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Lust and the Law: Reading and Witnessing in *Inferno V*

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Witnessing plays an important role in the storytelling of the *Commedia*. The poem is structured as a first-hand account of an otherworldly journey whose protagonist and narrator is keenly aware of the importance and problematic nature of testimony. At different stages in the poem, Dante calls attention to his role as eyewitness, defends his character and the credibility of his testimony, makes direct appeals to his audience and, in one notable instance, even swears by his poem that his story, as unbelievable as it may seem, is true:

![Translation of the passage](Inf., XVI. 124–32)

> [Always, to every truth that looks, in face, | like lies, one ought (quite firmly) bar the lip | lest, guiltless, what one says should still bring shame. | I cannot, though, be silent here. Reader, | I swear by every rhyme this comedy | has caused to chime (may it not lack long favour) | that now, through dark and fatty air, I saw – | to strike sheer wonder in the steadiest heart – | approaching us a figure swimming up.]
Confronted with an unbelievable ‘fictional’ truth (‘quel ver c’ha faccia di menzogna’), Dante fulfils the formalities of witnesses at medieval trials by swearing his truthfulness. Thus the poet-witness exacts the reader-juror’s attention by taking an oath on his poem. The ‘comedia’, invoked here for the first time with its (probable) title, is presented as a rather extraordinary textual object: while swearing by it evokes a stable, written, bound and even ‘sacred’ idea of the book, its ‘notes’ evoke its oral, aural, continuous and, importantly, poetic aspects. The reader who believes his truth-claims is entrusted with the task of verifying Dante’s words, by upholding the future fame of his work (‘s’elle non sien di lunga grazia vòte’, 129). This paradox takes a more imperceptible form late in the poem, when the ‘poema sacro’ [sacred poem] itself performs the aspiration of this oath that the grace of Dante’s readership may overcome adverse historical conditions in Florence to reinstate him to his rightful place in the city (Par., XXV. 1–9).

Dante is not the only witness in the Commedia, nor is this the first time that he calls the reader’s attention to the act of reading as involving a judgement – not only of the stylistic or narrative success of a work of literature, but of its very truthfulness, or rather of its performativity of truthfulness. Inferno V, the first canto of Hell proper and the first to host what we might read as a testimony, is, among many other things, also a reflection on the role of the related practices of reading and storytelling. Dante dramatises these in several important ways – from Francesca’s transformative glossing of courtly love (lines 100–7) and her reading of the Lancelot (127–38) to the involvement of the extra-diegetic reader, captured in a hall of mirrors, where lovers and readers repeatedly exchange places.

In this essay we focus on a particular aspect of such dramatisation – the ways in which witnessing and judging call into question two different aspects of the issue, reading and the law – as suggested by the rima equivoca ‘legge’: ‘si legge’ [law: it is read] (Inf., V. 56–8, and Purg., XXVI. 83–5) that links the representations of lust in the first two cantiche. Because of the gender of Dante’s first witness and of the other characters who are variously involved in reading and the law (Semiramis and Pasiphae), the cantos of lust also have something specific to say about the experience of women as witnesses in charge of their own story – and, importantly, how ‘we’, readers of all times, ‘read’ them.

**Medieval discourses of lust**

It is not by chance that issues of interpretation, law and gender come to react together in the circles of lust. Dante’s position on lust is ambiguous: the apparently plain ‘subjecting reason to desire’ [che la ragion
sommettono al talento] (Inf., V. 39) can be interpreted as a definition of sin in general (as a blinding of rationality), but also of cupiditas, the inordinate desire at the heart of all human evil. More problematically, lust can also be a very fitting description for love: both earthly (as Teodolinda Barolini has shown by gathering many examples in the love lyrics of Dante’s time) and divine (the bride of the Song of Solomon famously exclaiming, in Bernard of Clairvaux’s words, that she is carried by desire, not reason – ‘desiderio feror non ratione’); and it is tied, eclectically yet inextricably, to written texts that talk about love.

Dante’s ambivalent position on lust reflects a similar attitude in medieval culture, where lust is the unstable and destabilising interface between many discourses. In the Middle Ages lust is constructed in different ways in theological, monastic and pastoral environments, and involves such different disciplines as canon law and medicine. Lust is the only sin of incontinence of concern for medieval canonists due to its societal consequences. Like theologians, canonists broke down lust into ‘natural’ lust and lust that was ‘against nature’, and looked closely at those cases which intersected most with marriage law. Any sexual behaviour that deviated from marriage and reproduction (or threatened the celibacy of the religious) was perceived as a menace to society. Strikingly, adultery was considered the most relevant sexual crime, even the ‘benchmark’ of major sexual offences, and sexual offences committed by women were regarded as more reprehensible than those committed by men. As James Brundage points out, ‘where medieval canonical records have been published and analyzed, they show with monotonous regularity that a major part of the routine business of the canonical courts consisted in routine prosecutions of fornicators and adulterers, many of them recidivist, interspersed with occasional actions against perpetrators of other sexual offences’.

Dante, as is well known, treated lust with a relatively light and original touch in Inferno V, and a unique, if heavier, touch in Purgatorio XXVI. Women and courtly poetry/poets are the central characters in the two cantos, which feature authority (literary and otherwise), social agency, adultery and the law as fundamental themes. Moreover, the question of the fame, or rather infamia, of lustful women, and its relation to the written text, is presented in rather dramatic ways in the two cantos. Perhaps not by chance a woman (Cunizza da Romano), a courtly poet barely disguised as a crusading bishop (Folquet de Marseille) and the (counterfactual) writing of history by Emperor Charles Martel resurface in the consciously inconsistent wrapping up of the theme of earthly desires in Paradiso VIII and IX.
In *Inferno* V, shortly after defining lust through the broad categories of ‘ragione’ and ‘talento’, Dante both rarefies and narrows them down in a long passage, the so-called catalogue of the ancients. Here, through a clever and intentional funnelling of the terminology of lust and the rhetoric of love, Dante guides the reader through the transition and indeed continuity between the sin of lust and the poetised experience of love, poignantly illustrated by the rhyme ‘lussuriosa’: ‘amorosa’ in lines 61–3. The inveterate vice of lechery (‘vizio di lussuria’, 55) enters one side of this funnel and love exits on the other (‘amor’, 69). The traditional catalogue of the ancients in these lines lists exemplary texts and characters that form the ‘background library’ of this episode, as well as providing an illustration of the historical significance and societal consequences of lust. These tales of love are, as Amilcare Iannucci and Teodolinda Barolini have pointed out, also tales of power and war. History, myth, lust, love and love poetry conflate here around a mostly female display of authority, both positing and shifting the parameters for interpretation.

‘La prima di color di cui novelle
tu vuo’ saper’, mi disse quelli allotta,
‘fu imperadrice di molte favelle.
A vizio di lussuria fu sì rotta,
che libito fé lícito in sua legge,
per tòrrre il biasmo in che era condotta.
Ell’è Semiramis, di cui si legge
che succedette a Nino e fu sua sposa:
tenne la terra che ’l Soldan corregge.
L’altra è colei che s’ancise amorosa,
e ruppe fede al cener di Sicheo;
poi è Cleopatràs lussuriosa.
Elena vedi, per cui tanto reo
tempo si volse, e vedi ’l grande Achille,
che con amore al fine combatteo.
Vedi Parìs, Tristano’; e più di mille
ombre mostrommi e nominommi a dito,
ch’amor di nostra vita dipartille.

(*Inf.*, V. 52–69)
‘The first of those whose tale you wish to hear,’ he answered me without a moment’s pause, ‘governed as empress over diverse tongues. She was so wracked by lust and luxury, licentiousness was legal under laws she made – to lift the blame that she herself inurred. This is Semiramis. Of her one reads that she, though heir to Ninus, was his bride. Her lands were those where now the Sultan reigns. The other, lovelorn, slew herself and broke her vow of faith to Sichaeus’s ashes. And next, so lascivious, Cleopatra. Helen. You see? Because of her, a wretched waste of years went by. See! Great Achilles. He fought with love until his final day. Paris you see, and Tristan there.’ And more than a thousand shadows he numbered, naming them all, whom Love had led to leave our life.

Words such as ‘lussuria’, ‘libito’ and ‘lusseriosa’ recall the traditional legal-theological lexicon of lust. Indeed, the law itself is called into question in a rather enigmatic manner. Semiramis ‘made lust licit in her law’ (‘libito fé licito in sua legge’, 56) – a line that plays on the replacement of a single letter, which paradoxically turns the most singular caprice of lust (‘libito’) into what is legitimate for all (‘licito’). Semiramis’s legislation coincides with the very opposite of what the law should be, as it infringes its aspiration to universality and common wellbeing. Indeed, medieval commentators such as Jacopo della Lana clearly recognised and discussed the legal implications of Semiramis’s story. Like Minos’s mock trial at the beginning of the canto (lines 1–15, discussed in the following section), this recalling of the law plays with such expectations and is evidently caricatural and parodic.

Semiramis is the first sinner named in Hell, and the distinctive trait of her sins and tales is their being written about and handed down to be read: she is the one ‘of whom we read’ (‘di cui si legge’, 58). While later in the canto reading is featured as a complex, non-linear, transforming and transformative experience, here Semiramis’s stories are introduced in an unproblematic way: in books one reads of the shame of Semiramis. Yet the straightforward relation between Semiramis’s lawlessness and the authority of the written text is only apparent. As with Francesca’s reading of the Lancelot later in the canto, here too Dante points to a specific text, Orosius’s Historia adversum paganos I. 4, from which two bits of semi-translation are taken: ‘succedette a Nino e fu sua sposa’ (‘huic mortuo Samiramis uxor successit’ [upon his death, his wife Semiramis succeeded him]) and a version of the very tongue-twister, ‘libito fé licito in sua legge’ (‘ut cuique libitum esset liberum fieret’ [that everyone would be free to do what they wished]), in which Dante pushes the legal agenda by changing ‘liberum’ to ‘licito’ and adding ‘legge’.

The impersonal ‘si legge’, however,
articulates here Semiramis’s status as bride of and legal successor to Ninus, and also her territorial power. But hearsay, as well as textual authority, also apparently contributes to the account of Semiramis’s imperial possessions and her extraordinary lechery. This is the amalgamated, citational view of Semiramis, widespread in the late Middle Ages, where Semiramis was a synecdoche for her city, the morally degenerate Babylon.\textsuperscript{16}

In this compound view, evident also from the enthusiasm with which Dante’s early commentators embraced her characterisation, Semiramis is presented as a character of extraordinary historical agency and, therefore, of extreme sexual transgression. The first woman to become emperor, to do ‘what no other woman had done’ (dress like a man, shed human blood, have absolute power, construct and legislate), displaying rare prowess in conquest and in building and wailing cities, she ‘must’ also be sexually transgressive. She is indeed credited with every possible sexual transgression: prostitution, cross-dressing, castrating young men, committing incest, even, interestingly, bestiality. Semiramis’s lust and blood-thirstiness thus merge into one, as Orosius puts it (‘libidine ardens, sanguinem sitiens’ [burning with lust, thirsting with blood], \textit{Historia adversum paganos} I. 4).\textsuperscript{17}

On the terrace of lust in \textit{Purgatorio} XXVI, we find another powerful and sexually transgressive queen – and another confrontation between reading and the law. Dante’s originality here lies not only in bringing together homosexual and heterosexual inclinations, but also in interpreting them both as ‘against nature’. On each half of the cornice, the ranks of the lustful meet, exchange chaste kisses, and declare their sins:

\begin{quote}
la nova gente: ‘Sodoma e Gomorra’;
\textit{e l’altra: ‘Ne la vacca entra Pasife, perché ’l torello a sua lussuria corra’}.
\end{quote}
\textit{(Purg., XXVI. 40–2)}

\begin{quote}
[(the new arrivals), ‘Sodom! Gomorrah!’ | ‘Into the cow,’ (the rest)
‘went Pasiphae | to let the bull calf run his lust in her’.
\end{quote}

Later in the canto the main speaker, the poet Guido Guinizzelli, illustrates the excesses of the heterosexual lustful, emphasising the two opposite aspects of bestiality and legality:

\begin{quote}
‘Nostro peccato fu ermafrodito
ma perché non servammo umana legge,
seguendo come bestie l’appetito
\end{quote}
in obbrobrio di noi, per noi si legge,
quando partinci, il nome di colei
che s’imbestiò ne le ‘imbestiate schegge’.

(Purg., XXVI. 82–7)

[‘Our sin, by contrast, was hermaphrodite. | And since we paid no heed to human law – | choosing to follow bestial appetites – | ourselves we read out our opprobrium, | speaking, on leaving here, the name of one | who made herself a beast in beastlike planks.’]

In this passage Dante rephrases the notions of ‘ragione’ [reason] and ‘talento’ [desire] from Inferno V into their amplifications: ‘human law’ and ‘bestiality’. By having Guido Guinizzelli illustrate the powerful example of Pasiphae, Dante draws the reader’s attention to the ultimate similarity sub specie aeternitatis between two extreme manifestations of what in Inferno V is referred to, ambiguously, as ‘love’: on the material/bodily side, the extreme sexual choice of ‘species crossing’; on the intellectual/spiritual side, the extreme rarefaction of courtly love poetry.

The expression ‘umana legge’ [human law] is often glossed as ‘reason’ in light of the submission of reason to desire of Inf., V. 39, and of a passage in Convivio where Dante states ‘chi dalla ragione si parte e usa pure la parte sensitiva, non vive uomo ma vive bestia’ [he who departs from his reason and uses merely his sensitive part lives not as a man but as a beast] (Cvo, II. vii. 4). The excerpt from Convivio points to the fact that being or becoming ‘like a beast’ is the consequence of sin in general and not of lust in particular, whereas in Purgatorio XXVI bestiality stands for only one of the subspecies of lust. According to Aquinas, bestiality was by far the worst form of lust: a sin that transgressed the bounds of humanity. Thus ‘human law’ might be rephrased as ‘the law of nature which supervises human intercourse’; it also stands for the laws of society protecting matrimony and lineage, since Pasiphae is an adulteress to begin with and her unlawful offspring an obvious threat to Cretan society. 18

The story of Pasiphae has many similarities with Semiramis’s, thematising both the interaction between power and sexual transgression, and the ‘unimaginable’ character of the noblewoman’s behaviour. 19 Like that of Semiramis, the tale of Pasiphae was very popular in the Middle Ages, appearing in a compound of several sources, primarily Virgilian and Ovidian. 20 Unlike the (pseudo-)historical Babylonian queen, however, her Cretan counterpart is seen as a fabulous and fictional character. 21 Bestiality had similarly ‘fabulous’ status in the law. As James Brundage points out, sexual practices such as Pasiphae’s ‘were heatedly
denounced, but seldom prosecuted. Bestiality [...] hardly even appears in the records. Thus her sin appears to be more a fantasy of infringing the law than an actual transgression.

Importantly, the two passages on Semiramis and Pasiphae display the same equivocal rhyme: ‘legge’: ‘si legge’. The purgatorial ‘si legge’ is traditionally interpreted as a ‘si dice’ voiced by the lustful, that is, ‘we say, cry’. This interpretation takes into account the widespread oral, recitational and citational nature of medieval practices of reading. It evokes, again, ideas of reciting a script or the connection to practices of reading aloud, such as the lectura evangeli. An interesting switch occurs between the two passages. In Inferno the expression ‘of whom we read’ recalls a collection of written texts or a compound text, on which the historical agency and sexual transgression of Semiramis is constructed. Yet in Purgatorio the expression ‘per noi si legge’ adds a further layer with this ‘new’, oral version of Pasiphae belatedly embraced in the terrace of purgatory by the otherwise tepidly lustful poets of courtly love (who were ‘lustful in words’, a rather minor offence).

There is, however, a further quite striking way of reading these lines, one that also calls the reader of the Commedia into question: through us, through our example (‘per noi’) you the reader read (‘si legge’) the name of Pasiphae – which indeed appears and is read in the text at line 41. In other words, while the purging souls recite their script, the extra-diegetic reader re-reads both the old and the new story. While Dante had constructed the extra-diegetic reader in a subtle manner in the story of Francesca, with the mirror image of lovers who are reading about lovers who are reading about lovers …, here we, the readers, fall under the spotlight – caught in the very moment of the transforming and transformative act of reading.

In both Inferno V and Purgatorio XXVI, the rhyme ‘legge’: ‘si legge’ and the transformative ways in which Semiramis and Pasiphae are read evoke a further set of questions. This in turn brings us back to Francesca. Two extreme and ‘fictional’ examples of lust – the extreme sexual transgression of Semiramis and Pasiphae and the rarefaction of courtly poetry – are both tied to the consistency of written texts. They contain and illustrate a median: the unprecedented, not-yet-recounted, poetry-laden testimony of Francesca da Rimini, whose crime, it seems, is to have transgressed the seemingly imperceptible line that separates a longed-for smile from a mere mouth. What about Francesca, then? What about her story, halfway between history and fiction, ‘di cui’ ‘per noi’ ‘si legge’? What does her story have to say about the relations
between reading, lust and the law in the cantos of lust? And, most importantly, why is Francesca the first character to tell us her story in the *Commedia*?

**Francesca (and Cunizza) as witness**

*Inferno* V is one of the most heavily discussed cantos of the *Commedia*. However, one aspect is seldom mentioned: its engagement with the practice of the law, present in several important ways in *Inferno* V. The canto begins with the figure of Minos, the infernal judge, who is portrayed as recording the confessions of recently deceased souls and sentencing them to the circle most appropriate to their sins. Although Minos stands as a grotesque parody of justice, the phrases ‘essamina le colpe’, ‘giudica e manda’ (technically: investigates the wrongs, judges and sentences) (*Inf.*, V. 5–6), ‘si confessa’ (confesses) (8), ‘conoscitor de le peccata’ (investigating judge of sins) (9), and ‘atto’, ‘offizio’ (act, office) (18) are all carefully employed in their technical juridical sense or with legal overtones. It is no surprise, then, that this part of the canto caught the attention of legal professionals in Dante’s time. Some excerpts from it were used as filler in the ‘Memoriali bolognesi’, the criminal registers compiled in Bologna, in 1317. For a notary dealing with justice records, the canto’s allusions to trial proceedings were noteworthy and especially memorable.

The technical terms of medieval justice form one of the subtexts tying the beginning of *Inferno* V to the second half of the canto. Here Francesca gives a first-hand account of the events of her adulterous love for her brother-in-law and of how they were killed by one of their kin. Here we find other traces of the legal language encountered with Minos and in Semiramis’s punning ‘libito’, ‘licito’ and ‘legge’ (56). Francesca’s use of the word ‘pace’ (peace) (92, 99), for instance, as well as recalling the warlike background of the canto, may allude to the technical term for the officially sanctioned forgiveness of the crime by the victim. Moreover, the verb and adjective ‘offende’ (102) and ‘offense’ (109), are used as technical terms for the victim of a crime (‘offensus’) in all the extant statutes of thirteenth- to fifteenth-century Florence.

It is the context of such hints at the law and its practices that encourages us to think of Francesca’s direct speech as performing an act of testimony. The story of Francesca, a ‘weak’, unstable, inadmissible witness, embroiled in issues of lust, faces the reader with fundamental questions regarding the role and scope of testimony before we can delve...
into matters of morality, theology and poetics arising from this woman’s speech. These fundamental questions – What qualifies as testimony, and what determines its value? Who gets to bear witness, and about what? How are we readers to take testimony? – are important not only in the context of Francesca, but throughout the entire Commedia.

In stark contrast with the historical and fictional fame of the queens and princesses that precede her, there is ‘no completely independent documentation of Francesca’s story’ before the Commedia. However, if history is virtually silent on Francesca, Francesca herself is not: her first-person account of the events that led to her damnation in Dante’s text form the basis of all subsequent versions of her story. Early commentators thought it necessary to add details regarding Francesca and her tale. On the one hand they invented for her a ‘romance’ of love and death patterned on several classical and medieval archetypes – including, notably, the tale of Tristan and Isolde; on the other they initiated a critical tradition of explaining her account and actions in light of her supposed character, often taken from these very archetypes.

For instance when, as early as the 1320s, Guido da Pisa analysed Francesca’s speech as a collection of *sententiae* (the short and memorable maxims used to summarise a concept or a norm in Scholastic teaching and Roman law), commentators hotly debated throughout the Renaissance whether these *sententiae* were true or false, considering them in reference to the moral character of the person who uttered them. Benvenuto da Imola’s commentary is emblematic when he warns that *sententiae* can be misleading and should always be contextualised by considering the manner, aim and situation in which they are uttered. Early commentators and many later ones abided by this advice. On the one hand, they sought to give some background to Francesca’s account, attempting to fill in the gaps between history and her story; on the other, they scrutinised Francesca’s words so as to bring out connections between her language and her lustful character. In doing so commentators replicated, wittingly or unwittingly, the practices of medieval justice – whose primary task, when gathering evidence for an inquisitorial trial, was to establish the *fama*, or reputation, of the witnesses and to assess the *fides*, or credibility, of their testimony. And indeed Francesca’s *fama* and *fides* are the greatest problems with her testimony.

Justin Steinberg has written about medieval notions of *fama* and *infamia* in relation to Dante. He explains how these originally societal terms, referring to a person’s reputation within a community, had special legal repercussions, damaging ‘a culprit’s legal capacity’ and ‘disqualifying him or her from specific rights. Above all, [they] targeted one’s juridical credibility’. As somebody who, in Dante’s fiction, had already been
found guilty of lust in Minos’s mock trial, let alone in the divine system of punishment, Francesca would be seen as falling squarely in the category of infame ‘per sententiam’ [by sentence], her conviction effectively invalidating her moral character. Even before that, a number of details of her story brought up by commentators would put the nail in the coffin of her legal credibility ‘ipsa iure’ [by law]. As Steinberg writes, ‘scandalous acts violating the sexual and moral norms of the community, such as adultery and sodomy, automatically defamed by law’.35

In establishing her fama, early commentators responded to this practice; they even expanded on it by showing how Francesca’s story presents all the main aggravating circumstances of adulterous lust. Firstly, Francesca was a married woman, and therefore her adultery threatened the legitimacy of the offspring36 – duly reflected in the fact that over the course of the fourteenth century ‘penalties for the married woman guilty of engaging in extra-marital sex became increasingly severe’.37 Secondly, Francesca’s adultery was incestuous. Sexual relationships between two siblings-in-law (‘due cognati’, Inf., VI. 2) fell into the category of incest, and most early commentators (Jacopo della Lana, L’Ottimo, Giovanni da Serravalle) did not fail to stress this fact.38 Thirdly, distrusting Francesca’s account of her role in the affair, commentators generally took for granted that her adultery was consensual, or at any rate not the result of violence – even though this remains one of the possible readings of the line “il modo ancor m’offende” [‘The harm of how still rankles me’], which Lino Pertile has suggested may imply the aggressive nature of Paolo’s passion.39 The woman’s consent was an aggravating circumstance which invalidated any attempt to ask for compensation on the part of the adulteress’s family.40 Lastly, a further aggravating circumstance attended the adultery if it took place in the husband or father’s home.41 The text is not explicit on such details, but early commentators seemed to agree that Francesca’s husband Gianciotto caught the lovers in his own home (L’Ottimo even states ‘si come nel testo appare’ [as shown clearly in the text]), and some modern scholars follow suit.42

It is particularly noteworthy that the ‘great raconteur’ Boccaccio, in his creative and expansive retelling of Francesca and Paolo’s story, picks up and expands on all the aggravating circumstances in their tale. Although Boccaccio states that the marriage between Francesca and Gianciotto was a marriage of convenience, he specifies that it had been consummated and was thus legally binding; he emphasises three times Paolo and Gianciotto’s relation of kin; he underlines the consensual nature of the adulterous relationship between the two lovers – and even embellishes this allegation, contradicting Dante’s own account, by
stating that the lady fell in love first. Finally, Boccaccio locates the adultery in the ‘camera di madonna Francesca’. Even the most open-minded and ‘romantic’ of Francesca’s readers, then, was inclined to emphasise the aggravating circumstances of adulterous lust that in a medieval trial would have made the woman an emblematic infame and thus irreparably compromised the fides of her testimony.

The manifestly unstable reputation and credibility of Francesca is of great consequence in Dante’s choice of this woman as the first witness in the Commedia. As a quintessentially challenging case, Francesca is extraordinarily well-suited to problematise the nature of testimony: the seven-century-old reception of the poem can be taken as evidence of the ways in which readers of Inferno V continue to engage with the question of the credibility and truth-value of her words, as fundamental to legal proceedings as they are to reading fiction. Francesca is the first of many testing cases, which are by no means limited to Inferno. Indeed, as far into Dante’s journey as Paradiso IX, we find a counterpart to Francesca’s story in the scandalous salvation of the spirito amante Cunizza da Romano, whose story, from both the legal and the moral point of view, is not dissimilar to that of Francesca. Crucially, Cunizza is shown to be perfectly aware of the apparent outlandishness of her testimony, and the ways in which it might be received by the living, when she states that her scandalous story as well as improbable salvation ‘‘parria forse forte al vostro vulgo’’ [‘will, to humdrum minds of yours, seem hard’] (Par., IX. 36).

**Speaking in the first person: Francesca’s dirò**

Although Inferno V is emblematic of Dante’s own concerns with his authority and that of his Commedia, Dante spotlights such issues, more specifically, through the story of a woman whose fame, in the fiction of the poem, does not depend on previous myth, history, literature (as in the case of Semiramis and Pasiphae), but on her own direct speech. Francesca’s words, very much alive to the historical circumstances of a woman of her times, thus become part of a new text which distinguishes itself from that literary tradition and demands a different mode of reading. Rather than focusing on the significance of her speech qua performance, scholars have tended to focus on its suggestions of lust, moral import, rhetorical construction and literary allusions. They have thus variously demonstrated how Francesca’s words belong to a cultural or ethical context before belonging to her, thus making her a truly ventriloquised character. In particular, the ways in which Francesca favours ‘constructions in
which Love is subject and she is the passive object’ have been interpreted morally, as ‘reflect[ing] her sinful refusal of moral agency, her refusal to fashion herself as a Christian agent’.

And yet, for all the attention Francesca’s refusal of moral agency has received, nothing has been made of the fact that the only verb of which the woman is the singular and active subject in the canto is the keyword of the Commedia’s greatest tales: the verb ‘“dirò”’ [‘I will say’] (126). First used in the Commedia by Dante himself in this form (Inf., I. 9), the verb is taken up by such illustrious men as Virgil (Inf., II. 50), Ugolino (Inf., XXXIII. 15), Buonconte (Purg., V. 103), Thomas Aquinas (Par., XI. 40) and Cacciaguida (Par., XVI. 86, 124). Francesca’s ‘dirò’ stands out for a number of reasons. It is the only feminine voice among these masculine utterances, and the only direct speech among the silent queens ‘di cui si legge’ [of whom one reads] (58). Further, while the plurals ‘noi udiremo e parleremo’ [‘we, as we hear, we, as we speak, assent’] (95) and ‘queste parole da lor ci fur porte’ [these words, borne on to us from them, were theirs] (108) initially draw attention to Paolo’s presence, Dante’s address ‘“Francesca, i tuoi martiri”’ [‘Francesca […] your suffering’] (116) and the woman’s ‘dirò’ subtly focus our perception of who is, and who is not, doing the talking.

Francesca’s verb is all the more exceptional in the context of medieval testimony. The requirement that a witness be of bona fide, in fact, was ubiquitous in the statutes of thirteenth- and fourteenth-century Florence; the Statuta of 1415 even stated explicitly that women could only give testimony ‘per procuratorem’, by proxy, as was customary in a time when ‘women’s honour was a matter that concerned men’. This practice is all too evident from criminal registers of the time, in which women are routinely identified as the daughters, wives, widows and even lovers of a given man. In light of this historical and intratextual context, it seems extraordinarily significant that Dante decided to represent Francesca – a woman condemned for lust in the form of aggravated adultery, the most notoriously defaming of sins for a woman – as the first of the damned proper to speak out for herself. Significantly, she is never actively interrupted by any authoritative male voice, be it the pilgrim’s, the narrator’s or, importantly, her lover’s, who is silently present at the scene of the testimony.

Most strikingly, Francesca takes care to help Dante on his own journey by encouraging him to become a witness in turn. With an incidental remark in the line ‘“che, come vedi, ancor non m’abbandona”’ [‘that, as you see, he does not leave me yet’] (105), the lady entreats him to bear witness to her testimony. In this role, the pilgrim listens to her first speech in its entirety, pauses (109–11), then appeals to her respectfully, calling
her by name (116). At the end of her second speech, his fainting ends the canto not only on a note of emotional involvement, as has been recognised, but also, inevitably, of suspended judgement (139–42). Paolo, though present, remains silent all the way through the episode, making the contrast with Francesca’s storytelling all the more powerful. Through the first of many gender reversals in the Commedia, Francesca takes up the role of main witness while the men in the canto learn to listen.

Francesca’s speech works on multiple levels. Although the content and form of Francesca’s words have attracted morally conservative readers through the ages, the performance of her speech is radically progressive; it allows her on the one hand to testify to a historical legal norm and practice that considered female testimony valueless, and on the other to rebel against such norms through the speech-act, ‘dirò’ (126). In Inferno V, Francesca is portrayed as having her say, as having borne witness to her story in a metaphorical court, and thus as placing her direct speech at the origins of the history of her reception. Here we are, ‘reading her’ and discussing her lustfulness, her moral failures and her provincial taste in literature. But as we are busy discussing such questions history vindicates this character’s greatest achievement – even as, or precisely because, we take it for granted. Francesca is represented as telling us her story in the first person, eschewing on the one hand anonymity and on the other hand other people's appropriations of her story. She is the first witness of the Commedia and she is a woman.

Conclusion

In conclusion, the depiction of lust in the three cantiche displays four women characters, Semiramis, Francesca, Pasiphae and Cunizza, surrounded by courtly poetry/poets and encircled by issues of reading, witnessing and judging. In creating stark contrasts and keen alliances between sexual transgression and the legal norm, bestiality and courtly poetry, and by nuancing, problematising and gendering the question of legal witnessing, Dante brings to light both the instability and the productivity of the concept of truth telling. Importantly, Francesca’s mock trial and her witnessing, with all its chiaroscuro, function as a model for Dante’s own witnessing and swearing by his poem: a weak, improbable, vernacular witnessing, yet performative not of its own truth, but of the nuances of writing and reading. In so doing such witnessing points out that the poetic performativity of truthfulness is a slippery concept that has little to do with moral or theological truth, and that it is fully in the hands of a rather unstable judge: the reader.
Notes


2. “Le droit savant insiste bien sur l’importance du serment que prête le témoin: “dictum testis sine iuramento nullius est momenti”” [Learned law firmly insisted on the importance of the oath sworn by the witness: “the words of the witness carry no weight unless sworn by oath”] (Jean-Philippe Lévy, Le Problème de la preuve dans les droits savants du Moyen Age, in Recueils de la Société Jean Bodin pour l’histoire comparative des institutions. La Preuve 2, 38 vols (Bruxelles: Éditions de la Librairie encyclopédique, 1964), XVII, 137–67 (147).


4. The legal nature of this passage is outlined by the Ottimo Commento, ad loc. All references to commentaries of the Commedia are taken from the ‘Dartmouth Dante Project’ (DDP), available online at: https://dante.dartmouth.edu.

5. Interestingly, in Par. XXV, the lines ‘il poema sacro | al quale ha posto mano e cielo e terra’ [this sacred work, | to which both Earth and Heaven have set their hands] (1–2) may also allude to the two fundamental elements of medieval oath-taking, the sacred text and its touching, also highlighted by some legal records: ‘their sacrality asserted by the adjective “sacrosanct” (seints/sacrosanctis); they further emphasise the physical (corporaliter/corporament) touch with the book’ (Poleg, 77).


12. The variant ‘libito’ or ‘libido’ in this line (see DDP) is an interesting case of a variant that is not a variant. In this context ‘libito’ (one’s whim) is indeed libidinous (‘libido’).
13. See Jacopo della Lana, DDP, ad loc.
17. See the early commentaries on DDP, *ad loc.*, on Semiramis’s extraordinary power and multifaceted lust. On the relation between her power and her lust, see especially the *Ottimo commento*.
18. On Pasiphae as adultress, see, for instance, Francesco da Buti (DDP, *ad loc.*). Dante recalls the story of Pasiphae also in *Inferno* XII, where the Minotaur is described as ‘l’infamia di Creti […] che fu concetta ne la falsa vacca’ [the infamy of Crete, spawned in the womb of Pasiphae’s fake heifer] (12–13). Significantly, *infamia* is the most common legal result of sexual (and other) offences – often leading to the moral disavowal of a witness. See Brundage, 207.
21. Indeed Servius uses Pasiphae as an example of the difference between *historia* and *fabula*, *fabula* being, like Pasiphae’s story, ‘against nature’ (Servius, *Ad Aen*. 1.235).
24. L’Ottimo, 3rd edn, *ad Inf.*, V. 5–6 sees these lines as indicating ‘tre atti judiciarii: examinatione, judicio, executione’: investigation, the trial itself and the sentence. P. G. Berthier, *ad Inf.*, V. 9–12, demonstrates the juridical connotations of the expression ‘conoscitor de le peccata’ and relates it to Dante, *Monarchia*, I. x. 3: ‘cum alter de altero cognoscere non possit’ [And since neither can judge the other]. The juridical terminology has been variously highlighted by the following commentators: Gregorio di Siena; Tommaso Casini and S. A. Barbi; Natalino Sapegno; Daniele Mattalia; Siro Chimenz; Anna Maria Chiavacci Leonardi, DDP, *ad loc.*; as well as by Teodolinda Barolini, ‘Minos’s Tail: The Labor of Devising Hell (*Aeneid* 6.431 and *Inferno* 5.1–24)’, now in *Dante and the Origins of Italian Literary Culture* (New York: Fordham University Press, 2006), 132–50 (139).
29. Iannucci, ‘Forbidden Love’.
30. A little overzealously, Guido identifies five such *sententiae* in Francesca’s speech (‘*Autor in istis VIII rithimis V sententias ponit*’), among them the famous one-liners ‘Amor ch’al cor gentil ratto s’apprende’ [Love, who so fast brings flame to generous hearts] (100) and ‘Amor ch’a nullo amato amar perdona’ [Love, who no loved one pardons love’s requite] (103) (Guido da Pisa, 1327–8, *ad Inf.*, V. 100–8). At lines 121–3 Guido finds a sixth *sententia*: the Virgilian allusion
'Nessun maggior dolore | che ricordarsi del tempo felice | ne la miseria' [There is no sorrow greater | than, in times of misery, to hold at heart | the memory of happiness].

31. In addition to Guido da Pisa, see Benvenuto da Imola, *ad Inf.*, V. 103–5; Cristoforo Landino, *ad Inf.*, V. 100–6; Trifon Gabriele, *ad Inf.*, V. 100; Bernardo Daniello, *ad Inf.*, V. 100.


35. Steinberg, 17.


42. L’Ottimo, *ad Inf.*, V. 70–1. Almost all fourteenth-century commentators unequivocally place the adultery in Francesca’s bedroom (*camera*). See also Baldelli, 36–8; and Pier Angelo Perotti, ‘Caina attende’, *L’Alighieri* n.s. 1–2 (1993): 129–34 (129).


45. *Statuta Populi et Communis Florentiae, publica auctoritate collecta, castigata et praeposita, anno Salutis MCCCCXV*, 3 vols (Florence [Freiburg]: Michaelem Kluch, 1778), I, III, ix, 118: ‘Quod nulla mulier debeat per se, sed per procuratorem agere in causa civil’ [That no woman may represent herself in a civil case, but by proxy]. This requirement effectively excluded any woman who lived by herself, was foreign or resorted to prostitution.


47. Comba, 541.