



CHICAGO JOURNALS



Justin Steinberg. *Dante and the Limits of the Law*

Dante and the Limits of the Law by Justin Steinberg

Review by: Charles S. Ross

Renaissance Quarterly, Vol. 68, No. 1 (Spring 2015), pp. 368-369

Published by: [The University of Chicago Press](http://www.uchicago.edu) on behalf of the [Renaissance Society of America](http://www.renaissance-society.org)

Stable URL: <http://www.jstor.org/stable/10.1086/681404>

Accessed: 10/03/2015 13:38

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



The University of Chicago Press and Renaissance Society of America are collaborating with JSTOR to digitize, preserve and extend access to *Renaissance Quarterly*.

<http://www.jstor.org>

Dante and the Limits of the Law. Justin Steinberg.
Chicago: University of Chicago Press, 2013. viii + 232 pp. \$40.

Allen Mandelbaum used to say that Dante had read his Hegel. I am not certain what he meant. But after finishing, in almost one sitting, Justin Steinberg's eminently readable *Dante and the Limits of the Law*, I am pretty sure that Dante had not read Oliver Wendell Holmes, Jr. Although Dante's failure to do his homework in American jurisprudence raises questions about a law and literature approach to the *Commedia*, Steinberg cleverly and clearly roots through various topics of medieval law to find fresh explanations for a variety of conundrums faced by Dante's readers. The problematic issues include the highly regulated structure of the *Commedia*, the difficulties of crossing borders, the spirits' constant worry about their reputations in the world of the living, the relationship between sovereignty and justice, the jurisprudence and purpose of punishment, and the problem of verisimilitude in Dante's poetry.

As a guide to such issues the book divides Dante's legal world into four topics, or chapters. The first focuses on how medieval law could produce or ratify social disgrace. For example, the *contrapasso*, or creatively responsive punishment, responds to the limits of the law (the book's main theme) by creatively expressing shame in various ways. The second chapter finds the limits of the law in discretionary judgment, a version of the standard problem of fitting broad laws to narrow fact patterns. Here Dante's solution to the search for truth again produces forms of highly individual poetics that for Steinberg finds its culmination in the earthly paradise. Chapter 3 takes up the issue of how legal privileges or immunities play against the conception of a community of justice, another form of limitation. Chapter 4 begins with the observation that medieval contracts depended on forms, not consent, in order to be enforceable. Dante the pilgrim's knowledge of this limitation allows him to make promises he does not keep to some of the souls in the lower portions of hell.

These four chapters create a frame that Steinberg characterizes as beneath, beyond, above, and beside the law. Within this totalizing organization, the book brings fresh perspectives to traditional topics, often taking the form of a rehearsal of what other critics have said and then a rebuttal. Ascoli, Freccero, Baranski, Hollander, even Auerbach — ping, ping, ping, down they go. Steinberg's legal understanding, grounded in an astonishingly productive reading of primary and secondary writings, offers a fresh and almost always satisfying perspective. A central concern is Dante's encounter with his ancestor Cacciaguیدا in the *Paradiso*. There are too many passages for me to rehearse in a short review.

That Dante was himself the victim of the laws of Florence and struggled with his exile in his other writings makes Steinberg's thesis all the more convincing — that, and the almost preternatural excellence of his prose style. Steinberg can write. I would, and probably will, offer his ability to stick to a thesis at every level — book, chapter, and paragraph — as a model of composition for any PhD thesis.

Dante and the Limits of the Law reminds me of Stanley Fish's *John Skelton's Poetry* (1965) in two ways. First, both are unsung stylistic tours de force and models for academic argument. Second, though, just as one wonders how much understanding Skelton adds to the glories of Renaissance English poetry, the lessons of *Dante and the Limits of the Law* may not extend beyond the precise passages and issues explicated. Half of the *Inferno* is about fraud, yet the issue does not come up, despite that most marvelous fraudulent conveyance Geryon, whom Virgil and Dante literally climb aboard. I would have liked Steinberg's commentary on Dante's endless doubting. Where does his habit of constantly raising questions fit precisely into the legal constellation of his knowledge?

Finally, there is the issue of the relationship between law and morality. In his famous essay "The Path of the Law," Holmes instructed us that the biggest mistake a lawyer can make is confusing the law with right and wrong. The law is whatever the judge is going to say it is, and it is a lawyer's job first and foremost to figure that out. In his personal life and negotiations with Florence over ending his exile, which Steinberg uses to establish Dante's personal involvement with the law, Dante never relented, never negotiated, and never returned home. He had far greater things on his mind than thinking like a lawyer.

CHARLES S. ROSS, *Purdue University*