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# Messianic and Legal Time in Dante's Political Epistles

**Abstracts:** Questo saggio propone una nuova lettura di un passo dell'epistola di Dante ai Fiorentini che, a causa del suo tema giuridico, è stato finora scarsamente considerato dalla critica. In *Ep. VI, 2* Dante attacca i Fiorentini per la loro pretesa di aver raggiunto l'indipendenza dalle leggi imperiali tramite diritti di prescrizione. Nel diritto romano la prescrizione era un istituto per cui un soggetto poteva intitolarsi formalmente una proprietà che era stata a lungo trascurata dal suo proprietario. A giustificare l'usurpazione della giurisdizione imperiale invocando diritti prescrittivi furono prima le monarchie francese e spagnola, e in seguito le città italiane settentrionali e centrali. La tesi di Dante sull'impossibilità di prescrivere le leggi pubbliche deve essere contestualizzata sullo sfondo di questo confronto epocale tra la giurisdizione universale dell'impero e un nuovo concetto di sovranità territoriale di monarchie e comuni. Esaminare le lettere sullo sfondo di questo più vasto contesto ideologico permette di concepire il messianismo delle lettere secondo una prospettiva inedita, ossia come una risposta strategica all'emergenza di una nuova forma di realismo politico.

This essay will offer a new reading of a passage in Dante's letter to the Florentines, which, because of its legal subject matter, has received little notice from literary critics. In *Ep. VI, 2*, Dante attacks the Florentines for claiming they have achieved independence from the laws of empire through prescriptive rights. Prescription was a convention in Roman law by which a possessor acquires formal title to a property neglected for an extended amount of time by its owner. First the French and Spanish monarchies, and then the northern and central Italian cities justified their appropriation of imperial rights of jurisdiction by invoking prescriptive rights. Dante's argument that public laws cannot be prescribed needs to be understood against the background of this epochal struggle between the universal jurisdiction of empire and the territorial sovereignty of the emergent nation-states and city-states. This wider ideological framework paves the way to a new understanding of the messianism of Dante's epistles as a strategic response to the emergence of a new form of political realism.

**Parole chiave:** prescrizione, sovranità, messianismo, impero, diritto.

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This essay will offer a new reading of a passage in Dante's letter to the Florentines, which, because of its legal subject matter, has received little notice from literary critics.<sup>1</sup> In *Ep.* VI, 2, Dante attacks the Florentines for claiming they have achieved independence from the laws of empire through prescriptive rights. Prescription was a convention in Roman law by which a possessor acquires formal title to a property neglected for an extended amount of time by its owner. Medieval jurists drew on the principle of prescription to establish the sovereignty of political authorities who had been ruling over their territories for most of recent memory. I will argue that Dante saw prescription as a vital threat to the commonness of *ius commune* law – a commonness he relied on as an exile who had lost the protections of the Florentine statutes. In the epistles, Dante counters the relativizing, linear time of prescription by celebrating the absolute, ever-present messianic time that Emperor Henry VII's imminent arrival has re-awakened.

Although prescription threatened the sanctity of *dominium* in Roman law, it was tolerated by medieval jurists because it served the common good.<sup>2</sup> Prescription prevented real property from being abandoned while curbing eventual disputes. In natural law terms, this was its "reasonable cause". The prescriber nonetheless had to be in continuous possession of the property by legal means and to have acquired it in good faith.<sup>3</sup>

Jurists were much less certain about whether the emperor could alienate his rights over those goods which belonged to him, not as private individual but as public office holder. The discussion of how long one had to wait to prescribe property belonging to the *fiscus* (whether it was 20, 40, or 100 years) had clear political implications since it appeared to both place a time limit on the emperor's transcendent authority and to introduce the possibility of imperial negligence. When publicists sought to legitimize the *de facto* independence of political entities from the emperor, they were drawn to the institution of prescription because it provided a model for how fact could be transformed into *ius* through time. First the Church, then the French and Spanish monarchies, and finally the northern and central Italian cities justified their appropriation of public rights of jurisdiction by invoking prescriptive rights. The imperial

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1 See the gloss on the passage in *Ep.* (Hones), p. 61 and the short discussion in Quagliioni, *La "Monarchia"*, p. 326.

2 For the legal background of prescription, see Armstrong, *The Idea*, pp. 20–25; Buckland, McNair, *Roman Law*, pp. 117–122; Conte, "*Vetustas*"; Cortese, *Scritti*, vol. II, pp. 143–158; *Limitation and Prescription*; Kuehn, *Conflicting Conceptions of Property*, pp. 108–111; Madero, *Penser la physique*; Meijers, *Usucapione e prescrizione*; and Riesenbergh, *Inalienability of Sovereignty*.

3 Scavo Lombardo, *Buona fede*.

prerogatives to legislate, tax, and judge definitive appeals had transferred into their hands almost as if they were real properties.

Dante's argument that public laws cannot be prescribed needs to be understood against the background of this epochal struggle between the universal jurisdiction of empire and the territorial sovereignty of the emergent nation-states and city-states. Although he draws on the commentaries of illustrious imperialist jurists (including his friend and fellow poet Cino da Pistoia), Dante's rejection of the public uses of prescription is not just an instance of pro-Ghibelline propaganda. For Dante, this debate ultimately concerns the nature of political legitimacy, and whether it derives from *de facto* or *de jure* rule.

These divergent accounts of the sources of authority play out in the epistles as contrasting temporalities. Prescription relies on a homogenous and quantifiable conception of time: a successive, linear time that gradually converts power into legitimacy. By contrast, messianic time folds past precedent and future possibility into a less predictable, less stable present. Its simultaneity, in which the empire's former glory and imminent triumphal return infiltrate the present moment, creates the possibility that the emperor might once again be able to directly enforce universal Roman law, his current lack of *de facto* power notwithstanding. Even if this possibility exists primarily in the collective imagination, the continued validity and survival of the Roman laws depend on it.

This essay is divided into three sections. In the first section, I argue that when Dante depicts the German Emperor as a new messiah, he is less concerned with who Henry is as an individual than with the messianic era he inaugurates. The very prospect of Henry's descent into Italy transforms the experience of time of his subjects, jolting them out of their complacent acceptance of current political reality. Regardless of the eventual outcome of Henry's military incursion, his campaign promises to renew the dream of universal imperial jurisdiction, and Dante entreats readers to grapple with that promise.

In the second section, I contextualize Dante's attack on the Florentine claims of prescriptive rights within the legal debates of his time. I show that Dante's argument about the inalienability of imperial jurisdiction echoes closely what the jurists from the school of Orléans wrote about the inalienability of regalian rights. While propagandists for the French monarchy argued that their kings had acquired through prescription the right to rule exclusively over their kingdom as mini-emperors, the lawyers from the Orléans school countered that jurisdictional sovereignty, as a public good, could never be prescribed. Dante expands this claim about the inalienability of public rights by questioning the temporal foundation of prescription and its reliance on a predictable linear time that holds the potentialities of past and future at a safe distance.

The essay ends with a coda re-reading of Dante's clash with the devils at the gates of Dis in *Inf.* VIII–IX as a jurisdictional conflict between the messianic

«messo» and the “intrinsic” demonic citizens who falsely claim prescriptive rights. Taken together, these sections show how Dante forcefully rejects prescription because it fossilizes actual power relations, draining the present of any possibility for radical change.

## 1 The time of messianism

On November 27, 1308, Henry, Count of Luxembourg, was chosen as King of the Romans and Emperor-elect. In 1310, Henry set out for Italy, crossing the Alps on October 23, in order to re-establish his authority over the peninsula by celebrating his coronation in Rome. Although the outcome of this expedition would be disastrous both to Henry personally and to the prestige of universal empire, it began in an atmosphere of renewed hope. Even Pope Clement V cautiously welcomed the Emperor-elect, initially viewing him as a potential ally against the encroaching secular power of the French monarchy.<sup>4</sup>

Identifying himself as an «undeserved exile»,<sup>5</sup> Dante wrote three political letters (traditionally identified as V, VI, and VII) directly related to Henry's Italian campaign during its first heady, expectant year. In *Ep.* V, written in the autumn of 1310, he calls upon the Italian populace and their rulers to prepare for Henry's peace-keeping mission by forgiving their enemies and demonstrating their willing and enthusiastic obedience. In *Ep.* VI, written on March 31, 1311, and addressed to the «intrinsic» («scelestissimis Florentinis intrinsecis», i.e., not exiled)<sup>6</sup> Florentines, he admonishes his fellow citizens for their rebellion against the divinely ordained Emperor. In *Ep.* VII, his third and final political letter, written on April 17, 1311, he addresses the Emperor-elect himself, urging Henry to immediately confront the rebellion in Tuscany rather than dealing with lesser, peripheral disturbances in Lombardy.

In each of these letters, Dante draws on Judeo-Christian conceptions of messianism to portray Henry as Italy's Savior. In *Ep.* V, Henry is identified as the Sun of Peace and Justice, the Lion of Judah, the Bridegroom, and the Master of the Vineyard. Like a «new Moses», he will «deliver his people from their Egyptian oppression and lead them to a land flowing with milk and honey».<sup>7</sup> In

<sup>4</sup> The best historical treatment of Henry's Italian campaign remains William Bowsky, *Henry VII*. See also the essays collected in *Enrico VII, Dante e Pisa*.

<sup>5</sup> All citations from the *Epistole* are taken from *Ep.* (Villa). For Dante as «exul inmeritus» in *Ep.* V, see *Ep.* (Villa), p. 1446.

<sup>6</sup> *Ep.* (Villa), p. 1454.

<sup>7</sup> *Ep.* V, 4: «Moysen alium suscitavit, qui de gravaminibus Egiptiorum populum suum eripiet, ad terram lacte ac melle manantem perducens».

*Ep.* VI, Dante compares Henry explicitly with Christ. Bearing the collective burden of Italy's political sins for the public good, it is «as if the prophet Isaiah had been pointing the finger of prophecy at him, after Christ, when, through the revelation of the holy spirit he prophesied that “ours were the sufferings he bore, ours the sorrows he carried”». <sup>8</sup> In *Ep.* VII, Dante testifies firsthand to how Henry's campaign re-enacts Christ's advent. Recalling his encounter with Henry at the anointed one's coronation in Milan (January 6, 1311), Dante repeats the words of John the Baptist welcoming Christ: «“Ecce Agnus Dei, ecce qui tollit peccata mundi”». <sup>9</sup>

Whether focused on Dante's intellectual biography or his rhetorical strategies, previous scholarship on messianism in the epistles reflects back upon Dante as an author. <sup>10</sup> In this essay, I focus instead on the intended effects of this messianism on readers. My primary claim is that Dante applies the metaphysics of messianism to a political-legal problem. <sup>11</sup> While prescriptive claims threatened to widen the gap between *de facto* and *de jure* imperial power irrevocably, Dante tries to persuade his public that it is still possible to bridge that gap through a temporal leap of faith. Messianism is a collective attitude necessary for the survival of an “international” legal community. <sup>12</sup>

In the medieval revival of Roman law, the emperor was considered the guarantor of the law's universal validity, its «vigore e autoritate» (*Conv.* I, iv, 7). <sup>13</sup> As *dominus mundi*, moreover, his jurisdiction extended without limits. Yet the legal legitimacy of the Holy Roman Emperor far outweighed his actual economic and military might in Europe and beyond, especially after the collapse of the Hohenstaufen dynasty. Medieval jurists responded to this discrepancy in a variety of ingenious ways: by ignoring *de facto* reality as irrelevant to how the law should function; by distinguishing between the emperor's “dominion” and his

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<sup>8</sup> *Ep.* VI, 25: «tanquam ad ipsum, post Christum, digitum prophetie propheta direxerit Ysaías, cum, spiritu Dei revelante, predixit, “Vere languores nostros ipse tulit et dolores nostros ipse portavit”». Here, Dante quotes *Is.* 53, 4.

<sup>9</sup> *Ep.* VII, 10. On comparisons between Henry and Christ, see Gagliardi, *L'«alto Arrigo»*.

<sup>10</sup> On messianism and prophecy in the letters see Brilli, *The Interplay*; and Brilli, *Reminiscenze scritturali*; Di Scipio, *St. Paul; Ep.* (Honess), pp. 5–41; Honess, «*Ritornèro poeta*»; Ledda, *Modelli biblici e identità profetica*; Martinez, *Cleansing the Temple*; and Pertile, *Dante Looks Forward*. Still incisive for messianism as genre is Mazzoni, *Le epistole*.

<sup>11</sup> For the political context of the biblical language in the letters, see especially Fontes Baratto, *Linguaggio biblico*. My own focus is more on the political-theological ramifications of Dante's messianism than on its political-historical context *per se*, although I try to take this context into account as well.

<sup>12</sup> On the concept of universal jurisdiction as a means to enact a form of “international” government, see Keen, *The Political Thought*, pp. 115; 120.

<sup>13</sup> *Conv.* (Fioravanti), p. 568.

“jurisdiction”; and by claiming that the emperor deliberately withdraws his laws from disobedient and undeserving populaces so that they won’t make a mockery of them.<sup>14</sup>

Dante compensates for the historical reality of a diminished Roman empire by drawing on the psychology of messianic hope. Just as the faithful must live their lives in the present *as if* the arrival of the messiah were imminent, the rulers and populaces of Italy must obey *ius commune* law *as if* it were enforceable in the here and now. The continued relevance of universal Roman law depends on an adherence to the fiction that the emperor *could* be re-instated and that the empire *could* reclaim its former glory. Dante recognizes that in actual fact the empire has «suffered violence» and that its governance is now limited to a narrow area («in angustum gubernacula sua contraxerit»).<sup>15</sup> Yet by «inviolable right» («de inviolabili iure») the limits of its jurisdiction *should* coincide, in Virgilian terms, with the rising and setting sun.<sup>16</sup> Arriving like a thief in the night, Henry will reanimate this possible world, rousing citizens out of their political inertia and requiring a renewed commitment to an old imperial imaginary. The *nunc* of the emperor’s descent revives the *ubique* of the law’s reach.<sup>17</sup>

Despite its initial promise, Henry’s military campaign also risked damaging the status of the very citizens who most desired it, the Italian exiles (including Dante). Deprived of the protection of the city statutes, these vulnerable citizens depended on the rights afforded to them by a common, transregional law.<sup>18</sup> The collective fantasy of universal empire, while always subject to failure, had mostly guaranteed the Roman law’s continued vigor even during the interregnum. Exiles had enjoyed certain rights by way of this fantasy, which made their wish for the Emperor’s arrival a complicated affair. If the Emperor finally did arrive, wouldn’t that descent point out the lie of universal empire under which the exiles had found some relief? Henry VII’s Italian campaign was a real test case as to whether the emperor was in reality *dominus mundi*, as the law books maintained.<sup>19</sup>

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14 On how jurists dealt with the de facto limits of imperial rule, see Bellini, «*Dominus Totius mundi*». For the legal limits of the *dominus mundi*, see Pennington, *The Prince*, pp. 176–97.

15 *Ep.* VII, 12.

16 *Ibid.*

17 For Dante’s faith in the rule of law as the basis for his imperialism in the political letters, see Russo, *Impero e Stato*, pp. 64–66.

18 For the protections that Roman law, as *patria communis*, gives specifically to citizens in exile, see Keen, 115 and Menzinger, *Diritti di cittadinanza*.

19 The most forceful account of how Henry’s campaign weakened the legal standing of universal empire is Ullmann, *The Development*.

In fact, Henry's inability to enforce his edicts – culminating in Robert of Anjou's refusal to heed the Emperor's summons for the count of treason – laid bare as never before the limits of the empire's legal reach. Lawyers for the French and Neapolitan monarchies had long resisted emperors' claims of universal jurisdiction, affirming that «rex in regno suo est imperator» (the king is an emperor in his own kingdom.) According to this argument, these governments had legally acquired full jurisdiction (*merum imperium*) because they had been effectively acting as sovereign states as long as anyone could remember, while the emperor, as a negligent owner, had abandoned his imperial prerogatives. Although imperialists might object that the emperor had never intended to permanently cede his regalian rights, the «nova regna» had time on their side.

Dante's refutation in *Ep.* VI, 2 of Florence's claim to prescriptive rights against the «Roman Prince, King of the World, and the Minister of God» is thus far more than a technical matter.<sup>20</sup> It has metaphysical consequences. The core argument touches upon the question of what is more real: the ideal of universal imperial jurisdiction or the brute fact of territorial sovereignty. For the proponents of sovereignty through prescription, the relentless forward movement of time is an ineluctable and unassailable reality; because time consists of a series of homogenous units, it can be measured and claimed as evidence. Responding to this quantifiable linear time, Dante instead celebrates the ecstatic simultaneity of messianic time. He pits Saint Paul's *plenitudo temporis* against the Florentine lawyers' *praescriptio longi temporis*.

We miss the polemical force of these metaphysics when we conflate messianism with prophecy. In this view, Dante's epistles are messianic because they predict (incorrectly, it turns out) that Henry will save Italy by establishing his reign over the peninsula. Yet Dante's messianism is not really concerned with the future at all – at least not in an absolute, objective sense. Dante is instead interested in how Henry's promised arrival in Italy is already transforming the present of those who await him. This emphasis is on the here and now, an emphasis that is apparent from the moment Dante first welcomes Henry's Italian campaign in the introduction to *Ep.* V. Even this initial exaltation of Henry as Italy's savior turns out to be less about the messiah per se and more about living in messianic times.

The imminence of Henry's crossing of the Alps is described as the liminal moment before the dawn:

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20 *Ep.* VI, 5: «in romani Principis, mundi regis et Dei ministri».

“Ecce nunc tempus acceptabile”, quo signa surgunt consolationis et pacis. Nam dies nova splendescit ab ortu auroram demonstrans, que iam tenebras diuturne calamitatis attenuat; iamque aure orientales crebescunt; rutilat celum in labiis suis, et auspitia gentium blanda serenitate confortat. Et nos gaudium expectatum videbimus, qui diu pernoctavimus in deserto, quoniam Titan exorietur pacificus, et iustitia, sine sole quasi eliotropium hebetata, cum primum iubar ille vibraverit, revirescet. Saturabuntur omnes qui esuriunt et sitiunt iustitiam in lumine radiorum eius, et confundentur qui diligunt iniquitatem a facie coruscantis. Arrexit namque aures misericordes Leo fortis de tribu Iuda; atque ullulatum universalis captivitatis miserans, Moysen alium suscitavit qui de gravaminibus Egiptiorum populum suum eripiet, ad terram lacte ac melle manantem perducens.<sup>21</sup>

At the end of this passage, we learn what the Lion of Judah has done and what the New Moses will do. We also learn that Judgment is near, when the righteous will be satisfied and the wicked confounded. Yet Dante begins this passage not by heralding the coming of the messiah, but by declaring that we are now in the midst of a revolutionary “acceptable time”. The eventuality of the messiah has already altered our temporal consciousness. While the inchoate verbs «splendescit», «crebescunt», and «revirescet» immerse readers in a transformed and transforming world, the emphatic initial placement of the adverbs «nunc» and «iam» convey the urgency of contracted messianic time. For those who can read the signs, the countdown has begun.

After this description of a world beginning anew, Dante issues what appears to be a straightforward and forceful prediction about Henry’s approaching arrival: «et nos gaudium expectatum videbimus». Scholars have described this future «videbimus» as more certain and determined than the generic present tenses that precede it.<sup>22</sup> But they have failed to note how Dante qualifies the «gaudium» as «expectatum» and specifies that the subject «nos» refers to «qui diu pernoctavimus in deserto». They ignore, that is, how the framing of the future tense by the “perfects of experience” transforms its illocutionary force, converting a descriptive statement into an avowal. Dante pledges himself to a particular vision of the future more than he predicts or reveals it: we *will* see our expected joy.<sup>23</sup> Professing his faith in the fulfillment of the messianic prom-

<sup>21</sup> *Ep.* V, 1–4.

<sup>22</sup> For Luca Azzetta, *Ep. XIII* (Azzetta), p. 106: «inoltre il tempo verbale ora non è più il generico presente della grande metafora d’apertura, ma un futuro, un futuro, *videbimus*, che, inserito tra l’attesa del gaudio e la sua profetata manifestazione, suona addirittura più certo e determinato del presente». See also Pertile, *Dante Looks Forward*, p. 7.

<sup>23</sup> Similarly, in *Ep.* VII, Dante “asseverates” («asseverantes») that, “notwithstanding” («nichilominus») recent historical circumstances, the faithful still hope and believe that Henry is the minister of God: «nichilominus in te credimus et speramus, asseverantes te Dei ministrum et Ecclesie filium et Romane glorie promotorem» (*Ep.* VII, 8).



ise, he performs a speech act in the present that re-constitutes a community of believers existing in the past. No sentence in the Epistles more perfectly illustrates the proleptic and analeptic leaps of messianic time.

How does Dante convey the ethical demands that accompany the messianic moment he so elegantly depicts in the exordium of the letter? He does so most prominently by connecting the «acceptable time» described in the introduction with the imperative time that characterizes the body of the epistle. While *Ep. V* begins by predicting that the New Moses will lead his people back to the promised land, this initial prediction is followed by a series of twenty-five commands, often at the beginning of a sentence («letare»; «exsicca»; «pone»; «facite»; «preoccupetis»; «parcite»). The acceptable time is also the “time to” do something. The opening sentence of the *narratio* section of the letter makes the connection between these two forms of now-time explicit: «letare iam nunc miseranda Ytalia etiam Saracenis».<sup>24</sup> Urging a personified Italy to rejoice, Dante redeploys the adverbs «iam» and «nunc» from the exordium. The «nunc» of the acceptable time promises to destabilize the «nunc» of Italy's pitiable political situation. But for this revolution to be achieved, Italy's inhabitants must transform their way of life, summoned to action by the urgent belatedness of the messianic moment, which is already (*iam*) underway.

As critics have long noted, Dante's messianism owes a profound debt to Paul,<sup>25</sup> whose epistles provide the model both for a conception of the “fullness” of time and for the urgent reformation of perspective that such a conception demands. Yet despite drawing on Paul's metaphysics and liberally citing him throughout his political letters, Dante diverges from the Apostle on a fundamental point. For Dante, not only grace but also the law can free men from sin. In a climactic passage in *Ep. VI*, Dante reprimands the Florentines for their greed, which has blinded them to the real meaning of freedom:

nec advertitis dominantem cupidinem, quia ceci estis, venenoso susurrio blandientem,  
minis frustatoriis cohibentem, nec non captivantem vos in lege peccati, ac sacratissimis

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<sup>24</sup> *Ep. V*, 6. Dante recalls here the command «laetare Jerusalem» from *Is.* 66, 10. This command is also the incipit to the introitus sung in the Mass on Laetare Sunday, the fourth Sunday of Lent in the liturgical calendar. Similarly, the Pauline quotation «Ecce nunc tempus acceptabile» (2 *Cor.* 6, 2) begins the office hymn sung as the first responsory on the first Sunday of Lent. The liturgical context for Dante's biblical quotations provides further support for his active messianism, rousing his imperialist congregants for their morning prayers. The cyclical time of liturgy also contrasts with the linear time of prescription. See Rigo, *Tempo liturgico*, pp. 222–31.

<sup>25</sup> For detailed references and bibliography, in addition to modern commentaries, see at least, Brilli, *Reminiscenze scritturali*; Di Scipio, *St. Paul*; Ledda, *Modelli biblici e identità profetica*; and Rigo, *Tempo liturgico*.

legibus que iustitie naturalis imitantur ymaginem, parere vetantem; observantia quarum, si leta, si libera, non tantum non servitus esse probatur, quin ymo perspicaciter intuenti liquet ut est ipsa summa libertas. Nam quid aliud hec nisi liber cursus voluntatis in actum quem suis leges mansuetis expediunt?<sup>26</sup>

Rather than a form of slavery, the whole-hearted and spontaneous observance of the law exemplifies true liberty, for liberty is nothing more than the unimpeded translation of the will into action. The guidance of the laws makes this translation possible by freeing the will from the shackles of desire.

The influence of Paul in this passage is obvious. When Dante defines liberty as absolute submission to the law, he recalls Paul's paradoxical formulations, such as when the Apostle portrays the followers of Christ as «slaves to righteousness» (*Rom.* 6, 19). More specifically, Dante's «captivantem vos in lege peccati» reproduces Paul's «captivantem me in lege peccati» (*Rom.* 7, 23). Yet Paul and Dante propose dramatically different solutions for combating the lures of the flesh. While Paul contrasts the efficacy of grace with inoperative Jewish law, Dante extolls Roman law as a liberator from the chains of sin. Providentially established and imitating the principles of natural justice («iustitie naturalis imitantur imaginem»), Roman law guides individuals toward moral ends.

It is this exalted vision of the ethical role of secular law that leads Dante to insist – despite all proof to the contrary – that the emperor should still be considered *dominus mundi*.<sup>27</sup> Dante foresaw, as did contemporary jurists, that losing faith in the figure of the emperor threatened not just one individual's power but the entire legal edifice:

qui publicis quibuscunque gaudetis, et res privatas vinculo sue legis, non aliter, possidetis; nolite, velut ignari, decipere vosmetipsos, tanquam sompniantes, in cordibus et dicentes «Dominum non habemus!»<sup>28</sup>

Ultimately unenforceable, *ius commune* law can only flourish so long as its subjects remain true believers, emotionally and imaginatively bound to a collective ideal.

If we read the epistles biographically, Dante's expectations for Henry's Italian campaign appear overly optimistic and detached from historical reality. But if we read them rhetorically, it is clear that Dante recognizes the difficulty of his task. Dante must convince readers that the real dreamers («sompniantes») are not the hold-outs for imperial rule like himself, but the political realists who,

<sup>26</sup> *Ep.* VI, 22–3.

<sup>27</sup> Dante refers to Henry as «preses unice mundi» in *Ep.* VII, 22.

<sup>28</sup> *Ep.* V, 20. Dante's final quotation here is from *Ps.* 94, 5.

without properly considering the consequences, blithely dismiss the Emperor's universal lordship as an inefficacious fiction. Faced with the skepticism of these unbelievers – who declare, in the words of the psalm, «we have no lord» – he must persuade contemporaries to remain faithful to the *idea* of universal jurisdiction. Rather than reflecting Dante's ungrounded hope for the future, *Ep.* V–VII make a realistic case for political fantasy.

The political writers who extol the *de facto* sovereignty of nation, kingdom, and city-state reject the alternative possible worlds that the temporal jumps of messianism help us imagine; their inexorably forward-moving time cements contemporary power relations. When Dante attacks these writers' claims of prescriptive rights, then, he does more than make an arcane legal point. His real target is nothing less than the tyranny of the actual.

## 2 The time of prescription

In Dante's sixth epistle, written to those Florentines who still dwell within the city walls, the exiled poet condemns his compatriots for rebelling against Henry's universal lordship. If, in the previous letter, it was a time to hope, in this one it is time to repent: «tempus amarissime penitendi»,<sup>29</sup> Dante exhorts his readers to change their ways before it is too late. Denouncing their transgressions against both human and divine law, he singles out for special ridicule their claims of prescriptive rights:

Vos autem divina iura et humana transgredientes, quos dira cupiditatis ingluvijs paratos in omne nefas illexit, nonne terror secunde mortis exagitat, ex quo, primi et soli iugum libertatis horrentes, in romani Principis, mundi regis et Dei ministri, gloriam fremuistis, atque iure prescriptionis utentes, debite subiectionis officium denegando, in rebellionis vesaniam maluistis insurgere? An ignoratis, amentes et discoli, publica iura cum sola temporis terminatione finiri, et nullius prescriptionis calculo fore obnoxia? Nempe legum sanctiones alme declarant, et humana ratio percontando decernit, publica rerum dominia, quantalibet diuturnitate neglecta, nunquam posse vanescere vel abstenuata conquiri; nam quod ad omnium cedit utilitatem, sine omnium detrimento interire non potest, vel etiam infirmari; et hoc Deus et natura non vult, et mortalium penitus abhorreret adensus.<sup>30</sup>

In addition to generally belittling the Florentines for their make-believe rebellion (including their foolish rejection of the «yoke of liberty»), Dante provides

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<sup>29</sup> *Ep.* VI, 26.

<sup>30</sup> *Ep.* VI, 5–7.

specific legal reasoning for why they cannot prescribe against the state. While the long-standing neglect of private property by its proper owner can transfer a title to its possessor, public rights and public dominion can never be alienated because to do so would damage the common good. Divine law, natural law, and the law of peoples all recognize that public benefit outweighs private interest. Sanctified laws can never be enervated by a mere calculation of chronological time.

Dante's recognition of the political implications of prescription turns out to be remarkably prescient.<sup>31</sup> In the decades after his death, prescriptive rights would become the chief legal justification for the independent sovereignty of the Italian city-states. The fourteenth-century jurist Bartolus (d. 1357) placed prescriptive rights at the center of his theory that any city that did not recognize a superior should be considered an emperor unto itself: «civitas sibi princeps».<sup>32</sup> Bartolus remained uncertain, however, about whether it was possible for cities to prescribe against the empire even during the emperor's vacancy. Bartolus's brilliant student Baldus (d. 1400) had no such qualms. For Baldus, the absence of the emperor meant the neglect of his duties, and that neglect legitimized the cities' jurisdictional claims. Through *diligentia*, they prescribed what the emperor lost through *negligentia*.<sup>33</sup>

Although jurists in Dante's time had not yet fully explored the right of a city to prescribe *imperium*, a rich body of doctrine did exist regarding whether the papacy or a kingdom could do so. In particular, Dante's views on prescription closely recall the arguments of lawyers from the school of Orléans, arguments Dante would likely have been familiar with because they coalesced around another topic that occupied much of his political thought: the questionable legitimacy of the Donation of Constantine.

In his commentary to the preface of Justinian's *Institutes*, the French jurist Jacques de Révigny (d. 1296) denies that imperial jurisdiction can ever be prescribed.<sup>34</sup> Glossing the lemma «augustus», Révigny dismisses the validity of the

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31 In fact, Neapolitan jurists would soon invoke prescription as one of their main arguments for dismissing Henry's right to charge King Robert of high treason. For a discussion of the role that prescription played in these attacks against Henry's jurisdiction, see Bowsky, *Henry VII*, p. 190; Davis, *Dante and the Idea*, pp. 20–21; 32. See also anti-imperial document published in *Acta Imperii Angliae*, pp. 244–7.

32 See Canning, *The Political Thought*, pp. 94–104; Ryan, *Bartolus of Sassoferrato*, pp. 72–73; 76–78; Woolf, *Bartolus of Sassoferrato*, pp. 134–142.

33 Canning, *The Political Thought*, p. 119.

34 The following discussion on the political implications of prescription draws on Conetti, *L'origine*, pp. 70–84; Maffei, *La donazione*, pp. 107–90; Meijers, *Usucapione e prescrizione*; and Ullmann, *The Development*.

Donation of Constantine since by definition the emperor must always strive to augment the empire. But what if, as the canonists argued, the Church had effectively prescribed jurisdiction from the Emperor, regardless of the legality of the original donation? Révigny responds that while it is possible to prescribe the enjoyment of fiscal holdings from the emperor, the “signs of subjugation” can never be prescribed:

tu dices: et si non tenuit, nihilominus potuit prescribi res donata. Respon.: utilitas bene potuit prescribi, sed subiectio non. Unde quod non solvatur census ratione illius rei, et quod non sit ecclesia ratione illius rei subiecta imperio, et in signum subiectionis non solvat censum: hoc non est prescriptibile.<sup>35</sup>

Like a tributary tax attached to an otherwise prescriptible property, jurisdictional dependence is a “sign of subjugation” and thus cannot be alienated. This is precisely the overreach Dante objects to in the Florentine rebellion, that they refuse to heed the *signa subiectionis*: «debite subiectionis officium denequando».<sup>36</sup>

In their own discussions about the Donation of Constantine, Pierre de Belleperche (d. 1308) and Cino da Pistoia (d. 1336) agree with Révigny that the *signa subiectionis* can never be prescribed, but their reasoning concerns the distinction between public and private interests rather than one between enjoyment and dominion. For these later jurists, universal imperial jurisdiction is a public good. Since such goods have been removed from the marketplace for the benefit of everyone, they can neither be acquired nor prescribed.

As Cino explains in his *Lectura Codicis*, the *signa subiectionis* should be considered an inalienable public good «like a road or theater»:

Dico sicut alias pluries dixi. Bona quaedam fisci sunt in usu publico, ut via et theatra, et huiusmodi: et haec non praescribuntur, ut ff. de via publ. l. viam [D. 43.II.2]. Quaedam non sunt in usu publico, et tunc si quidem sunt incorporata in fiscum, tunc 40 ann. praescribuntur, ut l. omnes (C. 7, 39, 4.) Si non sunt incorporata tunc 20 ann. ut dicta l. in omnibus (ut D. 44, 3, 13), nisi sit facta denunciatio: quia tunc praescribitur quadriennio, si computetur tempus a tempore nunciationis, ut l. intra (D. 44, 3, 10), sicut plene not. supra de. Quadr. Praescr. l. j. (C. 7, 37, 1). Fallit in his, quae sunt signum subiectionis, sicut est census praestatio e huic simile, ut hac l. (C. 7, 39, 6), et dicta l. ultima.

Nam licet emolumentum posset praescribi, tamen et ipsa subiectionis signa praescribi nequeunt. Ratio est, quia expedit Reipublicae per unum consuli et per unum gubernari, et ideo de pluribus gubernatoribus in unum solum translatus est ius imperii, ut ff. de

<sup>35</sup> Jacobus de Ravanis, *Lectura super prima [-secunda] parte Codicis domini Justiniani* (Paris, 1519), fol. 359, 1r-1v. Quoted in Maffei, *La donazione*, p. 109.

<sup>36</sup> *Ep.* VI, 5.

origin. Iur. l. ij § novissime (D. 1, 2, 2, 11] et instit. de iure nat. § sed quod principi [Inst. 1, 2, 6], quia est mundi dominus, ff. ad l. Rod. de iactu. l. deprecatio (D. 14, 2, 9), quia pro toto orbe terrarum die noctuque vigilat, ut supra de quadri. praescrip. l. ultim. circa finem (C. 7, 37, 3, 4). Et ideo signa subiectionis suae non possunt praescribi, unde est contra illos, qui dicunt Romanum ecclesiam praescripsisse sibi donationem factam ab Imperatore Constantino, quod saltem subiectionis signa non potuerit praescribere, et sic nec iurisdictionem Romani imperii, cui subiectus est totus orbis.<sup>37</sup>

Although other goods incorporated into the *fiscus* can be prescribed after forty years, the signs of subjection themselves are exempt from this regulation because the subjection of the entire world to Roman empire exists for the benefit of all, like a public utility. Drawing on laws such as the *lex regia*, Cino explains that it is in the interest of the Republic to be ruled by a single governor, and this public good trumps the common good of prescription when it comes to imperial jurisdiction. Clearly, then, the Church errs when it claims that it has prescribed sovereignty over the territory donated by Constantine. Dante makes a nearly identical argument about imperial jurisdiction when he asserts that the «publica iura» and the «publica rerum dominia» are inalienable because whatever pertains to common utility cannot be diminished without harming all: «nam quod ad omnium cedit utilitatem, sine omnium detrimento interire non potest».<sup>38</sup>

These textual correspondences seem to indicate that the jurists' critique of prescription regarding the Donation of Constantine influenced Dante's critique of prescription against the Florentines.<sup>39</sup> Yet, if we are to grasp the full import of this influence, we need to examine the political context of these legal writings as well as their doctrinal content, for the historical referent for these lawyers' arguments is not obvious. For example, at first glance the natural target of Révigny's dispute would seem to be papalists who upheld the validity of the Donation of Constantine. But he concludes his argument by addressing instead the Kings of Spain and France: «Et hoc valet contra regem Yspanie et regem Francie qui non recognoscunt superiorem de facto».<sup>40</sup>

This reference to monarchic claims of sovereignty is more than an afterthought. In his *Lectura super Digesto Veteri*, Révigny similarly denies that the Church can prescribe the subjection owed to the empire, yet once again he concludes this refutation by singling out the claims of the French monarchists:

<sup>37</sup> See Maffei, *La donazione*, pp. 136–7, especially p. 137 n. 5.

<sup>38</sup> *Ep.* VI, 7.

<sup>39</sup> See Bruno Nardi's early intuition of this connection in Nardi, *Nel mondo di Dante*, pp. 142–144.

<sup>40</sup> Jacobus de Ravanis, *Lectura*, 1r-1v.

«hoc dico propter hoc quod quidam dicunt quod francia exempta est ab imperio; hoc est impossibile de iure. Et quod Francia sit subdita imperio, habes C. de officio prefeti pretorio affrice. l. ii, circa principium (C. 1, 27, 2, 2). Si hoc non recognoscit rex Francie, de hoc non curo».<sup>41</sup> Rather than the papal absolutists, Révigny's primary adversaries appear to be the propagandists for the French crown, whose attempts to confer de jure legitimacy on de facto rule through prescription Révigny violently rejects. From a legal standpoint, he insists, the King of France's de facto power is meaningless: «de hoc non curo».<sup>42</sup>

The French claims of sovereignty through prescription reached an apex during the fierce ideological struggle between Philip the Fair and Boniface VIII. In a series of polemical treatises, political theorists working on behalf of King Philip appropriate the canonists' argument in favor of prescriptive jurisdiction and turn it against them. Even if the Donation of Constantine were valid (which it is not) and even if the Pope were now Emperor (which he is not), the French now rule their territory independently through prescription.<sup>43</sup> The anonymous author of the *Rex pacificus* sets out the French case for prescriptive rights in clear terms:

Nam per praescriptionem legitimam ius acquiritur praescribenti. Nulla autem praescriptio magis est legitima, quantum ad cursum temporis, quam centenaria; unde et ipsa currit etiam contra Romanam ecclesiam. Reges autem Fraciae longe plus quam a centum annis sunt in possessione pacifica, quod solum Deum superiorem habent in temporalibus, nulum alium recognoscentes superiorem in istis.<sup>44</sup>

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<sup>41</sup> Quoted in Maffei, *La donazione*, p. 117.

<sup>42</sup> Historians are sharply divided about why French jurists would reject the French kings' claims of prescriptive rights. Some scholars (like Francesco Ercole, Francesco Calasso, and Cecil Woolf) have argued that the civilist lawyers remained faithful to the idea of imperial universalism because of their philological training and the influence of the Bolognese school. Others (like Domenico Maffei and Gaines Post) emphasize how these arguments against prescription could equally support French nationalist ambitions, especially when the realm is imagined as the empire reborn, wrested from illegitimate German hands. In addition to the works already referenced in the notes, see Ercole, *Da Bartolo*; and Post, *Two Notes*, pp. 312–20.

<sup>43</sup> See the *Quaestio in utramque partem* in *Three Royalist Tracts*, p. 106: «Franci autem non errant ei subiecti, ut dictum est supra; veli, dato quod essent subiecti (quod non concedimus), tamen praescriptio longissimi temporis currit contra imperatorem et papam, sicut dictum est supra» («France was not subject to him, as we have said above. Or, if she was subject to him (which we do not concede) a prescription of very long duration will run against both emperor and pope, as we have also said above», p. 107).

<sup>44</sup> «*Quaestio de Potestate*», p. 38. For similar contemporary defenses of how France prescribed sovereignty, see the *Quaestio in utramque partem*, in *Three Royalist Tracts*, pp. 82–83 and John of Paris, *Tractatus de Potestate Regia et Papali*, in Leclercq, *Jean de Paris*, pp. 246–7.

Since the French have ruled their territory in good faith, without “recognizing any superior,” for more than a hundred years (the maximum time limit established for prescription), jurisdiction over these lands has reverted to them by default.

Prescription clearly makes for strange bedfellows. Originally, it was employed by canonists to justify the legal validity that the Donation of Constantine had acquired over time. Later, the proponents for the French king used prescription to assert their territorial autonomy against both pope and emperor. These excessive claims of sovereignty through prescription led a French jurist, Jacques de Révigny, normally a loyal supporter of the crown, to vehemently oppose the claims of his monarch. Faced with these French efforts to undermine the very idea of universal jurisdiction, even Pope Boniface finds himself uncharacteristically defending imperial power. He accuses King Philip’s arrogant representatives of lying for declaring that the French monarch does not recognize a superior in temporal power. Whatever else they may say about the *de facto* power of their king, Boniface reminds them that France remains *de jure* subject to the emperor: «Nec insurgat hic superbia gallicana: quae dicit quod non recognoscit superiorem. Mentiuntur: quia de jure sunt et esse debent sub rege romano et imperatore».<sup>45</sup> Thus, when Dante denounces the prideful Florentines for using prescription to rise up against their rightful emperor, he ends up sounding curiously a lot like his arch-nemesis Boniface.

Just as we cannot easily ascribe the jurists’ arguments to their political affiliation, we cannot reduce Dante’s refutation of Florentine prescriptive rights to his “ghibellinismo”. Both Dante and the jurists are troubled by the fundamental concept of prescription, regardless of circumstance. At once a legal-political and philosophical-metaphysical problem,<sup>46</sup> the argument for prescriptive jurisdiction must be defeated whenever it is proposed, whoever proposes it. If the new Babylonians are allowed to legitimize their «nova regna», there is nothing to stop other political authorities from making similar claims just because they can. (The Trecento jurists worried in particular about how prescription could be abused by tyrants who had held a city in possession for a long time).<sup>47</sup> Dante appears to warn Florence’s papal allies about such conceptual promiscuity

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<sup>45</sup> Boniface VIII, *Allegatio domini papae Bonifacii pro confirmando rege Romanorum Alberto*, in Cantù, *Schiarimenti e note*, V, p. 206. For an excellent discussion the intellectual context of this exchange, see Calasso, *I glossatori*, p. 82 n. 89.

<sup>46</sup> Cortese, *La norma giuridica*, 2, p. 149 writes of the «problema ontologico» in the tension between *factum* and *ius* foregrounded by that prescription. On the legal realism underlying prescription, see Conte, “*Vetustas*”, pp. 125–7.

<sup>47</sup> See Kirshner, *Bartolo of Sassoferrato*. See also Storti Storchi, *Appunti in tema*.



when he wonders aloud why, if we now have another moon (emperor) in the sky, we should not soon expect a duplicate sun (pope): «si Delia geminatur in celo, geminetur et Delius?».<sup>48</sup>

Even more than the jurists, the poet Dante perceived that the territorial claims of these new sovereign states rested on a specific conception of time. When the lawyers exclude goods set aside for public use from prescription, they do so as part of a larger discussion of what *can* be alienated from the imperial fiscus, differentiating among public goods based on how much time must pass before each one becomes eligible for prescription (20, 40, and 100 years). Dante rejects wholesale this vision of calculable time («nullius prescriptionis calculo»)<sup>49</sup> Rather than distinguishing between alienable and inalienable goods, he derides the proposition that the sacred laws could ever fall under the purview of secular time, which he contrasts with the suddenness of messianic end times («temporis terminatione»)<sup>50</sup> While lawyers of various political stripes strive to codify the effects of *diuturnitas*, Dante focuses on the absolute, categorical *numquam*.

The temporal politics of Dante's messianism are clearest when he imagines the imminent return of the imperial eagle. In a tour-de-force of verbal tense and aspect, Dante describes how the arrival of this messianic figure will make a mockery of Florentine military fortifications:

An septi vallo ridiculo cuiquam defensionis confiditis? O male concordēs! O mira cupidine obcecātī! Quid vallo sepsisse, quid propugnaculis et pinnis urbem armasse iuvabit, cum advolaverit aquila in auro terribilis, quae nunc Pirenen, nunc Caucason, nunc Athlanta supervolans, militie celi magis confortata sufflamine, vasta maria quondam transvolando desepxit? Quid, cum adfore stupescetis, miserrimi hominum, delirantis Hesperie domitorem?<sup>51</sup>

Above and beyond its prediction of future military defeat for the Florentines, the polemical content here becomes apparent in its alternative representation of time.

Theorists of territorial sovereignty invoke a forward-moving, linear account of history to underscore the contingency and mutability of all political power. Asserting that imperial regalia are no longer binding because they are no longer relevant, they ironically compare the Roman emperor's standing in ancient times («olim») with his present insignificance («hodie»). When Dante extols the

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<sup>48</sup> *Ep.* VI, 8.

<sup>49</sup> *Ep.* VI, 6.

<sup>50</sup> *Ibid.*

<sup>51</sup> *Ep.* VI, 12.

once-and-future glory of the imperial eagle, he takes aim at this narrative, dissolving the secure boundaries between past, present, and future. The simultaneity of «nunc ... nunc ... nunc» calls into question the linearity of «olim ... hodie». Traveling across («transvolando») not only space but time, the eagle destabilizes the Florentines' overconfidence in the actual.<sup>52</sup>

The actual rhetorical aims of this daring passage have been obscured because too often scholars of Dante's political thought treat his messianism as a form of wishful thinking. In this view, Dante depicts Henry as a new Christ because he naively believes that the Emperor-elect will be victorious, and that this victory will help him return to Florence. In Walter Ullmann's estimation, Dante's faith in imperial universalism bespeaks the «vision of an idealist».<sup>53</sup> Similarly, for Giuseppe Di Scipio, «Dante's politics were an ideal; Florence's politics were based on reality».<sup>54</sup> Lino Pertile is especially severe: he refers to Dante as a «reactionary» and he criticizes Dante's adherence to Henry's cause as an «obstinate delusion» demonstrating «extraordinary shortsightedness».<sup>55</sup>

These interpretations assume that Dante's hope derives from his assessment of Henry's political authority and military odds.<sup>56</sup> In reality, Dante views messianic hope as itself transformative of that power; it involves Italy's subjects as much as it does the emperor-elect. Readers of the *Epistole* must *imagine* the simultaneity of the eagle flashing across the three mountain chains, envisioning a virtual map of the empire's ideal borders in their mind's eye. To spur this mental exercise, Dante shuttles readers from a prophetic future («iuvabit ... advolaverit») to a deictic present («nunc ... supervolans») and back to a reminiscence of past glory («quondam transvolando despexit») before leaping forward to a retrospective future advent («adfore stupefcetis»). When readers perform these temporal acrobatics, they join Dante in a deliberate and collective act of imagination, one that recognizes and responds to a growing divide between de facto power and de jure legitimacy.

In the end, Dante offers nothing less than a revolutionary calendar, which he sets out most explicitly in his signature. Although scholars rarely probe his signature for anything beyond biographical clues, the final dating of the letters is one of Dante's most purposeful textual gambits. The locale where the letter

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52 For a contrast between Dante's «coscienza profonda» and the Florentines' presentist «coscienza effimera», see Sasso, *Dante, l'imperatore*, pp. 97–103.

53 Ullmann, *The Development*, p. 33.

54 Di Scipio, *St. Paul*, p. 163.

55 Pertile, *Dante Looks Forward*, pp. 10; 13.

56 For a reconsideration of the «realism» of Henry's mission, especially its cultural and ideological aims, see Moeglin, *Henri VII*; and Somaini, *Henri VII*.

was written (on the border of Tuscany, beneath the source of the Arno – in the Casentino) and the day of its composition (on the day before the Calends of April – March 31) contrast in their familiarity with how Dante expresses the current year. Instead of marking time from Christ's birth, Dante situates the composition of the letter within the new era constituted by Henry's auspicious descent into Italy: «faustissimi cursus Henrici Cesaris ad Ytaliā anno primo».<sup>57</sup> While the adversaries of universal jurisdiction count down their prescribed sovereignty from a fixed linear point in the past, Dante restarts the clock. The last two words of the letter, «anno primo», proclaim a new beginning.

We are accustomed to interpreting Dante's use of allegory as a politically neutral reflection of his medievalness. He imagines Henry VII as a Christ type because the figural interpretation of historical persons and events, as Erich Auerbach brilliantly demonstrated, was a ubiquitous method of reading the Old Testament in Dante's time. But perhaps we should see in Dante's figural poetics a more active and invested intervention, a temporal protest against the linear narrative of the victors. With this proposal in mind, I conclude this essay by briefly examining the impasse at the gates of Dis in *Inf.* VIII–IX, which suggestively stages a theological dilemma – the temporary loss of hope on the part of the pilgrim – as a political conflict, one between universal jurisdiction and territorial sovereignty.

### 3 Messianism and Prescription at the Gates of Dis

In *Inf.* VIII, having crossed the river Styx, Dante and Virgil arrive at the innermost gates of Hell, the walls protecting the infernal city of Dis.<sup>58</sup> These walls also mark the division between upper and lower Hell. As at previous border crossings, the administrators of this realm attempt to block the travelers' way. Thousands of demon guardians threaten Dante from atop the city's ramparts, snarling, «“chi è costui che senza morte / va per lo regno de la morta gente?”» (*Inf.* VIII, 84–85). The fallen angels will speak only with the shade Virgil, and they taunt Dante by daring him to retrace his steps through Hell without a guide. Dante intensifies the menace behind the devils' threats by directly addressing the reader for the first time in the poem (*Inf.* VIII, 94–96):

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<sup>57</sup> *Ep.* VI, 27.

<sup>58</sup> I also discuss this episode in Steinberg, *Dante and the Limits*, pp. 104–11.

Pensa, lettor, se io mi sconfortai  
 nel suon de le parole maladette  
 ché non credetti ritornarci mai

From the start of this episode, then, readers are called upon to experience vicariously the pilgrim's anxiety.

Dante heightens this anxiety by breaking the established pattern of otherworldly encounters. Instead of handily defeating the infernal guardians with a simple formula declaring the divine authorization of their journey – «vuolsi così colà dove si puote» (*Inf.* III, 95) – Virgil speaks with the commanders of the devils alone. Although he assures Dante that he will not abandon him in the underworld and advises him to feed his spirit with «speranza buona» (*Inf.* VIII, 107), Virgil leaves the pilgrim in a state of radical doubt: «e io rimango in forse, / che sì e no nel capo mi tenciona» (*Inf.* VIII, 110–111). In fact, diplomatic relations with the devils quickly fall apart, and Virgil returns angered and rebuffed. The devils swing the gates shut, reenter the city, and prepare for a siege.

Virgil assures Dante's character that they will nonetheless overcome the impending «prova» (*Inf.* VIII, 122) with their adversaries. He has already encountered their delusional hubris («tracotanza», VIII, 124) at another battle, when they attempted unsuccessfully to defend the upper gates of Hell – a clear reference to Christ's victorious conquest at the Harrowing. In a replay of that *descensus*, the travelers now await the arrival of a Christ-like legate: «tal per lui ne fia la terra aperta» (*Inf.* VIII, 130).<sup>59</sup> The canto closes on this note of anticipation, ending, atypically, without resolution.

Scholars generally focus on what comes next in the episode – the dramatic appearance of the Furies and Medusa and the deliverance of Dante and Virgil by a mysterious heaven-sent liberator. Encouraged by Dante's instruction to «mirate la dottrina che s'asconde / sotto 'l velame delli versi strani» (*Inf.* IX, 62–63), they propose various allegorical readings for these figures.<sup>60</sup> Yet despite the voluminous scholarship on the question, we still have not reached a critical consensus about what these figures mean, or even who Dante's rescuer is. While modern critics most often identify the «da ciel messo» (*Inf.* IX, 85) as a religious figure – an angel, a Christ type, or a Christianized version of Hermes (the messenger of the Olympian Gods) – earlier commentators occasionally

<sup>59</sup> On the divine intervention in cantos VIII–IX as a metaphor for Christ's Advent or Harrowing, see Auerbach, *Literary Language*, pp. 228–33; Heilbronn, *Dante's Gate*; Hawkins, «*Descendit ad inferos*», especially pp. 110–14; Iannucci, *Dottrina e allegoria*; Martinez, «*Vadam ad portas inferi*»; and Musa, *Advent at the Gates*.

<sup>60</sup> See Hollander's useful summary of allegorical interpretations in Dante Alighieri, *Inferno*, trans. Jean and Robert Hollander (New York: Random House, 2002), 170.

identified him as a worldly political leader – Caesar or Henry VII. Given the militaristic atmosphere of the cantos, this alternative political reading of the “messo” cannot be completely ruled out.

More than likely, Dante intended to leave the identity of the heavenly intercessor vague (as with other messianic figures such as the “veltro”), and for that reason insists upon using impersonal pronouns such as «tal» and «altri» to refer to him. In this way, the scenario that unfolds in cantos VIII–IX can be applied to a variety of seemingly desperate situations that nonetheless require the exercise of “radical hope.” Our critical attempts to pin this “tal” down to a specific historical or typological figure are thus not only futile, but they also misrepresent the existential stakes that Dante's character must face in these cantos. Those stakes, and the challenge they pose, are the essential ingredients of messianism: the waiting and hoping for a not-yet-clearly-identified someone.

By identifying the messianic figure with the ambiguous placeholder «tal», Dante can call attention to the fundamental structure of messianism above and beyond any particular instantiation of it. If we accordingly turn our interpretive gaze from referentiality to structure, we see that the scene Dante depicts before us is at once explicit and surprising. The poet dramatizes a theological problem regarding God's direct intervention in providential history as if it were a jurisdictional conflict. Virgil and Dante are refused entry into the city of Dis because its local rulers do not recognize the universal authority of that «imperator» who «in tutte parti impera» (*Inf.* I, 124; 127). In previous encounters, the wayfarers were protected by a writ of safe passage whose content Virgil only needed to enunciate for it to be upheld. Now, for the first time, the demonic guardians refuse to honor this passport issued by the divine emperor himself, disrespecting the diplomatic immunity of his ambassadors, namely Dante's “privilegio” to safely traverse the realm of the underworld on his way to visit the celestial court.<sup>61</sup>

As more than one critic has noticed, the impasse at the gates of Dis recalls the political events treated in *Ep.* VI.<sup>62</sup> Like the intrinsic Florentines, the demon-

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<sup>61</sup> It is no coincidence, moreover, that the devils defy universal imperial law by disputing a writ of safe passage. The Roman emperor regularly issued guarantees of safe passage to foreigners, diplomats, and scholars when these individuals were *en route* to the imperial court. Border crossings were thus instances in which the emperor's valid power was made visible and effective. They could, however, also occasion a challenge to that power. For the history of medieval diplomatic safe-conducts and the difficulties of ensuring their enforcement, see Gian Piero Bognetti, *Note per la storia del passaporto*, 1933; and Queller, *The Office*. In particular, see Bognetti, pp. 265–6: «too often Italian subjects would close the gates of the city before the sovereign and forbid passage to the emperor».

<sup>62</sup> See most recently Giorgio Inglese's guarded reference in his commentary to *Inf.* VIII, 130: *Inf.* VIII (Inglese), p. 134.

ic citizens rebel against their rightful lord in the misguided belief that their reinforced walls and ramparts are impassable. Shutting out the imperial ambassadors, they proudly assert the sovereign autonomy of their realm: «lo regno de la morta gente» (*Inf.* VIII, 85). Their arrogant “tracotanza” derives, moreover, from an overweening confidence in the present. The devils believe they have acquired prescriptive rights over Dis because they equate longstanding administration of their city with dominion, having conveniently forgotten the descent of both Christ and Hercules. At the end of the episode, the angel’s cutting reminders of the devils’ subjugation deflate their authority by relativizing the timeline of their unchallenged rule over Dis.

Despite how closely the situations described in *Ep.* VI and *Inf.* VIII resemble each other, I do not wish to claim that the standoff at the gates of Dis represents actual events that took place in 1311. Not only would this be impossible to demonstrate (and chronologically implausible), but also reductive. Rather, in both works, Dante confronts a similar problem. In both letter and poem, he explores the potential discrepancy between *de jure* authority and *de facto* power, between “vuolsi così” and “si puote.”

In cantos VIII–IX, Dante blames this widening rift on an overly segmented temporality. What begins as a contention about space quickly transforms into a problem about time as Dante’s character and Virgil await the angelic intervention. Delaying this intervention over two cantos and 150 verses, the poet embroils readers in the same fear and doubt experienced by the pilgrim and his guide. Readers are made to feel viscerally, through narrative suspense, how easily despair rushes in to fill the void when the temporal imaginary is reduced to the moment-to-moment present. Indeed, the entire episode can be read as a “prova,” for characters and readers alike, in negotiating the gap between present perfect and future adverbs, between faith in the enduring precedent of the Harrowing and hope for imminent deliverance. The *aporia* dramatized at the gates of Dis, however transitory and unfounded, challenges us to live according to messianic time.

Dante’s character nearly fails this challenge when he is momentarily abandoned by the certainty of reason, as personified by his guide. Obstructed from seeing physical evidence of the coming messiah by the nebulous surroundings, Virgil loses his nerve (*Inf.* IX, 7–9):

«Pur a noi converrà vincer la punga»,  
cominciò el, se non ... Tal ne s’offerse;  
Oh quanto tarda a me ch’altri qui giunga!

Virgil’s lack of faith in «le non parventi» (*Par.* XXIV, 65) informs his experience of time. At the end of canto VIII, he can already envision the descent of the

angelic savior: «e già di qua di lei discende» (*Inf.* VIII, 128). This is the Virgil of *Eclogue* IV, who announces that a heaven-sent progeny and a new golden age are *already* («iam ... iam») on the way. Yet it only takes a transition of cantos for “già” to be transformed into «Oh quanto tarda a me». The pagan poet loses hope in his own words.

Even more than his sudden impatience, it's what Virgil doesn't say that truly troubles Dante. In his attempt to assure Dante (and himself) that they will defeat the demons, Virgil wavers, contemplating a different outcome: «“se non ...”» (*Inf.* IX, 8). He quickly corrects himself, however, changing subject in mid-sentence and reminding the pilgrim of the “tal” who has been promised to save them. But it is too late. Dante's character fills in the aposiopesis created by Virgil's «parola tronca» (*Inf.* IX, 14) with his own pessimistic fantasy, most likely understanding a worse meaning («peggior sentenza», IX 15) than Virgil intended. Unable to make the leap of faith from one end of Virgil's sentence to the other, Dante reproduces the «speranza cionca» (IX 18) of his guide, whose poetry inspired Statius to convert to Christianity but who was himself unable to fully embrace the messianic promise.<sup>63</sup>

From a theological standpoint, the crisis at the gates of Dis is one of skewed vision and perspective rather than one of fact. This is the point of the anticlimax at the resolution of the episode: when he does arrive, the heaven-sent “messo” opens the gates effortlessly, dispatching any hint of Manichaeism with the mere touch of a wand. He upbraids the devils for their continued «oltracotanza» (*Inf.* IX, 93) – picking up Virgil's allusion to their «tracotanza» at the Harrowing – and returns whence he came, apparently annoyed at this petty task: «fé sembiante / d'omo cui altra cura stringa e morda» (*Inf.* IX, 101–102). The brevity of the angel's intervention, conveyed through his terse reproach of the devils and the parataxis describing his actions, puts back into perspective the seemingly endless wait for his arrival.

In retrospect, the entire drama of the gates is revealed to be nothing more than an impotent “acting out.” The devils' rebellion is reduced to a nuisance, a simulacrum of power without any actual foundation.<sup>64</sup> The angel swiftly affirms the unbroken reach of the divine will: «Perché recalcitrate a quella voglia / a cui non puote il fin mai esser mozzo» (*Inf.* IX, 94–95). Reuniting “vuolsi così” and “si puote,” the messenger reinstates the basis for Dante's right of safe passage. Virgil's word may be temporarily «tronca», but God's authority is never «mozzo».

<sup>63</sup> By filling in the semantic space left open by Virgil's hesitation with his worse fears, Dante anticipates Cavalcante dei Cavalcanti's interpretive failing in the next canto.

<sup>64</sup> On the standoff at the gates as an ironic anti-siege, see Barański, «E Cominciare stormo».

Even at its most suspenseful, we know the episode will end well. This is, after all, a *comedia*. Yet this very theological and generic certainty, I would argue, opens up a space to explore a much more fraught political problem: the potential inability of the Holy Roman Emperor to enforce his own laws. The pilgrim's fear – that God has turned away his just eyes (*Purg.* VI, 120) and become a *rex inutilis*, who reigns but does not rule – is shown to be misguided.<sup>65</sup> But its political analog remains a real possibility. As a Florentine citizen living in exile, Dante well understood the consequences of abandoning the collective fantasy of universal imperial jurisdiction. In *Inf.* VIII–IX, he brings these consequences home to “intrinsic” readers as well, immersing them in a hellish no-man's-land where legal protection ends at the city walls and no traveler is safe. This is the nightmarish reality that Dante saw as the consequence of definitively giving up on the dream of an imperial revival in Italy. We scoff at his idealism at our own peril.

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<sup>65</sup> On the theological consequence of the *rex inutilis*, see Agamben, *Il regno*, especially pp. 99; 113–4.