honour and good standing’.81 Filippo Cecci writes even more emphatically, offering repeated assurances that if a city ‘can manage to maintain itself in a good and peaceable state’, this will always conduct ‘to your honour and your grandezza’.82

During the early part of the fourteenth century, however, a number of writers began to voice a certain anxiety about such unqualified celebrations of peace.83 Sallust was again their main authority at this stage. As he had emphasised at the start of the Bellum Catilinae, it was during the period when Rome had been forced to wage continual wars against savage neighbouring peoples, and subsequently against the invading Carthaginians, that the republic had grown to greatness. By contrast, it was when this period was followed by an era of peace and plenty that Roman virtus began to decline. The fruits of peace proved to be avarice and self-interest, and with the resulting loss of civic virtue the free and self-governing republic eventually collapsed.84

With traditional systems of communal government everywhere falling prey to the rise of signori in the early fourteenth century,85 a number of the pre-humanist political writers began to express similar doubts. Albertino Mussato, for example, préfaces his history of the collapse of civic liberty in his native Padua with an explanation taken almost word for word from Sallust’s account.86 The same theme later assumed an even greater

prominence in quattrocento humanist histories designed to celebrate the virtues of republican liberty.87 The fear that long periods of peace may lead to enervation and decadence is forcefully expressed, for example, in Poggio Bracciolini’s Historia Florentini Populi. A love of peace, he implies in a passage closely modelled on Sallust, may sometimes pose a threat to liberty.88 If freedom and self-government are to be upheld against the encroachments of tyranny, it may sometimes be necessary to fight for liberty instead of insisting on peace at any price.

There was one aspect of this debate, however, on which all the pre-humanist writers were agreed. Even if it may sometimes prove necessary to wage war on others in the name of liberty and grandezza, the preservation of peace within one’s own city must never be jeopardised. The absence of internal division and discord is regarded by everyone as an indispensable condition of civic greatness. Once again, it is Sallust who is most often quoted to this effect. The passage invariably cited is the speech from the Bellum Jugurthinum in which the king of Numantia addresses Jugurtha and his other two heirs:

I bequeath to all three of you a kingdom that will prove strong if you conduct yourself well, but weak if you behave badly. For it is by way of concord that small communities rise to greatness: it is as a result of discord that even the greatest communities fall into collapse.89

These sentiments had already become proverbial when Sallust voiced them, but his authority had the effect of turning them into one of the most widely quoted dicta on politics throughout the era of the Renaissance.90 The negative aspect of Sallust’s admonition was strongly echoed in the pre-humanist treatises. ‘It is due to the fact that all cities nowadays are divided within themselves’, Giovanni da Viterbo declares, ‘that the good effect of government is no longer felt.’91 Brunetto Latini makes the same observation in the course of advising magistrates on what to do if they find themselves in charge of a city ‘at war with itself’. ‘You must point out how concord brings greatness to cities and enriches their citizens, while

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79 Oecolus 1666, p. 27: ‘Per quietam autem tranquillitatem et paenam ejus exorruit civitas.’
80 Latini 1946, p. 294: ‘per quae aeterna sit esse et dei potestas.’
81 Libri 1974, p. 79: ‘per quae aeterna sit esse et dei potestas.’
82 See Ceffi 1942, p. 57: ‘for the claim that, if your city ‘possas mani per coniunzioni in buono et pacifico stato’, this will conduct a vos strenuore and grandezza. For other formulae to the same effect cf. Ceffi 1942, pp. 36, p. 61.
83 On the contrast between peace and liberty see Veleri 1942.
85 For a classic survey of this transition see Encole 1909.
86 This is pointed out in Rubinstein 1957, p. 172 and note.
87 See the discussion of Poggio’s republicanism in Oppel 1974, pp. 261–65.
89 Sallust 1931, X, 7, p. 142: ‘Equidem, ego volo regnum meum firmum, si bona eritis, sin maio, imbecillum. Nam concordia praestat, discordia maius salutum.’ The passage is strongly echoed by a number of the pre-humanist writers. See, for example, Lodii 1869, p. 27 and De Laude 1872, p. 27.
90 The last sentence is quoted as proverbial in Serres 1977–79, XCV, 46, p. 40.
91 Viterbo 1901, p. 221, cols. 1–2: ‘Nam cum divites omnes hostis sunt divitiis; sed boni effectus regimini.’
war destroys them; and you must recall how Rome and other great cities ruined themselves by internal strife.\(^{92}\) Matteo de' Libri offers precisely the same advice in a model speech designed for captains of city militias to declaim in order to stiffen the resolve of ruling magistrates to deal with internal faction fights. 'Think of Florence and Siena, and of how they have destroyed themselves by internal war; think of Rimini, and of many other places throughout this country, and of how internal hatred has ruined them.'\(^{93}\)

More optimistically, many of these writers also take up the positive aspect of Sallust's argument. 'Cities that are ruled and maintained in a state of peace', Giovanni da Viterbo proclaims, 'are able to grow, to become great, and to receive the greatest possible increase.'\(^{94}\) Brunetto Latini underlines the argument, referring his readers directly to Sallust for the judgement that, just as discord destroys the greatest undertakings, so 'small things, through concord, are able to grow great.'\(^{95}\) Matteo de' Libri, in a model speech designed for capitani to deliver if civic discord impedes, similarly advises them to remind the parties involved that 'concord and unity cause everything to advance and grow great.'\(^{96}\)

One of the problems that most preoccupies these writers is accordingly that of understanding how civic concord can best be preserved. The authority to whom they invariably turn at this juncture is Cicero, for whom the ideal of a concordia ordinum had been of overriding importance. Cicero had laid it down in a much-cited passage from Book I of his De Officiis that 'anyone who looks after the interests of only one part of a citizen body, while neglecting the rest, introduces into the government of a city the most pernicious element of all, namely sedition and discord'.\(^{97}\) He inferred that the key to preserving civic concord must therefore be to give precedence to the ideal of the common good – the bonum commune or communes utilitates – over any considerations of selfish or factional advantage.

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\(^{92}\) Latini 1948, p. 404: 'dicunt concordes esse quas et excelsas et magis est quod concordia semper est dirigere et multa alia.'

\(^{93}\) Libri 1954, p. 147: 'Pensive de Florenzio, de Sieno, cum omne suo gremi per la guerra dede ad multa alia esse.'

\(^{94}\) Viterbo 1991, p. 231, col. 2: 'certe de concordia et unitate adducere est concordia et unitate adducere est.'

\(^{95}\) Libri 1974, p. 18: 'au concordes et unitate arcuo et avocata tarn bene.'

\(^{96}\) Cicero 1943, I. XXV, 85, p. 86: 'qui antea pari civilum consilium, parum neglegent, rem periclis inique in civitate inducunt, sedelis inique discordium.'

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Cicero summarises his conclusions in the form of two basic precepts for the guidance of magistrates, both of which he claims to have taken from Plato:

First, they must look after the welfare of every citizen to such a degree that, in everything they do, they make this their highest priority, without any consideration for their own advantage. And secondly, they must look after the welfare of the whole body politic, never allowing themselves to care only for one part of the citizens while betraying the rest.\(^{98}\)

Both these suggestions were eagerly seized upon by the pre-humanist writers on city government. We already find the author of the Oedipus Pisonius including in the model speech for incoming podesta a demand that all magistrates should treat it as their duty 'to promote the welfare of the whole community', thereby guaranteeing it 'honour, exaltation and benefit, and a happy state'.\(^{99}\) Giovanni da Viterbo quotes the entire passage in which Cicero had explained the connection between the avoidance of discord and the promotion of the common good,\(^{100}\) while Brunetto Latini repeats in his chapter 'Of Concord' that, if this virtuous condition is to be attained, 'we must follow nature and place the common good above all other values'.\(^{101}\)

This still leaves the question of how to ensure in practice that the common good is followed, and thus that no member of the community is ever neglected or unfairly subordinated to anyone else. Here again the pre-humanist writers remain in complete agreement with their Roman authorities. These results can only be brought about, they declare, if our magistrates uphold the dictates of justice in all their public acts. They define the ideal of justice, in accordance with the teachings of Roman law, as the principle of giving to each their due, ius suum cuique. But to ensure that everyone receives their due, they argue, is the same as ensuring that no one's interests are excluded or unfairly subjected to those of anyone else. The ideal of justice is accordingly seen as the bedrock. To act justly is the one and only means of promoting the common good, without which there can be no hope of preserving concord and hence of attaining greatness.
Once again, Sallust provides one of the main inspirations for this argument. As he had put it with characteristic succinctness in his Bellum Catilinae, it was ‘by acting with justice as well as with industry that the Roman republic grew to greatness’. But the pre-humanist writers are even more indebted at this juncture to a similar passage from the start of Cicero’s De Officiis. When introducing the topic of justice, Cicero had begun by declaring that it constitutes the primary means ‘by which the community of men and women and, as it were, their common unity, is preserved.’

These sentiments are frequently transcribed by the pre-humanist writers almost word for word. Giovanni da Viterbo begins his treatise by laying it down that the prime duty of chief magistrates is ‘to render to each person their due, in order that the city may be governed in justice and equity’. The importance of this principle, as one of his model speeches later explains, stems from the fact that ‘when cities are ruled by these bonds of justice, they grow to greatness, become enriched and receive the greatest possible increase.’ Brumetto Latini likewise argues at the start of his chapter on the government of cities that ‘justice ought to be so well established in the heart of every signor that he assigns to everyone his right’. The reason, he too explains, is that ‘a city which is governed according to right and truth, such that everyone has what he ought to have, will certainly grow and multiply, both in people and in wealth, and will endure for ever in a good state of peace, to its honour and that of its friends.’

By the time we come to the writers of vernacular Dictamina at the end of the century, we find these connections between justice, the common good and the attainment of greatness presented almost as a litany. ‘He who loves justice’, as Matteo de’ Libri proclaims, ‘loves a constant and perpetual will to give to each his right; and he who loves to give to each his right loves tranquility and repose, by means of which countries rise to the highest grandezza.’ Giovanni da Vignano writes in virtually identical terms, thereby furnishing yet a further summary of the ideology I have been analysing. The essence of good government is to act justly; to act justly is to give to each their due; to give to each their due is the key to maintaining civic concord; and it is by means of all these things, Giovanni concludes, ‘that countries are able to rise to grandezza.’

With this injunction to love justice and treat it as the foundation of civic greatness, we reach the heart of the ideology articulated by the early dictatones. But there still remained one question of the highest practical importance. Under what system of government have we the best hope of ensuring that our leading magistrates do in fact obey the dictates of justice, so that all these benefits flow from their rule?

It is at this point that the dictatones respond with their celebration of the system of government most familiar to them, the system based on ruling councils chaired by elected magistrates. If justice is to be upheld and civic greatness attained, they all agree, government by hereditary princes or signori must at all costs be avoided; some form of elective and self-governing system must always be maintained.

Once again, the authorities most often invoked in support of this basic commitment are the apologists of the Roman republic in its final phase. The vehement anti-Caesarism of Cicero’s De Officiis naturally made it a key text. But the most frequently quoted argument against hereditary rule was yet again taken from Sallust’s Bellum Catilinae. The danger with kingship, Sallust had warned, is that ‘to kings, good men are objects of even greater suspicion than the wicked’. The reason is that ‘to kings, the good qualities of others are invariably seen as a threat.’ This explains why ‘it was only when the city of Rome managed to become liberated from its kings that it was able, in such a short space of time, to rise to such greatness’. Only when everyone is permitted to contend for honour, without fear of exciting envy or enmity from their rulers, can the heights of civic glory be scaled.

Among the pre-humanist writers, it is Brumetto Latini who reiterates this argument with the strongest emphasis. His chapter ‘De Signorie’
opens with the briskest possible statement of the case. 'There are three types of government, one being rule by kings, the second rule by leading men, the third rule by communes themselves. And of these, the third is far better than the rest.' At the start of his chapter 'On the Government of Cities' he proceeds to give his grounds for this conclusion. Where kings and princes enjoy ultimate control, as in France and in most other countries, they consider only their own interests, 'selling offices and assigning them to those who pay most for them, with little consideration for the good or benefit of the townsfolk.' But where the citizens themselves retain control, as in Italy, 'they are able to elect, as podesta or signore, those who will act most profitably for the common good of the city and all their subjects.'

The pre-humanist assigns no distinctive name to the form of government they most admire. They are content to describe it as one of the types of regnum or reggimento by which a civitas or commune can lawfully be ruled. When they are more specific, they merely add that the regimen in question can be described as one in which power remains in the hands of the commune itself. For one or two remarks in Giovanni da Viterbo, and later in Albertino Mussato, there is no sign of the later disposition to use the term res publica to distinguish such elective forms of government from hereditary monarchies. Still less is there any hint of the suggestion canvassed by Cicero in De Officis to the effect that self-governing regimes are the only forms of res publica truly worthy of the name.

There is one point, however, at which a number of these writers make use of a concept that was later to be central to the political vocabulary of quadrocento republicanism. As we have seen, they treat it as a distinctive method of effective systems that they guarantee the equality of all citizens before the law. No one's interests are excluded, no one is unfairly subordinated to anyone else. But this, they maintain, is in effect to advance a thesis about political liberty, a value they equate not with holding particular privileges from higher authorities but with a state of civic independence. The inference they draw is that only under elective regimes can individuals hope to follow a free way of life, unconstrained by any unjust dependence or servitude. As a result - following a usage established by Cicero - they begin to describe such regimes as 'free governments', commending them as the only means to ensure that every citizen is permitted to live 'in a free state.'

We already encounter an intimation of this development at the start of Giovanni da Viterbo's Liber de Regimine Cittatwn, where he argues that the term civitas itself derives from the phrase cumum libertas. A further hint can be found in Bonvesin della Riva's panegyric on Milan, in which the chapter in praise of the city's traditional form of communal government is entitled 'The Commendation of Milan by Reason of its Liberty.' A generation later, we find Albertino Mussato underscoring the contrast with the servitude to be expected under hereditary signori in the course of recounting the fall of the Paduan commune. Mussato repeatedly equates the attempt by his fellow-citizens to uphold their res publica against the challenge of the Della Scala family with the attempt 'to fight in defence of the liberty of one's native community.'

It is in Filippo Céffì's Dicenzo, however, that the upholding of liberty is most emphatically connected with elective forms of government. In his model speech for citizens when use is made of the word podesta, Céffì characterises such magistrates as the preservers of liberty. In a later speech designed for a similar occasion, he advises citizens to remind the incoming podesta of their expectation that every citizen 'will be able to live both safely and in a state of liberty' under his rule. Most striking of all is his model speech designed for citizens to use in the event of
having to capitulate to a rione. Here Ceffi explicitly equates such a change of government with the forfeiture of liberty. What he advises the leaders of a commune to say in this predicament is that ‘due to the harshness of war, we find ourselves obliged to hand over our liberty and our system of justice, which have been in our possession for many years’.

We already heard the claim that was later to sound so strongly in early-modern republicanism, the claim that it is possible to live freely only in a free state.

IV

The texts I have been considering were mostly in circulation by the middle years of the thirteenth century. A few years later, William of Moerbeke’s pioneering translation of Aristotle’s Politics also began to circulate in the Regnum italicum. Starting from that point of origin, there rapidly arose a new intellectual movement of even greater significance for the defence of the Italian city-republics and their distinctive way of life.

Although Aristotle’s Politics was first seriously studied at the University of Paris, it soon became obvious that its central doctrines were of special relevance to the Regnum italicum, particularly his emphasis on city-states as the appropriate units of political analysis and his special enthusiasm for elective systems of ruling and being ruled. So it is not surprising to find that, in the half-century after Moerbeke’s translation became available, most of the influential adaptations of Aristotle’s ideas came from Italian writers on the newly named subject of ‘political science’.

The first and greatest of these scholastic commentators was St Thomas Aquinas, scion of a noble Neapolitan family, who composed his unfinished De Regno as well as beginning his Summa Theologiae in the course of the 1260s. He in turn exercised an overwhelming influence over a number of other Italian members of the Dominican Order, many of whom attended his lectures at Paris as well as studying his commentaries. These included Remigio de Girolami, a native of Florence and the author of the Thomist tract De Bono Pactis and De Bono Communio; Poleny of Lucca, whose De Regimine Principum was long assumed to be the work of Aquinas himself; and Henry of Rimini, author of a major treatise on moral and political theory, largely Thomist in inspiration, entitled Tractatus de Quatuor Virtutibus Cardinalibus. By the end of the thirteenth century the path from Italy to Paris and back again was being trodden by philosophers and theologians of all persuasions, including the two famous writers on politics of early fourteenth-century Italy. One of these was Giles of Rome, whose De Regimine Principum remained one of the most widely cited contributions to its genre for many generations.

The other was Marsilius of Padua, the author of perhaps the greatest work of political Aristotelianism, the De Furtibus of 1324.

Aristotle gave these writers a new confidence as well as a new armory of concepts with which to challenge the orthodox Augustinian assumption that all governments are imposed by God’s ordinance as a remedy for human sinfulness. Generally they begin by affirming that ‘to live in a social and political life together’, as Aquinas puts it, ‘is altogether natural to mankind’ and that ‘living in a city is living in a perfect community, one that is capable of supplying all the necessities of life’.

When they turn to consider the purposes served by such communicationes politicas, they generally offer a purely Aristotelian – and hence a strongly positive – account of the values that such communities are able to promote. ‘First among these’, in Aquinas’s words, ‘is the preservation of the unity of peace’, a sentiment strongly echoed by Remigio and Marsilius in the titles of their treatises. As well as maintaining peace on earth, however, there is an even greater blessing that well-ordered political societies can bring. By preventing strife, they are able to supply us with a

130 Ceffi 1942, p. 61: ‘per asprezza di guerra, siamo condotti a donare nostra libertate e giustizia, la quale abbiamo posseduta per molti anni’. As Rubinstein 1952 shows, the assumption that the preservation of liberty requires the maintenance of a self-governing republic became a commonplace of political rhetoric in Florence in the later fourteenth century.

131 This scholastic background to Renaissance political theory is especially well discussed in Rubinstein 1952, pp. 193–200.


133 For the background to this development see Nederman 1991, Laterini 1948, p. 391 already speaks of ‘politicum’ as ‘la plus haute science’.

134 For the significance of Aquinas’s Italian background see Cato 1996.

135 In the edition I am using, Aquinas’s text is printed together with Poleny of Lucca’s continuation in the form of a single text under Aquinas’s title. However, to avoid confusion with Poleny’s work I have preferred to cite Aquinas’s treatise under its alternative title, De Regno.

136 For a study see Blythe 1994, pp. 60–76.


140 Remigio 1959, p. 124 begins with the claim that ‘hominem bonum multitudo et finis civis est pacem’. Marsilius 1928, I, 1, 4, p. 3 likewise begins by claiming that ‘pacis sua tranquillitatem fructus optimi iussae... proper pacem optarit, non habens quaerere’.
framework of security within which we can hope to pursue our chosen ends and thereby attain a life of happiness. As Marsilius explains — quoting directly from the Politics — the highest goal of any political community is 'that of enabling us not merely to live together, but to live the good life in the manner most appropriate to mankind'.

The authority of Aristotle's Politics also enables these writers to mount a new challenge to the belief that all properly constituted political societies must take the form of hereditary and God-given lordships. Aristotle had devoted much of Book 3 of the Politics to considering the relationship between different styles of regnum and the goals of public life. Far from concluding that monarchial rule is indispensable, he had argued that three different kinds of government are all capable of realising the supreme goal of enabling us 'to live together and to live well'. These he had listed as monarchy, aristocracy and what William of Moerbeke was to translate (or rather, transliterate) as politia, 'the case where the body of the people acts in the name of the common good'. In Book 2, moreover, Aristotle had even thrown out the further remark — fully explored in Book 4 — that there are some experts who maintain that the very best form of polity will be one in which there is a mixture of all these various different forms of government.

Confronted with these novel typologies, the schoolmen at first continued to insist that a virtuous monarchy must still be regarded as the best form of rule. This remained Aquinas's view, both in De Regno and the Summa, and in this judgement he was followed without hesitation by such early disciples as Henry of Rimini and Giles of Rome. Even in these theorists, however, we already find the terms of the debate entirely transformed by the impact of Aristotle's arguments. The reasons now given for preferring a regnum regni are no longer connected with the suggestion that God ordains kingly power as a natural form of lordship. Instead the rule of princes is defended on the naturalistic and explicitly Aristotelian grounds that, as Aquinas puts it in De Regno, 'experience shows that those provinces or cities which live under the rule of a single king are above all able to rejoice in peace, flourish in justice and delight in abundance of wealth'.

The precise form of monarchical government defended by Aquinas and his followers is also far removed from the traditional image of hereditary lordship. They argue for a system of elective monarchy in which there are strong elements of aristocratic and popular control. Aquinas presents the classic statement of this commitment in the course of his long analysis of the concept of law in the Summa Theologiae. He begins by reiterating that the best form of government is monarchy, the next best aristocracy. This, he claims, is one of the two major points that Aristotle makes about the good ordering of political societies. But Aristotle's other point is that 'the only way to ensure peace among the people is for everyone to play some part in the business of government'. Putting these two contentions together — in a chain of reasoning not to be found in Aristotle — Aquinas goes on to commend a very specific form of limited rule:

It follows from this that the best form of government, whether of a kingdom or a city-state, must therefore be one in which a single individual is placed in command of everyone else and rules them virtuously, but in which there are others under him who are also capable of governing virtuously, and in which all the citizens are involved in public affairs, not merely as electors of their rulers but as potential members of the government themselves.

The best type of polity, in short, is said to be a 'well-mixed' or bene commixtus form of monarchy, one in which the virtues of all the pure types of regimen are combined while their shortcomings are balanced out.

We need finally to note that several of these early Thomists show a new and remarkable willingness to criticise the institution of monarchy itself. They generally do so, moreover, from the perspective of the very different arrangements prevailing in the Italian city-republics. Aquinas himself concedes in De Regno that 'men living under a monarchy are often
slower to exert themselves on behalf of the common good’, and that ‘in consequence of this, as we see from experience, a single city governed by an annually elected rectio is sometimes capable of achieving more than any king, even if he is ruler of three or four cities’. Henry of Rimini goes even further. Although he begins by defending monarchy as the best form of government, he not only follows Aquinas almost word for word in arguing that the best species regni is an elective form of mixed monarchy, but he proceeds to add the wholly novel suggestion that ‘if we consider all the politics of Christendom at the present time, the one that appears to approximate most closely to this ideal of a regimen mixtum is the government of the people of Venice’. The Venetian system, he goes on to explain, is based on a Deus who is elected for life and supported by ‘about four hundred nobles and gentlemen who take part in public debates’, as well as by ‘an advisory body of forty leading citizens known as the consiliiarii’. The presence of the Deus means that ‘this can properly be called a monarchical form of government. But the addition of the consiliiarii ‘make it resemble a regimen optimatum’, while the fact that they are elected by the nobles and by many Honourable citizens supplies ‘an element of a popular regime’ and allows us to conclude that ‘all three forms of government are represented’.

To this analysis Henry added the immensely influential claim that this unique constitution serves to explain why ‘the people of Venice flourish in so much peace and security’. This is why ‘no one opposes anyone else’ and why ‘you seldom if ever hear of murders or even the shedding of human blood’ in Venice. From this moment we can date the unfolding of one of the most potent myths of early-modern political theory: the myth of Venice as the serenissima, together with the attribution of this condition to her distinctive form of elective government.

Once Aristotle’s authority began to be invoked to criticise prevailing conceptions of monarchy, it proved a short step to the repudiation of the belief that monarchy in any form deserves to be accounted the best type of government. This step was duly taken by a number of Italian schoolmen in the early decades of the fourteenth century. They arrived at a vision of politics in which the self-governing arrangements of the city-republics were not merely defended as legally viable forms of government, but were celebrated as nothing less than the best means of bringing about the highest ends of public life.

Polemics of Lucca warmly embraces this conclusion in the final book of his De Regimine Principum. He begins by setting out the three forms of government agreed by Aristotle to be based on right reason. These are said to be monarchy, aristocracy and ‘the rule of the many’, a form of regime known as a polity (from the Greek word polis) because of being especially well suited to cities, as we see above in various parts of Italy. Later in his discussion, however, Polemics drastically alters Aristotle’s typology, claiming that the fundamental distinction is between ‘polities’ on the one hand and ‘despotic’ forms of government on the other, ‘with monarchy being included under the heading of despotism’.

This prepares us for his novel and dramatic conclusion that ‘wherever you encounter a people confident of their own intelligence, you will never find them being ruled except by such a “political” form of government’. This in turn explains, he ingeniously adds, ‘why it is that this form of political authority flourishes above all in Italy’.

A similar commitment lies at the heart of Marsilius of Padua’s Defensor Paesi. It is true that in Book 1 chapter 8 he assures us that ‘it forms no part of my present purpose to decide which of the well-tempered...

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54. Aquinas 1973, I, 5, p. 126: ‘Plerumque namque contingit, ut homines sub regno viventes, regnum ad bonum commune minantur... sive experimento videntur quod omnium rerum administratio, plus posset interium quires res aliqua, si haberent tres vel quattuor civilitates.’
57. For the suggestion that this context best serves to explain Marsilius’s preoccupations in the Defensor Paesi see Ruhstaller 1965.
58. For a study see Ryde 1992, pp. 92-117.
59. Polemics 1973, IV, 1, p. 332: ‘Si autem per multos... tale regimen politico appetit etiam alius politici qui habet alios regimenes idemque est, ut in republica suaeesse ad principes.’
60. Polemics 1973, IV, 6, p. 335: ‘Hoc regimen politico habet alius regimenes idemque est, ut in republica suaeesse ad principes.’
forms of government is the best. But in chapter 12 he introduces a categorial distinction between the location of the sovereign power to enact laws and the purely administrative duty of ensuring that they are duly carried out. Marsilius conceives that the pars principis — the executive and administrative functions of government — can equally well be discharged by a popular or an aristocratic assembly, and even allows in chapter 9 that "a better method might conceivably be to institute an elective form of monarchy". But the commitment he wishes above all to emphasise — "in line with the truth as well as with Aristotle's doctrine in the Politic" — is that the legislator, that is to say the primary and proper source of the authority to make laws, must be equated with the people, the universitas of the citizens as a whole.

Marsilius places only one restriction on this otherwise unqualified doctrine of popular sovereignty. The powers of the legislator, he adds, can alternatively be confined to the weightier part (valentior pars) of the citizen-body, 'taking into consideration the quality as well as the quantity of the persons involved'. But in essence his conclusion is that, if peace and the means to live the good life are to be preserved, the body of the people must remain sovereign at all times. They must ensure that the pars principis is elected (chapter 9); that our magistrates are granted a minimum of discretion to vary the laws (chapter 11); and that they are capable of being removed from office by the electorate at any time (chapter 18).

As we have seen, Ptolemy of Lucca had already arrived at a similar conclusion. But whereas he had merely asserted it, Marsilius offers a careful argument in favour of equating the legislator humanus with the universitas civium. His strategy is to examine the causes of discord within communities, thereby isolating the main enemies of peace that need to be overcome. One such enemy is said to be faction and the formation of political splinter groups. The danger here is that "if the law is enacted merely by one or a few citizens, they will consult their own good rather than attending to the good of the community as a whole". But the gravest cause of discord arises when the powers of jurisdiction within a community are in any way divided. This can easily happen when there is no clear judicial hierarchy, as was often the case in the Italian city-republics. For in such circumstances a citizen may appear before a given judge, ignoring the others, and may be able to obtain an acquittal, only to find himself convicted for contempt by the judges he has ignored. Even worse, however, are the divisions that arise from a source of discord unknown even to Aristotle, a source Marsilius isolates in chapter 19 of Book I and discusses with a boldness that won him instant excommunication and lasting notoriety. This further source, he declares, is the papacy, "whose lust for power, based on the so-called plenitudo potestatis allegedly handed down by Christ, makes it the leading cause of intraquillity and strife in all cities and kingdoms everywhere".

It is Marsilius's central contention that, once these enemies of peace are identified, we can see that our only hope of vanquishing them lies in placing all power in the hands of the people. Chapters 12 and 17 of Book I argue that, if we are to forestall the development of factional or divided jurisdictions, the people must serve as the sole judicial as well as executive authority within their own community. The whole of Book 2 goes on to add that, if the lusts of the papacy are to be bridled, the people must at the same time strip the church of all coercive powers of iurisdiction, transferring them to "the faithful human legislator" within each individual polity. The effect of taking these steps will not only be to restore peace; it will also return the church to the condition that Christ originally intended, the condition in which the sole function of the priesthood is to preach and practise the Christian faith.

V

The rediscovery of the Aristotelian corpus undoubtedly gave the political writers of early trecento Italy a new impetus in defending their traditional systems of government. They were able to mount a yet more authoritative
challenge to the belief that government should be viewed as a God-given form of lordship, and they were able to insist with a new assurance that the best type of government need not be a form of lordship at all. The point I have sought to emphasise, however, is that these values had already been inculcated by Azo and his pupils in their commentaries on the Codex, as well as by the pre-humanist spokesmen for the communes in their numerous treatises on the duties of city magistrates. Although they had no access to Greek philosophy, these writers were able to recover from the legal and moral philosophy of ancient Rome an eloquent and powerful defence of civic freedom, self-government and popular sovereignty. While the recovery of the Aristotelian corpus was undoubtedly of great importance, it was by no means as crucial as some scholars have supposed to the construction of a full-scale defence of republican self-government. As I have tried to show, the articulation of a civic ideology suited to the defence of the communes can in fact be traced to a period scarcely later than the formation of the communes themselves.

Ambrogio Lorenzetti and the portrayal of virtuous government

Between the early thirteenth and mid-fourteenth centuries, the city-republics of the Regnum Italicum engendered a distinctive political literature concerned with the ideals and methods of republican self-government. As we saw in chapter 2, several of the most eminent philosophers of the age took part in the argument, including St Thomas Aquinas and Marsilius of Padua. But it was an artist, Ambrogio Lorenzetti of Siena, who made the most memorable contribution to the debate. This took the form of the celebrated cycle of frescoes he painted between 1337 and 1339 in the Sala del Nove of the Palazzo Pubblico in Siena. Although it is obvious that these paintings do not constitute a text of political theory in the conventional sense, it is equally obvious even to the casual observer that they are basically intended to convey a series of political messages. It is with the question of how to read and interpret those messages that I shall principally be concerned.

I wish in particular to re-examine the central section of the frescoes, the section that occupies the middle level of the northern wall (see Plate 3). As the verses inscribed beneath this part of the painting explain, the

This chapter is a revised version of an article that originally appeared under the title ‘Ambrogio Lorenzetti: The Artist as Political Philosopher’ in the Proceedings of the British Academy, 72 (1987), pp. 1–56.

See Bostock 1981, pp. 287–8 for the commission and cf. Bowley 1958, vol. 1, pp. 199–201, for lists of payments. These suggest that the work was mainly undertaken between April 1338 and May 1339. There have been three major modern restorations of the cycle. The first was undertaken in the early 1950s, while the other two date from the 1980s, the more recent having been completed in 1988. My original description of the paintings was written before the two more recent restorations, but I have specifically noted all relevant points at which they have had the effect of changing what can now be seen.

4 The paintings are generally known as the Buon Governo frescoes or as the ‘allegory of good government’. But I have preferred to avoid these descriptions. The proposed title is definitely not original, and strictly speaking the paintings are not allegories.