Communes and Communities:
The Democratic Elements of Medieval Life

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Democracy is a contentious word because it has a long and contentious history. Like a child, democracy can be many things: petulant, unruly, inconsiderate, disciplined, mannered, well-behaved. Conditioning is all. When we consider democracy's exact meaning in terms of its relationship to constitutionalism, i.e., its manifestation in medieval and modern political theory, problems become manifold. What is constitutional democracy? What does it mean today? What did it mean in the past?

Today we understand constitutional democracy in several ways: as a system of government based on popular sovereignty and modes of representative consent, either direct or indirect; as an ideal about the relationship this governmental system has to constitutional structure (the mixed constitution); and as the normative political principle which persons understand by the general term "government by law."

Historically, democracy means many things. From ancient to early modern European thought, this term has connoted the corruption of public rule through the introduction of popular power into the decision-making process. Much modern history of political thought emphasizes this aspect of democratic politics. Yet in the history of the idea there is another theme that produces democratic politics as a *mentalite*. When rule and power are theoretically qualified by law and virtue, constitutional democracy is said to exist. In this way democracy, as popular participation in the exercise of rule and power, has served to qualify and, for some thinkers, to constitute virtue and law.

The usual form democracy has taken in western politics is the mixed constitution. In this form the effectiveness of a single executive power (monarchy) and attention to the power of special interests through a responsiveness to procedural norms (aristocracy) are combined with institutional participation of those who are ruled (democracy). This admixture creates a legitimacy to political power that transcends mere force.

Long before the social contract theory of the eighteenth century, arguing as it did that the source of legitimate authority for all power abides in those subject to it, long before this notion was coupled with natural rights notions of personality, democratic constitutionalism held a place in the minds of medieval political theorists. This is an ignored element of medieval life and thought, one which a teacher of the Middle Ages will find extraordinarily germane to students because it was this element that foreshadowed the theories of social contract and natural rights, producing both modern democracy and the modern state.

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The task for the teacher of medieval political theory is to lend coherence to the development of ideas such that the student can see the connection between the "then" and the "now" of these ideas. This coherence may be achieved through the general pedagogy espoused by John Gunnell, i.e., by viewing political philosophy as a story highlighting practical political problems. Gunnell argues that "all history is an interpretation of the past in light of the present" (p. 68). Given this, lending coherence to the development of democratic ideas involves viewing philosophy as a form of asking questions, and political theories as a set or series of answers to these questions.

One way to begin the task of teaching medieval political ideas is to ask what they meant then and what they mean now. Specific to the idea of democracy is the question: "Why should I obey the State?" Brian Redhead lists four possible answers: (1) "Because if I don't they will cut my head off." (2) "Because it is God's will." (3) "Because the State and I have done a deal." (4) "Because the State is the actuality of the ethical idea" (p. 9). With these answers in mind, the student may begin to construct a series of dialogues between the medieval and the modern on the issues of obedience, justice, and political authority under the general topic of democracy.

This dialogue might begin with the new view of the individual found in the art and philosophy of the twelfth century. As a result of the new individualism of the twelfth-century Renaissance, two theories of authority competed as justification for political rule: the ascending and the descending explication of authority (Ullmann, 1965). Within the medieval concept of time, both seemed to make sense. When considered together, both *vox populi* and *vox Dei* confronted the medieval theorist with questions, the answers to which provided the presumptions of democracy as it would develop in post-Reformation thinking. These presumptions may be summarized as follows.

First, democracy begins with a theory of human nature which maintains the potential of persons to rule and to direct themselves--the best judge is oneself. Second, democracy depends upon an assumption that there is a common good which limits and directs public power, factional and private interests being its nadir. Third, the means of democracy may be manifold. Rule and government may be either through direct or indirect means; the determinant is conditioning. Given certain conditions--an economic minimum, social cohesion, and political peace--democracy may be realized. Without these, the ideal may prove impossible. Virtue and norm make the difference to the extent that they coincide in time and circumstance.

Ways of Exemplifying Medieval Democratic Principles

The study of medieval democratic life takes its form from histories. Nowhere is this more informative, yet so often ignored, than in studies of twelfth- and thirteenth-century attempts at democratic rule. Two instances of constitutional democracy are the communes of northern Italian political history and the religious communities that developed at the same time. Both provide models of rule bound

by constitutional limitations; both were attempts to establish a stable political order in which persons might live, grow, and prosper. Their successes and failures tell us much about the children of the age.

Yet there is an important caveat to be made before commencing any discussion of medieval democratic political theory. It is that the democratic experiments of the Middle Ages were reactions to the hieratic claims of imperial, papal, and monastic rule. For over a thousand years, the Emperor had been considered the fulcrum of balance between temporal and spiritual jurisdiction. From 1076 in the name of reform, the papacy had claimed theocratic powers which contravened those of the Empire. Monastic life had been organized and, from time to time, reformed by the principle of hieratic authority. In fact this image of organization is usually identified with medieval political theory. Yet in the twelfth and thirteenth centuries the communes of northern Italy and new religious communities had appealed to another model of organization to justify a democratic form of political organization. Without this in mind the teacher of the Middle Ages can miss the complexity of the political debate which is the sum and substance of thirteenth- and fourteenth-century political philosophy.

Medieval Florence: A Failed Democracy

Formally, medieval Florence was the creature of the German empire from the ninth to the twelfth centuries. The eleventh-century interplay of clerical and lay society had created a base of local wealth, while the Hildebrand reform movement brought into relief the distinct functions of both ecclesiastical and lay life. When in 1076-77 Countess Matilda, the imperial lord of Tuscany and vassal to the Emperor, sided with the Pope at Cannosa against the Emperor, the political and economic history of the city changed forever.

Constitutionally the Florentine commune developed an executive office, the consuls, who were charged with the defense of the city. These were elected by communal memberships in the *parlamentum*, an assembly of citizens with interests strong enough to justify their voices and submit legislation for its sanction.

By 1200 this executive consulate had been replaced by the office of *podesta*. As chief magistrate, the *podesta* headed the judicial and police arms of the state. Not a dictator, the *podesta* was accountable to various legislative councils and remained accountable to them. Such an office was first prize for the factions wishing to control economic and political life of the city. And this factional strife moved the development of Florentine democracy. From 1215, conflict raged between the Ghibellines--roughly the representatives of the feudal, landholding nobility--and the Guelphs--those families, both noble and mercantile, opposed to Ghibelline interests, sometimes with and sometimes without papal support. This conflict marked commune life. Complex structures were developed to contain the factional violence of this conflict, and eventually such structures became the constitution of Florence. Throughout, the mercantile and commercial guild interests served themselves by enfranchising their voices whenever possible.

Anthony Black argues that the factions of guilds and the tradition of civic life combined to create the republican politics of northern Italian cities. By banding together into guild groups, individuals could achieve a particular set of economic and social interests; by affirming the ideal of civil society with its value on personal independence and the concomitant respect for persons implied in the bond of civil friendship, individuals achieved a modicum of political autonomy. Thus city and guild produced the oligarchic "democracies" of the thirteenth and fourteenth centuries (see Black).

The connection between the guilds and civil society is evident in the development of the Florentine constitutions from 1250. In 1250 the Guelphs defeated the Ghibellines and ended the imperial hold on the city. The citizens organized the *popolo* and included in it those guilds most powerful in Florentine economic life. At the head of the *popolo* was an elected captain responsible to a new council who served as a second executive along with the *podesta*.

In 1260 the Guelphs were dislodged by the Ghibellines, and in 1267 the situation was again reversed. Charles of Anjou had been imported to direct the office of *podesta* (1267-82). He protected Guelph interests and left the Angevine mark on Italian politics. Unable, however, to reconcile the violent factional life of Florence, something the Papacy likewise failed in, Charles was expelled as the result of the rebellion in his southern kingdom of Sicily. From the Sicilian Vespers of 1282 until 1301 and the coming of Charles of Valois, Florence was controlled by its own financial and commercial interests.

With its new constitution, the guild regime reserved offices for guild members. The city was divided into six *sesti*, each represented by priors who held office for two months. Their task was to govern as general executives and to formulate legislation to be approved by the councils of the *podesta* and of the *popolo*. The Ordinances of Justice of 1293 severely restricted the activities of the magnate class, excluding certain families from the priorship and subjecting them to fines and sureties for good behavior. These Ordinances stood until 1434 and were the source of much factional violence.

Papal intervention in Florentine political life upset any precarious balance achieved by economic interests. In 1301-02 the Black Guelphs bested the Whites with papal support and the forces of Charles of Valois. The Whites, Dante's and Petrarch's father among them, were exiled, setting into motion a renewal of imperial interest in Florentine affairs. Henry VII of Luxembourg, crowned Emperor at Rome in 1312, defeated many of the independent communes of Lombardy and Tuscany. Florence was saved by his untimely death in 1313. But Florence's inability to govern itself resulted in two decades of turmoil. The city was forced to accept a foreign prince (Charles of Calabria, 1326-28) and to surrender its self-governing authority as the price of protection.

Through the dominance of the Guelph party as guardian of eligibility, by 1318 Florence had established a procedure for electing and scrutinizing guild representatives and through them a representative political regimen. But Florence had already lost the opportunity for political independence. After 1348, in fact from the end of Walter of Brienne's *Signoria* (1343), the commune experienced the competition between established and rising class interests and

fluctuations between democratic and oligarchic governmental forms. The disorders of the 1340s led to the control of the procedures and offices of the city by the "new men" to the exclusion of the proletariat.

A nine office *Signoria*, representing the greater and lesser guilds, ruled for a two-month tenure and received advice from the Twelve (good men) and the Sixteen (captains of the military companies). Two legislative councils of two and three hundred citizens holding office from four to six months had the task of ratifying, by two-thirds majority, the executive and legislative orders of the *Signoria*. Nomination through scrutiny and election by lot gave power to those in control of the scrutiny process. The stage was set for the politics of the Medici and of Machiavelli.

Certainly the Florentine constitutional structure was mixed in its form combining monarchical, aristocratic, and democratic elements. Whether or not the common good rather than economic factional interest directed this formal structure remains the critical question. The direct and indirect representation of the commune was socially and economically the purview of the upper and rising middle class, clearly so that the history of Florentine politics might be identical to the history of its economic interests. Ideologically the *patria* of Florence inspired the poetry and art of the thirteenth and fourteenth centuries, yet the actuality of virtue in Florentine life proved wanting.

Several generalizations could explain the failure of communal democracy from 1200-1300. Developing as it did out of a vacuum and a shift in power and wealth, Florence's democratic constitutions depended on the immediacy of the gain achieved. Citizens responded to interests of their own making. Florence's democracy resulted from new claims of the commercial class to the franchise and to local jurisdiction, free tenure of property, and procedural order in public affairs. Its citizens made their demands and enforced their rights in town and region, most notably through the guild structure.

Freed from feudal control and entrusted with self-government, Florence developed very complex representative structures to satisfy the multiple interests of its constituents. But defense of these interests led to internecine factional combat and to republican imperialism. Democratic armies of citizen-soldiers proved insufficient to the task of defense. Indeed, the necessity of civic virtue for democracy was ignored by those most dependent on it, the rising commercial class. The infantry of working folk and the cavalry of magnate knights proved effective as long as patriotism and the common good united these classes in an immediate way, for example, against the imperial policies of the Holy Roman Empire.

This unity of *pedites* and *milites* did not survive the factional and class differences of the guild society which defined the Florence of the thirteenth century. As class mobility created new citizens from the old peasant order, and while the nobility dissipated itself in vendetta, the costs of defense proved too much in terms of virtue and money. The "new men" could supply hired substitutes: mercenaries developed out of the remnant of the invading French, German, and Spanish armies. The age of professional dictators became real; republics devolved into tyrannies.

Dominican Democracy and the Constitutions of the Thirteenth Century

If the factional commune of Florence is an example of democracy, indeed perhaps a reason to prefer monarchical unity to a mixed form of government, there was another more positive experience of democratic governance: that of the Order of Preachers. During this same time, the order developed a constitutionalism that anticipated many of the forms and ideas found in later parliamentariansim (see Barker and also Tunmore).

Generally speaking, constitutionalism of a democratic kind marks the limits of power through legal procedures, entrusts limited power to offices which are accountable to those who are subject to that power, and relates the actions of officials to the consent of the governed. Such configurations, developed in the corporations of the Middle Ages and these corporate societies, particularly the universities of the thirteenth century, served as models for democratic political life. The Dominicans were among the earliest of such societies to develop constitutionalism along these democratic lines.

Dominic de Guzman (1170-1221) developed a corporate society through which members could effect a radical change in society. Prompted immediately by heresy in southern France, but more fundamentally by the desire to help locate a spiritual center for a newly emerging urban culture, Dominic established a new order of religious life committed to the Gospel--to a life of mendicant poverty, scholarship, and prayer. In effect, this new order sought to revive Christian life for a laity which had been overlooked by the reforms in monastic and ecclesiastical life of the preceding two centuries.

The heresy Dominic confronted evolved out of an undirected desire for personal spiritual meaning on the part of men and women outside religious congregations--the laity. Ignorance was its first cause, simplification its first mentor. Catharism, for example, postulated the manichean simplification of creation by characterizing it as the product of a conflict between good and evil. This heresy denigrated material being as evil and practiced a rite of purification leading to suicide. To combat this system of ideas, Dominic envisioned a change in the earlier reforms of Christian spirituality which had lost sight of the rising urban class's need for spiritual meaning.

In place of simplification, the Dominicans articulated the Christian vision of the Incarnation: God abiding in humanity, loving and saving all that is, unifying all, proclaiming the goodness of all that is. To realize this interpretation of the gospel in practicable everyday life was to be the special charism of Dominican life. The role of the Order of Preachers was to preach and to teach the practice of exemplary Christian life so that it would take hold in the newly emergent urban culture.

The Order of Preachers received papal approbation in 1216. From then on the Dominican constitutions provided for democratic rule which might achieve the effectiveness of centralization without losing the responsiveness which local autonomy provides. These constitutions (from 1228-1360) supplemented the *Rule of St. Augustine* which served as a norm for the order. They structured a governance which was highly democratic in form and character.

Based on the constitutions of the Premonstratensians, the Dominican constitutions were divided into regulations for daily life and regulations for the government of the order. Change in these regulations was allowed through legislation passing three successive general chapters, which are the highest legislative authority of the order.

Several characteristics stand out in the early record of chapter legislation and structure: First, office was established and officers elected at the sufferance of those who were governed. In this sense, Aristotle's definition of citizenship as the personal capability to rule and to be ruled applied even before its re-discovery in Europe. Second, tenure in office was limited by the will of the electing chapter, while equality among friars was the norm of community life. Precedence was by seniority in the order, promotion through ability. Third, those who governed were held accountable to the chapter which elected them in very real ways. Malfeasance was punished and officers deposed. Fourth, chapters at all levels were representative in that they resulted from constituent elections. There was no *pro forma* consent by acclamation; rather consent was effected through voting and counting of heads. And fifth, although overlooked in its implications, the power of dispensation, implying as it does a request from the subject for exception to usual norms, indicated a growing awareness of the relationship of personal responsibility to corporate effectiveness. This may be viewed as a faint beginning to the notion that the person is the best judge of the efficacy of his or her actions.

There were three levels of governance in the order: the local convent, the provincial chapter, and the general chapter. As Galbraith's study of the thirteenth century illustrates, "power was not delegated from greater to lesser chapters; the power of the greater chapters was derived from the lesser" (p. 37). In each house, an elected prior and a chapter of all members governed according to the *Rule* and the constitutions. The provincial prior and chapter were elected by the conventual priors and two delegates from each convent in the province. In Dominic's scheme, ultimate power was delegated to the general chapter and the master general. As Galbraith puts it:

> Members of the general chapter were elected by various provincial chapters, which in their turn were composed of preacher-generals, conventual priors, and one representative from each convent elected by all the professed friars in the house. Thus . . . the body which controlled the master-general was elected in the second degree by all the professed friars in the order, a truly democratic arrangement (p. 138).

The main features of this democratic arrangement were limited tenure of office, every administrator being subject to removal at every chapter, and accountability of each office to the chapter.

In addition to the elective nature of Dominican government, the constitutions provided a democratic means whereby the body of the whole could function effectively. This was through the office of *diffinitor*, one elected from a chapter to work as part of a small committee with the prior or master-general

to accomplish the work of a chapter's whole assembly: "The whole body . . . elected the *diffinitores* of the provincial chapter, the *diffinitores* of the general chapter and the electors of the master-general" (Galbraith, p. 73). Thus, a small, representative committee directed the work of the body, guided the administration of the priors, and presented to the body of the whole legislation and recommendations.

As indicated, the legislation for the order resulted from three readings. Legislation took effect only after it had passed three successive annual chapters. The exception was the provision of the *generalissimum* chapter of two delegates from each province with the provincial priors which could enact legislation in an extraordinary session. There were only two held in the order's history--in 1228 and in 1236.

The general chapter was an annual event until 1370, every two or three years thereafter, and every three years since 1561. Every two years this assembly consisted of the master-general with elected representatives from the provincial chapters; in the third year the provincial priors served as delegates. This alternation of representative and administrative personages balanced the chapters between ruled and rulers. A third configuration when a legislative chapter followed the election of the master-general consisted of provincial priors and one of the two elected representatives from each province, a combination of representative and administrative interests.

It should be pointed out that Dominic's goal was not so much representation as flexible efficiency, guarding against arbitrary power, precipitous change, and rigid conformity to rules at the expense of the spirit of the order. Dominic wanted neither a permanent superior to rule nor a volatile set of factions. His vision was of an order given to a purpose with a governmental structure which would remain responsive to the times and faithful to a mission.

Conclusion: Then and Now

From these examples the teacher of the Middle Ages can derive some sense of the meaning of democratic constitutionalism as it might have been understood in the context of the political ideas of the period, specifically the ideas of limited authority, representation, and the mixed constitution. Both the Florentine and the Dominican constitutions of the thirteenth century reflect important elements which would later be found in modern democratic politics. For example, the presumption about the individual as capable of self-government serves as the basis of Dominican governance; the awareness of the common good and the problem of factions in relation to the common good is revealed in the emergence of Florentine oligarchies; and an appreciation of the wide range of means available to effect constitutional democracy shows itself in the various ways the executive, legislative, and judicial elements of the Florentine and Dominican constitutions are combined.

Although it may be argued that the failure of Florentine democracy was due to the insufficiency of the presumption about human beings as capable of self-government, and even though the later Dominican constitutions would re-invent the hieratic principle of organization and authority, nonetheless these

examples of democratic constitutionalism provide evidence that modern and medieval democratic theory involve quite similar basic truths. The first inheres in the proposition that governmental power and authority always stands in need of limit if it is to be effective for the common good and not for personal or partisan interests.

This notion of limitation, in turn, gives rise to a second truism essential to democratic life: the idea that interests in society ought not to go unrepresented. This ideal of political representation was to become the main vehicle for the regulation of the evils of faction as Madison would put it. Without the means of political representation, through law and by virtue, special interests undermine the cohesion of society and make the very idea of society absurd.

Finally, the examples of Florence and the Order of Preachers reveal the structural means whereby democratic politics, either direct or indirect, would become real; the mixed constitutional systems employed by the Florentine republic and the Dominican order exemplify the need for effective executive authority and action directed and checked through some means of representational consent by dominant interests in society. Without the device of the mixed constitution, the balance between strong executive leadership and responsiveness to the will of those who are governed cannot be realized.

Above all else, these medieval exercises in democratic constitutionalism reflect for us today the awareness of the essential connection between personal responsibility and collective activity--a connection we need to make today.

SELECTED BIBLIOGRAPHY

Barker, Ernest. *The Dominican Order and Convocation*. Oxford: Clarendon Press, 1913.

Black, Anthony. *Guilds and Civil Society in European Political Thought From the Twelfth Century to the Present*. Cambridge: Methuen and Company, 1984.

Canning, J.P. "The Corporation in the Political Thought of the Italian Jurists of the Thirteenth and Fourteenth Centuries." *History of Political Thought* I (1980): 9-32.

Carlyle, R.W. and A.J. Carlyle. *A History of Medieval Political Theory in the West*. 6 vols. London: William Blackwood and Sons, 1903-1936.

Davis, Charles T. *Dante's Italy and Other Essays*. Philadelphia: University of Pennsylvania Press, 1984.

D'Entreves, Alexander P. *Aquinas: Selected Political Writings*. Trans. J.G. Dawson. Oxford: Basil Blackwell, 1970.

Galbraith, G.R. *The Constitutions of the Dominican Order*. London: Manchester University Press, 1925.

Gunnell, John. *Political Theory: Tradition and Interpretation*. Cambridge, Massachusetts: Winthrop Publishers, 1979.

Holmes, George. *Florence, Rome and the Origins of the Renaissance*. Oxford: Clarendon Press, 1986.

Laski, Harold J. "Political Theory in the Later Middle Ages." *The Close of the Middle Ages.* Vol VIII. *The Cambridge Medieval History.* 8 vols. Cambridge: Cambridge University Press, 1980.

Redhead, Brian, ed. *Political Thought From Plato to Nato.* Chicago: Dorsey Press, 1984.

Schevill, Ferdinand. *History of Florence.* New York: Ungar, 1961.

Stranger, Joseph R., ed. *Dictionary of the Middle Ages.* 7 vols. New York: Charles Scribner's Sons, 1985.

Tierney, B. *Religion, Law, and the Growth of Constitutional Thought 1150-1650.* Cambridge: Cambridge University Press, 1982.

Tunmore, Harry P. "The Dominican Order and Parliament." *Catholic Historical Review* 26 (1940): 479-89.

Ullmann, Walter. *A History of Political Thought: The Middle Ages.* Baltimore, Maryland: Penguin Books, 1965.

White, Allan. "The Foundation of the Order of Preachers and its Historical Setting." In Simon Tugwell, O.P. *The Way of the Preacher.* London: Darton, Longman and Todd, 1979.

"Celestial Cross-Pollination" at Work: High School Students Respond to Dante

Daniel E. Christian

During a discussion of Dante's *Paradiso*[1] at a 1990 NEH Seminar for School Teachers conducted by Professor William Stephany of the University of Vermont, a wonderful phrase emerged which has proven very useful for my Dante students in responding to the *Commedia* through regular written journal entries. The purpose of this article is to describe that phrase and demonstrate, through various student examples, that although Dante's work is often seen as ominous and imposing, it can be both accessible and meaningful to high school students when they are encouraged to respond in their natural writing voices.

The memorable phrase is "celestial cross-pollination." It succinctly captures the essence of a scene near the end of *Paradiso*. Dante/pilgrim arrives in the Empyrean and notices a river of light with gem-like sparks moving back and forth between the river and the flowers on each bank.[2] With Beatrice's help, Dante/pilgrim learns that both the river and the sparks are not what they appear but rather are mere shadows of their true selves.[3] Once the pilgrim bathes his eyes in the light with the eagerness of a hungry infant, he sees that the river is circular, that the sparks are actually angels, and that the flowerings are the Blessed residing on tiers of a majestic Heavenly Rose.[4] Dante/poet describes this festive dance of angelic activity as being:

> just like a swarm of bees that, at one moment,
> enters the flowers and, at another, turns
> back to that labor which yields such sweet savor
> (*Paradiso* XXXI, pp. 7-9)

From this lovely metaphor, the phrase "celestial cross-pollination" was born.

The Dante course I teach is a senior elective, usually consisting of sixteen to twenty young men and women, ages seventeen and eighteen. Like many students this age, they have heard of Dante, but few have ever tried to read him. In preparation, the students receive only the necessary historical background. I want their first reading of Dante's *Commedia* to be as fresh as possible, not weighted down too much by context. This simply allows the work to be more approachable for adolescents who are often skeptical about the personal relevance of "classical" literature. Prior to beginning, students are told that the *Commedia* depicts a journey of self-discovery and that they will hear echoes of their own struggles as they work at understanding the trials of Dante/pilgrim.

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