

SIMILARITIES AND DIVERGENCES BETWEEN THE REPUBLICANISM OF COLUCCIO SALUTATI AND NICCOLÒ MACHIAVELLI

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ABSTRACT:

Italian Renaissance Humanism expressed a strong influence from classical texts, both Roman and Greek. However, the intricacies of this appropriation of classical thought did not occur in a uniform or systematic way; the Christian-medieval tradition, especially that of the Augustinian school, provided diverse perspectives for interpretation, but also doctrinal obstacles. It is necessary to define the terms that, based on these influences, became central to the original constructions of important political thinkers in order to understand the problem of the republic during this period. We will highlight the figures of Coluccio Salutati and Niccolò Machiavelli, both central thinkers in the process of building a republican tradition in modernity. We will demonstrate how Salutati expresses Augustinian and Ciceronian influences in his main works; as a counterpoint, we will present in Machiavelli's thought an explicit opposition to the theoretical influence of these same authors. To qualify our presentation with greater specificity, we will take as central points the constitution of laws and the formation of the people from the legislative aspect.

KEYWORDS: Machiavelli; Salutati; Augustine; Cicero; Italian Humanism.

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Introduction

Italian Renaissance Humanism expressed a strong influence from classical texts, both Roman and Greek. However, the convergence of this appropriation of classical thought did not occur in a uniform or systematic way; the Christian-medieval tradition, especially that of the Augustinian school, provided diverse perspectives for interpretation, but also doctrinal obstacles. We will attempt to present and understand the terms that, based on these influences, became central to the original constructions of key political thinkers for understanding the problem of the republic during this period.

The movement undertaken by the humanists would be a long process of confrontation and rupture, influenced theoretically by the Latin classics; however, a strong Christian indoctrination can still be seen in the foundations of certain concepts. The clear opposition between the active life and the contemplative life, a central theme for authors such as Coluccio Salutati, is marked by classical, but also Christian, influences. In this sense, lengthy texts blending Ciceronian rhetoric and Augustinian theology can be found in the main humanist works of the 14th, 15th, and 16th centuries. The transition between medieval thought and the incipient emergence of a broader understanding of the relationship between ethics and politics, between action and freedom, can be seen as the preparation for the period called Modern.

We understand that the main support for the discussion undertaken in this period, centrally within Renaissance humanism, is the revival of the classical republican tradition, which had been diluted within the Christian-medieval tradition that dominated a period of over a thousand years. However, the idea that this period of Christian dominance, commonly called the 'Dark Ages', did not advance ethical and political discussion seems misleading. Various theories developed and merged, making the Middle Ages a great period of syncretism and questioning. As Coleman (2000, p. 05) rightly reminds us: “The Middle Ages established its own agenda and a collection of different political discourses that would be absorbed, transformed, or discussed until the early modern period.”

From this perspective, we propose that the humanist authors of the Italian Renaissance experienced a process of confrontation, but with limited rupture in view of the Christian-medieval paradigm. The influence of classical authors, such as Cicero, Livy, Polybius, and even Aristotle, was strongly limited by a still resistant adherence to Christian precepts. However, we further propose that the true rupture occurs in the thought of Niccolò Machiavelli, who turns to the classics, mainly the Roman tradition, but does not present any theoretical or doctrinal heritage in relation to the medieval Christian tradition.

We maintain that the general contrast between the thought of Italian humanists, primarily Salutati, and Machiavelli, lies in the relationship between the formal and the material in the constitution of laws. While Salutati defends the universalism of law in its formal foundations, influenced by Augustine, even while drawing on Cicero's contributions, Machiavelli lays the groundwork for thinking about the constitution of laws in a concrete and material way. We will emphasize that these authors, Coluccio Salutati and Niccolò Machiavelli, are central to the process of constructing a republican tradition in modernity. We will seek to demonstrate how Salutati expresses Augustinian and Ciceronian influences in his main works, and, as a counterpoint, we will present an explicit opposition to these same authors in the thought of Machiavelli.

As stated, this stems from the relationship between the formal and material aspects of the discussion about laws. To qualify our discussion in terms of greater specificity, we will take as central points the constitution of laws and the question of the homeland and the people from a legislative perspective.

1 Coluccio Salutati: the Augustinian and Ciceronian influence on thought about the laws

The political and historical context in which Salutati is situated can be characterized by the birth of humanism and its role as a pillar of modern republican thought. These factors created a point of tension between the old medieval ethical-political tradition, markedly scholastic and based on the supremacy of contemplation over political action, and the need for a new tradition capable of justifying active life in the republic. How to reconcile the Christian ideal of contemplation and the need for a truly active life in the republic? “Political life and life of thought are indeed shown in Salutati [...] the wise man, the learned

man, is not a solitary figure separated from the affairs of men, but a man who responds to his vocation, who serves his heavenly lord amidst the turmoil of earthly life.” (Garin, 1952, p. 38). The Florentine chancellor finds himself needing to defend the humanist constitution of the republic from the perspective of active life, while at the same time he cannot detach himself from his faith and his ethical and moral principles.

If we consider the historical period from 1375 to 1406, during the 31 years of his work leading the chancellery of Florence, we see that Salutati had many opportunities to put into practice the defence of his city's republican constitution and to combat, in a theoretical sense, the attacks, both internal and external, against it. After the mid-14th century, Florence went through numerous adverse situations, from the Black Death, which ruined the city in 1348, to the instability caused by popular riots in the 1370s. The dispute against Antonio Loschi da Vicenza, secretary to the Duke of Milan between 1398 and 1404, demonstrated the intensity with which the theme of liberty was discussed and how Florentine liberty was defended by its chancellor. According to Garin (1952, pp. 4-5):

In 1399, it seems, Antonio Loschi (1368-1441), from Vicenza, successor to Pasquino Capelli in the Visconti chancellery, wrote a short *Invectiva Florentinos*, which is a true and proper propaganda pamphlet in support of Gian Galeazzo Visconti's expansionist policy. To Pietro Tuchi, who had sent him the booklet, Salutati sent back, on September 11, 1403, his reply, an *Invectiva*, which, although a fierce condemnation of Visconti's policy, becomes a hymn to Florentine liberty.

Salutati makes an extensive defence of the primacy of the science of law over other sciences, especially those he considers speculative. In his work *De nobilitate legum et medicinae*, he makes this defence in relation to medical science. Throughout his arguments, as can be seen in the rest of his works, the chancellor touches on the fundamental themes of his thought: truth, justice, family, and homeland, while also safeguarding his Christian identity, even in relation to the question of active life. “The best-known aspect of Salutati’s work is precisely here, in the ardent celebration of the active life, of Christian charity in the face of mere contemplation, of the common good, of family, of friendship, of love for freedom and for the homeland.” (Garin, 2009, p. 193).

His intention is to highlight the central role of laws in the construction of republican liberty, beginning by demonstrating their nature and applications. According to Salutati: "I will say first what law is, in order to obtain and issue it, what its nature, applications, and purpose are." (Salutati, 1947, p.13). This freedom acquired through active life within the republic has its roots in the formal character of the law itself; even though its horizon of realization lies within the political sphere, it imposes itself through its formalism.

Formality in the salutary understanding of the legislative aspect is characterized by two points: the first is the universal constitution that grounds freedom, which is the object of the law governing the free action of man, in view of his supreme good, and which originates in the will. According to the author: “Since every human act is properly free, and freedom is a property of the will and reason, and the object of the will is an end and a good, it follows that man, as man, acts for an end and a good.” (Salutati, 1947, p.15). Salutati states that freedom belongs to the realm of the will; each man is free in his will and reason. The formalist principle of the will can be perceived in the arrangement between freedom and ultimate end, a good proper to man. This construction is guided by a formalist understanding of the will that ensures the individual's freedom. Salutati reflects an Augustinian conception that bases the understanding of freedom in formal-universal terms originating from the will.

Another point lies in the very origin of the universal character of law, the supreme good that is constituted as the end of human action, being guided by the freedom provided by will and reason, and is in harmony with and preceded by divine law. Salutati states:

Since every law is in fact a direction, a principle, and a rule of practical reason, it is fitting to say that everything is preceded by divine law, because God governs and rules all things and men themselves. Now, everything that is governed by another must necessarily have within itself a correspondence with those who govern it, otherwise that operation would not occur in it. (Salutati, 1947, p. 25).

This formal perspective on law safeguards the important place of contemplation, an ideal of the Christian tradition, in the construction of freedom within the socially active context of the republic in which the reality of law arises. Natural law, as expressed by Augustine, takes shape in the Salutatian construction of the precedence of divine law as a guideline for man's own freedom arising from his will. In these terms, the link that connects Salutati to the Christian-medieval tradition is shown in his submission to a vision in which the very possibility of recognizing freedom, as well as a minimally ordered society, is only guaranteed by the universal character of laws related to the divine will.

In developing his understanding of this arrangement of the origin and maintenance of laws, as well as their legitimation as a universal foundation, Salutati clearly reproduces the Augustinian understanding of the ascendancy of laws. Laws referred to as human laws must be related to natural laws, while these are vestiges of divine law. Therefore, the origin of all laws is divine law, which expresses its precedence over all human and natural laws, as follows:

True law springs from nature, not from human decree, however much it may be said to be human. No human determination can truly be called law if it does not fully agree with natural law, which is a vestige of divine law. Divine law imprints on human minds the natural law that is the common principle of human acts and which, in our souls, pushes them towards what is decreed by that first, immutable, divine, and eternal law. (Salutati, 1947, p. 17).

This perspective is found precisely in the conception of a good that is established as originating from the divine will imprinted in the reality of the laws, which is realized, even if temporarily, in active life in the city. According to the Chancellor, relying on Augustine:

Augustine's words will seem very true to you if you compare them to another kind of knowledge, namely, science to wisdom. Now, since the true and supreme end of man is not to know or to understand, but that supreme blessedness which consists in seeing God as He is, and enjoying His sight, and loving Him, and uniting oneself to Him eternally in the love that thus unites the lover to the beloved, whoever through this love unites himself to God becomes one spirit with Him; because we cannot achieve all this through human science or speculation, but through the grace of God through the virtue of our actions, it is certain that his happiness belongs to the active life, whose principle is the will, and not to the speculative life, which is realised through the intellect. (Salutati, 1947, p. 190).

Salutati's proposed reading of Augustine's words seems to point to a supreme end, a good, present on a plane subsequent to that of active life in the republic. Besides supporting the formal foundations of the constitution of the theory of the will, especially in relation to free will and the universalization of laws, Salutati allows us to see his adherence to Augustinian thought as expressed in the constitution of the 'Two Cities'. In this reading, Salutati expresses the peace achieved in political life as something that is merely a misshapen shadow of the true peace to be experienced in eternal life. In the words of Augustine (*De Civ. Dei*. XIX, 27):

In the final peace, however, which should be the goal of the Justice we strive to acquire on this earth, since nature will be endowed with immortality and incorruptibility, devoid of vices, and we will feel no inner or outer resistance, it will not be necessary for Reason to command the passions, for they will not exist [...] This state will be eternal, and we will be certain of its eternity. Therefore, in the peace of this happiness and in the happiness of this peace will consist the supreme good.

Active life, the setting in which the materiality of laws unfolds, is a reflection of the still contemplative life, in which lies the formal foundation for the universalization of the laws themselves; in this sense, active life is still secondary, subservient to the formal-universal plane. Regarding this

possibility of understanding Salutati's text, we have an important example presented by Garin (2009, p. 195), as follows:

As observed in the epistle to Zambeccari, the heavenly Jerusalem and the earthly one merge on the plane of this life, where the citizens of both cities find themselves side by side and in constant contrast. The divine city, the kingdom of charity and peace, is conquered while being built; but this building is completed in earthly struggle. The world – we read in *De Saeculo et religione* – is the path of mortals, the trail that guides our pilgrimage. It is a continuous test in which one cannot fail. It is the devil's gymnasium – adds Salutati – where we fall to fight like good knights, but defenceless as naked fighters in the arena, with no weapon other than the strength of our will...

We understand that these arguments allow us to glimpse the influence of Augustine on Salutati's legislative thought, but this does not yet exhaust our observations on this author. On the other hand, classical authors, such as Cicero and Aristotle, appear in *De nobilitate* as a form of rhetorical and literary support for statements that express a clearly Christian basis. The use of the classics reflects a rhetorical need to seek justification in the very classical constitution of understanding laws. Obviously, this movement is necessary to safeguard the republican spirit, embodied in Cicero, as well as the erudite spirit of classical philosophical authority.

Salutati makes the following reference to Aristotle: “In laws, the objective is the preservation of society, the common good, political happiness. According to Aristotle, legislators tend toward this, whose goal is to make citizens good and obedient to the laws.” (Salutati, 1947, p. 104 – 105). As already indicated, we see a movement of assimilation, a theoretical production that expresses the scenario experienced by Italian humanists. Influenced by the classics, the humanists sought convergence between the Christian doctrinal framework and the classical authority of pagan philosophy.

Italian Humanism took the initiative to turn directly to the classics with an immense desire to read the texts within their original contexts; in this sense, confrontation begins to produce the conditions for overcoming. When confronting his speaker, Bernardo, Salutati strongly relies on Cicero, but in a move to legitimise his thought based on Augustinian Christian doctrine. Let us take the text of such a passage:

And this concerns laws to such an extent that Cicero expresses himself thus in the first book of his work on the subject: ‘law is the supreme reason, inherent in nature, which commands what ought to be done and forbids the contrary.’ And in another passage of the same book, he affirms: ‘to those to whom nature has granted reason, it has also granted right reason and, therefore, law, which is right reason applied to life.’ In the second book of the *Laws*, he defines them in a divine, precise, and comprehensive way: ‘law,’ he says, ‘is a distinction between justice and injustice, founded on nature, the ancient mistress of all things, upon which human laws are based, which condemn the wicked and defend and protect the good.’ [...] Divine law imprints on the human mind the natural law, which is the common principle of human actions and which, in our souls, impels us towards what is decreed by this first law, immutable, divine, and eternal. (Salutati, 1947, p. 17)

The universal formalism of law, safeguarded in Salutati's thought, is the result of the convergence between the works of Augustine and Cicero, and the influence of Aristotle and other classical authors, which are not the subject of our analysis in this text. The republicanism expressed by Salutati and other authors of the period vigorously presents this process of confrontation and convergence, in which we see the emergence of a formal-universal foundation for laws and the constitution of a thought proper to Italian Renaissance Humanism. This initial movement of humanism should be complemented by a more direct and less convergent confrontation, both theoretically and politically, in order to undertake a complete rupture and its profound overcoming.

We believe it is possible to identify the generation following the first humanists as being responsible for this process, with the works of Machiavelli as the main voice, especially in view of his incisive critique of the medieval Christian ethical-political construction and his unrestricted adherence to the political values of classical antiquity. As already indicated, in Machiavelli the axis of the relationship

between the formal and the material will be irreversibly modified; in his work we will see an overwhelming prevalence of the material factors of active life in Florentine politics.

2 Law and politics in Machiavelli: a counterpoint to medieval tradition

In the 16th century, the question of political action, which in Italian humanism can be placed alongside the question of the active life, was still something that oscillated between the foundations of Christian tradition and the confrontation with the revival of classical Roman and Greek tradition. The main references were still the perspectives of seeking virtuous action, influenced by the reading of the Greeks, and the pursuit of actions guided by moral principles emerging from Christian doctrine, and, more initially, the effort to combine such directions with a confrontation with the classical Roman tradition. The question of the materiality of political action, its dimension of concreteness in the face of the needs imposed by the challenges of the natural world and the context of laws, was obscured by a visceral search for ideal principles that would consist of a rational and free image of the human being.

The constitution of a humanist ideal based on the centrality of discourse (rhetoric), virtuous values, and especially the search for a harmonious definition of active life in cities, is not reflected in Machiavelli's writing. At the heart of the tradition of the 'mirror for princes', which, as is well known, influenced the writing style of *The Prince*, there also existed a tradition, strongly developed during the humanist period, of preparing princes and future leaders for the skillful use of rhetoric as a political tool. As Burckhardt points out:

Even educated princes, gifted with oratory skills, enjoyed speaking in Latin or Italian, and did so well. The sons of the Sforza family had been prepared for this. As early as 1455, the young Galeazzo Maria spoke fluently before the Great Council in Venice, and his sister Ippolita, on the occasion of the Congress of Mantua in 1459, greeted Pope Pius II with a gracious speech. Pius II himself, as an orator, clearly and firmly prepared the ground throughout his life for his eventual ascension to the papal throne. (Burckhardt, 2009, p. 223).

However, Machiavelli's focus on the centrality of political action led him to view the political landscape in a more complex way, not so conducive to harmonious dialogue based on moral virtues or the rational principles of a humanist education. The question of laws in Machiavellian thought is a theme that branches out into various discussions, ranging from the question of safeguarding liberty to the proposition of a dualism between domination and non-domination, and including the central role of the founder of a republic. The humanist tradition is closer to the metaphysical-theological conception, reflecting theoretical constructions that approximate the way notions of right, justice, laws, and punishment are established, structured by the medieval Christian tradition. Distancing himself from humanist practice, Machiavelli establishes a legislative perspective that subverts the order established by the metaphysical-theological tradition, based on a formal-universal vision, and establishes a material-instrumental perspective of law.

The medieval, metaphysical-theological tradition is guided by the subordination of the materiality of political action to ethical formalism, which legitimises a conception of justice and, consequently, a notion of what is right. The idea of order that guides Augustinian thought leads him to subject all types of law, both natural and human, to the Eternal, divine law. We have demonstrated that this view is clearly expressed in the work of Salutati, having theoretical support from Augustine and Cicero. Human beings are only able, through the action of divine grace, to recognise and embrace this illumination. For the Bishop of Hippona, any justice that is purportedly human or purely metaphysical is not true justice.

The unfolding of this metaphysical-theological construction, which articulates a formal structure, filled with theological content, establishes a legal understanding strictly guided by a universal and formal notion of justice and what is right. This theoretical understanding cannot be adopted by the Florentine in his political theory; the 'study of history and his political experience' made him realise that there is no universal justice, nor even a standard of justice that can be elevated above political interests and disputes. Law, as an expression of the notions of right and wrong, and the applicability of the idea of

justice, has a function aimed at enabling civil life and organising the political body. Its purpose is not to express a supposed, transcendent justice that arises and establishes itself outside of political organisation, nor is it to make individuals virtuous.

It can be understood that laws are links that unite groups of individuals and institutions in the constitution of civil life. Laws thus have an ordering, maintaining, and reformulating function in the political organisation that constitutes civil life. Machiavelli's articulation of the origin and function of laws is also a link between his 'empty anthropological conception' and his 'material conception of politics,' which differs from the Ciceronian tradition allied with a Christian-medieval tradition, expressed in the humanist tradition. We place Machiavelli outside the sphere of Ciceronian influence on one specific point, which, it seems to us, is the origin of laws in the human soul. Let's look at Cicero's text:

Men have judged that they should take the law as their starting point: are they right in this? Certainly, yes, as they put it in principle, the law is the supreme reason, engraved in our nature, which prescribes what should be done and forbids what should be avoided. This same reason, firmly established in the human soul with its consequences, is the law. (Cicéron, 1954, *Des Lois, Livre I*).

These assumptions are in the theoretical foundation of Salutati, as we have demonstrated, but they do not influence Machiavelli's thought. The foundations of justice and law in Machiavelli's works can be shown to be purely material; the proposition of the origin of the notion of justice follows the same understanding developed at the very beginning of the Discourses, regarding the origin of the notion of good and evil. For the author:

[...] because, seeing that if one harmed his benefactor, it aroused hatred and pity among men, cursing the ungrateful and honouring those who were grateful, and also thinking that those same injuries could be done to them, to escape such evils, they began to make laws, ordaining punishments for those who violated the laws, from where comes the knowledge of justice. (Machiavelli, 1997, *Discorsi*. I, 3).

The notion of justice arises from a 'justice of the masses', a yearning to achieve security in the face of a need never before encountered. Machiavelli argues that: "And not without reason does the voice of a people resemble that of God: because one sees a unanimous popular opinion produce marvellous effects in its prognoses, such that it seems, by hidden virtue, to foresee its misfortune and its good." *Discorsi*. I, 58. This 'hidden virtue' of the multitude, or people, seems to be the same source of the notion of justice expressed by Machiavelli in his account in chapter 1 of the same book. For Augustine, establishing divine justice above any political organisation, ordered by the best laws, customs, or conventions, any kingdom not built upon God's justice can be compared to a band of robbers and pirates. For the Bishop:

With justice overthrown, what is any kingdom but great piracy? And what is piracy but a small kingdom? It too is a group of men, governed by the power of a prince, bound together by a pact of partnership, dividing the spoils according to certain conventions. If this evil grows, because lost men, usurpers of places, are always added to it, establishing hideouts, occupying cities, subjugating peoples, it takes on the more authentic name of kingdom. This name openly gives it not lost greed, but added impunity. In a joking tone, but seriously, a certain captured pirate answered Alexander the Great, who asked him what he thought of the turmoil he was causing at sea. With arrogant freedom, he replied: 'The same as you think of keeping the whole Earth disturbed, with the only difference being that I, for doing it with a small ship, am called a thief, and you, who do it with a huge fleet, an emperor.' (Agostino, 2010, *De Civ. Dei*. IV, 6).

Machiavelli demonstrates a profound aversion to the construction that makes the 'material' dependent on the 'formal', the 'political' dependent on the 'ethical', and the consequences of actions simply dependent on their intentions. Since justice is nothing more than a notion constructed from the very relationships between individuals in an initial social gathering, it makes no sense for the notion of justice to respond to a formal imperative that is detached from the reality of these individual relationships. Thus,

the 'just person' is one who understands well these relationships undertaken by individuals, legislates with them in mind, and knows how to foresee the consequences that may arise from the likely actions of individuals.

Laws are the foundation of 'civil life', or 'political life'; they give form to the social matter that comes together to establish coexistence in the republic. In *Discorsi*, Book 58, Machiavelli is direct in defending a people governed by laws, asserting, contrary to the opinion of the Ancients and even Livy himself, that a multitude regulated by laws is more reliable than a prince or ruler. This theme of the 'multitude regulated by laws' is very important to Machiavelli and frequently used in his works. The Florentine makes a distinction that can be taken as the basis for thinking about the reality of political organisation: the idea that the first instrumental function of laws is precisely to establish a 'people'. According to Machiavelli:

But what our history tells us about the nature of the crowd does not refer to the kind regulated by laws, like the Roman crowd, but to the kind that is unrestrained, like the Syracusan crowd: which committed the same errors that enraged and unrestrained men commit [...] (Machiavelli, 1997, *Discorsi*. I, 58).

In this passage, he is arguing against Livy's view. The idea expressed by Machiavelli is precisely that there is only one civil life, only one political organisation that can be called a people, or express common relations that define a republic or other type of government, when there is the establishment of a 'code of laws'. This notion is not new, much less used only by Machiavelli. Cicero, in his lost dialogue, *De Republica*, using Scipio as a metaphor, already defines a people as an assembly of individuals (*multitude*) who express consensus and acceptance of a code of laws.

Augustine uses this dialectical construction to argue that only the 'people of God' are a true people, because they gather around divine laws, the only justice, accepting and respecting them. Augustine quotes Cicero: "A people, as Scipio has put it, is a multitude united by the recognition of law and by a communion of interests." (Agostino, *De Civ. Dei*. XIX, 21). These are words he quotes from Cicero himself to support the argument that, if this is indeed the correct definition of "people," and if true justice, or right, resides in God, he concludes: "No republic can have a government without justice, for where there is no true justice, there will also be no true right." (Agostino, *De Civ. Dei*. XIX, 21).

Any other people who do not bow to this truth are not a true people, only a multitude. However, Machiavelli sees justice as a notion constituted from the very relationship of individuals, who seek for themselves reciprocity, retribution, and security. The movement proposed by Augustine is based on his concept of 'Two Cities', the antagonism between a 'corrupted people' and a 'redeemed people'. Cicero, on the other hand, bases his vision on sources strongly influenced by classical Greek thought, in which laws have universal foundations. For Machiavelli, laws cannot be based on universal foundations that do not respond to the concrete materiality of political needs; the people are constituted first by a movement of recognition, with laws serving as a factor of order and conservation.

In presenting a narrative of the beginning of social organisation that does not support a primarily formal or spiritual explanation, Machiavelli is not merely rejecting a Christian reading of the origin of humanity or even wanting to return to paganism. His intention seems to be precisely to give centrality, from the beginning of human society, to what we can call 'political space', a common space in which the social relations of individuals, their conflicts, cultural constructions and productive processes unfold in an organised way. In this sense, neither religion nor formal ethical principles have any function in the origin of this first 'political space'. There is no indication that religion took precedence, but it can be concluded that it did not, since individuals move from a state of bestiality to a condition of human society.

From this perspective, we argue that Machiavelli presents a theory in which being just has nothing to do with reflecting a formal, metaphysical, or spiritual principle of justice that does not respond to the clear needs of the body politic. Therefore, it can be stated that there is a 'politicisation of justice', in other words, the notion of justice, of what is right, exists only in the 'political sphere', and laws are then instruments for applying this political concept of justice. This movement undertaken by Machiavelli turns entirely against the humanist tradition, its Augustinian and Ciceronian influences, and even more so, the Greek influence on Roman thought itself. Let us see what Mansfield (1998, p. 11) indicates:

Machiavelli does not suffer from nostalgia for a golden classical age. There are those who prefer Greece to Rome; he prefers Rome for its power to inspire virtuous actions. He initiates a modern interpretation of Rome that frees it from its subordination to Greece. He even attempts to cure Rome of its inferiority complex by which its own writers, especially Cicero, but also Livy, judged it by standards borrowed from Greek philosophy. Machiavelli wants to give Renaissance humanism a hard face: to empty its esteem for classical rhetoric, to attack its adherence to philosophical tradition, to destabilise its accommodation with Christianity, to refute its belief in the virtue of classical men, and to remind them of military value and glory.

The result of this innovation brought about by Machiavelli is the emergence of a material, not formal, vision of the foundations of justice, laws, and the political sphere. If the humanist generation of the 15th century represented a moment of confrontation and convergence, Machiavelli's work inaugurates a moment of irreversible rupture. The formal-universal paradigm, based on a metaphysical-theological foundation, gives way to a new, material-instrumental paradigm that addresses the specific needs of each political space.

This is the main movement that leads Machiavelli to emphasise a concern regarding what is considered 'ideal' and what is 'real' in political relations between individuals, causing him to subordinate the formal to the material. This concern also leads him to emphasise the consequences of actions, not their intentions, especially in situations where the political order of the republic is at stake. Starting from this understanding in the discussion about the politicisation of the notion of justice, we can see that Machiavelli's proposal is a novelty in relation to everything that was debated in his time, both by civic humanists and by theologians, philosophers, and scholars.

Thus, starting from the notion that reality is transitory, as Machiavelli himself indicates, "since all human things are in motion, and cannot be fixed, it is fitting that they rise or fall..." (*Discorsi*. I, 6). Could this be an indication that laws are useless for establishing a republic, a people, and that the ultimate goal of any human government is degeneration? Conde (1976, p. 49) offers an interesting perspective on the distinction between Augustine and Machiavelli regarding how they view the history of human societies and the movement of humankind itself, as follows: "The Augustinian movement is a journey towards God, towards eternal happiness and immortality. On the other hand, the Machiavellian movement is not a perpetual journey towards transcendence, but rather a turning back on oneself, without the possibility of liberation." This is not a deterministic pessimism, but a clear understanding that human history, political needs, and the instrumentality of laws cannot be comprehended through formal or universal factors.

It is worth highlighting the perspective that laws do not inherently contain 'permanent universal' provisions which, if properly employed in light of their principles, could guarantee complete harmony and stability. Italian humanists, such as Salutati, believed that laws were based on solid, universal, and true principles; it was not a matter of 'speculation'. A political body that had to go through various conflicts, reforms, and failures was not, in reality, well-organised; it was merely experimenting with laws, just as a doctor experiments with substances to try to cure an ailment he doesn't yet know what it is.

However, for Machiavelli, the body politic goes through stages and periods that vary according to the political needs that arise; conflict, in reality, is a 'healthy' process of constituting freedom. The vision that Machiavelli reinforces is the one that centrally marked the republican tradition of Rome: few laws, based on customs, primarily directed towards public relations; moreover, these laws were seen as responses to the most serious and blatant 'accidents' that could occur in the republic. Ducos gives us an enlightening indication of how Rome structured its laws, prioritising responses to extraordinary situations rather than the establishment of lengthy legal codes, unlike the Greek tradition. As follows:

Unlike Greek, Latin does not possess terms capable of designating a codification of a set of laws; such a notion is approximately taken in Latin by the word *corpus*. [...] Consequently, recourse to law in the Roman Republic is not very frequent. Private law legislation is rare in the Republic; Rotondi counted no more than twenty-six laws: these laws are laws of circumstance, which are a recourse to put an end to the most flagrant

abuses. Law is a remedy for a crisis, and this is a constant in the Roman attitude towards laws. (Ducos, 1978, p. 50).

The instrumentality of laws is not characterised by a political utility that they may have in all situations experienced by the republic. In this light, Machiavelli sees in the instrumentality of law the means to avoid excessive idleness, prepare for wars, prevent disorder and the loss of liberty, all according to each scenario imposed by necessity or Fortune. This was the case of Rome, which throughout its republican history always innovated its laws and orders according to its needs.

The theme of law in Machiavelli is far broader and more complex than we intend to analyse in this brief text, but we can assume that the foundations upon which he builds his thought are not those assumed by Renaissance humanists, especially Salutati. The instrumental materiality of law, expressed in Machiavelli's work, reveals a concrete perception of the political space and its needs, in contrast to the formal-universal vision expressed by Salutati.

Conclusion

The period considered to be the one in which Italian Humanism flourished and developed is rich in connections between classical thought and the Christian-medieval tradition. As we have sought to demonstrate, Salutati, as an exponent of this period, was able to construct an original thought, in which he endeavoured to converge Augustinian doctrine in a close relationship with the Ciceronian heritage. However, the confrontation between the active life and the contemplative life forced him to take a stand; the Florentine Chancellor adopted a Christian stance based on classical principles, expressing a still formal and universal vision of the foundations of law.

His republicanism is a vivid and exemplary expression of the movement that arose from reading the classics and adapting Christian doctrine, especially Augustinian doctrine, to the demands of defending liberty. It cannot be denied that his work served as an incentive and support for the following generation, those who took humanism as a starting point for their own concepts and theories.

Machiavelli, as we have seen, certainly fits into this scenario of influence from the humanist thinkers of the Quattrocento, being an original author precisely because he opposed the theoretical perspective contained in authors such as Salutati. So, would this be an approximation or a divergence, that is, a rupture? As we have sought to demonstrate, Machiavelli's movement is still embedded in the process of confrontation and rupture initiated with the humanists; therefore, we cannot deny the influence of these authors. However, his perspective is original and contrary to the conciliatory vision of the humanists. While Salutati does not promote a break, accepting and reproducing the formal and universal paradigm present in the Middle Ages, Machiavelli exalts and reinforces the material and instrumental character of laws and their use in the political sphere.

Finally, we understand that the historical and theoretical period addressed here, not only in the authors discussed but in all their rich literary production, represents a zone of passage, or transition, between the Christian-medieval tradition and the emergence of the first steps of a paradigm considered modern. Salutati and Machiavelli, two giants of humanist thought, represent the dualities and confrontations existing in this extraordinary period.

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