

Lorenzo Valla's Critique of Jurisprudence, the Discovery of Heraldry, and the Philology of Images

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In 1433, Lorenzo Valla attacked contemporary jurisprudence with a treatise attributed to the civilian lawyer Bartolus of Saxoferrato, the "De insigniis et armis." This was considered Europe's first treatise on heraldry until a team of legal historians questioned its subject matter and authenticity. Meanwhile, visual culture continues to be seen as peripheral to Valla's critical agenda. This article proposes that Valla engaged images as manifestations of social authority and historical change. His epistle against Bartolus participates in an intellectual history of intersections between philology, antiquarianism, and the anthropology of images in which heraldry has been defined.

INTRODUCTION

ONE OF THE greatest polemicists among the early humanists, Lorenzo Valla (1406–57) intervened in jurisprudence, philosophy, historiography, and theology by straining these discourses through the sieves of his Latinity and, to a lesser extent, his Hellenism.¹ His linguistic sensibilities and combative spirit secured him a position at once prominent and equivocal in the history of humanist philology. While remembered as a pioneer for his influence on such towering textual critics as Poliziano and Erasmus, Valla appears estranged from the discipline's modern forms from the perspective of his working methods.² His preoccupations with language and texts mean that less is known about his interests in images and

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¹ The vast bibliography on Valla includes several recent book-length publications. See Anselmi and Guerra; Nauta, 2009; Regoliosi, 2010; Camporeale, 2014; Celenza, 2018. For a short intellectual biography, see Bezner.

² On these two sides of Valla's legacy, see Celenza, 2012.

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in what is today called material culture. This lacuna may also reflect some artificial boundaries that have separated philology's history from that of art history and antiquarianism.³ It may reflect, as well, a tendency to assess Valla's engagements with images and material culture in light of the rhetorical tradition instead of the philological one for which he is principally known.

This tendency can be observed, for instance, in Michael Baxandall's celebrated study of the relationship between early Renaissance humanism and art criticism, *Giotto and the Orators*. Here, Valla appears with "all the marks of a critic *manqué*" within a chapter dedicated to "The Limits of Humanist Criticism."⁴ "More than most humanists he had the philological equipment to master the classical critical vocabulary" with which an authentic humanist criticism of art could have been formed.⁵ However, Valla refrained from applying his philological equipment directly to the arts' domain, so Baxandall argued. This conclusion rests primarily on passages in which Valla compares the so-called liberal and manual arts. For example, in his textbook on Latin grammar and vocabulary, the *Elegantiae Linguae Latinae* (Finer points of the Latin language, 1441), Valla describes how cultural degeneration after the fall of Rome touched both the Latin language and the "arts that most closely resemble the liberal arts—painting, carving, modeling, architecture."⁶ In the *Oratio in Principio Studii* (Oration for the inauguration of the academic year, 1455), he puts forward a theory of cultural progress that includes verbal and manual arts once again.⁷ Baxandall considered these passages an effect of the rhetorical tradition in which Valla was steeped, with its extended analogies between arts exemplified by Quintilian, Valla's foremost ancient mentor.⁸

Recent studies of Valla's methods by Mariangela Regoliosi and Christopher S. Celenza highlight more passages of this kind. In the *Antidotum in Facium* (Antidote to Facio, 1447), a self-defense against his critics in Naples, Valla compares Livy's *Histories* to a "painted panel" ("tabula") whose "colors and lines, either because of old age or for another reason, had been destroyed and then restored to represent the truth," on account of his own emendations of that text.⁹ In one of the prefaces to his *Collatio Novi Testamenti* (Annotations to the New Testament, 1449), he compares his critical work on the text of

³ See Kraus; Grafton, 171–77.

⁴ Baxandall, 114.

⁵ Baxandall, 114.

⁶ Baxandall, 117–18. See Valla, 1976–77, 598 (*Elegantiae* 1.i).

⁷ Baxandall, 118–19. See Valla, 1994b, 194–97 (*Oratio* 13–14).

⁸ Baxandall, 118.

⁹ "Veluti in tabula colores ac lineamenta ob vetustatem aliove quo casu abolita, sic reipoint ut veritatem representet": Valla, 1981, 370 (*Antidotum in Facium* 4.10.2). When not otherwise specified, translations are my own. For a discussion of this passage, see Regoliosi, 2005, 25.

Jerome's Bible to a feat of construction in the context of an even more elaborate comparison between the disciplines and various physical materials: "The 'cities,' so to speak, of other branches of learning, are constructed partly from bricks, like civil law, partly from tufa, like medicine, partly from marble, like astronomy, and there are likewise others. But the city of the Good News is the only one made of gems, and the only city where it is more outstanding to be the humblest construction worker than it is to be an architect in other cities."¹⁰ This article argues that Valla's engagements with visual and material culture exceeded these rhetorical comparisons. Despite philology's common meaning as the "discipline of making sense of texts," images were sometimes objects of Valla's philological practices as a result of their embeddedness in language and history, and because of the important role they played in expressing, and reconstructing, the structures of social authority that he wished to see change.¹¹

The principal grounds for my argument is an early publication, the *Epistola contra Bartolum* (Epistle against Bartolus, 1433), which Valla wrote during his short tenure as the single professor of rhetoric at the University of Pavia. It is best known today for its critique of so-called medieval jurisprudence, and as the first of Valla's many iconoclastic performances against persons and texts of authority.¹² Beginning with a broad critique of civilian lawyers, it focuses on a single legal tract, the *De insigniis et armis* (On insignia and arms, 1358), which circulated under the name of the profession's most revered figurehead, Bartolus of Saxoferrato (1314–57). It incited the ire of Pavia's law faculty, lost Valla his university chair, and drew suspicion against him for the rest of his life. Subsequent historians of humanism and of law have remembered the letter as one of the most articulate and early polemics against medieval legal science in the name of humanist principles, anticipating the revolutions in so-called humanist jurisprudence to come.¹³ In *Giotto and the Orators*, where

¹⁰ "Nam aliarum doctrinarum, ut ita loquar, urbes partim e lateribus, ut ius civile, partim e topho, ut medicina, partim e marmore, ut astronomia, et itam cetera extructe sunt; evangelica vero nonnisi e gemmis, in qua vel minimum structorem esse preclarior est quam in ceteris architectum": Valla, 1970, 6 (*Collatio* preface); Celenza, 2012, 380–89. For another discussion of Valla's references to mechanical arts within the circle of disciplines, see Martinelli.

¹¹ Pollock, 934.

¹² The classic studies of the letter and its reception are Barozzi and Sabbadini, 61, 174–86; Corbellini, 238–82; Speroni. See also Gilmore, 155–60; Grendler, 209–11; and Valla's epistolary exchanges where his confrontation with the jurists is discussed, in Valla, 2013, 81–89, 183 (*Correspondence* 13, 30).

¹³ See Vaccari; Manfredi; Maffei. On humanist jurisprudence or legal humanism, see Kelley, 1970 and 1984; Skinner, 1:201–08; Quagliani, 1999 and 2000; Osler, 2001 and 2016; Rossi, 2014. On the movement's history from the perspective of the University of Pavia, see Villata; Sottili.

a portion was translated into English for the first time, it appeared as a wholly critical gesture (“carrying out the liberating role of humanism”) supporting Baxandall’s broader thesis about Valla’s not quite positive contribution to humanist art criticism.¹⁴ The epistle has attracted recent attention following new assessments of the legal tract it takes to task, and following Regoliosi’s much-needed 1997 publication of its first critical edition.¹⁵

It has not been considered important that Valla’s target was a legal discourse about images called *insignia*, *arma*, and *signa*. The significance of this choice can be reconsidered in light of new scholarship dedicated to the intersections between law and aesthetics, philology and antiquarianism, as well as philology and visual culture more broadly.¹⁶ Informed by these perspectives, I propose that in 1433 Valla intervened into a charged field of images through which authority, including the jurists’ authority, found material form and visible expression. He argued that his own intellectual preparation made him a more competent legislator of these images than the civilian lawyer Bartolus and civilian lawyers generally. In subsequent projects, he continued to engage with images connected to authority and identity with the awareness that they were implicated, with and through language, in social and cultural processes subject to change.

These engagements help to reveal underappreciated connections between humanist philological practices and several early modern discourses around images, including fifteenth-century antiquarian conversations about how Roman *insignia* related to the signs of distinction displayed by contemporary families and eventually called heraldry; and the sixteenth-century *imprese* treatises that sought to establish the proper names for and proper distinctions between such images as *imprese*, *emblemi*, and *armi di famiglia* in the Italian and other vernacular tongues. Modern anthropologies of images that deduce grammars of visual languages as reflections of culturally circumscribed structures, customs, and laws might be considered developments, in part, of the philological approaches to the image that Valla and his heirs deployed.

¹⁴ Baxandall, 114–16.

¹⁵ See Bartolus of Saxoferrato, 1994 and 1998; Valla, 1997. Following upon these editions, the most recent assessments of Valla’s polemic are Clavero, 1996; Regoliosi, 1997; Rossi, 2008 and 2015; della Schiava, 2010; Femia; Prova.

¹⁶ On law and aesthetics, see Legendre; Douzinas and Nead; Goodrich; Goodrich and Hayaert; Manderson. On philology’s relations with antiquarianism, art history, and visual culture, see Carrara and Ginzburg; Herklotz; Efal; Campbell.

VALLA'S TARGETS:
 MEDIEVAL JURISPRUDENCE, BARTOLUS'S
 SHORTEST WORK, AND HIS GRAMMAR OF SIGNS

After saluting his addressee, Valla's friend and fellow humanist Pier Candido Decembrio (1399–1477), Valla begins his epistle with the following account of the civilian lawyers:

Among those I refer to as persons skilled in law, there is almost no one who does not seem to be simply despicable and ridiculous. They are bereft of all the learning one expects to find in a free person, especially of the eloquence that was studied diligently by all the ancient jurists, and without such eloquence one cannot understand the works of the ancients. They have shallow, stultifying minds and no talent, so that I feel sad for civil law, because it does not feel the want of those interpreters that it has now. It is preferable to avoid writing than to have animals as readers: the latter either do not understand what you have wisely elaborated (for they are animals) or they badly explain it to others.¹⁷

As a professional class, the lawyers are now understood to have emerged over the course of the eleventh century within Northern Italy's universities.¹⁸ They were expert interpreters of a body of legal writings and a so-called *ratio scripta* (written reason) with origins in ancient Rome, but which had declined in the West after the empire's fall. Having made this tradition relevant to European institutions once again, they became indispensable consultants to towns, emperors, popes, princes, and members of a prestigious intelligentsia.¹⁹ Yet from Valla's point of view they lacked the necessary background to understand and communicate about the body of texts upon which their authority was based.

¹⁷ "Horum quos dico iurisperorum nemo fere est qui non contemnendus plane ac ridiculus videatur. Ea est ineruditio in illis omnium doctrinarum que sunt libero homine digne, et presertim eloquentie, cui omnes iurisconsulti diligentissime studuerunt et sine qua ipsorum libri intelligi non possunt, ea hebetudo ingenii, ea mentis levitas atque stultitia, ut ipsius iuris civilis doleam vicem, quod pene interpretibus caret aut his quos nunc habet potius non caret. Satius est non scribere quam bestias habere lectores qui, quod tu sapienter excogitasti, aut non intelligant (bestie enim sunt) aut insipienter alii exponant": Valla, 1997, 1532–33 (*Epistola* 1.3–5); Valla, 1994a, 179. The Latin text of the *Epistola contra Bartolum* used throughout this paper is the 1997 critical edition. The English translation (Valla, 1994a) appears as an appendix in Bartolus of Saxoferrato, 1994, 179–200.

¹⁸ See Mayali for an introduction to the legacy of Roman law with further bibliography.

¹⁹ On the social status and functions of the civilian jurists in the Middle Ages, see Martines; Armstrong and Kirshner; Kelley, 1998.

Commissioned by the sixth-century emperor Justinian from Constantinople, these texts were known as the *Corpus Iuris* and, from the sixteenth century onward, the *Corpus Iuris Civilis*, or body of (civil) law. They comprised the *Institutes*, a textbook for students of civil law; the *Code*, a collection of imperial decrees; the *Novels*, a collection of Justinian's own legislative acts; and the *Digest* (also titled *Pandects*), with Roman jurists' writings from the first three centuries CE.²⁰ The latter became a venerable text for humanist readers. As Ernst H. Kantorowicz pointed out in his classic article on Roman law and Renaissance theories of art, Petrarch already considered it an authoritative testimony and monument of Roman antiquity.²¹ Valla's *Elegantiae* explains how the *Digest* informed his conception of Latinity by providing models of eloquence that, he believed, could facilitate a wholesale revival of learning in his time.²²

Valla's emphasis is more critical in the 1433 epistle, where he focuses on the obstacles to this ambitious goal. After his initial picture of the "despicable and ridiculous" jurists, here he expresses frustration with "the most unjust Justinian" for mixing the ancient jurists' writings while seeking to preserve them in compiled form.²³ He laments how these compilations had encouraged obfuscating commentaries on the ancients' writings, the emperor's explicit but "foolish" prohibition of legal commentary notwithstanding.²⁴ He singles out prominent figures in the tradition—figures subsequently called "commentators"—to compare unfavorably with their ancient predecessors: "In place of Sulpitius, Scevola, Paulus, Ulpian, and the other swans barbarously snatched away by your eagle, to put it mildly, we have geese like Bartolo, Baldo, Accursio, Cino, and all the others of the same feather, who do not speak with a Roman but with a barbarous tongue, and lacking certain urbane and civil customs, display rustic and untamed savagery."²⁵ Franciscus Accursius, who had taught in Bologna between 1200 and 1263, was the author of the standard glosses on the *Corpus* known as the *Glossa ordinaria* or *Magna glossa*. The

²⁰ See Kaiser; Radding and Ciaralli; Lee.

²¹ Kantorowicz, 352.

²² Valla, 1976–77, 607–13 (*Elegantiae* 3, preface). See Rossi, 2008, 515–28; Mantovani.

²³ "Iustiniane iniustissime": Valla, 1997, 1533 (*Epistola* 1.7); Valla, 1994a, 180.

²⁴ Valla, 1997, 1533–34 (*Epistola* 1.8). On Justinian's prohibition of legal commentary, see Maclean, 49–58.

²⁵ "In locum Sulpicii, Scevole, Pauli, Ulpiani aliorumque, ut leviter loquar, cygnorum, quos tua aquila sevissime interemit, successerunt anseres. Bartolus, Baldus, Accursius, Cinus ceterique id genus hominum, qui non romana lingua loquantur, sed barbara, non urbanam quandam morum civilitatem, sed agrestem rusticanamque immanitatem pre se ferant": Valla, 1997, 1534–35 (*Epistola* 1.10–11); Valla, 1994a, 180.

other figures that Valla names were among Accursius's most celebrated heirs: Cinus of Pistoia (ca. 1270–1336); his foremost student, Bartolus of Saxoferrato (ca. 1313–57); and his student in turn, Baldus de Ubaldis (1327–1400).

Bartolus was recognized as the leading light of this tradition in Valla's lifetime and beyond.²⁶ His reputation rested largely upon commentaries on the standard texts of the *Corpus*, the focus of his teaching career at the University of Perugia, which in the sixteenth century themselves received extensive commentaries and entered university curricula alongside the glosses of Accursius.²⁷ In addition, there were his legal opinions (*consilia*), solicited from law courts and sovereigns across Europe in Bartolus's lifetime, which continued to be collected, studied, imitated, and forged after his death.²⁸ His *tractati*, perhaps the least durable over time, were nevertheless recognized as the first autonomous texts offering legal frameworks to pressing contemporary issues that lacked coherent foundations in the Romano-Byzantine sources.²⁹ Their subjects included rivers, Guelfs and Ghibellines, exile, tyrants, reprisals, the government of cities, and *insignia* and *arma*.

The *De insigniis et armis* is the target of Valla's criticisms in his 1433 epistle. Valla accounts for this in the epistle itself with the story of an altercation that he claims transpired between himself and a well-respected jurist in Pavia. The seemingly decisive moment occurs when this anonymous interlocutor asserts the superiority of even "the shortest work of Bartolus" to any work of Cicero's: "Yesterday some big shot among the jurists—if anything great can exist in a science of little value—whose name I do not mention for he would be enraged at me, unless he himself is willing to come forward to admit his faults, had the effrontery to insult me by placing Bartolo before Cicero in doctrine, saying many other unthinking things and, in particular, recklessly affirming that none of the works of Marcus Tullius could be compared even to Bartolo's shortest work, which was the *De insigniis et armis*."³⁰ Valla records

²⁶ On Bartolus, the major collections of essays are in Segoloni; *Bartolo da Sassoferrato nel VII centenario della nascita*; Crescenzi and Rossi. For introductions with further bibliography, see Cortese, 2:425–36; Ascheri, 2012; Rossi, 2012a.

²⁷ Cortese, 2:429–30.

²⁸ See Ascheri, 1990 and 1991; Ascheri, Baumgärtner, and Kirshner. For a general treatment of *consilia*, see Menzinger.

²⁹ See Quaglioni, 1983; Cavallar; Rossi, 2012b.

³⁰ "Hesterno die, quidam inter iurisperitos magnus, siquid magnum potest esse in parva scientia (nomen tacebo, ne mihi succenseat, nisi prius de se voluerit confiteri), audebat mihi Bartolum Ciceroni in doctrina antepone: tum multa alia inconsiderate dicens, tum illud furiose affirmans nullum ex operibus M. Tullii cum vel brevissimo Bartoli libello, quails erat ille 'de insigniis et armis' comparandum": Valla, 1997, 1537 (*Epistola* 2.1); Valla, 1994a, 181.

a tense dialogue around this provocation and lays out the reasoning that led to his written response. On the premise that the jurist's affront amounted to a public offense, he describes procuring a copy of the *De insigniis et armis* and penning his letter that very night, revealing the greatest among the civilian lawyers to be ignorant and "unarmed" in his very tract on *insignia* and *arma*.³¹

Since at least Girolamo Mancini's *Vita di Lorenzo Valla* (Life of Lorenzo Valla, 1891), this scene has influenced the epistle's reception. Mancini reanimated Valla's vivid account and presented the altercation as if it had really taken place on Pavia's streets.³² The jurist's "crazy assertion" has subsequently figured as "the occasion that spurned Valla to compose the *libellum*."³³ Regoliosi's introduction to the critical edition makes the important point that the *altercatio* was a rhetorical component of the composition, which should be considered among the dialogical forms that Valla almost always chose to integrate with his polemics.³⁴ Nancy Struever remembers elsewhere that the "specific and often informal human occasion" was a regular feature of the humanists' invectives, which allowed them to frame skepticism as a "productive practice" of intervention into social life.³⁵ Still, the most recent scholarship on Valla's letter upholds the hypothesis that he engaged Bartolus's shortest work by chance, in reaction to external provocation.³⁶

In the commentary to her critical edition of Valla's letter, moreover, Regoliosi questions but discounts the significance of the humanist's engagement with the treatise's contents in light of the seemingly broader issues with which he was concerned: "I do not know how it would have been possible, with Valla's a-scientific procedure, to construct a rule of signs [*normativa delle insegne*] which nevertheless—so it was said—was indispensable. But this is certainly not the problem that Valla poses. He intends rather to highlight the contradictions of a logical and philosophical nature inherent in the practice of law, and to show the shortcomings of the methods that were still accepted by so many."³⁷ Giovanni Rossi distinguishes the "specific assertions" of the *De*

³¹ Valla, 1997, 1537–43 (*Epistola* 2.1–29).

³² Mancini, 78: "One day Lorenzo was taking a walk and talking about literary questions with a reputable jurist when he heard it asserted that the most famed jurist, Bartolus of Saxoferrato, superseded Cicero in doctrine, and that none of the latter's works could be compared with even the *De insigniis et armis* of Bartolus. The judgement, as expressed by a man considered authoritative and wise, resounded like a curse in the ears of an enthusiastic admirer of the ancients, who felt himself burn with rage as if he had received a blow."

³³ Speroni, 459. See also Barozzi and Sabbadini, 182; Corbellini, 244.

³⁴ Regoliosi, 1997, 1516–19.

³⁵ Struever, 669.

³⁶ Regoliosi, 1997, 1514; Rossi, 2008, 552–56; Frova, 223; della Schiava, 2010, 320.

³⁷ Regoliosi, 1997, 1514.

insigniis from the “foundations” of the legal tradition of which Valla was critical, while affirming that “the humanist was himself uninterested in the contents of the tract.”³⁸

From another point of view, Valla can be seen to ground his critiques of the *De insigniis* in the linguistic debates with which he was perennially involved. Objecting to what he calls the tract’s “obscurity of speech,” Valla presses his interlocutor to clarify its title: “But, I said, please tell me once again the exact title of the book, so that I might not err, for I did not understand it clearly. . . . I’m not totally unfamiliar with the meaning of words, but I do not understand what this title means. I do understand the term *de armis* but not *de insigniis*.”³⁹ The title’s problems include a grammatical error (*insigniis* should be *insignibus*) and a circumlocution (if *arma* and *insignia* refer to the same thing), amounting to a failure on the jurist’s part to adequately disclose his subject. These charges explain Valla’s next sarcastic remark about the novelty of Bartolus’s subject, as well as the unwitting response it elicits from his interlocutor: “This must be a new and unexplored subject, I said, one that has a new title. Yes indeed, he replied, it is a new subject, discovered and fully treated by Bartolo, but it is not an obscure and new title.”⁴⁰

In the humanist debates about how ancient words were to be applied to modern subjects, Valla advocated for Latin neologisms, or new words for new things.⁴¹ He believed that words and their referents should be bound by clear, ideally univocal, ties. In this case, Bartolus’s choice of words should have disclosed whether his subject was ancient or modern. If *insignia* and *arma* referred to the same object, the jurist should have avoided both terms. If they did not, he should have made their distinction clear. Valla’s target was a convenient example of the shortcomings—linguistic, and thus logical and philosophical as well—of the tradition that he wished to see reformed. It remains to be seen how and why the subject matter of the *De insigniis et armis* specifically drew the humanist’s attention.

³⁸ Rossi, 2008, 552 and 556.

³⁹ “Orationis obscuritas”; “Verum dic, rogo iterum, quis titulus libri, ne forte errem: non plane intellexi. . . . Ego, qui non penitus abhorreo ab intelligentia verborum, quid hoc est ‘de insigniis’ non intelligo, ‘de armis’ intelligo”: Valla, 1997, 1538 (*Epistola* 2.7–9); Valla, 1994a, 181–82.

⁴⁰ “‘Nova et non pervagata’ inquam ‘debet esse materia que novum titulum habet.’ ‘Et vere,’ inquit ille, ‘nova materia est et a Bartolo inventa et accuratissime tractata, sed non est obscurus et novus titulus’”: Valla, 1997, 1538 (*Epistola* 2.8); Valla, 1994a, 181–82.

⁴¹ See Besomi; Tavoni, 159–65; López Moreda.

BARTOLUS'S SUBJECTS: *INSIGNIA*, *ARMA*, *SIGNA*, AND THE FORTUNES OF AN OBSCURITY

As an exercise of textual criticism, Valla's epistle asks its readers to become readers of the *De insigniis et armis*. However, this puts moderns in a paradoxical position, since reading the tract at a distance calls for many of the philological skills that the humanists and their heirs generated. It requires, first, establishing a text to read.⁴² As is typical for Bartolus's writings, the *De insigniis* circulated in a very large number of manuscripts, and the one which Valla himself consulted is unknown.⁴³ Since the nineteenth century, editors of the *De insigniis* have followed different approaches for presenting the tract to a modern public. Some have reproduced early modern printed editions, while others have collated several variant copies, including manuscripts alone in some cases, and both manuscripts and printed editions in others. A critical edition does not yet exist. A second step involves evaluating the meaning and, even more fundamentally, the subject matter of the tract. In this enterprise, several questions—Valla's questions—have proved decisive in its modern reception history: What are *insignia* and *arma*? Are these two words synonymous or distinct? Are ancient or modern (i.e., medieval) subjects at stake? The answers have changed, even as the questions have remained stubbornly durable. As the *De insigniis* is read with the tools of humanist philology, meanwhile, some achievements and consequences of Valla's polemical reading are missed.

There are two dominant interpretations of the subject matter of the *De insigniis et armis*. According to one tradition, it is primarily about heraldry; it elaborates rules for using and composing coats of arms. This reading is partly supported by an early modern reception history of the tract among heralds throughout Europe, who understood it in this way and/or used it for writing treatises on the images for which they were responsible.⁴⁴ The *De insigniis et armis* alone, in any case, has been presented as a heraldry treatise in three of its four editions since the nineteenth century. Felix Hauptmann (1856–1934), a Prussian jurist and historian of heraldry, was perhaps the first who edited the text as “the oldest treatment of heraldry,” anomalous in Bartolus's oeuvre for having “always had significance only for heraldists.”⁴⁵ These claims were reiterated in the edition of the tract prepared by Evan

⁴² See Clavero, 593–99, 612, for another discussion of how philological approaches to Bartolus's writings have (mis)applied to them humanist values and criteria.

⁴³ See Ascheri, 2012; Fratoni; Cavallar.

⁴⁴ See the introduction by Cavallar, Degenring, and Kirshner in Bartolus of Saxoferrato, 1994, 2–3; Velasco.

⁴⁵ Bartolus of Saxoferrato, 1883, iv.

John Jones in *Medieval Heraldry: Some Fourteenth Century Heraldic Works*, and in the 1998 edition prepared by Mario Cignoni.

A different reading of the *De insigniis* appeared in 1994, with the edition and commentary of legal historians Osvaldo Cavallar, Susanne Degenring, and Julius Kirshner in *A Grammar of Signs: Bartolo da Sassoferrato's Tract on Insignia and Coats of Arms*. This was based on the greatest number of manuscripts that had hitherto been consulted, twenty-three of the approximately one hundred in existence. The editors tied their ambitious philological enterprise in this respect to new claims about the tract's context, authorship, meaning, and legacy. The central claim was that Bartolus had written not a "heraldry treatise," but a legal *tractatus* that "set forth the principles . . . governing the assumption, protection, and transmission of signs ranging from coats of arms to trademarks."⁴⁶ The editors emphasized Bartolus's preeminent position within the tradition of civil law and his use of the *Digest* and the *Code* in his formulation of arguments.

They also argued that Bartolus had not authored the tract's second half. Whereas the first half poses questions about how *insignia*, *arma*, and *signa* are to be used and transmitted, and by whom, this latter section poses questions about what the 1994 editors called "the material execution of coats of arms": How should they be arranged on specific material supports, such as banners? What are the relative values of the different colors, and are there principles governing their arrangement for display? How might certain display spaces (i.e., the ground) present legal problems?⁴⁷ These questions, the editors suggested, are "unremittingly alien to juridical discourse."⁴⁸ Despite the continued references here to the *Digest* and the *Code*, the editors characterized this section as a "patchwork of non-legal sources" amounting to "a conventional medieval treatise on optics and colors, if not . . . a manual for painters."⁴⁹ An "autonomous heraldry treatise" had been appended onto and mistaken for Bartolus's work, probably by his nephew and successor at the law school of Perugia, Niccola d'Alessandri, who prepared the text for presentation to that university in 1358, shortly after Bartolus's death.⁵⁰ This explained both "the tract's appeal to the heraldists," they argued, and Valla's disdain for it, since "the target of

⁴⁶ Cavallar, Degenring, and Kirshner's introduction in Bartolus of Saxoferrato, 1994, 86. For the debate that opened up between this and Cignoni's edition, see Cavallar and Kirshner.

⁴⁷ The relevant section of the tract is Bartolus of Saxoferrato, 1994, 115–21 (*De insigniis* 13–33).

⁴⁸ Cavallar, Degenring, and Kirshner's introduction in Bartolus of Saxoferrato, 1994, 39–40.

⁴⁹ Cavallar, Degenring, and Kirshner's introduction in Bartolus of Saxoferrato, 1994, 39–40.

⁵⁰ Cavallar, Degenring, and Kirshner's introduction in Bartolus of Saxoferrato, 1994, 29–40.

his entire assault was the second part alone, which the jurist did not compose.”⁵¹

A Grammar of Signs put Valla at fault, finally, for having failed to recognize the spuriousness of the tract’s second half, and for having contributed with his critique to perpetuating the belief that it was authentic.⁵² This was an ironic legacy for the humanist now famed for his textual criticism and for the debunking of a forgery (the *Donation of Constantine*) above all.⁵³ At the same time—and this was a point that Regoliosi would make in her 1997 critical edition—some aspects of Valla’s polemic seemed not to have changed.⁵⁴ Above all, he was still a humanist critic of heraldry, or of a heraldry treatise. The treatise in question simply appeared confined now to the second, spurious half of the *De insigniis et armis*.

This is a crucial point because Valla’s purported disdain for heraldry resonates with a long tradition of scholarship affirming the incompatible relationship between humanism and heraldry. Within heraldry studies, the thesis has been a mainstay of the field-defining scholarship of Michel Pastoureau since the 1970s, which has articulated to a broad interdisciplinary audience heraldry’s twelfth-century origins, constitutive laws, and historical development.⁵⁵ The latter involved a notable period of decline in the Renaissance, according to Pastoureau, under the influence of new and more flexible forms for visualizing identity such as the portrait medal, *impresa*, and emblem.⁵⁶ Outside of heraldry studies, Howard R. Bloch’s *Etymologies and Genealogies: A Literary Anthropology of the French Middle Ages* presented heraldry alongside feudal models of kinship and inheritance, genealogical historiography, and etymological grammar as one of the constituent structures of medieval civilization.⁵⁷ For cultural historian Maurice Keen, heraldry’s Renaissance decline resulted from the decline of cultural forms associated with chivalry in favor of classical models.⁵⁸ In the *Anthropology of Images* proposed by Hans Belting, humanism itself appears “inimical to heraldic thinking” for “wresting the concept of the ‘subject’ from . . . the *ordre social* of medieval feudal society.”⁵⁹ It is consonant with these perspectives that an attack on the first articulation of heraldry’s laws

⁵¹ Cavallar, Degenring, and Kirshner’s introduction in Bartolus of Saxoferrato, 1994, 86–87.

⁵² Cavallar, Degenring, and Kirshner’s introduction in Bartolus of Saxoferrato, 1994, 86.

⁵³ Rossi, 2015, 95.

⁵⁴ Regoliosi, 1997, 1571.

⁵⁵ Pastoureau, 1979, 1982, 1986, 2006.

⁵⁶ Pastoureau, 1981, 1982, 1986, 1989.

⁵⁷ Bloch, 77–86.

⁵⁸ Keen, 129–42, 247–48. See also Zug Tucci, 872–73; Daly; Weber; Hiltmann, 2016, 306–09.

⁵⁹ Belting, 76–77.

should have come from Lorenzo Valla, one of the most outspoken harbingers of humanist learning and culture.

The identification of heraldry as the target, or one of the targets, of Valla's criticisms in 1433 is nevertheless problematic. It reveals some of the continuities and humanistic assumptions that have undergirded modern editions of the *De insigniis et armis* and their corresponding modern language translations. In each of the above, Bartolus's subjects—*insignia*, *arma*, and *signa*—have been carefully distinguished from one another. *Insignia* and *arma* have been treated as distinct subjects, even though they appear most often as synonyms in the tract. The word *arma* has been translated as *coat of arms*, and *signa* has been rendered with different vernacular words including *trademark*, *watermark*, and *brand*.⁶⁰ This has had the effect of clarifying Bartolus's subjects for modern readers artificially, so as to erase the *obscuritas orationis* (obscurity of speech) that Valla himself decried. Heraldry has thus appeared as one of several distinct subjects of the *De insigniis*, even as disagreements have emerged about its relative importance and place in the tract in relation to Bartolus's authorship.

It can be argued from a different perspective that heraldry is quite absent from the tract, since heraldic and other signs are undifferentiated by their names there, and since the historical context of the whole is impossible to pin down in a humanistic sense. This emerges most apparently from the web of legal references that support the tract's arguments, and from the jurist's mode of incorporating these references with his observations of contemporary customs. The tract's very first paragraph illustrates this phenomenon:

On the first point, I say that there are some *insignia* of rank or office, which anybody holding that rank or office can bear, like the *insignia* of proconsuls and legates, according to law i of the *Digest's* title on the *Duties of the Proconsul and Legates*, and the law *sanctum* of *Things Subdivided and Qualitatively Analyzed*, just as in fact we see the *insignia* of bishops today; and anyone having that dignity can bear these, according to the above-mentioned laws. This is not permitted to others, however, and indeed bearing them one incurs the charge of fraud, as according to the *Digest's* title *On Forgery*, the law *Eos*, at the final paragraph. Similarly, I think that those who

⁶⁰ In Bartolus of Saxoferrato, 1883, Hauptmann translates *insignia* as *Abzeichen* (badge), and *arma* as *Wappen* (coat of arms). In Bartolus of Saxoferrato, 1998, 21, Cignoni's introduction explains that "in the Italian translation the ancient term *Arma* is maintained, with which the heraldic shield is intended, and there have been introduced some technical terms." Thus *arma* appears as such in this translation while *insignia* and *signa* are occasionally translated with more specific vernacular terms such as *marchi di fabbrica* (brands), *contrassegni* (distinguishing marks), and *filigrana* (watermarks).

bear the *insignia* of the doctor when they are not doctors should be held to the same punishment.⁶¹

The paragraph references three separate sections of the *Digest*, none of which are primarily about *insignia*, but each of which alludes to the topic in connection to specific ranks or offices (two of the three cases use the word *insignia* itself). The first is a title dedicated to the duties of the Roman office of the proconsul, in which mention is made of his *insignia*: “A proconsul holds his proconsular *insignia* wherever he is from the moment he leaves the city. But he only exercises power in that one province which has been assigned to him.”⁶² The second is a passage dedicated to defining the word *sanctum*: “*Sagmina* are certain herbs which legates of the people of Rome customarily carry to ward off outrages, just as ambassadors of the Greeks carry the things which are called *cerycia* [wands or staffs].”⁶³ The third reference comes from a title dedicated to the crime of forgery, in which the bearing of illicit *insignia*—*insignia* belonging to an office or rank that the person does not in fact hold—appears in a longer list of related crimes.⁶⁴ Interspersed throughout these references, the passage gives the examples of the *insignia* used in contemporary times by bishops and *doctores*, which is to say the jurists themselves. The different layers of historical and cultural contexts at play in the passage convey a sense of how and why the civilian jurists’ method—which relied on applying Romano-Byzantine legal sources to contemporary circumstances—produced the obscurities that Valla abhorred.

⁶¹ “Circa primum dico, quod quedam sunt insignia dignitatis vel officii, que potest portare quilibet habens illam dignitatem vel officium, ut insignia proconsularia et legatorum, ut l. i., ff. de officio proconsulis et legati [*Digest* 1.16.1], et l. sanctum, de rerum divisione [*Digest* 1.8.8], sicut de facto videmus hodie insignia episcoporum, et ista potest portare quilibet habens illam dignitatem, ut dictis legibus. Aliis autem portare non licet, immo portans incurrit crimen falsi, ut ff. de [lege Cornelia de] falsis, l. eos, § finali [*Digest* 48.10.27.2]. Et idem puto quod illi, qui portant insignia doctoratus cum non sint doctores, teneantur illa pena”: Bartolus of Saxoferrato, 1994, 109 (*De insigniis* 1). In this article I use the Latin text of the *De insigniis et armis* that appears in Bartolus of Saxoferrato, 1994, and I follow closely the English translation that appears there as an appendix: 145–57. However, among other small modifications to the English translation, I include in parentheses the modern collocations for the passages that Bartolus recalls from the books of the *Corpus Iuris* (*Code, Novels, Digest*). These are provided only in the Latin text in Bartolus of Saxoferrato, 1994. I also leave in Latin the terms *insignia*, *arma*, and *signa*, instead of providing English equivalents.

⁶² Mommsen and Krueger, 1:31 (*Digest* 1.16.1).

⁶³ Mommsen and Krueger, 1:25 (*Digest* 1.8.8).

⁶⁴ “A person who has acted as if he were a soldier, or used illegal marks of rank [*illicitis insignibus usus est*], or traveled the roads with a forged passport, is to be punished very severely according to the degree of his crime”: Mommsen and Krueger, 4:829 (*Digest* 48.10.27.2).

The existence of multiple layers of historical contexts, in fact, characterizes the treatise's first and second halves. Passages referenced from the *Corpus* in both sections compare the subjects at hand (*insignia*, *arma*, *signa*) to images of different kinds, and with different names, in various ancient contexts. In the first half, for instance, it is argued that "some *insignia* are proper to anyone of a particular rank. So we see a certain king, prince, or other potentate has his own *arma* and *insignia*; and it is permitted to no one else to bestow them or to depict them on their own belongings, as in the title of the *Code*: *Those Who Affix Real Estate Placards with the Names of the Powerful [tituli potentium] or Who Fraudulently Use Their Names in a Lawsuit.*"⁶⁵ In the tract's second half, it is argued that *insignia* and *arma* belonging to higher-ranked persons should not be depicted on the ground, with the support of the *Code*'s similar prohibition for the *signum salvatoris*, the sign of the cross.⁶⁶ Throughout, sections of the *Corpus Iuris* that discuss topics different from signs altogether are invoked. In determining the limits of duplicating or sharing *insignia* and *arma*, for instance, the tract refers to passages relating to the division of rivers and other public spaces.⁶⁷ Its guidelines for the inheritance of signs within collectivities, including families and partnerships, refer to ancient passages on wills and estates.⁶⁸

Despite the tendencies of modern readers to distinguish Roman *insignia*, medieval coats of arms, and such proto-modern signs as trademarks and watermarks, finally, the words *insignia*, *arma*, and *signa* frequently appear together and act as synonyms. Arguably, the distinctions between these images were created by some of the methods of reading that Valla and his followers developed as they discovered classical antiquity and the Middle Ages as separate areas of scientific investigation, and distinguished their respective languages, customs, and laws. If the humanists would later appear radically incompatible with heraldry, it was in part because they had discovered the means to understand heraldry as a visual language of a foreign law and culture, specifically that of medieval feudalism.

⁶⁵ "Quedam sunt insignia in modum singularis dignitatis, ut videmus quilibet rex, quilibet princeps et ceteri potentiores habent arma et sua insignia, et ista nemini alteri licet deferre vel sub rebus suis depingere, ut *C. de hiis qui potentiorum nomine* [*Code* 2.14/15], et notatur in aut. *de mandatis in principium*, § *penultimo* [*Novels* 17 = A.3.4.16]": Bartolus of Saxoferrato, 1994, 109 (*De insigniis* 2).

⁶⁶ Bartolus of Saxoferrato, 1994, 121 (*De insigniis* 33).

⁶⁷ Bartolus of Saxoferrato, 1994, 111 (*De insigniis* 6).

⁶⁸ Bartolus of Saxoferrato, 1994, 112 (*De insigniis* 10).

VALLA AND THE INTEREST IN IMAGES

A handful of surviving contemporary sources describe an event at which the jurists' outrage toward Valla, following the circulation of his epistle, erupted publicly, causing Valla to leave his university post and the city: this was a ceremony inside Pavia's cathedral, at which graduating law students were awarded the doctoral rank and *insignia*.⁶⁹ The anecdote tells us that Valla's attendance was intolerable to many of the jurists and students present, and may also suggest why. Besides being authored by civil law's figurehead, the *De insigniis* deals with a class of images and objects that made manifest the authorities and hierarchies of the social order, including the jurists themselves.

Images were integral to the peninsula's multilayered legal cultures, even after the revival of Roman law asserted "textual methods of social organization and of institutional action" that are still recognizable today.⁷⁰ As Gaetano Salvemini showed in his classic study of knighthood in Florence, *La Dignità Cavalleresca Nel Comune di Firenze* (The dignity of knighthood in the commune of Florence, 1896), university-trained jurists early on began to appropriate images used by older noble classes as their social status grew.⁷¹ Buildings in which jurists practiced and transmitted their art to younger generations eventually came to support these images, as is testified, for example, by Padova's studium and by the Archiginnasio, home of Bologna's law school since the sixteenth century and purportedly the largest architectural display of heraldic images still in existence today.⁷² Podestas empowered to execute the law within given jurisdictional boundaries displayed *insignia* and *arma* on their persons, private residences, and on the public buildings where they administered justice.⁷³ In several civic traditions of the peninsula, *insignia* and *arma* were depicted on official procedural records and on statues, both to decorate and to authenticate their contents.⁷⁴

⁶⁹ The most detailed account comes from a letter written by Francesco Oca (ca. 1403–80), a law student at Pavia, who apparently served as an eyewitness to the events. It is printed in Speroni, 467. See also Facio, 91 (*Invectiva prima*); Valla, 1981, 391–94 (*Antidotum in Facium* 4.13.20–32). On the significance of the graduation ceremony and doctoral *insignia* for the law students of a parallel institution, see Naso and Rosso, 56–61.

⁷⁰ See Goodrich's introduction in Legendre, 8.

⁷¹ Salvemini, 376–82.

⁷² See Rossetti; Sorbelli; Forni and Pighi.

⁷³ See Gado; McLean, 188, who argues that the podesta's office was "designed, composed in each city institutionally, spatially, architecturally and visually based on variations of common practice."

⁷⁴ Wolff.

Images were not merely decorations of the law: they also helped to sustain legal authority and secure its transmission. A growing body of scholarship has emphasized this in recent years, much of it inspired by the work of Pierre Legendre. This scholarship shows that images in the Roman legal tradition have served to connect the law's invisible, textual, and institutional structures to the sensory, private, and intimate experiences of subjects, fostering their submission to legal authorities.⁷⁵ At the same time, images have provided openings for critics of the law, and for legal change, both by acting as targets of destruction, modification, and satire, and by allowing new conceptions of legal practices and practitioners to take material form.⁷⁶ This dual potentiality of images with respect to the law helps to account for Valla's double-faced interest in the *De insigniis* in his 1433 epistle: with its *pars destruens* degrading the jurists' authority through these legal guidelines for *insignia*, *arma*, and *signa*; and its *pars construens* proposing new images of authority in their place.

The former, Valla's critique, is most evident where he animalizes his adversaries. At the letter's opening, he calls the jurists beasts, and then makes an extended comparison between them (geese) and their counterparts (swans) in antiquity.⁷⁷ He alludes to a more elaborate set of binary oppositions between *animalitas* and *humanitas*, and *barbaritas* and *latinitas* in the letter's body, especially where he comments on the tract's propositions for representing animals on *insignia* and *arma*:

He says that the head of a ram and a bull should always face toward the sky, as if they were the signs of the zodiac that have the same name. Although he admits that the lion should always be red, always roaring, always rising, and tearing something apart, he does not provide the lion with prey on which it can display its ferocity. . . . The horse should always be running, but Bartolo forgets to place a rider on the horse, someone who presses the horse to run. The right leg of the horse precedes, as if wild animals have a certain dignity in their right leg, just as we have with respect to our hands. Aren't these fooleries verging on madness? He who does not observe in practice what he professes and does not know which hand should move first requires from horses the style of orators! Why are you caviling about horses, you ass? Flags, quarters, bands, arms, nails, and hindquarters—aren't those the words of an ignorant

⁷⁵ See Goodrich's introduction in Legendre, 8–10.

⁷⁶ See Gearey, 26–33. Niccoli shows examples of this phenomenon in the context of papal propaganda and anticlericalism.

⁷⁷ Valla, 1997, 1535–36 (*Epistola* 1.5 and 1.10–13).

ass? Why didn't you include clubs with which we could hit your back and beat your entire body to the point of death?⁷⁸

Classical authorities have been identified as Valla's sources for this critical strategy, above all Virgil and Cicero.⁷⁹ It could be emphasized that Valla's animal motifs engage the legal tract and its subject(s) as well.

Animal imagery is a conspicuous part of the visual culture that the *De insigniis* describes and proposes to regulate. Near the beginning of the treatise, Bartolus describes an *insignia* or *arma* that he received from Emperor Charles IV: a "red lion with two tails on a golden field."⁸⁰ Animal imagery later converges with the tract's representation of the natural foundations of its own arguments and authority. When the question is posed of how representations taken from "among the things that exist" ("ex aliqua re existente") should appear as *insignia*, *arma*, and *signa*, it is argued that they should be shown according to their nature: "Having said these things, we look into how *signa* that refer to a preexisting thing are born on banners. Regarding this I say that art imitates nature as much as it can, whence the sign should be figured according to the nature of the thing and not otherwise, as in the title on *Adoptions* in the *Digest*, the law *si pater*, and the following law *sequenti*; and in the title *On human status*,

⁷⁸ "Qui ait caput arietis et tauri semper in celum debere suspicere, quasi signa celestia, que idem nomen habent, recogniturum; leonem semper rutilum, semper fremere, semper insurgere, scindere, nec dat ei bestiam in quam possit irasci . . . equum semper currere, nec meminit apponere sessorem, qui equum currere compellat; pedem dextrum caballi precedere, quasi bruta dignitatem quandam habeant in dextro pede, sicut homines manu. Nonne hec sunt plena ineptiarum postremeque demeritiae? Et cum ipse in pronuntiando gestum non observet et ultra prior manus movenda sit nesciat, in equis gestum exigit oratorum! Quid equos arguis, asine? An non asinorum verba sunt 'banderie,' 'quarterie,' 'biste,' 'arme,' 'clodi,' 'crope'? Cur etiam non addebas 'bastones,' quibus cropam tuam atque adeo totum corpus ad necem usque cederemus?": Valla, 1997, 1555–56 (*Epistola* 6.17–21); Valla, 1994a, 192.

⁷⁹ See Regoliosi, 1997, 1506–07, 1534–35.

⁸⁰ Bartolus of Saxoferrato, 1994, 109 (*De insigniis* 3). In the treatise, the jurist's image exemplifies the point that some individuals bear "*arma* and *insignia* by the grant of an emperor or other lord." Cavallar, Degenring, and Kirshner in Bartolus of Saxoferrato, 1994, 8–26, contest the veracity of the grant from the emperor along with Bartolus's authorship of this passage that describes it. See Langeli and Fratoni for Bartolus's embassy to Pisa in 1455, in which he did at least have occasion to encounter the emperor. See also Cavallar, 98, for the suggestion that the embassy may have encouraged Bartolus to write *De insigniis*, as he would have seen there the emperor liberally dispensing signs of distinction and honor. Clavero, 605–11, presents an alternative reading of the passage by attending neither to its authenticity nor veracity but instead to its reception in legal circles.

the law *non sunt liberi*.”⁸¹ These two passages from the *Digest* involve other attempts to interpret and imitate the natural order in the domain of the law. The title on adoptions affirms that “adoption may take place as between those persons for whom the natural relationship could in principle hold good.”⁸² This prohibits a situation in which a legal parent would be younger than his child, a situation impossible in nature. The next title discusses when human status might be legally withheld from a newborn child—for example, in some cases of physical abnormality.⁸³ Both seemingly oblique legal references support the idea of jurisprudence as an imitation of nature—a foundational claim of the civilian lawyers—as well as the jurisprudential possibility, in the present context, of discerning natural standards by which *insignia* and *arma* should be made. The tract articulates these standards, finally, through examples of animal imagery. It argues that the head or face of an animal should be looking toward the staff of the banner on which the animal is portrayed, since it is natural for the face to come before the body.⁸⁴ Animals “should be depicted in their most noble act and in that act in which they show their greatest vigor.”⁸⁵ Wild animals “should be depicted in their most ferocious act,” whereas tame animals should be depicted in their noblest postures.⁸⁶

When Valla describes animal themes and imagery, he not only evokes the classical opposition between human and animal, but also remembers (as foreign to classical models) the jurists’ discourse of natural reason. His descriptions also target the jurists’ authority at the vulnerable juncture where this authority took on concrete visual form, typically in the form of animals. In the image of the animal, Valla finds an opening to convert images of jurisprudential authority into images of derision and shame.

⁸¹ “His premissis, videamus qualiter portantur in vexillis illa signa que signant aliquam rem preexistentem. Ad quo dico, quod ars imitatur naturam in quantum potest, unde ista signa debent fieri secundum esse naturam rei quam figurant et non aliter, ar. ff. de adoptionibus, l. si pater [*Digest* 1.7.15], in fine, cum l. sequenti [*Digest* 1.7.16], et de statu hominum, l. non sunt liberi [*Digest* 1.5.14]”: Bartolus of Saxoferrato, 1994, 114 (*De insigniis* 14).

⁸² Mommsen and Krueger, 1:21 (*Digest* 1.7.15). Kantorowicz, 354, discusses this passage in the context of jurisprudential conceptions of law imitating nature. See also Kirshner on the theme.

⁸³ “Not included in the class of children are those abnormally procreated in a shape totally different from human form, for example, if a woman brings forth some kind of monster or prodigy. But any offspring which has more than the natural number of limbs used by man may in a sense be said to be fully formed, and will therefore be counted among children”: Mommsen and Krueger, 1:16 (*Digest* 1.5.14).

⁸⁴ Bartolus of Saxoferrato, 1994, 150 (*De insigniis* 14).

⁸⁵ Bartolus of Saxoferrato, 1994, 151 (*De insigniis* 15).

⁸⁶ Bartolus of Saxoferrato, 1994, 151 (*De insigniis* 16–18).

More important to Valla's constructive agenda, and to what I am calling his philology of images, are the images that he posits as challenges to Bartolus's rules. These differ in their style and content from the latter's animal images. Gleaned from everyday life and from classical, mostly Roman, precedent, they also point toward more authentic foundations of authority, in Valla's conception, than jurisprudential reasoning and rules. An example from his life and personal experience is the image of the writing hand:

I had a maternal uncle, Melchior, in every respect praiseworthy, and especially because, after he studied civil law for a few years, he devoted himself totally to the study of rhetoric. . . . We have to decide how to adorn his tomb. And we decided to affix to the tomb of such an illustrious person signs [*signa*] to alleviate the grief of his close kin, as is the custom. Enlighten us, Bartolo, as to how we should go about this. It is the right hand with the upper arm in the act of writing, as if he were the offspring of the Scribani clan. In any case, you require that the countenance of the writer should face the staff. I see no other solution than that, on the other side of the tomb, the right side should turn to the left. Yet writing with the left hand is contrary to nature, or should I show you the external instead of the internal part of the hand:⁸⁷

Valla uses this image to show the fortuitous nature of one of the jurist's specific proposals, that figures face toward the staff on which they are displayed. As a visual pun on the Scribani name, meanwhile, the image recalls Valla's provenance from a distinguished Piacentine family whose members had been established in the papal curia for over three generations thanks to their expertise in rhetoric.⁸⁸ Valla's mention of Melchior's conversion from law to rhetoric alludes to this family history, to say nothing of the history of intellectual conversion away from legal study that Petrarch had already inscribed in humanist cultural mythology.⁸⁹ Besides acting as a counter-image to the tract's technical directions, the image of the writing hand visualizes a genealogy of humanistic scholarship to which Valla was heir.

⁸⁷ "Fuit mihi avunculus Melchior, vir cum in ceteris laudandus, tum vero in hoc quod, cum aliquot annis iuri civili studisset, ad artem oratoriam postea totum se convertit . . . cuius de sepulcro oranando nunc consultamus, signaque ad levandum luctum suorum, et ut moris est, supra sepulcrum tam clari viri affigere destinavimus. Condocefacias nos, Bartole, quondam 'modo' hec figuranda sint: Est autem manus dextra cum lacerto scribens, unde Scribana progenies nuncupatur. Si postulas utique ut aspectus scribentis in hastam dirigatur, video vel dextram in altero latere mutandam esse in sinistram, cuius non est naturale scribere, vel exteriorem manus partem pro interiori ostendendam": Valla, 1997, 1551–52 (*Epistola* 4.10–13); Valla, 1994a, 189.

⁸⁸ Rocca.

⁸⁹ On Petrarch's precedent for the humanist critique of civil law, see Manzin; Lupinetti.

Other images that Valla includes in his epistle come from the textual and material heritage of antiquity with which he was familiar as a scholar. One among this group Valla gleans from the ekphrastic description of Turnus's shield in the *Aeneid*:

Pay attention now, Bartolo. Raise your eyes a little and be vigilant: your king of Bohemia and Emperor has consulted you! He just recently read in Virgil that on the shield of King Turnus there was "father Inachus pouring water from a well-wrought jar." Imagine now that the Emperor wishes to bear the effigy of Inachus not on a shield, for he does not use one, but on a banner. Teach me, you who are such a great jurist and counselor of the emperor, how this effigy has to be depicted: Caesar, civil law, geometry, mathematics, and philosophy command that every gesture should be directed toward the staff, and it is not permitted to depart from this law. You will place the god in the inferior and hanging part of the banner, almost flat on his back, pouring water upward from an inclined jar.⁹⁰

Another Virgilian image, the image of Romulus and Remus suckled by the she-wolf, he remembers in order to show that it would be inappropriate for animal figures to face forward relative to the direction of their bodies, as the jurist suggests: "Bartolo, what you forbid me, namely that the face of the animals should look toward the right or left side, seems to me on certain occasions magnificent, for instance . . . 'the seated she-wolf with its smooth neck turned backward,' as the poet says. If the she-wolf is recumbent, how can she be seen to go forward, since she is resting? Nevertheless, her face should be turned toward the direction in which she is being carried. But it is much better for the she-wolf to face the little boys, whom she is stroking one at a time."⁹¹ In a similar fashion, Valla uses the four-letter sign of the Roman Republic to point out that letters were ignored

⁹⁰ "Nam quis ais, Bartole? Attolle paulisper oculos et vigila. Consuluit te tuus rex Boemie et Cesar. Legerat paulo ante apud Virgilium quod in regis Turni clipeo erat 'celata fundens amnem pater Inachus urna.' Vult hanc ipse effigiem Inachi non in clipeo (non enim clipeo utitur), sed in vexillo gerere. Doce tu, et tantus iurisconsultus et consiliarius Cesaris, quonam modo illa pingenda sit. Cui vix attollens tu lumina, Bartole, dices: 'Ius civile, o Cesar, et geometria et arithmetica et philosophia iubet ut omnes gestus ad hastam dirigantur, nec fas est hanc legem prevaricari. Collocabis igitur deum in ima atque pendenti parte vexilli et quasi supinum, qui versus hastam, id est in altum, aquas, inclinata urna, effundat?": Valla, 1997, 1546 (*Epistola* 3.29–36); Valla, 1994a, 187.

⁹¹ "Preterea, cur mihi interdices, Bartole, ne facies animalium aspiciant in dexterum aut in sinistrum? quod mihi interdum magnificentius fieri videtur, ut . . . 'tereti cervice reflexam / probucuisse lupam,' que si recumbit, quomodo potest videri ire, cum quiescat? 'Tamen facies eius convertatur illuc quo fertur.' 'At ipsa multo melius conversa est ad pueros quos 'mulcet alternos'": Valla, 1997, 1548–49 (*Epistola* 3.51); Valla, 1994a, 187.

by the jurist's discussion of the orientation of figures on banners: "The Roman people have four letters as their sign: S.P.Q.R. Where would you wish them to begin? Will you write them as if moving toward the staff?"⁹² He remembers fantastical imagery from both textual and material sources to flout Bartolus's prescriptions for representing figures according to nature: "I am unable to discern the reason for not giving preference to, and not finding meaning in, those things that depart from the order of nature, things that our forbearers find agreeable, like the centaur, chimera, sphinx, Minotaur, and, as we find in Plautus, 'the rising sun riding a chariot pulled by a four-horsed team,' as well as winged people in early coins and reliefs."⁹³

Each of these examples perform what might be called a technical function in Valla's critique, as their very existence calls into doubt one or more of the jurist's prescriptions. The whole subset of classical examples, meanwhile, endows ancient usage with normative status for images. Usually implicit in Valla's text, this sometimes becomes explicit. To contradict Bartolus's point about banners having principal and accidental (reverse) sides, for instance, Valla introduces "an example which is suitable everywhere": "Roman consuls and emperors carried signs, as one can see from sculptures representing battle scenes, not as if the signs were fluttering or almost turning backward, as we do now, and tossed around by the wind, but in an open and visible manner . . . just as, in keeping with ancient customs, our clerics do on feast days."⁹⁴ This suggests the intent on Valla's part not to abolish norms for images entirely, but to reposition their norms on new grounds, those of ancient usage, to which humanist learning held the key. The point has not been stressed because much of Valla's rhetoric in the epistle insists on the freedom of his position with respect to the jurist's apparently overweening laws.⁹⁵ Thus the sarcastic suggestion to "impose

⁹² "Is nunc gerit, pro signo, quattuor litteras: S.P.Q.R. Unde tu vis illas litteras incipere? An ita ut tendant in hastam?": Valla, 1997, 1547 (*Epistola* 3.40); Valla, 1994a, 186.

⁹³ "Mihi vero illa ipsa que magis a naturali recedunt nescio quid videntur pre se ferre tum gratius tum significantius, quod maioribus quoque nostris video placuisse, ut centaurus, chimera, sphinx, minotaurus et ille apud Plautum 'sol cum quadrigis oriens' et, in priscis numismatibus atque marmoribus, homines alati": Valla, 1997, 1554–55 (*Epistola* 5.14); Valla, 1994a, 191.

⁹⁴ "Postremo, ut scias quid tue rationes valeant, afferam exemplum quod ubique plurimum facit. Romani olim consules et imperatores, ut ex simulacris marmorum insculptorum pugnas continentium licet videre, non ita ut nunc volitantia et quasi retro fugientia signa et aura semper ventilanda gestabant, sed patentia et sese, ut aspici timerique possent . . . qualia nunc in solemnitatibus nostri sacerdotes, antiquum morem retinentes, gerunt": Valla, 1997, 1549 (*Epistola* 5.57–59); Valla, 1994a, 188.

⁹⁵ In Baxandall, 114–17, the *Epistle* appears as a purely liberating and critical gesture partly as a result of the exclusive attention paid to Valla's appeals to common experience instead of

a law on the girls of Pavia . . . that they should not weave garlands except in the manner prescribed by Bartolo. And let's not permit them to weave garlands in accord with their own taste and wishes. For as the satirist says, 'Each has his own desires, nor do we all pray for the same lives.'⁹⁶ This rhetoric of freedom can be deceiving, however, if one forgets that freedom for Valla was inextricable from the example and legacy of Rome.

As is well known, the notions of custom and usage were central to his thinking about the Latin language.⁹⁷ The most famous testimony of this is his *Elegantiae*, which directs readers to examples from ancient texts, instead of the grammarians' laws. As Lodi Nauta has shown, Valla consistently presented the classics "as an archive of common usage in speaking," "of common sense in thinking," and as a bank "of norms to which he held philosophers, like everyone else, accountable."⁹⁸ Nauta has also discussed how Valla often conflated common or natural linguistic usage with a more selective notion of normative usage from antiquity.⁹⁹ In the 1433 epistle, some of these assumptions about normativity, paradoxical as they were at times, reached beyond the realm of texts, as Valla intimated a philology of images as well.

HUMANIST PHILOGIES OF THE IMAGE IN VALLA AND BEYOND

In several projects, beside and subsequent to the epistle, Valla shows interest in images, in their names, and in their relationships with language, history, authority, and nature. One of these is the proposal for philosophical reform that Valla began in his Pavian years (1431–33), first called the *Repastinatio Dialectice et Philosophie* (Reploughing of dialectic and philosophy, 1439) and continued elaborating and revising until his death.¹⁰⁰ Among many other

ancient precedent. Vismann, 3, falls into Valla's trap when she interprets the *De insigniis* as a naive attempt to fully control signs with the law.

⁹⁶ "Et puellis Ticinensibus . . . legem imponamus ne sarta, nisi quomodo Bartolus prescribit, texere audeant neque ad suum cuiusque iudicium atque voluntatem facere permittamus. Nam, ut inquit Satiricus, 'velle suum cuique est nec voto vivitur uno': Valla, 1997, 1563 (*Epistola* 6.45–46); Valla, 1994a, 196.

⁹⁷ Provocatively, Valla will eventually describe the "statutes and customs of language as a kind of civil law": Valla, 2012, 2:355–57 (*Dialectical Disputations* 3.14.5–6). On linguistic usage, grammar, and law in Valla, see Marsh, 104–07; Tavoni, 121–65; Camporeale, 2002, 181–82; Regoliosi, 2000; Nauta, 2018.

⁹⁸ See Nauta's introduction in Valla, 2012, viii.

⁹⁹ Nauta, 2018.

¹⁰⁰ For the textual history, see Nauta's introduction in Valla, 2012, x.

topics, this work develops a critique of the distinction between abstract and concrete terms. As Nauta describes, it involves a critique of “the process of abstraction that leads to abstract entities such as whiteness and blackness, as if a quality such as whiteness can exist apart from a subject or can be invented merely by the mind.”¹⁰¹ Valla writes:

But first of all one ought to mock their belief that quality can exist without any subject or at any rate that quality can be separated mentally. They call abstract, words like “whiteness” and “blackness.” I do not remember ever thinking of things like this even when I was burning with a fever. For whoever pictures these things must imagine them united with some subject or substance: either snow, or a cloud, or a wall, or a piece of clothing, if he thinks of whiteness: or again coal, or a crow, or a piece of clothing, or a cave, or night-time, if he is thinking of black. But these people want to imagine man, horse, lion, animal without any individual instance. Not even angels could grasp this with their imaginations.¹⁰²

Valla’s criticisms here echo his criticisms of Bartolus’s evaluations of the colors and proposals for representing figures naturally in the *De insigniis*:

Although he admits that the lion should always be red, always roaring, always rising, and tearing something apart, he does not provide the lion with prey on which it can display its ferocity. . . . The horse should always be running, but Bartolo forgets to place a rider on the horse, someone who presses the horse to run. . . .¹⁰³

A little later he [Bartolus] says that white is the noblest of colors, black the lowest, and that the remaining colors are good as they approach white and inferior as they approach black. Of all these things, which should I approach first? That he did not recall that there are many varieties of golden color, as if fearing my rebuke? That he placed white above all colors? . . . What should I say concerning the color black? I don’t find it unfavorably compared to white, for both

¹⁰¹ See Nauta, 2009, 72–81 on the philosophical issues at stake.

¹⁰² “Atque ante omnia deridendum quod volunt qualitatem posse esse sine subiecto, aut certe cogitatione fingi: quod ‘abstractum’ appellant, ut ‘albedinem,’ ‘nigredinem’ et similia, qualia ne febri quidem estuantem, memini me aliquando finxisse. Quicumque enim hec imaginatur, una quoque subiectum sive substantiam imaginatur: aut nivem aut nubem aut parietem aut vestem, si de albore cogitat: rursus aut carbonem aut corvum aut vestem aut cavernam aut nocturnum tempus, si de nigrore. At isti fingi volunt posse hominem, equum, leonem, animal, sine aliquo individuo: quod nec angeli ipsi imaginatione assequi possent”: Valla, 1982, 2:373–73 (*Repastinatio* 1.4.2); Mack, 60. For the version of this critique that appears in Valla’s later redaction of this text, see Valla, 2012, 37–39 (*Dialectical Disputations* 1.3.2–3).

¹⁰³ “Qui ait . . . leonem semper rutilum, semper fremere, semper insurgere, scindere, nec dat ei bestiam in quam possit irasci. . . . equum semper currere, nec meminit apponere sessorem, qui equum currere compellat”: Valla, 1997, 1555 (*Epistola* 5.17–18); Valla, 1994a, 192.

the raven and the swan are sacred to Apollo; and Horace calls attractive someone with black eyes and hair.¹⁰⁴

The echoes between these projects suggest that Valla's ideas for reform, across the domains of jurisprudence and philosophy, may have been grounded in some visual norms from antiquity, in addition to the linguistic ones that he emphasized more explicitly. Ancient traditions of realism, it seems, respected the existences of things in concrete instances, real or mythical as these might be. In contrast, the language and visual imagination of Valla's adversaries—jurists and philosophers—appeared to him to obfuscate reality, by abstracting colors and figures from particular contexts in time, space, and/or narrative.

Evidence of Valla's philological interests in images surfaces in the projects that he undertook for Alfonso of Aragon as well. His *De Falso Credita et Ementita Constantini Donatione Declamatio* (Oration on the forged and falsely believed Donation of Constantine, 1440) took issue with the "standards, banners, and imperial decorations" ("signa atque banna et diversa ornamenta imperialia") that had supposedly passed from Constantine to Pope Sylvester along with the former's land and power:

We confer on him as well the imperial scepters: What a way to talk! What glamor! What balance! What are those imperial scepters? There is just one scepter, not several. If only the emperor carried a scepter, will the pontiff carry a scepter in his hand? Why shall we not give him a sword, a helmet, and a javelin? *And at the same time all standards and banners:* What do you understand by standards? Standards are either statues—we often say "standards and panels" for "sculptures and pictures" since the ancients did not paint on walls but panels—or else legionary ensigns, hence standards and matched eagles. . . . Was Constantine giving Sylvester his statues or his military eagles? What could be more absurd?¹⁰⁵

¹⁰⁴ "Paulopost ait 'album esse nobilissimum colorum, nigrum abiectissimum; alios vero ita quenquam optimum ut est albo coniunctissimus, rursus ita quenquam deterrimum ut est nigredini proximus.' Horum quid primum reprehendam? An quod aurei coloris non meminit, quasi meam increpationem timuisset? An quod album omnibus pretulit? . . . De nigro autem quid dicam? quem cum albo comparatum invenio nec minoris prestantie putatum, unde corvus et cygnus propter hanc ipsam causam dicuntur Apollini consecrati et Horatius 'spectandum' ait qui sit 'nigris oculis nigroque capillo': Valla, 1997, 1561 (*Epistola* 6.24–32); Valla, 1994a, 194–95.

¹⁰⁵ "*Conferentes ei etiam imperialia scepra:* que structura orationis! qui nitor! qui ordo! Quenam sunt *scepra* ista *imperialia*? Unum est sceptrum, non plura. Si modo sceptrum gerebat imperator, num et pontifex sceptrum manu gestabit? Cur non ei dabimus et ense et galeam et iaculum? *Simulque cuncta signa atque banna:* quid tu *signa* accipis? Signa sunt aut statue, unde frequenter legimus 'signa et tabulas' pro 'sculpturis ac picturis'—prisci enim non in parietibus pingebant, sed in tabulis—aut vexilla, unde illud *signa, pares aquilas* . . . num ergo statuas aut aquilas suas Silvestro dabat Constantinus? Quid hoc absurdius?": Valla, 2007, 90–91 (*On the Donation of Constantine* 53).

The above is just one of several passages in which Valla showed the forger to have been ignorant of the ceremonial images and objects that were appropriate to Constantine's position, as well as the terms that would have designated them in the fourth century. The whole critique reveals his awareness of the embeddedness of things—especially the trappings of power—in social and linguistic realities subject to historical change.¹⁰⁶

In Valla's *Gesta Ferdinandi Regis Araganorum* (Deeds of King Ferdinand of Aragon, 1445–46), the fourteenth-century monarch's biography involves courtly ceremonies and crusades that seemingly encouraged Valla to feature banners (*vexilla*), military signs (*signa militaria*), and other images quite prominently in his narrative.¹⁰⁷ Meanwhile, Valla sought to model his language and style on that of the best ancient historiographers, as his famous preface to the *Gesta* declares.¹⁰⁸ Words describing the material trappings of power, much like words describing military technology, turned out to be an area of Latinity that revealed gaps between ancient and modern usage. Valla's critics at the Neapolitan court would single out his image descriptions, among other passages, and force him to defend his choices to describe these things in several instances, and also defend his choices of terminology for them.¹⁰⁹ These were some of the continuities in Valla's philological engagements with images across several of his works, even as each project called for different emphases. But what would these various inquiries amount to, if anything, from the perspective of his legacy?

With regards to Valla's investigations into the words *insignia* and *arma*, it can be seen that other humanists pursued the topic further in their antiquarian and philological studies. By the sixteenth century, humanists were producing works dedicated specifically to the decoding and standardization of images as visual languages, or signs. Biondo Flavio's (1392–1463) monumental study of the institutions and customs of ancient Rome, the *Roma Triumphans* (Rome in triumph, 1459) treats the subject along with military institutions in book 6: "*Arma*, Varro says, are the things with which we combat the enemy. And Festus says that strictly we call *arma* weapons which are suspended from the upper arms, that is the shoulders, such as the shield, sword, dagger, knife,

¹⁰⁶ Herklotz discusses these passages as examples of convergences between Valla's philology and the antiquarianism already practiced within ancient traditions of literary and legal commentary, and miscellanies; thus "it was not only Valla's expertise in Latin, but also his familiarity with ancient material culture, that enabled him to prove the alleged Imperial document a post-classical fake."

¹⁰⁷ For example, Valla, 1973, 41–42, 146, 150–52 (*Gesta* 1.9.1, 3.2.2–4, 3.3.1–10).

¹⁰⁸ See Regoliosi, 1994.

¹⁰⁹ See Facio, 77–78 (*Invectiva prima*); Valla, 1981, 219–22 (*Antidotum in Facium* 3.1.1–8).

and spears with which we engage in battle from a distance. Ulpian the jurist [in the interdict] on armed violence says that *arma* are all kinds of weapons, that is, even cudgels and stones, and not only swords and spears and javelins, as Caius affirms in *De verborum significatione*. Aulus Gellius uses the word *arma* often without distinguishing a staff, heavy javelin, missile, and small sword.¹¹⁰ Biondo himself then distinguishes weapons (*arma*) from the “*signa, insignia, clothing, and military ornaments*” that Roman armies used.¹¹¹ He touches on the *signa militaria* that featured images of eagles, wolves, minotaurs, horses, and “other various animals”; the media that displayed them; and the vestments and *ornamenta* with which they were typically, and sometimes atypically, paired.¹¹²

Biondo distinguishes here among *arma, insignia, and signa* on the grounds of Roman usage in practice and in language, offering a firmer and more systematic correction than Valla had offered to the proper (i.e., ancient) uses of such terms.¹¹³ Other events in Biondo's career suggest how Valla's conception of the normative status of ancient images had indeed anticipated a broader shift, in favor of the humanists, in the ways that authority over contemporary signs (and contemporary signs of authority) were conceived: for example, the quarrel over the relative prestige of the military and jurisprudential arts, which Biondo was asked to adjudicate at the Council of Mantova (1459). Recorded in the short tract *Borsus, sive de Militia et Iurisprudentia* (Borso, or on the military and jurisprudence, 1460), his response drew on the *Roma Triumphans* to compare how these professions and their signs of distinction compared to ancient precedents.¹¹⁴ Acting as a humanist legislator of social status and its visual codes, Biondo as antiquarian now embodied a possibility only intimated in the embattled *Epistola contra Bartolum*.

¹¹⁰ “Arma Varro dicta inquit, quod his arcemus hostem. Et Festus arma proprie dicuntur ad armis id est, humeris dependentia, ut scutum, gladius, pugio, sica, & ea quibus procul proeliatur tela. Et Ulpianus iureconsultus de vi armata: arma inquit, sunt omnia tela: hoc est, Fustes & lapides, non solum gladii hastae & frameae, quod affirmat Caius *de verborum significatione*. Armorum vocabula Aulus Gellius multa sine expositione sic ponit, hasta, pilum, phalarica, lingua”: Flavio, 1531, 134. This edition is the first of the two *opera omnia* published by Froben. On Biondo's legal sources in connection to Valla and the Pavian milieu of the 1420s and 30s, see della Schiava, 2014.

¹¹¹ “Signa iam, insignia, indumenta, & ornamenta militaria dicamus, tam publica quam privata”: Flavio, 1531, 134.

¹¹² Flavio, 1531, 134–35.

¹¹³ On language (*locutio*) and custom (*mores*) as forms of evidence in Biondo, see Pontari.

¹¹⁴ For example, Biondo denies classical origins to the name *doctor legum* (doctor of law) and to the jurists' custom of decorating themselves with gold: Flavio, 2009, 30–31 (*Borsus* 21–22). On the *Borsus*, see Pincelli's introduction in Flavio, 2009, x–xlvi; Rossi, 2013.

A later intervention on the subject of *insignia* and *arma* comes from Guillaume Budé (1467–1560), a self-described heir to Valla, in his philological commentary to the *Digest*, the *the Annotationes in Quattuor et Viginti Pandectarum Libros* (Annotations on twenty-four books of the Pandects, 1508). This is known today for its speculations on how Roman customs had evolved and adapted to new circumstances after the empire's fall, contributing to the emergence of medieval studies in France.¹¹⁵ The discussion of signs, appearing in the commentary on the *De Origine Iuris*, exemplifies these tendencies.¹¹⁶ Budé repeats Biondo's findings on the *signa militaria* of the Romans, then questions the evolution of the Roman practices, as well as the origins of the images used in the present day to express familial identity and distinction. He points out the close connection in Roman culture between *gentilitas* and the right to possess and publicly display the *imagines* of ancestors. He posits, as a possible origin for the modern image practices, the Roman practice of arranging *clipeatae imagines* (ancestors' shield portraits) in family villas, and of visualizing connections between them with painted lines: "Pedigrees [*stemmata*] were traced with lines between the painted portraits [*imagines pictas*]. The archive rooms were kept filled with books of records and with written memorials of official careers. Outside the houses and around the doorways there were images of those mighty spirits fastened together with spoils taken from the enemy, which were not allowed to be taken down, and which were displayed even when the house changed ownership. So much is in Pliny. I believe that *insignia gentilia*, which are vulgarly called *arma*, derived from these practices since they too were originally prizes of true virtue and decorations for the accomplishment of great deeds."¹¹⁷

In contrast to Biondo Flavio, who distinguishes *insignia* from *arma* as two distinct words designating two distinct classes of objects in antiquity, Budé makes a crucial distinction between the ancient practices and their derivatives in postclassical times. Budé calls the modern images *insignia gentilia* at the same time gesturing to, and to some extent explaining, their common vernacular names in the present, *armi* and *stemmi*, words still used in modern Italian for what in English is now called the coat of arms.¹¹⁸ Budé's philology of images

¹¹⁵ See Kelley, 1970, 53–86; Kelley, 1984; Sandy; Ducos.

¹¹⁶ Budé, 139–45.

¹¹⁷ "Stemmata vero lineis discurrerant ad imagines pictas. Tablina vero codicibus implebantur & monumentis rerum in magistratu gestarum. Aliae in foribus & circa limina animorum ingentium imagines errant, affixis hostium spoliis, quae nec emptori refringere liceret, quae etiam dominis mutatis domus ornamenta erant. Hactenus Plinius. Pro iis ut (opinor) posteriora tempora insignia gentilia habuerunt: quae arma vulgo vocantur, quae ipsa quoque primum ut simile est veri, virtutis praemia fuerunt, ac rerum praeclarem gestarum decora": Budé, 144–45.

¹¹⁸ On the Italian vernacular words *armi* and *stemmi*, see Manaresi.

thus fills in an early piece in a history that remains to be fully reconstructed: the history of the appearance of heraldry's nonclassical name, and of its definition as an originally medieval form.¹¹⁹

What is apparent is that the findings of Biondo and Budé on these subjects interested their contemporaries and spread beyond their erudite tomes. In a letter from the first decades of the sixteenth century, the Neapolitan humanist, academician, and poet Jacopo Sannazzaro (1458–1530) described several of their findings as common knowledge of the learned:

All good men of letters universally hold as a certainty that these very *insegne*, vulgarly called *arme*, by which families are distinguished today are without a doubt modern inventions. One should not deny, however, that the Romans had *insegne* in their armies, like that of the eagle, which was the principal banner of the Roman troops. They also had the *insegna* of the wolf and other images, and these belonged to the republic. There existed also *insegne* that were not perpetually used, but which captains would choose at their own will, as one can discern in the war between Octavio and Marc Anthony. These were similar to the ones we use today as well, and which in the vernacular we call *divise* and *imprese*. With regards to the family *insegne* that today we call *arme*, everyone of intelligence agrees about this: That the whole matter of these *arme* was an invention of the French.¹²⁰

The *insignia* of Roman antiquity, the *imprese* and *divise* used by Sannazzaro's contemporaries, and the so-called *arme* invented by the French are finally—as

¹¹⁹ Hiltmann, 2016, broaches this history through French sources. The decisive role that he attributes to Claude-François Ménestrier (1631–1705) for the discovery of heraldry's medieval origins remains to be qualified, I believe, by a study of Ménestrier's humanistic precedents and sources. Hiltmann, 2015, has also posited the origins of the word *heraldry* as we know it in the seventeenth century, with the hypothesis that its prior meaning, designating a professional office with wide-ranging functions, was then restricted to the kinds of images with which these professionals were concerned. I suspect that developments in romance philology and in medieval studies were also at play, allowing for or requiring a set of nonclassical vernacular names to be attached to what was becoming understood as a postclassical visual language.

¹²⁰ "E per questo universalmente tutt'i buon letterati tengono per cosa certa che queste tale insegne, volgarmente chiamate arme, per le quali si distinguono oggi le famiglie, siano cose moderne senza dubbio alcuno. Non si nega, però che i Romani non avessero avute insegne nelli eserciti, come era l'aquila, che fu il principale stendardo degli eserciti romani; avevano ancora l'insegna del lupo et altre immagini, e queste erano insegne proprie della Republica. Erano poi altre insegne non perpetue, ma che capitani se le facevano a loro arbitrio, siccome si vede nella guerra fra Ottavio e Marc'Antonio, secondo a questi tempi vedemo usare queste tale particolarità, che volgarmente chiamiamo divise et imprese": Sannazzaro, 392–93. This letter is remembered in Caldwell, xv, for its definition of the *impresa*.

they are still today—legible here as products of distinct cultural and historical contexts, and as subjects therefore of distinct trajectories of research.¹²¹

By the middle of the sixteenth century, so-called *imprese* treatises in the Italian vernacular provided a home for concerted humanistic discussion of the proper names for such images, the distinctions between them, their historical origins and development, and the rules of their composition and use. The history of this tradition has been considered mostly apart from the longer history of humanist philology, its origins traced to the *Dialogo dell'Imprese* (Dialogue on imprese, 1555) by Paolo Giovio (1483–1552).¹²² Curiously, the three major sections of this text all suggest connections with Valla's 1433 challenge to supplant a juridical with a humanistic law of images: from the historical background that Giovio provides for his subject, beginning with the shields, crests, and ornaments described in classical literature (first and foremost the *Aeneid*); to his five *condizioni*, later called *leges Iovianae* (Giovio's laws), for a perfect *impresa*; to the anecdotal list of *imprese* used by illustrious men and humanists of Giovio's day.¹²³ In the second and most widely disseminated edition of Giovio's treatise (1556), prepared and enlarged by Italian philologist Girolamo Ruscelli, it is imperative to establish still-clearer distinctions between the *impresa* and the other kinds of images (and words) for which it was often confused.¹²⁴ As Ruscelli complains, "today we call *imprese* things that are completely different from them. And for not knowing how to make the distinction that I will outline below, many fool themselves into believing that they know how to make *imprese*."¹²⁵

Ruscelli's influential approach resulted in the expansion of his and later treatises to include the proper names, historical origins, and rules of not only the *impresa*, but also of many other image types. For example, the *Ragionamento di Luca Contile Sopra le Proprietà delle Imprese* (Discourse of Luca Contile on the properties of imprese, 1574) treats nine "inventions, improperly called *imprese*" in separate chapters—*insegne, armi delle famiglie, divise, livree, foggie, emblemi, riversi delle medaglie, cifre, and hieroglyphici*—each beginning with a discussion of

¹²¹ On France as the home of modern heraldry studies, see Hablot, 392.

¹²² On the origins of the *imprese* treatises, see Caldwell; Manning, 37–38, 73–79.

¹²³ Giovio. For a synthetic discussion of Giovio's treatise and its legacy, see Arbizzoni.

¹²⁴ Giovio's dialogue appeared in two editions in 1556, one prepared by Girolamo Ruscelli (1518–66) and the other by Ludovico Domenichi (1515–64). Both editors became authors of *imprese* treatises themselves. On their philological credentials, see *Girolamo Ruscelli*; Trovato, 241–298; Richardson, 109–26, 140–54.

¹²⁵ "Oggi chiamiamo imprese, che sono quasi del tutto diverse da queste, & per non saper far questa distinzione in quella guisa, che io soggiungerò non molto di sotto, s'ingannano molti nel saper far l'Imprese, & essi veramente in molte ingannato il Giovio, di quelle che egli racconta nel precedente Ragionamento suo col Domenichi": Ruscelli, 137.

the subject's proper name.¹²⁶ Contile's chapter on *armi delle famiglie* begins with Budé's insight about the uses of the word in postclassical times: "These *armi* are called *insegne* in Latin, which is attributed sometimes to a defect in the Latin language and sometimes to their being (which they are) a new invention, such that for these figures that denote nobility a more appropriate name could not be found. We are informed about this by Budé, who affirms that in some centuries after Roman times this invention became customary as a sign of gentility, and to similar figures of much worth and worthy of being discussed fully, justly and not without reason the name *arme* was applied."¹²⁷ Influences from the philological tradition are apparent here, and yet they have gone underappreciated in scholarship that describes the *impresa* treatises as a self-contained genre of image theory with its intellectual roots in poetics and rhetoric exclusively.¹²⁸ Shared imperatives to clarify distinctions between words and between images have been lost among separate accounts of sixteenth-century philology and image theory. The political and social stakes of the *impresa* treatises have also been neutralized under the assumption that "the grammar of symbolic forms was in the process of being intuited" in the sixteenth century,¹²⁹ rather than purposefully created at this time, as if each bid to establish or correct the grammar of signs did not also involve a vision of social hierarchy and a theory of knowledge.

In the case of the emblem, a subject discussed within many of the *impresa* treatises, many more connections with philology have been proposed and studied.¹³⁰ Then, as now, the emblem was most often remembered as an

¹²⁶ Contile, table of contents. See Salza on this treatise and its author. The subjects of Contile's books, besides *impresa*, can be roughly translated into English as badges, arms of families, devices, liveries, fashions, emblems, the reverses of medals, cyphers, and hieroglyphs.

¹²⁷ "Sono però queste armi da latini chiamate insegne, ciò si può dire, o, che sia difetto della lingua latina, o, che sia inventione (come è) nuova, si che alle stesse figure lequali dinotano nobiltà; non si pote trovare un nome più conferente. E questo ci può far credere il Budeo, il quale afferma ne i tempi dopo i Romani alcuni secoli; tale inventione essersi posta in consuetudine come nota di gentilità, & è simil figura di molto pregio, e degna ch'appieno se ne ragioni, e si farà con giuditio vedere che non fuor di proposito è stato allo stesso segno applicato il nome arme": Contile, 11^v.

¹²⁸ See Caldwell, xi–xviii; Arbizzoni, 337–40.

¹²⁹ Manning, 138. Ruscelli was an authority on the Italian language, an editor of Italian vernacular texts, and a theoretician of images whose activities across these fields could be considered more in relation to one another. In this direction, see Caracciolo. On terminology as a crucial topic and challenge for modern scholarship on early modern signs, see Lippincott; Drysdall, 95–106.

¹³⁰ Drysdall above all has shed light on Alciato's humanistic, philological, and legal studies in relation to his emblems. For a different perspective on the relationship between philology and emblems, see also Drysdall and Daly; Nelson.

invention of the Milanese-born jurist and humanist, Andrea Alciato (1492–1550). Denis L. Drysdall has pointed out that Alciato's miscellany of philological notes arising from his legal studies, the *Parergon Iuris* (Asides from the law, 1543), includes a commentary on Valla's polemic with Bartolus.¹³¹ It would be worth investigating the possible relationships between the jurist's emblems, his discussion of the Valla-Bartolus polemic, and his contribution to the 1552 edition of the *Notitia Dignitatum* (Register of offices), the late antique illustrated manuscript surveying administrative hierarchies and their respective images of distinction in the Eastern and Western Roman Empires.¹³² Still in connection to Valla's polemic, it could be worth returning to the question of the production and use of emblems by humanist lawyers, and eventually by common lawyers in England, as self-consciously new representations of their profession, distinction, and philological practices.¹³³ These issues lie beyond the scope of this article, however, which concludes instead with an example of the continued reach of humanist philologies of images in a founding text for the anthropology of art.

In Franz Boas' *Primitive Art*, heraldry appears in some prominent passages dedicated to the decorative arts of the indigenous communities of the Pacific Coast of North America. Heraldry helps Boas to describe a "symbolic decoration" characterized by geometric and animal motifs, "governed by rigorous formal principles," and constitutive of "an integral part of the structure of Northwest coast culture" in which social standing is both expressed and reinforced symbolically:¹³⁴

The fundamental idea underlying the thoughts, feelings, and activities of these tribes is the value of rank which gives title to the use of privileges, most of which find expression in artistic activities or in the use of art forms. Rank and social position bestow the privilege to use certain animal figures as paintings or carvings on the house front, on totem poles, on masks and on the utensils of everyday life. Rank and social position give the right to tell certain tales referring to ancestral exploits; they determine the songs which may be sung. . . . It is as though the heraldic idea had taken hold of the whole life and had permeated it with the feeling that social standing must be expressed at every step by

¹³¹ See Drysdall, 95–96, 227–70; Alciato, 28–29 (*Parergon Iuris* 5.13). This 1543 edition of the *Parergon Iuris* is the second of the three-volume work, containing books 4 through 10 of Alciato's total 12. The first volume was published in 1538 and the last in 1554, posthumously.

¹³² See Gelen, Rhenanus, Alciato, et al.

¹³³ On the legal contexts of emblems, see Hayaert; Goodrich; Goodrich and Hayaert.

¹³⁴ Boas, 280–81. On Boas in a short history of relationships between antiquarianism and anthropology, see Burke, 242.

heraldry which, however, is not confined to space forms alone but extends over literary, musical and dramatic expression.¹³⁵

This is not an anachronism, as Boas is not contesting his contemporaries' histories of heraldry's unique historical origins and development within the confines of medieval Europe.¹³⁶ However, he is implicitly transferring medieval Europe's visual language of distinction, as it had come to be understood in early modernity, onto the visual culture of his subjects. The analogy seems to rest on the fact that both symbolic languages, medieval and indigenous heraldry, are characterized by marked surfaces instead of depth and by animal and geometrical motifs. Perhaps more importantly, there is a system of formal principles and rules to which both visual systems are perceived to be internally ordered, on the one hand, and externally linked to the orders of a social hierarchy, on the other.

Whitney Davis has pointed out that one of Boas's most profound insights in *Primitive Art* is the "individuality and subjectivity"—or, in other words, the "unruliness"—of visual culture. As Davis writes, this insight "drives a stake into the heart of any iconology and visual semiology predicated on a model of deciphering (or even 'reading') a 'visual language' or a visual text with its stable system of visible characters, its signs."¹³⁷ To the extent that the attempt to decipher the images of his subjects still remained a worthy goal to Boas as an anthropologist, however, he seems to have used medieval heraldry as he inherited it from the humanists: to describe what was ruled, regular, and therefore readable, about the signs of others.

¹³⁵ Boas, 280–81.

¹³⁶ See Seyler, iv: "Still less does my work with heraldic science have to do with classical antiquity. . . . The word crest [*Wappen*] is only the technical term for the specific expression of a phenomenon of cultural history of the Middle Ages, which in its application to an earlier age is a burlesque parody proper to anachronism."

¹³⁷ Davis, 18, 16.

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