Factoring out justice

Imaginaries of community, law, and the political in Ambrogio Lorenzetti and Niccolò Machiavelli

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"Gedanken ohne Inhalt sind leer, Anschauungen ohne Begriffe sind blind." (Immanuel Kant)[1]

Introduction

The ambition of this essay is to explore crucial moments in the genealogy of the diminishing role of justice in politics and political theory and how this is connected to changing conceptions of society. Whereas in Classical and Medieval political thought the principal virtue of good government was to rule according to "reason and justice", in the modern period justice has largely been excluded – factored out – from the domain of politics and has become the almost exclusive domain of judicial institutions. Although this is an extended process, the critical moment occurs during the sixteenth century, at least conceptually. Historian of political theory Maurizio Viroli has fittingly described this moment in terms of a "revolution in politics" (rather than a political revolution) during which the conceptual language and theory of politics went through a radical change.[2] There are of course significant differences between different countries, and there have been recurring attempts to resuscitate the role of justice in politics and political theory, and in both America and Europe the notion of "social justice" is still brandished in political rhetoric.[3] Nevertheless, in political theory the figure of justice has become a lonely and isolated one, no longer playing the central role it once did. Although it can be argued, to a certain extent, that "justice" has been replaced by the notion "rule of law", law and justice are in fact quite different things.[4] In contemporary occidental democracies the notion "rule of law" means on one hand that everybody – including politicians and public officials – are legal subjects, i.e. that the same laws apply to everybody, and on the other hand that the process of appointment to political office is regulated by law, including terms of office. This is obviously quite different from the idea of governing according to "reason and justice".

Parallel to – and intimately connected with – the factoring out of justice from political theory there is a transformation in the perception of political community. Whereas earlier – from Plato and Aristotle to Bodin and Hobbes – social conflict tended to be seen as a threat to the cohesion

of the social and political body, in the modern republican tradition – probably first formulated by Machiavelli – social conflict is instead perceived not only as an essential aspect of any political community, but also as contributing to the development and the internal strength of society, at least to the extent that struggles and conflicts are channelled into – or lead to the establishment of – institutions that handle conflicts and protect civil liberties.[5] Again, this change does not happen without hesitation and resistance, and there are numerous nostalgic reactions to this development, both conceptual (e.g. Ferdinand Tönnies's distinction between *Gemeinschaft* and *Gesellschaft*) and political (e.g. the socialist and fascist longing for "total" society).[6]

The approach or method I use in order to explore these changing historical conceptions of the role of justice in political theory and of society is by discussing two exemplary representations of political community and government. First I discuss an allegorical painting that in many respects is exemplary for the Classical and Medieval conception of politics, Ambrogio Lorenzetti's frescoes in the Palazzo Pubblico in Siena, completed around 1340. Here I focus on a detail depicting twenty-four citizens – or perhaps magistrates – standing in double rows, holding on to a rope leading from the allegorical figure of Justice in the top left to the figure of the ruler in the top right. The second representation of political community comes from the first book of Niccolò Machiavelli's *Discorsi sopra la prima deca di Tito Livio* (Discourses on the first ten books of Titus Livy) from 1517, in which the author discusses the conflicts and struggles between the patrician and plebeian classes in Republican Rome.

It should be noted that these two representations of political community and government are quite different, not only in content but also as types of media and as illocutionary acts. Lorenzetti's representation is primarily pictorial – although it includes numerous textual inscriptions – and constitutes an important artwork in itself. Machiavelli's representation is a written commentary – a fashionable genre among sixteenth-century humanists – on a historical work, and although it does not aspire to be an artwork the *Discorsi* is both eloquent and vivid in its descriptions. An equally important difference between the two representations of political community and government is that one, Lorenzetti's frescoes, has the status of an official, sanctioned presentation of the political ideology in Siena – a defence of republican government – whereas the other, Machiavelli's *Discorsi*, takes the form of a radical critique of fundamental conceptions of political ideology both in Classical authors and in his own time.

The two representations of political community and good government are both realistic and imaginary, although in different ways. Lorenzetti's frescoes mix realistic representations of Siena with allegorical imagery; Machiavelli's *Discorsi* describes historical reality and claims to unearth

an underlying political and social reality, valid for all societies. But in both instances the imaginary is informed by the real, and the real by the imaginary. The notion of the "imaginary" is understood here not as a negation of the real, but as the production – by an individual, a group and/or of a society – of an "a-reality" in the form of images, representations, significations, myths and narratives.[7] We will return to the question of the imaginary and the real in the concluding section of this essay.

What is at stake in the two representations is not only different ideals regarding good government, but also a shift from idealism to realism as well as a shift from a transcendental regime to an immanent or materialist conception of political power. It could also be argued that the transition from a pictorial representation (Lorenzetti) to a textual one (Machiavelli) marks a historical shift in the representational forms of social imaginary significations, from the visual to the textual, and from an allegorical-conceptual presentation to a historical-conceptual argument. It goes without saying that the present essay does not claim to be exhaustive, but analyses representations of social reality and political ideology in order to better understand contemporary conceptions of the role of justice in politics and political theory and of political community.

The rope of concord

The first representation of political community and government that I consider is a detail from Lorenzetti's frescoes in the Palazzo Pubblico in Siena, painted during 1338–1340.[8] The frescoes cover three walls in a large rectangular room, usually referred to as *Sala dei nove* or *Sala della pace*, measuring 14.04×7.70 meters (the fourth wall faces South, letting in light through a large window). At the time of their execution the room was used by the members of the "council of nine" or *consistoro*, a select group of upper-middle class citizens serving for two-month periods as executive government.[9] Until the end of the eighteenth century, the frescoes were usually called *Pace e guerra* (Peace and war), but since the nineteenth century they have most often been called *Buon governo e mal governo* (Good government and bad government).[10] According to art historian Edna Carter Southard, the first person to interpret the frescoes as "a poem of moral teaching about good and bad government" was Luigi Lanzi in 1792.[11] The idea was accepted by most nineteenth-century writers, and after Paul Schubring's 1902 article "Das gute Regiment" this new title has been generally accepted.[12] A modern art historian has described the paintings as "one of the consummate political allegories in the history of Western art" and a scholar in political theory regards them as "the most memorable contribution to the debate" in the thirteenth and fourteenth centuries concerning "the ideals and methods of republican self-government."[13] Before describing and analysing the frescoes, it is necessary to

say something about the political situation in Siena and in Northern Italy during the late Middle Ages.

Since the beginning of the eleventh century, cities in Northern Italy had experienced an economic and demographic boom. In some cities the economy was primarily based on trade (Genoa, Pisa, Venice), in others on manufacture (Florence, Milan) and in yet others on banking (Siena). The cities had not only become wealthy, but also politically and jurisdictionally independent from the German emperors traditionally claiming sovereignty over them. In a first stage, the nobles played an important role in achieving de facto independence for the city republics, but in the second half of the thirteenth century new groups of the population demanded political representation, *il popolo* (the people).[14] *Il popolo* was a socially heterogeneous group, including both craftsmen and rich merchants and bankers, both organised in guilds. Just like the factious nobility, the heterogeneity and the absence of common interests between different groups would become a source of internal dissension in the cities. Another important political factor was the church, and although most city-states carefully excluded it from direct access to political institutions, it could not be ignored. During this period, various forms of republican government were developed, and although they varied greatly from one city to another, and also over time, certain political institutions would become universal.

The *podestà*, an office and institution that emerged between 1190 and 1225, can be seen as a response to both political factionalism and the advent of *il popolo*.[15] The *podestà* was an official usually elected for a one-year period, he always came from another city and typically belonged to the nobility. The *podestà* had numerous functions, varying from city-republic to city-republic, but the most important was as magistrate, and together with his staff he was responsible for the adjudication of most civil and criminal proceedings. The *podestà* and his staff were normally lodged in a separate palace – usually called the *palazzo podestà* – but in Siena his lodgings were in the Western part of the Palazzo Pubblico.[16] During the classical period of the *podestà*, from 1220 to 1270, the city-republic developed many new responsibilities and public functions, many of which were administered by his office. But powerful as he may be, his authority was never absolute and his mandate always limited in time. He had to swear to abide by the laws of the city and his work was supervised by indigenous advisors. During the fourteenth century, the institution of the *podestà* was under constant attack from the *popolo*, who in different ways managed to acquire grasp of power. The emergence of the oligarchy *il Nove* in Siena – who ruled 1287–1355 – should be seen in relation both to developing political institutions and to the political situation in the city. During its rule, the political power of the *podestà* was circumscribed, but it was still responsible for adjudication and many administrative functions.

Although the period of republican city-states in Italy saw the emergence of many modern political and public institutions, the differentiation and separation of powers was still in its infancy. Lorenzetti's frescoes in Palazzo Pubblico reflect and comment in different ways on the complex and dynamic political and institutional situation both in Siena and in other Italian city-republics. Modern interpreters and commentators have mainly focused on the political dimensions – to the neglect of the institutional and juridical aspects – but have also situated the paintings in their artistic and intellectual contexts.

The Eastern wall in *Sala della pace* is divided into two parts: the left side depicts a prosperous town and the right side the countryside (*contado*) belonging to the city. [Figures 1a & 1b.] The two parts are separated by the city walls and a gate through which people and animals pass in both directions. According to art historian John White, in a 1957 essay on the pictorial representation of space in European art, Lorenzetti's depiction of town and countryside constitutes a "new sense of space" and it is the first time one finds a "panoramic vision of the countryside."[17] The centre of the town scene is constituted by a group of serpentine-dancing and gaily-costumed maidens.[18] From this point wide inlets open into the packed houses, "giving a sense of spaciousness found in no earlier townscape."[19] On both sides of this pictorial centre, emphasized by space and movement, the houses softly recede both to the left and right – and also into the countryside – as well as in depth. The dancing group in the foreground are represented as larger than the other figures in the painting and, according to White, from this group emanates the light that illuminates the whole scenery as well as the centripetal movements of the various human figures we find therein.[20] White calls this a "Giottesque empirical perspective", which in contrast to Renaissance perspective is located inside the painting rather than before it (in the position of the viewer) and is neither geometrically exact nor entirely consistent.[21] The pictorial composition of the "City of Good Government" (White's title) is further unified by a harmonious and varied representation of architecture. It should also be mentioned that Lorenzetti's depiction of the town and countryside includes a rich and diversified representation of people and professions, giving a wide social panorama of the city and countryside, but also that the cathedral, so prominent in the city, is marginalized to the extreme left corner of the Eastern wall.[22]

On the opposite, Western wall, the fresco is divided into three parts: to the right "Allegory of bad government", representing the negative moral and political qualities Avarice, Pride, Vainglory, Tyranny, Cruelty, Treason, Fraud, Frenzy, Divisiveness, and War; and then depictions, according to White, of the "effects" of bad government on town and country. [Figures 2a & 2b.] As in the fresco on the Eastern wall, the depictions of town and countryside are separated by the city walls and a gate.
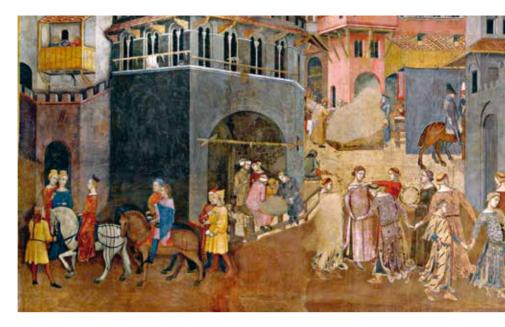
Figure 1a. Ambrogio Lorenzetti, City of good government, Sala della pace, East wall, Palazzo Pubblico, Siena. Photograph from Wikimedia Commons.

Figure 1b. Ambrogio Lorenzetti, Countryside of good government (contado), Sala della pace, East wall, Palazzo Pubblico, Siena. Photograph from Wikimedia Commons.

Figure 2a. Ambrogio Lorenzetti, Bad government & City of bad government, Sala della pace, West wall, Palazzo Pubblico, Siena. Photograph from Wikimedia Commons.

Figure 2b. Ambrogio Lorenzetti, Countryside of bad government, Sala della pace, West wall, Palazzo Pubblico, Siena. Photograph from Wikimedia Commons.

However, whereas the city walls of the town of good government have a warm pink colour, the city walls of the town of bad government are grey. The pictorial representation of the "Town of bad government", which unfortunately has been largely ruined, not only contains scenes of violence and crime, but, as White points out, also has a disharmonic structure: whereas the centre of perspective is located in the "Allegory of bad government" to the right of the town, the light appears to come from the left – coinciding with the natural light from the window. As can be gleaned from this short description, the paintings on the Eastern and Western walls are very much each other's counterparts, depicting alternative social and political realities, peace and prosperity on one side, war and destitution on the other, presenting the viewer with something like a moral and political choice.

In order to perceive the politico-juridical structure of the "city of good government", the viewer has to turn to the allegorical representation on the short North wall. [Figure 3.] In a monograph from 1958, art historian George Rowley described the painting on the North wall in the *Sala della pace* as an "elaborate and complicated allegory of good government, without precedent in the Middle Ages."[23] Rowley compares Lorenzetti's frescoes to the Medieval *Summa* and argues that it is a "pictorial *Summa* of government", that is, a summation of political knowledge.[24] In Rowley's interpretation of the painted allegory of Good Government, the majestic figure to the right of the centre is the personified *Commune*, with the lettering CSCV (*Commune Senarum Civitas Virginis*) around his head.[25]

Figure 3. Ambrogio Lorenzetti, Good government, Sala della pace, North wall, Palazzo Pubblico, Siena. Photograph from Wikimedia Commons.

According to Rowley there are also other pictorial signs that indicate that Lorenzetti "was personifying his own city-state", such as the black and white colours of Siena.[26] Rowley further argues that the allegory of good government "suggests a more universal meaning, the city-state or *civitas* as the corporate unit of good government."[27]

In Rowley's reading, the three "theological virtues" (*Fides, Caritas, Spes*), placed above the figure of the *Commune* and signifying the spiritual source of authority, correspond to the three "civic virtues" that are seated on the bench on each side of him – *Pax, Fortitudo,* and *Prudentia* on the left, and *Magnanimitas, Temperantia* and *Iustitia* on the right. On the left side of the North wall *Sapientia* (Wisdom) is hovering in the air above another representation of Justice (dressed in red), who is holding a pair of scales from which angels are administering "commutative" and "distributive" justice. It is worth noting that this representation of Justice is the only allegorical figure not identified by an inscription (or *titulus*), instead the head of the figure is surrounded by the opening lines of the

Book of wisdom: "diligite iustitiam q[ui] iudicatis terram" ("love justice, you that are the judges of the earth").[28]

   From the pair of scales two cords pass down through the binding hand of the figure of *Concordia* (Concord) to a procession of twenty-four male citizens (or magistrates), standing in double rows and holding on to the rope of concord, transferring these "reins of government" to the *Commune*. The men are standing with their feet on the ground and are all the same height. They are wearing uniform ankle-length, monochrome robes – blue, red, rose, white, and yellow – over which some are wearing a cape. The men are also wearing hats, which together with their faces and gestures serve as individualising features. Although most of them are facing forward – i.e. in the direction of the ruler – some of them are turned towards each other, as if engaging in conversation. Rowley and other commentators have been puzzled why there are twenty-four citizens and not nine as in the *consistoro*.[29] It has been proposed that the number corresponds to the magistrates in the council that pre-existed *Il Nove*. Equally plausible is that the number represents a large number – as when we say "dozens" (*dozzine* in Italian) to mean many – and denotes the citizen body from

which the council of nine were selected.[30] In any case, it is quite clear that the procession of twenty-four citizens represents an imaginary collectivity, representing unity and concord.

This collectivity is characterized by an explicit avowal of cohesion and a common goal. The civic ideal of unanimity (*homonoia*) among citizens is a central theme in political theory at least since Plato and Aristotle.[31] In his *Nichomachean ethics*, Aristotle described social concord (*homonoia*) as a form of "political friendship" or "friendship between the citizens", since it is concerned with things of "shared interests and concerns of life."[32] The opposite, factionalism and civil strife (*stasis*), was seen as a threat not only to social and political stability but against the very existence of the city.[33] The same ideas are found in Roman writers such as Cicero, Sallust, and Seneca.[34] In the political discourse of the thirteenth and fourteenth centuries, as in Brunetto Latini's *Li livres dou tresor* (c. 1260) and Dante Alighieri's *De monarchia* (1312–1313), one finds the same central importance given to civic unity and cohesion, which will remain doxologically true in Machiavelli's time.[35] In Lorenzetti's frescoes, the negative notion *divisiveness* is thematised in the allegorical representation of bad government, in the figure of *Divisio*. The twenty-four citizens on the Northern wall in the *Sala della pace* have a double function of representing a political ideal and representing the unanimous body politic, thereby constituting a *political* agency, a collective "we" defining the actual or real political power. However, in the painting they also connect the abstract allegorical representations above with concrete political reality in the city (represented on the Eastern wall). It should also be mentioned that on the right side of the North wall, on the same level as the citizens, these are balanced by armed soldiers guarding a group of prisoners.

The most immediate way in which the figures – allegorical, non-allegorical, or both – are organized on the North wall is in pairings and groupings. According to Rowley, the allegory of good government is also structured in three levels: sky, podium, and earth.
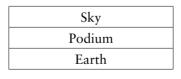
Sky
Podium
Earth

Figure 4.

The theological virtues hover in the sky above the two figures of Justice and *Commune*, which, due to their relative size, can be paired together and over the six civic virtues seated on the same bench. On the ground level the twenty-four citizens are united by the rope of concord, which vertically unites them with the figures of Justice and the *Commune*. In

these three levels we can perceive a traditional – cosmological – ordering of the world, familiar from both biblical texts and Classical Greek and Latin literature. Rowley thus distinguishes between the heavenly and spiritual realm above and the earthly level below, but in between he finds both civic virtues in human form and angelic messengers (such as *Securitas* on the Eastern wall). Nevertheless he places *Sapientia* in the spiritual realm together with the theological virtues, "for the origin of wisdom is not human reason but divine reason in which Justice and Concord have their source."[36]

Rowley began his discussion of Lorenzetti's allegory of good government by describing the *Commune* as a personification of the city-state, but when turning to the large figure of Justice to the left, he argues that "Justice naturally assumes the leading role in this allegory."[37] This interpretation is true to the Classical and Medieval conception of politics, in which justice not only is an integral part of political government, but together with reason (*Sapienta*) the most important part.[38] Hence, in Lorenzetti's allegorical representation of good government, Justice not only plays the leading role but also recurs in several places in the painting.

A striking aspect of the pictorial composition, not mentioned by Rowley, is that whereas the left-hand side of the fresco of the North wall exemplifies what Medieval historian Walter Ullmann has called the "descending" conception of law and government, in which power descends from one supreme source, and where law and authority are distributed downwards while the citizens below are represented as receiving power from a divine source, on the right hand side we find the opposite, "ascending" conception, in which law-creating power is ascribed to the community or the *populus*, where power is concentrated in the people itself and the *Commune* appears to receive its legitimacy through the citizen body.[39] However, contrary to what Ullmann maintains is typically found in the Middle Ages, we find these two opposite conceptions of the source of power here united in one single image.[40] This is therefore an excellent example of how Lorenzetti has managed to combine opposing and even contradictory conceptions of political government in his pictorial allegory.

In his reading of Lorenzetti's frescoes, Rowley argues that the "allegory depends for its meaning primarily on the juxtaposition of its personifications" and, although he takes into account the contemporary political situation in Northern Italy, only on two occasions in his exegesis does he refer to external sources. In contrast to Rowley, whose interpretation of Lorenzetti's frescoes largely stayed inside the painted walls of the *Sala della pace*, art historian Nicolai Rubinstein has made an ambitious effort to identify textual sources of the political ideas in the frescoes in an essay published the same year as Rowley's monograph.[41] In this endeavour Rubinstein also made extensive use of the many inscriptions – in Italian and Latin – on the frescoes.

Rubinstein begins by situating the frescoes – which he refers to as *Buon governo* and *Mal governo* – as part of a widespread tendency to decorate town halls and palaces in fourteenth-century Italy, which "were meant to serve political and didactic purposes."[42] Like Rowley he claims that an interpretation of the "allegory" should start with an attempt to "understand their arrangement."[43] Rubinstein argues that the "allegory of 'Buon Governo' occupies the central position among the frescoes of the Sala de' Nove" and on the right, "its effects".[44] On the opposite, left wall is found "the allegory of Bad Government and its effects on town and country-side."[45] Rubinstein then divides the "central" fresco in three sections, two upper sections separated – but also united – by the figure of *Pax*, and one lower section:
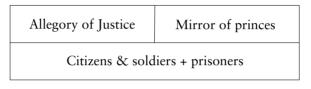
Allegory of Justice	Mirror of princes
Citizens & soldiers + prisoners	

Figure 5.

The upper sections consist, to the left, of the figure of Justice (in red) with *Sapientia* holding a pair of scales above her and the two angels administering "distributive" and "commutative" justice; and to the right, of the figure of a ruler together with figures representing virtues. Rubinstein writes that the section on the right "at first sight" appears to be a representation of a "conventional 'mirror of princes' motif" – the *specula principum* that taught princes the political virtues (*virtutes politicae*) considered essential for good rulership. However, Rubinstein argues that such an interpretation is "handicapped by the fact that Siena was a republic."[46] There was no monarchical ruler in Siena and the only magistrate that one might think of in this connection was the *podestà*. Rubinstein further argues that in the fourteenth century he "had lost practically all his former importance and had become a subordinate official."[47] Rubinstein suggests instead – just like Rowley – that it is meant to "personify the Commune of Siena" and concludes that Lorenzetti "evidently solved the dilemma of how to adapt a mirror of princes motif to a city-republic by substituting the personified Commune for the prince."[48]

The interpretation that Rubinstein offers of the "complex allegory" of good government is that its "principal theme" is the "Aristotelian theory of justice, in its contemporary scholastic and juristic interpretation" and he identifies "Augustinian overtones in the combination of Iustitia and Pax."[49] In his view, the most obvious representation of the Thomistic-Aristotelian theory of law in the fresco is found in "the distinction between distributive and commutative justice."[50] In short, *distributive justice* refers

to the distribution of honours and wealth (or other favours) to citizens in accordance with their individual merit. *Commutative justice* refers to the exchange of goods according to the principle of equality. Applied to the distribution of goods, commutative justice gives each citizen an equal share. The problem with this reading of the painting is that the figure of "distributive" justice appears to be executing punishment, and neither Aristotle nor Thomas Aquinas included punitive justice in distributive justice. Rubinstein notes, however, that the "Italian version of Giles of Rome's *De regimine principum* modifies the Aristotelian definition in this way; while the lawyer Lucas de Penna argues that punishable crimes are violations of either kinds of justice."[51] It is curious that the striking mismatch between textual inscription and image is handled in such an *ad hoc* manner, in particular since it is a key factor in connecting the allegory to the Thomistic-Aristotelian theory of justice, but Rubinstein finds further support for his thesis in that *Sapientia* is at the same level as the theological virtues and that she is holding the scales of Justice: "That Sapientia should inspire Iustitia corresponds to the relationship of divine and natural law with human law, which is the basic theme of St. Thomas' 'treatise on law' in the *Summa theologica* and plays an important rôle in juristic thought."[52] However, this conception is also found in other sources, both Roman and Medieval, and is not necessarily Aristotelian or Thomistic in origin.

Since Rubinstein believes he has established a firm connexion between Lorenzetti's political allegory and the Thomistic interpretation of Aristotelian legal theory, he now works in the opposite direction, starting from a citation from Aquinas in order to understand the connexion between Justice (in red) and the *Commune* in the frescoes in *Sala della pace*. According to Aquinas, "it belongs to law to direct the common good",[53] which for Rubinstein is symbolized by "the cord connecting Justice with the 'Ruler', i.e. with the personified common good, and by the citizens who, while holding the cord, face toward the latter."[54] The cord is thus understood as "a link between the allegory of Justice on the left and that of the Common Good on the right." Having established "this link and this direction towards the common good," Rubinstein returns to Aristotle and to the concept of the common good as found in his *Ethics* and *Politics* (translated in 1260) and its Thomistic renderings.[55] He argues that the Aristotelian notion of the common good could "serve as a republican alternative to the claims of despots and their followers that only an autocratic ruler could bring salvation to the towns torn by factions and social struggles" and could function as "the basis and criterion of good government."[56] This leads Rubinstein to conclude that the meaning of the allegory is that "the common good must be raised to the position of the ruler."[57] But if the central fresco constitutes an "allegory of Justice and the Common Good", Rubinstein goes on to argue that this should

be understood as "symbolizing the twofold rule of Justice and the Common Good."[58] The links connecting them – i.e. the twin cords – are intended to show the effects of their rule, as well as their connexion with the world. Similarly, Rubinstein argues that the figures *Pax* and *Concordia* "symbolize in a general fashion the effects of the rule of Justice and the Common Good."[59] Although Rubinstein never states this explicitly, it is easy to get the feeling that he is projecting the modern separation between judicial power and executive (political) power, and also that the allegory of justice (in the top left) is coloured by the modern notion of the rule of law.

Rubinstein is not the only scholar who has tried to find an external schema on which to peg an interpretation of Lorenzetti's frescoes. In 1980, art historian Chiara Frugoni suggested a reading based on the *Book of wisdom*, and in 1986, historian of political theory Quentin Skinner argued that the allegorical cycle "is best interpreted as an expression of the pre-humanist rhetorical culture that first began to flourish in the Italian city-republics in the early years of the thirteenth century."[60] I will discuss certain parts of Skinner's intertextual exegesis since it allows us to dwell on the importance of civic unity in Roman and Medieval political thinking. The textual sources that Skinner considers are rhetorical handbooks (*Dictamina*), city constitutions (in particular those of Siena), and specialized treatises on city-government.[61] According to Skinner, none of these early thirteenth century writers had any direct acquaintance with Aristotle. Instead, the authorities that these writers relied upon were Roman rather than Greek. The tracts that Skinner considers were dependent on a small selection of texts from the late Roman republic and early principate, works by Sallust, Seneca and especially Cicero – and "above all Cicero's youthful *De inventione* and his *De officiis*."[62] In short, Skinner argues that "the ideology of self-governing republicanism originally developed in the early decades of the thirteenth century, and largely predated the recovery of Aristotle's moral and political works."[63]

The first general theme that Skinner identifies in the treatises is that the goal of good government must be "the preservation of peace on earth; that everyone must above all seek to live in a state of concord and tranquillity with everyone else."[64] He also finds in the pre-humanist treatises "the essentially Roman belief – one that finds no place in Thomist thought – that peace should not be viewed as absence of discord, as Aquinas was to define it, but rather as a state of triumph, a victory over the forces of discord and war that constantly threaten to destroy our common life."[65] The most insidious threat is typically described as *Discordia* or civic disunity, which can take different forms: lawlessness or faction. According to the pre-humanist treatises that Skinner discusses, the only way to bring about "the triumph of peace" is by ensuring that no one is able "to pursue their own ambitions at the expense of the public good." Again Skinner

points out that this argument – which often has been claimed to re-enter Western political theory through the reworking of Aristotle's thought by Aquinas and his followers – is in fact taken not from Greek sources but from Cicero and Seneca, and "can be found in virtually all the pre-humanist tracts on city-government."[66]

According to Skinner, the most important source for how to prevent the undermining of the common good was again Cicero, who in *De officiis* had argued that the way to avoid such divisiveness lies in the necessity to uphold "the two *fundamenta* of public life, the first being *concordia*, the second *aequitas*."[67] Skinner notes that Cicero frequently talks about *concordia* in metaphorical terms, including that of *bond* and *rope*. The twenty-four citizens holding on to the rope of concord can thus be seen as a reference to Cicero. As for the concept *aequitas*, this has both a more strict legal meaning – the principle that law sometimes needs to be supplemented or corrected by recourse to natural law – and refers more widely to the idea of equality among citizens. According to Skinner, this broader understanding of *aequitas* was primarily due to Cicero, and especially to his discussion in the *De officiis*, where this notion is invoked at numerous places.[68] As with *concordia*, Skinner notes that the term *aequitas* in Cicero is used not as a technical term but metaphorically, and may be replaced by the synonym *planus* – and the instrument that *Concordia* is holding in her hands is indeed a plane (*planum*), a carpenter's tool with an adjustable blade for smoothing and levelling wood. Skinner finds again that the pre-humanists adopt exactly the same viewpoint as Cicero.

What will induce people to act together in a spirit of equity and concord? For Cicero and the pre-humanists there is according to Skinner only one answer: the necessity to submit to the dictates of justice.[69] In these writers he finds on one hand the idea that "justice represents the ultimate bond of human society", and on the other hand that, if the common good should be promoted, then it is indispensible that the "rulers should be lovers of justice" (Skinner here quotes the first verse from the *Book of wisdom*).

The question that imposes itself is what difference does it make for the interpretation of Lorenzetti's political allegory to situate it in a (re)constructed pre-humanist tradition rather than in a Thomistic-Aristotelian tradition? Skinner identifies in all eight points where the reframing of the frescoes changes the interpretation, but we will limit ourselves to those relevant to the present discussion. The first and perhaps the most significant difference in relation to Rubinstein – as well as to several other twentieth-century commentators – is that Skinner identifies the figure of *Pax* as the most important figure in the allegory. Its central position on the North wall ensures that this value is "cherished and enjoyed by all."[70] Skinner also stresses that, in contrast to the Thomistic understanding of *Pax* as "an absence of discord", in Lorenzetti's allegory "she is repre-

sented as a victorious force, her repose the outcome of a battle won against her darkest enemies."[71]

Another difference relates to the interpretation of the regal figure to the right of the centre. According to Rubinstein, he is a symbolic representation of the Thomistic doctrine of the common good.[72] Skinner argues that this is a misunderstanding of Thomistic doctrine, since Aquinas never argues that the common good should be raised to the position of the ruler, but that the rulers have a duty to uphold the laws in such a way that they attain "their ultimate goal, which consists in the realization of the common good."[73] His own suggestion is more literal and fits easier with republican forms of government. He suggests, in short, that the regal figure represents the "elected *signore* or *signoria*" that were given full control of the city and *contado*, full judicial authority, and full military and police backing. We may on one hand recall that Rubinstein had argued against the idea that the figure represented the elected *podestà* on the grounds that by the fourteenth century this function had lost most of its political power and that both he and Rowley argued that the regal figure represented the commune itself.[74] On the other, if the regal figure represents the *signoria* – which was the name given in Florence to the executive council during the republic, corresponding to the council of nine in Siena – then the twenty-four men in double rows would represent the unified citizen body rather than the magistrates.

A third difference is related to the last one, and relates to the historical fact that the elected official(s) – both the *podestà* and the council of nine – held office for a limited period and in order to procure the common good. One way to express this figuratively was to say that the *podestà* and the council were tied or bound to rule according to the dictates of justice. According to Skinner, this is expressed in Lorenzetti's fresco by the fact that the regal figure appears not so much to hold the rope of concord as being tied to it. Hence Skinner argues that the figure is "bound or constrained to wield" power "according to the dictates of justice and the will of the citizens as a whole."[75]

The final difference is the most significant for Skinner, and it follows from his (re)construction of a pre-humanist republican political ideology rather than his interpretation of Lorenzetti's frescoes. The question relates to the historical significance of this ideology of republican self-government. According to an earlier widely accepted view, represented by Hans Baron and others, such an ideal was fully articulated in Italy only around the year 1400. This view has been criticized for failing to take account of the recovery and dissemination of Aristotle's *Nicomachean ethics* and *Politics* among scholastic political philosophers and civil lawyers in the last decades of the thirteenth century. However, the pre-humanist political ideology that Skinner has attempted to (re)construct not only predates such a rebirth of republican thinking by at least a generation, but he also

argues that this tradition survived and was largely unaffected by the "so-called Aristotelian revolution." Skinner ends his essay by claiming that "the political theory of the Renaissance, at all phases of its history, owes a far deeper debt to Rome than to Greece."[76] The significance of Lorenzetti's political allegory for Skinner is that it shows no traces of the Aristotelian-Thomistic politico-juridical theory.

Although I am inclined to accept the close affinity between Lorenzzetti's political allegory and what Skinner calls a pre-humanist republican tradition, it is not necessary for us to take sides in this debate regarding possible intertextual sources of Lorenzetti's political allegory or the intellectual sources of the modern republican tradition.[77] What is significant is on one hand the scholarly agreement regarding the central importance of civic unity and "political friendship" in the interpretation of Lorenzetti's political allegory – an agreement also found among the possible intertextual sources to the allegory, Greek, Roman and Medieval – and on the other hand their convergence in giving justice – or at least the figure of justice – a central role in the conception of government in Classical and Medieval political theory. As Maurizio Viroli has shown, these political values – and this understanding of politics as the art of ruling in justice and according to reason – remain in force throughout the fourteenth and fifteenth centuries, and hence survived the demise of independent city-republics in Northern Italy.[78] As we will see in the next two sections, these cornerstones of Classical and Medieval political theory will be put in question by Machiavelli in his *Discorsi sopra la prima deca di Tito Livio*.

Before turning to this revolutionary moment in the history of political thought, it is worthwhile to return to the *Sala della pace* and to the panorama that Lorenzetti's frescoes present to us of fourteenth-century Siena, both imaginary and real. Indeed, what is missing in these various attempts – by Rowley, Rubinstein, Frugoni, Skinner and others – to interpret the political allegory is a discussion both of the pictorial space and of how spectators interact with the paintings in the room itself. A number of more recent studies have addressed these questions and have offered what one may term "situated readings" of the frescoes.[79] These interpretations attempt to account for the significance of the frescoes for fourteenth-century public officials and visitors – local and foreign alike – as well as for Sienese citizens who may never have seen them with their own eyes but instead heard vivid descriptions of their content.

Containing faction. Institutions of conflict and social struggle in Machiavelli's Discorsi

Machiavelli's commentaries of the first ten books of Livy's Roman history were completed in 1517 and published in 1531. In contrast to the better-known *Il Principe* (The Prince, from 1513, published in 1532),

which focused on how to maintain control over a city, the *Discorsi* is primarily concerned with the precariousness of republics and the preservation of civic liberty. Whereas *Il Principe* appears to set up a series of strict conceptual distinctions, in the *Discorsi*, Machiavelli instead thematises the relativity and impermanence of political forms.[80] In the former, Machiavelli used historical examples with little attention to context, in the latter time and historical change are at centre stage. In the *Discorsi*, history, in the form of historical examples, constitutes the means to connect Roman political reality as depicted by Livy with that of Sparta, Venice and – in particular – his own Florence. History functions here like a marshalling yard or a switchboard where Machiavelli enters political events and institutions from these four states in order to analyse and compare them with each other.

The economical and political situation in Northern Italy at the beginning of the sixteenth century had changed in several ways in relation to the fourteenth century, but the problematic was basically the same: absence of a strong central power, constant power struggles between independent city republics and the Vatican together with the recurring interventions of French and Spanish armies. In the *Discorsi*, Machiavelli blames the political situation on the Vatican not only because it prevents the establishment of a strong central power, but also for corrupting moral and religious sentiment.[81]

As can be seen from the title, the *Discorsi* has the form of a commentary on Livy's Roman history, but it is as much a running commentary of contemporary Italian and Florentine politics. However, the objective is much more radical and consists in destroying traditional conceptions of political theory and in establishing a new foundation for politics and political theory, in particular how to create stable political institutions and maintain liberty for its citizens. The theme that we will follow in this section is the idea that what made Rome into a strong and long-lasting republic was the conflict between the nobles and the people, i.e. the patricians and the plebs. Machiavelli first introduces this idea in Book 1, chapter 2, when discussing different constitutions and the emergence of the different or "mixed" political institutions in Rome. In the *Il Principe*, where Machiavelli primarily discusses one-person rule (principality), he does not privilege one form of government over another, but in the *Discorsi* he makes clear that he considers the "mixed" constitution the best – i.e. one in which principality, aristocracy and democracy are combined, because here the different estates or powers "would keep watch over each other."[82] In contrast to Sparta, which was blessed with a wise lawgiver (Lycurgus) who provided it with a perfect constitution from the beginning, in Rome, "owing to the friction between the plebs and the senate [*per la disunione che era intra la Plebe ed il Senato*], so many things happened that chance affected what had not been provided by the lawgiver."[83] Rome had first

been set up as a monarchy, but this was overturned by the patricians. However, "what they expelled was the title of king, not the royal power."[84] This power was maintained by the consuls, who shared their power with the senate. According to Machiavelli, it now "remained to find a place for Democracy." This came about when the Roman nobility became so over-bearing that the people rose against them, and due to the fear that they may lose all, the patricians granted the populace a share in the government, "the senate and consuls retaining [...] sufficient authority for them to be able to maintain their position in the republic."[85] Machiavelli goes on to write that it was "in this way that the tribunes of the plebs came to be appointed, and their appointment did much to stabilize the form of gov-ernment in this republic, for in its government all three estates now had a share."[86] The idea that a mixed constitution was the best form of govern-ment was of course not new – it is found both in Aristotle and Polybius[87] – but what is radically new is the idea, expressed in the last sentence of the chapter, that "it was the friction [*la disunione*] between the plebs and the senate that brought this perfection about."[88] This completely new and revolutionary political idea Machiavelli will develop in the two subsequent chapters.[89]

In the third chapter, Machiavelli writes that although it seemed for a time that the nobility and the plebs lived together in "utmost harmony" (*una unione grandissima*), this was only because the former were afraid that the remaining Tarquins (the former Royal family) might join forces with the plebs in order to regain power. When the last Tarquins were dead, the nobility were freed from their fear and "began to vomit forth against the plebs the poison that they hid in their hearts and to oppress them in every way they could."[90] After many "disturbances, rumours, and dangers of scandal had been occasioned by the squabbles between the plebs and the nobility," the tribunes were appointed for the security of the former and were "invested with such prerogatives and standing that henceforth they could always mediate between the plebs and the senate and curb the arrogance of the nobility."[91] As Claude Lefort has noted in a 1972 study of Machiavelli, although the tribunes are here described as being set up as intermediaries (*mezzi*) between the plebs and the patricians, this had an effect of opening up a public space within society– not that of public squares and arcades, but the "anonymous space of an institution."[92]

In the fourth chapter, Machiavelli defends this view against those who argue that the republic of Rome was "so tumultuous and so full of con-fusion that, had not good fortune and military virtue counterbalanced these defects, its condition would have been worse than that of any other republic."[93] Machiavelli agrees that fortune and good military order were important, but that good military organization is dependent on "good order" (*buono ordine*). But more importantly, Machiavelli argues that those who condemn the quarrels between nobles and the plebs "seem to

be cavilling at the very things that were the primary cause of Rome's retaining her freedom, and that they pay more attention to the noise and clamour resulting from them than to what resulted from them".[94] Furthermore, Machiavelli identifies in every republic two different "dispositions" – "that of the populace and that of the upper class" – and "that all legislation favourable to liberty is brought about by the clash between them."[95] Machiavelli then goes on to argue that since these "tumults in Rome seldom led to banishments, and very seldom to executions", "one cannot regard such tumults as harmful, nor such a republic as divided," but also that "those very tumults which so many inconsiderably condemn" led to "good laws" and "to laws and institutions whereby the liberties of the public benefited."[96] As Lefort has noted, Machiavelli no longer says only that conflict (*desunione*) has led Rome to its perfection, he places it at the very foundation of freedom: "Disunion, we understand, has not only preserved the independence of Rome, it has established freedom within it, by establishing a regime such that the power cannot be taken over either by a man or by a faction. The regime of freedom therefore appears as the regime of law itself [...]."[97] From this comment we understand that the tribunes, in Machiavelli's view, define an "institution", that is, a legal order in and through which power is separated from any individual person or a group.

Machiavelli then brings up the counter-argument that the "means used were extraordinary and almost barbaric." To this he answers that "every city should provide ways and means whereby the ambitions of the populace may find an outlet, especially a city which proposes to avail itself of the populace in important undertakings." He argues that the "demands of a free populace are very seldom harmful to liberty, for they are due either to the populace being oppressed or to the suspicion that it is going to be suppressed."[98] And that although "the populace may be ignorant, it is capable of grasping the truth." Machiavelli concludes the chapter in the following way:

> Critics, therefore, should be more sparing in finding fault with the government of Rome, and should reflect that the excellent results that this republic obtained could have been brought about only by excellent causes. Hence if tumults led to the creation of the tribunes, tumults deserve the highest praise [*somma laude*], since, besides giving the populace a share in the administration, they served as the guardian of Roman liberty, as we will show in the next chapter.[99]

We will however not follow Machiavelli in his discussion (in chapter 5) how to best preserve liberty; nor will we follow his discussion (in chapter 6) whether it had been possible to set up a government in Rome that had prevented such controversies (*controversie*), which he does by way of comparison with two other long lasting "mixed" republics, Sparta and

Venice. It is worth noting, however, that in a concluding remark he argues that "the Roman type of constitution should be adopted, not that of any other republic":

> Squabbles between the populace and the senate should, therefore, be looked upon as an inconvenience which it is necessary to put up with in order to arrive at the greatness of Rome. For, besides the reasons already adduced to show that the authority of the tribunes was essential to the preservation of liberty, it is easy to see what benefit a republic derives when there is an authority that can bring charges in court, which was among the powers vested in the tribunes, as we will show in the following chapter.[100]

We will now follow Machiavelli's discussion of the benefits of institutionalising a juridical counter-power to both the consuls and the senate.

Whereas Machiavelli in chapters 3 and 4 argued for the social and political benefits of conflicts between the nobles and the people, in chapter 7 he will argue for the importance of establishing institutions (*ordini*) that provide an "outlet […] for all that feeling which is apt to grow up in cities against some particular citizen",[101] and how the absence of such institutions can lead to the downfall of the republic. One can say that Machiavelli brings the idea of political benefits of social conflict to a second level, both in terms of form and significance. In fact, Machiavelli argues that "nothing does so much to stabilize and strengthen a republic as some institution whereby the changeful humours which agitate it are afforded a proper outlet by way of the laws."[102] As usual, Machiavelli proceeds by giving examples, first taken from Livy (Coriolanus) and then contemporary Florence (Francesco Valori, Piero Soderini). The first example illustrates "how useful and necessary it is for a republic to provide a legal outlet [*sfogarsi*] for the anger which the general public has conceived against a particular citizen"; the contemporary examples show that "when no such normal means [*modi ordinari*] are available, recourse is had to abnormal [*straordinari*] means, which unquestionably have a worse effect than does the normal method."[103] In the case of Soderini, the absence of proper means led to the intervention of foreign troops. In contrast, in "the great disputes which arose between the senate and the plebs" in Rome, "never did either the senate, the plebs, or any private citizen, contemplate the calling in of foreign forces", and this was because there was a "remedy at home", and hence "no need to seek one abroad."[104]

In the following chapter (1.8) Machiavelli further illustrates his thesis by contrasting calumnies that occur from the absence of ordinary means to make formal indictments or to defend yourself from accusations, and how formal (legal) indictments can prevent a calumny while still providing an outlet for malignant humours (*omori maligni*). It is clear that what Machiavelli has in mind is a public institution where accusations can be

made and also be confronted, where the accuser needs to present proofs and where the accused is allowed to defend himself: "Indictments are made before magistrates, before the people, and before courts. Calumnies are circulated in the squares and the arcades."[105] The judicial institutions thereby provide means to control malignant social humours and prevent them from affecting the entire social body. Although the function of the judicial institutions is to cure the inevitable ills that affect the social body, they also act as a counter-power to other political institutions, be those the consuls or the senate in Rome, or the nobles in Machiavelli's Florence.[106] If Machiavelli had used a different conceptual language, taken from geography or meteorology instead of medicine, he may have talked about the "separation" of powers (Montesquieu) or of "temperate" power (Rousseau).[107]

Before concluding the presentation of Machiavelli's revolutionary thesis of the necessity and positive effects of social conflicts and the importance of establishing proper institutional outlets for malignant humours, it should be mentioned that he was well aware that not all kinds of social conflicts are beneficial, and that it is not always possible to find a solution to conflicting social interests. Thus he repeatedly warns against factionalism, how small parties can develop into strong factions, which in turn will ruin the republic. When commenting on the end of the Roman republic, as a result of the social unrest caused by the revival of the agrarian laws, which may be seen to contradict his thesis, Machiavelli maintains that perhaps this outcome was inevitable, but that the institution of the tribunes had enabled the Roman republic to survive for 300 years.[108]

The contrasts between the conception and the representation of the social and political body in Lorenzetti's frescoes and in Machiavelli's *Discorsi* could not be more striking: in the former an adherence to the Classical and Medieval tradition emphasizing social cohesion and political unity (*homonoia*); in the latter a radical break with this tradition, putting forward the counter-intuitive idea that internal conflict – being an essential aspect of all human societies – not only makes political communities stronger, but is fundamental for creating institutions that function as bulwarks for civic liberty. We have seen how Machiavelli defends this idea against received opinion, but we have not mentioned the extent to which he passes over in silence the classical works in political theory, both Greek and Roman authors as well as Medieval and contemporary contributors. As Louis Althusser has noted, although Machiavelli in his works constantly evokes antiquity, it is not the "humanistic antiquity" (*antiquité des lettres*) – of philosophy and the arts, of medicine and law – that he invokes, but a completely different antiquity, of which no one else talks, the antiquity of practical politics.[109] Althusser asks if "we have sufficiently reflected on the fact that in this work that constantly talks of the politics of the ancients, it is *practically never a question of the great political theo-*

reticians of antiquity, never a question of Plato and Aristotle, never a question of Cicero and the stoics? Have we reflected on that in this work there are no traces of influences from the Christian political tradition and from the idealistic humanistic tradition?"[110] With these questions Althusser wants to emphasize the discreetness of Machiavelli's radical separation from the past, which takes place "without much fanfare" (*sans éclat*). Instead of attacking the tradition, Machiavelli only writes that he prefers to go to the effective reality "of things" (*della cosa*), passing over in silence the radical break with both the Classical and Christian traditions. According to Althusser, this silence on the part of Machiavelli is not only a rhetorical strategy, but in fact necessary in order to create a new foundation for political thinking: "It was absolutely necessary that he was alone, in order to hide how he makes his discovery, and not to mention the name of that which he attacked."[111]

In the next section I will discuss another element in the Classical and Christian traditions of political theory that Machiavelli disposes of without much noise, the role of justice. Before turning to this issue, it may be worth mentioning the extent to which Machiavelli's conception of the political as determined by struggle and conflict has become dominant in Western democracies. The notion of "class struggle" is central to classical Marxist and socialist analyses of the body politic, and modern political and economic theorists emphasize the importance of institutional and legal structures to protect the lower classes from exploitation and provide them access to judicial institutions. Among liberal political and economic theorists, who tend to downplay the social and collective dimensions of society, and the importance of social conflict, the role of institutions – and in particular judicial institutions – is central to protect the civil liberties of the individual and the citizen.

Although there are great differences in political rhetoric as well as in the design – and physical architecture – of political institutions in different countries, there is nevertheless an essential agreement that in modern democracy, in the well-known formulation of Lefort, political power constitutes an "empty place" (*lieu vide*), defined by a separation of the symbolic and the real (which in the royal figure was united).[112] It does this by virtue of a discourse which indicates that power belongs to no one; that those who execute power neither possess it nor incarnate it; that this execution requires a periodically renewed contest; and that the authority of those vested with power is created and re-created as a result of a manifestation of the will of the people.[113] In contrast to the North Italian city-states during the sixteenth century, modern democracies have an elaborate system of institutions that represent – or claim to represent – either particular interests or the people, such as (news) media, political parties, NGOs, as well as public institutions. The modern conception of political power does not include any determined plan or objective, such

as a political programme or ideology, it is only a collection of instruments, temporarily at the disposition of those who have won the majority. Furthermore, as in Machiavelli's image of the Roman republic, the modern democratic project is unfinished and still to be constructed, a democracy to come. Although social division may well be essential to human society, as Machiavelli argues, it is, according to Lefort, only democracy, "of all known political forms, […] that points to [*laisse entrevoir*] social division and allows it to exert its effects, and this despite the representations that tend to hide it."[114] What Lefort has in mind in this final remark on representations that "hide" (*dissumuler*) social division is perhaps less the corrupting teaching of religious institutions – which was an issue for Machiavelli – and more the distractions produced by the culture industry and the stupefying ideology of consumer culture.

Factoring out justice from the domain of politics

It may seem surprising and even odd to argue that Machiavelli disposes of the role of justice from political theory without much fuss, when he in *Il Principe* goes to great pains to distinguish the art of governing from Christian and moral virtues, suggesting repeatedly that a ruler may have to choose between one or the other. However, as has often been pointed out in the reception of his work, although it is clear what position Machiavelli is attacking, it is not always clear the position he wants to defend.[115] Although his distinctions initially may seem non-ambiguous, they have a tendency – if not to undo themselves, then at least – to become more complicated. The fact that a prince "who wants always to act honourably" soon will discover that if he is "surrounded by many unscrupulous men his downfall is inevitable"[116], this does not imply that a prince should not be virtuous or aspire to honour. Machiavelli's advice is instead that the prince should "not deviate from right conduct if possible, but be capable of entering upon the path of wrongdoing when this becomes necessary."[117]

However, in reading political treatises from this period we should, as Viroli emphasizes in his study of the emergence of the notion "reason of state", pay heed to the distinction between ruling over a dominion or an estate and governing a republic.[118] According to Viroli, in sixteenth-century Italy the term "state" (*stato*) does not refer to a state in the modern sense, but has the sense of a dominion, either owned by a city or a private person. A "state" constitutes the opposite of a republic or a principality, because it consists of a private domination over laws and public institutions, whereas a republic by definition requires the rule of law and the priority of public institutions over private ambitions and interests. Since Machiavelli in *Il Principe*, as Viroli notes, "never uses the word '*politico*' or its equivalents", we could infer that he discusses "states" rather than

republics.[119] Part of the difficulty in reading Machiavelli consists in attending to this difference, but also to be aware of possible superimpositions of the two registers. Although Viroli argues that it would be wrong to say that Machiavelli maintains that a city-republic should be run as if it were a "state" in this sense, he argues that we in *Il Principe* encounter an unofficial language of politics that previously only had been spoken in corridors and confidential letters.[120] For this reason Viroli suggests that we in this work find a "rehearsal" of the arguments for separating politics from justice and (good moral) reason, although it is his friend and compatriot Francesco Guicciardini – in his *Dialogo del reggimento di Firenze* (Dialogue on the government in Florence, written 1521–1526) – who first makes a clear distinction between *politics* as the art of ruling a republic or a kingdom according to justice and reason, and as the knowledge of the means of preserving and enlarging the "state" – what would come to be called "reason of state".[121]

But when we turn from *Il Principe* to the *Discorsi*, we find that Machiavelli indeed disposes of the role of justice – or of morality – without any fuss. As we have seen, the sole objectives that seem to concern him are political stability and civic freedom. And in his scheme for a "mixed" government, the role of justice – or rather the judicial institution – has been relegated or reduced to exercising a counter-power to executive and legislative power, and its function is to stabilize the city rather than to ensure political rule according to "reason and justice". It is true that Machiavelli discusses certain moral qualities that characterize different forms of government, both individual and in general, for instance that republics are more prone to keep promises and contracts and that they can be slow in making decisions (and therefore need some kind of dictatorial function that can take over in emergency situations).[122] He also discusses Romulus' murder of his brother, arguing that although it was morally wrong it was "done for the common good and not for personal ambition," and hence "he deserves to be excused."[123] Yet Machiavelli never suggests that one form of government inherently would be more "just" than another. In fact, in his analysis individual actors are always acting out of self-interest and "men never do good unless necessity drives them to it."[124] Although some would prefer to disagree, I would argue that Machiavelli's conception and analysis of political actors and institutions is very much valid today, that even if we (of course) demand of political leaders that they should have straight records and good moral standing, we do not demand of them to be "just" in any other way than to govern according to the laws of the country. Rather than personifying "reason and justice", they represent the interests of their supporters, expressed (or not) in the political programme of their party. Although the old conception of politics as government according "justice and reason" regularly resurfaces in political rhetoric, it typically does so in the name of (and advocated

by) a particular group or social class – and hence confirming Machiavelli's view of society as inherently divided.

If we return to Lorenzetti's political allegory on the Northern wall in the *Sala della pace* and allow ourselves to suggest some alterations in order to fit Machiavelli's – and our own – conception of the political domain, we would of course begin by removing the rope of concord and add representatives of the people, the multitude, what recently has been called "the 99%". The bottom part of the fresco would then represent the social division in society. We could then proceed by re-interpreting the allegorical figure of justice in the top left corner, not as a principle that informs good government, but rather as an institution that serves as a counter-power to executive power in the top right field. We would then get the following schema (with Roman institutions in parentheses):

Judiciary (Tribunes)		Executive power / Legislative power (Consuls / Senate)	
The powerful (Patricians)	&	The people (Plebs)	Soldiers + prisoners

Figure 6.

It goes without saying that this schema is extremely simplified, but it allows us to see how the role of justice has been factored out from the domain of the political (i.e. domain of executive power and legislative power), and that it has been replaced by – or reduced to – the principle of the rule of law, both as separate from and as a counter-power to executive power. However, it should also be noted that even if such an attempt to update Lorenzetti's political allegory may be correct in essence, any such pictorial or figural representation of political institutions would strike us as strange, since we tend to think of these institutions as anonymous – as empty boxes – rather than in the form of personifications, allegorical or not.

Inversely, it would be interesting to enquire whether the above schematic presentation of governmental functions and power relations would actually be a (more) true depiction of the reality of Lorenzetti's Siena. Although this is a difficult – perhaps impossible – question to answer, we may recall that the *podestà* in his day had lost most of its executive power and that his office had indeed become similar if not identical to a modern administrative and judicial function. Again we can point to differences, for instance that in most modern countries and jurisdictions judges are appointed for life whereas the *podestà* only sat for a year. But perhaps the largest obstacle is that social institutions to a large extent are imaginary, simultaneously fulfilling symbolical and real functions. That

is, if people in fourteenth-century Siena believed that politics – the political domain – was constituted as represented in Lorenzetti's frescoes in Palazzo pubblico, then this is indeed how political reality was constituted. This also means that if the "revolution of politics" introduced by Machiavelli implied a change from an idealistic to a realistic conception of politics, as suggested by Viroli, this linguistic turn also implied a real political revolution.[125]

Conclusion.
The imaginary and the real

In this essay I have explored crucial moments in the factoring out of justice from the domain of politics and political theory in the Western tradition and also how this development is connected to changing senses of community, from political community ideally conceived and perceived as unified and sharing common goals to a community defined – inherently and necessarily – by social division and political conflict. In focusing on two representations of political community and government – one pictorial, the other textual – the essay has engaged in a historical study not of empirical reality, but of representations of historical reality, both imaginary and real. It is now high time to try to describe more precisely what is meant by the imaginary and its relation to the real. This will help us better understand the historical significance of the two representations.

The philosopher Cornelius Castoriadis has coined the term "social imaginary" to describe the creative and symbolic dimension of the social world, the dimension through which human beings create their ways of living together and their ways of representing their collective life. In *L'Institution imaginaire de la société* (1975), Castoriadis writes that the social imaginary is "the creation of every historical period, the particular manner of living, of seeing, and of fashioning its own existence", it institutes "its world and its relation with this world" and also "gives the functionality of every institutional system its specific orientation" and "overdetermines the choice and the connections of the symbolic networks."[126] The social imaginary is furthermore described as an "originary structuring component", a "central signifying-signified, the source of that which presents itself in every instance as an indisputable and undisputed meaning, the basis for articulating what matters and what does not matter."[127] To a certain extent the notion "social imaginary" functions both as a synonym for and a modification of the notion of "ideology", but it differs in that an ideology typically expresses and defines a position in relation to other ideologies, and is normally also the articulation of the self-interest of a particular group in society. The social imaginary in Castoriadis's sense is more fundamental, creating and defining the terms and institutions with which ideologies are constructed.

Applying this notion to the reading of Lorenzetti's frescoes in *Sala della pace*, one could argue that the social imaginary consists of the underlying conceptions of good government which were universally held at the time (defined by rule according to "reason and justice"), the civic ideal of social cohesion and concord among citizens, together with the various political and theological virtues (and their corresponding vices). At the same time, the frescoes may be seen as expressing a republican ideology, and in particular the notion that the ruler is elected by *il popolo* and also bound by the constitution. In other words, in Lorenzetti's frescoes we simultaneously find a representation of the social imaginary and an expression of political (republican) ideology. But the painting is of course also an innovative representation of space and an outstanding artistic composition. In fact, this pictorial dimension is crucial for understanding the role of the "image" in the imaginary.

Castoriadis's conception of the imaginary is closely related to that of the French psychoanalyst Jacques Lacan.[128] In a well-known example, the latter analyses the young child's fascination with his/her own image in a mirror, in particular the appearance or illusion of the body as coherent unity, produced by the dual relationship between the self and the specular or mirror image.[129] The illusion of coherence, control and totality is central to Castoriadis's notion of the imaginary both in terms of an individual's and a society's desire and need for a self-image.[130] In the preface to *L'Institution imaginaire de la société*, Castoriadis emphasizes however that "the imaginary does not come from the image in the mirror or from the gaze of the other. Instead, the 'mirror' itself and its possibility, and the other as mirror, are the works of the imaginary, which is created *ex nihilo*."[131] This definition of the imaginary is very similar to Lacan's position in the 1960s, during which time Castoriadis attended his seminars in Paris. For Castoriadis, a crucial aspect of the imaginary is indeed the creative dimension, and he describes the imaginary as the "unceasing creation of figures/forms/images", which in turn are constitutive of our perception and understanding of the real.[132] Hence, in analysing the works of Lorenzetti and Machiavelli, one should pay heed to the creative dimension, which not only is a question of innovation and originality, but also of how pre-existing images are re-cycled, re-organized and – most importantly – re-evaluated. According to Castoriadis, the social imaginary furthermore creates "significations", but these imaginary significations "are not significations 'of' something".[133] Instead, they "constitute that which, for a given society, brings into being the co-belonging of objects, acts and individuals which, in appearance, are most heterogeneous."[134] On one hand, this accounts for the social production and evolution of concepts, on the other hand we are again in the vicinity of ideology, which typically serves to "cover over" (*überdecken*) or "explain away" inherent contradictions in society.

Another key element in the social imaginary is what Castoriadis calls

the "social-historical", which refers to "the anonymous collective whole, the impersonal-human element that fills every given social formation but which also engulfs it, setting each society in the midst of others, inscribing them all within a continuity in which those who are no longer, those who are elsewhere and even those yet to be born are in a certain sense present."[135] According to Castoriadis, the social-historical consists on one hand in "given structures, 'materialized' institutions and works, whether these be material or not", and on the other in "*that which* structures, institutes, materializes."[136] In short, the social-historical consists both in "the union and the tension of instituting society and instituted society."[137] Thus, the imaginary is at the same time instituted *and* instituting, a conceptual couple stemming from Maurice Merleau-Ponty's 1954–1955 lecture course on the institution.[138] This also means, as Castoriadis repeatedly underlines, that the social imaginary (and social-historical) is neither a substance nor a quality, neither an action nor a passion, it is "not representations, not figures or forms, not concepts."[139]

The pictorial representation of space in Lorenzetti's frescoes is an excellent example of the socio-historical, at the same instituted by earlier artistic representations of space and instituting radical alterations to this tradition. Yet the pictorial representation of space at work in the frescoes becomes visible for the viewer, in a sense, only when comparing them with both earlier and later paintings. This is to a certain extent also true regarding the representation of socio-political space, that it is only in comparing the frescoes with – for instance – Machiavelli's *Discorsi* that we become aware of certain social imaginary significations at work in Lorenzetti's painting. Likewise, the radical singularity of Machiavelli's thought becomes manifest when comparing the *Discorsi* to works such as the frescoes in *Sala della pace*. At the same time this distancing (*Verfremdung*) from the work and the comparison with other works implies a detachment from the social imaginary significations of which they are part, simultaneously signifying and signified, and also amounts to a deconstruction of its socio-historical *aura* (in Walter Benjamin's sense of the term).[140]

Part of the difficulty in reading Machiavelli's work consists in situating it both within and at a distance to the social imaginary significations of its time. This challenge is made even more difficult by his self-made "solitude" – i.e. non-engagement with the Classical political theory in vogue during the Renaissance. It is not surprising, then, that his work has proved difficult to read and is open to radically different interpretations. To put it differently, from a Classical and Medieval perspective, the political theory in Machiavelli does not make sense, it does not fit the social imaginary significations at work in Lorenzetti's frescoes. Between the two there is a radical break. On one hand social division is revaluated from negative to positive, on the other the role of justice in good government is factored out and reduced to the rule of law and an independent judicial system.

For this reason it is not altogether clear exactly what the modern republican tradition owes to Machiavelli, and if he should be considered a precursor without proper issue. But this would of course be both an overstatement and counterfactual. Although Machiavelli's work appears to have resisted interpretation, successive generations of political thinkers have read him each in their own way, either to find inspiration or a personification of evil, as represented on the Western wall in the *Sala della pace*.

To conclude, it could be maintained that the excision of justice from the socio-political imaginary is not necessarily such a neat surgical operation as suggested by Machiavelli. It could in fact be argued that the retracing and redrawing of the body politic has not completely removed the figure of justice from the social imaginary, and that perhaps the removal of justice has left behind a phantom limb – or even a ghost in the machine. Although we cannot see it, and although we know it is no longer there, we may nevertheless have sensations of "justice" as an amputated social imaginary member.

Summary

Factoring out justice. Imaginaries of community, law, and the political in Ambrogio Lorenzetti and Niccolò Machiavelli. By Leif Dahlberg. The essay explores crucial moments in the genealogy of the diminishing role of justice in politics and political theory and how this is connected to changing conceptions of society. Whereas in classical and medieval political thought the principal virtue of good government was to rule according to "reason and justice", in the modern period justice has largely been excluded – factored out – from the domain of politics and has become the almost exclusive domain of judicial institutions. Although this is an extended process, the critical moment occurs during the sixteenth century, at least conceptually. Parallel to and intimately connected with the factoring out of justice from political theory there is a transformation in the perception of political community. Whereas earlier – from Plato and Aristotle to Bodin and Hobbes – social conflict tended to be seen as a threat to the cohesion of the social and political body, in the modern republican tradition – probably first formulated by Machiavelli – social conflict is instead perceived not only as an essential aspect of any political community, but also as contributing to the development and internal strength of society, at least to the extent that struggles and conflicts are channelled into – or lead to the establishment of – institutions that handle conflicts and protect civil liberties. The approach used in order to explore these changing historical conceptions of the role of justice in political theory and of society is by discussing two exemplary representations of political community and government. First an allegorical painting depicting

the classical and medieval conception of the political, Ambrogio Lorenzetti's frescoes in the Palazzo Pubblico in Siena, completed around 1340. The second representation of political community comes from the first book of Niccolò Machiavelli's *Discorsi sopra la prima deca di Tito Livio* (Discourses on the First Ten Books of Titus Livy) from 1517, in which the author discusses the conflicts and struggles between the patrician and plebeian classes in Republican Rome.

Acknowledgments

Notes

1. Immanuel Kant: *Kritik der reinen Vernunft* (1781), B 75.

2. Maurizio Viroli: "The revolution in the concept of politics", *Political theory*, Vol. 20, No. 3 (1992), 473–495; see also his monograph study *From politics to reason of state. The acquisition and transformation of the language of politics 1250–1600* (Cambridge, 1992), 1.

3. Cf. John Rawls: "Justice as fairness", *The philosophical review*, Vol. 67, No. 2 (1958), 164–194. The (so-called) "Occupy movement" 2011–2012 could be seen as another example. See e.g. W. J. T. Mitchell: "Preface to 'Occupy'", *Critical inquiry*, Vol. 39, No. 1 (2012), 1–7.

4. In the definition of Justinian's *Institutes*, "Justitia est constans et perpetua voluntas jus suum cuique tribuens." (Justice is the constant and perpetual wish to render every one his due.) For the notion "rule of law", see e.g. Aristotle: *Politics*, Book 3, chap. 16.

5. This conception of political community has more recently been discussed by (among others) Claude Lefort, John Greville Agard Pocock, Michel Foucault & Roberto Esposito. See Claude Lefort: *Le travail de l'œuvre Machiavel* (Paris, 2008 [1972]); J. G. A. Pocock: *The Machiavellian moment* (Princeton, 2003 [1975]); Michel Foucault: *"Il faut défendre la société". Cours au collège de France 1976* (Paris, 1997); and Roberto Esposito: "I Discorsi di Machiavelli e la genesi della forma moderna della politica", in his *La politica e la storia. Machiavelli e Vico* (Liguori, 1983); Roberto Esposito: *Ordine e conflitto. Machiavelli e la letteratura politica del Rinascimento italiano* (Liguori, 1984); Roberto Esposito: *Immunitas. Protezione e negazione della vita* (Turin, 2002); Roberto Esposito: *Termini della politica. Comunità, immunità, biopolitica* (Turin, 2008).

6. Cf. e.g. Jean-Luc Nancy: "La communauté désœuvrée" (1983), in his *La communauté désœuvrée* (Paris, 1986), 28–35.

7. Cf. Cornelius Castoriadis: "L'imaginaire comme tel" (1968), in *L'imaginaire comme tel*, ed. A. Tomès (Paris, 2007), 146.

8. For documents and dating of the frescoes, see George Rowley: *Ambrogio Lorenzetti, Vol. 1* (Princeton, 1958), 140–142; and

Edna Carter Southard: *The frescoes in Siena's Palazzo Pubblico, 1289–1539. Studies in imagery and relations to other communal palaces in Tuscany* (New York, 1979), 271–277.

9. See William M. Bowsky: "The Buon Governo of Siena (1287–1355). A Medieval Italian oligarchy", *Speculum*, XXXVII (1962), 368–381; William M. Bowsky: *A medieval italian commune. Siena under the nine, 1287–1355* (Berkeley, 1981).

10. Edna Carter Southard: "Ambrogio Lorenzetti's frescoes in the Sala della Pace. A change of names", *Mitteilungen des Kunsthistorischen Institutes in Florenz* 24 (1980), 361–365.

11. Southard: "Ambrogio Lorenzetti's frescoes in the Sala della Pace", 361; with reference to: Luigi Lantzi: *La storia pittorica della Italia inferiore* (Florence, 1792), 159: "Una grande opera di questo ove si soscrive Ambrosius Laurentii, si vede in Palazzo pubblico; e si può dire anche un poema d'insegnamenti morali. I Vizi di un mal Governo sotto aspetti diversi, e con simbol i conveni enti vi sono rappresentati; aggiuntovi anche de' versi che ne spiegano le qualità e gli effetti. Vi si veggono anche le Virtù personificate, come oggi dicesi, pur con simboli adatti; a tutto il dipinto tende a formare alla Repubblica de' governanti e de' politici non animati d'altro spirito, che di virtù vera." It is remarkable that nobody seems to have paid heed to the circumstance that the re-interpretation of the frescoes – implied in the re-naming – coincided with the French revolution. In fact, the significance of this renaming of the frescoes for the political imagination cannot be underestimated, in particular the relation between war and politics in the nineteenth century.

12. Paul Schubring: "Das gute Regiment", *Zeitschrift für bildende Kunst*, N.F., XIII (1902), 138–145.

13. Randolph Starn: "The republican regime of the 'room of peace' in Siena, 1338–40", *Representations* 18 (1987), 2; and Quentin Skinner: "Ambrogio Lorenzetti. The artist as political philosopher", *Proceedings of the British academy*, 72 (1986), 1. For a detailed discussion of the modern reception history of Lorenzetti's frescoes, see my paper "Ambrogio Lorenzetti's frescoes in the Palazzo Pubblico in Siena and the juridical revolution in Early Modern and Modern Europe", presented at the confer-

ence "Revolution and phenomenology" (ISP 2012), Perugia, 9–13 July 2012.

14. Lauro Martines: *Power and imagination. City-states in Renaissance Italy* (Baltimore, 1988 [1979]), 7–61.

15. Martines: *Power and imagination*, 41–44. See also Christoph Ludwig: *Untersuchungen über die frühesten "Podestaten" italienischer Städte* (Wien, 1973); Kenneth Pennington: *The prince and the law, 1200–1600. Sovereignty and rights in the Western legal tradition* (Berkeley, 1993), 38–44 *et passim*. For historical sources, see Brunetto Latini: *Li livres duo tresor*, ed. F. J. Charmody (Berkeley, 1948), book III; *Oculus pastoralis* (c. 1222) in L. Muratori (ed.): *Antiquitates Italicae medii aevii sive Dissertationes*, IV (Milano, 1741), 95–128; Johannis Viterbiensis: *Liber de regimine civitatum*, ed. G. Salvemini (Bolonga, 1901 [c. 1260]).

16. Colin Cunningham: "For the honour and beauty of the city: the design of town halls", in Diana Norman (ed.): *Siena, Florence and Padua. Art, society and religion 1280–1400, Vol. 2, Case studies* (New Haven, 1995), 29–53.

17. John White: *The birth and rebirth of pictorial space*, 3rd ed. (Cambridge, 1987 [1957]), 94.

18. However, recently it has been argued that the nine dancers are in fact young men. See Diana Norman: "Love justice, you who judge the earth", in Norman (ed.): *Siena, Florence and Padua*, 161; and Quentin Skinner: "Ambrogio Lorenzetti's Buon Governo frescoes. Two old questions, two new answers", *Journal of the Warburg and Courtauld institutes*, LXII (1999), 1–28. But see also Jean Campbell: "Ambrogio Lorenzetti and the poetry of peace", in her *The commonwealth of nature. Art and poetic community in the age of Dante* (University Park, 2008), 97–120.

19. White: *The birth and rebirth of pictorial space*, 93.

20. Ibid., 95–96.

21. Ibid., 94. But according to both Erwin Panofsky and Hubert Damisch, it is indeed Ambrogio Lorenzetti who discovers the technique of the vanishing point. See Hubert Damisch: *L'invention de la perspective* (Paris, 1993), 104.

22. Berthold Hub: "'Vedete come è bella la cittade quando è ordinata'. Politics and

the art of city planning in republican Siena", in *Art as politics in Late Medieval and Renaissance Siena*, ed. T. B. Smith & J. B. Steinhoff (Farnham, 2012), 61–82.

23. Rowley: *Ambrogio Lorenzetti,* 100.

24. Ibid., 99.

25. An additional "C" is found in the painting (CSCCV), but commentators generally believe that this is a later addition. See Rowley: *Ambrogio Lorenzetti,* 99, note 2; Nicolai Rubinstein: "Political ideas in Sienese art. The frescoes by Ambrigio Lorenzetti and Taddeo de Bartolo in the Palazzo Pubblico", *Journal of the Warburg and Courtauld institutes*, XXI (1958), 181.

26. Rowley: *Ambrogio Lorenzetti,* 99.

27. Ibid., 99.

28. *The book of wisdom*, 1.1. English translation by Douay-Rheims.

29. Rowley: *Ambrogio Lorenzetti,* 102. Rowley comments in a footnote: "In 1240 Siena was Ghibelline under the rule of the Twenty-Four, who included nobles. Forty years later, nobles were forever barred and the magistrates were restricted to merchants of the Guelf party. One would have expected a portrait group of the Nine who ruled Siena at the time and for whom the council chamber was painted, but Ambrogio is thinking in larger terms than party politics. Under the Twenty-Four the *people* for the first time participated in government and even in Ambrogio's day a permanent council of Twenty-Four continued to sit, whereas the Nine ruled only for two months at a time." (Ibid.)

30. Skinner consistently refers to them as "citizens". (Skinner: "Ambrogio Lorenzetti. The artist as political philosopher", 34, 40, 42, 43.)

31. Plato: *Republic* and *Laws*; Aristotle: *Politics* and *Nicomachean ethics*, Book IX, chap. 6. For critical discussion, see e.g. Richard Klonoski: "Homonoia in Aristotle's *Ethics* and *Politics*", *History of political thought*, Vol. 17, No. 3 (1996), 313–325; Paul Cartledge: "Greek political thought. The historical context", in *The Cambridge history of Greek and Roman political thought*, ed. C. Rowe & M. Schofield (Cambridge, 2000), 11–22; Ann Ward: "Friendship and politics in Aristotle's *Nicomachean ethics*", *European journal of political theory*, Vol. 10, No. 4 (2011), 443–462.

32. Aristotle: *Nichomachean ethics*, Book IX, chap. 6, in particular 1167b2–3: "πολιτικὴ δη φιλία φαίνεται ἡ ὁμόνοια, καθάπερ καὶ λέγεται: περὶ τὰ συμφέροντα γάρ ἐστι καὶ τὰ εἰς τὸν βίον ἥκοντα.". See also 1155a22–26.

33. Aristotle: *Politics,* Book V; Clifford Orwin: "Stasis and plague. Thucydides on the dissolution of Society", *The journal of politics*, Vol. 50, No. 4 (1988), 831–847; Patrick Coby: "Aristotle's three cities and the problem of faction", *The journal of politics*, Vol. 50, No. 4 (1988), 896–919; Eugene Garver: "Faction and the paradox of Aristotelian practical science", in his *Aristotelian politics* (Chicago, 2011), 132–171. For a different and dissenting perspective, see Nicole Loraux: *La tragédie d'Athènes* (Paris, 2005).

34. See e.g. Cicero: *De officiis,* 1.7.22; 1.25.85; Sallust: *Bellum Iugurthinum,* 10.6 ("Nam concordia paruae res crescunt, discordia maximae dilabuntur."), 41.5 ("Ita omnia in duas partis abstracta sunt, res publica, quae media fuerat, dilacerata."); and Thomas Wiedemann: "Sallust's *Jugurtha*. Concord, discord, and the digressions", *Greece & Rome*, Vol. 40, No. 1 (1993), 48–57.

35. See e.g. Viroli: *From politics to reason of state*, 11–70 *et passim*. For the early sixteenth century, see Francesco Guicciardini: *Dialogo del reggimento di Firenze* (1521–1526), *Opere VII*, red. Roberto Palmarocchi (Bari, 1932), 68, 87, 92, 148–149, 153, 155; and also his *Considerazioni intorno ai Discorsi del Machiavelli sopra la Prima deca di Tito Livio*, in *Opere VIII* (Bari, 1933), 1–65. For critical commentary on Guicciardini, see Viroli: *From politics to reason of state*, 178–200.

36. Rowley: *Ambrogio Lorenzetti,* 100.

37. Ibid., 101.

38. Latini: *Li livres duo tresor*, book I, chap. 4: "La tierce est politique; et sans faille c'est la plus haute science et dou plus noble mestier ki soit entre les home, car ele nos ensegne governer les estranges gens d'un regne et d'une vile, un peuple et une commune en tens de pes et de guerre, selonc raison et selonc justice."

39. Walter Ullmann: *Principles of government and politics in the Middle Ages* (London, 1974 [1961]), 20–21.

40. Ibid., 20.

41. Rubinstein: "Political ideas in Sienese art".

42. Ibid., 179. Rubinstein here refers to Hélène Wieruszowski: "Art and the commune in the time of Dante", *Speculum* 19 (1944), 14–33.

43. Rubinstein: "Political ideas in Sienese art", 180.

44. Ibid., 180.

45. Ibid., 180.

46. Ibid., 180.

47. Ibid., 181. In a footnote Rubinstein adds that the dress of the "ruler" does not correspond to that of a Fourteenth century *podestà*.

48. Ibid., 181.

49. Ibid., 182.

50. Ibid., 182. In a footnote Rubinstein refers to Aristotle's *Nicomachean ethics*, V, ii, 12–13; and to Thomas Aquinas: *Summa theologica*, IIa IIae, qu. 61, art. 1; and his *Commentary on the Ethics*, nos. 927–931.

51. Rubinstein: "Political ideas in Sienese art", 183.

52. Ibid., 183. Quoting Aquinas: *Summa theologica*, Ia IIae, qu. 93, art. 1, conclusion; qu. 95, art. 2 conclusion.

53. Aquinas: *Summa theologica*, IIa IIae, qu. 58, art. 5 conclusion, quoted in Rubinstein: "Political ideas in Sienese art", 183.

54. Rubinstein: "Political ideas in Sienese art", 184.

55. Ibid., 184. Rubinstein also refers to Remigio de' Girolami: *De bono communi* (c. 1300).

56. Rubinstein: "Political ideas in Sienese art", 184.

57. Ibid., 185. Rubinstein goes on to note connotations of the Fourteenth century term *bonum commune* as "the good of the Commune", and that such "terminological ambivalence may help to explain how it was possible to represent in one and the same figure the *persona publica* of the Sienese city-state and the concept of the common good." (Ibid.)

58. Ibid., 186.

59. Ibid., 186.

60. Chiara Frugoni: "The Book of Wisdom and Lorenzetti's fresco in the Palazzo Pubblico at Siena", *Journal of the Warburg and Courtauld institutes* XLIII (1980), 239–241. The interpretation was further developed in her *Una lontana città* (Turin, 1983), translated into English as *A distant city. Images of urban experience in the Medieval world*, trans. W. McCuaig (Princeton, 1991). Skinner: "Ambrogio Lorenzetti. The artist as political philosopher".

61. Skinner mentions the anonymous *Oculus pastoralis* (c 1220), Orfino de Lodi's *De sapientia potestatis* (c. 1240), Giovanni da Viterbo's *Liber de regimine civitatum* (1253), and (in particular) Latini's *Li livres dou tresor*. Skinner: "Ambrogio Lorenzetti. The artist as political philosopher", 3–4.

62. Ibid., 5.

63. Ibid., 6.

64. Ibid., 6.

65. Ibid., 7. Skinner here refers to Aquinas, *Summa theologicae*, II.ii.29.1.

66. Skinner: "Ambrogio Lorenzetti. The artist as political philosopher", 10.

67. Cicero: *De officiis*, 2.33.78 (quoted by Skinner: "Ambrogio Lorenzetti. The artist as political philosopher", 11) ["fundamenta rei publicae, concordiam primum, […] deinde aequitatem."]

68. Skinner: "Ambrogio Lorenzetti. The artist as political philosopher", 12. Skinner refers to Cicero: *De officiis*, 3.10.43; 1.19.62; 1.9.30; and 3.18.74.

69. Skinner: "Ambrogio Lorenzetti. The artist as political philosopher", 14.

70. Ibid., 32.

71. Ibid., 33.

72. Rubinstein: "Political ideas in Sienese art", 185.

73. Aquinas: *Summa*, I.ii.90.2 (quoted by Skinner: "Ambrogio Lorenzetti. The artist as political philosopher", 41).

74. Skinner will return to this question in the essay "Ambrogio Lorenzetti's Buon Governo frescoes". It may be noted that the term *signori* also refers to non-elected rulers, who have taken power by other (and typically more violent) means. See Martines: *Power and imagination*, 63, 70–71.

75. Skinner: "Ambrogio Lorenzetti. The artist as political philosopher", 43.

76. Ibid., 56.

77. It should be mentioned however that this scholarly debate is situated squarely within an ideological debate on republicanism in the second half of the Twentieth century. For a critical discussion of this second debate, see Serge Audier: *Les théories de la republique* (Paris, 2004) and the introduction to his *Machiavel, conflit et liberté* (Paris, 2005), 7–34.

78. Virolo: *From politics to reason of state*, 71–125.

79. Starn: "The republican regime of the 'room of peace' in Siena, 1338–40"; Jack M. Greenstein: "The vision of peace. Meaning and representation in Ambrogio Lorenzetti's *Sala della Pace* cityscapes", *Art history*, Vol. 11, No. 4 (1988), 492–510; Randolph Starn and Loren Partridge: *Arts of power. Three halls of state in Italy, 1300–1600* (Berkeley, 1992); Randolph Starn: *Ambrogio Lorenzetti. The Palazzo Pubblico, Siena* (New York, 1994); Nirit Ben-Aryeh Debby: "War and peace. The description of Ambrogio Lorenzetti's frescoes in Saint Bernardino's 1424 Siena sermons", *Renaissance studies*, Vol. 15, No. 3 (2001), 272–286; Joseph Polzer: "Ambrogio Lorenzetti's War and Peace murals revisited. Contributions to the meaning of the Good Governement allegory", *Artibus et Historiae* 45 (XXIII) (2002), 63–105.

80. John M. Najemy: "Society, class, and state in Machiavelli's *Discourses on Livy*", in *The Cambridge companion to Machiavelli*, ed. J. M. Najemy (Cambridge, 2010), 96–111. However, as Claude Lefort shows, the solidity of the distinctions turns into quicksand and the reader needs to work her/his way through a meandering approach. See *Le travail de l'œuvre Machiavel*, 338–445.

81. Niccolò Machiavelli: *Discorsi sopra la prima deca di Tito Livio*, Book 1, chap. 12. All English quotations from the *Discorsi* are from the translation of Leslie Walker, revised by Brian Richardson and edited by Bernard Crick, published by Penguin Books as *The Discourses* (London, 2003). The Italian text (edited by Mario Martelli) is available at http://www.classicitaliani.it/index054.htm.

82. Ibid., 1.2. The idea that the different estates or powers should keep each other in check – later popularized by Montesquieu – is contradicted in a later chapter when Machiavelli writes that "[…] sono migliori governi quegli de' popoli che quegli de' principi. Né voglio che si opponga a questa mia opinione tutto quello che lo istorico nostro ne dice nel preallegato testo, ed in qualunque altro; perché, se si discorreranno tutti i disordini de' popoli, tutti i disordini de' principi, tutte le glorie de' popoli e tutte quelle de' principi, si vedrà il popolo di bontà e di gloria essere, di lunga, superiore. E se i principi sono superiori a' popoli nello ordinare leggi, formare vite civili, ordinare statuti ed ordini nuovi; i popoli sono tanto superiori nel mantenere le cose ordinate, ch'egli aggiungono sanza dubbio alla gloria di coloro che l'ordinano." (*Discorsi* 1.58) Machiavelli's *Il Principe* has been read both as a eulogy of monarchy/tyranny and as an attack on sovereign one-person rule. Jean-Jacques Rousseau famously wrote that "en feignant de donner des leçons aux Roi, il en a donné de grandes aux peuples. Le Prince de Machiavel est le livre des républicains." (*Du contrat social* (1762), Book 2, chap. 6.) Perhaps the most sage comment comes from Louis Althusser, who claims that *Il Principe* invites both readings, and that "ces effets alternés ne sont pas le pur produit d'interprétations élaborées d'un point de vue extérieur au texte, mais la réflexion, dans des interprétations extérieurs, du *double point de vue* intérieur au texte, qui fonctionne, non comme une suite d'énoncés théoriques, non comme l'exposé d'une solution, mais comme la position d'un problème politique, comme une *mise en question*, comme la matrice d'un problème politique qui divise les protagonistes sur la conception des conditions de la *pratique politique*." (Louis Althusser: *Machiavel et nous* (Paris, 2009), 74)

83. Machiavelli: *Discorsi*, 1.2.

84. Ibid., 1.2.

85. Ibid., 1.2.

86. Ibid., 1.2.

87. Aristotle: *Politics*, Book IV.11; Polybius: *The histories*, Book VI. See also Scott Gordon: *Controlling the state. Constitutionalism from ancient Athens to today* (Cambridge, 1999), 60–115. The close parallels to Polybius (who is never mentioned by Machiavelli) in the *Discorsi* 1.2 are explored by Harvey Mansfield in his *Machiavelli's new modes and new orders. A study of the* Discourses on Livy (Chicago, 1979), 35–40. See also Lefort: *Le travail de l'œuvre Machiavel*, 470–473.

88. Machiavelli: *Discorsi* 1.2.

89. Lefort: *Le travail de l'œuvre Machiavel*, 470.

90. Machiavelli: *Discorsi* 1.3.

91. Ibid., 1.3.

92. Lefort: *Le travail de l'œuvre Machiavel*, 476 and, in particular, 485: "Seul ce désir […] est en effet de nature à ouvrir dans la société un espace public – non pas celui des places et de portiques, simples lieux de

rencontre des personnes, où la parole circule toujours entre quelqu'*un* et quelque *autre* –, mais l'espace anonyme de l'institution." It may also be noted, as commented by Harvey Mansfield, that the importance given to the tribunes has no equivalence in Polybius, Livy or any other Classical account. See his *Machiavelli's new modes and new orders,* 53.

93. Machiavelli: *Discorsi* 1.4.

94. Ibid., 1.4.

95. Ibid., 1.4. Machiavelli returns to these two conflicting dispositions in the subsequent chapter (1.5), where he writes: "E sanza dubbio, se si considerrà il fine de' nobili e degli ignobili, si vedrà in quelli desiderio grande di dominare, ed in questi solo desiderio di non essere dominati; e, per conseguente, maggiore volontà di vivere liberi, potendo meno sperare di usurparla che non possono i grandi: talché essendo i popolari preposti a guardia d'una libertà, è ragionevole ne abbiano più cura; e non la potendo occupare loro, non permettino che altri la occupi." Cf. also *Il Principe*, chap. 9.

96. Ibid., 1.4.

97. Lefort: *Le travail de l'œuvre Machiavel*, 475.

98. Machiavelli: *Discorsi* 1.4.

99. Ibid., 1.4.

100. Ibid., 1.6.

101. Ibid., 1.7.

102. Ibid., 1.7. It is worth noting that Machiavelli uses notions taken from medicine – humours that need an outlet –, making of the figure of the body politic a concrete metaphor. On the use of medical metaphors in Machiavelli, see Marie Gaille-Nikodimov: *Conflit civil et liberté. La politique machiavélienne entre histoire et médecine* (Paris, 2004).

103. Ibid., 1.7.

104. Ibid., 1.7.

105. Ibid., 1.8.

106. This theme has recently been developed by Roberto Esposito in *Immunitas*, 25–61.

107. Rousseau, in what is very close to a paraphrase of Machiavelli, writes: "On prévient encore le même inconvénient en établissant des magistrats intermédiaires, qui, laissant le Gouvernement en son entier, servent seulement à balancer les deux Puissances et à maintenir leurs droits respectifs. Alors le Gouvernement n'est pas mixte, il est tempéré." (*Du contrat social*, Book 3, chap. 7)

108. Machiavelli: *Discorsi* 1.37.

109. Louis Althusser: "Solitude de Machiavel" (1977), in his *Solitude de Machiavel et autres essais*, ed. Y. Sintomer (Paris, 1998), 318.

110. Ibid., italics in original. See also Isaiah Berlin: "The originality of Machiavelli", in *Studies on Machiavelli*, ed. M. P. Gilmore (Florence, 1972), 160.

111. Althusser: "Solitude de Machiavel", 318.

112. Lefort: "Permanence du théologico-politique?", *Essai sur le politique. XIX–XXe siècles* (Paris, 1986), 290–300. Lefort refers of course to Ernst Kantorowicz's classical study *The King's Two Bodies* (1957).

113. Lefort, "Permanence du théologico-politique?", 291: "Cela, par la vertu d'un discours d'où resort qu'il n'appartient à personne; que ceux qui l'exercent ne le detiennent pas, mieux, ne l'incarnent pas; que cet exercise requiert une competition périodiqement renouvelée, que l'autorité qui en a la charge se fait et se refait en consequence de la manifestation de la volonté populaire."

114. Claude Lefort: *L'invention démocratique. Les limites de la domination totalitaire* (Paris, 1981), 148.

115. Quentin Skinner: *The foundation of modern political thought*, Vol. 1 (Cambridge, 1979), 131.

116. Machiavelli: *Il Principe*, chap. 15. English quotations from the *Il Principe* are from the translation by Russell Price, published by Cambridge University Press as *The Prince* (Cambridge, 2005 [1988]). The Italian text (edited by Luigi Russo) is available at http://www.classicitaliani.it/index007.htm.

117. Machiavelli: *Il Principe*, chap. 18. Cf. also Skinner: *The foundation of modern political thought*, Vol. 1, 131–136.

118. Viroli: *From politics to reason of state*, 128–132 *et passim*; Viroli: "The revolution in the concept of politics", 477–478 *et passim*. However, see also Corrado Vivanti: "Notes on the use of the word 'stato' in Machiavelli", in his *Niccolò Machiavelli* (Princeton, 2013), 193–218.

119. Viroli: *From politics to reason of state*, 128. See also John H. Whitfield: *Discourses on Machiavelli* (Cambridge, 1969), 163–179; Dolf Sternberger: *Machiavellis 'Principe' und der Begriff des politischen, Sitzungsberichte der wissenschaftliches Ge-*

sellschaft an der Johann Wolfgang Goethe-Universität Frankfurt am Main, Bd. XII, Nr. 2 (Wiesbaden, 1974).

120. Viroli: *From politics to reason of state*, 132, 147.

121. See Guicciardini: *Dialogo del reggimento di Firenze*, 161–163; and Viroli: *From politics to reason of state*, et passim.

122. Machiavelli: *Discorsi* 1.33–36.

123. Ibid., 1.9, 1.18.

124. Ibid., 1.3. Which is not to say – as does Carl Schmitt with reference to Machiavelli – that man has a natural inclination towards "evil". (*Der Begriff des politischen* (Berlin, 1963 [1932]), 59 & 61) What Machiavelli *does* say in the same chapter is that in constituting and legislating for a republic one should "presuppose that all men are wicked and that they will always give vent to the malignity that is in their minds when opportunity offers." (translation amended)

125. Viroli: *From politics to reason of state*, 4–5.

126. Cornelius Castoriadis: *L'institution imaginaire de la société* (Paris, 1999 [1975]), 219. English translation by Kathleen Blamey, published as *The imaginary institution of society* (Cambridge, 1987).

127. Castoriadis: *L'institution imaginaire de la société*, 219.

128. Ibid., 151–156 *et passim*. It should be noted that Castoriadis does not explicitly or literally take the term "imaginary" from Lacan. However, it is clear that the main influence is from Lacan rather than, for instance, Jean-Paul Sartre, who had published his study *L'imagination* in 1936. For Castoriadis, as for Lacan, the notion of the "imaginary" is situated on the divide/interface between the unconscious and the conscious. See further Nicolas Poirier: *L'ontologie politique de Castoriadis. Création et institution* (Paris, 2011), 252–268.

129. Jacques Lacan: "Le stade du miroir. Théorie d'un moment structurant et génétique de la constitution de la réalité, conçu en relation avec l'expérience et la doctrine psychanalytique" (1949), reprinted in *Écrits* (Paris, 1966).

130. Castoriadis: *L'Institution imaginaire de la société*, 519, *et passim*.

131. Ibid., 7–8.

132. Ibid., 8.

133. Ibid., 526.

134. Ibid., 526.

135. Ibid., 161.

136. Ibid., 161.

137. Ibid., 161.

138. Maurice Merleau-Ponty: *L'institution dans l'histoire personelle et publique. Le problem de la passivité: le sommeil, l'inconscient, la mémoire. Notes de cours au Collège de France (1954–1955)* (Paris, 2003).

139. Castoriadis: *L'institution imaginaire de la société*, 532.

140. Walter Benjamin: "Das Kunstwerk im Zeitalter seiner technischen Reproduzierbarkeit" (Zweite Fassung) (1936), *Gesammelte Schriften I:2*, hrsg. R. Tiedemann et al. (Frankfurt, 1974), 471–508.