CHAPTER II

LESSONS IN LEGAL THEORY

IN THE previous chapter I undertook to show how Boccaccio positions men at the outside at all three levels of his text—author’s statements, frame tale, and stories—and how those gestures of exclusion inspire three parallel revenge narratives. Central to my argument there was the observation that, by dedicating the book to women, Boccaccio effectively turned his back on his (male) friends. This gesture in turn allowed him to describe a complementary scenario in which his choice fueled a polemic that his critics directed at him and which his characters directed at women. The present chapter constitutes something of a detour from the discourse of friendship, inasmuch as it looks at the rationale for men’s claims for centrality in the first place, for an order that installs men as the dominant group while circumscribing female agency as a function of male privilege. Boccaccio locates the argument in natural law theory that, as I discussed earlier, grounds the patriarchal order. While Pampinea, who clearly understands natural law theory, also debunks it through her executive functions, her engagement with it remains rather more empirical than theoretical. The task of presenting a theoretical rebuttal remains under Boccaccio’s purview, and he carves out space for this work in several key stories, all of which, not surprisingly, posit the world of men as the space within which to elaborate these issues.

In this chapter I study Boccaccio’s engagement with legal theory as it develops in the first and sixth days. To the extent that, as Stewart and oth-
ers have argued, Day VI “restarts” the Decameron, it makes sense that questions of God and law first explored in Day I should reappear as the Decameron raises the curtain on its second half. Far from repeating points already made, however, Boccaccio elaborates further on the problem, creating as it were two halves of a whole. Together with the first three stories of Day I, the last two tales of Day VI raise the question of how we can know whether our notion of the legal order is correct. The answers reverberate with implications for a reading of the Decameron.

These five stories, which share a common discursive trajectory leading back to God, all locate that discourse in various aspects of the social world of men. Two of the Day I stories, the first and the third, cut across the grain of religion and money, while the second tale looks at religion and friendship, themes that will come to inform the third tale as well. In the sixth day the question of religion arises in the context of male fraternity, realized specifically as the tradition of Florentine eating clubs, while the last tale returns to the question of religion and money on a broader scale. Only that story, which stars Frate Cipolla, makes some allusion to women, in the form of a girlfriend of one of the secondary characters; its primary thrust lies in the tradition of the beffa, which later tales will represent as a form of male interaction. It is logical that Boccaccio would establish these overlapping contexts as the space in which to explore male claims to power. The world he describes in these stories is one in which men are in charge and assume it will be forever so. The theoretical discourse that emerges from these settings works a destabilizing effect on the legal predicates of the social world of men.

Lest the reader conclude from these theoretical ruminations that the world harbors promise for women, the Decameron takes care to suggest otherwise. This chapter concludes with an analysis of two stories that reassert the contingency of women’s safety in the context of a male legal order. In the first tale, that of Madonna Filippa (VI.7), the protagonist avoids execution for adultery only because she successfully leads the way to a revision of the law of Prato by appealing to the interests of men. The second story, which features King Solomon (IX.9), links the state authority of the ruler to the domestic authority of the husband by having the king give oblique advice to the confused Giosefo about how best to handle his marital difficulties. The same story also features a parallel plot line that underscores how men can solidify the bonds of friendship outside of the context of women.

My argument throughout rests in part on the taxonomy of law that Aquinas offers in the *Summa*. He lists and defines four different laws: eternal, divine, natural, and human. Eternal law, so called because it transcends time, is God’s plan for the universe. Aquinas locates it the source of all law: “Therefore the ruling idea of things which exists in God as the effective sovereign of them all has the nature of law” (ST 1a2æ. 91, 1). Natural law is man’s perception of that plan: “Since all things are regulated and measured by Eternal Law . . . it is evident that all somehow share in it, in that their tendencies to their own proper acts and ends are from its impression. . . . Now this sharing in the Eternal Law by intelligent creatures is what we call ‘natural law’” (ST 1a2æ. 91, 2). Human law in turn makes practical application of natural law to human behavior: “. . . from natural law precepts as from common and indemonstrable principles the human reason comes down to making more specific arrangements. Now these particular arrangements human reason arrives at are called ‘human laws’” (ST 1a2æ. 91, 3). Divine law, on the other hand, consists of codes issued by God, in the forms of the “Old Law” and the “New Law,” the Old and New Testaments respectively. While the first three types of law explain how the human legal order comes to reflect God’s plan, the final type offers a specific complement to human law necessitated by the limitations of human reason. The somewhat asymmetrical plan that Aquinas sketches posits both an abstract and a concrete relation between the human and the divine: abstract inasmuch as human law reflects the structure of eternal law through natural law, and concrete because in enacting their own laws humans must obey specific legal codes set forth by God.

Aquinas’s taxonomy helps us see another of the many ways in which Boccaccio takes his leave from Dante: while the *Decameron* focuses principally on human law, the *Commedia* plumbs divine law. Aquinas understands that these laws work in tandem: “. . . men can make laws on matters on which they are competent to judge. They cannot pronounce on inward motions which are hidden, but only on outward and observable behav-

---

2. Aquinas offers four reasons for Divine Law: first, to help direct men to their end of eternal happiness; second, to help men correct mistakes in judgment that result in different and contrary laws; third, as a law directed at interior acts, it complements human law, which is directed at exterior acts, the purview of human law; and fourth, to account for evil, which human law cannot do (ST 1a2æ. 91, 4).


Since human law is not enough, the complement of divine law is needed to check and guide what goes on within us” (*ST* 1a2ae. 91, 4). Dante’s insistence, in *Purgatorio* XVII, on sin as an error of *amore d’animo*, voluntary love, shifts the focus away from sin as an external action, the delict in human law, and toward sin as a disposition of the soul punishable by God, the internal act that divine law addresses. The Dantean theology of sin bears only elliptical interest for the Boccaccio of the *Decameron*, who instead prefers to describe human behavior empirically. More than disinterest or contrariness is afoot here, however. Boccaccio’s empiricism reflects, I believe, a philosophical attitude of doubt about the nature of things unseen, about whether that which one can see—the matter of human law—accurately reflects that which lies beyond human sight. Aquinas himself fuels Boccaccio’s fire with his remarks about “common and indemonstrable principles,” that is, principles that defy logical proof and must instead be accepted as predicates for all that follows. Since natural law furnishes the link between the indemonstrable principles of the eternal and those of the human, it makes sense that the *Decameron* would look carefully at natural law in order to rationalize its empiricism.

**Day I: Asking the Question**

The question of the ontological status of natural law returns us almost perforce to the tale of Ser Ciappelletto. The notary’s false confession and subsequent sanctification signal an interest in otherworldly matters that does not trouble the frame tale. While the ladies first meet in Santa Maria Novella, having gathered there to attend morning mass, they clearly do not see the church as offering permanent refuge in the face of the disaster. The

---

4. Dante presents his *amore d’animo* in contrast to *amore naturale*, innate love; for the distinction, he relies on the Scholastics, for example Aquinas, *ST* 1a2ae. 60, 1. Readers of the *Comedy* will recall that *amore d’animo* “puote errar per malo obietto / o per troppo o per poco di vigore” (*Purg.* XVII.95–96): by directing itself at an evil object, or toward earthly goods with too much desire or too little desire.

5. The three young men, it bears noting, arrive after the mass has ended, and show up only because they are looking for their friends. Santa Maria Novella is a Dominican church, and the Dominicans were among the first orders to make gestures of inclusion toward women. Boccaccio may be making a veiled reference to same in having the women alone attend the mass, or he may wish to suggest that the men have already given up hope of the church protecting them.

6. Potter observes: “The protagonists of the *cornice* meet in the church of Santa Maria Novella and return to it as their dispersal point. This implies a very basic change in role: from that of valid institution, in whose rules and customs one can dwell, to that of threshold, a place of transition through which one passes to a valid experience” (44).
complex itself is nearly as empty as their homes, and they meet there only to decide to leave both church and city behind. While in abandoning Florence they take leave of the urban ruin that Pampinea details in her speech, their departure from Santa Maria Novella may also represent a willful distancing from ecclesiastical institutions, which likewise have crumbled. Matters of religion do have some impact on how the group spends its time: the ladies habitually fast on Saturday, “a reverenza della Vergine madre del Figliuolo di Dio” (II.Conc.6), but otherwise their gestures of devotion appear to be limited. They attend mass only on the second Sunday, and they give Friday over to orations instead of storytelling because Christ died on a Friday, but there is no mention of other religious activities such as daily prayer. Their generalized secularism—Getto rightly observes that “il sentimento del sacro è assente da queste pagine” (28)—dovetails with the behavior of Florentines in the face of plague. Indeed, among the various defenses he describes, Boccaccio does not list surrender to the hands of God. Nobody apparently considers accepting death, and subsequently arriving in Paradise, as a positive solution to the plague. While the ten do leave Florence, they do not appear ready to leave the earth.

7. Pampinea points out that they come to the church “d’ascoltare se i frati di qua entro, de’ quali il numero è quasi venuto al niente, alle debite ore cantino i loro ufici. . . . E se alle nostre case torniamo, non so se a voi così come a me adiviene: io, di molta famiglia, niuna altra persona in quella se non la mia fante trovando, impaurisco e quasi tutti i capelli adosso mi sento arricciare, e parmi, dovunque io vado o dimoro per quella, l’ombre di colore che sono trapassati vedere . . .” (I.Intro.56, 59).

8. Indeed, the social decay in Florence is so extensive that, as Pampinea notes, even the nuns have abandoned their vows: “e non che le solute persone, ma ancora le racchiuse ne’ monisteri, facendosi a credere che quello a lor si convenga e non si disdica che all’altra, rotte della obbedienza le leggi, datei a’ diletti carnali, in tal guisa avvisando scampare, son divenute lascive e dissolute” (I.Intro.62).

9. Boccaccio may be referencing the historic intensification of the cult of the Mater Dolorosa, which accompanied the plague. This cult, as Warner points out, “stressed [Mary’s] participation in mankind’s ordinary, painful lot, and so although the repercussions of the Black Death restored a degree of majesty and terror to the personality of Christ the Judge, the Virgin herself retained the common touch” (216). The Mater Dolorosa enjoyed particular currency in Tuscany, and Warner offers the example of Pisa’s Camposanto frescoes as evidence. Bynum’s observation, that “Mary is not really as important as one might expect in women’s spirituality” (269), bears note, however. While Bynum records a strong presence for the imitatio Mariae in southern European saints’ lives, she also points out that “it is male biographers of women who stress the theme of women’s imitation of Mary,” whereas women’s Marian devotion served principally as a prelude to devotion to Christ. In the present case Boccaccio may be following that male habit or, as I suspect, he may be wishing to configure the women’s devotion in a specific manner in anticipation of Panfilo’s countermove. For details on the Mater Dolorosa cult, which originated in the twelfth century, see Warner 210–16 and Pelikan 125–36.

10. The Saturday fast has a long history, dating to the fourth century, and it served to prepare the body for reception of the Sunday Eucharist. Fasting thus involves one’s relationship to Christ and only indirectly to the Virgin, thus making the ladies’ practice rather the exception than the rule. For an overview of Christian fasting see Bynum 31–69.
Panfilo’s invocation of God at the beginning of I.1 thus suggests the return of the repressed, not merely of a God who has unleashed the plague upon Florence but of a repressed male hierarchy as well: “Convenevole cosa è, carissime donne, che ciascheduna cosa la quale l’uomo fa, dallo ammirabile e santo nome di Colui, il quale di tutte fu facitore, le dea principio” (I.1.2). The sentence hints at condescension, though not without irony, coming as it does from one who had missed mass the day before. Addressed to the ladies, it rhetorically excludes them from its ambit, focusing instead on the works of man, l’uomo, and God, Colui. Moreover, it fails to acknowledge the ladies’ own habit of praying to the Virgin, whose official status as mediatrix Panfilo appears to want to supplant with his story of Ciappelletto. In recounting one of God’s wonders, Panfilo hopes to renew “la nostra speranza in Lui, sì come in cosa impermutabile” (I.1.2), implying that indeed their hope had been shaken. While he arrived after Pampinea’s speech in Santa Maria Novella, which made no mention of God, he appears nevertheless to worry about his and the ladies’ current relationship with the divinity. Moreover, he quickly reminds his female audience that without “spezial grazia di Dio” there is no repair from “le cose temporali,” which are “in sé e fuor di sé . . . piene di noia, d’angoscia e di fatica” (I.1.3). In other words, the ladies should thank God, not Mary or Pampinea, for their successful flight from Florence.

Panfilo’s careful self-positioning with respect to his female audience raises the question of the possible models that inform his speaking. His expertise as a storyteller may well come from experiences with oral narrative outside of an ecclesiastical setting, but his invocation of God suggests other possible models, specifically the *ars praedicandi* that Panfilo would have seen practiced in Santa Maria Novella and elsewhere. As James Murphy details in his compendious account of medieval rhetorical theory and practice, the *ars praedicandi* would have furnished a number of principles to an aspiring preacher such as Panfilo. The importance of preaching was  

11. Boccaccio describes the plague as “per operazione de’ corpi superiori o per le nostre iniquie opere da giusta ira di Dio a nostra correzione mandata sopra i mortali” (I.Intro.8). It bears note that one of the alternatives, “per operazione de’ corpi superiori,” excludes any human culpability for the plague, turning it into an act of whimsy that defies all explanation.

12. Pelikan explains the significance of Mary as mediatrix: “The title was a means of summarizing what had come to be seen as her twofold function: she was ‘the way by which the Savior came’ to humanity in the incarnation and the redemption, and she was also the one ‘through whom we ascend to him who descended through her to us . . . , through [whom] we have access to the Son . . . ; so that through [her] he who through [her] was given to us might take us up to himself’” (131). Boccaccio’s own language, in which he identified Mary as “madre del Figliuolo di Dio,” underscores her status as mediatrix, though of course she appears to take back seat to a more important mediator, Galeotto, the book itself.
indisputable; Alain de Lille, in his *De arte praedicatoria*, had identified it as “the highest of the seven steps to perfect manhood” (Murphy 306). Medieval theorists also uniformly insisted that preaching was about reaching an audience and not about showing off. From early on, as Murphy explains (279), parables became a favored vehicle for preaching to an unlearned audience, following Christ’s practice as described in Mark 4:33–34. Alexander of Ashby, in his *De modo praedicandi*, likewise points out the utility of the *exemplum* for preaching to an unlearned audience, and he adds that preachers should conclude by exhorting their audience to “continued devotion to God” (Murphy 313). While Boccaccio would not necessarily have had direct access to these texts, together—and they are rather abundant in number—they describe a fairly consistent practice that he, or Panfilo in his imaginary world, would have witnessed in church. Boccaccio then has Panfilo turn his learning around for use with an audience whom he no doubt identifies as unlearned, his female companions. That he would make use of an exemplum, or *parabola* as Boccaccio would likely call it, squares not only with theory and practice but also with the fact that, as Carlo Delcorno points out, Boccaccio no doubt had at his fingertips any number of collections of *exempla* published specifically for preachers.

In other words, the significance of the Ciappelletto story lies not simply in its recourse to the *exemplum* tradition, as Delcorno demonstrates, but in

---

13. The other steps are “confession, prayer, the act of grace, study of Scripture, more serious study of Scripture should some doubt occur, exposition of Scripture” (Murphy 306).

14. Boccaccio himself acknowledges as much in his commentary on *Inferno* I in the *Esposizioni*, when defending the use of poetic fictions for theological ends: “E ultimamente, acciò che io lasci star gli altri, li quali io potrei inducere incontro a questi nemici del poetico nome, non esso medesimo Gesù Cristo, nostro salvatore e signore, nella evangelica dottrina parlò molte cose in parabole, le quali son conformi in parte allo stile comico?” (i.103; cited in Rossi, “La decima giornata” 272). Boccaccio’s awareness of the relationship between theology and poetic fictions, as well as his claim that *parabola* use the comic style, may well have informed his writing of the Ciappelletto story.

15. I am thinking of course of Boccaccio’s description of the hundred tales as “novelle, o favole o parabole o istorie che dire le vogliamo” (Proem.13), assiduously parsed by critics (Stewart, Haug, and Marchesi, to name a few). This parsing has created something of a distraction from the oral setting of narration that the *Decameron* records. In the sentence in which the author, with feigned indifference, names his genres, he uses the verb *raccontare* to denote both the written (“intendo di raccontare cento novelle”) and the oral (“racontate in diece giorni da una onesta brigata”). Because the stories themselves come to us in written form, however, one might easily overlook the oral dynamic, and the specifics of how the *Decameron’s* own internal audience might have received these stories in the context of their prior experience with oral narrative.

16. Delcorno, *Exemplum e letteratura* 268, wherein he also advances the fascinating hypothesis that much of the structure of the *Decameron* owes itself to these books. One highly proximate example of a collection of *exempla* is Jacopo Passavanti’s *Specchio della vera penitenza*; Passavanti was a preacher active in Santa Maria Novella around 1349.
the fact that the *Decameron* opens by associating storytelling with preaching. The tale itself provides the key to this coupling, inasmuch as Panfilo tells the story of a man whose life becomes the subject of preaching after he dies. The subjugation of storytelling to a preaching function finds its rationale not just in the point, however confused, that Panfilo wants to make about faith, but in the *Decameron*’s more generalized concern with the restorative function of storytelling, here expressed as restoring a faith that the historical moment has taxed.

Continuing on his path, Panfilo next focuses on the process whereby our prayers reach God and find reply. The “spezial grazia di Dio . . . non è da credere che per alcun nostro merito discenda, ma dalla sua propria benignità mossa e da’ prieghi di coloro impetrata che, si come noi siamo, furon mortali, e bene i suoi piaceri mentre furono in vita seguendo ora con Lui eterni son divenuti e beati; alli quali noi medesimi, si come a procuratori informati per esperienza della nostra fragilità, forse non audaci di porgere i prieghi nostri nel cospetto di tanto giudice, delle cose le quali a noi reputiamo oportune gli porgiamo” (I.1.4). Sanctification comes to those who follow God’s *piaceri*, which Branca glosses as *volontà* (1004n6). The whole sentence, which initiates Panfilo’s “forensic or legal analogy” (Fido, “Ser Ciappelletto” 66), emphasizes the place of saints as go-betweens for humans and God. While this stress on the role of the go-between should come as no surprise in a book subtitled *Prencipe Galeotto*, it nevertheless rewards careful attention here. Sandwiched between God and humans, saints occupy the same mediating role assigned to natural law, but with a reversal in direction: while natural law renders eternal law comprehensible to humans, saints, who once had a human form and followed God’s will *bene*, represent human desires before God: they are in a sense man’s best friends. Proof of their holiness lies entirely in their works, that is, in how they lived, as the story of Ciappelletto makes clear, or perhaps more accurately in our perception of how they lived. The question of perception draws the analogy even closer to natural law, which relies entirely on perception for its successful function.

In this context Panfilo’s subsequent claim that the system sometimes breaks down assumes capital importance: “E ancor più in Lui, verso noi di pietosa liberalità pieno, discerniamo, che, non potendo l’acume dell’occhio mortale nel segreto della divina mente trapassare in alcun modo, avvien forse tal volta che, da oppinione ingannati, tale dinanzi alla sua maestà facciamo procuratore che da quella con eterno essilio è iscacciato: e nondimeno Esso, al quale niuna cosa è occulta, più alla purità del pregator riguardando che alla sua ignoranza o allo essilio del pregato, così come se quegli fosse nel suo cospetto beato, essaudisce coloro che ’l priegano” (I.1.5). The pas-
sage makes three points. First, it rationalizes the eavesdropping that litters the rest of the Decameron, including this story, by identifying the archeavesdropper: God himself, who can heed our mislaid prayers only if He is already tuned in to our conversations. After all, prayers to a damned saint Ciappelletto will never pass from the saint to God: God himself must lend an ear, even though we do not address Him directly. God’s sympathetic ear is a necessary element because—this is Panfilo’s second point—men have erred repeatedly in electing false saints: Ciappelletto’s case is but one example of a phenomenon of some extension.

Third, and with broader ramifications, Panfilo’s claim that the human eye cannot penetrate “nel segreto della divina mente” calls into question the theory of transcendental signification that goes all the way back to Augustine. Augustinian semiotics posits two types of signs, the natural and the conventional, offering human language as the most common example of the latter. In On Christian Doctrine he identifies the challenge that conventional signs represent: “even the signs which have been given us of God, and which are contained in the Holy Scriptures, were made known to us through men—those, namely, who wrote the Scriptures” (II.2). While Augustine is quick to affirm the validity of figural allegory, his caveat about the human means for communicating knowledge of the transcendental leads logically to the sort of affirmation Panfilo offers about the impossibility of knowing God’s thoughts. Boccaccio has Panfilo use the key verb trapassare, already inflected by Pampinea to suggest trespass, and which here may carry some of that weight while also suggesting an impossible metaphysical leap. At the same time Panfilo attempts something of a rescue, claiming that an omniscient God (“al quale niuna cosa è occulta”) can register the purity of our faith and answer our requests accordingly. By no means limited to the present example, Panfilo’s claim about the limits of human knowledge of the divine has implications as well for the status

17. The gravity of the error of praying to the damned becomes clearer when one considers that the archetype of the damned, he who “con eterno essilio è iscacciato,” is none other than Satan himself.

18. Natural signs, to which Augustine devotes little attention, work as conventional signs do in signifying something else, but they are not arbitrary; Augustine offers the example of smoke, which indicates fire.

19. Completing the semantic grid associated with trapassare is Pampinea’s other use of the term in her Santa Maria Novella remarks, with specific reference to death: “E se alle nostre case torniamo, non so se a voi così come a me avviene: io, di molta famiglia, niuna altra persona in quella se non la mia fante trovando, impaurisco e quasi tutti i capelli adosso mi sento arricciare, e parmi, dovunque io vado e dimorò per quella, l’ombre di coloro che sono trapassati vedere . . .” (I.Intro.59); Panfilo uses the word in the same sense when referring to Ciappelletto’s death (I.1.83). The verb trapassare clearly has metaphysical nuances, the passing from one state to another; whether it be intellectual or physical.
of natural law, likewise the result of a process involving human, that is, imperfect, discernment.

As an antidote to the occulto Panfilo offers this story, which he claims will make everything plain to see, beginning with God’s generosity in answering our misdirected prayers: “Il che manifestamente potrà apparire nella novella la quale di raccontare intendo: manifestamente, dico, non il giudicio di Dio ma quel degli uomini seguitando” (I.1.6). The emphasis on the adverb manifestamente recalls Panfilo’s earlier statement that “Manifesta cosa è” that we require God’s special assistance to confront life’s tribulations: he wants to discuss things we can know for sure, once we have drawn a curtain around that which we cannot know. Of course nothing is clear here, as Millicent Marcus has argued, calling his use of the adverb “hopelessly ambiguous”: “Panfilo completely undercuts his discourse by suggesting that all he has said represents the limited point of view of mankind which he has previously characterized as so precarious and flawed that the reader will have difficulty assigning it any authority at all” (An Allegory of Form 14). Still, Panfilo’s remarks here offer a clue as to the story’s true intentions. Rather than demonstrate God’s generosity, the tale instead gives an example of the risks attendant to the use of conventional signs for transcendental signification. In applying the theory of the conventional sign to sainthood, Panfilo takes Augustine’s caution about how we know what we know about God a step further, reducing our epistemology to a human artifact.

Conventional signs, as Augustine defines them, “are those which living beings mutually exchange for the purpose of showing, as well as they can, the feelings of their minds, or their perceptions, or their thoughts. Nor is there any reason for giving a sign except the desire of drawing forth and conveying into another’s mind what the giver of the sign has in his own mind” (II.2). They are, in other words, exactly what they sound like: arbitrary agreements among people that further understanding. The tale capitalizes on the notion of the conventional sign not as a linguistic construct, Augustine’s preferred example, but rather in its behavioral and later corporeal manifestations. In his sermon to the Burgundians, Ciappelletto’s confessor reviews the false saint’s life, offering it explicitly as an example of saintliness: “cominciò e della sua vita, de’ suoi digiuni, della sua virginità, della sua simplicità e innocenza e santità maravigliose cose a predicare” (I.1.85). The specifics of Ciappelletto’s recounted behaviors work to convince the friar’s audience of his subject’s sainthood because they conventionally signal sainthood. Ciappelletto was himself likely aware of their signification, which is why he used them in confession. These behavioral signs quickly lead to the intended conclusion, and consequently Ciappellet-
to’s body and clothing acquire transcendental signification: “poi che fornito fu l’ufficio, con la maggior calca del mondo da tutti fu andato a basciargli i piedi e le mani, e tutti i panni gli furono indosso stracciati, tenendosi beato chi pure un poco di quegli potesse avere” (I.1.86). The crowd invests in Ciappletto’s corpse a new transcendental signification: it no longer signifies death, but rather resurrection.

Of course, as Panfilo hastens to point out, the problem with this process, by which the ordinary rises to the level of the extraordinary, is that it is based on a lie, a lie whose origin is itself that same set of conventional signs, language, by which knowledge of the transcendental first came to men. The narrator takes care to qualify what has happened:

Così adunque visse e morì ser Cepparello da Prato e santo divenne come avete udito. Il quale negar non voglio esser possibile lui esser beato nella presenza di Dio, per ciò che, come che la sua vita fosse scellerata e malvagia, egli poté in su lo stremo aver si fatta contrizione, che per avventura Idio ebbe misericordia di lui e nel suo regno il ricevette: ma per ciò che questo n’è occulto, secondo quello che ne può apparire ragiono, e dico costui più tosto dovere essere nelle mani del diavolo in perdizione che in Paradiso. E se così è, grandissima si può la benignità di Dio cogno scere verso noi, la quale non al nostro errore ma alla purità della fé riguardando, così facendo noi nostro mezzano un suo nemico, amico credendolo, ci essaudisce, come se a uno veramente santo per mezzano della sua grazia ricorressimo. (I.1.89–90)

The paragraph relies on various forms of the verb potere: possible, poté, può (twice). Even his affirmation that Ciappelletto lies in the hands of the devil carries an aura of doubt, with Panfilo’s dovere essere preceded by dico, asserting not objective knowledge of Ciappelletto’s situation but rather Panfilo’s subjective judgment, which supplants the unknowable judgment of God. In substituting for the unknowable occulto that which can apparire before us, he decertifies the transcendental signification of the pseudo-saint’s life and body in favor of an empirical analysis whose limits he must admit: no one knows the true disposition of Ciappelletto’s soul at the moment of his death.

Panfilo’s apparent inconsistencies thus suggest not so much failure on his part as a frank acknowledgment that Christian theology cannot lead where it claims to. His well-intentioned attempt at preaching falls short perhaps because he has not received the type of indoctrination that would make him a convincing messenger, or perhaps because he has heard the arguments but seen their flaws. His continued caution provokes ever more complications. While seeking to reaffirm his initial point about God’s benev-
Chapter II

Violence, Panfilo slips into subjectivity with a conditional clause: “E se così è.” The predicate is precisely that Ciappelletto has landed in hell, an event no one can certify any more than one can know if he is in heaven. If on the other hand Ciappelletto did somehow escape damnation at the eleventh hour, then the story’s point shifts. No longer a tale about God’s benevolence toward us, it demonstrates instead God’s benevolence toward Ciappelletto, recalling Dante’s Buonconte da Montefeltro, whose dying invocation of the Virgin saved him from the devil’s grasp (Purg. V.85–129). Moreover, if Ciappelletto were saved Panfilo’s argument that God listens to our messages even when we turn to erroneous intercessors collapses, because Saint Ciappelletto truly could advocate for us before God, so we still have no way of knowing whether God listens when we pray to false saints. The tale offers no categorical proof that God is always listening, so we have no way of knowing whether God is the archaeadesdropper that Panfilo claims him to be. The only sure eavesdroppers are those circling among us.

Panfilo concludes also by insisting that the figure of the mezzano is an artifact. He twice uses the word in this paragraph, both times describing the go-between as a role assigned by men and not by God. If the mezzano, whose role parallels that of natural law as go-between between eternal and human law, is but a construct, the problems magnify. For in refusing to acknowledge that God might have created the mezzano, no matter its form, Panfilo reduces all theology to an artifact, as one can never be certain that the human order of the world accurately reflects the divine order. To a Dante who asserts that we can know what we cannot see, Boccaccio replies through Panfilo that we cannot in fact know what we cannot see: those indemonstrable principles are precisely that, indemonstrable. True, Panfilo carefully avoids denying anything of what we believe about God’s order; rather, he simply denies that we can be sure about it. His final plea, that his companions keep the faith, “sicurissimi d’essere uditi” (I.1.91), rings hollow against an exemplum that offers no such proof, though in a sense what he asks of his listeners, that they pursue their faith against all evidence, is the more compelling message. Augustine sums up the challenge in a sentence that weaves together two passages from Corinthians: “although the light may begin to appear clearer, and not only more tolerable, but even more delightful, still it is only through a glass darkly that we are said to see, because we walk by faith, not by sight, while we continue to wander as strangers in this world, even though our conversation be in heaven” (II.7; italics mine).

For all of its denials, the tale does offer one final certainty about how we construct belief systems. As an alternative to the blocked verticality of Augustinian semiotics, this story offers a horizontal circularity. Delcorno
has called attention to the “voci di testimoni” (Exemplum e letteratura 266) that pop up in various stories of the Decameron: Marino Bolgaro, Coppo di Borghese Domenichi, and others, some unnamed. One voice missing from his list is that of Ciappelletto’s confessor, whose dissemination of the sinner’s story may arguably be taken, within Boccaccio’s larger fiction, as a distant source of Panfilo’s own narrative. True, Panfilo knows more about Ciappelletto than the preaching friar does, so his account appears to have a number of sources, including—directly or indirectly—the Florentine brothers. The tale’s emphasis on sourcing—the explicit source that Ciappelletto makes of himself, and the implicit ones that inform Panfilo’s discourse, locates religious knowledge firmly in the sublunar sphere, and in particular in the rhetoric of preaching, which emphasizes the accommodation of audience. As the later story of Frate Cipolla demonstrates, the preacher enjoys a certain authority by virtue of his office, but he maintains that authority only by addressing his audience in a convincing and comprehensible manner. Authority and persuasion thus become the Decameron’s true articles of faith. The fact that their means is nothing other than the conventions of human language exposes in turn the constructedness of theology. In the end, it is persuasion effected through human language that gives us the conviction of the existence of God and His attendant order: our “knowledge” of the occulto remains limited to a faith supported by social life.

Questions of faith and their relation to the social order return explicitly in stories 2 and 3, through in different guises. In introducing her story, which follows hard upon Panfilo’s, Neifile makes overt reference to Panfilo’s argument: “Mostrato n’ha Panfilo nel suo novellare la benignità di Dio non guardare a’ nostri errori quando da cosa che per noi veder non si possa procedano: e io nel mio intendo di dimostrare quanto questa medesima benignità, sostenendo pazientemente i difetti di coloro li quali d’essa ne deono dare e con l’opere e con le parole vera testimonianza, il contrario operando, di sé argomento d’infallibile verità ne dimostrì, acciò che quello che noi crediamo con più fermezza d’animo seguitiamo” (I.2.3). Neifile, whose name bears an etymological relation to Panfilo’s, revisits a problem he had already posed, that of the form in which God’s benevolence appears to us. Whereas for Panfilo it transpired in God’s “non al nostro errore ma alla purità della fé riguardando” (I.1.90), for Neifile it appears as God’s “sostenendo pazientemente i difetti di coloro li quali d’essa ne deono dare e con l’opere e con le parole vera testimonianza, il contrario operando.” Pan-

20. Stewart calls the first three tales “a triptych on the paramount value of our faith in God” (“The Three Rings” 98); I am not sure whether they so much treat faith in God specifically as faith in general.
filo thus offers a more panoramic vision of where the sign appears, while for Neifile it comes in the more specific terms of God’s patience with clerics. The two suggestions share God’s acceptance of human error, either the error of our misdirected prayers or that of clerical defects.

The story also reinforces Panfilo’s earlier point about faith by playing on the theme of things unseen and things seen, and in particular on the relationship between appearance and truth. The sinner Ciappelletto appeared to be saintly; so too does the shoddy behavior of the pope and members of the Roman curia ironically prove the power of Christianity: “E per quello che io estimi, con ogni sollecitudine e con ogni ingegno e con ogni arte mi pare che il vostro pastore e per consequente tutti gli altri si procaccino di ridurre a nulla e di cacciare del mondo la cristiana religione, là dove essi fondamento e sostegno esser dovrebbero di quella. E per ciò che io veggio non quello avvenire che essi procacciano, ma continuamente la vostra religione aumentarsi e più lucida e più chiara divenire, meritamente mi par discerner lo Spirito santo esser d’essa, sì come di vera e di santa più che alcuna altra, fondamento e sostegno” (1.2.25–26). As Cottino-Jones has pointed out (“Abraham the Jew” 86), these sentences ring with subjective observations: “per quello che io estimi,” “per ciò che io veggio,” “mi pare,” “mi par discerner.” Abraam avers no rational basis for the growth of Christian faith; if anything that growth is wholly irrational, because it flies in the face of curial dissoluteness. When he says that “mi par discerner lo Spirito santo esser di essa,” he has found no proof of the existence of the Holy Spirit; rather, he has chosen to interpret human actions—the spread of Christianity—as proof of the Holy Spirit. His perception of the Holy Spirit in behaviors that are wholly antithetical to it suggests yet again how the human pursuit of articles of faith involves a subjective reading of empirical reality. Moreover, his observation that Christianity is becoming ever more lucida and chiara suggests that by its superficial visual brilliance it provides insight by means of eyesight, an operation not unlike natural law itself. As Aquinas puts it, “the light of natural reason by which we discern what is good and what evil, is nothing but the impression of divine light on us” (ST 1a2æ. 91, 2).

Abraam thus interprets what he sees as a sign of the power of faith: Christianity endures, indeed grows, in spite of itself. He surprises even his friend Giannotto, “il quale aspettava dirittamente contraria conclusione a questa” (1.2.28), and the two proceed, not surprisingly given the ladies’ collective devotion to the Virgin, to Notre Dame for Abraam’s baptism. The tale ends somewhat ambiguously, however, as Neifile recounts that Abraam, now Giovanni, “fu poi buono e valente uomo e di santa vita.” In the light of what he had seen in Rome one is left to wonder exactly
what Giovanni understands a *santa vita* to be, though we also know that Giannotto “il fece compiutamente ammaestrare nella nostra fede” (i.2.29). Studying the catechism, Giovanni would perforce learn that faith itself is an act of free will, precisely this tale’s point.21 Abraam, named for the first Jew, chooses to believe in Christ, taking the name Giovanni after Giannotto, he who pointed the way to Christ. The conversion offers no solid reassurance, however, because as Giannotto well knows, Abraam could have returned from Rome with the opposite conclusion about Christianity.

The theme of caution implied in these two stories finds explicit reference in the third tale, told by Filomena: “La novella da Neifile detta mi ritorna a memoria il dubbioso caso già avvenuto a un giudeo. Per ciò che già e di Dio e della verità della nostra fede è assai bene stato detto, il discendere oggimai agli avvenimenti e agli atti degli uomini non si dovrà disdire: a narrarvi quella verrò, la quale udita, forse più caute diverrete nelle risposte alle quistioni che fatte vi fossero” (i.3.3). Filomena aligns her story as the logical heir to the first two while creating a sort of revisionist trinity. As the first story concerns man’s relationship with the Father, “Dio,” and the second the Holy Spirit, explicitly named, one might expect the Son somehow to appear in the third story. It does of course in Melchisedech’s narrative, which Filomena encloses in her story about Saladin, so that the discourse about offspring becomes both textually and thematically secondary to the more urgent question of female self-protection. Hers is in fact the first tale of the *Decameron* explicitly advertised as containing the sort of advice for women that Boccaccio had anticipated in the Proem. While Panfilo had set an initial course that focused on relations between men, and Neifile appeared to be willing to go along, “sì come colei che non meno era di cortesi costumi che di bellezze ornata” (i.2.2), Filomena subtly redirects the conversation, offering that the *avvenimenti* and *atti* of men can serve as useful models for women’s behavior.

In her introduction Filomena claims—and somewhat disingenuously, since the question of the “verità della nostra fede” returns unannounced in this story—to abandon questions of religion and explore instead the world of men. While she describes this shift in terms of descent, *il discendere*, she complements that move with the story’s narrative of ascent: “sì come la sciocchezza spesse volte trae altrui di felice stato e mette in grandissima miseria, così il senno di grandissimi pericoli trae il savio e ponlo in grande e in sicuro riposo” (i.3.4). In other words, the narratives of human lives often

21. Aquinas is explicit on this point: “The object of faith permits three perspectives; the reason is that, since, as shown, belief engages mind as it is moved to assent by will, the object of faith can be viewed in its reference to mind and in its reference to will as prompting the mind” (*ST* 2a2ae. 2, 2).
take shape as comedy or tragedy, with each outcome linked to a degree of human ability, a sort of Machiavellian virtù ante litteram. Filomena’s words in fact recall definitions of the comic and the tragic as can be found, for example, in Dante’s Cangrande letter, which makes the same distinction though strictly in the context of narrative, not human experience. She thus invites her audience to read human events through the prism of literary theory: literature gives human experience an identifiable shape. The tale she then tells exemplifies the relationship between the tragic and the comic, inasmuch as Melchisedech manages to avoid a potential tragedy and find a comic ending to his own story.

While claiming that it is time to look at men and not at God, Filomena nevertheless makes recourse to the technical language that anticipates the serious engagement with theology that the story will come to exhibit. Her companions need to become more caute specifically when answering the quistioni put to them. The Italian word questione translates the Latin quaestio, found in such works as Aquinas’s Summa and Dante’s Questio de aqua et terra. The word also appears twice in Melchisedech’s answer to Saladin: the Jew, himself a master of diplomatic equivocation, becomes a model for the ladies to emulate. The tale’s ecumenism extends so far that the Jew teaches a lesson not only to the Muslim Saladin but to the Christian ladies in Filomena’s audience.

The tale addresses the challenge of caution in a way that mimics the structure of the Decameron itself, with a story within the story. Melchisedech escapes the Muslim Saladin’s trap by telling the hoary tale of the three rings. The tale actually begins with just one ring, an object that, “bellissimo e prezioso” (I.3.14), bears some resemblance to the lucida and chiara Christian religion of the previous story. When the father in Melchisedech’s tale commissions two perfect replicas of the original ring, one suddenly becomes three: “li quali [due] si furono simiglianti al primiero, che esso medesimo che fatti gli aveva fare appena conosceva qual si fosse il vero” (I.3.14). The multiplication of the rings becomes a metaphor for Melchisedech’s own equivocation: “E così vi dico,” he explains, “signor mio, delle tre leggi alli tre popoli date da Dio padre, delle quali la quistion proponeste:

---

22. “Ed est comedia genus quoddam poetice narrationis ab omnibus aliis differens. Differ ergo a tragedia in material per hoc, quod tragedia in principio est admirabilis et quieta, in fine seu exitu est fetida et horribilis. . . . Comedia vero inchoat asperitate mali cuius rei, sed eius materia prospere terminatur . . .” (§10: Comedy is therefore a genre of poetic narration that differs from all the others. It differs in fact from tragedy, in its subject matter, because tragedy is at the beginning wondrous and peaceful, but at the end or conclusion fetid and horrible. . . . Comedy, instead, begins with a difficult situation, but its subject matter has a happy ending . . . [translation mine]).

23. On the literary antecedents for this tale see Stewart, “The Three Rings” 89–95.
Lessons in LeGaL Theory

•

ciascun la sua eredità, la sua vera legge e i suoi comandamenti dirittamente si crede avere e fare, ma chi se l’abbia, come degli anelli, ancora ne pende la quistione” (I.3.16). Melchisedech says nothing to contradict Filomena’s conviction about the “verità della nostra legge”; rather, he suggests that more than one truth may be afoot.

The full import of Melchisedech’s response to Saladin emerges against the backdrop of his name. The character’s namesake, the Old Testament Melchisedek, was the king of Salem, a high priest who in Genesis 14 blessed Abram when he returned from recovering goods and people taken from Sodom and Gomorrah. The Letter to the Hebrews in the New Testament offers a commentary on this Melchisedek, identifying him as “king of righteousness” on the basis of his name, and it also notes his lack of genealogy, analogizing him in this way to Christ himself: “he has no father, mother or ancestry, and his life has no beginning or ending; he is like the Son of God” (7.2–3). This aspect of lack of genealogy, and the concomitant association of Melchisedek with Christ, has important implications for Filomena’s story, as Melchisedech’s own story, and a comparison with its sources, will demonstrate.

In Boccaccio’s version, the man who bears the name of an Old Testament king without a genealogy shows a strong interest in questions concerning generations. This is readily apparent in the story itself, which features a father who must decide how to distribute his wealth among three sons. Beyond that superficial evidence, however, lies a more curious discourse, which appears to be of Boccaccio’s invention. Here is the incipit of the Jew’s story from the Novellino, number 73 in Segre’s edition: “Messere, egli fu un padre ch’avea tre figliuoli, e avea un suo anello con una pietra preziosa la migliore del mondo” (Prosatori del Duecento 125). Boccaccio’s amplifies it:

Se io non erro, io mi ricordo aver molte volte udito dire che un grande uomo e ricco fu già, il quale, intra l’altre gioie più care che nel suo Tesoro avesse, era uno anello bellissimo e prezioso; al quale per lo suo valore e per la sua bellezza volendo fare onore e in perpetuo lasciarlo ne’ suoi discendenti, ordinò che colui de’ suoi figliuoli appo il quale, si come lasciatogli da lui, fosse questo anello trovato, che colui s’intendesse essere il suo erede e dovesse da tutti gli altri esser come maggiore onorato e riverito. E colui al

24. The name of the Hebrew patriarch has not yet been changed: God will rename him Abraham only in Genesis 17. The fact that he is Abram at this point lends further credence, I believe, to the association of this story with the Old Testament Melchisedek story, inasmuch as the name Abram is the same as that of the protagonist of Neifile’s story, who will likewise undergo renaming.
quale da costui fu lasciato tenne simigliante ordine ne’ suoi discendenti, e così fece come fatto avea il suo predecessore; e in breve andò questo anello di mano in mano a molto successori, e ultimamente pervenne alle mani a uno il quale aveva tre figliuoli belli e virtuosi e molto al padre loro obbedienti, per la qual cosa tutti e tre parimente gli amava. (i.3.11–12)

Most of this information is gratuitous, as the antecedents to Boccaccio’s version suggest: the tale stands on its own without the generational background Melchisedech offers. These additions must therefore serve some purpose that transcends the tale itself, as indeed they do. First, by saying “io mi ricordo aver molte volte udito dire” Melchisedech establishes for Boccaccio that the tale itself has a genealogy: like the ring, it has passed from person to person. Not only that, but the ring too comes to embody genealogy, having passed from father to son across generations, though it does not have an origin. The first father named had it in his treasury, though Melchisedech is unclear about whether he was its first owner. Beyond that, however, this introduction allows Melchisedech’s allegoresis to open the door to a far more disturbing suggestion. By analogizing the father in the tale to God the Father (“E così vi dico, signor mio, delle tre leggi alli tre popoli date da Dio padre,” i.3.16), he suggests that God the Father is also a son, the latest in a line of Gods, each of whom, until the present time, had preferred one (presumably pre-Hebraic) religion over another. In other words, the man whose namesake is associated with the immortality of Christ turns around and implies not only that God is mortal but that religions are too. They pass from generation to generation, changing along the way, while nevertheless sharing an incorruptible, unchangeable quality embodied in the original ring. That quality may be inferred from the language used by both Saladin and Melchisedech to talk about religion: legge, understood not as the specific rules that govern human behavior but rather as an abstract organizing principle that each religion embodies.

It is difficult in the end to argue with Melchisedech, however heretical his claims may superficially appear to be. Other gods, and other religions,

25. These details also do not appear in the versions of the tale found in Gaston Paris’s study. This story is subject to considerable censorious attention in the sixteenth century, though none of the manipulations appears to recognize anything scandalous per se about this incipit. The details remain in the pre–Counter Reformation 1527 Decameron and as well in the Deputati edition of 1573, though the latter manipulates the tale’s conclusion in such a way as to make it less even-handed. Salviati’s “corrected” edition of 1582 suppresses Melchisedech’s story entirely. Finally, Groto’s 1588 riforma of the Decameron includes these details but in the context of an entirely new story. See Chiecchi and Troisio 121–31 for side-by-side versions.

26. Boccaccio will in fact make clear in his later Genealogie deorum gentilium that the gods have family trees.
did in fact predate Judaism, Christianity, and Islam, and others may indeed follow, though all will aim as a *legge* to organize humanity by establishing some sort of connection between the human and the divine. Nevertheless, by implying that the gods are mortal, by tying them to temporality, Melchisedech effectively liquidates religion of any claim to transcendence. Religion becomes an artifact.

Filomena’s suggestion that the time has come for the group to turn “agli avvenimenti e agli atti degli uomini” thus finds its full realization in a tidily enclosed discourse according to which the “verità della nostra fede” lies in a misunderstanding about what is transcendent and what is transitory. The *avvenimenti* and *atti* of men involve not just the joust between Saladin and Melchisedech but also the ways in which men put religion to their own use. That element emerges in the duel between the novella’s two named principals, one of whom, the Muslim, attempts to trip up the other, the Jew, on a religious question in order to extract money from him. Melchisedech’s agility in avoiding the trap laid for him by Saladin is the aspect of the tale that Boccaccio’s rubric features: “Melchisedech giudeo con una novella di tre anella cessa un gran pericolo dal Saladino apparecchiato-gli” (1.3.1). The rubric also ignores the story’s denouement, which rewrites the dead-end outcome of its earlier versions. Beyond that, however, the tale makes a point about how men can become friends, namely by being honest with one another about their motives. Once Saladin tells Melchisedech the truth, the latter seizes the opportunity to demonstrate that he transcends his reputation as *avaro* and to emulate the generosity for which his namesake is known. The tale thus opens the door to a discourse about male friendship that will find its apotheosis in another tale about Saladin, the ninth story of the tenth day, like this one featuring the Saracen leader as finding friendship with a man of another religion, the Christian Torello. That Saladin succeeds in establishing real friendships, grounded in a concern for the other’s well-being, with two men of other faiths again suggests that, like the rings themselves, what matters are not so much the differences as the commonalities.

Despite Filomena’s reconfiguration of the religious discourse of the previous two tales, the story she tells shares with both a significant interest in questions of evidence. All three tales have forensic elements: Ciappelletto as proof, curial misbehavior as proof, the rings as proof. Each in its own way asserts that we base our conclusions on matters of transcendence on the evidence of the material world. Each may also be construed as a parodic exposure of the bad faith of Dante’s *Commedia*. Dante lays out his poem’s central rhetorical claim in its second and third tercets, which insist on the relationship between seeing and telling: “ma per trattar del ben ch’io vi tro-
vai, / dirò dell’altr’ cose ch’i’ v’ho scorte” (Inf. 1.8–9). He declares his poem to be one of witness; by reporting on what he saw he hopes to renew his readers’ faith, which he will define in Paradiso XXIV as “sustanza di cose sperate / ed argomento delle non parventi” (1. 64–65). By substituting the discourse of things seen for faith in things unseen, the poem appears to question the sustainability of blind faith, or whether the earthly evidence of transcendence—miracles and the like—can suffice. Faith comes to rest on believing not in God but in Dante, who emerges from this system as yet another Galeotto, a pander of faith. Readers who are not disposed to believe him either come away empty or return to their place of departure, left to believe simply because they choose to.

Boccaccio answers Dante’s bad faith with a faith of his own, one that, precisely because it destabilizes the forensic authority of material evidence, is both stronger and more fragile than Dante’s. Relocating everything that Dante exposed to human perception back behind the screen of mystery, Boccaccio compels his protagonists, and Panfilo as well, to choose to believe: faith becomes an act of will unmoored from empirical testing. While error abounds—the friar, Abraam, and the sons in Melchisedech’s parable all reach conclusions that fly in the face of the evidence—faith becomes stronger, because it loses its contingency on human discourse or behavior or the material artifact. Thus, while both the Commedia and the Decameron are cast against a moment of crisis—for Dante, the spiritual decline of his era and his personal fall into error, and for Boccaccio, the plague—the argument in response to the crisis differs. While Dante tries to dazzle his audience into faith, Boccaccio, by systematically undermining the authority of evidence in the propagation of the faith, requires his readers to hitch their faith to a far more tenuous hook.

Day VI: All Is Rhetoric

If the trinity of tales in Day I concluded with the status of Christianity left hanging, the Day VI tales concerning religion, the ninth and tenth stories of the day, serve to raise more urgent doubts, this time with specific com-
mentaries on the relationship between religion and language. The story of Guido Cavalcanti occupies the important ninth slot of the day. Numerologically and narratologically the ninth story, over eight of the ten days, is associated with perfection.29 Nine is for Dante the sign of “un miracolo, la cui radice, cioè del miracolo, è solamente la mirabile Trinitade” (Vita nuova XXIX.3). Thus the trinity of theological tales of Day I, multiplied by itself, points to the ninth tale of the restarted book, which hinges on a central unanswered question about the existence of God. In narratological terms, that story is perfect because its teller is the day’s monarch, in this case Elissa, and thus one may infer that it most closely reflects what the monarch had in mind when issuing the day’s theme.30

Like V.8 before it, this tale returns us to Dantean terrain. Guido Cavalcanti, exiled from the Commedia, here assumes a starring role in a context that cannot help but recall his mention during the viator Dante’s encounter with Cavalcante de’ Cavalcanti, Guido’s father.31 The father famously arises from a burning tomb in a graveyard populated by heretics. Dante calls the place the Città di Dite, and in its general configuration, surrounded by walls which Dante penetrates thanks only to the intervention of a celestial messenger, it recalls a medieval Italian city, thereby associating urban life with heretical thinking. Boccaccio suggests an analogy between the City of Dis and Guido Cavalcanti’s Florence. He locates his own narrative in a specifically delineated downtown area ranging between the Orsanmichele, Corso degli Adimari, the Baptistry, and Santa Reparata, at the center of which, just as in the City of Dis, lies a graveyard. As if to affirm the analogy, Elissa, the narrator, makes explicit mention of Guido’s presumed Epicureanism, which may have led to his estrangement from Dante.32 The story also relies

29. Getto calls it “il vertice della giornata sesta, non foss’altro che per la presenza in essa, straordinariamente ricca di determinazioni, del motivo ideale che raccoglie quella giornata in evidente ed interiore unità” (156).

30. Typical of Boccaccio’s gamesmanship, only eight stories appear in this privileged position. Exceptional are Day I, in which Pampinea speaks last, and Day VII, in which Dioneo, the king, occupies his normal position, tenth. In that day the ninth story goes significantly to Panfilo, another man; I shall have more to say on this later.

31. Michelangelo Picone sees Cavalcanti as Dante’s substitute: “Non volendo introdurre nel suo capolavoro la massima gloria della poesia fiorentina, Dante Alighieri, Boccaccio fa spazio al poeta che, a suo vedere, occupava il posto più vicino all’autore della Commedia: Guido Cavalcanti. Così facendo egli riesce a rettificare la severa condanna comminata in contumacia al poeta fiorentino nel X canto dell’Inferno” (“Leggiadri motti” 182).

32. Interestingly, Boccaccio does not read Dante’s “Forse cui Guido vostro ebbe a disdegnio” (Inf. X.63) as associating Guido with Epicureanism; rather, he reads it as referring to Guido’s rejection of Virgil: “Guido Cavalcanti, uomo costumatissimo e ricco e d’alto ingegno . . . seppe molte leggiadre cose fare meglio che alcun altro nostro cittadino: e, oltre a ciò, fu nel suo tempo reputato ottimo loico e buon filosofo, e fu singolarissimo amico dell’autore, si come esso medesimo mostra nella sua Vita nuova, e fu buon dicitore in rima; ma, per ciò che la
for background on the Florentine tradition of organized *brigate*, basically eating clubs formed by “gentili uomini delle contrade” (VI.9.5), whose members would share expenses by rotating the responsibility for paying for everyone’s dinner.\(^{33}\) They would also participate in popular festivals at regular intervals during the year.

In Boccaccio’s story, Guido Cavalcanti becomes the object of a membership campaign by one of these clubs, led by Betto Brunelleschi. Elissa’s description of Guido makes him not simply an unwilling candidate but an imperfect one as well. She explains that Guido “fu un de’ miglior loici che avesse il mondo e ottimo filosofo naturale (delle quali cose poco la brigata curava),” so it does not appear that they would have much to say to one another. On the other hand, they know him to be “leggiadissimo e costumato e parlante uom molto e ogni cosa che far volle e a gentile uom pertenente seppe meglio che altro uom fare” (VI.9.8)—in other words, a good conversationalist. They attribute his reluctance to join their group to the fact that “Guido alcuna volta speculando molto abstratto dagli uomini divenia”: he tends to drift off. Moreover, common knowledge holds that he “alquanto tenea della oppinione degli epicuri,” with the inference that his speculations “erano solo in cercare se trovar si potesse che Iddio non fosse” (VI.9.9). They thus attribute to him efforts to undermine previously advanced ontological arguments for the existence of God, such as Anselm’s simple proof or Aquinas’s *Quinquae viae*, his five-part proof contained in the *Summa*.\(^{34}\) The *brigata*’s question suggests that for them at least such a proof would lead to nothing, as it would have no practical impact: the

---

\(^{33}\) This is one of many traditions whose passing Elissa laments: “furono nella nostra città assai belle e laudevoli usanze, delle quali oggi niuna ve n’è rimasa” (VI.9.4). The ninth tale thus repeats the nostalgic reverie for lost traditions that Filomena had initiated in the first story. While it may have disappeared by the mid-fourteenth century, the tradition does reappear later, being featured for example in the *Novella del Grasso legnaiuolo*.

\(^{34}\) Anselm advances his proof in his *Proslogion*, in which he concludes the existence of a being of whom none greater can be conceived to exist, in other words, God. Aquinas introduces the *Quinquae viae* in *ST* 1a. 2, 3. The five arguments are as follows: *ex motu* or the unmoved mover (God is the unmoved mover from whom all motion proceeds), *ex causa* or the first cause (God is the uncaused cause of all things), *ex contingentia* or contingency (God is the being whose existence does not depend upon other beings), *ex gradu* or degree (God is the perfection that is the source of all perfections), *ex fine* or design (God is the intelligent being that guides all other beings to their ends).
world would continue as before. Despite the risks attendant in any association with him—though one may assume that, being in their own way Epicureans, they have their own heretical leanings—the group still wants him. Guido’s own resistance makes him irresistible. It is perhaps the tale’s central irony that a character commonly believed to deny the existence of God should himself be an object of veneration.

The story hinges on both the question asked of Guido and his non-answer to it. Meeting up with him among the tombstones adjacent to the Baptistry—a setting that implies the entire life cycle, not simply its earthly conclusion—the members of the brigata tease him about where his speculations will lead: “Guido, tu rifiuti d’esser di nostra brigata; ma ecco, quando tu avrai trovato che Idio non sia, che avrai fatto?” (VI.9.11). Their verbal attack constitutes, in Elissa’s words, an oxymoronic assalto sollazzevole (VI.9.10); he parries with words and a salto over one of the gravestones: “Signori, voi mi potete dire a casa vostra ciò che vi piace” (VI.9.12).

Guido’s refusal to answer, coupled with his invitation that they continue to speculate about him, exposes the real topic of this tale: it is about gossip. The members of the brigata, among others, theorize about what Guido is thinking; in his reply he acknowledges his status as an object of interest to them but refuses to satisfy their curiosity, marshaling instead a rejoinder that effectively cuts off the cycle of chatter that he finds odious.

At first the group puzzles over the remark and deems Guido a smemorato or ignoramus; they particularly do not understand it because they see this place not as uniquely theirs but as belonging to all Florentines, including Guido. Betto then glosses the remark: “queste arche sono le case de’ morti, per ciò che in esse si pongono e dimorano i morti; le quali egli dice che son nostra casa, a dimostrarci che noi e gli altri uomini idioti e non letterati siamo, a comparazion di lui e degli altri uomini scienziati.

35. Marcus makes an acute point in this regard: “[T]he very gifts which would most adorn [Guido] in polite company—eloquence and gentle manners—are precisely those which elevate him beyond the pale of normal social activity.” With regard to his Epicureanism she notes: “His Epicurean rejection of the soul’s immortality would necessarily distance him from the society whose entire moral system depends on an afterlife of reward and punishment” (An Allegory of Form 67). Robert Durling, in his fascinating study of the novella, describes the activities of the brigata in comparison to Guido’s speculations as “the familiar antithesis between the active and the contemplative life. . . . [t]he fact that it has apparently not occurred to the brigata to honor Guido by feasting him, according to their custom, is part of the suggestion of their lack of discernment” (“Boccaccio on Interpretation” 275).

36. As Durling points out (“Boccaccio on Interpretation” 282–83), the leap over the gravestones, which connotes resurrection and salvation, suggests that Guido is anything but a heretic: “The suggestion is very strong that if anyone in the novella is an Epicurean—porcus de grege Epicuri—it is the brigata that lives mainly for dressing up, parading, and eating.” Barański, reaches similar conclusions on both of these points.
It turns out that Betto is not such a bad logician either, though as Robert Durling points out, Betto takes only a first step in his interpretation and fails to make the second, which would involve becoming a follower of Guido (“Boccaccio on Interpretation” 291). Indeed, the most significant result of the encounter, besides the group’s decision to leave Guido alone, is that his companions gain renewed respect for Betto, whom they deem a “sottile e intendente cavaliere” (VI.9.15). The tale thus casts reflected light on Betto, who positions himself as yet another Galeotto, a go-between between Guido and the other members of the brigata.

While Guido enjoys a triumphant moment in which he secures his freedom from gossip, with its insistence on the uselessness of the brigata’s speculation the story offers a rather more guarded conclusion about the value of inquiry. Betto and his friends never get the answer to their question because their interlocutor refuses to answer it: Guido remains impenetrable. Betto himself, while admitting to being an idiot and non letterato, ends up making a point that Guido himself affirms: speculation succeeds only if the object of speculation is willing to cooperate, and Guido proves to be no more cooperative than God himself. His inscrutability, his rejection of transparency, would appear to be of a piece with his Christological nature (Barański, 321), an affirmation of his duty, as part of a greater mystery, to remain one. In like manner, one may infer that since Guido is a human, his speculative efforts about God would meet with similar resistance.

The story thus removes the question of what would happen if God turned out not to exist at all from the realm of theology, relocating it within the realm of language: it is finally but one of many questions for which there are no clear answers. Reducing ontological inquiry to the equivalent of gossip, inasmuch as both are functions of language, it relocates the former firmly within the range of human activity, whether solitary or in conversation with others. The members of the brigata finally resolve their frustration only by solving the linguistic riddle that Guido offers as a substitute for the more substantive answers they have sought from him. The riddle itself turns out to be a masterful pun on the verb speculare: seeing themselves reflected in the tombstones, Betto and his friends find the sort of concrete satisfaction, consistent with their own materialistic Epicureanism (Barański, 307–8), that enables them to move on. The story comes to rest in the solidity of the tombstones, which stand in opposition to the eva-

---

37.  Getto, who sees in the tale’s denouement the establishment of “un rapporto gerarchico fra una nobile forma di vita e una altra forma più nobile e alta, tra un tono raffinato e un più raffinato tono di civiltà,” describes Betto as “come il mediatore tra Guido e la brigata,” though without connecting his role to the subtitle of the Decameron and its implications (159).
nescence of Guido’s alleged Epicurean speculation. By denoting birth and death through solid structures, San Giovanni and the tombstones respectively, the tale marks the limits of human knowledge about life: in the end we can be sure only that once born, we will die, and the rest remains hidden. Coming as it does during a day that focuses on the transformative power of language, the tale also assigns limits to it, which correspond to limits on the human ability to know.

Dioneo’s tale follows logically from this conclusion, inasmuch as it demonstrates the extent to which religion remains a human construct. The story has generated a variety of readings, ranging from Mario Baratto’s focus on the representation of the Florentine countryside, to Millicent Marcus’s analysis of its metaliterary aspects, to Joy Potter’s emphasis on its critique of ecclesiastical institutions. Being an exceptionally busy story, it tends to resist global interpretations; it appears to touch on too many themes—the nature of relics, the operations of con men, clerical failings, storytelling, language and seduction, style versus substance, and so forth—to fuse into a coherent whole. That said, I would first hazard two points absent from previous readings, and which will inform my own claims about the tale’s messages. First, this is a story about marketing, specifically about the marketing of God. Readings that touch on its ecclesiastical themes insist that the story limits itself to critiquing Church institutions; Potter, for example, notes “a careful separation of God and Church” consistent with the frame tale and the Ciappelletto story (67). These claims seem to me to participate in a misplaced Boccaccio apologetics. To defend Boccaccio properly, one would apparently need to deny that he would ever want to put God into play, as if to do so would constitute an insurmountable attack on his character. Whether Boccaccio believed in God or not remains at best a matter of speculation. Regardless of that, he does not shy away from the same ontological questions he had Guido Cavalcanti asking, nor should we fear to acknowledge same.

Second, the story’s metaliterary considerations are neither exclusively theoretical—the art of storytelling, understood abstractly—nor directed uniquely at other texts, such as the Commedia. The tale also self-consciously

38. Elissa’s theme explicitly relates language to change: “chi, con alcun leggiadro motto tentato, si riscotesse, o con pronta risposta o avvedimento fuggì perdita o pericolo o scornc” (V.Conc.3).

39. See Baratto, Realtà e stile 379–82; Marcus, An Allegory of Form 64–78; Potter 62–67. Other readings include Getto 160–64, who sees the novella as celebrating the “arte del vivere” (160), and who offers incisive comparisons between Frate Cipolla and Guido Cavalcanti; Mazzotta 63–67; Picone, “Leggiadri motti” 183–85; and Bruni 87–92. The tale has also been the object of detailed examination of its Dantean intertext; see Hollander, Boccaccio’s Dante 41–52, and Usher.
reproduces in microcosm the storytelling arrangement of the *Decameron* as a whole. It bears note, as Jonathan Usher has already pointed out,\(^40\) that while Frate Cipolla delivers his fraudulent address to the people of Certaldo, listening in the wings are the two thieves, Giovanni del Bragoniera and Biagio Pizzini, who took his feather in the first place and know full well that his claims about relics are wholly false: “Li quali stati alla sua predica e avendo udito il nuovo riparo preso da lui e quanto da lunghi fatto si fosse e con che parole, avevan tanto riso, che eran creduti smascellare” (VI.10.55).\(^41\) Cipolla thus confronts two distinct audiences, the people of Certaldo, ignorant of his fraud, and the two men, aware of it. The arrangement mirrors a number of audience arrangements: that of Ciappelletto’s confession, made before a gullible priest and the two knowing Florentine brothers; Dioneo’s primary intended audience of the seven ladies and secondary audience of the two other men; and the book’s primary audience of women in love and the secondary audience of male readers. Consistent with Boccaccio’s awareness of his multiple audiences, Frate Cipolla appears to have a message for both: “per presto accorgimento fece coloro rimanere scherniti, che lui, togliendogli la penna, avevan creduto schernire” (VI.10.55). This *mise en abyme* effect, combined with the tale’s theme of marketing, necessarily creates an ontological slippery slope, the result of which is to call into question the existence of God.

In introducing his protagonist, Dioneo makes clear that Frate Cipolla is not only a professional marketer but a snake oil salesman as well. He has a regular circuit: “usò un lungo tempo d’andare ogni anno una volta a ricoglier le limosine fatte loro dagli sciocchi un de’ frati di santo Antonio” (VI.10.6). The description of his donors as *sciocchi* marks Cipolla’s activity as a con game, which his audience of the faithful naïvely or stupidly fails to recognize. When Cipolla first addresses the people of Certaldo, he reminds them about the customary nature of his visits. He first recalls their annual gifts, “del vostro grano e delle vostre biade, chi poco e chi assai, secondo il podere e la divozion sua” (VI.10.9). In exchange, he explains, St. Anthony protects their livestock. There is also a special *debito* paid by, though not limited to, members of the confraternity of St. Anthony. These remarks explicitly link faith and capital. The people of Certaldo demonstrate their

---

\(^40\) Usher takes the distinction in a different direction from the one I do, referring to “two very different kinds of listener: on the one hand the rustic Certaldesi unversed in either doctrine or doubletalk, on the other the two sophisticates, Giovanni della [sic] Bragoniera and Biagio Pizzini, who can appreciate the friar’s discourse at a far higher level of complexity and allusion” (22).

\(^41\) Their response is strikingly reminiscent of that of the two Florentine brothers in the Ciappelletto tale: “ascoltando leggermente udivan e intendevano ciò che ser Ciappelletto al frate diceva; e aveano alcuna volta si gran voglia di ridere, che quasi scoprivano” (I.1.78).
faith through their gifts of agricultural products, and in exchange the saint protects their animal capital; the remark about the extra fee turns membership in the confraternity into something more than particular devotion to the saint.

Frate Cipolla continues by explaining that he will collect all these gifts, “dopo nona, quando udirete sonare le campane,” thus linking his own accumulation of capital to the liturgical hours. He links the collection to yet another custom as well, his performance: “io al modo usato vi farò la predicazione, e bascerete la croce; e oltre a ciò, per ciò che divotissimi tutti vi conosco del barone messer santo Antonio, di spezial grazia vi mostrerò una santissima e bella reliquia, la quale io medesimo già recai dalle sante terre d’oltremare . . .” (VI.10.10–11). Display of the relic does not appear to be unique to this year’s visit, for as Dioneo points out, Frate Cipolla ends up saving the promised relic, a feather from the archangel Gabriel, for next year. For their sacrifices, the people of Certaldo thus receive a long-term benefit, the saint’s protection of their animals, and a short-term benefit, the religious experience that, through the display of the cross and the relic, increases their proximity to God. Frate Cipolla strikes a deal with them, and his acquisition of their goods depends in no small part on delivery of his own. The exchange must happen.

The tale’s central scene finds Frate Cipolla without the “relic” he had promised to show his audience. Dioneo recounts the events leading up to the display in a way that suggests that the exhibition of the feather will be the climax of the friar’s performance. He has already delivered his predica, which he tailors “in acconcio dei fatti suoi” (VI.10.33), in other words, to suit his own purposes. There follows the confession, made con gran solennità, then the lighting of two large candles, and finally the almost painfully slow unwrapping of the box containing the feather: “soavemente sviluppando il zendado, avendosi prima tratto il cappuccino, fuori la cassetta ne trasse” (VI.10.34). The sequence reads as a tease, which continues with the friar’s bout of logorrhea as he undertakes to explain how he wound up with a box of coals instead of a feather. Having promised the latter he must now sell the former, which will be the only relic he shows among the many he names.

The friar avoids calamity thanks only in part to his verbal dexterity. The other component, essential to the success of his con game, is the clerical authority that he carries with him from place to place, an authority that derives in part from his association with the order of St. Anthony
d

42. Cipolla’s association with St. Anthony in no way alters the fact that he is an ordained friar. Dante has Beatrice rail against the Friars of St. Anthony for employing the modus operandi that Boccaccio attributes to Cipolla, that of preaching ciance, but he does not deny the le-
and in part from his ability to speak convincingly about God.\textsuperscript{43} His speech serves as an example of how he accomplishes the latter task: not through the argumentative logic of an Anselm or an Aquinas, but rather by judging the overall intelligence of his audience and speaking above it. His rhetorical sleight of hand thus becomes for his audience, which does not fully grasp what he is saying, a sign of knowledge. The speech itself functions as a preamble to the display of the relic and as a means of validating his claim about its authenticity. However, just as Cipolla’s speech lacks any authenticity, so too does the relic. The means of his promotion of coals to sacred object, absent any objective proof, thus offers a lesson in the semiotics of relics. Their transcendental signification paradoxically relies on an immanent coefficient, human speech, making them something of a rhetorical \textit{adynaton}, a figure of impossibility. The story thus serves to demonstrate how religion functions within the human sphere. Even more significantly, it shows how religion expands its claims and its influence thanks to human activity. The sphere of God originates in man, not in the heavens.

Cipolla’s marketing of God thus has an entirely human purpose, though it carries an important side effect. For all his fraudulence the friar does succeed in reinforcing the faith of the people of Certaldo: “li quali [carboni] poi che alquanto la stolta moltitudine ebbe con ammirazione reverente-mente guardati, con grandissima calca tutti s’appressarono a frate Cipolla e migliori offerte dando che usati non erano, che con essi gli dovesse toccare il pregava ciascuno” (VI.10.53). The economics of the friar’s con equates conviction with contribution, the increased gifts reflecting the success of his enterprise. While the people of Certaldo may come away a bit poorer, they also leave richer in faith, a faith that seems unlikely to be compromised by a later discovery of the fraud. Thus we arrive at the tale’s central irony: faith does not require the existence of God. Dioneo replies to Panfilo’s earlier effort to keep God in the circuitry by all but eliminating Him. The faith of the people of Certaldo relies not upon any sure proof of God’s existence,

\textit{gitimacy of Anthony’s order. See Paradiso XXIX.109 ff. for the comments about St. Anthony’s followers.}

\textsuperscript{43} Proof of Cipolla’s preparation emerges in a speech that reveals his ability to think in threes, as if he had somehow so integrated the concept of the trinity that it became part of his mind-set: “Di cui [Guccio] spesse volte frate Cipolla era usato di motteggiare con la sua brigata e di dire: ‘Il fante mio ha in sé nove cose tali che, se qualunque è l’una di quelle fosse in Salamone o in Aristotile o in Seneca, avrebbe forza di guastare ogni lor vertù, ogni lor senno, ogni lor santità. Pensata adunque che uom dee essere egli, nel quale né vertù né senno né santità alcuna è, avendone nove!’; e essendo alcuna volta domandato quali fossero queste nove cose e egli, avendole in rima messe, rispondeva: ‘Dirovvi: egli è tardo, sugliardo e bugiardo; negligente, disubidente e maladicente; trascurato, smemorato e scostumato; senza che egli ha alcune altre teccherelle con queste, che si taccion per lo migliore . . .’” (VI.10.16–18). This same verbal mannerism will inform his speech before the assembled throng.
but rather on the material coefficients presented by a clever charlatan. The relics claim to make the unseen visible, but in fact they only expose the workings of faith: that it comes from within, not without, and functions as an act of will and not as a response to a demand.

Complicating matters further, in his account of the various relics he has seen Cipolla focuses on objects that are at once material and immaterial: the finger of the Holy Spirit, rays of light that appeared to the three Magi, bell sounds from Solomon’s temple. He invites his audience to imagine each of these items encased in a reliquary, when in fact none could be. Each thus assumes the status of an image, as if Boccaccio were shoveling into this sermon a lesson on how metaphors function. Indeed, one of the relics he sees, the “vestimenti della Santa Fè catolica,” holds the key to Cipolla’s own success. While Branca explains this item as part of a female personification of the faith (1352n.13), the object also makes literal reference to the clothing worn by the faith, its rhetorical dress, which Frate Cipolla deftly exploits. The metaphor itself emphasizes the visual aspect of the faith along with the reference to the “Verbum-carо-fаtтi-аlle-finestre,” which distorts the Latin “Verbum carо factum est” of John 1.14, reducing the central miracle of Christian faith, the incarnation, in which God became visible to mankind, to a Florentine street scene not unreminiscent of those later evoked in canti carnascialeschi. That his nonsense language thoroughly convinces his audience suggests the power of language to create its own reality, in essence to construct faith, and in so doing trumping the knowledge that allows the spectator to distinguish between the real and the false sign.

Dioneo invites us to laugh at the people of Certaldo, to condescend to them because they are stolти, but in truth stupidity is a relative, not an absolute, category. As Dante makes clear when referring disparagingly to the friars of St. Anthony, the world teems with preachers who speak “con motti e con iscede” (Par. XXIX.115), with so many false promises in indulgences that “tanta stolteza in terra crebbe, / che, sanza prova d’alcun testimonio, / ad ogni promission si correrebbe” (11. 121–23; italics mine). In the context of Dante’s earlier diatribe about St. Anthony, Boccaccio’s use of the adjective stolta cannot be a coincidence, and its echo of a more universal foolishness in matters of faith raises the question of just where to draw the line. Dante insists on the need for a “prova d’alcun testimonio,” approval by competent ecclesiastical authorities, but such a condition only raises the question of how one defines competency. The tale alludes to a problem of no small import. Cipolla is a fraud, but he is a fraud who thanks to his ordination enjoys public authority, and who, because he intimately understands the rhetoric of Christianity and the power of its reliquary traditions, makes a convincing case. It is by no means clear what certifies
other preachers, who enjoy the same authority and use the same means, as less fraudulent. In this sense Boccaccio’s central metaphor of the onion conjures another meaning beyond the linguistic one suggested by Marcus. Cipolla is but one layer in a multilayered Christian hierarchy. Readers of the Decameron are smart enough to understand that Cipolla is a fraud, but perhaps not smart enough to perceive the bigger frauds purveyed higher up the ladder. After all, every layer of an onion resembles the one above it; if the innermost layer, represented by the Cipollas and the Ciappellettos of the world, is rotten, then the other layers could be rotten too.

In remarking about “il dito dello Spirito Santo così intero e saldo come fu mai,” Boccaccio has Frate Cipolla identify a nexus between the spiritual and the material that lies at the core of all five of these stories. The people of Burgundy believe Ser Ciappelletto to be a saint and rend his garments in their desire for relics. Abraam converts to Christianity because what he sees in Rome unexpectedly convinces him of the truth of the faith. Melchisedech gives Saladin a lesson in faith by analogizing it to material objects, the three rings. Guido Cavalcanti’s alleged Epicureanism questions what becomes of the immaterial soul after the death of the material body. And Frate Cipolla offers proof of Christian faith by holding up coals that hours before had littered the floor of his room.

The Rhetoric of Natural Law

In the Summa Aquinas offers the following definition of natural law:

> Law is a rule and measure, as we have said, and therefore can exist in two manners, first as in the thing which is the rule and measure, second as in the thing which is ruled and measured, and the closer the second to the first the more regular and measured it will be. Since all things are regulated and measured by Eternal Law, as we have seen, it is evident that all somehow share in it, in that their tendencies to their own proper acts and ends are from its impression.

> Among them intelligent creatures are ranked under divine Providence the more nobly because they take part in Providence by their own providing for themselves and others. Thus they join in and make their own the Eternal Reason through which they have their nature aptitudes for their

44. “Thus Cipolla’s name becomes an elaborate literary joke, serving as an organic metaphor for the very linguistic relativity which governs his discourse. Like the onion with its manifold skins and seedless center, Cipolla’s rhetoric contains layer upon layer of identical signs which harbor no underlying truth” (An Allegory of Form 76).
due activity and purpose. Now this sharing in the Eternal Law by intelligent creatures is what we call “natural law.”

That is why the Psalmist after bidding us, Offer the sacrifice of justice, and, as though anticipating those who ask what are the works of justice, and adding, There be many who say, Who will us any good? makes reply, The light of thy countenance, O Lord, is signed upon us, implying that the light of natural reason by which we discern what is good and what evil, is nothing but the impression of divine light on us.

Accordingly, it is clear that natural law is nothing other than the sharing in the Eternal Law by intelligent creatures. (ST 1a2æ. 91, 2)

Aquinas here specifically relates natural law to eternal law. He will later define the latter: “the Eternal Law is nothing other than the exemplar of divine wisdom as directing the motions and acts of everything” (ST 1a2æ. 93, 1). That plan of divine wisdom, Aquinas explains, has the nature of law, because all law is ordered to an end, which is the common good, and the eternal law specifically moves “all things to their due ends.” In other words, God’s plan for the universe is a legal order. When the rational creature provides for itself and others, it imitates the divine plan. It can do so because it has received the imprint of God’s light as the imprint of natural reason, a reason that allows rational creatures to discern good from evil.

In order for Aquinas’s system to work, that which is received must somehow correspond to that which is sent. Aquinas neatly skirts the principal danger of his argument, which modern semiotic theory has addressed, specifically the problem of the encoding and decoding of a text. The text of eternal law, itself quite complex, undergoes encoding by God when it is transformed into something deceptively simple, the light of natural reason. It then falls upon humans who perceive this light to decode it, restoring complexity where they view simplicity, and to apply the law they have decoded to human law. This process corresponds to what Wolfgang Iser has called “the intersubjective structure of the process through which a text is transferred and translated” (108), and specifically how meaning is generated: “meaning must clearly be the product of an interaction between the textual signals and the reader’s act of comprehension. And, equally clearly, the reader cannot detach himself from such an interaction; on the contrary, the activity stimulated in him will link him to the text and induce him to create the conditions necessary for the effectiveness of that text. As text and reader thus merge into a single situation, the division between subject and object no longer applies, and it therefore follows that meaning is no longer an object to be defined, but is an effect to be experienced” (9–10). In other words, the process by which a reader perceives a text, regardless of its origi-
nal form, ablates the distinction between subject and object; the text itself finally becomes nothing more than the reader’s experience of it. Under such conditions natural law ceases to be an object received by the human subject, and becomes instead, inevitably, an invention of the human subject, in the double sense of discovery and fabrication. The extent to which this process transforms the object, making it human, cannot be measured, because it lies outside of human capacity to perceive objectively, to “see” it as God made it. Moreover, as a function of individual experience, natural law differs with each human subject. Its authority finally rests on a consensus that coalesces around an authority such as Aquinas who grounds his argumentation in the prior authority of sacred texts. Such a consensus does not however preclude the possibility of dissent.

Boccaccio quite presciently understands this dilemma, and he elucidates it in these stories, in which nominally rational creatures neither always perceive correctly nor always perform rationally. Beginning with the tale of Ciappelletto and moving through the series, Boccaccio argues that what we think we know about God we cannot finally be sure to know. In casting doubt on the epistemological basis of natural law theory, Boccaccio effectively releases it from its moorings. Aquinas insists on the notion of the rational creature in part to distinguish us from animals, but also because he is trying to avoid the problem of intersubjectivity by suggesting that humans, thanks to natural reason, can be objective. As the *Decameron* details, however, humans make mistakes. Moreover, rational creatures face limits in what they can perceive.

This argument gains particular resonance in the story of the three rings. Kelsen points out in a sentence that resonates with this story: “there are, as a matter of fact, very different systems of morality and very different systems of law, whereas there is only one system of nature” (“Natural-Law Doctrine” 141). In other words, the existence of different religions is testimony to the fact that men can “read” the same information received from nature in different ways. Melchisedech’s tale underscores that all three reli-

45. Aquinas’s own reluctance to confront the weaknesses of his argument emerges in another discussion of natural law: “Now, a truth is self-evident at two stages, one, in itself, two, in our minds. A proposition is self-evident in itself when the Predicate is of the essence of the Subject. At the same time the proposition may not be self-evident to a man who does not know the definition of the Subject. For instance, ‘Man is a rational animal,’ is a self-evident proposition of its nature, since to say ‘man’ is to say ‘rational.’ Yet to somebody who does not grasp what man really is, the proposition is not self-evident” (ST 1a2æ. 94, 2). The proposition is not self-evident, as arguing the contrary readily demonstrates. If men are self-evidently rational, then men who are not rational are no longer men. Dante and Boccaccio will both cite instances of irrational human behavior—the term *matta bestialità* springs to mind—but in neither case does the association with animals deny the humanness of the subjects in question.
regions have the same God, not that each has its own. They must all therefore retrace themselves to the same source, with their discrepancies reflecting differences in reception.

More is at stake here than Boccaccio’s entry into a heady theological debate. The predication of human law upon natural law has wide-reaching implications for the world of the Decameron. Aquinas explicitly links human law to natural law: “Augustine observes that there never seems to have been a law that was not just: hence a command has the force of law to the extent that it is just. In human matters, we call something ‘just’ from its being right according to the rule of reason. The first rule of reason is natural law, as appears from what has been stated. Hence insofar as it derives from this, every law laid down by men has the force of law in that it flows from natural law. If on any head it is at variance with natural law, it will not be law, but spoilt law” (ST 1a2æ. 95, 2). The final sentence here toples the entire structure. If the light of natural reason enables men to make human law in imitation of eternal law, there should be no divergence between the product, human law, and its source, eternal law; indeed, there should be only one human law. At the same time, however, Aquinas suggests that human error can lead to “spoilt” law, and that error could easily result from a misguided sense that one has correctly perceived natural law. He appears to be saying that “spoilt” law, in contrast to just law, would not have the force of law. Nevertheless, it remains law, and even if logically unenforceable, under some circumstances it can still be enforced.

To the extent that one cannot accurately assess the extent to which human law reflects natural law, or indeed whether humans perceive the divine light correctly, natural law becomes little more than a rhetorical prop designed to authorize human law. Aquinas gives this away when making his own recourse to metaphor to describe the transfer: “the light of natural reason.” Kelsen makes this point repeatedly in his legal writings; I offer here but one example: “The dualism of natural law theory has been shown to consist in the assumption that, above the state system of positive law, there is a legal system that is superior, divine, based on reason or natural law. And—a point that cannot be over-emphasized—the function of this higher system, at least according to the classical representatives of seventeenth- and eighteenth-century natural law theory, was essentially that of conservative legitimization” (Problems 36). Elsewhere Kelsen argues that “The norms allegedly deduced from nature are—in truth—tacitly presupposed, and are based on subjective values, which are presented as the intentions of nature as a legislator” (“Natural-Law Doctrine” 141). This statement affirms the rhetorical basis of natural law theory. Kelsen’s remark about “conservative legitimization,” how the system perpetuates
itself, laying claim to authority by invoking the divine order, translates in this latter statement to his remark about “the intentions of nature as a legislator.” The true legislator is in fact the human one, who attributes his legislation not to himself but to God as a means of reinforcing his claim to power.

If natural law theory is finally rhetorical, one is left to wonder why the rhetoric is necessary, what it dresses. Kelsen furnishes an answer to that question in his positive legal theory, which locates authority not in natural law but in the coercive power of the state. While Kelsen’s theory addresses natural law primarily as conceptualized from the seventeenth century onward, and thus focuses on the state, his theory applies as well to conditions of the medieval world and specifically to family and governmental structures as first outlined by Aristotle and adapted, again, by Aquinas. While the elaborate mechanism of the modern state develops after the Middle Ages, comparable institutions, such as monarchy and its domestic equivalent, the patriarchal family, display a similar interest in perpetuating their own authority. In the latter case, as Boccaccio will amply demonstrate, the patriarch claims particular authority over women.

In its own dissection of natural law theory, both in the frame tale and in the stories themselves, the Decameron calls patriarchal claims into question. Like Kelsen, Boccaccio intuits the true source of male claims to authority in the domestic sphere: their coercive power based on their superior physical strength. The stories themselves provide examples of same, most notably in Cimone (V.1), as well as others in which men coerce women through more indirect means. The fact that men can hurt women, that contemporary laws recognized a husband’s *ius corrigendi*, no matter its theoretical bases, suggests a different source for legal authority than the one claimed by theologians.46

Women and Law: Two Cases in Point

While throughout the Decameron women must confront ways in which the law restricts them, two stories appearing in the second half specifically address theoretical issues involving the law and women. The first, the famous tale of Madonna Filippa (VI.7), addresses two legal questions

46. Guerra Medici traces the husband’s authority to the principle *rex in regno suo est imperator*, which for Aquinas applies in both the public and the private sphere: “as a prince is governor of the State so a head of the family is governor of the household” (ST 1a2æ. 90, 3). On the various laws that either affirmed or defined marital authority (including limits on how a man could beat his wife), see Guerra Medici 62–65.
discussed by Aquinas in the *Summa*: first, the notion of equity, which he borrows from Aristotle, and second, the question of when and to what purpose human law may be revised. The second, Emilia’s tale of King Solomon’s advice about wives and friendship, exposes the hierarchical system whereby law arrives in the household. If on the one hand Madonna Filippa offers women some hope that even in the direst of circumstances they can save themselves and improve their lot, Solomon serves to remind women readers just how much they live in a man’s world.

Located in Prato, the tale of Madonna Filippa centers on “uno statuto, nel vero non men biasimevole che aspro, il quale senza alcuna distinzion far comandava che cosi fosse arsa quella donna che dal marito fosse con alcun suo amante trovata in adulterio, come quella che per denari con qualunque altro uomo stata trovata fosse” (VI.7.4). In his phrasing Filostrato insists on the categorical nature of this law, “senza alcuna distinzion,” a key problem that Aristotle’s theory of equity undertakes to address. As Aristotle explains, a law can be good or correct (Lat. *recta*), but because it seeks to address a universal question it can sometimes overlook contingencies: “… all law is universal, and yet there are some things about which it is not possible to make correct universal pronouncements. … So whenever the law makes a universal pronouncement, but things turn out in a particular case contrary to the ‘universal’ rule, on these occasions it is correct, where there is an omission by the lawgiver, and he has gone wrong by having made an unqualified pronouncement, to rectify the deficiency by reference to what the lawgiver himself would have said if he had been there and, if he had known about the case, would have laid down in law” (1137b14–b24; Rowe trans. 174). Equity is the process of making these adjustments. Aquinas characterizes it as a function of reason: “reason rightly dictates,”— *ratio recte se habet*—“that a person should correct what is deficient in the law” (*Commentary* 468). I insist here on Aquinas’s use of the word *ratio* for two reasons. First, Aristotle’s theory of equity will find something of an equiva-
lent in Aquinas’s own musings about law in the Summa, when he discusses revisions to human law. He gives two reasons why human laws may be revised: “because of the workings of reason and because of the human lives which are regulated by law” (ST 1a2æ. 97, 1). It is the nature of human reason, he explains, to advance from imperfection toward perfection, so as reason becomes more perfect—presumably as the perception of natural law becomes clearer—laws may be revised accordingly.49 In the course of this argument he describes a situation that sounds remarkably like the one Aristotle had envisioned: “So also in practical questions; those who first attempted to draw up useful regulations for the human community were of themselves unable to take everything into consideration; they set up certain institutions which were lacking in many respects, yet which served for their successors to work on and make alterations, so that they might in fewer respects prove defective for the common benefit” (ST 1a2æ. 97, 2). In other words, lawgivers cannot account for all contingencies when making a law; as new cases arise and reason undergoes refinement, laws change.

My second purpose in insisting on the language of reason has to do with the story itself. After listening to Madonna Filippa’s argument, the people of Prato “quasi a una voce tutti gridarono la donna aver ragione e dir bene” (VI.7.18). The remark not only identifies a woman as a unique arbiter and purveyor of ragione; it also demonstrates, in the story’s key parodic stroke, the very contingency of that which should be categorical: right and wrong. The reason of a higher order that the people of Prato wish to locate in Madonna Filippa really is nothing other than an alternate logic, rooted in a different set of values.

The law itself, it must be said, offers anything but a model of good phrasing, at least in Filostrato’s paraphrase: “uno statuto . . . il quale senza alcuna distinzion far comandava che così fosse arsa quella donna che dal marito fosse con alcun suo amante trovata in adulterio, come quella che per denari con qualunque altro uomo stata trovata fosse.” Unclear here is the antecedent of the pronoun quella. Translators have read it in two ways, as referring simply to donna—that is, any woman, married or not—or to the entire clause beginning with quella donna—specifically married women who prostitute themselves.50 The ensuing changes in the law, which elimi-

49. Aquinas suggests as much: “The natural law is a participation of the eternal law, as stated above, and therefore endures without change, owing to the unchangeableness and perfection of the Divine Reason, the Author of nature. But the reason of man is changeable and imperfect: wherefore his law is subject to change” (ST 1a12æ. 97, 1).

50. McWilliam reads the phrase as “a statute . . . which without exception required that every woman taken in adultery by her husband should be burned alive, whether she was with a lover or simply doing it for money” (498). Musa and Bondanella translate it instead as: “a statute . . . which, without any extenuating circumstances whatsoever, required that any
nate the crime of uxorial infidelity while retaining that of uxorial prostitution, would appear clearly to validate the latter reading. In its original form, however, the law would punish two delicts equally, even though one, adultery for purposes of prostitution, is arguably more egregious than the other.51

The logic behind the law would appear to cast both delicts under the umbrella of a derailed female sexuality. Medieval marriage was conceived as providing a sanctioned zone in which a woman could practice her sexuality—leading to procreation—while furnishing the economic security that would obviate the need for her to seek support elsewhere. An adulterous woman, or one who prostituted herself to boot, would thus demonstrate by her actions her own moral failings as well as the failure of marriage institutionally to fulfill its promise. Moreover, by risking pregnancy by a man not her husband, she would threaten the patrilineal social order that had evolved in the later Middle Ages (Herlihy 79–88). As Guerra Medici points out, the restructuring of the medieval family that took place in the twelfth and thirteenth centuries “doveva rispondere alle finalità politiche ed economiche dei gruppi dominanti nell’ambito del comune” (47)—in other words, of men. The legal lexicon itself suggests commonality between the two crimes. Canonists used the term meretrix interchangeably for a commercial prostitute or a loose woman, so the word could refer to both an adulterous wife and one who prostituted herself (Karras 244).

The discovery of Filippa’s adultery allows Filostrato, the tale’s narrator, to introduce an observation about justice in Prato. Filippa’s husband, Rinaldo de’ Pugliesi, first wants to kill her himself, but then refrains because “di se medesimo dubitava” (vi.7.6): he appears to worry about the legal consequences for himself. He turns instead to the law, which conveniently will accomplish the task for him: “non si poté temperare da voler quello dello statuto pratese che a lui non era lícito di fare, cioè la morte della sua donna” (VI.7.7). Prato’s criminal statutes, here invested in the figure of the podestà, have assumed the power of vendetta, thus eliminating the woman caught by her husband committing adultery with a lover should be burned alive, just the way a woman who goes with a man for money would be” (396). Branca does not parse the phrase.

51. One need but think of the order of sin in Dante’s Hell to see the difference. Adultery, lussuria, is punished early as one of a number of sins of incontinence. Sins involving money—simony, barratry, usury—are punished lower down, in the Malebolge. The history of prostitution in the Middle Ages, and specifically in Italy, is one of regulation of a necessary evil, rather than of efforts to eliminate it entirely, and scholars have relayed no evidence of the application of capital punishment for simple prostitution. This fact as well encourages the theory that the specific crime foreseen by Prato’s law involves uxorial prostitution as something measurably worse than simple prostitution.
primitive and potentially chaotic tradition of self-help. The statute accommodates the primitive impulse toward vengeance by instituting the same punishment that Rinaldo would have undertaken by himself. No longer a private function, uxoricide now belongs to the commune.

Filostrato describes two options for Filippa, either to flee or to face the tribunal of justice. She rejects the former because in doing so she would “negarsi degna di così fatto amante come colui era nelle cui braccia era stata la notte passata,” opting instead for the latter, because “di gran cuore era, si come generalmente esser soglion quelle che innamorate son da dovero” (VI.7.9). At this point the story begins to open up. Filippa subscribes to a different ethical and legal code than do the lawmakers of Prato; her thinking finds its roots in the courtly love tradition, specifically inasmuch as it idealizes adulterous love. It is perhaps her very idealism that draws Filostrato to her. The story in fact reveals its narrator’s heretofore unseen admiration for women who are truly in love, da dovero, suggesting that his own amorous disappointment may have something to do with the limitations on reciprocity established by the courtly code. He seems to long

52. Kelsen explains, “The social technique that we call ‘law’ consists in inducing the individual, by a specific means, to refrain from forcible interference in the spheres of interests of others: in case of such interference, the legal community itself reacts with a like interference in the spheres of interests of the individual responsible for the previous interference. Forcible interference in the spheres of interests of another, the measure of coercion functions as delict and also as sanction. Law is an order according to which the use of force is forbidden only as a delict, that is, as a condition, but is allowed as a sanction, that is, as a consequence” (“The Law as a Specific Social Technique” 238). For Madonna Filippa’s husband this means that he must rely on the law to represent his interests rather than take matters into his own hands, lest he incur sanctions against himself.

53. Though likely not by the same means: the law specifically envisions burning at the stake for the crimes of female adultery and prostitution. This may be an allusion to the punishment of Sodom and Gomorrah; see Jordan 31–32.

54. The prohibition on uxoricide had a basis in canon law. Brundage explains: “ Canonical authorities, like their Roman predecessors, forbade the betrayed husband to slay his guilty wife, although the courts were notably reluctant to punish the husband who killed his wife’s lover” (“Sex and Canon Law” 42). Roman law allowed the cuckolded husband to kill the adulterer, and the Lex Julia de adulterinis specifically invested in the father, not the husband, the right to kill his adulterous daughter (Brundage, “Adultery and Fornication” 132).

55. As Power explains, “Courtly love . . . was held to be impossible between husband and wife. ‘Marriage is no excuse for not loving’ is the first of the rules of love. It was based on the conviction that affection binding married persons—though real and valuable—had nothing in common with the sentiment of love, which might, and indeed must, therefore, be sought outside marriage” (15–16). So too De Rougement: “[C]ourtly love established a fealty that was independent of legal marriage and of which the sole basis was love. It was even contended—for example, in the famous judgement delivered by a court of love in the house of the Countess of Champagne—that love and marriage were incompatible” (34). One finds a narrative application of these notions in Francesca’s courtly love rationalizations of her adultery in Inferno V.

56. Filostrato’s use of the phrase da dovero underscores his indebtedness to a courtly love
for a woman such as Filippa who risks everything for amorous principle. Whereas he once figured himself as the unrequited courtly lover, here he undertakes to construct a rationale whereby the beloved can fully satisfy her lover’s desire. In this sense it is significant that he implies that Filippa has found true love with Lazzarino de’ Guazzaglioti, “oltre a ogni altra innamorata” (VI.7.5), while making no statement about her affection for her husband. Indeed, when she later defends herself she describes herself as passive to her husband’s needs, “egli ha sempre di me preso quello che gli è bisognato e piaciuto” (VI.7.17), though active to her lover’s, describing her sexual gifts to her lover in terms of service.

Arriving before the court, Filippa reveals herself to be an excellent advocate, not just because she makes a good speech but because she has the mannerisms of a fine rhetorician, “bellissima e di maniere laudevoli molto e, secondo che le sue parole testimoniavano, di grande animo” (VI.7.11). She appears to have studied rhetoric, for she carefully deploys the three different types of voice outlined in the Ad Herennium. In first addressing the judge, she assumes the dignified conversational tone, which requires “the full throat but the calmest and most subdued voice possible,”57 corresponding to what Filostrato terms her *salda voce* (VI.7.11). As she begins her defense, she shifts to the narrative conversational tone, which enables the speaker to “seem to recount everything just as it took place.”58 This voice allows a variety of delivery tones corresponding to content, thus Filippa’s “voce assai piacevole” (VI.7.13), which belies no regret on her part—indeed, she speaks “senza sbigottire punto”—and seems intended to charm the judge. Both the dignified voice and the narrative voice require that the speaker’s facial expression correspond “to the sentiments of the subject—gaiety or sadness or an emotion intermediate;”59 thus her *fermo viso* (VI.7.11), which suggests both her resolve and the seriousness of her discourse. Later, as she draws her famous conclusion, she resorts to what the *Ad Herennium* calls the facetious conversational tone: “with a gentle quiver in the voice, and a slight suggestion of a smile, but without any trace of immoderate laughter, one ought to shift one’s utterance smoothly from

57. III.xiv.24: “plenis faucibus quam sedatissima et depressissima voce.”
58. III.xiv.24: “ut in ipsa pronuntiatione eas res quas demonstrabium inserret atque insec- are videumur in animis auditorium.”
59. III.xv.26: “hilaritate, tristitia, mediocritate vultus ad sermonis sententias adcommo-
data.”
the Serious Conversational tone to the tone of gentlemanly jest. Filos- 
trato suggests this shift when remarking on her smooth transition after 
her husband’s reply to her question, “seguì prestamente la donna,” and by 
stating that she had made a “piacevol domanda” (VI.7.17, 18). Moreover,
the crowd’s molte risa (VI.7.18) correspond to the purpose of the facetious 
conversational tone: “The Facetious can on the basis of some circumstance 
elicit a laugh which is modest and refined.” One almost senses that Filippa 
insists on going to trial because it represents the opportunity to unfurl her 
forensic talent.

In her defense strategy Filippa undertakes to expose the contingency 
for which the law, in its universal orientation, had not accounted. She first 
questions the law’s very constitutionality. Readily admitting to her hus-
band’s accusation, she argues that “le leggi deono esser comuni e fatte con 
consentimento di coloro a cui toccano” (VI.7.13). In her assertion that laws 
must be comuni, here understood as applying equally to men and women,
she critiques the law not for being too universal but for not being universal 
ENOUGH. Moreover, she takes pains to point out that “niuna [donna] ce ne 
fu mai chiamata” (VI.7.14) to consent to the law, and therefore it cannot 
be valid. Her argument here relies on the notion, advanced for example by 
Marsilii of Padua in the Defensor pacis, that the legislator “is the people 
or the whole body of citizens,” in other words, that the validity of law 
depends upon the consent of the governed. To be sure, Marsilius explicitly 
excludes women from the body of citizens whose consent validates law, but 
Madonna Filippa solves this problem by convincing tutti i pratesi, a group 
that includes those citizens authorized to make or change law, to effect the 
change she wants.

As she concludes her defense, Filippa finds her most powerful point, 
specifically entailing the theory of equity. She first asks the judge to inter-
rogate her husband as to whether she has ever denied him sex. When 
the husband replies that in fact she has not, she concludes her argument: 
“domando io voi, messer podestà, se egli ha sempre di me preso quello che

60. III.xiv.25: “liviter tremebunda voce, cum parva significacione risus, since ulla suspi-
cione nimiae cachinnationis leniter opporbebit ab sermone serios torquere verba ad liberalem 
ioicm.”

61. III.xiii.23: “locatio est oratio quae ex aliqua re risum pudentem et liberalem potest 
comparare.”

62. This argument demonstrates clear knowledge of the history of adultery laws. As 
Brundage points out, “Although theologians maintained that extramarital sex was as sinful 
for a man as for a woman, canon law treated adultery primarily as a female offense and only 
occasionally punished men for violations of their marriage vows” (42).

63. Defensor pacis 45. Marsilius derives the argument from Aristotle’s argument in the 
Politics that “the mass of the people ought to be sovereign” (1281a39).
gli è bisognato e piaciuto, io che doveva fare o debbo di quel che gli avanza? debbolo io gittare a’ cani? non è egli molto meglio servirne un gentile uomo che più che sé m’ama, che lasciarlo perdere o guastare?” (VI.7.17). These words locate the contingency for which the theory of equity attempts to provide accommodation. The fact that Filippa’s adultery comes not at the expense of her husband’s sexual gratification mitigates it: it would be one thing to deny sex to her husband while sleeping with another man, but it is quite another to serve her husband’s needs as well as someone else’s. Indeed, the courtly love notion of service, here expressed in the phrasing servire un gentile uomo, 64 clearly sub-tends her argument. The service she has rendered to a lover evokes the desired end of the courtly love game, with the implication here that he deserves her service because he loves her: “più che sé m’ama.” And anyway, her husband has suffered no real harm.

While the story thus demonstrates the theory of equity put into practice, it also enacts a parody of Aquinas’s rationale for making changes in human law as a consequence of human reason becoming more perfect. When discussing changes in human law—“may a human law be altered in some way?”—Aquinas takes on the following objection: “Furthermore, it has always been said that it is a quality of law to be just and right. But once right always right. Accordingly once law always law.” Aquinas replies: “When you say that a physical thing is ‘right’ you are speaking less relatively than when you apply the term to a law. For a physical thing is looked at just as it stands, and in this sense it is always right. A law, however, is right by reference to the common good, and one and the same thing does not stand always in a fixed proportion to it. Hence, as we have argued, legal rightness can vary” (ST 1a2æ. 97, 2). Aquinas distinguishes here between what we may empirically affirm about the physical world and the contingency of law, which projects how we would like the world to be. His notion that laws relate to the common good introduces a new factor into his legal theory that opens the door to Boccaccio’s story. One may argue that in his intention Aquinas defines the common good as broadly congruent with God’s plan for the universe, the eternal law. As the tale demonstrates, however, the definitions of the common good may come from above, but they may just as easily come from below, that is, from the human sphere. Here the common good privileges a system that maximizes the sexual satisfaction of men over any moral code that might condemn adultery. In the story’s final irony, the “reason” that triumphs is paradoxically the reason of desire. Filippa may have superior intellectual gifts, but she applies them

64. Branca informs us that the Pugliesi family was one of the most famous in Prato, and that several members of the family served as gonfalonieri of the city (1337), so Filippa’s lover is gentile both in the courtly sense of gentilezza and in the class sense of being one of the gens.
to lead the way for greater happiness in Prato at the expense of presumably immutable norms.

In counterpoint to this story, which posits that a clever woman can save herself by intimating advantages for men, Boccaccio introduces a far more troubling story, the ninth of the ninth day. This tale, told by Emilia, is the last one told by a queen, and it enjoys particular pride of place thanks to the reduplication of the number nine, associated with perfection. As the last tale told by a female monarch, it may be read as offering its own *summa* of women’s experience in the *Decameron*. Notwithstanding the tale of Dioneo that follows it, Emilia’s story also serves as a sobering anticipation of the content of Day X, whose theme, as yet unannounced, will bring other kings and potentates back into the pages of the *Decameron* in celebration of what David Herlihy has called the “fellowship of males.” This story too celebrates such fellowship, at the expense of women.

The tale begins with an extended introduction by Emilia that addresses the place of women in the universe: “Amabili donne, se con sana mente sarà riguardato l’ordine delle cose, assai leggermente si conoscerà tutta la univers-sal moltitudine delle femine dalla natura e da’ costumi e dalle leggi essere agli uomini sottomessa e secondo la discrezione di quegli convenirsì reg-gere e governare, e però, a ciascuna che quiete, consolazione e riposo vuole con quegli uomini avere a’ quali s’appartiene, dee essere umile, paziente e ubidente oltre all’essere onesta, il che è sommo e spezial tesoro di ciascuna savia” (IX.9.3). Emilia echoes the location of her story by insisting on trinities in this sentence and the following one. Women are subordinate to men according to nature, custom, and law; in order to live in quiet, consolation, and repose with those same men, women should be humble, patient, and obedient, beyond being *oneste*, which she identifies as a woman’s “sommo e spezial tesoro.” Arguing in inverse order, she then elaborates on how each of the three elements she has mentioned, *le leggi*, *il costume*, and *la natura*, have determined the position of women. Laws, she says, “il ben comune riguardano in tutte le cose,” while custom’s “forze son grandissime e rever-ende” (IX.9.4), and nature has made women physically, psychologically, and mentally weaker than men. These distinctions allow us to see how Emilia configures her argument about female subordination. If laws subordinate women, they do so for the common good, including that of women; if custom does so, we must revere its judgment. And even if one were to doubt the authority of law and custom—“E quando a questo le leggi . . . non ci ammaestrassono, e l’usanza, o costume,” she argues in a careful hypotheti-cal—nature offers the proof, in making women in all aspects weaker than men. Such demonstrable weakness, Emilia explains, translates into a need to be governed: “E chi ha bisogno d’essere aiutato e governato, ogni ragion
vuol lui dovere essere obbediente e subgetto e reverente al governator suo: e cui abbiam noi governatori e aiutatori se non gli uomini?” (IX.9.5). The logic of her argument points inexorably to the rule of men.

Emilia does not speak in a vacuum. Rather, her theory of the relationship between law, custom, and nature has a significant philosophical genealogy, leading back to Cicero through Aquinas. Aquinas cites an important passage from the *De inventione* to explain how human law is grounded in nature and custom: “Hence Cicero says that *justice took its start from nature, and then certain things became custom by reason of their usefulness; thereafter the things put forward by nature and approved by custom were sanctioned by fear and reverence for the law*” (*ST* 1a2æ. 91, 3). His citation emends Cicero’s statement: “Justice is a habit of mind which gives every man his desert while preserving the common advantage. Its first principles proceed from nature, then certain rules of conduct became customary by reason of their advantage; later still both the principles that proceeded from nature and those that had been approved by custom received the support of religion and the fear of the law” (*De inventione* II.iii.160).

Cicero’s explanation clarifies Emilia’s, which presents the argument in reverse order. The ultimate source of law is nature, and it encodes practices that have become customary, arising out of nature. Nor does Emilia’s erudition end there. Her further remark that “le leggi . . . il ben comune riguardano in tutte le cose” (IX.9.3) finds echo in Cicero’s remark that justice preserves the common advantage, “communi utilitate conservata,” as well as in Aquinas’s statement in the *Summa* that “every law is ordained to the common good” (*ST* 1a2æ. 90, 3: “ad bonum commune ordinatur”). While Emilia may believe that women are by nature inferior to men, she might well deny that they are intellectually inferior. Indeed, if anything she affirms the intellectual equality of women when referring to *ciascuna savia*.

Moreover, it is difficult to determine the inflection she gives her rhetorical question, “e cui abbiam noi governatori e aiutatori se non gli uomini?” Certainly everything that has happened over the previous twelve days gives the lie to this claim, and her facial expression, *lieta*, further undermines it. As I detailed above, of the three declamatory tones discussed in the *Ad Herennium*, the first two, the narrative conversational tone and the serious conversational tone, require that facial expression match content. The third type, the facetious conversation tone, is the tone of irony, and it allows for a disconnect between facial expression and content. Emilia’s happiness, her

---

65. “*Iustitia est habitus animi communi utilitate conservata suam cuique tribunes dignitatem. Eius initium est ab nature prefectum; deinde quaedam in consuetudinem ex utilitatis ratione venerunt; postea res et ab nature prefectas et ab consuetudine probatas legum metus et religio sanxit.*”
condition of being *lieta*, seems out of place in a discourse on how women must act to accommodate male authority. In fact, her advice to women has a political air to it: “Dunque agli uomini dobbiamo, sommamente onorandogli, soggiacere” (IX.9.5). A woman, after all, *appartiene* to men, the verb suggesting both kinship and ownership, so she faces the challenge of finding a way to live in peace. In her earlier reference to *onestà* as the gift of *ciascuna savia*, Emilia had suggested the wise conservation of a woman’s *onestà* as a means of survival. Her argument about women’s submission to men has a similar survivalist subtext, for these are relations determined by power, and power implies the right to punish transgression. Her argument is not exclusively moral, if indeed at all: rather, it is fundamentally practical.

Emilia offers such advice because, as she well knows, women live surrounded by violence. As a reader of the *De inventione* Emilia would have been aware of Cicero’s myth of the foundation of civilization, how a *sapiens* used his eloquence to induce men to give up violence and work toward the common good, *communis commodi*: “Certainly only a speech at the same time powerful and entrancing could have induced one who had great physical strength to himself be put on a par with those among whom he could excel, and abandoned voluntarily a most agreeable custom, especially since this custom had already acquired through lapse of time the force of a natural right” (*De inventione* I.ii.3). Prior to that time, Cicero explains, men had allowed brute force to rule them: “And so through their ignorance and error blind and unreasoning passion satisfied itself by misuse of bodily strength, which is a very dangerous servant” (*De inventione* I.ii.2). Emilia no doubt understands that law does not prevent all violence; rather, it sanctions some forms of violence as punishment for a delict. Such forms of sanctioned violence may be public or domestic, for as Aquinas points out, “the ruler of a family can issue precepts and standing orders,” even if they do not apply outside the home: “these are not such as to possess the nature of law properly so called” (*ST* 1a2æ. 90, 3). Violence does not disappear from the human landscape; rather, it morphs into a tool for the preservation of the social order.

The constant threat of violence emerges also in the positioning of Emilia’s tale with respect to several others, which together constitute a brief cycle. Emilia suggests as much when introducing the story, referring to Pampinea’s earlier tale of Talano d’Imola, whose dream that his unpleasant wife would be attacked by a wolf comes graphically true, leaving the wife

---

66. “Profecto nemo nisi gravi ac suavi commotus oratione, cum viribus plurimum posset, ad ius voluisset sine vi descendere, ut inter quo posset excellere, cum eis se pateretur aquari et sua voluntate a iucundissima consuetudine recederet quae praesertim iam naturae vim obtineret propter vetustatem.”
to rue her refusal to heed her husband’s warning. In the next story, which appears just before Emilia’s, Lauretta tells of a beffa and counter-beffa in which Ciacco, tricked out of a nice meal of lampreys by Biondello, avenges himself by having Biondello beaten up. Lauretta herself introduces this story by referring to Pampinea’s earlier one of the widow and the scholar, characterizing the scholar’s actions specifically as a vendetta. She thus creates a sort of genealogy of violence that runs through the late days of the Decameron. The three tales each present a different scenario: the violence of nature, here specifically directed at a woman; the violence of men against men; and the violence of men against women. It comes as little wonder then that Emilia advises women to consider their options carefully.

Emilia offers her story as proof of the dictum “Buon cavallo e mal cavallo vuole sprone, e buona femina e mala femina vuol bastone” (IX.9.7). She avers that one may interpret the saying in two ways: sollazzevolmente or ironically, or moralmente, taking the statement seriously. She claims to do the latter, arguing that it accounts appropriately for female shortcomings: “Son naturalmente le femine tutte labili e inchinevoli, e per ciò a correggere la iniquità di quelle che troppo fuori de’ termini posti loro si lasciano andare si conviene il baston che le punisca; e a sostentar la vertù dell’altre, ché trascorrer non si lascino, si conviene il bastone che le sostenga e che le spaventi” (IX.9.9). The sentence itself, which echoes the misogynistic discourse of Filomena and Elissa in the Introduction to Day I, also constitutes a perfect statement of the dual purpose of law: to coerce people to behave by threat of punishment, and to punish those who transgress. The law thus covers both the buona femina and the mala femina by shaping the conduct of the former and correcting that of the latter. At the same time, however, there is something strangely incomplete about this introduction: it ignores fully half of the story. Emilia speaks of “un consiglio renduto da Salomone” (IX.9.7), even though the king ends up offering two pieces of advice. Nor does the second piece of advice exist in a vacuum; indeed, it serves as an important complement for the other, as I shall argue below.

67. In his early Introduction to the Problems of Legal Theory, Kelsen wrote: “The purpose of the legal system is to induce human beings—by means of the notion of this evil threatening them if they behave in a certain way, opposite what is desired—to behave in the desired way. In this motivation lies the efficacy aimed at by the legal system. With an eye to efficacy, the content of legal norms (like that of social norms generally) is limited to human behaviour, for only the human being, endowed with reason and will, can be motivated by the notion of a norm, motivated to behave in conformity with that norm” (29). Earlier he had explained that “the consequence attached in the reconstructed legal norm to a certain condition is the coercive act of the state—comprising punishment and the civil or administrative use of coercion—whereby only the conditioning material fact is qualified as an unlawful act, and only the conditioned material fact is qualified as the consequence of the unlawful act” (26).
Not surprisingly given all its triplication, the tale involves three men, who find themselves unexpectedly in a triangular relationship. Melisso meets Giosefo while heading toward Jerusalem to consult Solomon. He has spent a great deal of money without making any friends, and he wants to ask Solomon “come addivenir possa che io amato sia” (IX.9.13). Giosefo likewise seeks counsel, but in his case with regard to his wife, “più che altra femina ritrosa e perversa” (IX.9.12). They form something of a utilitarian friendship rooted in their common destination; Emilia describes them as compagni and Giosefo addresses Melisso as compagno, though late in the tale Melisso calls Giosefo Amico. The tale in no way suggests that the friendship endures beyond the trip; the two separate at Giosefo’s house after a few days of company there.

In Jerusalem the two receive equally enigmatic advice from the king. Solomon tells Melisso, “Ama,” and Giosefo, “Va al Ponte all’Oca.” Having none of the intellectual skills that Emilia can boast, the two cannot understand Solomon’s advice and depart feeling slighted. They chance what upon will turn out to be Ponte all’Oca, where a mule driver is attempting to coax his recalcitrant charge across the bridge. Melisso and Giosefo urge the gentler approach used with horses, but the mule driver suggests that they mind their own business, and by dint of repeated beatings, he finally convinces the animal to move. Upon learning the name of the bridge, Giosefo declares that he understands Solomon’s advice: “assai manifestamente conosco che io non sapeva battere la donna mia: ma questo mulattiere m’ha mostrato quello che io abbia a fare” (IX.9.22). The mule driver thus functions as an extension of Solomon himself, who according to Emilia was a most generous mostratore of his wisdom. Returning home with Melisso in tow, he decides once and for all to discipline his wife, taking up a bastone—the same weapon that Cimone had brandished in the first story of Day V—and beating her nearly to death. At first the wife resists, but as her husband’s intentions become clearer, she begs him that he not kill her, finally affirming “oltre a ciò di mai dal suo piacer non partirsi” (IX.9.29), seconding Emilia’s argument that “agli uomini dobbiamo, sommamente onorandogli, soggiagere” (IX.9.5). Despite her pleas Giosefo continues to beat her until he tires himself out, breaking every bone in her body. With telling attention to grisly detail, Emilia then notes that he washes his hands and eats dinner with Melisso, while the wife can barely drag herself off the floor.

The tale thus affirms, in ways we have seen before in the Decameron, the ease with which men can make recourse to violence, not only against other men but against women as well. They do so by claiming sanction, even when none is readily apparent. Giosefo only believes that the scene he
witnesses at the bridge fulfills Solomon’s advice, though in fact he makes a subjective interpretation of language that remains enigmatic. Whether he has understood Solomon correctly is secondary to the fact that he seizes on the coincidence of Solomon’s advice and the scene at the bridge to claim the authority to beat his wife. It is this aspect of the tale, combined with Emilia’s attention to the bloody details of the beating, that suggests that her misogynistic language may be somewhat disingenuous. She may be interpreting the statement about wives and horses seriously, but she does so principally because she takes the question of domestic violence, and its basis in male claims to legal authority, seriously.

The Giosefo element of the story has something of a retrospective quality to it, completing as it does the Decameron’s cycle of violence. On the other hand, the advice given to Melisso, while something of an afterthought, will acquire a proleptic ring. Like Giosefo, Melisso does not understand Solomon’s advice, so he presents it to a savio upon returning home. The man explains: “Tu sai che tu non ami persona, e gli onori e’ servigi li quali tu fai, gli fai non per amore che tu a alcun porti ma per pompa. Ama adunque, come Salamon ti disse, e sarai amato” (IX.9.34). Melisso applies the advice, winning the love he had sought: Emilia ends the tale with the words “il giovane amando fu amato” (IX.9.35). She weaves the etymological figure amore/Ama/amato/amando/amato densely into her conclusion, with the key word servigi suggesting the philosophical basis for her theory of male friendship. In effect she reinvents courtly love for men. Men should deploy their courtesy not to enamor women but other men. Women leave the picture.

The tale thus offers three themes. The first two concern human relations: how women can get along with men and vice versa, and how men can get along with men—the former governed by law, the latter by the ethics of communis commodi. In addition, it thematizes interpretation in a way that recalls the story of Guido Cavalcanti, which as Durling has demonstrated treats questions of interpretation. Durling’s observation that “one of the most important interpretive steps would seem to be that of considering how the text applies to [one]self” (“Boccaccio on Interpretation” 281) fully applies here. Solomon’s advice remains opaque for both his visitors—themselves reminiscent of the smemorati of Bello Brunelleschi’s brigata—until someone or something clarifies it. The tale’s process of encoding and decoding of language is analogous to the encoding of eternal law into natural law, which men decode into human law. What remains unclear in the present case, however, is whether either of the two interpreters, Melisso or Giosefo, is savio enough to interpret Solomon’s words correctly. The tale
implies that they do, because they apply their interpretations in a manner that solves their initial problems. If that is indeed the case, then Solomon’s advice reveals much about how the real world of men and women, not the idealized one of courtly love, functions. Men subordinate women using any means available while courting one another. Small wonder then that onestà is for Emilia the highest treasure of every savia. In the world of contingency and exclusion that she describes, women must hold themselves to their own high standards rather than rely on men to elevate them. A savia understands with Machiavelli that Fortune is a lady, and that she must develop strategies of accommodation to avoid the beating. As the Decameron offers no defense against a man’s irrational rage, women must create a space within which they can maneuver and survive.

The comprehensive lesson in natural law that emerges from these pages is that it serves men well, because it gives them the rhetorical props they require to rationalize the violence—real and metaphorical—that they perpetrate against women. Women accrue far fewer advantages from natural law and must navigate the conjoint streams of rhetoric and coercion with tools that will keep them afloat. Unlike Madonna Filippa, most women cannot change their reality, but where they do enjoy agency, however limited, it comes from successfully addressing danger. Emilia’s most important lesson, finally, is that women not be oche, because practical wisdom offers the only real chance for survival.