



# *ISLL Papers*

**The Online Collection of the  
Italian Society for Law and Literature**

**Vol. 17 / 2024**

*ISLL Papers*

**The Online Collection of the Italian Society for Law and Literature**

<http://www.lawandliterature.org/index.php?channel=PAPERS>



ISSN 2035-553X

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**Vol. 17 /2024**

Ed. by ISLL Coordinators  
C. Faralli & M.P. Mittica

ISBN - 9788854971318

DOI - 10.6092/unibo/amsacta/8068

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# Iconology of Justice. Rhetoric and Law in *The Calumny* by Sandro Botticelli

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## Abstract:

This contribution proposes a rhetorical reading of *The Calumny* by Sandro Botticelli, a tempera painting on panel executed between 1494 and 1497 and preserved in the Uffizi Gallery in Florence. Recovering the classical interpretation of trial in Renaissance culture, Botticelli defines the legal value of Justice through the figure of antithesis, depicting the form of an unfair trial and the oblivion of truth in judgment. Botticelli employs an ekphrastic technique, typical of Greek culture, and reinterprets mythology using a modern language.

The explanation follows three methodological levels of inquiry into the work: 1) an analysis of the origin of painting in the literary genre of rhetorical *ékphrasis* in Greek culture and during the Renaissance; 2) an iconographic description of an unfair trial, represented by *The Calumny*, through the exegesis of the meaning of rhetorical forms, historical context, and allegorical figures; 3) an iconological interpretation of the painting (in the sense of Erwin Panofsky) as a paradigm of the idea of classical in the modern age, achieved through the identification of eight dialectical oppositions in the figurative representation.

In conclusion, the study leads to three meanings (historical, cultural, and theoretical) that can be derived from the work by Botticelli on the concept of the classical. In this way, the value of the classical is explained through the relationship between truth and trial.

Keywords: *Ékphrasis* – Iconology – Rhetoric – Trial - Truth

## 1. The Other Botticelli. About *The Calumny*

Great importance in the history of painting is universally attributed to the work of Alessandro Filipepi (Florence, 1145-1510), known as Sandro Botticelli from the nickname initially attributed to his brother Giovanni, who was the broker of the Monte and who

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in a document of 1458 was called “Botticello”; this nickname was then extended to all the male members of the family (Vasari [1550] 2005).

Certainly, a work of interest also for today’s jurist is *The Calumny*. It is a tempera on panel executed by the Florentine painter in the tormented period of maturity, maybe between 1494 and 1497, and currently preserved in the Uffizi Gallery in Florence. It reproduces the lost allegoric painting by the Greek artist Apelles of Kos (4th century B.C.) that has been described during the era of the Second Sophistic (2nd century AC) in the treatise *How to Defend Yourself from Calumny* by Lucian of Samosata (Chiossone 2011), and during Renaissance also in *De Pictura* by Leon Battista Alberti (Sinisgalli 2006).

From the sources we can suppose that Apelles executed the painting after Antiphilus, his rival, had unfairly accused him of treason to his patron, the king of Egypt Ptolemy IV Philopator, probably in order to represent to every royal judge the obligation to take the truth into account and to deny the unjust denunciation.

The artist who paints *The Calumny* during the 15th century is another Botticelli. Lorenzo the Magnificent’s death occurred in 1492, the same year that marks the beginning of the Modern Age together with the discovery of America. The year 1492 inaugurates a climate of distrust towards the Lordship which culminated with the expulsion of Pietro de Medici, the looming French armies of Charles VIII and the vehement sermons of Girolamo Savonarola, curate of the monastery of San Marco, against the pomp and corruption rampant in noble and ecclesiastical circles.

From the painting surely the painter’s restlessness emerges: maybe he had adhered to Savonarola’s ideas and probably had burnt some of his previous works in the “vanity’s bonfires”, even though the reasons why Botticelli chose this topic are unknown.

There are several historical hypotheses. Like Apelle, perhaps Botticelli intended to claim his own innocence in the face of a false accusation (Lightbown 1989), or to defend the innocence of Antonio Segni, a banker who had unfairly slandered and received the painting as a gift by Botticelli himself (Vasari [1550] 2005). Even, the painting could be referred to Savonarola, considered unfairly persecuted by the political and ecclesiastical power.

As documented in *The Calumny*, which constitutes a watershed between two stylistic styles, Botticelli was struck by Savonarola’s references to an authentic religiosity and came to modify his own expressive language in the last years of the fifteenth century, rejecting the rules of Renaissance perspective (Bertelli *et al.* 1990: 297) and abandoning profane themes and precious decorations, replaced by the creation of restless figures, with broken lines and livid colours (Argan 1957; Paolucci 2004).

The formal perfection of the painting is accompanied by the drama of the trial scene, whose sumptuous setting is represented with violent and pathetic tones by tense and restless allegorical characters who now go beyond the melancholic expression of the faces of *Primavera* or *Venus* painted by the young Botticelli.

## 2. Rhetorical Origin. Storytelling the Images

*The Calumny* is a clear example of *ekphrastic* technique.

The Greek term *ekphrasis* (“description”) refers to the verbal description of an artistic image and it consists in reproducing with words a visual experience and, therefore, a work of art. Therefore, the syntagm “ekphrastic technique” refers to the procedure originally developed by classical rhetoric by which the writer attempts to describe a work to the point of making it almost “visible in words” (Agnoletto 2005).

Ekphrastic passages have been already found in Omero (the description of the Achille's shield in *Iliade* XVIII, 477 ss.) and in the Greek poetry of Classical Age (the description of the shields of the seven attackers in Aeschylus, *Seven against Thebes* 387 ss.; the portrayal of the sculptures of Delphi in Euripides, *Ione* 190 ss.), but the *ekphrasis* becomes a proper rhetoric genre with the Second sophistic culture, in particular with Lucian of Samosata (2<sup>nd</sup> century AC).

In the treatise *How to defend yourself by calumny*, surely known by Botticelli, Lucian proceeds to a textual description of the lost painting by Apelles with peculiar evocative force and detailed attention: indeed, the author returns optimally in writing the work of the Greek painter, demonstrating great rhetorical ability in an excellent stylistic exercise that was typical of the culture of this time (Chiossone 2011).

The text proceeds to the description of the painting of Apelles starting from the figure on the right and keeping representing, one after the other, all the personifications that follow one another in the procession of a tripartite scene.

The first group is made up of the participants in the trial directed by King Mida, who is represented having donkey ears and flanked by the Allegories of Ignorance and Suspicion; a second group is composed by the Calumny, the Slandered, the Envy, the Threat and the Fraud; a third group is made up of the figures of Repentance and Truth and closes the procession.

Lucian's icastic precision facilitates the artist's task. Drawing from reading the text, Botticelli takes on the commitment of reconverting the clues present in the literary source into visual language, supporting the conformity of the representation to the textual *ekphrasis*: the written lesson establishes the diachronic progression of the composition and allows its rhetorical interpretation.

From the end of the 15th century, when the ancient texts come back being more available, the Renaissance artists attempted a sort of adaptation of *ekphrasis* to painting. By extension, the ekphrastic reconversion was also achieved when the artist faithfully reproduces a description taken from an ancient work, as Botticelli does with *The Calumny* of Apelles, reconstructing the details and the compositional order on the basis of the text (Massing 1990).

Leon Battista Alberti takes an extremely relevant role in the adoption of the text of *The Calumny* by Apelles by the Renaissance artists as a model to look at when inventing a composition. In the third book of the treatise *On Painting*, published for the first time in Latin in 1435 (*On Painting*) and then in Italian in 1436, Alberti suggests to the artists who are preparing to create a work to refer to ancient stories (*istorie*) of poets and writes, among whom he includes *The Calumny* of Apelles.

The humanist urges artists to "let them delight in poets and orators" since "these have many ornaments in common with the painter": the invitation refers to the famous parallel between painting and poetry, which in the classical era Horace had icastically defined *ut pictura poesis*; but Alberti recall also to the theory of *imitatio (mimesis)*, according to which the learning of the classical literary or artistic model should have been achieved with mnemonic repetition or reproduction of the work in order to achieve technical excellence.

According to Alberti, who thus contributed to build Renaissance aesthetics, poets and orators could be of great use to artists: "they will be very helpful in composing the story, of which every praise consists in the invention", in order to create a "pleasant and adorned (*amena et ornata*)" composition, capable of conquering a diversified audience, "learned and ineducated (*doctus et indoctus*)", thanks to the "copy (*copia*)" and "variety (*varietas*)" of expressions capable of provoking "soul motion (*animi motus*)" (Sinisgalli 2006).

The call of the ancient world thus becomes the Renaissance artist's typical working model that, as Botticelli, imitates the forms of classical principles for reinventing an archetype that evokes new interpretations, rather than copying a prototype that imposes aseptic repetitions. *The Calumny* thus appears as the reconstruction of a lost ancient masterpiece that the Florentine painter makes for various reasons, but also and above all to demonstrate the excellence and modernity of the classical model (Chastel 1959).



Sandro Botticelli, *The Calumny* (1494-1497), Uffizi Gallery, Florence (source Internet)

### 3. Iconographic Description. The Unfair Trial

A first iconographic analysis of the work can be carried out because of literary sources, including the treatise by Lucian of Samosata. Taking into account the Lucian's description, which describes Apelle's scene starting from right to left, Botticelli's work can be divided into three distinct sections (Cornini 1990).

In the first part of the painting, on the right, King Mida is sitting on the judge's throne and is meditating on the decision, while two girls impersonating Suspicion and Ignorance are whispering false words in his donkey ears.

King Mida's eyes are lowered, and he is neglecting the scene in front of him, relying on his bad advisors. The ignorant and biased judge holds out his harm to a man with a sharp look, an aggressive gesture, covered by a hood and a worn dress, who is personifying the Livor or the Threat, and appears as the accuser. The inquisitor finds himself involved in an agitated group that occupies the central part of the painting and grasps the wrist of a female figure representing Calumny: she drags in turn the slandered one by the hair, while two girls, who are allegories of Envy and Fraud, are dressing Calumny's hair with roses and a white ribbon, images of purity and innocence

The Calumny is represented as a woman of extraordinary beauty, with a white robe and a light blue cloak; with the left hand, she is holding a burning torch (symbol of

what sheds light on the blames of the accused one), while with the right hand she is dragging the suspected towards the judge. The slandered is naked on the ground with his hands clasped, almost begging to stop the inhuman and degrading treatment.

In the third part of the painting, on the left, an elderly woman with a black hood looks away from the scene of the unfair trial and, symbolizing Repentance, turns to observe the Truth who, naked and immobile, looks towards the high. The presence of the Truth closes the description of the main characters of the judgment and appears at the same time neglected but necessary.

At the base of the painting, we can read a description that resumes the symbolic content of the painting, inviting the rulers of the people to be wary of slander: “clap the ears of those who govern the people with these voices so Apelles painted with our fallen hands” (*claudite qui regitis populos his vocibus aures sic manibus lapsus nostris pinxit apelles*).

In the backdrop of the scene stands an elegant loggia composed of two pillars surmounting three arches; inside the columns two niches contain biblical and mythological figures, while the bas-reliefs of the bases are inspired by the classical world.

We can add another description to this geometric tripartition, which depends on the iconographic linearity impressed by Lucian’s text and certainly accepted by the spatial conception of Renaissance aesthetics, to which Botticelli remains faithful: especially, we can consider not only the stylistic technique of the painter, but also the cultural context in which he operates.

Indeed, the painting could be divided into three thematic parts constituting as many overlapping readings of the work: first, the eventful scene of the unfair trial, whose participants are the judge and the disputing parts (the accuser, that personifies the *Livor*, and the accused, naked as the Truth is); second, the cumbersome presence of the various allegorical figures that accompany the characters of the judicial dispute, all of female gender (the Suspicion and the Ignorance, the Envy and the Fraud, the Calumny and the Repentance, the Truth); and lastly, the unstable space in which all the protagonists of the painting move with evident and intense agitation, inserted in the stable time of a unitary action, imprinted in the painting almost in a single frame.

First of all, the principal scene represented an unfair trial. The accused cannot defend himself and he is dragged by the Calumny in front of a judge that looks and listens only to the accuser, personification of the *Livor* and supporter of a false accusation.

Then, the allegories represent the rhetorical framework of the representation of the unfair trial, alluding to the psychological causes (Suspicion, Ignorance, Envy, Fraud, *Livor*, Calumny) of every unjust judgement and the reasons for remedying it (Repentance and Truth).

Lastly, differing from Lucian’s description of Apelles’s painting, Botticelli draws the scenographic space of the painting highlighting the contrasting dialectical relationship between the agitation of the characters who move seamlessly and the serenity of the landscape and the surrounding environment.

In fact, the Florentine painter does not represent only the allegoric scene described by Lucian but chooses to place it in a significant architectural location, consisting of a loggia meticulously decorated with reliefs, paintings and statues that document the comparison that the Renaissance artist proposes between classical civilization and Christian culture.

There is no doubt that even in the backdrop the painting contains an iconographic program that does not appear merely decorative, but rich in references and citations to various literary sources from which the entire Renaissance culture drew.

While the main scene recalls Lucian of Samosata and Leon Battista Alberti’s treatises, the backdrop is presented as an authentic literary hypertext, that Botticelli carefully

composes with even implicit references to known works: for instance, the *Decameron* by Boccaccio is directly depicted by the author in one of the niches (Viero 2005), to celebrate the supremacy of art and poetry advocated by the Florentine Neoplatonism in those very years.

The importance of the backdrop's representations it made us infer that the Botticellian painting might be considered the cultural message of the Neoplatonic circumlocution of Florentine intellectuals that was inspired by the theses of Marsilio Ficino and organized by Angelo Poliziano. They turn to Piero de' Medici, legitimate heir of the Lordship, and advocate the renewal of culture and costumes while rejecting the fundamentalism of Savonarola (Meltzoff 1987).

In this suggestive interpretation, Botticelli attempts to mediate between the classical model and the medieval canon: with his work he symbolically affirms that the Renaissance culture must not be unjustly slandered and must not be condemned, since the beauty of art and literature also allows for political and social renewal.

#### 4. Iconological Interpretation. The Shape of Classic

Consistent with the Botticelli of his artistic maturity, in late fifteenth-century Florence, *The Calumny* was considered an exercise in stylistic skill or a sign of admiration for the great Apelles of Kos or even the narration of a biographical episode, as can be deduced from the iconographic and technical analysis of the painting carried out by scholars.

However, *The Calumny* is undoubtedly a work that can be more effectively interpreted from the perspective of iconology.

This term was used by Cesare Ripa in his code of allegoric images of 1593 and by Aby Warburg in a conference in Rome in 1912 about the astrological frescoes of Palazzo Schifanoia in Ferrara. Its meaning recalls the method introduced by Erwin Panofsky in the analysis of art works.

According to Panofsky, history of art is not only the chronicle of style or technique, but above all the memoir of images and symbols transmitted by the work, that is also the manifestation of a context and a cultural tradition (Panofsky 1939).

In particular, the iconological exegesis aims to trace the imprint (*engram*) that a symbolic image leaves in cultural memory and that re-emerges even discontinuously in a work of art. Aby Warburg defines the engram as a form endowed with expressive pathos (*Pathosformel*) (Warburg [1929] 2000), which manifests itself with peculiar relevance in the figures taken from classical models by Renaissance artists, just like Botticelli.

Within this iconological view, therefore, *The Calumny* of Botticelli appears to be a work that opens itself up to multiple interpretations within a common horizon of meaning and is highlighted as a representation of the form of the classic.

The original form (Warburg would thus say *Pathosformel*) and the polyvalent meaning of classicism emerge from Botticelli's work, which in this respect constitutes a paradigmatic example of the recovery and reinvention of the ancient in the modern.

The term "classic", which identifies a fundamental concept for understanding the Botticelli's poetry, alludes to the thought of what remains and is durable: so, it stands out because it is endowed with pre-eminence and authority.

This adjective is traditionally assigned to the philosophy formed and developed in Ancient Greece, with particular reference to the speculations of Plato and Aristotle. The widespread use of the term, as permanent value of thought, is found in the aesthetics of



the Renaissance in at least two different meanings which, in their historical evolution, they still persist in our culture. On one hand, the expression “classic” preserves the original significance and defines what is considered as excellent, better, and, thus, exemplar because it is destined to last over time; on the other hand, what is considered “classic” is what conforms to the precept of the Greek and Latin tradition, and, in general, to the canons handed down from the civilizations of the past to present history.

First, in its original expression, the idea of classicism takes a meaning of excellence that is deducted precisely using the Latin term *classicus*, that indicates what stands out and deserves to be perpetually remembered. It is known that, in the *Attic Nights*, also for referring to the works of first-rate writers that remain in the culture all time, Aulus Gellius recalls that in Latinity not all the citizens but only those belonging to the first class were named classics (Rusca 1997: V, 13).

In this sense, *The Calumny* comprises many references to the classical antiquity, ranging from various allegorical figures to representations of Hellenic and Roman divinities which, in the Renaissance era, constitute constant points of reference for the artists of the time. The same architecture that surrounds the scene, divided between arches and columns according to a proportional scheme, is clearly referable to models that come from classical times.

On the other hand, the concept of “classic” is used in the historical development of modern culture without an automatic reference to Greco-Roman antiquity, with the consequence that already in the Sixteenth Century (for example, by Mannerism in the conception of art) “classic” no longer designates what is excellent or exemplary, but simply what is ancient or, at least, which conforms to the rules of the ancients. From this semantic evolution, already in the second half of the Eighteenth Century we came to express with the term “Classicism” (in art and literature) exclusively what appears faithful to the precepts of ancient tradition, in opposition to “Romanticism”, according to an opposition that does not seem belonging to philosophical knowledge: perhaps not surprisingly, it is ignored by the Italian poet Giacomo Leopardi who, in the *Zibaldone*, uses the term “classical” in the sense of “good” or “better” (Serra 1999: 57 ss.).

The cultural model that testifies in the Botticelli’s painting the presence of an authentic engram of the classicism is surely the Greek myth. The use of the story of King Midas and the large presence of allegorical figures constitutes the evident stamp that Botticelli gives to the painting, from which we can deduce the need, surely typical of the Florentine Neoplatonic culture of the Medici age, to recover the myth as a paradigm invented by the Greeks and handed down to modernity as an inexhaustible cultural message.

In Renaissance painting, mythological subjects frequently replace canvases and altarpieces with religious subjects and are executed by the most famous artists of the time, including Botticelli. The revival of classical literary and iconographic sources is accompanied by the Neoplatonic teachings of Marsilio Ficino and Pico of Mirandola, who are the guardians of the pagan mysteries of the Renaissance and who testify to the persistence and implications of the Greek myth in the figurative arts of the time (Wind 1958).

Finally, the semantic content of the expression “classicism” extends to synthesize the described meanings, which concern the cultural tradition and the historical perspective, in a theoretical vision of the perennial and the eternal, which runs through the history of ideas, and which still today appears in its indubitable actuality. Classical speculation, to which the Neoplatonic philosophy of the Renaissance intends to refer, recognizes the presence of the principle of all things in the dialectical capacity of the *lógos*. It reveals its connecting essence in examining the thoughts that are opposed to

each other and that emerge in the intelligence in order to remove those that are not destined to last and, at the same time, in collecting those that are not dispersed in time (as attested by the root *legh-* of the Greek verb *dialéghesthai*), with the aim of preserving them in a unitary tension as an originally immortal good.

In fact, Plato calls “dialectic” the dialogic procedure qualified by the aspiration, typical of the classical philosopher, to seek the whole (*hòlon*), affirming that “whoever knows how to see the whole is dialectical, whoever does not, is not” (*Republic*, VII, 1537 c: Platone 1991, 1258). It is this peculiar mediation of the one in the multiple, which in Platonic language takes the name of *synopsis* or *synagoghé*, that is considered the essential nucleus of dialectical reasoning also by the Neoplatonist Marsilio Ficino (Allen 1998), whose thought constitutes the philosophical source of the most important artistic geniuses of Florence, first among which Sandro Botticelli.

This dialectical form also appears in the figurative structure of *The Calumny*. It becomes the effort, deriving from the undoubted influence of the Neoplatonic philosophy of the time on Botticelli, to reconcile in a unifying form a complex dialectical tension of opposites, resolved through a network of contrasting images that show in allegorical form the ambiguous meaning of a conceptual and spiritual crisis.

In the symbolic representation masterfully constructed by the Florentine artist, who does not paint the work of Apelle’s for a mere stylistic exercise, the expressive attempt of a dialectic mediation emerges from at least eight contrasting representations that is possible to identify in the complex tripartite movement of the scene. In this game of dialectical oppositions, which must be subjected to a comprehensive reading and cannot be overlooked, one can perhaps grasp the essential aspect of the other Botticelli, who communicates through *The Calumny* a restless and at the same time meditative message, with a tormented and together linear style.

- 1) The rhythm of the scene is based on the contrast between the excitement of the first two groups of characters and the isolated detachment of Truth, which with Repentance composes the third group that closes the procession.
- 2) It is noted a gender difference, that distinguishes the real scene from the symbolic one, between the main characters of the trial and the allegoric figures. The characters that participate concretely in the procedural action are men (the judge King Mida, the accuser Livor and the defendant slandered), while the abstract figures that accompany them and that do not participate concretely in the litigation are women.
- 3) The arms of Truth and the slandered are turned upwards, while those of Livor and King Mida are turned towards each other. This linear geometry evidently makes comparable the bond between the accuser and the judge, who for this reason becomes an inquisitor with donkey’s ears in the eyes of Botticelli as jurist, and the union between the slandered innocent and the Truth, reaching towards the sky to indicate the place where justice dwells.
- 4) The dark dresses of Livor and Repentance contrast with the light nakedness of Truth and the slandered. This contrast also concerns the light, which illuminates quite clearly the figure of Truth and that of the accused dragged before the judge.
- 5) Slander’s hair is neat and intertwined with roses and a white ribbon, which symbolize purity and innocence, while the hair of the slandered is disheveled and almost torn by Slander. The use of irony, which is a typical literary figure of Greek rhetoric, makes evident the ekphrastic source of Botticelli’s intervention, which refers to Lucian’s satirical description not only in the iconographic composition, but also in the narrative structure of Apelles’ painting.

- 6) The movement of all characters contrasts with the apparent immobility of Truth. Slander is the center of this dynamism and exhibits a bold and unpredictable beauty, similar to that of “Florentine nymph”: she is celebrated in the vernacular poetry of the time (Dempsey 2004: 32), wearing a dress actually worn by unmarried girls in Florence at the Medici’s times during celebrations or processions. The nude Truth (*nuda Veritas*) seems instead to be connected to the Renaissance model of classical origin of the Nymph (which Warburg identifies as a paradigmatic *Pathosformel*) or of Aphrodite, a goddess that Apelles himself uses as a model. She presents some evident iconographic affinities with the central figure of the Birth of Venus, already depicted by Botticelli as *Venus pudica*.
- 7) The expressive contrast is found in the environment surrounding the characters who, according to Lucian, also appear in Apelles’ painting. The arches of the backdrop open onto the blue quiet of a seascape which, with a measured and solemn rhythm: it contrasts with the excitement of the scene in the foreground. The conflict illustrates the dialectical structure of the allegory, with which the painter intends to symbolically represent the intelligible contradictions in the world (Horne 1986: 365).
- 8) In the scenes that decorate the loggia in the backdrop, some characters from pagan mythology and biblical stories are represented, in an attempt to reconcile the Neoplatonic and profane humanistic culture expressed by the Medici circle and the religious rigor preached by Savonarola.

## 5. Legal Value. Truth and Trial

The critical success of *The Calumny of Apelles of Kos* in Renaissance artistic culture is closely linked to its interpretation and reception in Renaissance humanism as a scene of judgment. It has its origins in the similarity between the donkey ears of the man seated on the left of the composition and the ears of King Midas. In fact, the mythical king of Phrygia, corrupt referee in the contest between Apollo and Marsyas, is the prototype of the bad judge, contrasted by the biblical King Solomon, the wise judge par excellence.

Botticelli also seems to reduce the ekphrastic comparison of Luciano’s scene by representing the seated man as King Midas and identifying unambiguously the typical characterization of the judge in the gesture and position of the character.

With this expressive choice, which does not appear casual, the painter accentuates the judicial value of the allegory, even to the detriment of the complexity of the meanings that the scene intends to manifest, including the political and cultural ones.

The prosopopoeia of Truth, who appears in the painting naked and isolated from all the other protagonists of the scene, looking up and pointing to the sky, underlines a presence in the judgment that is both neglected and necessary.

But it is not only a question of a call to truth for adequacy, which appears in the process when the judicial language corresponds to the reality of the facts, that is, when the judge with his sentence says what actually is. In fact, in the judgment, the truth shows a more original face, which is revealed when the undeniable discourse resists contradiction in the contrast of opposing theses: but the first discourse that cannot be denied in the judicial dialogue is the method that such dialogue organizes through dialectical adversarial.

Indeed, the allegories described by Botticelli and, before him, by Apelles allude to the manifestation of the original truth in the trial through its denial (Moro 2023). In

particular, all the characters who intervene on the scene reject the adversarial system which, as it has been stated, constitutes the essential guiding principle of every fair judgment, constituting its indelible nucleus.

The adversarial procedure is the legal manifestation of that which, carrying within itself the original form of truth, cannot be denied in the judgment, because it consists in the possibility for each interested party to participate in the judicial activity and to influence its final outcome, in conditions of complete and real equality of arms.

The slandered does not have the possibility to defend himself from the aggression towards his fundamental rights (as freedom and honor) and he is not even correctly informed about the accusation leveled against him.

The accuser (Livor) is an inquisitor and uses unjustified arguments as evidence of his contestation (Slander), that are supported with superb cunning (Envy and Fraud).

The judge (King Mida) relies only on the prosecution and refuses to communicate with the accused, thus disdain the analysis from opposing points of view and refusing a real participation in the debate of the controversy: by allowing himself to be influenced by prejudices (Suspicion and Ignorance), the arbitrator of the dispute renounces his own jurisdictional function, in violation of his constitutive duty of impartiality.

By reinventing Apelles' figurative project, Botticelli thus shows that he adheres in a way that is not purely decorative or aseptic to the classical model of the trial, which the Greeks and Romans, cultivating a civilization of discussion, considered a dialectical experience of contrast and a reasonable method of resolving the controversy.

Since the origins of law in the Western culture, the trial is specifically connected in the social reality to the concrete representation of justice, understood as the administration of the dispute through the judgment. The permanent value of law lies precisely in the trial which, albeit in various forms, appears in every historical moment and in every civilization as a method of resolving disputes. It shows a constant logical structure which for this reason can be called classical (Moro 2012).

The trial is law because it takes on the function of rights' protection, warding off the violence of the offence but also that of vengeance. As some Latin brocards remember, the law was created to prevent members of society from taking up weapons (*ne cives ad arma veniant*), who must yield to the togas of lawyers and judges (*cedant arma togae*).

In the legal sense, in fact, the trial is a set of acts in which those who support opposing positions, because they are based on controversial facts, are necessarily called to participate in front of a third judge, in order to reach a solution to the dispute with the execution of a conclusive provision that takes into account the claims and objections raised by all the disputants.

This definition allows us to identify the method of legal management for the contestation in the trial: it contains four undeniable principles which constitute the unavoidable activities of the judicial procedure and which contribute to defining its conceptual foundations. These principles are the contestation; the adversarial; the evidence; the jurisdiction. Contestation, adversarial, evidence and jurisdiction represent the legal paradigm of the so-called "fair trial" or "due process of law", whose validity appears to be widely recognized today in current law and which constitutes the basis of the guarantee system (Ferrajoli 1996).

Indeed, the expression "fair trial" is tautological, since every jurisdictional activity must be qualified by fairness and must be substantiated at least by the four principles that distinguish its legal structure, in order to avoid falling into incoherent contradictions. However, the qualifications of "fair" or "equitable", assigned to the trial by multiple legal norms, are an indication of the need to rethink the cultural foundations, including the artistic and literary forms, of this original moment of the legal experience.

Botticelli explains the importance of avoiding the oblivion of the truth in the process, which is a fair comparison of opposing theses. He is an extraordinary modern interpreter of a classical work which takes on a relevant and current meaning for the contemporary idea of the trial (Moro 2020).

The crisis of the traditional categories of law, accentuated today by the flood of multiple sources of positivity, among which the decisions of the Courts, requires a rethinking of the dialectical structure of the trial and a renewal of the decision-making faculties of the jurist, urged to broaden the cultural places of his own conviction, like literature and art.

To make fundamental rights and principles of justice effective and to resolve conflicts with reasonable arguments, it is necessary to remind the jurist of our time, as the classics well knew and as the present rereading of Botticelli would like to indicate, that the sources of law valid and effective in the procedural debate are not only norms, decisions, legal opinions, but above all shared and permanent cultural values, also safeguarded by the most elevated and ingenious forms of artistic representation.

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