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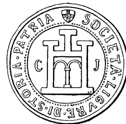
Norme, scienza e pratica giuridica tra Genova e l'Occidente medievale e moderno



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PALAZZO DUCALE – PIAZZA MATTEOTTI, 5

Courts and Commercial Law at the Beginning of the Modern Age

The medieval origin of commercial law is now a generally accepted fact and a starting point for studying commercial law. Similarly, at the other extreme, the French commercial code of 1807 comes at the end of a process which, even though it shows lesser internal development, nonetheless remains fundamentally coherent.

It may be useful, for this purpose, to refer to the most recent suggestions for classifications proposed by two German researchers, Pöhlmann and Scherner, to schematize the history of commercial law and its study in the Middle Ages and in the Modern Age [1].

In the Middle Ages one can observe two movements of diverse origin, but which are basically convergent. On the one hand, common commercial practice was established along geographical lines extended to commercially homogenous areas (the Mediterranean, the Atlantic, Northern Europe), and essentially consisted of the relevant contracts connected to maritime trade (these practices are also complied in widely-spread collections, such as the Book of the Consolate of Barcelona and the Rules of Visby and of Oleron). On the other hand, commercial law, which became dependent upon the requirements of a more and more powerful merchant-class, was progressively being complied in volumes of *Statuti* within each individual State [2].

Medieval law scholars obviously could not ignore this phenomenon, which, like the feudal one [3], had considerable professional and economic potential.

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* Pubbl. in *The Courts and the development of commercial law*, ed. V. PIERGIOVANNI, Berlin 1987 (Comparative Studies in Continental and Anglo-American Legal History, 2), pp. 11-21.

[1] H. PÖHLMANN, *Die Quellen des Handelsrechts*, in *Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte*, I: *Mittelalter (1100-1500) - Die gelehrten Rechte und die Gesetzgebung*, ed. H. COING, München 1973, pp. 801-802; K.O. SCHERNER, *Die Wissenschaft des Handelsrechts*, *Ibidem*, II/1: *Neuere Zeit (1500-1800) - Das Zeitalter des gemeinen Rechts, Wissenschaft*, München 1977, p. 799 e sgg.

[2] H. PÖHLMANN, *Die Quellen* cit., p. 802.

[3] M. BELLOMO, *Società e istituzioni in Italia dal Medioevo agli inizi dell'età moderna*, Catania 1982, pp. 438-440.

The work of law scholars consisted in relating the regulation of the new mercantile practices to the long-standing categories of Roman law, but, the new emphasis on the professional rather than scientific value of the phenomenon, is best illustrated by the *consilia.* The influences of everyday commercial activity and of maritime activity in particular, were the dynamic force which, tending to link legal theory with practice, gave rise to the attempts at incorporating the new legal practices within the wider scope of the Roman law tradition.

In this practice itself, in its dynamism, in its requirements for legal precision, requiring a quick settlement of controversial situations, and in its peculiarities, connected with a thorough evaluation of behaviour inspired by honesty and good faith, we must look for the persistence, however limited, of the presence of learned lawyers and of their contribution to its development. Justice, in the field of trade, was entrusted to Courts composed of merchants, who were familiar with customs and were mostly inclined, by an accurate and close examination of the case in point, to both search for the quickest solution, by simplifying and shortening time-limits and requirements in legal proceedings, and by using their criteria of common sense and good faith [4].

In some cases, though, a correct legal definition may have substantial effects regarding the fair conclusion of a law suit: so, there was now room for learned lawyers and we can explain the presence of some of the most important names, such as Baldo and Paolo di Castro, who were called by the judges or by the parties involved, to settle disputes or to support the claims of their respective clients. Such interventions, which made use of concepts and references taken from the Roman tradition, were the first, somewhat limited, contribution to what would in the future become the independent science of commercial law [5].

Another contribution derived from moral and theological speculations [6], which is more difficult to evaluate in its tangible effects and raises problems concerning the real influence it had on the lawyers' work: probably the greatest importance lies in the creation of an economic and commercial lexicon and in the specific reference to more and more complex cases, often with the aim of offering a means of overcoming ecclesiastical prohibition of usury.

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[4] H. PÖHLMANN, *Die Quellen* cit., p. 802. See M. ASCHERI, *La decisione nelle Corti giudiziarie italiane del Tre-Quattrocento e il caso della Mercanzia di Siena*, in *Judicial Records, Law Reports and the growth of case-Law*, ed. J. BACKER, Berlin 1989, pp. 101-122.

[5] K.O. SCHERNER, *Die Wissenschaft* cit., p. 799.

[6] *Ibidem*.

The XVIth century brought considerable modifications to the medieval picture outlined above: a renewed interest in the theological and moral field regarding economic subjects, which grew out of the Second Scholastica, was counterbalanced by the development of the first treaties of lay commercial law.

Some scholars, like Schemer, when discussing this topic talk about a classical period in the science of commercial law [7]: this science tends to vary along national grounds only from the second half of the XVIIth century onwards. In Italy, in particular, the scientific treatment of commercial law took place, to a considerable extent, by means of the routine procedure of Court decisions, and mostly through the famous *Rotae* of Rome, Florence, Genoa and others [8], from the XVIIth century onwards. The basic concept of this process is a kind of unity, present in commercial science at the beginning of the Modern Age, which was afterwards replaced by a disunifying process due to the rise of national peculiarities.

As for Italy, I think that this picture can be enriched by some specific elements: firstly, Italian commercial law between the XVIth and the XVIIth centuries (which is actually restricted to the works of Stracca and Scaccia) was connected with the historical and political context and was largely conditioned in its development by the environment. The second element concerns the Courts and the importance of their law-making: in my opinion, they played a basic role from the XVIth century onwards in the process of making commercial law autonomous and lay. From the outset it is necessary to examine the lawyers and the Courts more closely, pointing out that my analysis will consider three subjects; the personalities and works of both Stracca and Scaccia and the setting up of the Genoese civil Rota with its law-making. In my opinion, the reasons for a different and more detailed evaluation of the evolution of commercial science in Italy will be evident from this analysis.

The beginnings of commercial law as an independent science are traditionally connected with the names of three jurists: Benvenuto Stracca, from Ancona, who lived between 1509 and 1578, whose main work *De mercatura seu mercatore tractatus* was first published in 1553 [9]; the Portuguese Pedro de Santarém (Petrus de Santerna), author of a *Tractatus de assecurationibus et sponsionibus mercatorum*, whose activity, carried out in Italy, has recently been

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[7] *Ibidem*, pp. 799-800.

[8] *Ibidem*, p. 800.

[9] V. *infra*, p. 4.

re-examined from the chronological point of view by Domenico Maffei[10]; and, finally, the Roman lawyer Sigismondo Scaccia, who practised law between the second half of the XVIth century and the beginning of the XVIIth and who wrote a *Tractatus de commerciis et cambio*, published in Rome in 1619[11].

On the basis of the above-mentioned research by Maffei, the earlier dating by several decades of Santerna's work, and also the greater importance of it with respect to Stracca's work will probably cause historians to attach an earlier date to this new scientific period of commercial law. It will be necessary, to make more detailed assessment of the range and influence of the work by Pedro de Santarém, by examining the sources and the content and to attribute to him the probable role of preparing the way for the more complex work by Stracca.

Stracca's scientific personality is certainly the best known, mostly thanks to Franchi, a scholar of commercial law, who shows reliable historical accuracy, and afterwards through Lattes. The figure of Stracca certainly deserves all this attention, even though his work was not constantly appreciated by subsequent authors and historians. The detailed and accurate biography by Franchi, published in 1888, underlined the lawyer's cultural development and vocational education, Stracca's detailed knowledge of the humanities and his *cursus honorum.* His political and administrative career began in 1538, when the papal dominion over Ancona became definitive and Stracca's profession was practised in full accordance with the new political situation[12].

In 1889, just one year after Franchi's work was published, Giuseppe Tamassia, in a review, positive on the whole but permeated with Risorgimento-feeling and anticlerical harshness, underlined the dedication of this character « to the Roman court and to the most outstanding members of it »; the fact that in the council of Ancona Stracca's opinion « turned out nearly always to be the most moderate and that he never shared the attitude of opposition against papal outrages »; and, finally, that our lawyer joined the group

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[10] D. MAFFEI, *Il giureconsulto portoghese Pedro de Santarém, autore del primo trattato sulle assicurazioni (1488)*, in *Estudios em Homenagen aos Profs. Manuel Paulo Merèa e Guilherme Braga da Cruz* (« Boletin da Faculdade de Direito de Coimbra », 58, 1982), pp. 703-728.

[11] V. *infra*, nota 20.

[12] L. FRANCHI, *Benvenuto Stracca giureconsulto anconitano del secolo XVI, Note bio-bibliografiche*, Roma 1888, pp. 18-35.

of those who praised the Jesuits who were tolerated by the Council of Ancona in 1565 [13].

The points of criticism, aroused by the brilliant polemic spirit of Tamassia, were re-examined in a different and more thorough way in 1909 in an article by Alessandro Lattes. The historian of commercial law was given the task by Sraffa and Vivante of commemorating the four hundredth anniversary of the birth of Stracca, in the « Rivista di Diritto Commerciale » [14]. From the scientific point of view, Stracca is highly praised: Lattes states that

> « the subject of modern commercial law itself had never been gathered together in a single volume before Stracca wrote his work. The individual issues could be read in books, here and there in a disorderly way, in commentaries on civil and Curch law, in counsels and opinions expressed on individual specific cases; controversies were settled exclusively according to Roman law and its principles, whenever there were no precise binding regulations of the *Statuti* to be applied ». Lattes continues, declaring that « Stracca was the first to draw up a treaty dealing exclusively with mercantile subjects, where texts of sources and by learned lawyers referring to trade and merchants were collected, leaving aside all the issues of mere civil law, either without mentioning them at all or simply making a short reference to them » [15].

Having acknowledged the importance of this work of identification of the subject and sources, I think the problem that Lattes raises is negligible: that is whether Stracca is an expert in commercial law and is aware of this, or whether he is a civil lawyer who admits the importance of the new elements.

As far as I am concerned, the remarks connecting the Author and the events of his life to certain doctrinal choices, which are evident in his work, are much more noteworthy. Lattes, in fact, moderates Tamassia's negative view, on the basis of his personal comments, according to which: « papal dominion in Ancona was a limitation of freedom enjoyed till then, rather than the actual suppression of municipal liberties and a subjection to a new lord ». Therefore, in Lattes's opinion, Stracca's agreement with the new regime does not mean he betrayed the ideal of former independence [16].

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[13] G. TAMASSIA, rev. L. FRANCHI, *Benvenuto Stracca giureconsulto anconitano del secolo XVI: Note bio-bibliografiche*, in « Archivio giuridico "Filippo Serafini" », XLII (1889), p. 368.

[14] A. LATTES, *Lo Stracca giureconsulto*, in « Rivista di Diritto commerciale », VII/1 (1909), pp. 624-649.

[15] *Ibidem*, p. 642.

[16] *Ibidem*, p. 626.

The dispute and the more or less positive political evaluation of the attitude of Stracca is quite significant, if we connect it with the concrete results that the new situation in Ancona brought about also in the Author's scientific activities.

In fact, the work is not complete and it can be supposed that for some subjects, such as companies, exchange or insurance (insurance being dealt with an individual treaty) – I am quoting from Lattes – « the gaps have been left on purpose, probably because such subjects in particular implied to the utmost the question of usury, and fictitious contracts were very frequently used in order to get out of it ». Furthermore, « Stracca wavered amid the open conflict between merchants and canonists ... and he was neither able nor willing to take a precise stand », and, finally, he left « aside the most embarassing topics, on the pretext of the intensive studies made of them by scholars, but with the real intention of maintaining a more ambiguous position » [17].

But, in my opinion, Lattes does not draw the right conclusions from these statements for a wider evaluation of the Author and of his work. I believe that the reason for the lack of consideration and limited resonance of Stracca's work in the subsequent development of commercial science actually lies in this reticence and ambiguity, deriving from political conditioning, and also in the fact that he too often takes the merchant background of Ancona as a reference point, while it certainly was not among the most advanced in either Italian or European economic life. Stracca's political choice of prudence, which consists, on a scientific level, of avoiding or getting around the basic theoretical problems of the new discipline, has the effect, generally speaking, of restricting his contribution to the process of making commercial law more lay in its nature.

On the contrary, external influences though present and not less impending and potentially dangerous, seem to have a lesser influence on the work of another great scholar of commercial law, Sigismondo Scaccia, who was active between the end of the XVIth and the beginning of the XVIIth century [18].

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[17] *Ibidem*, pp. 638 e 641.

[18] P. MANDOSIO, *Bibliotheca romana*, Roma 1682, p. 305; C. SCHWARZENBERG, *Scaccia Sigismondo*, in *Novissimo Digesto Italiano*, XVI, Torino 1969, p. 670.

Unlike Stracca, who spent almost all hislife in Ancona, Scaccia, besides practising the legal profession in Rome, performed the duty of Judge of the Rota in Genoa in 1614 and possibly in Florence in 1620 [19].

Actually, this lawyer still lacks a serious biographer to investigate the importance of his role, not only regarding commercial law, but also trials.

Although Scaccia too practised in the papal states, he succeeded in using his deep knowledge of moral and theological culture as an instrument for continuing the process of decanonising commercial law. The general topics are developed in the first part of his work, whereas in the second part he takes advantage of his practical experience as a lawyer and a judge to examine closely the problems connected with the contract of exchange [20].

The *quaestio prima* from the *Tractatus de commercio et cambio*, published in 1619, is fundamental in assessing the contribution made by Scaccia to the independence process of commercial law. Through a rich confrontation of arguments of theologians and lawyers, Scaccia wishes to show that decisions concerning usury and illicit trade are mainly taken by learned lawyers, whose opinion prevails over the theologists'.

Since abstention from all trade would be too detrimental to all countries, the Author maintains that it is necessary to make a distinction between trade which endangers the salvation of the soul and that which does not, and that in any case it is necessary to verify the presence of the correct legal and moral requirements every time for each form of trade [21]. This contrivance allows Scaccia to attenuate the settlement of these issues in an exaggerated and circumstantial number of cases, thus eventually reassessing the function of theology and underlining the difference between moral and legal judgments.

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[19] *Leges novae Reipublicae Genuensis*, Genuae 1617, p. 129: « De Sp. Sigismondo Scaccia. 1614. Die 4 Februarij. Sp. Sigismondo Scaccia existens in Rota civili, extractus fuit pro Rota criminali, et declaratus impeditus, et in urnam reponendus, a minori Concilio ... »; G. GORLA, *Sulla via dei « motivi » delle « sentenze »: lacune e trappole*, in « Il Foro Italiano » (1980), col. 204: « Lo Scaccia ... fu membro della Rota fiorentina intorno al 1620 »; R. SAVELLI, *Between law and morals: interest in the dispute on exchanges during the 16th century*, in *The Courts and the development of commercial law* cit., pp. 39-102.

[20] S. SCACCIA, *Tractatus de commerciis et cambio*, Romae 1618. Further editions Coloniae 1619, 1620, 1738, Francofurti 1648, Venetiae 1650, Genevae 1664, Coloniae 1738 (K.O. SCHERNER, *Die Wissenschaft* cit., p. 864), and also Venetiis 1669.

[21] S. SCACCIA, *Tractatus de commerciis et cambio*, Venetiis 1669, pp. 1-92.

The traditional survey restricting the first period of commercial law studies to the works of Santerna, Stracca and Scaccia must, in my opinion, be enlarged by other sources, such as the judgments of some Courts, which exerted their legal power between the XVIth and XVIIth centuries as an integral part of the new discipline[22].

These Courts too are the fruit of a specific historical and political context, which, to a certain extent, should not be excluded from the general events of the modernization of the European States in the Modern Age.

Concerning the discourse on commercial law, I believe that the events of the Genoese civil *Rota* and of its mercantile law-making are particularly significant, but first it is necessary to make some short general remarks about Italian Courts in the Modern Age.

Not many years ago, Mario Ascheri evaluated the publications of *Decisiones* by famous Italian Courts in the Modern Age, in an integral text published under the patronage of the Max Planck Institute of Frankfurt. This operation has enabled scholars by means of the bibliographical structure to understand the condition of the relevant historical writings, and has confirmed the idea that these Courts still retain the fascination of mysterious spheres.

These Courts are scarcely talked about, with great caution and nobody dares put forward hypotheses or conclusions which may lead to generalizations [23].

Caution seems justified if we consider that some research into this subject shows a highly varied situation, keeping to the individual institutional contexts whereby the Courts establish and exercise jurisdiction rather than to general notions which rationalize the legal system.

Some magistratures are recent, that is starting approximately from the beginning of the XVIth century, such as the Florentine and the Genoese *Rotae;* others are ancient, such as the Roman *Rota*, but all of them aim to

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[22] G. GORLA, *I Tribunali Supremi degli stati italiani preunitari quali fattori della unificazione del diritto nello Stato e della sua uniformazione fra Stati*, in *La Formazione storica del diritto moderno in Europa*, Atti del terzo Congresso Internazionale della Società Italiana di Storia del Diritto, ed. B. PARADISI, Firenze 1977, pp. 447-532.

[23] M. ASCHERI, *Rechtsprechungs- und Konsiliensammlungen*, *Italien*, in *Handbuch der Quellen und Literatur* cit., II/2, *Neuere Zeit (1500 - 1800) - Das Zeitalter des gemeinen Rechts, Gesetzgebung und Rechtsprechung*, München 1976, pp. 1113, 1221.

gain legal supremacy within the individual States and some of them even to expand this beyond the borders of their States.

Within the States, obviously it is not a question of precedents, as in the case of Anglo-Saxon law, but, more simply, of a necessary and due regard to the conclusions of predecessors. Outside the States, on the contrary, we realize the progressive presence of the decisions made by these Courts in common law.

Printing collections of legal documents is an extremely valid tool for the wider knowledge and circulation of this material, which, more often than one might think and not only in the case of the Roman *Rota*, is remarkable for its technical and legal content which is of a generally high standard.

On the basis of the considerations expressed so far, I think it is necessary to distinguish between the two aspects they present: firstly, the institutional and operative life of these magistratures, which, in their origin and evolution is functional within the settings in which they are established; secondly, the course of their decisions, which, collected and printed, have an independent life connected to common law-making and are raised above the subjective and particular circumstances which produced them.

The scheme of this concept shows two lines, which come close at times, but remain largely independent: one representing the events taking place within the individual Courts, and the other the adoption outside the Courts of the material produced.

By inserting also the history of the Genoese *Rota* and of its published *decisiones* within this framework, we get a more precise and, from certain points of view, a more emblematic view of the situation of the famous Italian Courts in the Modern Age.

Included in the complex institutional reform, which in 1528 renewed the structure of the Genoese Republic, the Civil *Rota* was needed in order to eliminate a series of magistratures composed of non-technical judges and to replace them with learned lawyers [24]. Besides the guarantee of impartiality, deriving from the fact that they were outsiders these judges were obliged to of-

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[24] V. PIERGIOVANNI, *The Rise of the Genoese civil Rota in the XVIth Century: The* "decisiones de mercatura" *concerning insurance*, in *The Courts and the development of commercial law* cit., pp. 23-38.

fer further guarantees of a professional nature, such as University law studies and, at least, a five-year period of training as judges or lawyers.

Among others, almost all merchants controversies were brought before them and submitted to their judgement whereas these controversies had formerly been settled by the *Uffici di Mercanzia*, *Gazaria*, *Banchi and Rotti.* Nevertheless, the new Court could not completely eliminate the features of the abolished magistratures, as it was ordered to solve cases taking into account, besides its own *regulae*, the *inveterata consuetudo* firmly established in the Ligurian commercial world [25]. The technical ability of learned lawyers was soon adapted to the lively and demanding Genoese mercantile setting, and offered extremely interesting results.

Tradition, or even the influence of the mercantile Courts' law-making which the *Rota* replaced and the new *regulae* of the judicial body led learned judges to examine closely the theoretical notions put forward by merchants and to endavour to transfer them into the rigorous framework of *ius commune.*

The fundamental contribution to the rising science of commercial law actually came by passing through this process, using the tool of the *Rota*'s justified *decisiones* [26].

In 1582, a collection of the *Rota*'s *decisiones de mercatura* was published in Genoa, and an identical volume appeared one year later in Venice, due to personal and political disagreement between the printers [27]. The importance of this collection was definitely confirmed by inserting it in the Lyons edition of the *De mercatura Decisiones et Tractatus varii*, and in subsequent editions in Frankfurt and in Amsterdam [28].

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[25] *Ibidem*.

[26] *Ibidem*.

[27] N. CALVINI, *Una strana cinquecentina genovese: Decisiones Rotae Genuae de Mercatura*, in « La Berio », VIII/1 (1968), pp. 24-29; A. CIONI, *Bellone Antonio*, in *Dizionario Biografico degli Italiani*, VII, Roma 1965, pp. 759-760; M. CHIAUDANO, *Rotae Genuae (Decisiones de Mercatura)*, in « Novissimo Digesto Italiano », XVI, Torino 1969, pp. 273-274; M. ASCHERI, *Rechtsprechungs- und Konsiliensammlungen* cit., pp. 1153-1154, 1181 (where the editions are enumerated in which the *Decisiones* are published alone: Genova 1582, Venezia 1582, 1599, 1601, 1606).

[28] M. CHIAUDANO, *Rotae Genuae* cit., 274, and M. ASCHERI, *Rechtsprechungs- und Konsiliensammlungen* cit., p. 1181, report the editions Lyons 1582, 1590, 1592, 1593, 1608, 1610, 1621 and Frankfurt 1612, 1652, Cologne 1622, Amsterdam 1669; L. FRANCHI, *Benvenuto*

I cannot express my opinion on the commercial aspects of law-making of other Italian *Rotae* in the early part of the Modern Age, other than by referring to a few elements which are scarcely verified by specialised researchers: undoubtedly, above all the Roman and the Florentine *Rotae*, besides the Genoese Rota, have a position of great prestige and authority in this matter too. I recently started research in collaboration with some colleagues, aiming at assessing the judges of some famous *Rotae*, such as those of Genoa, Florence, Siena and Lucca and I hope that it will be a positive step towards a better understanding of these Courts. Even though we have little knowledge of other judicial sources, in the end, it is a question of estimating to what extent the experience of the Genoese Court may be generalized and considered valid for an overall understanding of the history of commercial law between the XVIth and the XVIIth centuries.

I think I can state that the necessary keeping with Roman practice, the loss of interest in theological and moral aspects, the consideration for local law and mercantile customs, make their judgements a basic tool in the process of decanonisation of commercial law. I do not agree with those scholars who, within the scope of common law, give different values to systematic and case literature: I think it is an error deriving from an intellectual outlook which does not belong to the period we are studying.

Some years ago, as far as Casaregi was concerned, my opinion was that the underestimation of his work shown by Goldschmidt and Lattes were not acceptable: their views were based on systematical incompleteness and implied a negative consideration of the relevant literature dealing with legal practice. It was my impression that, besides the consideration for the intrinsic qualities of Casaregi's work, his fame among both his contemporaries and later scholars raised doubts about the credibility of such an evaluation [29]. I wish to repeat the same notion regarding the law-making of the Genoese civil *Rota*, its application and frequent appreciation in law-making and legal practice following its publication.

Stracca cit., pp. 144-146 affirms that the first Lyons edition of *De Mercatura decisiones et tractatus variis* was published in 1592.

[29] V. PIERGIOVANNI, *Dottrina, divulgazione e pratica alle origini della scienza commercialistica: Giuseppe Lorenzo Maria Casaregi, Appunti per una biografia*, in « Materiali per la storia della cultura giuridica », IX (1979), pp. 325-326.

This work, like those by Stracca and Scaccia, must however be considered as the fruit of particular historical conditions which existed in Italy in the XVIth century, linked to the process of political and institutional modifications, which, however tentatively, aimed at extending State control to fundamental activities, such as commerce and justice. The outlook of these works is not scientifically neutral and if they only underline the differences observed during the second half of the XVIIth century, this means once again that one has to choose an interpretative scheme, taking the French legislative model as a reference point. This view degrades and schematizes, perhaps too arbitrarily, the wealth of the historical implications of this complex phenomenon, which is only appreciated as far as it can be compared to some models of codification which in any case are considered as being of a higher standard.

On the contrary, as I stated above, it is necessary to reappraise and bring our historical implications, if we do not want to believe that the commercial science of the XVIth century started from nothing, by the intuition of some isolated minds. On the contrary, the works by Santarém, Stracca and Scaccia and the law-making of the Genoese *Rota* grew out of a particular environmental and political context, which produced and influenced them: they are the fruit of a society and an economy endeavouring to rationalize bureaucratic structures and to provide a legal System adapted to the changing political situation. This situation, if not new, is certainly different from that of the Middle Ages. I certainly do not intend to assert that we are talking about modern States, such as France, but I think it is neither historically correct to ignore the ferment and the changes which stirred these societies at the beginning of the Modern Age. The institutional results are interesting and the reasons why they had no further evolution are many and complex and there is no point in talking about them here.

Within this picture and with such connections, the Authors and texts that I have examined and, more generally, Italian commercial science of the XVIth century, may justify its present features and the reasons which allowed it to create innovations of content, interpretation and systemization all of which guaranteed its spread and fame throughout Europe.

INDICE

Presentazione	pag.	7
Tabula gratulatoria	»	9

Istituzioni locali e statuti: contributi alla storia genovese e alla comparazione giuridica

Il Senato della Repubblica di Genova nella ‘riforma’ di Andrea Doria	»	13
Giuseppe Lorenzo Maria Casaregi	»	57
Il sistema europeo e le istituzioni repubblicane di Genova nel Quattrocento	»	65
Il diritto genovese e la Sardegna	»	113
I rapporti giuridici tra Genova e il Dominio	»	123
Leggi e riforme a Genova tra XVI e XVII secolo	»	141
Diritto e potere a Genova alla fine del Trecento: a proposito di tre ‘consigli’ di Baldo degli Ubaldi	»	159
Dottrina e prassi nella formazione del diritto portuale: il modello genovese	»	171
Statuti e riformagioni	»	193
Gli statuti di Albenga ed il progetto di un “corpus” degli statuti liguri	»	209
Celesterio Di Negro	»	219
Le istituzioni politiche: dalla compagna al podestà	»	225

Una raccolta di sentenze della Rota Civile di Genova nel XVI secolo pag. 239

Alcuni consigli legali in tema di forestieri a Genova nel Medioevo » 251

Aspetti giuridici della pesca del corallo in un trattato seicentesco » 263

La ristampa degli statuti novaresi di Francesco Sforza » 273

Cultura accademica e società civile alle origini dell'ateneo genovese » 283

L'organizzazione dell'autonomia cittadina. Gli statuti di Albenga del 1288 » 291

Lo statuto: lo specchio normativo delle identità cittadine » 317

Gli influssi del diritto genovese sulla Carta de Logu » 329

La normativa comunale in Italia in età fredericiana » 341

Sui più antichi statuti del ponente ligure » 359

Considerazioni storico-giuridiche sul testo degli statuti di Acqui » 365

Note per la storia degli statuti e delle autonomie locali » 375

L'arbitrato. Profili storici dal diritto romano al diritto medievale e moderno » 381

Giovanni Maurizio (1817-1894): le lezioni di diritto costituzionale » 395

Tradizioni e modelli alle origini del diritto europeo » 409

Il diritto del commercio internazionale e la tradizione genovese » 417

L'organizzazione di una città portuale: il caso di Genova » 427

La cultura giuridica in Liguria nel passaggio dall'Alto al Basso Medioevo » 439

Prospettiva storica e diritto europeo. A proposito di *L'Europa del diritto* di Paolo Grossi pag. 447

Apporti dottrinali seicenteschi in tema di interpretazione statutaria e diritto penale » 453

La dimensione internazionale di una storia locale: Genova nel Medioevo e nell'Età moderna » 461

Alderano Mascardi » 473

Giovanni Maurizio » 477

Il diritto ed una "filosofia della storia patria" » 481

Leggendo la storia di Genova attraverso le vicende delle sedi e dei documenti dell'Archivio di Stato » 487

De iure ovium. Alle origini della trattatistica giuridica sulla pastorizia » 495

Diritto canonico medievale

Gregorio de Montelongo legato apostolico in Lombardia e patriarca di Aquileia (1238-1269) » 509

Sinibaldo dei Fieschi decretalista. Ricerche sulla vita » 519

La lesa maestà nella canonistica fino ad Uguccione » 547

Il primo secolo della scuola canonistica di Bologna: un ventennio di studi » 575

La 'peregrinatio bona' dei mercanti medievali: a proposito di un commento di Baldo degli Ubaldi a X 1.34 » 595

Un medioevo povero e potente: a proposito di « profili giuridici della povertà nel francescanesimo prima di Ockham » » 605

Il Mercante e il Diritto canonico medievale: *'Mercatores in itinere dicuntur miserabiles personae'* pag. 617

The Itinerant Merchant and the Fugitive Merchant in the Middle Ages » 635

Tracce della cultura canonistica a Vercelli » 651

Il diritto canonico: il Medioevo » 663

Il pellegrino nella tradizione canonistica medievale » 685

La « bona fides » nel diritto dei mercanti e della Chiesa medievale » 697

Innocenzo IV legislatore e commentatore. Spunti tra storiografia, fonti e istituzioni » 709

Scienza e pratica commerciale e marittima

Bartolomeo Bosco e il divieto genovese di assicurare navi straniere » 751

Dottrina, divulgazione e pratica alle origini della scienza commercialistica: Giuseppe Lorenzo Maria Casaregi, appunti per una biografia » 785

L'Italia e le assicurazioni nel secolo XIX » 827

Le assicurazioni marittime » 869

Banchieri e falliti nelle 'Decisiones de mercatura' della Rota Civile di Genova » 883

Courts and Commercial Law at the Beginning of the Modern Age » 903

The Rise of the Genoese Civil Rota in the XVIth Century: The "Decisiones de Mercatura" Concerning Insurance » 915

Guerra commerciale e discriminazione religiosa in alcune sentenze in tema di pirateria (secoli XVII-XVIII) pag. 933

Diritto commerciale nel diritto medievale e moderno » 945

I banchieri nel diritto genovese e nella scienza giuridica tra Medioevo ed Età Moderna » 971

Un trattatello sui mercanti di Baldo Degli Ubaldi » 987

Imprenditori e impresa alle origini della scienza del diritto commerciale » 1005

Alle origini delle società mutue » 1013

Banchieri e mercanti: modelli di classificazione nella dottrina giuridica genovese » 1033

Diritto e giustizia mercantile a Genova nel XV secolo: i *consilia* di Bartolomeo Bosco » 1047

Tradizione normativa mercantile e rapporti internazionali a Genova nel Medioevo » 1067

Derecho mercantil y tradición romanística entre Medioevo y Edad Moderna. Ejemplos y consideraciones » 1081

Statuti, diritto comune e processo mercantile » 1103

Il diritto dei mercanti genovesi e veneziani nel Mediterraneo » 1117

La storiografia del diritto marittimo » 1131

Lo statuto albertino in Liguria: le lezioni di diritto costituzionale di Ludovico Casanova » 1143

Assicurazione e finzione » 1167

La giustizia mercantile » 1173

Il viaggio oltremare nel diritto tra Medioevo ed Età moderna pag. 1191

Il diritto dei banchieri nella Genova medioevale e moderna » 1199

Genoese Civil *Rota* and mercantile customary law » 1211

Le regole marittime del Mediterraneo tra consuetudini e statuti » 1231

Note per una storia dell'assicurazione in Italia » 1245

La *Spiegazione* del Consolato del mare di Giuseppe Lorenzo Maria Casaregi » 1257

Aspetti del diritto marittimo in epoca colombiana secondo le fonti liguri » 1273

Brevi note dottrinali e giurisprudenziali in tema di naufragio » 1277

Il diritto portuale di Castelgenovese: spunti di comparazione » 1283

I fondamenti scientifici del diritto di assicurazione » 1293

Il viaggio per mare. Spunti di diritto medievale e moderno » 1307

Il diritto dei mercanti e la dottrina giuridica in età moderna. Considerazioni comparative tra Benvenuto Stracca e Gerard Malynes » 1315

Brevi note storiche sul fallimento » 1327

Dai tribunali di mercanzia alle Camere di commercio » 1337

Riflessioni della scienza commercialistica sul fallimento tra Medioevo ed Età Moderna » 1349

Avvocatura e notariato

La ristampa di una "prattica" notarile seicentesca » 1361

Il notaio nella storia giuridica genovese » 1377

Scienza giuridica e notariato italiano tra medioevo ed età moderna pag. 1391

A proposito di alcuni recenti contributi alla storia del notariato in Europa » 1401

La professione e la cultura del notaio parmense » 1409

Notariato e rivoluzione commerciale: l'esempio di Rolandino » 1417

A proposito di una storia del notariato francese » 1427

Tra difesa e consulenza: tipologie professionali degli avvocati nelle società di Antico Regime » 1431

Fides e bona fides: spunti dalla scienza e dalla pratica giuridica medievale » 1441

Martino da Fano e lo sviluppo del diritto notarile » 1455

Il notaio e la città » 1465

La *redemptio captivorum*: spunti dalla scienza giuridica medievale e moderna » 1469

Bibliografia degli scritti di Vito Piergiovanni » 1479

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