Hawkins, Peter S. *Dante's Testaments. Essays in Scriptural Imagination.* Stanford: Stanford UP, 1999. Pp. 378.

Boyde, Patrick. *Human Vices and Human Worth in Dante's Comedy.* Cambridge: Cambridge UP, 2000. Pp. 323, illustrations.

After a first reading of the *Divine Comedy*, one might be tempted to suggest that Dante's great vision, at its most essential, is about judgment. After all, we are confronted canto after canto with sinners and saints whose individual lives are assessed, evaluated and catalogued in accordance with Christian law. But a closer inspection reveals that Dante's book is not so much about judgment as it is about sentencing. Indeed by the time the pilgrim approaches the gates of Hell, the verdicts are in – guilty or not guilty. As we progress alongside the pilgrim, what we the readers learn is not so much whether or not the crimes were committed but the consequences that the accused have suffered as a result. In many respects then, what Dante presents is a sentencing digest, a legal compendium or catalogue of sins and good deeds and the factors that affected the determination as to the proper punishment or reward. Here, extenuating circumstances, exculpatory gestures and attempts to mitigate the damages are noted, glossed and ruled upon. All are then taken into account in deciding the length of the sentence and where the time should be served. Dante's encounters with the various souls he meets throughout the three canticles can be treated as a case study in which the punishment, probation or reward of each subject is administered in accordance with a carefully considered body of precedent. Each comparison with others who have committed similar sins stands as Dante's nod to the Barrister's argument by analogy and every personal detail Dante offers with respect to the individual in question, highlights the factors that we are to consider in determining the appropriate sentence. And herein lies the essence of Dante's approach to justice – differentials in worth and differentials in vice (in both the act, and in the individual) result in differentials in punishment and reward.

That degrees of sin and virtue, in vice and worth should exist in Dante's system, suggests a subtle yet important aspect of the Comedy's basic project. Dante's spiritual system is much more akin to the temporal administration of justice than it is to Christ's approach to forgiveness demonstrated in the Gospel story of the adulteress who is told simply to "sin no more." (*John* 8:11) Moreover, the great esteem in which Dante holds Justinian, whose codification of Roman law earned him not only Dante's respect but a privileged spot in heaven, provides evidence of Dante's efforts to create a continuum between the Roman temporal empire and a heavenly empire "onde Cristo è romano" (*Purg.* 32:102)

It is within this context that we can best assess two recent books on Dante, both of which take a somewhat juridical approach to the creation of Dante's legal system

as manifested in the *Commedia*. The first of these, Patrick Boyde's *Human Vices and Human Worth in Dante's Comedy*, approaches the methodology set out in Dante's *ratio decidendi* from a rather unique and refreshing standpoint. Boyde, Serena Professor of Italian at Cambridge, introduces his work with a brief word on the importance of context, in which he makes explicit that the key to reading Dante is understanding how Dante uses, what Boyde terms, "proportional comparison." This kind of comparison reflects Dante's propensity to look for "likeness" in events, in character and in context in order to assign value to actions. As Boyde moves into Part One of the book and an examination of Dante's system of "Authority, Reason and Order," he underscores the importance of order in Dante's system of punishment and reward. He proposes that Dante's system of order derives from the medieval principles of division and numeration, often figured as a tree whose branches and leaves represent a descending hierarchy of whatever values are being considered. The interplay of these two elements, proportional comparison and order, suggests Boyde, are what ultimately give shape to Dante's book of precedent.

Having established the structure of Dante's decision making process, Boyde then explores the manner in which Dante approaches the many literary documents that colour the text of the *Commedia*. But beyond considering how these various works are absorbed and configured within Dante's own text, Boyde also considers the method Dante uses to test the authority and veracity of these authors. The use of the "quaestio," the method used by Dante to establish the authority of a work, embodies a process, Boyde points out, that is also associated with judicial examinations and interrogations. (25) Thus Dante's process of assessing the value of his authorities is akin to the determination of which cases will be sufficiently relevant or carry enough judicial weight (authority) to be considered in the sentencing process. Having put the various authors to the question and selected those whose works will be absorbed into his own masterpiece, Dante employs a method of ordering that clearly recalls the reclamation and sorting process undertaken by Justinian and his committee of jurists in compiling the *jus civile* in the sixth century. Boyde points out that another ordering method used by Dante has its source in Thomas Aquinas's *Summa Theologiae*, which also uses legal methodology, presenting arguments that Boyde likens to "the judge's summing up." Similarly Aquinas draws conclusions in a manner resembling legal writing prompting Boyde to refer to such conclusions as "the judgment." (34, 36)

Having established the underlying judicial nature of Dante's determination process, Boyde then examines those elements that Dante considers in his assessment. Of particular interest is Boyde's treatment of how Dante deals with competing values, such as Aristotelian versus Christian values, in assessing the appropriate penalty. Boyde also explores how Dante compares and orders the various virtues and vices with

which he is confronted, as well as Dante's notions of "justice." Finally in a move likely intended to underscore his legal reading of the *Commedia*, Boyde presents us with a "case study" in which he, convincingly, demonstrates how Dante's methodology is applied in a particular instance, the case of Ulysses.

Peter S. Hawkins' approach to the judicial process of the *Commedia* is quite similar in conception though quite distinct in its execution. Hawkins, a professor at Yale Divinity school, has focussed on Dante's reading and absorption of earlier texts in the process of creating, what Hawkins suggests is a testament of his own. The term is rife with possibilities but within a legal context it immediately evokes the notion of a document drafted as evidence of an intent or decision. In this case, it also refers to those texts or authorities that considers and from which he borrows language and doctrine which he then incorporates into his own document.

While Hawkins is not so obviously focussed on the legal underpinnings of Dante's system, he does concern himself with other theoretical issues of law and justice such as the ultimate purpose for Dante's system and for the document that attests to its existence. In the chapter, "Dante and the World," Hawkins considers the educational or disciplinary, aspect of Dante's penal system. He points out, for example, that in *Purgatorio*'s terrace of pride (*Purg.* 10), where the pavement is covered with "images of the mighty that have fallen," (262) the souls are "called first to look up and aspire to the virtues depicted in the terrace's wall and then to look down and trample images of vice underfoot." (262) Interestingly enough, Hawkins, like Boyde, concludes with an examination of the Ulysses story and its role in Dante's justice system. In keeping with the book's theoretical approach to the *Commedia*'s administration of justice, Hawkins tackles the prickly issue raised by the apparent hypocrisy in Dante's condemnation of Ulysses; in which Dante damns him for committing, besides fraud, a species of spiritual trespass. In the final chapter of the book, "Out upon Circumference," Hawkins has implicitly recognized the question of "clean hands" inherent in Dante's treatment of the Homeric hero. Here the author examines how, precisely, Dante manages to justify convicting Ulysses while reconciling his own resemblance to Ulysses in aiming to write what has not been written before. Focussing on what he calls Dante's "prolonged confrontation with his audience" (276) in *Paradiso* 2, 1-3; "O voi che siete in piccioletta barca, desiderosi d'ascoltar, seguiti dietro al mio legno che cantando varca ["You that are in your little bark eager to hear, following behind my ship that makes her way"] where Dante distinguishes between his enterprise and the "folle volo" of Ulysses, Hawkins considers the distinctions that Dante makes and determines whether or not his case is distinguishable and on what grounds. Hawkins' approach to this address, Dante's charge to his jury, is, therefore, akin to the process of judicial review, a consideration of the rightness of the application of the very structures examined by Patrick Boyde.

Indeed Hawkins goes on to examine precisely the nature of the proof, the admissibility issue, that Dante tenders in his efforts to justify his personal court of justice and the decisions it renders. This is not to say that Hawkins frames his book as a legal factum nor as a legal decision, but it is clear that Hawkins sees the advocate in Dante as well as Dante's use of legal strategies in the presentation of his opus. Not surprisingly, Hawkins, like Boyde, explores in depth, Dante's use of exempla and the authorities he cites in support of his position. Both books are eminently readable as both Boyde and Hawkins exhibit writing styles that make it difficult to put either book down. But as enjoyable as the reading experience was, the value of both books ultimately lies in their systemic approach to Dante's *Commedia*. With their particular focus on the construction and application of Dante's judicial process, both Boyde and Hawkins have provided valuable tools for exploring yet another important foundation upon which Dante builds the entire project of the *Commedia*.

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