

Federico REGGIO 

University of Padova, Italy*

Vico's Philosophical Legacy 300 Years After the Publication of the First Edition of the 'New Science'. Vital Signposts for the Contemporary Reflection on Law and Justice

• Abstract •

Giambattista Vico's philosophy offers very interesting and stimulating arguments now that – in the 'post-modern' age – we can critically outline and experience the outcomes (and the failures) of modernity. Underrated, and probably also misunderstood, by many of his contemporaries – for his critical approach towards several aspects of the evolving modern thought at the beginning of Enlightenment – Vico (1668–1744) developed, through a 'solitary' although not isolated path, a diverse and original philosophy, deeply related with the humanistic tradition of classical thought. Such a view nowadays appears to be for many aspects alternative to the modern vision, and, for that reason, rich of interesting suggestions for the contemporary reflection, also in the field of legal philosophy.

Keywords: Giambattista Vico, Nature Law, Individualism, Rationalism.

Introduction: “To the Universities (*lit.* ‘Academies’) of Europe”

Three hundred years ago, in 1725, Giambattista Vico published the first edition of his most famous work, *The New Science* (Vico, 2001),¹ the first of three different editions (1725; 1730; 1744), on which the Italian philosopher would concentrate his speculative efforts until the end of his life, in 1744.

It is interesting to notice the dedication of this work: “To the Universities of Europe”. Vico's intention had a clear European ambition, and, indeed, his work

* ORCID ID: 0000-0003-4996-6562; address: Via 8 Febbraio 1848, 2 - 35122 Padova, Italy; e-mail: federico.reggio@unipd.it

¹ The original title, in Italian, was: *Principi di una scienza nuova intorno alla natura delle nazioni per la quale si ritrovano i principi di un altro sistema del diritto naturale delle genti.*

was meant to intercept some of the main debates of his time, albeit in a critical way, which placed the Author in a sort of ‘alternative path’, in many aspects contrary to some of the ‘mainstream’ ideas of his time.

In the early 20’s, as we learn from his *Autobiography* (*Vita scritta da se medesimo, 1725–28*), Vico had gone through a moment of profound disappointment: after the effort of publishing two important books on legal-philosophical themes (*De Uno Universi Juris et Fine Uno* – 1720, and *De Constantia Jurisprudētis* – 1721), Vico did not succeed in his attempt to obtain a better paid teaching at Napoli University’s School of Law. Another candidate, with stronger political support, was selected in his place (Vico, 2001, p. 9).

Nevertheless, *no-one is prophet in his homeland*, and indeed Vico’s legal works obtained an enthusiastic review in the Netherlands, by Jean Le Clerc, editor of the journal *Bibliothèque ancienne et modern* (Vico, 2001, p. 53).² Le Clerc appreciated, in particular, the perspective within which Vico highlighted an intimate connection between law, history and philosophy. This acknowledgement stimulated in the Italian Philosopher the inspiration and the determination to design an even more ambitious project, meant to deepen the philosophical, methodological and anthropological principles which had animated his reflection on the law. These efforts went exactly in the direction that had sparked also Le Clerc’s interest, such as the connection between law, philosophy and history, which is exactly one of the driving themes of Vico’s *New Science*.

There is indeed, a ‘double movement’ that underlies Vico’s work at this point: *from* Europe and *towards* Europe. Vico’s legal philosophy was first inspired by the debate on natural law which was quite topical in the European cultural context between the 17th and 18th century, but the Author consciously undertook a critic of many aspects of the ‘modern’ approach to nature law’s theory. On the other hand, Vico’s ‘alternative path’ did not meet recognition in his homeland (which made him often feel like a stranger, as he declares in his *Autobiography*), but, as we mentioned, the most important acknowledgment of Vico’s peculiar path came from another European country, stimulating the philosopher to further investigate and specify the theoretical background of his considerations.

The image of ‘the stranger’ underlines how the difference between Vico’s peculiar thought and the mainstream of his contemporaries placed him into a distinctive path that never fully ‘fits’ into the categories of the modern vision, which had become dominating by that time. Nevertheless, Vico’s path was indeed solitary

² The full text of Le Clerc’s letter is available in the documents’ section published as *compendium* of Marchetti (1994, pp. 67–171).

but never isolated: there is evidence, in several parts of his works, that the Italian philosopher consciously played a critical role towards many aspects of early Enlightenment's modern philosophy, with the aim of expressing a circumstanced critic (Vico, 1990).³ Such an attitude helped him to develop a personal approach in dialogue both with the tradition of classical humanism and with some of his times' main issues (Lilla, 1993).

This role of Vico's perspective can be confirmed also by the work of jurist Emanuele Duni (1714–1781), who assumed Vico as main reference in his legal-philosophical works: Duni – as visible, for instance, in his *Saggio sulla Giurisprudenza Universale* (1760) – took part in a critical way to the theoretical debate in the ripe 18th century, inheriting and bringing forward some of Vico's argumentations and critics to the 'mainstream' approaches to natural law, gaining visibility both in the Italian and European debate – mostly in France (Reggio, 2025).

My overall thesis is that Vico was a man who lived *in* his time, but *did not fully belong to* his time (Chevallier, 1990, p. 556; Scarpato, 2017, pp. 27–58).⁴ In this sense, his perspective provides a very valuable viewpoint for understanding some important topics of the modern heritage as they had been seen from the critical point of a contemporary. As I will briefly try to argue, Vico's philosophy is quite topical for at least two reasons: (1) if it is true that our 'post-modern' age inherited many of modernity's theoretical premises, studying someone who had been critical to modernity right at the time in which this perspective had become dominating in western philosophy offers a precious viewpoint for reflecting on where we come from. Now that we can critically outline and experience the outcomes (and the many failures) of modernity, a dialogue with Vico might help outlining which conceptual choices, at the parting of the way, brought us here. The second reason may appear lesser 'academic' but is not less important: (2) rediscovering someone who was able to think and move 'against the flow' of his time, often paying the price for this resistance to homologate to intellectual 'fashions', is an example of how scholars should cultivate critical thinking and freedom of thought, despite the concrete possibility of being misunderstood or even meet ideological or political opposition.

³ Such an attitude clearly emerges, for instance, in his work – written in 1709, exactly three hundred years ago – dedicated to a comparison between the modern and the 'ancient' method of studies, where the author explores limits and potentials of both these approaches.

⁴ If authors, like e.g., Jean Jacques Chevallier sustain that Vico was not only a 'stranger' but an 'unknown' to his time, more recent studies underline that Vico's speculation is not inconsistent in the flow of the Italian and European debate.

This second point probably shows where Vico's dedication "to the Universities of all Europe" emerges as both a legacy and as a warning: alternative paths are often costly, in terms of success and even more, but it is thanks to those alternative ways that freedom of research and intellectual debate can flourish and stimulate the ability to 'think outside of the box'. In 1725 and in 2025.

In the following pages, I will try to summarise some of the main conceptual signposts that can help us envision Vico's 'discarded paradigm' and to rediscover its importance also for the contemporary reflection, mostly (but not only) in the field of legal philosophy.

Natural Law as a Framework for Understanding Vico's Critic to Modernity⁵

While in the last edition of the *New Science* the reflection on law appears 'diluted' among other themes, which project Vico's reflection into a wider approach to what we would call today 'human sciences', the 1725 edition shows a stronger relation to the above-mentioned legal-philosophical works, which had been later collected into the *Universal Law* (1721). Despite this difference, it is interesting to notice how the reflection on law – and mostly on natural law – offers a sort of interpretive pattern for analysing Vico's distance from some common traits that typically characterised the theories of natural law, widespread in the European cultural *milieu* during the '600s and '700s (Caporali, 1996, pp. 357–378; Cacciatore and Caianello, 1997, pp. 205–218; Battistini, 2004).

Vico's interest in legal-philosophical issues, and in the topic of natural law, has indeed a common origin with the mainstream natural law theories. It had emerged in 1716, after his discovery of Grotius' *De Jure Belli ac Pacis*. Grotius, as we know, is traditionally considered the initiator of the modern natural law 'School', and it is interesting to notice that the Italian Philosopher would later acknowledge Grotius as one of this main 'authors'. We need to understand, though, the meaning of this term, whose etymology comes from the latin verb *augeo* (to increase): with the term 'author' Vico acknowledges someone as a peculiar source of inspiration but this includes also the possibility of a critical distance, and this is the case of Grotius. From the reading of *De Jure Belli ac Pacis*, indeed, Vico had the intuition that natural law could offer a very interesting philosophical platform for analysing the relationship between Law, Philosophy and History, with a specific attention

⁵ Some parts of this work further elaborate considerations which I had proposed in an earlier writing (Reggio, 2012, pp. 1–29).

to human customary rules, to languages and to other cultural expressions. On the other hand, though, Vico criticized the way his contemporaries had evolved theories of natural law, mostly assuming Grotius as main philosophical reference.⁶

In his legal works, and even widely in the 1725 *New Science*, Vico confronted himself with different theories of nature's law, assuming a critical attitude towards the modern approach – embodied by philosophers such as Hugo Grotius, Thomas Hobbes, Samuel Pufendorf and John Selden – attacking the epistemic, methodological, anthropological and metaphysical premises that he found at the base of those theories.⁷

For this reason, although apparently limited to the reflection on the role and function of nature's law, such a debate provides quite an articulated critique to some of the modern view's pillars. Studying Vico's approach to the problem of law permits, therefore, to reach a wider spectrum of reflection, in which law is both the starting and meeting point of various and articulated philosophical considerations.

Nevertheless, while the reflection on natural law offers a very interesting framework for understanding Vico's peculiarity under a variety of interpretive lenses, it is important to understand that Vico's distance from the mainstream approach of modern thinking had already emerged in his early works, in which the Author had mostly focussed on epistemic and methodological issues. Before returning to the legal-philosophical core, then, we need to briefly confront with these early works, since, in our understanding, they contribute to consolidate some theoretical pillars that characterize Vico's philosophy as a whole, despite the difference of topics and approaches that emerged during his overall life and speculative adventure.

Pitfalls of the 'Cartesian' Fashion. In Search for a Third Way Between Rationalism and Scepticism

Vico's critic to the modern approach to knowledge targets two different aspects: (1) a *reductionist perspective*, visible in the 'restriction' of knowledge to those forms of rationality which belong to (or imitate) the structure of science (so, a type of reasoning which is based on a hypothetical-deductive structure and aims at high

⁶ On the ambiguity of the reference to Grotius in Vico, see Fassò (1970). On the critics to the modern theories of natural law, undertaken by Vico, see: Bellofiore (1954); Pompa (1975); Morrison (1978); Caponigri (1980); Caporali (1992); Galeazzi (1993); Voegelin (1996); Zanetti (2011); Reggio (2021).

⁷ "Vico argued on behalf of the humanistic tradition". Nevertheless, as F. J. Mootz (2009, p. 12) reminds, "Vico's critic is neither ill-informed nor atavistic".

levels of certainty); (2) an underlying *rationalistic attitude*, which tends to shadow the structural limitedness of human knowledge.

In his dissertation *De Nostri Temporis Studiorum Ratione* (1709) Vico criticized the privilege accorded, in his age, to the deductive – science-based – structure of reasoning, and especially to the claim of developing systems where conclusions are deduced from axiomatic premises, from which they descend ‘*more geometrico*’ (Verene, 2008). Although he recognizes clear potentials to the modern development scientific method, both in the sector of formal and empirical sciences, Vico argues that a reduction of knowledge to this exclusive model ‘compresses’ rationality into an abstract frame which comes out to be inadequate to the complexity of reality (Mootz, 2009, pp. 13–16).⁸ There are, indeed, many limitations connected to this ‘Cartesian fashion’: according to Vico, human forms of knowledge and communication have a wider range of possibilities, which reflects the complexity and multi-faced articulation of human beings, whose structure is characterised also by emotions, feelings, fantasy, and different types of ‘reason’.⁹

Leaving no space to common sense, imagination, emotions and to those type of reasoning which are not ‘geometric’ but neither ‘irrational’ (and whose reflection clearly appears in virtues like prudence, wisdom and equity) would obtain a double backdrop: it would reduce the range of sectors on which it is possible to recognize the presence of knowledge, and, moreover, it would outline models of reasoning which are completely inadequate to facing the complexity of human life.¹⁰ This would clearly appear – as Vico underlines – most especially in those fields which nowadays we would categorise as ‘human sciences’, (such as, i.e., law, philosophy, political sciences, literature, history), and it would cause harmful consequences in many fundamental sectors of daily experience (e.g. politics and justice). The latter sectors are indeed ‘built’ around the ‘human world’, and, necessarily, need to be tailored around human complexity, which is structurally multifaceted and requires an equally eclectic approach (this theme would later emerge as one of the *New Science*’s conceptual cores) (‘t Hart, 1983, pp. 5–28).

The defence that Vico undertook in favour of disciplines like dialectics, rhetoric, history and poetry, as well as virtues which belonged to the humanistic educa-

⁸ For a clear overview of Vico’s argumentations in his *De Ratione*.

⁹ Vico’s observations were written three centuries ago: it is nevertheless surprising that – from the field of neuroscience – a critic to the ‘Cartesian’ separation of mind and emotions has been recently undertaken by Damasio. See, Damasio (1994); Damasio (2000).

¹⁰ As Mootz (2009, p. 13) observes, Vico reminds us that “the critical method undermines the cultivation of common sense, which subtends both practical judgement and eloquence, thereby restricting knowledge to an arid and abstract intellectualism”.

tion, such as prudence, eloquence and wisdom, targets a problem which has both a theoretical and practical characterization: as we mentioned, a reason which is narrowed to 'Cartesian' model is both abstract and inadequate to human reality. As Vico puts it, to adopt that view would imply, sooner or later, to end "caught in the web of contingency" (Vico, 1990). In this sense, the Italian Philosopher argues for an enhancement of the dimensions of *phronesis* and *praxis*, which had been instead strongly compressed, if not discarded, in his time, as it would clearly emerge during the Enlightenment.¹¹

As I will further stretch, there is also a strong connection between Vico's theory of knowledge and the anthropological model which stems from his philosophy. As Vico states in his work *De Antiquissima Italorum Sapientia*, "human knowledge is like human beings themselves, limited and imperfect" (1998, p. 197). Such a reminder to the limited skills of human reason must not lead to think of Vico as an advocate of scepticism: as the Italian philosopher clearly wrote, in fact, "neither dogmatics know everything, nor scepticals know nothing" (1998, p. 191).¹²

Without even trying to outline in this writing a resume of Vico's complex theory of knowledge, we can try to understand why and in which terms dogmatism and scepticism can be said to be 'wrong' and why, in this sense, Vico's approach emerges as quite topical also for the current debate. Very simply, the gist of the sceptic claim is built around the more or less implicit premise that 'truth does not exist' (with all its possible variations, including 'everything is relative'; 'all is a linguistic game'; 'all forms of knowledge are merely the result of pragmatic agreements'). In Ronald Dworkin's words (1996, pp. 87–139), such an attitude states that "at bottom, in the end, philosophically speaking, there is no 'real' or 'objective' or 'absolute' or 'foundational' or (...) 'right answer' truth about anything, that even our most confident convictions about what happened in the past or what the universe is made of or who we are or what is beautiful or who is wicked are just our convictions, our conventions, just ideologies, just badges of power, just the rules of the language games we chose to play".¹³ If we read through the lines, though, such a sceptical-relativistic claim stands on a self-contradiction: denying the existence of

¹¹ The recovery of the latter dimensions will find a renewed interest in the XX century, in which philosophers from different areas will return to Vico's speculation as topical in this sense. See, e.g., Gadamer, Voegelin, Capograssi.

¹² See, on this approach to the limits of knowledge, also Cacciari (2008).

¹³ Such a view, as Dworkin (1996, pp. 87) notices, "...wearing names like 'post-modernism' and 'anti-foundationalism' and 'neo-pragmatism', now dominates fashionable intellectual style. It is all but inescapable in the unconfident departments of American universities: in faculties of art history, English literature, and anthropology, and, for example, in the law schools as well".

truth by claiming to say something true in the meantime and to the same regard.¹⁴ Again, if someone tries to reduce everything to being contingent ‘rules of a language-game’, such a sentence itself states a rule that claims to be valid for ‘all’ the situations, and, therefore, appears to be universal. Or, whenever someone says that all is just a matter of opinions, that would be a mere opinion, too, whose opposite could be equally affirmed at the same time and by the same way.¹⁵

At the (apparent) opposite, a dogmatic attitude tends to see truth as attainable in a stable way, as if truth was an object which can be ‘possessed’: a manifestation of such an idea appears, for instance, when someone claims that certain and incontrovertible conclusions can be deduced from ‘absolute’ or self-evident premises. Nevertheless, if we seriously assume such a scheme, we will need some other criteria which may help us define how, and in which terms, certain premises can be taken as absolute or self-evident.¹⁶ Moreover, the idea of seeing truth as an object (an attitude that in contemporary philosophy is usually named ‘realism’) entails a logical error: as Hilary Putnam (1990, pp. 28–29) pointed out, “Like Relativism, but in a different way, Realism is an impossible attempt to view the world from Nowhere. In this situation it is a temptation to say, ‘So we make the world’ or ‘our language makes up the world’ or ‘our culture makes up the world’; but this is just another form of the same mistake. If we succumb, once again we view the world – the only world we know – as a *product*”.

¹⁴ All opinions are equally sustainable. All except the one which states that all opinions are equally sustainable, otherwise it would be a mere opinion, too. As Dworkin (1996, p. 88) correctly noticed (although reaching conclusions that I don’t share) “these influential theories are ‘Archimedean’”, since “they purport to stand outside a whole body of belief, and to judge it as a whole from premises or attitudes that owe nothing to it. Of course they cannot stand outside thought altogether, to deny real truth to every thought. For even Archimedean need some place to stand, as their progenitor conceded. They must assume that some of what they think (at an absolute minimum their beliefs about the good reasoning) are not just their own or their culture’s invention, but are true and valid- indeed ‘objectively’ so”. The base on which those ideas try to stand is contradictory with the content of those ideas themselves. So, there comes a parting of the way: either the content that those ideas express is false, because its contradicted by the premise under which that idea can be expressed, or that premises must be valid under another lens, that means ‘true’, or at least ‘foundational’; this way, nevertheless, the premise would deny the content of the whole following set of ideas.

¹⁵ For a critical analysis of such type of problems in the context of the critic to ‘post-modernism’, see Slob (2002, pp. 50–65).

¹⁶ In such a model – as Harold I. Brown (1988, p. 77) states – it is required “that rationally acceptable claims be justified, and that the justification proceed from rationally acceptable principles in accordance with rationally acceptable rules. Each of these demands leads to an infinite regress until we can find some self-evident rules from which to begin, but these have not yet been found, and there is no reason to expect that they will be forthcoming”. See, for a further analysis of this confutation, Williams (1996, pp. 60 and ff.).

These considerations – taken from the contemporary debate – seem to confirm that, in effect, neither scepticism nor dogmatism are sustainable, as Vico had pointed out.

Still, the meaning of such a double-edged confutation might remain obscure, or even appear like a dead-end. On contrary, the confutation of scepticism and dogmatism shows a common root behind two opposite mistakes: trying to treat truth as an (non-existing or fully attainable) object: we cannot deny the existence of the truth, nor can we claim to possess it, as if it was an ‘object’ of our rational capabilities. This means, in other terms, that – when we’re thinking of the ‘truth’ – we must not confuse *unobjectivability* with *nonexistence*.¹⁷ If we cannot possess truth, nor deny its existence without contradicting ourselves, this leads to a situation of unending research.¹⁸ We can probably suggest that, in this sense, Vico assumes a ‘Socratic’ approach.

The relationship between limitedness and research, in any case, is a vital point, which shows how limitedness is a double-edged concept: on the one hand it reveals a frontier which needs to be respected, on the other it promotes a dynamism (made of research, attempts, confrontations, revisions...) which acts both as a thrust and as a promoter of a critical attitude.

This idea of limit is similar to the one that appeared also in Vico’s anthropological conception: being conscious that human mind has the possibility of achieving a limited (in quantity and quality) knowledge does not work as a barrier, but shows instead that knowledge is possible, yet structurally problematic and revisable: it requires a continuous activity of research. “Wonder is the son of ignorance and the mother of all sciences”, we read in the *New Science*’s XXXIX axiom: ignorance plays a propulsive role, by promoting wonder and, with it, the desire of knowledge, which is mother of sciences.

In another part of the *New Science*, Vico related the perception of such limitedness to the promotion of both knowledge and ethical life. Limit acts a warning against self-absolutization, but does not express a denial of dialogue and research: instead, it shows their necessity.

¹⁷ I am fully in debt, on this specific point, with the lesson of Italian philosopher of law Francesco Cavalla. See, e.g., Cavalla (1996); Cavalla (1990, pp. 142–202).

¹⁸ At this point the ‘classical’ root of Vico’s philosophy is clearly revealed, since the idea of an unending, dialogical search for the truth – done with consciousness of its presence but also of the impossibility of achieving it in a stable and objective way – is one of the most important legacies of the ‘classic’ vision: it leads back to the immortal lesson of Socrates, and to the way it has been inherited and renewed by the Christian tradition (to which Vico frequently appeals). About the connections between the unending search of the Socratic tradition in Greek and classical philosophy and the developments of the Christian doctrine, my reference goes to the fundamental work of Ratzinger (2004).

This dynamic and its relationship with the societal dimension will be further examined later on, with reference to the notion of *pudor* (shame). For the moment we can outline that Vico's attitude to knowledge supports a relational concept of humanity, exactly as modern rationalism supported an individualistic approach to mankind. We are, at this point, at the basis of Vico's distance from the modern understanding: against a rationalistic attitude, the Philosopher opposes a theory of knowledge based on the consciousness of human structural limits; against an individualistic (and utilitarian) anthropological model, Vico opposes a non-naïve conception of human beings which acknowledges a structural relational attitude. This is detachable already from Vico's theory of knowledge, as I tried to show: if being conscious of human limitedness means entering an unending search for what truth is (and what it implies, what it requires from each one of us...) one must also recognize that in this search, no human being is superfluous, no human being can be put to silence nor set free from asking and providing reasons.

Vico's Critique to the Individualistic (and Utilitarian) Anthropological Model

By analysing the main argumentations spent by philosophers and jurists within the context of the debate on nature law's theories – most especially in his *Universal Right* (1720) and his *New Science*'s first edition (1725) – Vico observes how they all tend to assume as a (more or less explicit) premise the individualistic nature of human beings (from which they argue for an artificial origin of society and law). Human beings are in fact conceived as self-sufficient, 'atomistic' subjects, able to individually state goals and means for their actions, and, finally, to individually outline articulate projects for transforming reality according to their own utility or well-being.¹⁹

Vico argues that such an anthropological premise would be first of all belied by history itself: since we have memory of it, in fact, humanity has been living within a societal frame (Vico, 1744, VIII *axiom*). Therefore, as Vico concludes, the idea of a natural, pre-societal, condition of human beings (which can be found in many Nature Law theories, with a strong accent in Hobbes), would be just hypothetical and, most importantly, lacking factual (historical) evidence.²⁰

¹⁹ Hannah Arendt provides a very topical image of that anthropological idea by describing it as *homo faber* (*faber*, in Latin, means smith, and a smith transforms reality by modifying its state and form according to his will). See Arendt (1958).

²⁰ Vico faces this issue in depth in the first edition (1725) of his *New Science*, especially in its chapter V.

What is instead proved by historical data is instead the natural attitude of mankind to live and remain in a society. The evidence of a societal attitude, in fact, is provided by history itself and – as Vico frequently underlines – by many features of human beings, such as, for instance, language, that the Italian philosopher sees as a token of the communicational ‘structure’ which characterizes human beings.²¹

More specifically, Vico's anthropological model is centred in the idea of a natural relationality of human beings, which he immediately connects to natural law.²² As the philosopher puts it, in fact, arguing the natural origin of society (since we're structurally aimed at societal organization) equals to admitting the presence of a natural law (and vice-versa), since a social structure requires rules, and rules themselves require a social structure. With such an argument, Vico underlines that the ‘originary’ dimension of law is bound to the need of granting, fostering and protecting (*dominium, libertas, tutela*) relations among people.²³

It emerges that the law is not only rooted in humankind's relational character, but also philosophically (and practically) justified by its role of habilitating, protecting and restoring the anthropological reciprocity which underlies the law itself. The bi-univocal connection between the relational predisposition of human beings and the regulatory role of law shows that – contrary to the Hobbesian view – law should not be (solely) intended as a command given by authority, as an act of sovereignty. The presence of commands and sanctions is connected to the need of providing laws with effectiveness, but is neither the one and only manifestation of law, nor its ultimate justification: law – according to Vico's perspective – is one of the most important expressions of people's attitude to ‘be’ and ‘live’ in a society, and to regularize, protect and cultivate a relationship of mutuality within such a framework.

Following this argumentation, it emerges that ‘relationship’ and ‘mutuality’ act both as *principle* and *limit* of law itself: therefore, laws cannot have a fully open and disposable meaning.²⁴ Indeed, they ought to be evaluated in light of their

²¹ See Vico, (2003, chapter XLV).

²² Such a concept reveals a strong connection with the ‘classical’ heritage of Graeco-Roman philosophy (Plato, Aristotle, Cicero) as well as with the Christian tradition (that Vico explicitly assumes, under the main influence of Augustine and Suarez).

²³ Granting, fostering and protecting human relationality (or intersubjectivity) are the three ‘dimensions’ of right: *dominium, libertas* and *tutela*. A rather old but still precious study of this aspect of Vico's philosophy can be found in Capograssi (1925, pp. 437–451).

²⁴ Nevertheless, this does not mean that nature's law expresses a fully clear and developed set of rules which are to be ‘translated’ into practice: nature's law embodies principles (*neminem laedere, honeste vivere, suum cuique tribuere*) whose practical application remains intrinsically problematic and therefore requires a constant and common research.

capability of protecting and fostering relations of mutuality and equity among people. Without claiming the presence of a ‘code’ of natural principles from which ‘deduce’ a set of rules (such a view would be probably quoted by the Italian philosopher as ‘dogmatic’), Vico’s vision of law never allows to fall into an absolutistic scheme: authority – he reminds us – “can never be opposed to truth. Therefore, those would not be laws, but legal monsters”.²⁵

According to Vico’s argumentations, some of the most important ‘institutions’ of mankind, such as marriage and family, religion and worship, as well as different forms of institutionalised justice, appear all to express (with some cross-cultural commonalities, although through different and autonomous historical and geographical contexts), a practiced dimension of relationality (Vico, 1744, IV, II). Moreover, these institutions are granted by norms and, in the meanwhile, are able to produce rules themselves: the connection that Vico acknowledges between societal dimension and regulation leads the Italian philosopher to the conclusion that legal institutions would not be an ‘artificial’ creation, but a historical manifestation of an ‘originary’ tension that moves human beings to social organisations, and to cultivate an aspiration to relationships characterised by equity and justice.²⁶

The latter conclusion does not depend on a naïve vision of mankind, nor it represents some prototype of social evolutionism: although he strongly underlined the historical evolution of natural rights and social institutions as a mirror of an evolving rationality, Vico reminded, on the other hand, that there is always the possibility – at any point of human experience – that dialogue and mutuality be denied in favour of the language of violence and abuse of power (Voegelin,

²⁵ See Vico, *De Uno Universi Juris Principio et Fine Uno*, chapter LXXXIII (my translation). For the official translation, see Vico, G. B. (2003). The connection that Vico states between justice and truth would require a broader reflection on Vico’s conception of truth, which is far beyond this writing’s purpose: for the moment, let us simply notice that in Vico’s view truth is deeply connected with facts, happenings, and, most of all, with the conceptual ‘structures’ that they appear to reveal. Authority, therefore, can never be seen as the ultimate source of law and justice: authority can produce certainties, but these don’t necessarily have the characteristic of being true. About the distinction between truth and certainty, see again *De Uno Universi Juris Principio et Fine Uno*, chapter LXXXII and LXXXIII.

²⁶ While in his earlier, legal-philosophical writings (*De Uno*, *De Constantia*, 1719–1721, published together in the ‘*Universal Right*’), such a theme emerges mainly from his reflections on the problem of nature’s law, Vico confirms this view also when he moves towards a broader study of human institutions in his most famous work, *The New Science* (1725, 1744). One of the main themes of this book – which took all of Vico’s efforts since 1723 up to his death, twenty-one years later – is the attempt of showing how history reveals a constant effort to certify and develop the relational structure of human beings.

1998).²⁷ Such a 'shift to barbarity' can have different faces: it might assume the form of a loss of rational capability or, on the other hand, the development of a (supposed-to-be) self-sufficient rationality. In the latter situation human reason, unable to recognise its condition of limitedness, induces to act 'as though it was in God's viewpoint' and therefore to behave as having an almighty power on nature as well as on other people.²⁸

This explicit reminder to a religious dimension – the image of original sin – is indeed a philosophical consideration: 'pretending to be God' embodies the loss of sense of limit, and consequently, the loss of perception of that dimension of 'reciprocity' which binds each human being in sharing a common humanity. The denial of such a commonality, with the result of treating the 'other' as an 'object', is more than just a hypothesis, as sadly history seems to confirm.

Drawing from Vico's considerations, it appears that each person is constantly challenged with an individual responsibility, which has a parallel social projection: acting within or without dialogue and mutuality. Such a choice has both theoretical (recognizing that dimension as a quality inherent to 'being human') and practical (behaving according to this consciousness) implications: so, with this regard, Vico shows the possibility of connecting knowledge and ethics.²⁹

Along this line, Vico attacks the theory of a 'utilitarian' and artificial origin of society (so clearly argued, for instance, by Hobbes), by claiming that the presence and the need exchanging utilities would not be the 'cause' of society, but more correctly, one of the 'arguments' around which human beings experiment their capability of creating organisational schemes within a social framework.³⁰ Vico's reasoning shows that most of all, an exchange of utilities (be it even in the form of a hypothetical social contract aimed at 'creating' a state as it happens in the Hobbesian view) relies upon communicational capability and on the actual possibility of mutuality: therefore, it presupposes and takes profit by sociability, instead of 'creating' it artificially (Vico, 1744, VIII *axiom*).

²⁷ Eric Voegelin read Vico's reflections on this point as a critic to the modern 'hybris of self-salvation' as a mirror of a fallaciously optimistic attitude towards the ability of mankind to know and produce stable forms of 'order'.

²⁸ Rises and falls – Vico refers to the remarkable example of the Roman Empire – are present, both as historical evidence and future possibility. Such a reflection clearly appears in the concluding chapters of his *New Science* (1744). A very interesting reading about this point can be found in Galeazzi (1993).

²⁹ The modern tradition, most especially after David Hume's lesson, tends instead to state a fixed separation between knowledge and ethics. For a critique to such a separation, and a recognition of its progressive fall, see Putnam (2002).

³⁰ See Vico, *De Uno Universi Juris Principio et Fine Uno*, chapters XLVI–XLVII.

Thanks to such an argumentative path, Vico distances himself from the individualistic and utilitarian anthropological model that had become a dominating vision in his time: such a critique goes to the heart of modern nature law's theories, whose contractualistic approach is rooted in the premise of a state of nature in which human beings are individualistic and self-sufficient, and, therefore, unable to remain in such a condition without falling into a state of conflict. From here, the exponents of the so-called Nature Law's school, argued the need of artificially creating the state, without which a social order would be impossible (Hobbes) or constantly lacking defence in case of violation of natural rights (Locke). Attacking the premise of individualistic anthropology, therefore, hits one of the pillars on which the whole modern justification of the state (meant also as the ultimate and exclusive grant of legal order) has been grounded.

The Role of *Pudor* (Shame) in the Birth of Human Societies: Naturality of Law as Mirror of an Originary Societal Dimension

The *New Science*, again, offers one of the most interesting images provided by Vico to explain his view about the origin of society. In a willingly mythological language, such an image is clearly designed around a typical commonplace of his time (a hypothetical barbaric status of non-sociality – only apparently close to the Hobbesian state of nature – in which human beings are led by their instincts and desires, with rational skills reduced to perceptions and calculations of immediate utilities). Nevertheless, the narration shows the specificity of the Italian philosopher's perspective, since it tends to offer an 'alternative version' to the topical image of a hypothetical 'state of nature', which formed, along with the idea of a 'social contract' – a common premise of the nature law theories in the 17th and 18th centuries. Vico narrates that a sudden event broke the *status quo* of those human beings who were living as 'big beasts', fully driven by passions and instincts: a lightning strike. Such a terrifying, overwhelming experience did not cause an emotion of 'fear' in those beings: this is, in fact, where the emotion of *pudor* (shame) emerges. By witnessing the presence of something that escapes their power and their capability of explanation, those beings 'understood' that they were not 'absolute'³¹ and,

³¹ The language adopted by Vico evokes the idea of a myth, whose feature is to hold together the memory of something remote and the image of contents that are still able to tell something to present times. As in the Platonic dialogues, myth – although assuming a cloudy language and imprecise references – is the expression of an ancient wisdom, able to disclose the eyes to the view of something originary: therefore, it can never fully express and explain its own meaning, and rather requires a constant interpretation and actualisation.

therefore, they felt ashamed. That feeling of shame provided the shift to a more conscious attitude, revealing the possibility of an act of self-consciousness (which implies the ability of seeing oneself from a different point of view, of entering a sort of self-dialectic): those beings, this way, realised that they were limited, subdued to laws they cannot control, and they also understood that their being limited was a shared commonality.

A single event – whose overwhelming power violently showed the weakness and limitedness of the human condition – disclosed to those beings the perception both of divinity (a higher, incommensurable presence) and of their humanity (a common dimension of vulnerability, the sheer condition of being creatures) (Vico, 1744, II, I). As we can see, the ‘divine’ element opens to a dimension that is structurally beyond human capabilities and powers, while the ‘human’ is characterized by the rational perception of such a limitedness as a common, ‘natural’ feature.³²

Following Vico’s narration, such a perception was (and can always be) able to invite human beings to a theoretical and a behavioural breakthrough: in fact, the perception of a higher presence acts as an advice of not claiming to be ‘absolute’, lacking of any limit; the parallel perception of a common humanity reveals that to act as though other persons were objects – the language of violence and abuse of power – is a denial of this commonality.

It is not surprising that Vico connects this perception with the contextual birth of religion (in terms of worship but also in terms of a religious sense) and marriage, since these ‘institutions’ symbolise the ‘formalised’ consequence of those perceptions activated by the event-lightning: the first, in fact, witnesses the need of recognising the presence of a ‘divine’ which exceeds the capacities and powers of the human condition, while the second is the most personal and widespread example of a non-occasional relationship of mutuality, in which each member of the couple (formally and publicly) accepts the other and offers herself/himself as a gift.³³ Vico’s view confirms, once again, that being ‘human’ is characterised by a double dimension: the perception of limitedness and the perception of an inherent reciprocity (in this being limited).

The emotion of *pudor* offers also a very interesting insight about how Vico outlines the relationship between emotions and rationality: contrary to the ‘Car-

³² Human beings are limited: but the perception of it shows also the possibility of transcending – although imperfectly – such a dimension. Being human means – claims Vico, with Augustine’s words – being a “finite who tends to infinity”.

³³ Vico defined family as *prima societas* (first society): this underlines its historical, ethical and logical priority to the state.

tesian' separation between reason and feelings which is one of modernity's typical trademarks (Nussbaum, 2001),³⁴ Vico puts emphasis on the importance of emotions and fantasy in both human knowledge and behaviour. In the narration of the 'lightning strike', shame (*pudor*) emerges as a peculiar conceptual figure. It plays, in fact both the role of limitation (preventing from self-absolutized attitudes) and the role of a propulsive factor, able to promote an ethical and theoretical breakthrough. This dynamism originates, in fact, ethical and theoretical virtues: *virtus ethica* and *virtus dianoetica* emerge in fact as a result of the dynamic originated by *pudor*. As Zanetti observes, the way in which Vico outlines both fear and shame (a sheer fear the unknown, and a sheer perception of shame for behaving as 'unlimited') is quite different from the Hobbesian fear of the other human beings: those emotions do not produce, in Vico's argumentations, closure, they indeed produce self-reflection and reciprocity (Zanetti, 2007, pp. 477–487; Zanetti, 2002). Shame – as reminder of human fragility – produces an opening to the Other and to the others: therefore, they are – as Vico states, recalling Socrates – “the colors of virtue”.

Trying to turn this narrative language into philosophical concepts, it is possible to notice that *pudor* works as a very peculiar type of limit. The role played by the latter concept in Vico's scheme is very interesting, since it is not just a barrier that prevents any crossing, nor a mere obstacle to reaching some (physical or metaphysical) destination. Limit works also as a 'motor', because acknowledging its presence leads to a higher consciousness of our 'self' (Illetterati, 1996). Moreover, such a recognition produces a partial transcendence of limitedness: there is a clear conceptual difference, in facts, between being limited but unable to understand it, and understanding that limitedness is a characteristic of the human condition.³⁵

Limit plays also an important ethical role, as I mentioned: it shows that anytime someone behaves as unlimited, absolute (which happens, for instance, anytime someone considers other beings as 'objects', subdued to his/her will and power), that person is reproducing a very specific but common type of ethical violation. Its structure, according to Vico, resembles the one of the original sin:

³⁴ Recent studies by Martha Nussbaum, in the field of moral philosophy, show how the emotional side is not necessarily opposite or extraneous to rationality.

³⁵ We can now perhaps better understand why Vico's anthropology is grounded on Augustine's definition of man as a “*finitum quo tendit ad infinitum*”: a finite who tends to the infinite (See Vico, G.B. *Universal Right, Synopsis*, p. 1. Vico's definition, more precisely is “*nosse, velle, posse finitum quod tendit ad infinitum*” (finite knowledge, will and possibility which tends to the infinity). A reflection about the nature of man as 'synole' of finite and infinity has been recently developed by the Italian philosopher of law Sergio Cotta. See Cotta (1991).

denying the nature of creatures, the common nature of our similar beings, while pretending to have a 'power' that no human being can legitimately claim to have.

Some may object, at this point, that there is no evidence of a 'fallen humanity' as the one that Vico describes in the 'pre-lightning' situation, neither of such an awakening: the evidence, nevertheless – as Galeazzi (1993) explains – is given by all the times in which humanity fell into barbarity for forgetting the sense of limit. Therefore, the 'fall into' and the 'awakening from' barbarity are there as historical examples and not as a mere hypothesis.

Critique to the Abstract Idea of Nature Law Developed in the Nature Law's School and to the State-Centered Vision of Modern Theories of Politics

In the *New Science*, Vico argues in favour of a very peculiar conception of natural law, open to evolve, in its manifestations, along history. Nature's law is "eternal but runs in time" (Vico, 1725, II, IV), as the Philosopher puts it: eternal in its idea, but historical in its manifestations (Vico, 1744, IV). Such a conception of law reveals a double face: it reveals some lasting and universal(isable) principles, but it is also rooted, 'living' and contextual(isable) in history.

A central argument in Vico's philosophy is the continuous attempt to balance – and coordinate within a common conceptual frame – the reasons of history (*philologia*) and philosophy. As I already mentioned, his study on nature's law was, since his 'discovery' of Grotius, focused on the co-implication between humanity, society and law: according to the philosopher's theory, law can be seen – through the whole course of history – as the token of a social organisation which is originally embodied in the human condition.

If, as previously argued, law is, according to Vico, the 'instrument' which has been specifically designed for organising, fostering and protecting the relational structure of mankind, it is clear that law is 'natural' and 'lasting' in its co-implication with humanity, but it is also 'historical' and 'contextual', since laws – as practical and historical manifestations – are a human product and therefore are informed by the understanding of those who concretely conceive and apply them.

Nature's law, according to this view, cannot be seen (dogmatically) as a self-evident code of detailed rational prescriptions, but neither (sceptically) as the mere reflection of contextually dominating values and interests: nature's law embodies some fundamental principles (to hurt nobody, to give one's own, to live honestly) – which are wide and able to orient several specific rules but can never be 'translated' into fixed and exhaustive (historical) norms. There is in fact a problematic

tension between the ideals that law seeks to embody and pursue (justice, equity, mutuality) and the possibility of concretely adapting these ideals to reality. This idea of natural law recalls the problematic emerging of rational and relational structures from historically contextualised institutions and practices: therefore, although ‘running in time’, law reveals the presence of structures and ideals which can never be fully identified with the norms and institutions that emerge from each context.³⁶

Most especially in his *Universal Right* but also in the *New Science*, Vico’s efforts were aimed at letting emerge, from laws, habits and historical institutions, some ‘reasons’ able to ‘transcend’ the historical context and to show contents which are common to human beings because they are deeply rooted in a common humanity (Bellofiore, 1954, 1972). Here’s where Vico’s context-sensitivity does not fall into relativism: he strongly defends the presence of values and principles that, although born in a specific context – with a ‘bottom-up’ process – are common to all humanity, beyond differences (but without any need of ignoring differences, as well). This was, in my opinion, one of Vico’s strongest efforts: trying to let emerge ‘reasons’ from history without abstracting those ideas from the reference with history itself and from real life, and this is also one of Vico’s most important legacies, since it strongly invites not to give up on the search for common points among a world of complex diversities. Moreover, Vico shows that this specific goal is strictly connected to the ‘essence’ of law.

The idea of law that emerges from Vico’s reflection does not express a fixed, static image of order, nor the simple manifestation of a struggle for power: law endorses a dynamic and relational idea of order in which each person is personally and relationally involved (and hold responsible for his/her own personal contribution).

We can now understand why Vico criticised the ‘abstract’ theories of nature’s law sustained by the modern advocates of Nature’s Law School (in particular Hobbes, Spinoza, Pufendorf, Selden, and in certain terms also Locke), which are all ‘constructed’ around the theorem of a hypothetical state of nature which requires – due to its unsustainable condition – an artificial creation (thanks to the social

³⁶ Such a continuous tension and dynamism also shows that – in Vico’s view – Justice (as well as Truth) expresses a human aspiration but also (and more importantly) an opening to Transcendence (meant in religious, Christian terms). Law would be, then, an ‘expedient’ thanks to which the Divine Providence let human beings preserve their relational and rational nature, and to cultivate – along with the aspiration to justice – an opening to the Principle and the End of Justice, which is God. Such a thesis is the architrave of Vico’s *De Uno Universi Juris Principio et Fine Uno*. See, for a recent translation in English, Vico (2003).

contract) of the state. Such a hypothesis ignores, first of all, how history itself proves the sustainability of a social condition, and, therefore, the 'naturalness' of rules as means of social organization. Most of all, such an idea reflects a vision in which law is a 'product' of the state (and, therefore, an act of authority) and the state is the owner and only grant of social order (Lenman and Parker, 1979). Vico's perspective is at the opposite: the state is one of the possible outcomes (so, not the principle, nor the end of legal order!) of a dynamic and relational order which pre-exists to the state itself, and which does not need to be artificially created.

In Vico's view, the space of law appears wherever there is the need of ruling relations and social organizations: therefore, the author of the *New Science* shows that, between the individual and the state, there are many intermediate 'communities', in which ethics, practices, habits (and, ultimately, forms of law) are shaped through dialogue, discussion, sharing and organization of utilities. According to this perspective, Vico also attacks the idea – that in Modernity has become dominant – that law's fundamental (or 'genetic') element is based on an act of authority: from family to wider social organizations, society is organized through a complex web of interacting and complementary institutions, whose extensive range would be contained within the state. Moreover, fostering, granting and protecting a safe space for that smaller web of relational structures would be the state's justification and limit.

It becomes clear, at this point, that Vico sought to undermine the whole construction of the modern theories of state, whose focus on a tension between the state and atomised individuals became one of the strongest philosophical justifications to a static and rationalistic idea of social order, granted by legal forms, whose producer and 'owner' would be the state.³⁷

³⁷ It is interesting to compare a sentence from Vico's *De Uno* with one from Hobbes' *De Cive*: Vico writes that "with out the Divine Providence in the world there would be nothing but mistake, bestiality, violence, fierceness, blood and dirtiness; and perhaps, or even doubtless, today there would be no humanity left on the wide mass of a horrid and dumb Earth" (*The First New Science*, 476, my translation). Hobbes instead argues that "Out of this state, every man hath such a Right to all, as yet he can enjoy nothing; in it, each one securely enjoyes his limited Right; Out of it, any man may rightly spoyle, or kill one another; in it, none but one. Out of it we are protected by our own forces; in it, by the power of all. Out of it no man is sure of the fruit of his labours; in it, all men are. Lastly, out of it, there is a Dominion of Passions, war, fear, poverty, slovinlinesse, solitude, barbarisme, ignorance, cruelty. In it, the Dominion of reason, peace, security, riches, decency, society, elegancy, sciences, and benevolence" (*De Cive*, X, 1). The role that Vico tributes to a provident God belongs, in the Hobbesian view, to the state: the secularization of God and the absolutization of the state – as two connected outcomes of modernity – seem to be here fully theorised.

Further Implications

The overall legal philosophy of Giambattista Vico, following the above-mentioned alternative path, leads to some further implications. I will try to briefly summarize them.

(I). The relationship between law, social institutions and intersubjective bonds is constitutive and also operates as a limit and legitimising factor for institutions and norms: Vico's natural law configures law as the very limit to the unfolding of authority as a mere form of power. This legal doctrine does not appear to be constituted to be a means of legitimising political power; on the contrary, Vico's objective seems rather to be directed towards a reflection on the justification and the limit of law and political institutions.

(II). Law and sociality are manifested and 'live', therefore, well beyond the state dimension alone, the main 'political figure' of modernity. Vico's political conception recognised the existence and the legal status (understood as legitimacy but also as a space for autonomy and for the construction and experimentation of legal regularity) of different 'political', 'communitarian' and 'intermediate' forms: family, kinship relations, commercial relations, community, state. The state-individual 'dialectic', typical of modern legal doctrines, is thus broken down in favour of a complex and polycentric conception of legal sociality. For this reason, the recipient of Vico's legal reflections is not a hypothetical legislator, but society in its complex and intersecting components.

(III). Vico's analysis of the various forms of law, starting from the most archaic and moving on to those closest to his time, is not limited to a historical reconstruction but is aimed at finding, beyond the various contextual manifestations, the principle of legality as it manifests itself in concrete experience. Legal forms extend to a plurality of manifestations that, in their various historical forms, express the regulatory and relational dimension of law: Vico's attention is focused on a multiplicity of profiles, such as norms, the instruments used to settle disputes, negotiations and agreements, customs and, in general, the legal projections of customs.

(IV). The link that Vico sees between law and natural human sociability does not lead the author to underestimate how, in experience, conflict is more than a possibility: on the contrary, it is closely intertwined with law as an instrument designed not to 'abandon' the regulation of social life to mere balances of power and force. Following this line of thought, it emerges that 'relationship' and 'reciprocity' act both as a *principle of* and a *limit to* law itself, and this binds the legal dimension: its manifestations should therefore be evaluated in light of their ability to *enable*, *promote* and *protect* relationships of mutuality and equity between people.

(V). Vico maintains that in order to be authentic and not a 'monstrous legality', the law must always contain a reference to a *ratio*. This is closely linked to the fundamental principles of natural law (*neminem laedere, honeste vivere, suum cuique tribuere*) which, although inviolable, cannot be translated into a set of stable rules that are valid in all conditions. What emerges is an idea of order (social, institutional, legal) that is dynamic and open to complexity.

(VI). This also explains the attention that Vico paid to methodological aspects of law that were particularly 'sensitive' – especially for the time – to the theme of the interpretation and the 'living dimension' of law, including the principle of equity, and, on a methodological level, the re-evaluation he proposes of rhetoric, as well as of the *prudentia* and *sapientia* of classical memory, virtues not reducible to the 'legal geometries' so sought after by his contemporaries.

Vico's 'Discarded Paradigm' as a Topical Heritage for our Times

Many of the themes around which Vico developed both his critique to the modern understanding and his personal perspective seem to be still topical in many sectors of the contemporary debate: rediscovering therefore this 'discarded image' might respond to more than an 'archaeological' interest, since it might help reconnecting with a heritage which still belongs to the patrimony of Western philosophy (but not only to that, intellectual patrimonies can and should be shared).

Moreover, such a rediscovery may offer, in contact with the issues emerging from the contemporary debate, some important and still valid philosophical coordinates – as it is typical of a 'classical' perspective: classical, in fact, is the feature of durable ideas and notions, able to resist distance and time.

In a moment in which the idea of the 'state' itself seems to have fallen in a consolidated crisis, and in which the increasingly higher disappointment towards the idea of 'legal order' tends to delegitimize the tools which have been traditionally used to grant it, philosophical coordinates are much needed: when a whole system of thinking is at stake, its conceptual premises are involved as well, therefore it is on these premises that, in my opinion, we should concentrate our attention.

Some critical issues which have emerged in the contemporary debate on criminal justice, for instance, openly distanced themselves from the state-centered, formalistic vision of law which has widely characterized both the theory and the practice of justice in penal matters: the provocative questions and proposals raised within the increasingly influential *Restorative Justice* movement call for a deep and whole-encompassing rethinking of the way 'justice' is thought, understood, and practiced.

Such search for a new paradigm requires, nevertheless, as Howard Zehr (2005, p. 180) remarks, “a well-articulated theory, combined with a consistent grammar and a ‘physics’ of application”. The modern model of law and justice was consistent with a certain theory of knowledge and with a certain anthropological model: these elements reflected a very specific idea of ‘order’ around which the whole idea of law – and moreover of legal system – was designed. The failures, and the alienating outcomes of the state-centered and formalistic developments of Western legal systems, in which the importance of persons and communities is peripheral, help us feel the ‘nostalgia’ of something we had apparently forgotten, or left aside: the centrality of persons as individuals and relational subjects (Karp, 2000, pp. 153–173).³⁸

This is the level of premises, this is where a ‘paradigm shift’ finds its foundations, hopefully solid enough to sustain its further developments. This is where a dialogue with Vico and the humanistic heritage that his philosophy preserved could reveal its precious contribution, since the anti-foundational and pragmatic attitude of much of our contemporary philosophy is itself too feeble and situational for such a purpose.

Vico’s thought connects us with a vision of justice which honors human beings as relational creatures, able to dialogically search the ‘reasons’ and the ‘tools’ that help maintaining such a condition and renewing its historical manifestations according to the needs, the issues and the problems that contextually emerge in each time. In this search, Vico also warns not to forget that history is a constellation of human attempts and mistakes – as well as of fallacious dreams of self-salvation – and that on this path the chances of entering a journey towards decadence (sometimes masked by the dream of progress) are more than just a possibility. The conclusion of the last edition of the *New Science* leaves this option quite open, but, in any case, leaves also the interpretive possibility of considering it evitable, if humanity is able to (re)awaken to the perception of its structural limitedness.

In this regard, however, a question arises spontaneously: at the historical-philosophical crossroads where the West witnessed the definitive affirmation of the modern mentality, what was the fate of that *other path* indicated by Vico? Just a few years after the death of our author, the jurist Emanuele Duni, who openly referred to Vico’s teachings and tried to preserve his legacy, as we previously mentioned, expressed himself in these words: “The very high meditations of such an unparalleled man of great talent (...) were abandoned rather than savoured by

³⁸ The important contribution of ‘Sociological Communitarianism’ in the Anglo-Saxon debate follows this direction.

scholars; yet in the darkness in which they remained almost buried, they did not fail to pass on rays of splendid light" (Duni, 1760, p. 4).

So why should we return to this crossroads, we ask ourselves again: perhaps to explore the contours of a *discarded vision*? It is not a question of cultivating anachronistic nostalgia for an impossible return to the past, but rather of considering an alternative way of thinking: historically it resulted the voice of a minority, a 'loser' in the scenario of the evolution of the Western culture. Yet, it is still capable of showing different ways of thinking, that is, other 'possible worlds' for the adventure of human thought. In this sense, therefore, returning to Vico's peculiar philosophy, in the 300th anniversary of the publication of the first *New Science*, can be seen also as a renewed invitation (so important for the Academic culture) to cultivate new and courageous paths, also when they imply the ability to rediscover heritages from the past and to revitalize them into the challenges of the present.

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