



HISTORY OF LAW AND OTHER HUMANITIES

Edited by
VIRGINIA AMOROSI
and
VALERIO MASSIMO MINALE

HISTORY OF LAW AND OTHER HUMANITIES

The Figuerola Institute
Programme: Legal History

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HISTORY OF LAW AND OTHER HUMANITIES:
VIEWS OF THE LEGAL WORLD ACROSS THE TIME

Edited by
Virginia Amorosi
and
Valerio Massimo Minale

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LAW AND HUMANITIES IN GIAMBATTISTA VICO'S THOUGHT. A FIRST UNDERSTANDING

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1. Introduction

“Reading Vico for the School of Law” – as the title of a 2007 paper invites us to do¹ – requires a previous commitment to the method of the historical knowledge we put at stake.

If the recent interpretations of Giambattista Vico attempting to fully detach the Neapolitan philosopher from his time seem too daring, see e.g. Alasdair MacIntyre's statement², it is constraining – and probably disrespectful of Vico's theory of knowledge – to address Vico by completely forgetting our contemporary problems as legal scholars.

Thus, other than tracing audacious fatherhoods – Vico has been interpreted *à la fois* as a proto-idealist³, a historical materialist⁴, a modern⁵ and an anti-modern thinker⁶, or even a moral pluralist⁷ – the actuality of Vico will be intended as the possibility of a better understanding of some contemporary legal philosophical issues through a more accurate knowledge of the Neapolitan philosopher.

Undoubtedly, the ‘Law and Humanities’ approach – spreading its influence either to the legal education and to the theory of law – exhibits its more vivid references to Vico.

Since when James Boyd White published his well-known book *Legal Imagination* in 1973⁸, the ‘Law and-’ approach gained another term of ref-

1 VITTEVEEN (2008).

2 According to MacIntyre Vico's ideas need to be studied «detached from their place in the sterile systematics of Vico's new science». MACINTYRE (1988), p. 22.

3 See the very famous Benedetto Croce's monography *La filosofia di Giambattista Vico*, that contributed to spread Vico's works in Italy.

4 Because of Marx' quote of Vico: MARX (1976), p. 493. About the subject see TAGLIA-COZZO (1983).

5 For instance, BOBBIO (1976), pp. 117-132.

6 LILLA (1993).

7 BERLIN (1976).

8 BOYD WHITE (1985).

erence: literature, of course, but humanities too, invoked to react against the «positivistic and ruled focused» «dominant theory of law»⁹ in the English-speaking world at that time. In the early Seventies, the image of law depicted by Boyd White is that of a ‘language’ (in his original meaning) under a double attack: on the one hand the ‘Law and Economics’ approach was trying to reduce the law to a costs-benefits analysis; on the other hand the left thinkers were trying to identify the law with the expression of class-interests, and seeking to reform it in the name of a vague idea of community. Boyd White reacted to both the approaches by proposing a different concept of law: not a set of rules, but rather a language, which means «habits of mind and expectations», i.e. «a culture». The law makes a world – wrote Boyd White, being a «system of thought and expression», and – as a profession – is «an art of reading the special literature of the law and an art of speaking and writing in this language. It is a branch of rhetoric»¹⁰.

When, thirty-five years later, the international symposium *Recalling Vico’s Lament: The Role of Prudence and Rhetoric in Law and Legal Education* would claim the importance of Vico’s legacy, pushing legal scholars to re-read Vico, similar arguments were put at stake.

The reaction against a certain ‘sociological positivism’¹¹ is the main reason for the actual need of recalling Vico, especially in a very precise domain, i.e. the legal education.

If the legal education¹² pays the price of a reductionist theory of law, which identifies the law with a set of «rules, principles, and regulations that have

9 *Ivi*, p. xii.

10 *Ivi*, p. xiii: «Of course law is not just a language, for it is part about the exercise of political power. But I think the greatest power of law lies not in particular rules or decisions, but in its language, in the coercive aspects of its rhetoric – in the way it structures sensibility and vision».

11 See, for this analysis, CONSTABLE (2005), p. 10: «Sociological positivism presumes that positive law is humanly articulable power in at least two senses: as the declarations of officials or in scholars’ descriptions-conceptual or empirical-of the order and dynamics of human social systems. Even when positive law is not the command of a distinct human sovereign or the official unification of a system of rules, it appears as a humanly made creation of society – whether as norms or practices or network of institutions – that is describable in sociological terms».

12 The state of the art is meant to fit United States legal education, even though Witteveen, the Author of the essay *Reading Vico for the School of Law*, has a European background (he teaches Jurisprudence and Rhetoric in a Dutch University).

been officially declared law»¹³, the call for a different way of studying, on Vico's footsteps, means restoring a multifaceted idea of law as well as the legal reasoning.

Not «a complete, closed system that can be studied empirically for the way it functions in all human relations», but rather the process of its making, where prudence and rhetoric (but also poetic) play a pivotal crucial role.

Reading some of the most popular 'Law and Humanities' contributions, we might easily acknowledge this common ground: when Martha Nussbaum writes about «the vital need to re-introduce the poetic imagination into the rational argumentation practices of the law» and «that storytelling and the literary imagining imagination are not opposed to rational argument, but can provide essential ingredients in a rational argument»¹⁴ we can hear the echo of Vico's «lament».

In his famous oration *De nostri temporis studiorum ratione* (1708), he wrote indeed:

«At the very outset, their common sense should be strengthened so that they can grow in prudence and eloquence. Let their imagination and memory be fortified so that they may be effective in those arts in which fantasy and the mnemonic faculty are predominant. At a later stage let them learn criticism, so that they can apply the fullness of their personal judgment to what they have been taught. And let them develop skill in debating on either side of any proposed argument»¹⁵.

2. *The critiques to Cartesian method in De nostri temporis studiorum ratione*

Giambattista Vico delivered *De nostri temporis studiorum ratione*, translated in English as *On the Study Methods of Our Time*, in 1708 at the University of Napoli, where he thought Rhetoric¹⁶. In this pedagogical oration, written before the first version of his masterpiece *Scienza Nuova*, Vico took up in a very original way the famous *Querelle des anciens et des modernes*, dating back to the end of the 17th century¹⁷. Rather than taking stance for one or the other party, he claimed that the modern method, called by Vico *ars critica*, failed at fulfil the promises of the Modern Age. As a matter of fact, Vico invites us to embrace

13 WITTEVEEN (2008), p. 1213.

14 NUSSBAUM (1995), p. xii.

15 VICO (1990), p. 19.

16 For this aspect of Vico's autobiography, see VICO (1971e).

17 See CAMPAILLA (1973).

the Cartesian method, yet without sacrificing a more complex idea of rationality – involving wisdom, eloquence, and prudence – whose Vico gives an original account, not limiting himself to an anachronistic apology of the ancients.

As the translator Elio Gianturco in his *Introduction* writes:

«Vico draws, so to speak, the final balance-sheet of the great controversy; not only that, but transposes it to a ground where the problem posited can receive a solution. He is a reconciler of the two factions; he lifts their debate to a high philosophical plane, he rises to the concept of a modern culture, harmonizing the scientific with the humanistic aspects of education»¹⁸.

The philosophical reasons connected to a humanistic pedagogy are based on an original highlighting of prudence as juris-prudence¹⁹.

But first, some preliminary remarks need to be made, dealing with the Cartesian legacy, which is certainly not completely rejected²⁰, but yet overruled.

In his *Discours sur la méthode*, Descartes made ostensibly clear his main goal: the true knowledge, the certain knowledge, needs a certain method, which does not involve other fields of study not dedicated to it. Mastering the method, according to Descartes, will bring to the truth even though rhetoric is completely neglected²¹.

This assumption, far from being a mere methodological one, depends upon the metaphysic connection built in a revolutionary way by Descartes between *knowledge* and *being*. Since the certainty of the self, coming from the *cogito*, is a truth – *primum verum* in Vico's words²² – it is still the abstract *cogito* that allows to assess the true knowledge.

Vico recognizes the importance of the Cartesian project²³, as we read in his response to an anonymous critic:

18 GIANTURCO (1990), pp. xxiii-xxiv.

19 Thus: VERENE (2008).

20 Nicolini notably stood up for the fatherhood of the French philosopher in NICOLINI (1932), pp. 117-118.

21 He says: «Those with the strongest reasoning and the most skill at ordering their thoughts so as to make them clear and intelligible are always the most persuasive, even if they speak only low Breton and have never learned rhetoric». DESCARTES (1985), p. 114.

22 VICO (1971c), par. III, cap. I: *De primo vero, quod Renatus Carthusius meditatur*, p. 71. About the shifting in terms of theory of knowledge that Vico draws from Descartes, see DE GIOVANNI (1962).

23 In his earliest orations, e.g. the 1699 one (*Ut mentis*), Descartes is even championed to show the magnificence of human intellect.

«Si dee certamente obbligazione a Renato, che volle il proprio sentimento regola del vero, perché era servitù troppo vile star tutto sopra l'autorità; gli si dee obbligazione che volle l'ordine nel pensare, perché già si pensava troppo disordinatamente con quelli tanti e tanto sciolti tra loro *obiicies primo obiicies secundo*»²⁴.

He feels the same need for a new method, but he finds Descartes' one too narrow.

The title *De nostri temporis studiorum ratione* echoes Descartes' method indeed, which is the constant target in Vico's discourse²⁵. The oration, as we said, originates from a peculiar declination of the *Querelle*: whether the modern study method – which is summarized by Cartesian rationalism – is better than the ancient one.

Vico acknowledges all the improvements and the scientific discoveries that Cartesian method, as applied to mathematics and geometry, granted. Nevertheless, *ars critica* leaves completely unattained other realms of reality, e.g. the realm of the likelihood, where we might ascribe human artefacts.

This point leads to the core of the earliest Vichian philosophy, rightfully claiming to be a comprehensive theory of knowledge: since God made the world, he is the only one who is entitled to know it. Men can just know what they made, for the criterion of the truth is having made it²⁶, and the human knowledge is supposed to reproduce the divine one.

This theoretical stance throws light on the pedagogical method, which, in its turn, illustrates the validity of the thesis.

The main and the only interest of *ars critica* is to pursue the *primum verum*, found by Descartes in the certainty of the *cogito*; this concern leaves beside all the *vera secunda*, the likelihood, on which the *sensus communis* is grounded: «ut autem scientia a veris oritur, error a falsis, ita a verisimilibus gignitur sensus communis».

Developing common sense should be the main purpose of education, as intended by Vico, but *ars critica* stifles it, especially if it is imposed in the early youth, where the fantasy – another Vichian topos – and the imagination are prevailing.

24 VICO (1971d), p. 167.

25 For a deep analysis of Cartesian, as well as Baconian, influences in *De ratione*, see CAMPAILLA (1971).

26 We find the sentence in *De Antiquissima* [= VICO (1971c)], p. 63 («Latinis verum et factum reciprocantur, seu, ut Scholarum vulgus loquitur, convertuntur»), yet anticipated in *De ratione* [= VICO (1971b)], p. 803.

This is especially true when it comes about the human nature, as well as the human actions, which are directly involved in legal matters. If *ars critica* chooses to highlight the study of physical world – however unsuccessfully, since only God can truly know it – it fails to provide proper epistemic instruments for understanding human actions and for evaluating them. And this happens because it considers the physical world certain, whilst the human one totally uncertain: «quia unus hodie studiorum finis veritas, vestigiamus naturam rerum, quia certa videtur: hominum naturam non vestigamus, quia est ab arbitrio incertissima».

The whole realm of practical reason is uncovered by Cartesian method, for it considers itself accomplished as long as it reduces all the possible causes to the one. On the contrary, the prudence concerned with human actions, according to Vico, the more accurate is, the more causes are evaluated: «adeo hoc scientia a prudentia distat, quod scientia excellent, qui unam causam, per quam plurima naturae effecta perducunt; prudentia vero praestant, qui unius facti quam plurimas causas vestigant, ut quae sit vera, coniciant»²⁷. Human actions are not meant to be understood with a static and abstract method, but rather with the ‘Lesbian rule’, a persuasive metaphor that illustrates the flexibility of understanding and evaluating the human things²⁸.

3. *The role of law in Vico’s early philosophy*

This ability to interpret and understand human actions with flexibility is ascribed by Vico to the Roman law legacy. As a Roman law scholar, Vico devoted a big part of his oration to the Roman jurisprudence, which was, according to a famous sentence, itself a philosophy. Whilst in the Ancient Greece the philosophers were meant to attend to legal matters, in Rome it was quite the opposite: «Philosophi autem Romanorum ipsi erant iurisconsulti, ut qui in una legum peritia omnem sapientiam posuerunt, sive sapientia heroicorum temporum meram conservarunt»²⁹.

²⁷ Vico (1971b), p. 811.

²⁸ «Non ex ista recta mentis regula, quae rigida est, hominum facta aestimari possunt; se dilla Lesbiorum flexili, quae non ad se corpora dirigit, sed se ad corpora inflectit, spectari debent», *ibidem*. This metaphor is ostensibly borrowed from Aristoteles, *Etica*, V, 10, 1137b.

²⁹ Here Vico quotes Horace: «Haec fuit sapientia quondam, publica privatis secernere, sacra profanis, concubitu prohibere vago, dare iura maritis, oppida moliri, et leges incidere legno». *Ivi*, p. 823.

The model to look at was the great ability, cultivated thanks to the prudence to adapt the multifaceted facts to the law. The practical wisdom consisted exactly in this capacity, performed through the *fictiones*: «Ad quae si quis animum recte advertat, iuris fictiones nihil aliud, nisi priscae iurisprudentiae productiones et exceptiones legum fuisse comperiat: quibus prisca iurisconsulti, non, ut nostri, leges ad facta, sed ad leges facta accomodabant»³⁰.

Vico goes on saying that if one of the virtues of his contemporary jurisprudence was the larger interpreter's freedom, this has also produced a decrease of obedience to the law. From losing this ability to adapt facts to laws, it originates the increase of new laws, more and more needs are perceived by the legislator. And this leads to a very difficult task for the interpreter but also for the citizens, incapable of knowing which rule they should follow. As a matter of fact, this changing process is intended by Vico as generating from the very same Roman history, that he describes as a history of degeneration³¹. It is easy to find here the prelude of his famous cyclical conception of history, as fully represented in his *Scienza Nuova*³².

But the history of ancient jurisprudence is not assumed as a mere model of lost virtues. The historical knowledge, as it will become more and more evident in Vico's late works, is the real knowledge: if men can only know what they have made, the truth can only be attained in its historical making. So, it is for the nature of law, that we can understand only through its historical development. This latter point entails the problem of natural law, one of the most discussed in Vico's philosophy. But before that, there is also another philosophical reason that justifies the *excursus* on the ancient jurisprudence, a reason made clearer by reading both Vico's autobiography and the *Scienza Nuova*. According to the Italian legal philosopher Guido Fassò, the path epitomized by the sentence *ex iurisprudentia philosophia* is not only a historiographical, but rather a theoretical one. Indeed, we read in the *Scienza nuova* that:

«dall'osservare ch'ì cittadini ateniesi nel comandare le leggi si andavan ad unire ad un'idea conforme d'un ugual utilità partitamente commune a tutti, cominciò ad abbozzare i generi intellegibili, ovvero gli universali astratti, con l'induzione»³³.

Fassò did not claim that the thesis represents a sort of projection of Vico's

³⁰ *Ivi*, p. 827.

³¹ *Ivi*, pp. 825-827.

³² See especially books IV and V of *Scienza Nuova*.

³³ Vico (1971f), p. 928.

personal itinerary as a scholar – from the law studies to philosophy – but he rather claimed that the originality of the historiographical and theoretical thesis could rise only from the direct connection that Vico experienced himself between law and philosophy³⁴.

This thesis is argued with compelling arguments by Fassò, who notably interpreted the influence of the ‘quattro auttori’ from a jurisprudential point of view³⁵: if we want to take seriously Vico’s statement about the influence of Plato, Tacitus, Bacon and Grotius on his thought, the coherence of these quite diverse thinkers needs to be found only on the legal ground. Plato taught Vico the necessity of an ideal law; Tacitus the importance of legislation³⁶; Bacon tried to reconcile Plato’s and Tacitus’s antithetical perspectives; Grotius saw the need of a universal system of law³⁷. The legal roots of Vico’s philosophy are showed by Fassò also in the famous *verum-certum* formula. Indeed, in his *De ratione* Vico employs Roman law as an instrument to illustrate his thesis. The Lesbian rule fulfils exactly this task: the *certum* of the changing circumstances, and the *artes* to track the *certum*, leads to the *verum*. But it is also remarkable the peculiar phenom-

34 By claiming so, Fassò was criticizing the authoritative Gentile’s reading, according to whom the law was just one of many objects in Vico’s original philosophy. GENTILE (1927), *Studi*, p. 99. *Contra* the isolated works, at that time, by Donati, now collected in DONATI (1936); Alessandro Giuliani, anticipated by Fulvio Tessitore, interestingly underlines the persistence of Vico’s thought as a jurist within the Italian legal scholarship during the XIX century, well before the philosophical Vico’s renaissance: GIULIANI (1992-1993), p. 345.

35 Fassò was openly praised by Croce for his earliest work in *Quaderni della Critica* [CROCE (1949)], p. 89: «Ma il nuovo indagatore, Guido Fassò, mi viene a conforto col suo ottimo lavoro che dà una diligentissima ed acuta interpretazione ed esposizione del corso non già logico ma storico o, per meglio dire, psicologico della formazione della *Scienza nuova*; esposizione che è utile possedere e che si segue con curiosità». Benedetto Croce, after his famous 1911 work on Vico, where he also wrote about the relationship between the natural law theory and Vico, reviewed the monographical issue of *La Rivista internazionale di filosofia del diritto*, dedicated to the bicentennial of the *Scienza Nuova*.

36 According to Fassò, we cannot, of course, infer directly from Tacitus this point. Tacitus’ relevance, and its implication with law, derives from the assumption that he saw the man as it is, as much as legislation, in Vico’s words, needs to see the man as he is; FASSÒ (1949), pp. 23-24.

37 FASSÒ (1949), pp. 22-24. It is probably Vico’s interpretation of Grotius that led Fassò to renovate Grotius studies, emphasizing the more complex historicity of the jurist. See on this point FARALLI (2014), p. 642.

enon of the coexistence of *ius civile* and *ius honorarium*, representing, the first one the *certum* of the authority, the second one the *verum* of the Reason, progressively incorporating the first³⁸.

Thus, we should say that, beyond Fassò's words, law generates philosophy in different ways (in a meaningful Vico's style). In a first understanding, according to the *Scienza nuova*'s quote above, it literally gives birth to the abstract thinking, that emulates the logical activity of generalization from the individual utility to the common one. The connection is shown also from a biographical point of view, since the study of law predated the philosophical activity. But the intimate connection of *iurisprudencia* and *philosophia* rests mainly on theoretical reasons, dealing on the one hand with the *verum-certum* formula, on the other hand with the prudential dimension of law³⁹.

This latter point leads us to the reasons lying behind "Recalling Vico's Lament". The quest for renovation of legal pedagogy, as intended by contemporary legal scholars, rests on a dissatisfaction for a legalistic pedagogy of course, but above all for a strict positivistic conception of law.

Dealing with the problem of natural law in Vico's philosophy would go well beyond the aim of this paper, but there is no doubt that the legal pedagogy is tightly related to the conception of law.

Thus, if Vico's call for renovation was essentially targeting the case law method in teaching law⁴⁰, from a theoretical perspective Vico was making a stand against the abstract rationalism of the natural law systems, such as Pufendorf's, Selden's, and Grotius' ones (although the latter was one of Vico's four "authors"⁴¹).

At this juncture, one may raise a question about the very different targets the 'Law and Humanities' approach and the *De ratione* are trying to set. On the one

38 FASSÒ (1949), p. 44.

39 See *amplius* VERENE (2008).

40 The widespread legal study method when Vico was a student was the *Mos Italicus*, that led him stop attending Verde's classes «tutte ripiene di casi della pratica più minuta dell'uno e dell'altro foro de' quali il giovinetto non vedeva i principi, siccome quello che della metafisica aveva già cominciato a formare la mente universale e ragionare di particolari per assiomi o sien massime» [VICO (1971e), p. 8] and starting the study of Vulteio and Canisio on his own, as we learn from his Autobiography. As a matter of fact, when he wrote *De ratione* things were deeply changed, thanks to the renovation led by Francesco D'Andrea, who promoted the historical study of law; DE GIOVANNI (1958); MAZZACANE (1986).

41 About the relationship between Vico and Grotius see the classic works by Fassò and Nicolini (see bibliography).

hand, the ‘Law and Humanities’ approach, as we have seen, is a reaction against the ‘sociological positivism’. On the other hand, Vico addresses a strong critique against what he will later call the ‘natural law of philosophers’, i.e. the rationalistic natural law systems. Thus, legal positivism as well as natural law theories are both charged of providing a dissatisfying theoretical foundation for legal pedagogy. This double and antithetical opposition let us rethink about one of the most discussed topic in legal philosophy – positivism *vs.* natural law theory – from a peculiar perspective, in which it is acknowledged the interpreter’s role.

Although Vico has been interpreted also as a precursor of hermeneutics⁴², there is no need to make such a challenging statement in order to recognize the very innovative role attributed by Vico to the legal interpreter.

Indeed, the main part of the legal decision-making process is the discovery of the *factum*, the interpretation of human actions along the (Aristotelian) Lesbian rule method. If the exemplum of Roman law experience can be set as a model, it is due to the particular ability of Roman jurists to adapt the variety of the everchanging human actions to the letter of law, thus finding the ‘civil equity’ in every case.

The introduction of this latter term – ‘civil equity’ – entails a more complex idea of law in Vico, because its meaning lies not only on the *aequum bonumque* judicial formula, but it also reaches a more political dimension (‘civil’ from *civitas*):

«Igitur, quando leges pro reipublicae institutis condere et interpretari necesse est, principio regni constitutionem, seu legem illam regiam, quae lata quidem non est, sed cum Romano principatu nata, spectari et doctrinam de republica monarchica optime iurisprudentem tenere oportet. Deinde omnia pro regni natura ad civilem ordinem aequitatem, quae Italis ‘giusta ragion di Stato’ appellatur, et unis rerumpublicarum prudentibus gnara: quae et ipsa aequitas naturalis, et quidem amplior est, utpote quam non privata utilitas, sed commune bonum suadeat»⁴³.

The reference to civil equity also helps to emancipate the Neapolitan thinker from a relativistic and historicistic hint⁴⁴. Law is not just the *factum*,

42 Notably by Emilio Betti, who had quoted and discussed Vico since his very first writings. More precisely on Vico see BETTI (1991). About the influence of Vico on Betti’s thought: PINTON (1973).

43 VICO (1971b), p. 837.

44 The question about possibility of ascribing the Vichian philosophy of history to the historicism is enormously debated. More recently see NUZZO (2001).

is not a happening that we can describe without evaluate, but rather the everlasting changing attempt to find the *verum* of the justice in the *factum*⁴⁵. Thus, if it is undeniable that the knowledge of law cannot but be a historical knowledge, it is also true that in the very same *De ratione* Vico critiques the historical study of law promoted by the *Mos Gallicum*, because it reduces law to the history of Roman law⁴⁶. That's why a humanistic legal education is so important in the edification of *sensus communis*, which entails of course the ability to understand history, but most of all to evaluate it and to judge human actions. Jurisprudence is essentially prudence, *prudentia*, having a practical dimension that today the Law and Humanities supporters are seeking to restore against the reductionist view of law (law as positive law and as social phenomena). That is why, apart from the diversity of the critique targets – sociolegal positivism and natural law theory –, we feel the need to recall Vico's lament: only through the humanistic pedagogy the young scholars, jurists to be, can flourish in this particular ability to understand human actions by constantly evaluating them in the light of law, which is *iuris-prudentia*.

45 Very insightful the classical interpretation of the Italian jurist Giuseppe Capograssi on this aspect: «L'affermazione giuridica non è dunque altro che un'affermazione di indipendenza (di libertà) dall'empirico, dal condizionato; tutta l'esperienza, arrivando a quest'affermazione, culmina così in una metafisica per cui i placiti dei giureconsulti sulla indivisibilità, sulla incorruttibilità, sulla estratemporalità del diritto, arrivano a mettere capo, senza che i giuristi escano fuori dal sistema e dalla tecnica giuridica, al platonismo, che trova una conferma singolare ed una singolare riprova nella gigantesca esperienza del diritto romano. E sono proprio i giuristi a far dell'animo il soggetto dell'universo diritto, di ogni diritto, e secondo i placiti stessi dei giuristi il diritto è modo della sostanza immortale; modo, si intende, come idea che modifica e forma essenzialmente l'anima concretamente intesa come attività e la sua azione»; CAPOGRASSI (1925), p. 151.

46 «At ii potius leges Romanis suas reddiderunt, quam ad nos nostris rebuspublicis aptas apportaverunt. Quare in hac ipsa sua de iure privato prudentia, ut de privatis nostri temporis controversiis respondeant vel decident, Accursianos evolvunt, et ab iis aequi argumenta mutantur». Vico (1971b), p. 837.

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