

## A Glimpse of Free Government?

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**How should one interpret the “Allegory of Good Government”, a fresco painted by Lorenzetti in the Palazzo Pubblico of Siena in 1338? Is it praising the law that preserves the peace within the city and protects individuals, or the wisdom that naturally guides men towards the common good?**

Reviewed: Patrick Boucheron, *Conjurer la peur. Sienne 1338. Essai sur la force politique des images*, Seuil, 2013, 288 pp, 33 €.

Patrick Boucheron’s book on the famous fresco known as “Allegory of Good Government”, painted by Ambrogio Lorenzetti in the Palazzo Pubblico of Siena between 1338 and 1339, is based on a very simple intuition: when we look at images of this kind, we should not get carried away by our desire to see them as a transcription of theoretical texts of which they are mere illustrations, or by a temptation to see them as a window opening onto the contemporary reality in which the artist lived. In order not to make these two mistakes, we should take these images precisely for what they are: images, visible things which have a strength of their own, not just by virtue of their ability to illustrate a discourse or imitate a reality. Lorenzetti’s fresco – which, on the one hand, portrays the effects of peace and harmony that result from a government based on justice and virtue and, on the other hand, the ravages and disasters resulting from tyranny (bad government) and a disregard for justice – therefore seeks to show the reality of both styles of government. In this sense it is a political work of art: it informs the viewer, in a “visible, tangible and effective” way, of the principles of the governments and the effects they produce. There is thus a major gap between this political performativity of the visible and the straightforward representation of an abstraction or simple tracing of an exterior reality. Lorenzetti’s work is a “political image”, an image that is intended to have a persuasive effect by itself; it is neither the illustration of a philosophical discourse nor a “view” of Siena in 1338<sup>1</sup>.

### What the fresco reveals

What does this visible language tell us? What is the “political” power of these images? What is the fear that they conspire to invoke? The fresco, which nobody questions because the inscriptions positioned within and along the edges of the work clearly state it, lays down a civic injunction to rulers and city magistrates: it “alerts those in power to the love they should show for justice” (p. 109) and to the effects that are likely to be produced as a result. Conversely, it shows the devastating effects that would result if the Council of Nine – the

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<sup>1</sup> The book takes up and expands on the conclusions of a previous article: P. Boucheron, “Tournez les yeux pour admirer, vous qui exercez le pouvoir, celle qui est peinte ici. La fresque du bon gouvernement d’Ambrogio Lorenzetti”, *Annales, Histoire, Sciences Sociales*, 2005-2007, pp. 1137-1199.

elected government that was founded on respect for laws, attention to virtues and the fostering of harmony – were abandoned in favour of a single ruler. For Patrick Boucheron, the council regime in place during the period in which Lorenzetti painted his work had shown itself to be weak in recent times, and the citizens might have been tempted by a “seigneurialisation” promising them peace: the movement was manifest in Italian cities during the first third of the 14<sup>th</sup> century, and there was a gradual, ubiquitous penetration of single rulers within institutions that were in theory intended to uphold respect for the common good through the collective and renewable nature of the holders of authority. The fresco, therefore, opposes any form of open or rampant seigneurialisation of that kind: *signoria* represented the empire, the empire represented tyranny, and tyranny meant war and the devastation that went with it. Going against the growing effectiveness of seigniorial propaganda that consisted in stating that the rule of an individual could bring peace, that the common good was liable to be pursued and brought about by political regimes that were institutionally different or even opposed, Lorenzetti does all he can to demonstrate the inevitable outcome of *signoria* – conflict, discord – and warns people against being tempted to believe that it can bring peace and harmony.

According to Boucheron, the image created by Lorenzetti thus shows that *signoria* is not “the alternative to the town” but rather “one of its possible futures, the pursuit of its history by other means”. Lorenzetti painted the fresco on good and bad government in order to forewarn people and prevent that possible future, so as to “visibly” avoid the disasters that would inevitably come about: discord, the unbridled pursuit of personal interest, simmering hatred, rivalries and, in the end, desolation, murder and the loss of any trade or prosperity. The fresco therefore tries to “create a sharper bipartitioning of categories when everything, in the history of the Trecento regimes, on the contrary helped to blunt their edges” (p 156), by suggesting that it is also possible to live in peace under the reign of an individual. The arbitrary government of the tyrant or master who refuses to let his will be restrained by laws or forced into practising virtue is essentially different, and produces effects that fundamentally go against those of the common government which, while not free from changes, and while discord is only ever weakly contained and always vulnerable to crises and accidents, nonetheless produces the most beneficial effects. By showing that opposition, Lorenzetti expresses a shared political culture produced not by scholarly references, his knowledge of which cannot be proven, but by a set of words, values and practices: peace versus war, prosperity versus desolation, enlightenment versus destruction, harmony versus discord, institutions specially designed to deliver justice to all versus the power of an individual.

### **Why does a common government lead to harmony?**

Patrick Boucheron tries nonetheless to delve deeper into the question that inevitably dominates any reflection on the respective effects of common government and tyranny. What, specifically, is the basis for the capacity of the common government to establish harmony among its citizens? On this point, Boucheron’s book is strangely inconsistent, for after repeatedly highlighting the fact that the fresco shows the opposition between two *forms of government*, he then insists on the fact that it is not an illustration of a specific political theory and that we are permitted to see it as the combined reflection of two theoretical approaches, one of which – Thomism – highlights the idea that good government is defined less by a

certain kind of institution than by the direction taken by those institutions, no matter what form they take, in pursuit of the common good.

So there are two possible options for tackling the question of good government in the politico-philosophical reflection inherited from classical antiquity. Roughly speaking, one is Greek and the other Roman.

The Greek approach, which began with Aristotle and continued with the ideas of Saint Thomas Aquinas and his followers, is based on the idea that individuals form a natural community that is immediately placed under a moral law of nature. Far from self-centred atoms acting only out of self-interest, individuals are naturally social and political beings and are naturally guided in their actions out of a regard for the common good, the need for good moral health in the community, and thus the establishing of community relations that are made moral by virtue. If they are in need of a government, it is primarily to teach them how to establish order in accordance with the requirements of virtue and, in that respect, the specific or institutional form of government is immaterial because the three forms we know (the government of an individual, that of a few, or that of all) are liable to fulfil that educational function and to support the citizens according to the requirements of the common good. In any form of government, but no doubt more “surely” in a mixed government that combines all three, it is therefore possible to have laws whose substance is conceived in such a way as to order citizens in relation to one another according to what nature intends, and therefore in accordance with the common good. The Aristotelian-Thomist conception thus focuses on the fact that men do not need very strong external motives in order to establish an order according to justice and virtue. They are capable of intuitively recognising the principles of justice and of knowing that these will ultimately serve their own interests by establishing an organised form of social life based on the imposing of these principles as positive laws. As long as they follow their nature as rational beings, they are inclined to consent to the instituting of a form of magistracy that will lead to the foundation of the rule of law, in such a way that is equal for all. According to Quentin Skinner, a historian of ideas at the University of Cambridge, this is the doctrine that Thomas Aquinas and his followers drew from the Aristotelian theory of natural sociability, a theory they supplemented by stating that people intuitively understand the rules of justice because they are also the laws of God<sup>2</sup>.

The consequences of this political conception should be briefly analysed. It implies that the function of government is not essentially one of constraint but rather of indication, that there is no need to take on a specific institutionally “embodied” form in order to exercise that function, and that it makes sense to say that men are guided towards the common good by the wisdom that is within them, which the government endeavours to bring out. If this is true, it means that the government of a free city is based primarily on reason, not on institutions or specific modes of legitimate constraint.

The Roman or neo-Roman approach is different altogether, because it postulates that the forces of discord are natural and ever-present, that there is no spontaneous moral community under the law of nature, and that peace, if it comes about, can only constitute a

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<sup>2</sup> Cf. Q. Skinner, *L'artiste en philosophe politique*, Raisons d'agir Éditions, 2003, p. 34 (Originally published in English as *Ambrogio Lorenzetti: The Artist as Political Philosopher*, 1986).

kind of artificial triumph, through the institutions, over these forces of disassociation. In other words, peace is not merely the absence of discord but, rather, a victory over a discord that lies in wait inside a city, continually threatening to re-emerge. Thus, there is no harmony without power, discipline or the repression and constriction of the forces that threaten it: the major figures who do not wish to comply with the law, the factious, the jealous, the thieving and the pernicious. Nor can there be harmony without institutions that are capable of limiting the different parties of the city, in particular those that tend to bring dissension by protesting against privileges, to respect common laws and to surrender their own interest to the pursuit of the common good, that is, peace. This submission by all to the common interest is just another way of saying that all citizens should be subject to the laws and that the magistrates, those who govern, should focus their attention on justice when making and applying those laws: *diligete iustitiam qui iudicatis terram* (love justice, you who are judged on earth). This motto, which enjoined the Nine to show respect for justice when exercising their power, clearly features on the *Maestà*, painted by Simon Martini and located in the room next to that of Lorenzetti's work. Of what does this justice consist? Delivering to each person what is due to him, certainly, but also, more specifically, showing severity towards the factious and, on the contrary, showing liberality and generosity to those who behave properly and who deserve honour and reward. This Roman tradition thus focused on the idea that there is no natural sociability, no tendency to live in a state of order but, on the contrary, a natural tendency to live in a state of disorder. As Quentin Skinner shows, this theory comes from Cicero's *De Inventione*: "There was a time when men roamed at large in the fields like wild animals [...]; they did nothing by the guidance of reason, [...] nor had they learned the advantages of an equitable code of law". According to Cicero, men did not give up this way of life voluntarily, and it took all the skill of a legislator, a superior and wise man, to persuade them to give up their natural, brutal ways. The transition to political life was not, therefore, the result of a natural aspiration but the contrived work of a legislator who, through a combination of eloquence and prudence, has succeeded in persuading men to submit to the decisions of justice without violence<sup>3</sup>.

### **The question of the institutional form of the best government**

Inevitably, the Roman approach leads to the question of knowing which is the best form of government and the most capable of establishing justice. And the answer is clear: it is the government in which the magistrates are elected for short periods and placed within institutions and control systems that require them to act in such a way that is most in keeping with the city's interest, and therefore to subject their own interest to the general interest and to be inspired by virtues – theological and cardinal – when exercising their power. These magistrates are simply delegates of the people, not masters; they are subject to the law and are merely its instruments and not its authors. It is therefore the laws themselves that govern, in accordance with the precept stating that those who preside over the affairs of republics must resemble the laws. In that sense, magistrates "carry the person" of the city and personify it; they represent it, together with the laws that unite its members. It is in this capacity that they have the right to be obeyed. As a result, the essential function of the government is neither teaching nor instruction on virtue but a function of power and authority: punish the enemies of harmony, reward and honour those who show respect for it, enforce the law that protects

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<sup>3</sup> Skinner, *L'artiste en philosophie politique*, *op. cit.*, p. 34-35. Translator's own English translation from the French version.

against injustice, banish corruption and unjustified privileges, hold back force and private oppression.

### **Two traditions, what is the issue?**

There are texts that mark or illustrate each of these two approaches to the question of good government: Hans Baron, an renowned expert on the Italian Renaissance, has clearly highlighted the elements of the Aristotelian-Thomist tradition and shown that it became receptive “around 1400”, which is therefore when the emergence of a clearly expressed theory of free government would also have to be situated<sup>4</sup>. Before that time, there were elements of political Aristotelianism but these were never fixed in a unified theory. Nevertheless, the interpretative tradition of Lorenzetti’s fresco has long been based on the idea that this work was a record of the Aristotelian and Thomist ideas mentioned earlier<sup>5</sup>.

There are also texts in which the transmission of the Roman tradition can be identified. Quentin Skinner patiently uncovered the different elements that he believed constituted a political theory given expression in around 1260, thus well before what was suggested in the work of Hans Baron and his students<sup>6</sup>. He also highlights, in reference to Lorenzetti’s fresco, that it was painted before a complete translation of Aristotle’s *Politics* was available in Italy and that, what is more, different elements of the fresco (of its iconography) contradicted the ideas of Aristotle and are far better explained if interpreted as an illustration of the original Ciceronian and Roman theories that Skinner includes within the term pre-humanist or *ars dictaminis*. The fresco therefore illustrated a neo-Roman theory and not an Aristotelian-Thomist conception of free government.

What is at issue in this scholarly debate? It is not merely a question of dates (1400 or 1260) but of the genealogy of modern freedom, a question on the intellectual origins of the regimes of individual freedom and of the supremacy of the law whose principle was developed at the end of the 18<sup>th</sup> century.

Was there a gradual mutation of the idea of moral law, which underwent a transformation, an order of objective duties that turned into a defence of the subjective laws of individuals, as maintained by a number of theoreticians of the origins of modern freedom? In this genealogy, should we focus on the secularisation of the theological concepts of natural law and moral order and on the emergence of the idea that individuals hold rights that must never be interfered with unduly? Such is the account of those who believe that modern freedom is a liberal freedom, the result of a long and difficult creation, like the secularisation of the concepts of which it is the fruit, established on the conceptual basis that states that there is a natural moral order whose maintenance through political means is the condition of freedom.

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<sup>4</sup> Hans Baron, *The Crisis of the Early Italian Renaissance: Civic Humanism and Republican Liberty in an Age of Classicism and Tyranny* (Princeton, 1955); id. *Humanistic and Political Literature in Florence and Venice at the Beginning of the Quattrocento: Studies in Criticism and Chronology* (Cambridge, Harvard UP, 1955; 1968).

<sup>5</sup> Cf. N. Rubinstein, “Political Ideas in Sieneese Art: The Frescoes by Ambrogio Lorenzetti and Taddeo di Bartolo in the Palazzo Pubblico”, *Journal of the Warburg and Courtauld Institutes*, Vol. 21, No. 3/4 (Jul-Dec, 1958), p. 179-207.

<sup>6</sup> Q. Skinner, *L’artiste, op. cit.*, chapters 1 and 2.

Skinner, meanwhile, is convinced that this account is a self-serving myth that has the effect of concealing the existence of an alternative tradition within which modern freedom could be revived if it were not kept so carefully hidden<sup>7</sup>. Indeed, he thinks that, strictly speaking, there is a *liberty before liberalism*, a liberty that owes nothing to the secularisation of the concept of natural law, or to the idea of individuals holding rights, or to the idea of an objective moral order gradually subjectivised under the impact of nominalist metaphysics or any other intellectual factor one might choose to cite. This freedom, of Roman origin, is structured around the idea that the juridical order is an artificial construction – and not the reflection of a natural order – and a work of legislation intended to protect individuals against the violence and injustice they might inflict on one another and to remove them from any situation in which they are vulnerable to the arbitrary power of others. The voluntary and deliberate institution of a law confers rights on individuals – rights that therefore derive from the law – and grants them a protective status that safeguards them against any domination. However, in this alternative account, there is a character who plays a very positive, different role from that played in the liberal account: the legislator, the public authority, the State, the community represented in a personalised authority whose actions and forms of constraint should be controlled in such a way that protects the citizens against abuses by their fellow kind without exposing them to the potentially more serious abuses of the political instrument: the State itself. What can bring about this miracle? What can guarantee that the authority that protects against private domination will not, in turn, become an arbitrary instrument of public domination or in an instrument of power in the hands of a minority? The answer: communal institutions, “democratic” institutions, elected magistrates who are subject to laws and controlled (by legal mechanisms, by public opinion), processes of debate and protest, remedies. The question of the form of government becomes vital in the institution and protection of the freedom of individuals, because the task of free government is not to protect natural rights it has not produced but, rather, to produce equal rights and personal statutes safeguarded against any vulnerability or domination. In order to bring about this function, “democracy” is not a luxury but a necessity.

### Two interpretations of the same text

According to Skinner, this is what Lorenzetti’s fresco is telling us, and he tries to prove it by putting forward an interpretation of one of the texts inscribed in the painting, an interpretation that Patrick Boucheron says “did not convince the experts”. This is the sentence that can be read on the fresco: *questa santa virtu (justice), la dove regge, induce ad unita li animi molti e questi, a ccio ricolti, un ben commun per lor signor si fanno, lo qual, per governar suo stato, elegge di non tener giamma gli ochi rivolti’i da lo splendor de volti de le virtu che ‘ntorno a lui si stanno*. Quentin Skinner suggests that this sentence should be translated as follows, focusing on the fact that the common good (respect for the protected status of each citizen, controlling pernicious individuals) is only ever achieved through a personified government, a personalised *signoria* that is nonetheless held strictly subject to the law by moral and institutional mechanisms: *This holy virtue, wherever it prevails, leads the multitude of souls towards unity and these, gathered together for this purpose, bring about their common good through their signor, who, to govern his state, chooses to never look away from the splendour of the faces of the virtues that stand around him*. If we follow this interpretation, the royal figure – who, in the fresco of good government, dominates all the

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<sup>7</sup> Q. Skinner, *Liberty before Liberalism* (Cambridge UP, 1997, French translation Seuil, 2000).

others and clearly embodies the city of Siena – is indeed an incarnate power, a *signoria*, albeit collective. This is not an abstraction, nor an idea of the common good, nor wisdom, but an authority in action.

We shall now return to Patrick Boucheron's work. Given that he claims to be convinced that the fresco is not the translation of a theoretical text, he believes that there is no reason to choose one of the interpretations over the other, and that it is perfectly possible for an artist who, it must be remembered, is more concerned with revealing than theorising, to have freely borrowed from both the Aristotelian-Thomist tradition and from the pre-humanist authors whom Skinner presents as being the most important key to interpreting the work. Indeed, choosing between these two options would mean depriving these images of the strength they gain from the fact that they are not a speech but, rather, visible things that make people feel, not think. This does not, however, prevent him from suggesting an interpretation of the aforementioned sentence that omits Skinner's theory and all of its consequences. He translates the middle part of the sentence as follows: *and these, gathered together for this purpose, make the common good their signor, who, to govern his state, chooses...*, etc. If we follow this interpretation, which is not new since it had the unanimous support of experts before Skinner's work, the royal figure that dominates the fresco is now an abstraction: the common good, not the authority of the city embodied in order to repress evil-doers and safeguard equality, but the idea that must (by what means?) govern any city no matter what the form taken by its institutions.

Is the form of institutions essential to citizens' liberty? As Quentin Skinner said, the West opted for the idea that this is not really the case and that what matters is that the political authority interferes as little as possible in the lives of citizens, who naturally hold rights. He thus dismissed, at least intellectually, the option that consisted in seeing the public authority as a democratic instrument for controlling private dependencies. Above and beyond the learned debates concerning the interpretation of texts, the reader can be left to decide which of these two approaches is the more fruitful or, as Skinner calls for on the last page of *Liberty Before Liberalism*, to wonder, much like Nietzsche, whether that choice was the right one.

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