

QUENTIN SKINNER

Visions of Politics

VOLUME II
Renaissance Virtues



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VISIONS OF POLITICS

The second of three volumes of essays by Quentin Skinner, one of the world's leading intellectual historians. This collection includes some of his most important essays on the political thought of the Italian Renaissance, each of which has been carefully revised for publication in this form. All of Professor Skinner's work is characterised by philosophical power, limpid clarity and elegance of exposition. These essays, many of which are now recognised classics, provide a fascinating and convenient digest of the development of his thought.

QUENTIN SKINNER is Regius Professor of Modern History in the University of Cambridge and a Fellow of Christ's College. He has been the recipient of several honorary degrees, and is a Fellow of numerous academic bodies including the British Academy, the American Academy and the Academia Europea. His work has been translated into nineteen languages, and his many publications include *The Foundations of Modern Political Thought* (two volumes, Cambridge, 1978), *Machiavelli* (Oxford, 1981), *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge, 1996) and *Liberty before Liberalism* (Cambridge, 1998).

VISIONS OF POLITICS

Volume 2: Renaissance Virtues

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General preface

Several of the chapters in these volumes are appearing in print for the first time. But most of them have been published before (although generally in a very different form) either as articles in journals or as contributions to collective works. Revising them for republication, I have attempted to tread two slightly divergent paths at the same time. On the one hand, I have mostly allowed my original contentions and conclusions to stand without significant change. Where I no longer entirely endorse what I originally wrote, I usually indicate my dissent by adding an explanatory footnote rather than by altering the text. I have assumed that, if these essays are worth re-issuing, this can only be because they continue to be discussed in the scholarly literature. But if that is so, then one ought not to start moving the targets.

On the other hand, I have not hesitated to improve the presentation of my arguments wherever possible. I have corrected numerous mistranscriptions and factual mistakes. I have overhauled as well as standardised my system of references. I have inserted additional illustrations to strengthen and extend a number of specific points. I have updated my discussions of the secondary literature, removing allusions to yesterday's controversies and relating my conclusions to the latest research. I have tried to make use of the most up-to-date editions, with the result that in many cases I have changed the editions I previously used. I have replied to critics wherever this has seemed appropriate, sometimes qualifying and sometimes elaborating my earlier judgements. Finally, I have tinkered very extensively with my prose, particularly in the earliest essays republished here. I have toned down the noisy polemics I used to enjoy; simplified the long sentences, long paragraphs and stylistic curlicues I used to affect; taken greater pains to make use of gender-neutral language wherever possible; and above all tried to eliminate overlaps between chapters and repetitions within them.

I need to explain the basis on which I have selected the essays for inclusion in these volumes. I have chosen and grouped them – and in many cases supplied them with new titles – with two main goals in mind. One has been to give each volume its own thematic unity; the other has been to integrate the volumes in such a way as to form a larger whole.

The chapters in volume 1, *Regarding Method*, are all offered as contributions to the articulation and defence of one particular view about the reading and interpretation of historical texts. I argue that, if we are to write the history of ideas in a properly historical style, we need to situate the texts we study within such intellectual contexts and frameworks of discourse as enable us to recognise what their authors were *doing* in writing them. To speak more fashionably, I emphasise the performativity of texts and the need to treat them intertextually. My aspiration is not of course to perform the impossible task of getting inside the heads of long-dead thinkers; it is simply to use the ordinary techniques of historical enquiry to grasp their concepts, to follow their distinctions, to recover their beliefs and, so far as possible, to see things their way.

The other volumes are both concerned with leading themes in early-modern European political thought. In volume 2, *Renaissance Virtues*, I focus on the fortunes of republicanism as a theory of freedom and government. I follow the re-emergence and development from the thirteenth to the sixteenth century of a theory according to which the fostering of a virtuous and educated citizenry provides the key to upholding the liberty of states and individuals alike. My concluding volume, *Hobbes and Civil Science*, examines the evolution and character of Thomas Hobbes's political thought, concentrating in particular on his theory of the state. I consider his views about the power of sovereigns, about the duties and liberties of subjects and about the grounds and limits of political obedience. I attempt in turn to relate these issues to Hobbes's changing views about the nature of civil science and its place in his more general scheme of the sciences.

While stressing the unity of each volume, I am anxious at the same time to underline the interrelations between them. I have attempted in the first place to bring out a general connection between volumes 2 and 3. As we turn from Renaissance theories of civic virtue to Hobbes's civil science, we turn at the same time from the ideal of republican self-government to its greatest philosophical adversary. Although I am mainly concerned in volume 3 with the development of Hobbes's thought, much of what he has to say about freedom and political obligation can also be read as a critical commentary on the vision of politics outlined in volume 2. The

linkage in which I am chiefly interested, however, is the one I seek to trace between the philosophical argument of volume 1 and the historical materials presented in volumes 2 and 3. To put the point as simply as possible, I see the relationship as one of theory and practice. In volume 1 I preach the virtues of a particular approach; in the rest of the book I try to practise what I preach.

As I intimate in my general title, *Visions of Politics*, my overarching historical interest lies in comparing two contrasting views we have inherited in the modern West about the nature of our common life. One speaks of sovereignty as a property of the people, the other sees it as the possession of the state. One gives centrality to the figure of the virtuous citizen, the other to the sovereign as representative of the state. One assigns priority to the duties of citizens, the other to their rights. It hardly needs stressing that the question of how to reconcile these divergent perspectives remains a central problem in contemporary political thought. My highest hope is that, by excavating the history of these rival theories, I may be able to contribute something of more than purely historical interest to these current debates.

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I remain deeply obliged to the large number of colleagues who supplied me with detailed comments on the original versions of the chapters in these volumes, and I am very glad of the chance to renew my thanks to them here. This is also the moment to single out a number of friends who have given me especially unstinting support and encouragement in my work over the years. I list them with the deepest gratitude: John Dunn, Clifford Geertz, Raymond Geuss, Fred Inglis, Susan James, John Pocock, John Thompson, Jim Tully. My debt to them can only be described – in the words of Roget’s indispensable *Thesaurus* – as immense, enormous, vast, stonking and mega.

I also owe my warmest thanks to those friends who have helped to give the individual volumes in this book their present shape. For advice about the argument in volume 1 I am particularly grateful to Jonathan Lear, Kari Palonen, Richard Rorty and the late Martin Hollis. For numerous discussions about the themes of volume 2 I am similarly indebted to Philip Pettit and Maurizio Viroli. As will be evident from my argument there, I also learned a great deal from chairing the European Science Foundation workshop ‘Republicanism: A Shared European Heritage’. Special thanks to Martin van Gelderen and Iain Hampsher-Monk for many instructive and enjoyable conversations, and for helping to make our meetings such a success.¹ For advice about volume 3 I owe an overwhelming debt to Kinch Hoekstra, Noel Malcolm and Karl Schuhmann, all of whom have shown a heartwarming readiness to place at my disposal their astounding knowledge of early-modern philosophy. A number of my recent PhD students have likewise helped me by commenting on individual chapters or on my project as a whole. My thanks to David Armitage, Geoffrey Baldwin, Annabel Brett, Hannah Dawson, Angus

¹ The papers read and discussed at our meetings have now been published in two volumes: Martin van Gelderen and Quentin Skinner (eds.), *Republicanism: A Shared European Heritage* (Cambridge University Press, 2002).

Gowland, Eric Nelson, Jürgen Overhoff, Jonathan Parkin and Richard Serjeantson.

As well as receiving so much assistance from individual scholars, I owe at least as great an obligation to the institutions that have sustained me throughout the long period in which I have been working on the materials presented here. The Faculty of History in the University of Cambridge has provided me with an ideal working environment throughout my academic career, and I have benefited immeasurably from my association with Christ's College and Gonville and Caius College. I never cease to learn from my colleagues and from the many brilliant students who pass through the Faculty, and I owe a particular debt to the University for its exceptionally generous policy about sabbatical leave. This is the first piece of work I have completed while holding my current post as a Leverhulme Major Research Fellow. I hope that other publications will follow, but in the meantime I already owe the Leverhulme Trust my warmest thanks for its support.

I need to reserve a special word of appreciation for the owners and custodians of the paintings and manuscripts I have examined. I am indebted to the Marquis of Lansdowne for permission to consult the Petty Papers at Bowood, and to the Duke of Devonshire and the Trustees of the Chatsworth settlement for allowing me to make extensive use of the Hardwick and Hobbes manuscripts at Chatsworth. I am similarly grateful for the courtesy and expertise I have encountered in the manuscript reading rooms of the Bibliothèque Nationale, the British Library, the Cambridge University Library, the Bodleian Library and the Library of St John's College Oxford. I am likewise grateful for the friendly helpfulness of the custodians of the Cappella degli Scrovegni in Padua and the Palazzo Pubblico in Siena.

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I have benefited from an extraordinary amount of patient and resourceful assistance in the final stages of preparing these volumes for the Press. Richard Thompson amended the quotations in several articles in which I had originally modernised the spelling of early-modern texts. Alice Bell devoted an entire summer to checking transcriptions and references with wonderful meticulousness. Anne Dunbar-Nobes undertook the enormous labour of assembling the bibliographies, rewriting them in author-date style, reformatting all the footnotes and checking them against the bibliographies to ensure an exact match.

While these volumes have been going through the Press I have received a great deal more in the way of technical help. Anne Dunbar-Nobes agreed to serve as copy-editor of the book, and saw it into production with superb professionalism as well as much good cheer. Philip Riley, who has for many years acted as proofreader of my work, generously agreed to perform that task yet again, and duly brought to bear his matchless skills, patience and imperturbability.

I cannot speak with sufficient admiration of my friends at Cambridge University Press. One of my greatest pieces of professional good fortune has been that, throughout my academic career, Jeremy Mynott has watched over the publication of my books with infallible editorial judgement. Richard Fisher has likewise been a pillar of support over the years, and has edited the present work with characteristic enthusiasm, imagination and unfaltering efficiency. My heartfelt thanks to them both, and to their very able assistants, for so much goodwill and expertise.

I cannot end without acknowledging that, if it were not for Susan James and our children Olivia and Marcus, I could not hope to manage at all.

The reprinting of these volumes has provided me with a welcome opportunity to weed out some small inaccuracies. I am very grateful to Richard Westerman for helping me to recheck the text.

Conventions

Abbreviations. The following abbreviations are used in the footnotes:

BL: British Library

BN: Bibliothèque Nationale

DNB: Dictionary of National Biography

OED: Oxford English Dictionary

Bibliographies. These are simply checklists of the primary sources I have actually quoted and the secondary authorities on which I have relied. They make no pretence of being systematic guides to the ever-burgeoning literature on the themes I discuss. In the bibliographies of printed primary sources I list anonymous works by title. Where a work was published anonymously but its author's name is known, I place the name in square brackets. In the case of anonymous works where the attribution remains in doubt, I add a bracketed question-mark after the conjectured name. The bibliographies of secondary sources give all references to journal numbers in arabic form.

Classical names and titles. I refer to ancient Greek and Roman writers in their most familiar single-name form, both in the text and in the bibliographies. Greek titles have been transliterated, but all other titles are given in their original language.

Dates. Although I follow my sources in dating by the Christian era (CE and BCE), I have had to make some decisions about the different systems of dating prevalent in the early-modern period. The Julian Calendar ('Old Style') remained in use in Britain, whereas the Gregorian ('New Style') – ten days ahead of the Julian – was employed in continental Europe from 1582. When quoting from sources written or published on the Continent I use the Gregorian style, but when quoting from

British sources I prefer the Julian. For example, I give Hobbes's date of birth as 5 April rather than 15 April 1588, even though the latter date is technically correct from our point of view, given that the Gregorian calendar was adopted in Britain in the eighteenth century. A further peculiarity of early-modern British dating is that the year was generally taken to start on 25 March. I have preferred to follow the continental practice of treating the year as beginning on 1 January. For example, I treat Hobbes's translation of Thucydides – entered in the Stationers' register with a date of 18 March 1628 – as entered in 1629.

Gender. Sometimes it is clear that, when the writers I am discussing say 'he', they do *not* mean 'he or she', and in such cases I have of course followed their usage rather than tampered with their sense. But in general I have tried to maintain gender-neutral language as far as possible. To this end, I have taken full advantage of the fact that, in the British version of the English language, it is permissible for pronouns and possessives after *each*, *every*, *anyone*, etc. to take a plural and hence a gender-neutral form (as in 'to each their need, from each their power').

References. Although I basically follow the author-date system, I have made two modifications to it. One has been rendered necessary by the fact that I quote from a number of primary sources (for example, collections of Parliamentary debates) that are unattributable to any one author. As with anonymous works, I refer to these texts by their titles rather than the names of their modern editors and list them in the bibliographies of primary sources. My other modification is that, in passages where I continuously quote from one particular work, I give references so far as possible in the body of the text rather than in footnotes. Except when citing from classical sources, I generally give references in arabic numerals to chapters from individual texts and to parts of multi-volume works.

Transcriptions. My rule has been to preserve original spelling, capitalisation, italicisation and punctuation so far as possible. However, I normalise the long 's', remove diphthongs, expand contractions, correct obvious typographical errors and change 'u' to 'v' and 'i' to 'j' in accordance with modern orthography. When quoting in Latin I use 'v' as well as 'u', change 'j' to 'i', expand contractions and omit diacritical marks. Sometimes I change a lower-case initial letter to an upper, or vice versa, when fitting quotations around my own prose.

Translations. When quoting from classical sources, and from early-modern sources in languages other than English, all translations are my own except where specifically noted. I make extensive use of the editions published in the Loeb Classical Library, all of which contain facing-page versions in English. But because these renderings are often very free I have preferred to make my own translations even in these instances. I must stress, however, that I remain grateful for the availability of these editions, and have generally been guided by them in making my own translations, even to the extent of adopting turns of phrase.

Introduction: The reality of the Renaissance

As the title of this volume intimates, I see considerable virtue in continuing to speak about the era of the Renaissance. This commitment needs defending, however, since the concept of the Renaissance has in recent times fallen into disrepute, and a number of reasons have been given for avoiding it. One is simply that the term is too vague to be of much use. A second doubt has stemmed from the post-modern critique of meta-narratives and the teleological forms of historical writing to which they give rise. But the most widespread suspicion has arisen from the fact that the metaphor embodied in speaking of the Renaissance – the metaphor of revival and more specifically of rebirth – is so clearly an honorific one. The difficulty here is that, as soon as we reflect on the contours of early-modern European history, it becomes embarrassingly obvious that a majority of the population would have been surprised to learn about a rebirth or a recovery of anything that added any value to their lives. The most prevalent objection to employing the term is thus that it marginalises and devalues those for whom the Renaissance never happened.¹

These are serious objections, but there is no escaping the fact that, in the period covered by the chapters that follow, there was *something* that, for *some* people, was undoubtedly reborn and restored. This is by no means to imply that we can point to a determinate moment at which (to invoke the other traditional metaphor) the dark ages ended and a new light began to dawn. There remains a marked tendency among intellectual historians to think in these terms, and to speak of ‘a decisive break’ and a ‘rapid transformation’ of Italian cultural life around the year 1400, after which we can see that ‘the threshold between the Medieval and the Renaissance has been crossed’.² As I argue in chapter 2, however,

¹ As Kelly 1999 classically argues, this category included most women. Cf. my discussion in chapter 5, section II below.

² Baron 1966, pp. 8, 449; Pocock 1975, p. 52.

no such moment of sudden transition can be observed in the history of moral or political thought. If there was a rebirth, it was a protracted and difficult one.

If we are looking for origins, we probably need to direct our gaze as far back as the twelfth century, the period in which the Italian universities emerged as centres for the teaching of Roman law. As a preliminary to studying Justinian's *Codex*, students were introduced to the *Ars rhetorica*, and thus to the idea that successful forensic oratory will often depend at least as much on persuasive delivery as on legal proof. Towards the end of the thirteenth century, the teaching of rhetoric began to be approached in a new way, evidently under the influence of the methods of instruction prevailing in the French cathedral schools. No longer were the manuals of ancient rhetoric examined simply as sources of practical rules; they were also used as guides to the acquisition of a better Latin style. Out of this renewed interest in the language of ancient Rome arose the first glimmerings of the humanist movement.³ A growing number of *literati* – most of them originally trained as lawyers – began not merely to study the classics but to reacquaint themselves with the full range of the *studia humanitatis*.⁴ There was a humanist circle at Arezzo in the early fourteenth century, and a further group centring on the poet and historian Albertino Mussato at Padua shortly afterwards. These were among the earliest writers to reimmerge themselves in Roman poetry, especially Horace and Virgil; in the Roman historians, especially Livy and Sallust; and in the writings of such moralists as Juvenal, Seneca and, above all, Cicero, whom they turned into the best-known and most widely cited author of classical antiquity.

Once the language and literature of ancient Rome became the objects of so much fascination, the humanists began to busy themselves about the recovery of ancient manuscripts, the editing of texts, the establishment of attributions and so forth. But some of them – above all Petrarch and his disciples – continued to pursue the broader ambition of reviving the Roman syllabus of the *studia humanitatis*, thereby giving wider currency to the study of ancient rhetoric, poetry, history and moral philosophy. This was the rebirth of which the humanists of the *quattrocento* liked to speak. Leonardo Bruni, in the *Dialogus* he addressed to Pier Paolo Vergerio in 1401, singles out Petrarch as 'the man who restored the *studia humanitatis* at a time when they had become extinct'.⁵ A generation later,

³ On the early humanists as teachers of the rhetorical arts see Kristeller 1962.

⁴ For the Paduan background see Billanovich 1981 and Siraisi 1973, pp. 43–58.

⁵ Bruni 1952, p. 94: 'hic vir studia humanitatis, quae iam extincta erant, reparavit'.

we find Lorenzo Valla proclaiming in the Preface to his *Elegantiarum Latinae Linguae* that 'whereas good letters had almost died out, they are now revived and reborn in our own time'.⁶

I have little to say in the chapters that follow about the revival of classical poetry, since my principal focus of attention is on the rebirth and development of the other three elements in the *studia humanitatis*: rhetoric, history and moral philosophy. I turn to the place of classical rhetoric in Renaissance moral theory in the course of chapter 10, but I am concerned in several earlier chapters with the pivotal place occupied by the *Ars rhetorica* in the evolution of humanist political thought. As I show in chapter 2, the *dictatores* or teachers of rhetoric in the Italian law-schools were at the same time the originators of a genre of advice-books for the guidance of city magistrates, a genre that had a remarkably enduring impact on Renaissance thought. I trace the emergence of this pre-humanist literature in chapter 2, while in the first half of chapter 3 I examine in greater detail its leading themes. By the early decades of the fourteenth century we already find the *dictatores* engaged in polemics against the rival scholastic tradition of political philosophy. Coluccio Salutati was to summarise the quarrel at the end of the century when he declared that, whereas the dialectical methods of the schoolmen merely 'prove in order to teach', the humanists recognise the need for a moral theory with the power 'to persuade in order to guide'.⁷ One of the distinguishing features of humanism came to be the belief that wisdom must never be disjoined from eloquence. We must always seek to teach and persuade at the same time.⁸

I am also much concerned with the role of history in Renaissance political theory, and thus with the next major element in the *studia humanitatis*. As early as the mid-thirteenth century, we already find the *dictatores* espousing a Ciceronian view of history as the light of truth and the best guide to acting prudently in public life. They particularly liked to draw their lessons from the histories of Sallust, their favourite authority on the rise and fall of republican regimes. As we shall see when we come to John Milton's political writings in chapter 11, Sallust retained his popularity throughout the Renaissance, and remains the ancient historian whom Milton quotes most frequently. Meanwhile the Italian humanists devoted themselves from an early stage to writing the history of their

⁶ Valla 1543, *Praefatio*, p. 4: 'ac pene cum literis ipsis demortuae fuerint, aut hoc tempore excitentur ac reviviscant'.

⁷ Emerton 1925, p. 358.

⁸ For two classic discussions of this point see Gray 1963 and Seigel 1968.

own times in an increasingly classical style. We already find Albertino Mussato in his *De Gestis Italicorum* meditating in the style of Sallust on the fall of the Paduan commune, while the vicissitudes of the Florentine republic later gave rise to a sequence of remarkable histories from the pens of Leonardo Bruni, Poggio Bracciolini and, last and most influentially, Niccolò Machiavelli in his *Istorie Fiorentine* of the 1520s.

Of all the elements in the *studia humanitatis*, however, the one on which I principally concentrate is the final and culminating element, the study of ancient moral and political philosophy. With the investigation of this theme, we reach the point at which it becomes not merely convenient but inescapable to speak of the distinctive contribution of Renaissance humanism to the history of moral and political thought.

The context out of which the political theory of the humanists initially arose was that of the city-republics of the *Regnum Italicum*.⁹ These communities began to evolve their distinctive political systems as early as the closing decades of the eleventh century. It was then that a number of Italian cities took it upon themselves, in defiance of papal as well as imperial suzerainty, to appoint their own 'consuls' and invest them with supreme authority. This happened at Pisa in 1085 (the earliest recorded instance), at Milan, Genoa and Arezzo before 1100, and at Bologna, Padua, Florence, Siena and elsewhere by the 1140s.¹⁰ 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 Parma and Padua by the 1170s, at Milan and Piacenza by the 1180s, and at Florence, Pisa, Siena and Arezzo by the end of the century.¹¹ By the opening years of the thirteenth century, many of the richest communes of Lombardy and Tuscany had thus acquired the *de facto* status of independent republics, with written constitutions guaranteeing their elective and self-governing arrangements.

Soon afterwards the *dictatores* began to produce their advice-books for the leaders of these communities, the earliest surviving example being the anonymous *Oculus Pastoralis* of c.1220. I examine this genre from various angles in chapters 2, 3 and 4, paying as much attention to the visual as to the literary representation of the city-republics and their

⁹ This was the name generally given to that area of modern Italy, extending south as far as Rome, which had originally formed part of Charlemagne's *Imperium*.

¹⁰ Waley 1988, p. 35; Jones 1997, pp. 130–51. ¹¹ Waley 1988, pp. 42, 196, 201, 205, 207.

distinctive forms of government. I focus in particular on the greatest surviving attempt to convey their ideals in visual terms, the so-called *Buon governo* frescoes painted by Ambrogio Lorenzetti in the Palazzo Pubblico of Siena in the late 1330s. I argue in chapter 3 that Lorenzetti presents us with a typically pre-humanist analysis of virtuous rule, while in chapter 4 I explore the connections he draws between the upholding of civic virtue and the attainment of glory and greatness, the highest goals for cities and citizens alike.

The revival of classical republicanism was a relatively short-lived spectacle in early Renaissance Italy. The central tenet of the *dictatores* was that, if you wish to live in peace and rise to glory, you must cleave to an elective system of government. By the end of the thirteenth century, however, this cardinal assumption was beginning to be widely questioned, not least because it seemed to many observers that self-government had simply proved to be a recipe for endless and debilitating civil strife. If peace and glory are your goals, they instead began to urge, it will always be safer to entrust your community to the strong government of a single *signore* or hereditary prince. These sentiments served at once to legitimise and encourage the widespread shift during this period *dal' commune al principato*, from traditional systems of elective government to the acceptance of princely rule. Such changes took place at Mantua and Verona in the 1270s, at Pisa, Piacenza and Parma by the end of the 1280s and at Ravenna, Rimini and elsewhere before the end of the century.¹²

I follow this transition in chapter 5, showing how the genre of advice-books for city magistrates mutated into the so-called mirror-for-princes literature of the high Renaissance. I sketch the evolution of this latter genre in the fifteenth century, and go on to claim that it supplies us with the context we need in order to make sense of Niccolò Machiavelli's *Il Principe* of 1513. I argue that Machiavelli's text is best viewed as a further contribution to the mirror-for-princes genre, but at the same time as a satirical attack on its fundamental assumption that princely virtue is the key to glory and greatness.

The transition from elective to hereditary systems of government in the *Regnum Italicum* was by no means universal nor uncontested. Florence and Venice clung onto their status as independent city-republics throughout the fourteenth and fifteenth centuries, and in the course of that period engendered a new political literature in which the values of self-government were eloquently carried over into the age of princes.

¹² Waley 1988, pp. 165–72.

I turn in chapter 5 to show how the humanists of *quattrocento* Florence revived the classical ideal of the 'free state' or *vivere libero* and restated it in the highest rhetorical style. I end by arguing that this background of Florentine 'civic humanism' provides us with the context that enables us to grasp what Machiavelli is doing in his *Discorsi*, his commentary on the early books of Livy's history of Rome. While the *Discorsi* are largely given over to a passionate, almost nostalgic restatement of the great tradition of Florentine republicanism, Machiavelli at the same time reiterates and develops his earlier attack on the humanist ideal of civic virtue and its role in public life.

If we reflect on the political literature surveyed in the first half of this volume, we can readily isolate a number of elements that go to make up the distinctive contribution of Renaissance humanism to early-modern political thought.¹³ The most important concept revived by the humanists was the classical idea of the *civitas libera* or 'free state'. Freedom in the case of a political body, the humanists argue, means the same as in the case of a natural one. A body politic, like a natural body, is free if and only if it is moved to act by its own will. But to speak of a political body as moved by its own will is to speak of its being moved by the general will of its citizen-body as a whole. It follows that, when we speak of living in a free state, what we mean is that we are living in a self-governing community, one in which the will of its citizens is recognised as the basis of law and government.

Closely associated with this ideal of the *civitas libera* in the minds of the humanists is the category of the *civis* or citizen, whose standing they like to contrast with that of the *subditus* or subject. As these terms imply, the humanists think of citizens as prescribing laws to themselves, while *subditi* are merely subject to laws imposed on them by kingly overlords. The significance of citizenship for the humanists is in turn connected with two further values of which they endlessly speak. One is the importance of living a life of *negotium*, of active participation in civic affairs, and not of *otium* or contemplative withdrawal, the value extolled in Aristotelian and scholastic thought. An early and pointed expression of this commitment can be found in a letter written by Pier Paolo Vergerio in 1394. He imagines himself as Cicero, responding to Petrarch's expressions of disgust in his *Vita Solitaria* at the fact that Cicero had devoted so much of his time to public affairs. 'It has always seemed to me', Cicero is made to retort, 'that the man who surpasses all others in his nature and way of

¹³ For an interesting attempt to isolate a more extensive set of values said to be definitive of Renaissance thought see Burke 1974, pp. 245–7.

life is the one who bestows his talents on the government of the *respublica* and in working for the benefit of everyone.¹⁴ The life of *negotium*, the life of those who willingly commit themselves to furthering the goals of their community, is the one that deserves the highest praise.¹⁵

If we all have a duty as citizens to serve the public good, we need to know what talents we must cultivate if we are to pursue the life of *negotium* to the best effect. This brings the writers I am considering to the core value of which they speak, that of *virtus* or civic virtue. It is by means of *virtus*, they all agree, that good citizens can alone hope to sustain their city in war and peace, thereby bringing glory to their community as well as to themselves. As I show in chapter 8, a further note of hostility to scholasticism becomes audible at this point, since the schoolmen generally insist that lineage and wealth are no less necessary than virtue for the effective practice of citizenship. By contrast, the humanists make it one of their slogans that *virtus vera nobilitas est*, that virtue alone enables us to play our part as citizens of true nobility and worth.

One further concept that sounds throughout the political writings of the humanists is that of *libertas*, the term they use to describe the freedom of individual citizens as well as of communities. Chapters 2 and 5 trace the emergence of a neo-Roman understanding of this value, showing that it was treated as a property of citizens by contrast with slaves, and was consequently defined in terms of independence and absence of arbitrary domination by others. Among humanists of the high Renaissance, I argue that the fullest and most influential restatement of this classical vision was furnished by Machiavelli in his *Discorsi*. Having outlined in chapter 5 the intellectual context out of which his views arose, I turn in chapters 6 and 7 to scrutinise his theory of *libertà* itself. In chapter 6 I focus on his concept of *corruzione*, and hence on his analysis of how citizens are prone to undermine the conditions of their own freedom. In chapter 7 I turn to his distinctive vision of civic *virtù*, and hence to his complementary analysis of the qualities we need to cultivate if we are to uphold the *vivere libero* and our own *libertà* at the same time.

So far I have spoken of the first half of this volume, in which I concentrate on the humanist political theories of the Italian Renaissance. In the second half I trace the fortunes of these theories in northern Europe, and especially in early-modern England. I begin with the initial reception of humanist values in the opening years of the sixteenth century.

¹⁴ Vergerio 1934, pp. 439–40: ‘ita semper visum est praestare omnibus vel genere vel vita quisquis ad administrandam rempublicam impertiendosque saluti omnium labores se accommodasset’.

¹⁵ See Vergerio 1934, p. 439 on *negotium* and p. 444 on fleeing *solitudo*.

Chapter 8 considers Sir Thomas More's *Utopia* of 1516, which I take to be one of the earliest and most original attempts to introduce a classical understanding of civic virtue and self-government into English political thought. In chapter 9 I turn away from humanist theories of freedom and citizenship to the contrasting understanding of these concepts espoused by the schoolmen of the early sixteenth century. I concentrate on the figures of Jacques Almain and John Mair, for whom the securing of liberty was connected not with the cultivation of civic virtue but with the maintenance of natural rights. Arguing in contractarian terms wholly foreign to humanism, they envisage civil associations essentially as devices for ensuring that the rights we possess in the pre-political state of nature are more effectively upheld. I argue in chapters 6 and 7 that, because of the powerful hold still exercised by this analysis over modern political philosophy, several features of the rival neo-Roman theory have been misleadingly dismissed as confused. One of my aims in this group of chapters is to contrast these two models of freedom, and at the same time to rescue the neo-Roman model from a number of misunderstandings propagated by its scholastic critics and their modern counterparts.

I turn in chapters 10, 11 and 12 to consider the fortunes of humanist political theory in early-modern England. Chapter 10 looks at the reception of classical rhetoric in Tudor England and the subsequent growth of hostility to the humanist ideal of a union between reason and eloquence. Chapters 11 and 12 follow the rise and temporary triumph in English political theory of the neo-Roman understanding of political liberty. I illustrate the neglected but enormously powerful impact of this theory in helping to destabilise the Stuart monarchy, and later in helping to legitimise the 'free state' briefly established after the execution of Charles I in 1649.

With chapter 13 I move from the seventeenth to the early eighteenth century. I investigate the process by which the distinctive preoccupations of Renaissance humanism, above all as articulated in the political theory of Machiavelli, were adopted and developed by the so-called neo-Harringtonian opponents of the later Stuart monarchy.¹⁶ I also show how it came about that, in the early decades of the eighteenth century, these neo-classical ideals were pressed into service as part of Lord Bolingbroke's campaign to unseat the whig oligarchy. What emerges is the remarkable extent to which the spirit of Machiavelli's *Discorsi* haunts the party politics of Augustan England.

¹⁶ For the coinage of the term see Pocock 1975, pp. 423–61.

I bring this volume to a close with a chapter on the acquisition of the concept of the state as the master noun of our political discourse. According to the humanist vision of politics, the most basic aim of any ruler, as Machiavelli expressed it, must always be *mantenere lo stato*, to maintain his state or standing as a prince.¹⁷ This eventually yielded place to the much more abstract idea that there is an independent apparatus, that of the state, which every ruler has a duty to maintain. This is the momentous transition I attempt to outline in chapter 14. I conclude with the figure of Thomas Hobbes, the earliest and greatest philosopher to argue with complete self-consciousness that the person standing at the heart of politics is not the person of the ruler but the purely artificial person of the state.

Mention of Hobbes brings me, finally, to the connections between this volume and volume 3 of the present work. Hobbes is the most formidable enemy of the values I take to be definitive of Renaissance political thought. His theory of the covenant collapses any distinction between subjects and citizens. His claim that in covenanting we specifically give up our right to govern ourselves undermines the need for an active and virtuous citizenship. His theory of freedom repudiates the claim that anyone living in conditions of domination and dependence must have been deprived of their liberty. His theory of state sovereignty challenges the fundamental humanist contention that sovereignty in a free state must remain the possession of the citizen-body as a whole.

What swings into view at this juncture is one of the deepest divisions in modern European political thought. On one side stands the neo-Roman theory of freedom and self-government, the theory most influentially formulated by the humanists of the Renaissance. On the other side stands the modern theory of the state as the bearer of uncontrollable sovereignty, the theory developed by the defenders of absolutism in the seventeenth century and definitively articulated in the philosophy of Hobbes. Having devoted the present volume to the first of these visions of politics, my principal aim in volume 3 will be to show how Hobbes attempted to obliterate and replace it.

¹⁷ Machiavelli 1960, pp. 16, 25–6, 73–4, 80.

The rediscovery of republican values

I

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 *duecento*, 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

This chapter is partly derived from the opening sections of my contribution entitled 'Political Philosophy' in *The Cambridge History of Renaissance Philosophy*, ed. Charles B. Schmitt and Quentin Skinner (Cambridge, 1988), pp. 387–452, and partly from my essay 'Machiavelli's *Discorsi* and the Pre-humanist Origins of Republican Ideas' in *Machiavelli and Republicanism*, ed. Gisela Bock, Quentin Skinner and Maurizio Viroli (Cambridge, 1990), pp. 121–41.

¹ Waley 1988, pp. 32, 35; Jones 1997, pp. 130–51.

² For excellent outlines of the system see Waley 1988, pp. 32–68 and Artifoni 1986, pp. 688–93.

³ For a valuable survey of the socio-economic foundations of the communes and their views about citizenship see Coleman 2000, pp. 199–228.

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 Irnerius 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 Lothair 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 statecraft 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 Helinandus of Froidmont,⁶ who opens his *De Bono Regimine Principis* of c.1200 with the assertion that kings are directly chosen for us by God himself.⁷ Gerald of Wales asserts in similar vein in his *De Principis Instructione* 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

⁴ Gilmore 1941, pp. 15–19.

⁵ Salisbury 1909, vol. 1, p. 236: 'in terris quaedam divinae maiestatis imago... magnum quid divinae virtutis declaratur inesse principibus'. For the date of the *Policraticus* see Nederman 1990, pp. xviii–xix.

⁶ The twelve chapters of Helinandus's *De Bono Regimine Principis* are largely taken, often word for word, from Book IV of John of Salisbury's *Policraticus*.

⁷ Helinandus of Froidmont 1855, p. 755, quoting and glossing Deuteronomy 17.15.

birds, the bees and the rest of brute creation'.⁸ 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.⁹

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.¹⁰ According to many recent commentators, however, the earliest communes 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'.¹¹ 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.¹²

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.¹³ 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.¹⁴ 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'.¹⁵

⁸ Wales 1891, p. 8: 'nec solum in apibus, avibus et brutis animalibus, verum in hominibus principalis potestas est necessaria'. For the date of composition see Berges 1938, p. 294.

⁹ Salisbury 1909, vol. 1, pp. 236–7: 'institutum est ad vindictam malefactorum, laudem vero bonorum'.

¹⁰ For a survey of the development of city-state culture, and for a number of comparative perspectives, see Hansen 2000.

¹¹ Pocock 1975, p. 74. ¹² Rubinstein 1982, p. 153.

¹³ On this allegedly 'new ideology' and 'new outlook' see Baron 1966, pp. 29, 49, 121. For references to other scholars who have put forward similar views see Skinner 1978a, pp. 27, 79 and notes. For an effective critique see Grafton 1991, pp. 15–20.

¹⁴ Baron 1966, p. 439; cf. Witt 1971, p. 173.

¹⁵ Holmes 1973, p. 113; cf. also Holmes 1973, pp. 111, 112.

No one doubts that the revival of Aristotelianism and the rise of Florentine humanism were of vital importance for the evolution of republican thought.¹⁶ 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.¹⁷ 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.¹⁸ 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.

II

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.¹⁹ 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 *iurisdictio* 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',

¹⁶ On the former theme see Ullmann 1977 and the valuable series of essays collected in Davis 1984. For the impact of Aristotelian studies on civic activity see Coleman 1998. On the latter see the classic accounts in Baron 1966 and Pocock 1975. For an attempt to survey both strands of thought see Skinner 1978a, pp. 49–112 and Skinner 1978b, pp. 113–84.

¹⁷ See, for example, Baron 1966, pp. 8, 105, 449 and Pocock 1975, p. 52, both of whom see a 'decisive break' and a crossing of the threshold between the medieval and the Renaissance around the year 1400.

¹⁸ A similar point is made in Sapegno 1984, pp. 949–60 and in Nederman 1991, 1992 and 1995, a valuable series of revisionist articles.

¹⁹ Mochi Onory 1951 discusses the analogous reinterpretation of the Decretals undertaken by a number of canonists in the same period.

he announces in his section *De Iurisdictione*, 'by considering the meaning of the term *iurisdicatio* 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.'²⁰ 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 *iurisdicatio* rests with the *princeps* alone.'²¹ However, it cannot be doubted 'that any magistrate in a city has the power to establish new law'.²² '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.'²³

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'.²⁴ 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

²⁰ Azo 1966a, III. 13, p. 67: 'videamus ergo in primis quid sit iurisdicatio . . . [est] potestas de publico introducta cum necessitate iuris dicendi et aequitatis statuendae'.

²¹ Azo 1966a, III. 13, p. 68: 'plenissimam iurisdictionem soli principi competere dico'.

²² Azo 1966a, III. 13, p. 68: 'quilibet magistratus in sua civitate ius novum statuere potest'.

²³ Azo 1966a, III. 13, p. 69: 'sed merum imperium etiam aliis sublimioribus potestatibus competere dico'. On the significance of this contention see Calasso 1957, pp. 83–123.

²⁴ Azo 1888, pp. 86–7: 'quilibet hodie videtur eandem potestatem habere in sua terra, quam imperator, ergo potuit facere quod sibi placet'.

term to denote any collectivity possessing its own juridical standing.²⁵ As a result, they came to speak of entire bodies of citizens as instances of *universitates*, 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 *iurisdictio* 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'.²⁶

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.²⁷ 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.²⁸ 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 *iurisdictio*, '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'.²⁹ 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'.³⁰ This had been Irnerius's view, subsequently endorsed by such distinguished Bolognese Glossators as Rogerius and Placentinus. But Azo

²⁵ Michaud-Quantin 1970, p. 28; cf. Black 1984, pp. 44–53.

²⁶ *Digest* 1985, I. 4. 1, vol. 1, p. 14: 'Quod principi placuit, legis habet vigorem: utpote cum lege regia, quae de imperio eius lata est, populus ei et in eum omne suum imperium et potestatem conferat.'

²⁷ Azo 1966b, I. XIV. 11, p. 44: 'potestas [imperatoris] legis condendae . . . in eum transtulit populus'.

²⁸ Tierney 1982, pp. 29–53.

²⁹ Azo 1966b, I. XIV. 11, p. 44: 'potestas legis condendae . . . si populus ante habebat, et adhuc habebit'.

³⁰ Azo 1966b, I. XIV. 11, p. 44: 'populus Romanus non habet potestatem legis condendae, quod olim habebat: sed lege regia in eum transtulit populus omne ius quod habebat'.

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.'³¹ 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*.'³²

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 by now have lapsed through loss of use, with the result that today it is lodged entirely in the emperor's hands'.³³ 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'.³⁴ 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'.³⁵ The emperor's unquestionable authority to legislate is thus rendered compatible with an unqualified defence of the *populus sive 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 *iurisdictio*, strictly speaking 'we should speak of

³¹ Azo 1966b, I. XIV. 11, p. 44: 'vel dic quod non transtulit ita quin sibi retineret'.

³² Azo 1966b, I. XIV. 11, p. 44: 'hic non excluditur populus, sed singuli de populo . . . ideo singuli excluduntur, non universitas sive populus'.

³³ Azo 1966b, VIII. LIII. 2, p. 671: 'abrogandae per desuetudinem, hodie est omnis potestas et omne ius in imperatorem'.

³⁴ Azo 1966b, VIII. LIII. 2, p. 671: 'sed nec est ita translata quin sibi retinuerit'.

³⁵ Azo 1966b, VIII. LIII. 2, p. 671: 'unde non est major potestatis imperator quam totus populus, sed quam quilibet de populo'.

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'.³⁶ 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'.³⁷

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.³⁸ 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.³⁹ 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.

III

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

³⁶ Azo 1966a, I. 14, p. 9: 'potestas... dicitur enim translata id est concessa, non quod populus omnino a se abdicaverit'.

³⁷ Azo 1966a, I. 14, p. 9: 'nam et olim transtulerat, sed tamen postea revocavit'.

³⁸ Tierney 1955, pp. 132–53.

³⁹ Skinner 1978a, pp. 53–65. For later *de facto* arguments about the sovereignty of the city-republics see Canning 1987, pp. 93–131 and Ryan 2000.

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*.⁴⁰ 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.⁴¹

We need to consider two closely related bodies of texts produced by these pre-humanist commentators.⁴² 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*.⁴³ These treatises generally comprised a set of model speeches and letters, often preceded by a theoretical discussion of the rhetorical arts.⁴⁴ A small number of these writings survive from as early as the beginning of the twelfth century. Hugh of Bologna's *Rationes Dictandi*, for instance, appears to have been produced around the year 1120.⁴⁵ 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.⁴⁶ Among the leading examples from this era are Raniero da Perugia's *Ars Notaria* of c.1215,⁴⁷ Thomas of Capua's *Ars Dictandi* of c.1230,⁴⁸ Boncompagno da Signa's *Rhetorica Novissima* of 1235⁴⁹ and Guido Faba's numerous writings of the same period,⁵⁰ including his *Dictamina Rhetorica* of 1226–8,⁵¹ his *Epistole* of

⁴⁰ The importance of Sallust's histories in this context has not perhaps been sufficiently emphasised. But for two excellent studies see Smalley 1971, pp. 165–75, and (for a discussion centring specifically on Italy) Rubinstein 1957, pp. 165–83.

⁴¹ On the humanistic character of these writings see Nederman 1992.

⁴² Artifoni has provided the fullest recent discussion of these writers in a fine series of articles. See Artifoni 1986, 1994a, 1994b and 1997. On the later history of rhetoric and its connections with political theory in the Renaissance see Kahn 1985 and Skinner 1996.

⁴³ On these writers the classic studies remain Kristeller 1961 and Kristeller 1965. See also Kristeller 1988. But for a different approach see Witt 1982, pp. 1–35. For an excellent survey, citing many of the writers I discuss, see also Artifoni 1986.

⁴⁴ Murphy 1974, pp. 218–20 refers to Hugh of Bologna's pioneering distinction between the introductory theoretical treatise (the *Ars*) and the ensuing model examples (the *Dictamina*).

⁴⁵ Murphy 1974; for an edition see Bologna 1863, pp. 53–94.

⁴⁶ For a survey of the literature of this period see Murphy 1974, pp. 194–265.

⁴⁷ Monaci 1905 discusses Raniero's *Dictamina* and republishes some fragments. For the suggested date of composition see Bertoni 1947, p. 253.

⁴⁸ For an edition and the suggested date of composition see Capua 1929.

⁴⁹ Signa 1892; for the date of composition see Gaudenzi 1895, p. 112.

⁵⁰ For a full list of Faba's rhetorical writings see Pini 1956, pp. 42–3 and notes.

⁵¹ Faba 1892; for the date see Gaudenzi 1895, p. 133.

1239–41⁵² and his *Parlamenti ed Epistole* of 1242–3.⁵³ We should also note that, by the end of the thirteenth century, a number of similar treatises had begun to appear in the *volgare*.⁵⁴ Matteo de' Libri's vernacular *Arringhe* dates from c.1275,⁵⁵ Giovanni da Vignano's *Flore de Parlare* from c.1290,⁵⁶ Filippo Ceffi's *Dicerie* from c.1330.⁵⁷

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.⁵⁸ The earliest surviving work of this description is the anonymous *Oculus Pastoralis*, which has usually been dated to the 1220s.⁵⁹ This was followed by Orfino da Lodi's *De Sapientia Potestatis*, an advice-book composed in leonine verse during the 1240s.⁶⁰ The next such work to survive – by far the fullest and most important – was Giovanni da Viterbo's *Liber de Regimine Civitatum*, probably completed in the course of the 1250s.⁶¹ This was in turn followed – and to some degree plagiarised⁶² – by Brunetto Latini in his *Livres dou trésor* of 1266, a widely used encyclopedia that concludes with a section entitled 'On the government of cities'.⁶³

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 is to have 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

⁵² Faba 1893; for the date see Gaudenzi 1895, p. 145.

⁵³ Faba 1889; for the date see Gaudenzi 1895, p. 145.

⁵⁴ As Castellani 1955, pp. 5–75 shows, however, Faba had pioneered the production of vernacular *Dictamina* a generation earlier.

⁵⁵ Libri 1974; for the date see Kristeller 1951, p. 285n.

⁵⁶ Vignano 1974; for the date see Frati 1913, p. 265.

⁵⁷ Ceffi 1942; for the date see Giannardi 1942, pp. 5, 19.

⁵⁸ For this connection between rhetoric and politics – between the *rhétor* and the *rector* – see Artifoni 1986.

⁵⁹ *Oculus* 1966. Franceschi 1966, p. 3 suggests 1222 as the date of composition; Sorbelli 1944, p. 74 suggests 1242.

⁶⁰ Lodi 1869; for the date see Sorbelli 1944, p. 61.

⁶¹ Viterbo 1901; for the suggested date of composition see Folena 1959, p. 97. But Hertter 1910, pp. 52–3 suggests 1228, while Sorbelli 1944, pp. 94–6 suggests 1263.

⁶² Najemy 1994a provides the best consideration of the evidence.

⁶³ Latini 1948. See Sorbelli 1944, pp. 99–104, Carmody 1948, pp. xiii–xx, xxii–xxxii and Najemy 1994a for details about the dating and sources of the *Trésor*.

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 emphasise 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 *magnalia* 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.⁶⁴ 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.⁶⁵ Perhaps the best known are Bonvesin della Riva's panegyric on Milan, *De Magnalibus Mediolani* of 1288, and the *Liber de Laudibus Civitatis Ticinensis*, an anonymous panegyric on Pavia of c.1320.⁶⁶

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 *respublica crevit*⁶⁷ – 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 adjuring him at the same time to remember how small communities succeed in rising to greatness – how *parvae res crescunt*.⁶⁸

All the pre-humanist writers speak in similar terms. The *Oculus Pastoralis*, 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'.⁶⁹ The model speeches included in Giovanni da Viterbo's *Liber de Regimine Civitatum* likewise emphasise the value of 'increase', as well as the importance of ensuring

⁶⁴ Bruni 1968. Baron 1966, pp. 191–224 gives a classic analysis of this text. But he marks too sharp a break with pre-humanist discussions, especially when he speaks (pp. xvii and 202–4) of 'a new ideal of "greatness"' in the *Laudatio*. For a contrasting appraisal see Seigel 1966, pp. 3–48.

⁶⁵ *De Laude* 1872. For the suggested date of composition see Hyde 1965, p. 340.

⁶⁶ See Riva 1974 and *Liber de Laudibus* 1903. ⁶⁷ Sallust 1931a, X. 1, p. 16.

⁶⁸ Sallust 1931b, X. 6, p. 148.

⁶⁹ See *Oculus* 1966, pp. 25, 27 on conducting 'ad incrementum et gloriam et honorem' and on the hope that 'excrecit civitas'.

that cities are able to grow and flourish.⁷⁰ 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,⁷¹ while Giovanni da Vignano's model speech for outgoing *podestà* bids them express the hope that the city they have been administering 'will at all times grow and increase', above all in prosperity.⁷²

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 Epistole* 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'.⁷³ 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.⁷⁴ By the next generation, we find the same terminology in standard use among the writers of vernacular *Dictamina*. 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'.⁷⁵ 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',⁷⁶ of its 'good standing, *grandezza* and repose',⁷⁷ and at the same time of 'the honour, *grandezza*, unity and repose' of all its citizens.⁷⁸

⁷⁰ See Viterbo 1901, p. 231, col. 2 on the importance of ensuring that 'civitates crescant'. Cf. also Viterbo 1901, p. 232, col. 1 on the value of 'incrementum' and of 'maximum incrementum'.

⁷¹ See Libri 1974, pp. 10, 70 on the duty to bring 'acresimento de ben en meglo' and to assure 'bon stato, gradeça et acresimento'.

⁷² See Vignano 1974, p. 286 for the wish 'che questa terra sempre cresca'.

⁷³ See Faba 1889, p. 156 on the need 'de fare quelle cose . . . che pertegnano ad statum et a grandezza di questo commune, et ad adacresamento de gloria e d'onore de tuti quilli c'amenno questa citade'.

⁷⁴ See Viterbo 1901, p. 234, col. 2 on the need to act 'ad honore et grandezza, et utilitate de questu communi', and cf. Viterbo 1901, p. 231, col. 1 on the need to promote 'granneça'.

⁷⁵ Libri 1974, p. 99: 'grandezza, honori, bon stato e bon riposo'. For further references to *grandezza* see Libri 1974, pp. 12, 28, 53, 69–70, 93, 110, 112, 114.

⁷⁶ Vignano 1974, p. 237: 'exaltamento, grandezza et honore'.

⁷⁷ Vignano 1974, p. 259: 'bon stato, grandezza e riposo'.

⁷⁸ Vignano 1974, p. 251: 'honore, grandezza e unita e riposo'. For similar formulae see Vignano 1974, pp. 237, 239, 245, 251, 286–7.

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 *Oculus*, 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 *Dictamina*. 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 Ceffi 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 conduce '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, prefaces 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

⁷⁹ *Oculus* 1966, p. 27: 'Per quietam autem tranquillitatem et pacem ipsius excrecit civitas.'

⁸⁰ Latini 1948, p. 292: 'pais fait maint bien et guerre le gaste'.

⁸¹ Libri 1974, p. 79 stresses the connection between being able 'permanere in gran tranquillitate' and the capacity 'aquistar honor et bon stato'.

⁸² See Ceffi 1942, p. 27 for the claim that, if your city 'possa mantenersi in buono e pacifico stato', this will conduce 'a vostro onore e grandezza'. For other formulae to the same effect cf. Ceffi 1942, pp. 36, 47, 61.

⁸³ On the contrast between peace and liberty see Valeri 1942.

⁸⁴ Sallust 1931a, VI–XIII, pp. 10–22. ⁸⁵ For a classic survey of this transition see Ercole 1929.

⁸⁶ This is pointed out in Rubinstein 1957, p. 172 and note.

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 *Historiae 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 avoidance 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 Iugurthinum* 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

⁸⁷ See the discussion of Poggio's republicanism in Oppel 1974, pp. 221–65.

⁸⁸ Bracciolini 1964–9b, vol. 2, p. 299. Cf. Oppel 1974, pp. 223–4.

⁸⁹ Sallust 1931b, X, 7, p. 148: 'Equidem ego vobis regnum trado firmum, si boni eritis, sin mali, imbecillum. Nam concordia parvae res crescunt, discordia maxumae dilabuntur.' The passage is strongly echoed by a number of the pre-humanist writers. See, for example, Lodi 1869, p. 57 and *De Laude* 1872, p. 372.

⁹⁰ The last sentence is quoted as proverbial in Seneca 1917–25, XCIV. 46, p. 40.

⁹¹ Viterbo 1901, p. 221, cols. 1–2: 'Nam cum civitates omnes hodie sunt divise . . . cesset bonus effectus regiminis.'

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 impends, 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.

⁹² Latini 1948, p. 404: 'die comment concorde essauce les viles et enrichist les borgois, et guerre les destruit; et ramentevoir Romme et les autres bonnes viles ki por la guerre dedans sont decheues et mal alees'.

⁹³ Libri 1974, p. 147: 'Pensative de Florencia, de Sena, commo son gite per la guerra dentru... Pensative de Rimino, comm' è conço per l'odio dentro, e de multe terre de quella contrata.'

⁹⁴ Viterbo 1901, p. 231, col. 2: 'civitates reguntur et tenentur pacifice, crescunt, ditantur et maximum recipiunt incrementum'.

⁹⁵ Latini 1948, p. 292: 'Salustes dist, par concorde croissent les petites choses et par discorde se destruisent les grandismes.'

⁹⁶ Libri 1974, p. 18: 'la concordia et l'unitate acrese et avança tuti bene'.

⁹⁷ Cicero 1913, I. XXV. 85, p. 86: 'Qui autem parti civium consulunt, partem neglegunt, rem perniciosissimam in civitatem inducunt, seditionem atque discordiam'.

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 *Oculus Pastoralis* including in the model speech for incoming *podestà* 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 connections 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.

⁹⁸ Cicero 1913, I. XXV. 85, p. 86: 'Unum, ut utilitatem civium sic tueantur, ut, quaecumque agunt, ad eam referant oblii commodorum suorum, alterum, ut totum corpus rei publicae curent, ne, dum partem aliquam tuerentur, reliquas deserant.'

⁹⁹ See *Oculus* 1966, p. 26 on the need to act 'pro utilitate communitatis istius' in order to bring it 'ad honorem, exaltationem et comodum ac felicem statum'.

¹⁰⁰ Viterbo 1901, p. 265, col. 2.

¹⁰¹ Latini 1948, p. 291: 'devons nous ensivre nature et metre avant tout le commun profit'. For further references to the ideal of the common good see Latini 1948, pp. 405, 415, 417. Cf. the references to the 'bene comune' in Ceffi 1942, pp. 46, 57.

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'.¹⁰² 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'.¹⁰³

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'.¹⁰⁴ 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'.¹⁰⁵ Brunetto 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'.¹⁰⁶ 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'.¹⁰⁷

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 tranquillity and repose, by means of which countries rise to

¹⁰² Sallust 1931 a, X. 1, p. 16: 'labore atque iustitia res publica crevit'.

¹⁰³ Cicero 1913, I. VII. 20, p. 20: 'qua societas hominum inter ipsos et vitae quasi communitatis continetur'. Cf. also the claim in Cicero 1949, II. LIII. 160, p. 328 that it is *iustitia* which serves to maintain the *communes utilitates*.

¹⁰⁴ Viterbo 1901, p. 220, col. 1: 'ius suum cuilibet reddatur, et regatur civitas in iustitia et equitate'.

¹⁰⁵ Viterbo 1901, p. 231, col. 2: 'Per haec enim frena [iustitia et equalitas] civitates reguntur . . . crescunt, ditantur et maximum recipiunt incrementum.'

¹⁰⁶ Latini 1948, p. 392: 'Justice doit estre si establement fermee dedens le cuer au signor, k'il doinst a chascun son droit.'

¹⁰⁷ Latini 1948, p. 403: 'La cités ki est governee selonc droit et selonc verité, si ke chascuns ait ce k'il doit avoir . . . certes, ele croist et mouteplie des gens et d'avoir et dure tousjours en bone pais a l'onour de lui et de ses amis.'

the highest *grandeça*.¹⁰⁸ Giovanni da Vignano writes in virtually identical terms, thereby furnishing yet a further summary of the ideology I have been anatomising. 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 *grandeça*'.¹⁰⁹

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 *dictatores*. 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 *dictatores* 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.¹¹⁰ 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'.¹¹¹ The reason is that 'to kings, the good qualities of others are invariably seen as a threat'.¹¹² 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'.¹¹³ 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 Brunetto Latini who reiterates this argument with the strongest emphasis. His chapter 'Of Signories'

¹⁰⁸ Libri 1974, p. 34: 'quel k'ama iustitia ama constante e perpetua voluntate de dare soa raxone a çascuno; e ki ama soa raxone a çascuno, ama tranquillitate e reposo, per le qual cose le terre montano in grand *grandeça*'.

¹⁰⁹ Vignano 1974, p. 296: 'per le qua' cose fare le terre montano in *grandeça*'.

¹¹⁰ For the denunciation of Julius Caesar as a tyrant see Cicero 1913, II. VII. 23, p. 190.

¹¹¹ Sallust 1931a, VII. 3, p. 12: 'Nam regibus boni quam mali suspectiores sunt.'

¹¹² Sallust 1931a, VII. 3, p. 12: 'semperque eis [viz. regibus] aliena virtus formidulosa est'.

¹¹³ Sallust 1931a, VII. 3, pp. 12-14: 'Sed civitas . . . adepta libertate quantum brevi creverit.'

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.'¹¹⁴ 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'.¹¹⁵ But where the citizens themselves retain control, as in Italy, 'they are able to elect, as *podestà* or *signore*, those who will act most profitably for the common good of the city and all their subjects'.¹¹⁶

The pre-humanist writers assign no distinctive name to the form of government they most admire. They are content to describe it as one of the types of *regimen* or *reggimento* by which a *civitas* or *commune* can lawfully be ruled.¹¹⁷ 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.¹¹⁸ Save for one or two remarks in Giovanni da Viterbo,¹¹⁹ and later in Albertino Mussato,¹²⁰ 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 Officiis* to the effect that self-governing regimes are the only forms of *res publicae* truly worthy of the name.¹²¹

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 *quattrocento* republicanism. As we have seen, they treat it as a distinctive virtue of elective systems that they guarantee the equality of all

¹¹⁴ Latini 1948, p. 211: 'Seignouries sont de iii manieres, l'une est des rois, la seconde est des bons, la tierce est des communes, laquelle est la très millour entre ces autres.'

¹¹⁵ Latini 1948, p. 392 claims that, in France and other kingdoms, rulers 'vendent les provostés et les baillent a ciaux ki plus l'achètent (poi gardent sa bonté ne le profit des borgois)'.

¹¹⁶ Latini 1948, p. 392: 'en Ytaile . . . li communauté des viles eslisent lor poesté et lor signour tel comme il quident qu'il soit plus proufitable au commun preu de la vile et de tous lor subtés'.

¹¹⁷ See, for example, Faba 1892, p. 66; Viterbo 1901, p. 222, col. 1; Ceffi 1942, p. 45.

¹¹⁸ See, for example, Latini 1948, pp. 211, 392.

¹¹⁹ Viterbo 1901, p. 255, col. 2; p. 262, col. 1; and p. 272, col. 1 uses the term *res publica* to describe self-governing cities.

¹²⁰ Mussato 1727, col. 722: 'Formam publicam tenendam in civitate, ne figura reipublicae adeo usque deleta sit, quin faciem effigiemque habere censeatur.'

¹²¹ Cicero 1913, II. VIII. 29, p. 196. This passage, implying that Rome was only a true *res publica* under its traditional constitution, is crucial to understanding the process by which the term *res publica* eventually ceased to be used to refer to any type of body politic, and instead came to be used specifically to describe elective systems of government such as Cicero had in mind.