CHAPTER 1

Natural Law at the University of Pisa: From the *Ius civile* Teachings to the Establishment of the First Chair of *Ius publicum* in 1726

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1 Introduction

The history of the teaching of modern natural law at the University of Pisa[1] formally started in 1738, during the rule of the new Grand Duke Francis Stephen Habsburg-Lorraine, with the reinstatement in the 'collegio dei giureconsulti' of the 'jus publicum' chair.[2] Only then, while reorganizing the teaching plan, was the chair equated with a chair of 'diritto della natura e delle genti' (law of nature and nations), and lessons on this subject began to appear in printed schedules.[3] However, on the basis of what happened at the universities in the Germanic area,[4] and the explicit reference in the acts establishing this second

1 On the Pisan *Studium*, see the collective work, based mainly on primary sources, *Storia dell'Università di Pisa* 2 vols (Pisa: Plus, 2000) (hereafter *StUniPi*). I would especially like to honour the memory of Professor Danilo Marrara for constantly encouraging me in pursuing archival research, during my research doctorate at the University of Pisa.

2 ASF, Consiglio di Reggenza, 1 (letter-book of correspondence between the Secretary of Tuscany in Vienna and the Regency in Florence), fol. 118r–v: 'Au Council de Régence, Vienne le 15 octobre 1738 […] Nous avons cru nécessaire d'y introduire, *au faire revivre une Chaire de Professeur du Droit naturel, des gens, et public de l'Empire*, laquelle nous avons conféré à l'Abbé Bandiera' (italics added). On this period, see Elisa Panicucci, 'Dall'avvento dei Lorena al Regno d'Etruria (1737–1807)', in *StUniPi*, vol. 2, I, 3–134.

3 ASP, Università 2, C I 2 (concise course contents are reported from the printed schedule '1739', i.e. academic year 1739/1740: Francesco Niccolò Bandiera 'aget de bello et summo imperio'), fols n.n.; more documentation is in ASF, Consiglio di Reggenza, 640 (from fasc. '1738'), fols n.n.

4 On the introduction of modern natural law since the second half of the seventeenth century, that is, while public law chairs were consolidated in Protestant universities, see Michael Stolleis, *Geschichte des öffentlichen Rechts in Deutschland* (München: Beck, 1988), vol. 1, 195–196, 276, 289. On the conceptual discontinuity within the lexical continuity of *ius publicum*, see Merio Scattola, *Dalla virtù alla scienza. La fondazione e la trasformazione della disciplina politica nell'età moderna* (Milano: FrancoAngeli, 2003), 330–390, already discussed in his *Das Naturrecht vor dem Naturrecht. Zur Geschichte des* ius naturae *im 16. Jahrhundert* (Tübingen: Niemeyer, 1999), 107–204.

chair of public law,[5] the history of the teaching of modern natural law has been conventionally considered as starting with the institution of the first chair of 'jus publicum', in 1726.[6] The first chair of public law in Italy was indeed founded at the time of the government of the last Medici Grand Duke, Gian Gastone, during the dynastic crisis of the reigning family and the related international dispute between the Grand Duchy and the Holy Roman Empire: a *bellum diplomaticum* that, throughout the first decades of the eighteenth century, engaged the Tuscan ruling class and its jurists in defending the autonomy and independence of the Tuscan 'small state' against imperial expansion.[7]

However, the absence of the contents of the lectures given by the first teacher of the course (the abbot jurist Pompeo Neri, in the chair from 1727/1728 to 1728/1729) has compelled scholars to undertake an indirect institutional reconstruction, focusing at best on the *bellum litterarium* regarding the origin of the mythical *Littera Pisana*/*Florentina* of the *Digest* during the late 1720s.[8]

5 See the reports of the University administrator Cerati (1738), transcribed in appendices II and III to Niccola Carranza, *Monsignor Gaspare Cerati provveditore dell'Università di Pisa nel Settecento delle riforme* (Pisa: Pacini, 1974), 318–331 and 332–342.

6 See Danilo Marrara, 'Pompeo Neri e la cattedra pisana di "diritto pubblico" nel XVIII secolo', *Rivista di Storia del Diritto Italiano* 59 (1986): 173–202. On the Italian framework, see Italo Birocchi, 'L'insegnamento del diritto pubblico nelle Università italiane nel XVIII secolo', in *Science politique et droit public dans les facultés de droit européennes* (*XIIIe–XVIIIe siècle*), ed. Jaques Krynen and Michael Stolleis (Frankfurt am Main: Klostermann, 2008), 549–581.

7 On the Medici succession, see Marcello Verga, *Da 'cittadini' a 'nobili'. Lotta politica e riforma delle istituzioni nella Toscana di Francesco Stefano* (Milano: Giuffrè, 1990), 13–64, and idem, *Alla morte del re. Sovranità e leggi di successione nell'Europa dei secoli XVII–XVIII* (Roma: Salerno, 2020), 82–100; Matthias Schnettger, 'Dynastische Interessen, Lehnsrecht und Machtpolitik. Der Wiener Hof und die Anwartschaft der Kurfürstin Anna Maria Luisa von der Pfalz auf die toskanische Erbfolge (1711–1714)', *Mitteilungen des Instituts für Österreichische Geschichtsforschung* 108 (2000): 351–371; Emanuele Salerno, 'Giusnaturalismo e cultura giuspolitica nella Toscana del primo Settecento. Il *Discorso sopra la successione della Toscana* di Niccolò Antinori (1711)', *Archivio Storico Italiano* 173 (2015): 31–64. Most of the literature on the treatment of legal arguments in international politics of the period can be found – with extensive references to primary sources – in Frederik Dhondt, *Balance of Power and Norm Hierarchy: Franco-British Diplomacy After the Peace of Utrecht* (Leiden: Brill, 2015). For the scholarly debate on the need to investigate the history of international law from comparative and local perspectives, see Giulio Bartolini, 'What Is a History of International Law in Italy For? International Law Through the Prism of National Perspectives', in *A History of International Law in Italy*, ed. Giulio Bartolini (Oxford: Oxford University Press, 2020), 3–15 (esp. 3–10).

8 See Enrico Spagnesi, 'Il diritto', in *StUniPi*, vol. 1, I, 191–257 (esp. 248–257), and vol. 2, II, 461–570 (461–468); Giuliano Marini, 'Dal Diritto naturale alla Filosofia del diritto', in *StUniPi*, vol. 2, II, 635–661.

Nevertheless, the presence of numerous primary sources makes it possible to reinterpret the establishment of the first public law chair as a *terminus ad quem* of an earlier process. Indeed, a process of gradual introduction and use of modern natural law by Pisan academics, from the end of the seventeenth century, is demonstrated not only by funeral orations dedicated to the main law professors (often the only sources used by historians for their accounts), but also by many neglected sources, such as library catalogues, judicial decisions and legal consultations, as well as government booklets. Furthermore, the early process of circulation and reception of modern natural law is confirmed by the publication, in 1703, of an academic dissertation, titled *De jure belli, et pacis disputatio*, in which Grotius is explicitly mentioned. This first text, together with those that arose during the *bellum diplomaticum*, are actually fundamental for understanding the two perspectives (only at times convergent) of legal education and international politics, through which the process of institutionalization of natural law at the University of Pisa was developing. Actually, it should be remembered that the author of one of the first texts on the troubled Tuscan succession (with sophisticated quotations from Grotius's and Pufendorf's natural law doctrines), Senator and State Councillor Niccolò Francesco Antinori, served also as 'Auditore' – that is, the main central official – of the Pisan *Studium*.[9]

This chapter therefore describes this early stage, essential to interpreting the conditions in which the first public law chair of Italy was founded. The study of legal education in the late seventeenth and early eighteenth century will allow a more in-depth understanding of both the development of natural law in teaching practice throughout the long eighteenth century, and the features of the two processes of reception, respectively for educational and political purposes. In fact, although both processes were founded on appreciation of the centrality of Roman law and philosophy in the construction of doctrines by the so-called 'modern natural law school', and developed through mediation of traditional Roman legal culture of the Pisan 'historical-critical school', there were some differences. In this initial phase, the didactic reception was indirect, although not entirely implicit, whereas the political reception was direct and explicit.

9 See Emanuele Salerno, '*Stare pactis* and Neutrality. Grotius and Pufendorf in the Political Thought of the Early Eighteenth-Century Grand Duchy of Tuscany', in *War, Trade and Neutrality: Europe and the Mediterranean in Seventeenth and Eighteenth Centuries*, ed. Antonella Alimento (Milano: FrancoAngeli, 2011), 188–202, and idem, 'Giusnaturalismo e cultura giuspolitica nella Toscana del primo Settecento' (on Antinori's career, n. 14).

2 Continuity of Programmes: The Primacy of Roman Law, but First Traces of Modern Natural Law

In the period of the last two Medici Grand Dukes, Cosimo III (1670–1723) and Gian Gastone (1723–1737), the *Studium* of Pisa preserved the profile of state school, consolidated since its reopening in 1543 by Duke Cosimo I. The College of Jurists continued to be consulted by the prince in an advisory capacity and legal education was primarily addressed to the civil class and directed towards practice, both in the justice courts and in the various state magistracies.

Despite the renewal of the teaching method through the reception of legal humanism, since the beginning of the seventeenth century, the programme of legal studies remained focused, as in other Italian *Studia*, on teaching the two *Corpora iuris*, without fundamental changes from the statutory regulation for the reopening in 1543. The teachings of civil and canon law were divided into three levels, respectively entrusted to the 'istitutisti', extraordinary and ordinary professors, preserving the institution of 'concorrenza'.[10] The first two classes covered preparatory courses, in elementary exegetical terms; ordinary professors were in charge of interpreting sections of the *Digest* and the *Codex*, or the *Decretales* of Pope Gregory IX.[11]

The reasons for the continuity of this tradition trace back to the hierarchy of sources for the legal system in force in the Tuscan Grand Duchy and in neighbouring states. At that time – as Pompeo Neri would explain later to the new Habsburg-Lorraine dynasty – Roman and canon law were applied in all Tuscan courts of justice. Roman law (with the annexed parts on feudal matters) was considered *ius commune*, that is, with residual and supplementary function over statutory and municipal laws (canon law had a different status). Consequently, of the four bodies of written laws in force, the content of Roman and canon law was an essential element of the university curriculum. Meanwhile, education on statutory and municipal laws, including customary law derived from the interpretation of Tuscan justice courts (whose judgments also had regulatory functions of 'nomofilachia' and of verification of the laws in force), remained delegated to practical apprenticeship.[12]

10 That is, the simultaneous activation of multiple courses on the same subject, allowing students to choose different teachers and enabling the organization of circular disputes as supplementary educational activities.

11 See Danilo Marrara, 'L'età medicea (1543–1737)', in *StUniPi*, vol. 1, I, 79–187 (legal course contents, 129–130), and vol. 1, II, 571–656; Danilo Barsanti, 'I docenti e le cattedre', in *StUniPi*, vol. 1, II, 475–480, 505–566, and vol. 2, I, 269–416.

12 See Pompeo Neri [Badia], *Discorso primo* (report on the compilation of a new code of municipal laws of Tuscany, 31 May 1747), ed. Marcello Verga, in Verga, *Da 'cittadini' a*

University legal education continued to unfold through 'public lectures' and 'repetitions to the column',[13] 'domestic lectures' and, for competing lectures on civil and canon law, 'circular disputes'.[14] It should be noted that since 1566 the hereditary prince Francesco de' Medici established an obligatory oath of Catholic allegiance for candidates to final exams, beyond oaths of loyalty to the prince (including by clergymen), obedience to the rector, and observance of university laws (already required by the Statutes). The degree examination, the only mandatory exam in the five-year curriculum, was oral and divided into two phases: first, oral presentation of assigned contents, that is, a fragment from each of the two *Corpora iuris*; and second, a response to the objections from the commissioners.[15]

The years between the late seventeenth century and the 1730s have been considered by historians as a period in which the Medici dynastic crisis negatively influenced the functioning of the University. Moreover, in the 1690s, the Catholic orthodoxy of Grand Duke Cosimo III led to interventions against the freedom of teaching. This was because, in addition to the texts of Aristotle, prescribed by the Statutes, a group of professors also dealt with the doctrines of Anaxagoras, Plato, Democritus and Epicurus, among the ancient authors, and of Galileo and Gassendi, among the modern ones, in their courses of natural philosophy.[16]

'nobili', 317–346. On the legal professions in Tuscany, see Daniele Edigati, *Avvocati e procuratori nella Toscana d'Antico Regime. Le professioni forensi dalla tutela alla disciplina di polizia* (Bologna: Il Mulino, 2021).

13 That is, in the courtyard of the University building.

14 Here and below, English translations from Italian and Latin sources are by the present author.

15 On the degree examination, see Marrara, 'L'età medicea (1543–1737)', 171–187. Since 1611, law students had been required to present certificates of attendance for all three levels to be admitted to final exam; ibid., 174.

16 On the university context, see Carranza, *Monsignor Gaspare Cerati*, 5–9, 18–21, 38–48, and Marrara, 'L'età medicea (1543–1737)', 150–163. On the period, see Eric Cochrane, *Florence in the Forgotten Centuries, 1527–1800* (Chicago, IL: University of Chicago Press, 1973), 231–396. The framework of the political and cultural decadence that accompanied Cosimo III's government has been partly blurred in *La Toscana di Cosimo III*, ed. Franco Angiolini, Vieri Becagli and Marcello Verga (Firenze: Edifir, 1993), but the 1690s are in any case still considered as marking a break in the reform projects of the first two decades of his princehood. For the long-term cultural benefits of the European tours made by the last Medici princes, Cosimo III and Giovan Gastone, especially in the Netherlands, see Elena Fasano Guarini, 'Cosimo III de' Medici', and Maria Pia Paoli, 'Gian Gastone de' Medici', both in *Dizionario Biografico degli Italiani* (Roma: Istituto dell'Enciclopedia Italiana), vol. 30 (1984), 54–61 and vol. 54 (2000), 397–407, respectively (and further references there); see also Henk Th. van Veen and Andrew P. McCormick, *Tuscany and the Low Countries: An Introduction to the Sources and an Inventory of Four Florentine Libraries* (Firenze: Centro Di, 1984).

Nevertheless, alongside these suspect classical and modern philosophers, the works of major modern natural law theorists were also present in the libraries[17] available to professors of the University of Pisa, as systematic investigation into the principal libraries of Florence and Pisa confirms.[18] The head of neo-humanistic jurisprudence, Giuseppe Averani,[19] who taught civil law for forty years, had a seventeenth edition of Grotius's *De iure belli ac pacis* (*IBP*), probably that published in Jena in 1673.[20] His lesser-known colleague Giacomo Tiburzio Tommaso Monti had the edition of 1680, that is, the first edition with the commentary of Johannes Fredericus Gronovius,[21] whose intellectual relationship with the Medici court (later continued by his sons) dated back to the early 1640s.[22] But interest in these works exceeded the circle of jurists and, although banned by the Roman *Index*, they were also owned by clergymen. In the library of Camaldolese Guido Grandi,[23] professor of philosophy and math-

17 On the Italian framework of book production, circulation and censorship, see Renato Pasta, 'Mediazioni e trasformazioni: operatori del libro in Italia nel Settecento', *Archivio Storico Italiano* 172 (2014): 311–354.

18 Here follow – for the first time – the results of a systematic examination into book ownership marks conducted in the libraries of Florence and Pisa. The editions are numbered in reference to the scholarly bibliography of Grotius and Pufendorf, hereafter *BG* and *BP*; *BG*: Jacob ter Meulen and Pieter Johan Jurrian Diermanse, *Bibliographie des écrits imprimés de Hugo Grotius* (La Haye: M. Nijhoff, 1950); *BP*: Horst Denzer, *Moralphilosophie und Naturrecht bei Samuel Pufendorf* (München: Beck, 1972), 359–373.

19 On his intellectual profile, see Niccola Carranza, 'Averani, Giuseppe', in *Dizionario Biografico degli Italiani* (Roma: Istituto dell'Enciclopedia Italiana, 1962), vol. 4, 658–659, and see below in this chapter. Averani taught civil law from 1685/1686 to 1725/1726.

20 I thank librarian Mauro Bernardini of the University Library of Pisa for having guided me in the examination of book ownership marks and various inventories of Averani's collection, reported recently in Maria Augusta Morelli Timpanaro, 'Il testamento segreto di Giuseppe Averani (1728). Il suo costante attaccamento allo studio pisano e ad alcuni colleghi', *Bollettino Storico Pisano* 75 (2006): 287–309.

21 The Hague: A. Leers, 1680 (BUP, B.0.5.8; *BG*: 583); Monti taught civil law from 1720/1721 to 1734/1735.

22 On the meaning of the *iter italicum* for J. F. Gronovius, who stayed in Florence for two months between 1640 and 1641, see Fabrizio Lomonaco, Lex regia. *Diritto, filologia e fides historica nella cultura politico-filosofica dell'Olanda di fine Seicento* (Napoli: Guida, 1990), 41–80, now also in English, although with some typographical errors, under the title *New Studies on Lex Regia* (Bern-New York: Peter Lang, 2011), 71–98. His son Jacob taught Greek and rhetoric at the University of Pisa (1673/1674); later, Gronovius's other son, Laurens Theodor, came to Florence to study the *Littera* of the *Digest* (1679–1682). On this, see Tammo Wallinga, 'Laurentius Theodorus Gronovius (1648–1724)', *Tijdschrift voor Rechtsgeschiedenis* 65 (1997): 459–495.

23 See Ugo Baldini, 'Grandi, Guido', in *Dizionario Biografico degli Italiani* (Roma: Istituto dell'Enciclopedia Italiana, 2002), vol. 58, 494–507; Grandi taught from 1700/1701 to 1733/1734.

ematics, there was the first edition with notes by Jean Barbeyrac, in Latin, of the *De iure* by Grotius (1720), as well as a seventeenth-century edition of the *De Cive* by Hobbes (1696).[24] The Servite Gerardo Capassi,[25] court theologian and professor of scholastic theology, owned two editions of the *De iure*, one in Latin (1696–1703),[26] with the comments by Willem Van der Muelen as well as by Gronovius, and the first edition translated into French and annotated by Barbeyrac (1724).[27] His 'brother' and pupil, Francesco Raimondo Adami,[28] then professor of dogmatic theology, possessed – like Capassi – two editions of the major natural law work of Grotius, a seventeenth-century edition (1651)[29] and the first edition with notes by Barbeyrac, in Latin (1720).[30] An interesting picture, corroborating the hypothesis that the study of the circulation of modern natural law at the University of Pisa in the first half of the eighteenth century should be expanded beyond the boundaries of the legal teachings.[31]

Evidence of the introduction and use of natural law by the professors of law and its circulation among them is also found in some eighteenth-century

24 Amsterdam: Janssonius van Waesberge, 1720 (*BG*: 602); Amsterdam: H. & Viduam Th. Boom, 1696; for these entries see BUP, *Catalogo alfabetico della Libreria Grandiana* [*ca.* 1780], MS 387.

25 See Franco A. Dal Pino, 'Capassi, Gerardo', in *Dizionario Biografico degli Italiani* (Roma: Istituto dell'Enciclopedia Italiana, 1975), vol. 18, 387–391; Capassi taught from 1683/1684 to 1726/1727.

26 Utrecht: W. van de Water, 1696–1703 (BMRF, 6.C.III.62; *BG*: 590).

27 Amsterdam: P. de Coup, 1724 (BNCF, B.17.3.13; *BG*: 654); he also owned the *Commentariorum de rebus suecicis libri XXVI* of Pufendorf (Utrecht: J. Ribbius, 1686; BNCF, Palat. 29.2.8.3; *BP*: 8.1).

28 See Giovanni Miccoli, 'Adami, Francesco Raimondo', in *Dizionario Biografico degli Italiani* (Roma: Istituto dell'Enciclopedia Italiana, 1960), vol. 1, 233–234; Adami taught from 1744/1745 to 1767/1768 and again from 1774/1775 to 1788/1789.

29 Amsterdam: J. Jansson, 1651 (BMRF, 6.D.VIII.10; *BG*: 576).

30 Amsterdam: J. Janssonius van Waesberge, 1720 (BMRF, 6.J.VI.44; *BG*: 602); he also owned Grotius's *De veritate religionis christianae* (Amsterdam: L. & D. Elzevier, 1662; BMRF, 6.B.XII.7; *BG*: 959).

31 Moreover, the contacts between Grotius and Galileo in the 1630s, and the report on the censorship of Grotius's *IBP* by Paganino Gaudenzi, professor of humanities at the Pisan *Studium* from 1628/1629 to 1648/1649 (also teaching feudal law from 1630/1631), would deserve further study. On Grotius's relations with Italy and the *IBP*'s reception by Roman Catholic circles, see Harm-Jan van Dam, 'Italian Friends: Grotius, De Dominis, Sarpi and the Church', *Nederlands Archief Voor Kerkgeschiedenis/Dutch Review of Church History* 75 (1995): 198–215; Henk Nellen, *Hugo Grotius: A Lifelong Struggle for Peace in Church and State, 1583–1645* (Leiden: Brill, 2015), 378–379 and *passim*; Nicholas Hardy, *Criticism and Confession: The Bible in the Seventeenth Century Republic of Letters* (Oxford: Oxford University Press, 2017), 219–240 (esp. 221, n. 91, and 224, n. 102).

sources. Already in the mid-eighteenth century, the Florentine literary periodical *Novelle letterarie*, on the occasion of the death of Giovanni Bonaventura Neri Badia (1657–1742),[32] former professor of civil law for five years and then high magistrate, remembered his commitment to 'derive principles of justice and equality from the sources of nature and of public law',[33] hitherto neglected, in order to better interpret the spirit of the laws, statutes and customs of different peoples. Similarly, for the funeral honours of the above-mentioned professor Giuseppe Averani (1662–1738),[34] his pupil Antonio Niccolini celebrated his teacher as the one who 'raised us from the study of Roman laws to the contemplation of the reason of nature and nations, thus man can become not only expert in law, but creator of new and good laws'.[35] Niccolini continued, 'he ahead of everyone pointed out to us how easily we could acquire possession of the reason of nature and nations' through the study of philosophy (namely, the principles of the just, honest and decorous that are found in Roman law), and through learning about history.[36] Also the pupil of both these professors, Bernardo Tanucci (1698–1783),[37] who taught civil law for over ten years in Pisa, was described as the teacher who commented on Justinian's *Institutiones*, including reference to the law of nature and nations.[38] Indeed, Tanucci recommended the study of the classics of the 'modern natural law school' for learning public law by those preparing to enter public life, years after his own teaching experience.[39]

These professors, with their texts, offer the elements necessary to understand the reception of modern natural law at the University of Pisa up until the founding of the first public law chair in 1726, entrusted to Pompeo Neri

32 See Daniele Edigati, 'Neri Badia, Giovanni Bonaventura', in *Dizionario Biografico dei Giuristi Italiani. XII–XX secolo*, ed. Italo Birocchi et al. (Bologna: Il Mulino, 2013), 1423–1424. G. B. Neri Badia taught civil law from 1683/1684 to 1688/1689, then became judge, and from 1719 'Auditore della Consulta', that is, the official of the supreme judicial court responsible for the control of justice administration and dispensation by the prince's grace.

33 *Novelle letterarie* (Firenze: n.p., con licenza de' superiori, 1742), no. 12, Firenze, 23 March 1742, cols 177–178.

34 See Mario Montorzi, 'Averani, Giuseppe', in *Dizionario Biografico dei Giuristi Italiani. XII–XX secolo*, ed. Italo Birocchi et al. (Bologna: Il Mulino, 2013), 128–130.

35 Antonio Niccolini, 'Delle lodi di Giuseppe Averani [...] 1745', in Giuseppe Averani, *Lezioni Toscane* (Firenze: Gaetano Albizzini, 1744–1761), vol. 2, iii–xxxix, at xxiii.

36 Ibid., xxiv.

37 See Anna Vittoria Migliorini, 'Tanucci, Bernardo', in *Dizionario Biografico dei Giuristi Italiani. XII–XX secolo*, ed. Italo Birocchi et al. (Bologna: Il Mulino, 2013), 1931–1934.

38 Angelo Fabroni, *Historia Academiae Pisanae* (Pisis: Gaetanus Mugnainus, 1791–1795), vol. 3, 332.

39 On this, see Salerno, '*Stare pactis* and Neutrality', 190–191, and further references there.

(1707–1776)[40] by the Grand Duke Gian Gastone under an extraordinary procedure, in view of the 'long, faithful and attentive service' of his father, Giovanni Bonaventura Neri Badia.[41]

From these traces it is clear that in the late seventeenth and early eighteenth century, as already noted by historians, despite no innovation of the traditional *ratio studiorum* of legal studies emerging from the teaching programmes, the process of renewal of legal teaching and of opening to European law schools – which began with the introduction of the humanistic jurisprudence method – was also developed in the direction of the 'modern natural law school'.

At any rate, so far no attention has been paid to the first explicit confirmation of the introduction of Grotius to the official academic context, that is, the academic exercise *De jure belli, et pacis disputatio* of 1703,[42] associated with the head of Pisan neo-humanistic jurisprudence, Giuseppe Averani. Formally attributed to the German Philipp Wilhelm von Sutter, under the direction of Averani (who appears on the title page as *praeses*), this text was published at the grand ducal printing house, richly gilded, and dedicated to the Grand Duke Cosimo III. The dedication celebrated the Grand Duke's neutral policy and exalted the political virtues of that Medici as a ruler capable of keeping the Tuscan small state at peace. As shown in the following pages, the central thesis of the text responded to the political debate on interstate relations of Tuscany during the War of Spanish Succession (1701–1713/1714).

The *De jure belli, et pacis disputatio* of 1703 casts light on both perspectives of the process of introduction, circulation and use of modern natural law in the Pisan academic context, that is, legal education and international politics, revealing at the same time the primacy of the political function in the early stage of this reception process. Then, in order to reconstruct, first of all, the conditions of legal teaching practice of this period, we must refer to the professorship and work of Giuseppe Averani.

3 Renewal of the Method: Averani, Natural Law and Grotius

The renewal of the study of law at the University of Pisa has been traced back to the reception of legal humanism, which occurred at the beginning of

40 See Marcello Verga, 'Neri, Pompeo', in *Dizionario Biografico dei Giuristi Italiani. XII–XX secolo*, ed. Italo Birocchi et al. (Bologna: Il Mulino, 2013), 1520–1523.

41 Doc. IV, in Appendix to Marrara, 'Pompeo Neri', 200.

42 Philipp Wilhelm von Sutter [*praeses* Giuseppe Averani], *De jure belli, et pacis disputatio* (Florentiae: typis Regiae Celsitudinis, apud Petrum Antonium Brigonci, superiorum licentia, 1703); the copy used here is in BNCF, Magl.20.2.140.

the seventeenth century. The credit for penetration of the work and method of Cujas, Duaren, Doneau and Favre has been given to Niccolò Buonaparte from San Miniato, who taught civil law at the Pisan *Studium* for over thirty years, starting in 1609. During the seventeenth century, the Pisan law school was developed (preferring the erudite approach of humanistic jurisprudence, rather than the systematic one) by a pupil of Buonaparte, Bartolomeo Chesi, as well as by Pietro Paolo Borromei and Anton Maria Rilli, until it gained particular European relevance with Giuseppe Averani, who was a pupil of Borromei, Rilli and Francesco Maria Ceffini.[43]

Averani's legal training occurred within the 'historical-critical school' of Pisa, but in addition to law, the Florentine jurist cultivated interests in the natural sciences, following an experimental anti-scholastic orientation (whose rationalist approach would also be manifested in his method of teaching law). This was an eclecticism that he shared and developed with his older brothers Benedetto,[44] classicist and professor also at the University of Pisa, and Niccolò,[45] lawyer and astronomer, editor of the Florentine edition of the *Opera omnia* by Gassendi (1727). This edition was produced during the cultural renewal centred on the revival of Galileo's thought, in which Giuseppe intervened directly, participating in the Florentine edition of the *Opere di Galileo Galilei* (1718).[46] It is therefore appropriate to quote an eighteenth-century source stating that the Averani brothers formed 'a Triumvirate very rarely found in the same house, and perhaps unique in the same generation'.[47]

Averani's long career as professor of *ius civile* began in the academic year 1685/1686, as soon as he obtained his degree *in utroque iure*, and continued for-

43 On these members of the Pisan law school, see *ad vocem* in *Dizionario Biografico dei Giuristi Italiani. XII–XX secolo*, ed. Italo Birocchi et al. (Bologna: Il Mulino, 2013). On the Italian neo-humanistic law school, see Italo Birocchi, *Alla ricerca dell'ordine. Fonti e cultura giuridica nell'età moderna* (Torino: Giappichelli, 2002), 317–334; idem, 'Introduzione', in Francesco Rapolla, *De jurisconsulto*, ed. Italo Birocchi (Bologna: Il Mulino, 2006), 9–70 (esp. 14–34).

44 On Benedetto Averani (1645–1707), see Niccola Carranza, 'Averani, Benedetto', in *Dizionario Biografico degli Italiani* (Roma: Istituto dell'Enciclopedia Italiana, 1962), vol. 4, 657–658.

45 On Niccolò Averani (*ca.* 1650–1727), see Niccola Carranza, 'Averani, Niccolò', in *Dizionario Biografico degli Italiani* (Roma: Istituto dell'Enciclopedia Italiana, 1962), vol. 4, 659–660.

46 On this cultural renewal process and the associated publications, see Vincenzo Ferrone, *The Intellectual Roots of the Italian Enlightenment: Newtonian Science, Religion, and Politics in the Early Eighteenth Century*, trans. Sue Brotherton (Amherst: Humanities Press, 1995; originally published in Italian, 1982), 41–62.

47 Marco Lastri, *ad vocem*, in *Raccolta d'elogi d'uomini illustri toscani* (Lucca: Benedini, 1774), vol. 4, 682.

mally until the year of his death, 1738, although his teaching activities ceased from the academic year 1726/1727 for health reasons.[48]

The core elements of his didactics clearly emerge from his inaugural address of the academic year at the end of his career, which may well represent the educational commitment of a lifetime.[49] The eclectic jurist's text is an exhortation to students and princes (from 1688 he was tutor for Gian Gastone's legal studies) to oppose the spread of a conception of legal science strictly practice-oriented and detached from theory. For him, this attitude was the main cause of the decrease in enrolment and, above all, of the decline of jurisprudence, as well as all other scientific disciplines for the conservation and development of the state, happiness and protection of humanity. The polemical target of Averani was the pragmatic jurists ('haec vorago, quae absorbet profectus omnium, qui seditiosis Pragmaticorum vocibus auscultant'), that is, those who, neglecting the laws of the *Corpus iuris civilis*, attribute legal authority to the 'opiniones' of the 'doctores', often for mere financial interests. The consequence of this cultural decline also affected the administration of justice and hence the state.[50]

The controversy between legal theorists and practitioners was restated by Averani, who favoured the historical-philological approach of legal humanism, as did the law school to which he belonged. It is precisely the humanistic jurisprudence that has to be considered the common ground between the Pisan 'historical-critical school' and the Dutch 'elegant school'. The attention to direct study of the sources of Roman law through history and philology, deep knowledge of classical history, literature and philosophy, and aversion to Aristotelian scholasticism, are all useful elements to understand Averani's interest in Grotius's work[51] and his role as director of the above-mentioned *De jure belli, et pacis disputatio* of 1703. Therefore, before examining in depth the

48 ASF, Consiglio di Reggenza, 640 (fasc. 'Ruolo dello Studio dell'Anno 1727'), fols n.n.

49 Giuseppe Averani, *Oratio de jurisprudentia, medicina, theologia per sua principia addiscendis Pisis habita anno 1723* (Veronae: n.p., n.d.); the publication of this inaugural lecture is due to Averani's pupil, Bernardo Tanucci, who dedicated the print to Giovanni Bonaventura Neri Badia, who was the mentor for his legal apprenticeship.

50 Ibid., 7–8.

51 For the scholarly debate on the Grotian tradition, see the journal *Grotiana*. On the legacy of Roman law and philosophy in Grotius's *IBP*, see (with special regard to his use of the historical method) Massimo Panebianco, *Ugo Grozio e la tradizione storica del diritto internazionale* (Napoli: Editoriale Scientifica, 1974), 21–36, 38–66; (with particular emphasis on his use of the rhetorical method) Benjamin Straumann, *Roman Law in the State of Nature: The Classical Foundations of Hugo Grotius' Natural Law* (Cambridge: Cambridge University Press, 2015), esp. 14–16, 41–50, 70–82. On Dutch jurisprudence of the period, see Reinhard Zimmermann, 'Roman-Dutch Jurisprudence and Its Contribution

product of his teaching career, the *Interpretationes juris*, whose first edition was published in Leiden in 1716,[52] thanks to members of the Dutch law school, Brenkman, Noodt and Bynkershoek,[53] it seems appropriate to discuss the text of this academic dissertation.

The *disputatio* on the law of war and peace of 1703 begins with the dedication to Grand Duke Cosimo III signed by the German Philipp Wilhelm von Sutter,[54] who belonged to the Palatinate court and was married to a lady-in-waiting of the Electress Palatine Maria Luisa Medici, daughter of Cosimo III.[55] The dedication praises the Grand Duke's policy of neutrality. It highlights the political virtue of the prince, able to preserve the Tuscan small state at peace during a period of wars in Europe and Italy, by contrast: war, indeed, is considered the necessary means to ensure peace in an international order dominated by expansionist policies. This idea is then further developed in thesis number I, which opens the dissertation.[56]

The first thesis[57] also presents all the fundamental terms: natural law, law of nations, state of nature, the relationship between law of nations and natural law, as well as the relationship between war, state of nature and peace. Each concept is anchored to a fragment of the *Corpus iuris civilis* (hereafter *CI*) and illustrated with reference to classical authors only.[58] Through this text it is therefore possible to identify the fragments of the *CI* considered by the author to be the basis of the discourse on natural law.

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to European Private Law', *Tulane Law Review* 66 (1992): 1685–1721; and Wallinga, 'Laurentius Theodorus Gronovius (1648–1724)', 490–495. On Dutch political culture, see Alberto Clerici, *Monarcomachi e giusnaturalisti nella Utrecht del Seicento. Willem Van der Muelen e la legittimazione olandese della* Glorious Revolution (Milano: FrancoAngeli, 2007). On the natural law teachers (and their textbooks) at Dutch universities in the eighteenth century, see Corjo J. H. Jansen, 'Over de 18e eeuwse docenten natuurrecht aan Nederlandse universiteiten en de door hen gebruikte leerboeken', *Tijdschrift voor Rechtsgeschiedenis* 55 (1987): 103–115 (esp. table, 114–115).

52 Giuseppe Averani, *Interpretationes juris* (books 1–2, Lugduni Batavorum: apud Petrum Vander Aa, Bibliopolam et typographum ordinarium Academiae et Urbis, 1716).

53 Ibid., 'Typographus lectori'; Gaetano Albizzini, 'Memorie e notizie spettanti alla vita di Giuseppe Averani avvocato fiorentino', in Averani, *Lezioni Toscane*, vol. 1, ix–xli, at xxviii.

54 Sutter [Averani *praeses*], *De jure belli, et pacis disputatio*, 3–6.

55 On Sutter's biography, see Salerno, '*Stare pactis* and Neutrality', 193, n. 21.

56 The exercise has a total of fifteen theses.

57 Sutter [Averani *praeses*], *De jure belli, et pacis disputatio*, 7–9: 'Thesis I. There is peace, there is war: that is proper to natural law, this is introduced by the law of nations' (here and below the thesis's title is translated from Latin).

58 Namely, Cicero, Livy, Sallust, Virgil, Ovid, Seneca, Tibullus, Velleius Paterculus, Demosthenes, Aristotle, Thucydides, Saint Augustine.

The state of nature is a peaceful ideal (D.1.1.3), but war has been introduced by the law of nations (D.1.1.5 as a form of legal protection; I.1.2.2), a law which is common to all peoples as it is based on natural reason (I.1.2.1–2). Here an interesting distinction is made between state of nature and natural law: the communion of goods, the liberty of men, and peace are not considered natural law precepts but, rather, the original condition of the state of nature. Consequently, the law of nations, by introducing war, has not eliminated but only supplemented natural law, since this is immutable (I.1.2.11). In the last part, the main thesis is reiterated: because of human ambition, peace is achieved through war, and thus war serves to preserve the state of nature, not to subvert it. Interestingly, the author illustrates the connotation of immutability of natural law, not only by citing its divine origin (I.1.2.11), but also by referring to its application in civil law.[59]

The first explicit quotation of Grotius's *De iure belli ac pacis* appears in thesis III,[60] when the author makes a survey of the definitions of war, 'status per vim certantium, qua tales sunt' (*IBP*, book 1, ch. 1 [par. 2]). It is inserted immediately after that of Lipsius and before a long series of references to modern German public lawyers such as Althusius, Schönborner, Bocer, Liebenthal and Obrecht. The distinctive characteristics of war are, therefore, identified in the public form (vs private) and in the exercise of force (vs discussion) between two peoples (vs conflicts within the same people). In fact, in the last part, the author extensively quotes a passage from Cicero, according to which the use of force is the way to resolve disputes suitable to beasts, which man can use only if unable to use discussion;[61] the same quotation was used by Grotius in discussing just war (i.e. 1.2.1).

Just war is the subject of the theses IV and V.[62] This theme, of course, recurred in Florentine public and political discourse from the Middle Ages, combining elements taken from legal and moral sources.[63] Among such sources, Grotius's natural law was now included. Here the reference to Grotius

59 Sutter [Averani *praeses*], *De jure belli, et pacis disputatio*, 8–9: I.1.15.3; D.4.5.8; D.7.5.2.1; D.50.17.188.1.

60 Ibid., 12–14: 'Thesis III. War can be defined as a conflict between two peoples fighting using force'.

61 Cicero, *De officiis*, book 1 [11.34].

62 Sutter [Averani *praeses*], *De jure belli, et pacis disputatio*, 15: 'Thesis IV. There are two kinds of war: one is undertaken to defend and the other to offend'; 16–18: 'Thesis V. Both kinds of war can be just, if undertaken by legitimate authority and just cause'.

63 For the international literature on this subject, see Ryan Greenwood, 'The Just War in Florentine Political Discourse c. 1200–1400', *Jus Gentium: Journal of International Legal History* 4 (2019): 351–382.

(2.1) is placed between those of the major theologians (Augustine, Bellarmine, Ambrose, Diana, Molina and others) to illustrate the two types of war, defensive and offensive. The distinction is introduced by the assertion that injury is just cause for war, 'belli justa causa est injuria', followed by an extensive quotation from Augustine,[64] used by Grotius in illustrating the justifiable causes of war (i.e. 2.1.2). When the imminent offence is rejected, war is defensive, and when an offence already given is avenged, war is offensive.[65] Both types of war, therefore, are to be considered just if those wars are undertaken by legitimate authority and for just cause; the author, however, does not specify further the typology, and only refers the reader to the theologians, including Grotius, without any theoretical development of the discourse.[66]

Thesis VII[67] also deals with just war, arguing that war is also legitimate between Christian princes, by proving that it is not incompatible with natural law, law of nations, divine law, canon and civil law. Here there are two references to Grotius's work, but the scheme of the whole thesis recalls that of the second chapter of the first book of *IBP*. The first reference to Grotius (1.2) is introduced when natural law is discussed, and the sources used here are the same as those presented by Grotius, both the Old Testament and Cicero,[68] and the fragments of the *CI*.[69] The other reference to Grotius (1.2.8), inserted among the theologians Bellarmine, Lupus and González, is in the section where it is claimed that there is no conflict with canon law, and where the interpretation of the twelfth canon of the Council of Nicaea is cited, as in the *De iure*.[70] Ultimately, the sources of the different branches of law are borrowed from the text of Grotius, except those in the section dedicated to civil law, which are not directly discussed in the second chapter of the *IBP*'s first book.

Finally, worthy of mention is thesis IX, titled 'The faith given to the enemy, whether by war commander or private individual, has to be kept'.[71] The thesis opens with the assertions of Augustine, Quintilian and Ambrose[72] on the obli-

64 Sutter [Averani *praeses*], *De jure belli, et pacis disputatio*, 15: Augustine, *Quaestiones in Heptateuchum*, book VI, q. 10.

65 Sutter [Averani *praeses*], *De jure belli, et pacis disputatio*, 15.

66 Ibid., 16–18.

67 Ibid., 20–22: 'Thesis VII. Just war is also legitimate among Christian princes'.

68 Ibid., 21: Genesis 14 [20]; Cicero, *De finibus*, 3 [16] (to which the passage from *De officiis*, 1.4.11, is added).

69 Sutter [Averani *praeses*], *De jure belli, et pacis disputatio*: D.43.16.27; D.1.1.3; D.9.2.4pr.

70 Although originally this reference was placed in par. 9, no. 11 of Grotius's *De iure*.

71 Sutter [Averani *praeses*], *De jure belli, et pacis disputatio*, 26–27.

72 Ibid., 26: Augustine, *Epistola* 189 [6; ad Bonifacium]; Quintilian, *Declamationes*, 343 [12]; Ambrose, *De officiis ministrorum*, 1.29 [140].

gation to keep faith ('fides') with enemies, followed by the author's comment that the law of nations is common to the warring parties. This conception is then reinforced by quotations from Livy, Cicero and other classics,[73] on the law of nations as common to all men, including enemies. For the author, it is from the communion of the law of nations with enemies that the communion of conventions and commitments descends.[74] Indeed, in this section, the law of nations seems to lose its conventional nature, in order to demonstrate that respecting agreements is in accordance with natural equality, as some fragments of the *CI* also taught.[75] And it is precisely at this point that the author refers to Grotius, jurist among jurists (Hotman, Hunnius, Vinnen and Du Faur de Saint-Jorry [P. Faber]), quoting the well-known chapter concerning faith between enemies (3.19), from which all the aforementioned quotations are indeed taken (i.e. 3.19.1.2), with the exception of those from *CI*. The question of the inviolability of agreements signed with the enemy is a very controversial point among natural law theorists, and it is on this subject that the doctrines of Grotius and Pufendorf differ, mainly on the basis of the former's *stare pactis* principle and the latter's dynamic conception of state interests.[76] It seems significant that in the dissertation of the German von Sutter, conducted under the direction of Averani, Pufendorf is never mentioned.

73 Sutter [Averani *praeses*], *De jure belli, et pacis disputatio*, 26: Livy, *Ab urbe condita*, 5 [27.6]; Cicero, *De officiis*, 3 [29.108]. Other authors mentioned are: Seneca, Quintilian, Demosthenes, Apuleius, Cornelius Nepos and Lactantius.

74 Sutter [Averani *praeses*], *De jure belli, et pacis disputatio*, 26: 'sed si cum hostibus est communion juris gentium, est etiam communion conventium et obligationum', which is followed by references: D.2.14.5; D.1.1.5; I.1.2.

75 See the note above.

76 See Pufendorf, *ING*, 8.7.2, where the above-mentioned chapter of Grotius is judged to be moralistic. On this subject the bibliography is vast, because it calls into question the dualist conception of the law of nations; most of the references can be found in: Kari Saastamoinen, 'Pufendorf on the Law of Sociability and the Law of Nations', in *The Law of Nations and Natural Law 1625–1800*, ed. Simone Zurbuchen (Leiden: Brill, 2019; open access https://brill.com/view/title/39292), 107–131; Simone Zurbuchen, 'Defining the Law of Nations: The *École romande du droit naturel* and the Lausanne Edition of Grotius' *De jure belli ac pacis* (1751–1752)', in *The Law of Nations and Natural Law*, 253–277; and in Randall Lesaffer, 'The Nature of Europe's Classical Law of Nations', in *The Oxford Handbook of the Sources of International Law*, ed. Samantha Besson and Jean d'Aspremont (Oxford: Oxford University Press, 2017), 99–117. On the Grotian conception of trust, see Hans Blom, 'Hugo Grotius on Trust, Its Causes and Effects', in *Trust and Happiness in the History of European Political Thought*, ed. Laszlo Kontler and Mark Somos (Leiden: Brill, 2017), 76–98, and further references there. For a fine-grained analysis of the Pufendorfian realist conception of international order and politics, see Maurizio Bazzoli, *Stagioni e teorie della società internazionale* (Milano: LED, 2005), 139–171.

The deliberated quotation of Grotius's work in this supplementary teaching activity, though exceptional, is important. In fact, on the one hand, the explicit discussion of Grotius's doctrines (albeit in elementary terms) in a text on an academic occasion and dedicated to the Grand Duke gives evidence of the now legitimate reception of the Dutch jurist in the context of official culture. On the other hand, the theme of international politics addressed in this dissertation identifies the original privileged field of application of modern natural law *auctoritates* by Tuscan state jurists throughout the process of institutionalization of natural law. Below, this will be seen to have developed in the context of the *bellum diplomaticum* between the Grand Duchy and the Empire, up until establishment of the first chair of public law in 1726. But although Averani's forty-year teaching career has been recognized as the foundation of the training of important members of the Tuscan ruling class, including several professors of the University of Pisa,[77] it is still necessary to examine the work, *Interpretationes juris*, produced by his long teaching activity and published for the first time in Leiden in 1716 through the members of the Dutch elegant school.[78] Moreover, although in this text modern natural law theorists are never mentioned, some passages correspond to the arguments in Grotius's *De iure*. After all, knowledge of the Dutch jurist is widely testified by the dissertation of 1703.

4 Renewal of the Method: Averani, Roman Law and Grotius

In the aforementioned inaugural lecture, Averani describes the task of public education as assisting students to assimilate the fundamental principles of the various scientific disciplines for the benefit of public utility, that is, for society and the state.[79] The idea of the learning process originates from a rational-

77 Niccola Carranza, 'L'Università di Pisa e la formazione culturale del ceto dirigente toscano del Settecento', *Bollettino Storico Pisano* 33–35 (1964–1966): 469–537.

78 Averani, *Interpretationes juris* (1st edition, books 1–2, Lugduni Batavorum: apud Petrum Vander Aa, Bibliopolam et typographum ordinarium Academiae et Urbis, 1716); (2nd edition, books 1–2, 'priore multo emendatior', Lugduni Batavorum: apud Joh. et Herm. Verbeek bibliop[olas], 1736); (1st edition, books 3–5, 'opus postumum, continens interpretationum juris libros tres posteriores', Lugduni Batavorum: apud Petrum/Balduinum Vander Aa, 1746); (1st edition, books 1–5, 'editio novissima', Lugduni: typis Petri Bruyset, sumptibus Fratrum de Tournes, 1751); (2nd edition, books 1–5, 'editio novissima', Neapoli: ex typis Josephi Campi, sumptibus Vincentii de Aloysio, 1777–1785); (3rd edition, books 1–5, 'editio novissima', Maceratae: ex typographia Josephi Mancini-Cortesi, 1832–1833).

79 Averani, *Oratio de jurisprudentia*, 8, 21.

ist conception of human being, nature and science.[80] Considering science as consisting of principles and rules that become structured over time, Averani states that training must be long, gradual and directed primarily to the theoretical aspects of disciplines,[81] so that students can learn them thoroughly, acquiring the ability to exercise critical intelligence.[82]

Legal education must be based on in-depth study of the *leges* of the *Corpus iuris civilis*, since only in this way can students acquire the legal science and the experience necessary to practise their profession in the law courts. Only with detailed knowledge of the laws will they be able to deal with actual cases and resolve contradictions between the divergent opinions of the jurists,[83] thus offering their positive contribution to the administration of justice and therefore to citizens.[84] In front of the jurists in training, Averani's attention was aimed at promoting the legacy of the true masters ('antistites') of legal science, that is, those who in past centuries had undertaken the work of interpretation, conciliation and commentary of the laws, as against the still current dissemination of the work of pragmatic lawyers,[85] considered to be destroyers of jurisprudence.[86]

In his *Interpretationes juris*, therefore, Averani placed at the centre of his exposition only the fragments of the Justinian compilation. The interpretation examines, first, the grammar and lexicon of the text, and then verifies its correspondence with the 'intention of the legislator', through comparison with other legal provisions of the *CI* and with classical history and literature. Averani's goal is to show the intrinsic rationality of Roman law by his own original interpretations, to which he comes after discussing traditional and modern ones, such as those of Cujas, Duaren, Doneau and Favre,[87] which, however, are mentioned only briefly, because the exposition is based on the laws.

Legal historians have rightly noted the introduction of the logic of 'explicatio' and 'demonstratio' in the discussion of fragments,[88] a method that dis-

80 Ibid., 9.
81 Ibid., 10–12, 21.
82 Ibid., 14.
83 Ibid., 15–16, 18.
84 Ibid., 16.
85 On the criticisms and merits of the pragmatic jurists, see Giuseppe Ermini, 'I "prammatici" nella storia del diritto dell'età moderna', *Archivio Storico Italiano* 135 (1977): 425–446.
86 Averani, *Oratio de jurisprudentia*, 16–17.
87 Among these, Cujas is certainly the most quoted author; in the five books he is mentioned at least forty times.
88 Montorzi, 'Averani, Giuseppe', 129.

tinguishes the 'modern natural law school' from traditional jurisprudence.[89] But although Averani criticized the degeneration of Bartolism and promoted the return to the study of legal principles, the teaching practice in the course on civil law was to provide students with the tools to operate in courts of justice, where mainly private law issues were argued by applying the *ius commune* based on Roman law. It is therefore not surprising that, in the five books of Averani's *Interpretationes juris*, the reference to natural law appears almost exclusively in the illustration of questions and institutions of private law dedicated to the legal category of the *obligatio naturalis*.[90] Similarly, the lack of quotations from authors of the 'modern natural law school' does not surprise. Only Grotius is mentioned, but even then not with reference to his greatest natural law work, but to his commentary on the Old Testament ('Numer. cap. 27.6 et seqq. ibi et Grotius').[91]

With reference to Grotius, it should be noted that, although in a residual part of the examination of the *deprecatio* to the *Lex Rhodia de iactu* (D.14.2.9), the author makes incisive criticism of the hegemonic claims of the Holy Roman Empire, which expresses arguments corresponding to those in the *IBP* on the refusal to conceive German imperial jurisdiction as equivalent to that of the ancient Roman Empire and on the foundation of the state sovereignty:

> The ancient interpreters, too sweet, estimated that world domination had remained at the disposal of the Emperor *until the present time* [in Latin: 'ad hoc aevi']. Totally absurd. The Roman Emperor was once master of the world he possessed and held under his dominion ['quem possidebat et ditione tenebat']. The Roman people were master of all nations, obviously of those they had subdued with weapons and war, or

89 Norberto Bobbio, 'Il giusnaturalismo', in *Storia delle idee politiche economiche e sociali*, ed. Luigi Firpo (Torino: Utet, 1980), vol. 4, I, 491–558, at 502.

90 Averani, *Interpretationes juris*: on the legacy of pupil (D.29.2.89), book 2, ch. 8; on the obligations of the pupil without tutor (D.12.6.41 and D.44.7.59), 2.14; see other examples in 2.10, 2.15, 2.24, 3.27–28, 5.10, 5.32. On the controversial category of the *obligatio naturalis* in Roman law, whose bibliography is extremely vast because it refers to the more general problem of the concept of *ius naturale* in classical jurisprudence, see Alberto Burdese, 'La "naturalis obligatio" nella più recente dottrina', *Studi Parmensi* 32 (1983): 45–79, together with Guglielmo Nocera, *Ius naturale nella esperienza giuridica romana* (Milano: Giuffrè, 1962), and Lorena Atzeri, 'Natura e ius naturale fra tradizione interna ed esterna al Corpus Iuris giustinianeo', in *Testi e problemi del giusnaturalismo romano*, ed. Dario Mantovani and Aldo Schiavone (Pavia: IUSS Press, 2007), 715–758. On the ways of interpreting the *Digest*, see *Interpretare il Digesto: storia e metodi*, ed. Dario Mantovani and Antonio Padoa Schioppa (Pavia: IUSS Press, 2014), and further references there.

91 Ibid., book 3, ch. 28, sect. 11.

> conquered by the fear of Roman power, or induced by the public utility ['vel publica ductas utilitate'], or lured by friendship, and had subjugated under their authority and dominion ['sub imperium ditionemque subjunxerat']. So the Emperor *at the present time* ['hoc tempore'] is the master of those peoples who are subject to his power and authority ['quae sunt ejus potestati, imperioque subjectae'], of those provinces that he possesses and which he commands. But how little part of the Roman Empire does he possess? No differently, other kings, princes and peoples are the masters of those nations and provinces that are subjected to their dominion and power ['quae sunt eorum ditioni, potestatique subjectae']. In fact, they acquired them with the same art, and the same ways, with which the Roman people obtained the empire of the world. There is, therefore, no reason why they [the Romans] should be masters of the world they obtained but not those others who obtained their provinces by similar means.[92]

Although Grotius is not mentioned, the thesis proposed by Averani in the text from his teaching is entirely in conformity with that of the Dutch jurist (i.e. in 2.9.11 and 2.22.13). In particular, the above passage expresses a conception of internal and external sovereignty of states, used during the international controversy with the Empire to defend the autonomy and independence of the Tuscan small state – on that occasion with explicit reference to the *auctoritas* of Grotius. We find this argument both in Averani and Neri Badia, in their pupil Tanucci as well as the Archbishop of Pisa, Francesco Frosini.

5 Political Use of Natural Law: Defending the Tuscan Small State against Imperial Expansion

As seen, in the academic dissertation of 1703, the instrumental connection between modern natural law and international politics was already identified and strategically implemented. It is therefore not surprising that a more advanced political use of the texts of Grotius and Pufendorf can be observed during the *bellum diplomaticum* between the Grand Duchy and the Empire during the early decades of the eighteenth century. On several occasions,

92 Ibid., 3.5.11 (italics added). The original Latin of the last sentences is very effective: 'Nulla igitur ratio potest excogitari, cur ille [the Roman people] fuerit dominus mundi, quem fuit adeptus, hi [other kings, princes and peoples] non sint domini provinciarum, quas similiter adepti feurunt'.

indeed, Tuscan jurists used the great natural law theorists to promote specific principles of public law in international public opinion to defend the internal and external sovereignty of their state. First of all, it was a matter of defending the autonomy and independence of the city of Florence (and its dominion) against imperial pretensions to consider the entire Grand Duchy as a fief to invest in, once the male line of the Medici family had died out. These claims, as is known, were then also enshrined in Article 5 of the so-called Quadruple Alliance Treaty of London on 2 August 1718.[93]

Historically identified as Giuseppe Averani and Giovanni Bonaventura Neri Badia, the authors of the government's booklet *De libertate civitatis Florentiae* (1722) used the authority of Grotius and Pufendorf to demonstrate to the international political community and the Emperor Charles VI the legal effects of the continued exercise of sovereignty by the people of Florence[94] in both the republican and the princely regime.

Among the diplomatic sources, historical narratives and legal doctrines, the authors cite extensive passages from Grotius and Pufendorf, first to support the applicability of extinctive prescription also to imperial sovereignty (*IBP*, 2.4.4–5; 2.22.13; *ING*, 8.5.9).[95] Then, Grotius's authority is used to trace the various agreements between the Florentine Republic and the European princes, including emperors, back to the category of unequal alliances. With this type of alliance, according to Grotian doctrine, subjects retain their full sovereignty: even when a payment of money is made, even if the agreement implies that one is under the protection ('in fide') of the other. As a result, the imperial decree of Charles V (28 October 1530) is interpreted as an act (i.e. a 'laudum') of an arbitrator, who had been elected by the Republic itself in the full exercise of sovereignty in the Capitulations (12 August 1530), whose initial normative formula 'intendendosi sempre, che sia conservata la libertà' (always acknowledging that liberty must be preserved) is obviously highlighted. Therefore, the

93 That is, 30 CTS 415; on this, see Paolo Alatri, *L'Europa dopo Luigi XIV* (Palermo: Sellerio, 1986), 165–167; and Randall Lesaffer, 'The 18th-Century Antecedents of the Concert of Europe II. The Quadruple Alliance of 1718', in *Oxford Historical Treaties* (Oxford: Oxford University Press, online edition 2017, https://opil.ouplaw.com/page/592).

94 Giuseppe Averani and Giovanni Bonaventura Neri Badia, *De libertate civitatis Florentiae ejusque dominii* (1st edition: Pisis: n.p., 1721 [but 1722]; 2nd edition n.p., 1722); here, the continued exercise of sovereignty is claimed as: 'vetustissima jura omnimodae Libertatis Florentiae Ditionis', 3; 'jus omnimodae et absolutae libertatis, quo semper ab antiquissimis temporis usi sunt Florentini in toto suo territorio', 4; 'absoluta libertas, ab omni jurisdictione prorsus immunis', 6 (here and below the quotations are taken from the 2nd edition).

95 Ibid., 14, 41–42.

words 'fides' and 'devotio' used in the imperial award must be interpreted only as referring to a title of protection ('titulus protectionis') and not as founding and assigning a new jurisdiction ('jurisdictio') to the Empire over the Florentine state (*IBP*, 1.3.21–22).[96] Furthermore, Grotius is widely quoted to affirm the principle of public law relating to the legal continuity of the sovereignty of the people's body in political regime changes, such as during the transition from a republic to an elective kingdom, which the Tuscan authors equate to what had happened in the history of the city of Florence in the transition from the republic to the principality (*IBP*, 2.9.8 and 2.16.16).[97]

Even the Archbishop of Pisa, Francesco Frosini,[98] who had graduated in law from the University of Pisa (and who played an important formal role in the university system),[99] in his contemporary manuscript 'Discorso legale sopra la libertà dello Stato fiorentino' quoted Grotius extensively along with his commentators, Gronovius, Van der Muelen and Ziegler. The aim was to demonstrate that Charles V's *laudum* (28 October 1530) was not meant to acquire sovereignty, and therefore could not be used in the imperial texts as proof of 'suppression of the ancient liberty of Florence'.[100]

To support this thesis, Frosini resorts to Grotius's doctrines – mostly by means of Van der Muelen's commentaries – first, to show that the will of the Emperor had not been to subject the Florentine state. This would have violated the provisions established by him in previous public agreements (the League of Barcelona with the Medici Pope, Clement VII, and the Capitulations made by the Republic), producing serious violations of public law (unworthy of his role). He would have offended the public faith, which is the foundation of justice and peaceful human coexistence, and he would have infringed the principle of fairness, which is the basis of the virtue of the ruler (*IBP*, 3.20.51; 2.25.1).[101] He would have contravened the law of nations, according to which the auxiliary troops are entitled only to movable goods (*IBP*, 3.6.23–24).[102]

96 Ibid., 17, 27, 50–53.

97 Ibid., 57.

98 On Frosini's intellectual profile, see Carlo Fantappiè, 'Frosini, Francesco', in *Dizionario Biografico degli Italiani* (Roma: Istituto dell'Enciclopedia Italiana, 1998), vol. 50, 609–611.

99 On this, see Marrara, 'L'età medicea (1543–1737)', 180–187.

100 Francesco Frosini, 'Discorso legale sopra la libertà dello Stato fiorentino e la niuna sua dependenza dall'Imperio [di Mons. Frosini Arcivescovo di Pisa]. Per quem reges regnant ipse dirigat consilium meum', [1715–1722?], MS, in ASF, Miscellanea Medicea, 147, fasc. 3, fols 129r–174r; the author's name appears in the title of the MS copy preserved in BANL, Corsiniana, 1199 [35.D.4], fols 5r–43v. References hereafter follow this order: 131r (ASF); 7v (BANL).

101 Ibid., 134r–135r; 9v–10v.

102 Ibid., 135r–v; 11r.

Furthermore, he would have eliminated the just cause of war, namely the reintegration into government of the Medici family, who had been violently stripped of their power, making the war unlawful (*IBP*, 2.1.2.2).[103] Ultimately, Frosini shows that the imperial decree ('lodo') had been an unequal alliance, and thus could not have founded any jurisdiction or subjection of the Florentine state to the Empire, resulting from an act of the Emperor as arbitrator (*IBP*, 1.3.21; 3.20.51).[104] In the last part of the text, the author reinforces his thesis by noting that the interpretation of the imperial decree – as an act not directed at acquisition of sovereignty – had been observed by the parties for almost two centuries. Here, the Archbishop recalls Grotius, again using Van der Muelen's commentary (*IBP*, 2.4.1), to whom Pufendorf is added (*ING*, 4.12),[105] because both natural lawyers founded the restriction of the subjects' claims precisely on the natural law that originates from the need to ensure public peace. Thus, the text closes by arguing, with another reference to Grotius and reinforced by further citations from German public law jurists, that even imperial sovereignty falls into extinctive prescription (*IBP*, 2.22.13).[106]

Bernardo Tanucci, too, made extensive use of Grotius and his 'greatest commentator Pufendorfio' (in addition to Heinrich Cocceji, Gronovius and Barbeyrac) and Wolff, Huber and Thomasius, in the third chapter of his *Dritto della Corona di Napoli sopra Piombino*.[107] That is the chapter which the author considered the summary of his *Vindiciae Italicae*, that is, the dissertations produced by invitation of the Florentine Secretary of State for War, Carlo Rinuccini, after the Treaty of London of 1718 and during the international controversy of the early decades of the eighteenth century between the Grand Duchy and the Empire.[108]

103 Ibid., 137r; 12v.

104 Ibid., 143v–145v; 18r–20r, and 153r–154v; 26v–28r.

105 Ibid., 164r–165r; 35v–36r.

106 Ibid., 170r–171v; 40r–41r.

107 Bernardo Tanucci, *Dritto della Corona di Napoli sopra Piombino* (n.p., n.d; written in 1736 and published post 1759), ch. 3, 67–94. The main part of ch. 3 was written around 1726–1728, as reported in the letters from Bernardo Tanucci to Lorenzo Mehus, from Naples, 1781–1783, MSS, in BRF, Riccardiano, 3497, fols 1r–8v.

108 On Tanucci's political culture, see Marcello Verga, 'Dai Medici ai Lorena. Aspetti del dibattito politico in Toscana nell'Epistolario del Tanucci', in *Bernardo Tanucci e la Toscana* (Firenze: Olschki, 1986), 171–215; and Mario D'Addio, 'Impero, feudalesimo e storia d'Italia nel pensiero civile di Tanucci', in *Bernardo Tanucci statista letterato giurista*, ed. Raffaele Ajello and Mario D'Addio (Napoli: Jovene, 1988), vol. 1, 25–56. On Rinuccini, see Emanuele Salerno, 'Rinuccini, Carlo', in *Dizionario Biografico degli Italiani* (Roma: Istituto dell'Enciclopedia Italiana, 2016), vol. 87, 610–614.

Here, the modern natural law theorists are cited as *auctoritates* to support the principles of public law against the pretension of reviving imperial sovereignty over the Italian territories, supported through the alleged legal continuity of the title of Emperor from the days of the ancient Roman Empire. In summary, Tanucci argues through extensive quotations from Grotius and Pufendorf, and also recalling in footnotes the texts of Gronovius and of Noodt on the *lex regia*, that sovereignty originally resides in the people. Consequently, since Italians no longer wanted to elect any Emperor after Frederick I Barbarossa, they had regained their liberty, as Pufendorf had also written. Tanucci cites the passage in which the German jurist had refuted those who denied that, in periods of interregnum, sovereignty returned to the people: 'potestatem imperandi ad populum reverti' the German lawyer had written, to which Tanucci also adds a reference to Grotius (*ING*, 7.7.7 and *IBP*, 1.3.7; 2.9.8).[109] According to Tanucci, after Charlemagne, all Emperors had always been elected by Italians. Even Otto I had been called by Italians to free them from Berengario's tyranny. Thus, after Otto's intervention (as an auxiliary and consultant), Italians had returned to 'nativa libertà' (native liberty), as natural law theorists had taught (*IBP*, 3.9.9 and *ING*, 8.6.21 and 26).[110] Ultimately, for the Tuscan jurist, the medieval 'Kingdom of Italy' had been an elective kingdom that could not have been alienated or united with Germany. This was because 'an elective King' was not able 'to alienate Italy to Germany':

> No Italian state was transferred by German Emperors who first had possessed it [i.e. the Emperors could not cede any Italian state if they did not own it first]. All the investitures of the pompous Italic Code are fiefdoms offered by tyrants who through violence had acquired unjust power, and had no right, other than tacit consent or violence, or some incipient consent of the people, and therefore could neither alienate, nor offer up.[111]

This political use of modern natural law theorists' texts demonstrates the extensive expertise acquired by the Tuscan ruling class of the early eighteenth century and confirms interstate relations as the privileged field of application.

109 Tanucci, *Dritto della Corona di Napoli sopra Piombino*, 72–73.

110 Ibid., 76–77.

111 Ibid., 80–81. On the invalidity of such acts, both Grotius and Pufendorf (*IBP*, 1.3.11 and *ING*, 8.5.10) are mentioned at the beginning of the third chapter, 70, as well as in the conclusion, to reiterate that there could be no legal continuity of the title of Emperor since the times of the ancient Roman Empire (*IBP*, 2.22.13 and *ING*, 8.5.9, and *De statu Imperii Germanici*, 1.14), 85–86.

A similar approach can also be observed in judicial use, where the citation of natural law *auctoritates* is deemed necessary in the same field of *inter gentes* law.

6 Judicial Use of Natural Law: The Natural Law of Nations Addressing External Public Law Cases

In reference to the Pisan academics, the collection of judicial decisions and legal consultations *Decisiones et responsa juris*, by Giovanni Bonaventura Neri Badia and his son Pompeo Neri,[112] is a particularly valuable source for examining the judicial use of natural law. In fact, although the natural law theorists, Grotius, Hobbes, Pufendorf, Huber and Suárez, are often cited *ad abundantiam*,[113] their *auctoritas* is deemed indispensable in cases where public law matters between sovereign states were discussed. In addition, the decisions of G. B. Neri Badia, some of which date back to the late 1690s, confirm the Tuscan jurist's extensive knowledge of the authors of the 'modern natural law school', even before the beginning of the eighteenth century.[114]

Of particular interest is the 'Responsum I' of Pompeo Neri.[115] This text, dating back to the early 1730s, is in fact almost contemporary with his teaching in the new Pisan chair of public law. As is known, the first chair of *ius publicum*, although established in 1726, was activated only later, for the two academic years of 1727/1728 and 1728/1729. During this period, Pompeo Neri appears to have taught only seventeen lessons,[116] the contents of which are still unknown.

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112 Giovanni Bonaventura Neri Badia [and Pompeo Neri], *Decisiones et responsa juris* (Florentiae: ex typographia Josephi Allegrini, [Pisoni] & soc., 1769–1776).

113 See, ibid.: by Giovanni Bonaventura Neri Badia, 'Decisio V Senensis' (1696; ref. Suárez), vol. 1, 33–43; 'Dec. VIII Senensis' (n.d., post 1695; Suárez), vol. 1, 52–72; 'Dec. L' (n.d.; Grotius), vol. 1, 449–451; 'Dec. LXIV' (n.d., post 1703; Suárez), vol. 1, 515–528; and by Pompeo Neri, 'Decisio I' (1736; Hobbes, Pufendorf, Grotius, F. Vásquez), vol. 2, 229–273.

114 See the note above for his decisions from the end of the seventeenth century. The expert use of Pufendorf's and Grotius's works by G. B. Neri Badia is then particularly attested in his 'Responsa XIX–XXI' (n.d., post. 1716), vol. 2, 151–188, on the testament of Elector Palatine Johann Wilhelm, husband of Anna Maria Luisa Medici, daughter of Grand Duke Cosimo III (esp. 158–159, 161–169, 176–177).

115 Pompeo Neri, 'Responsum I' (n.d., post. 1730), in Neri Badia, *Decisiones et responsa juris*, vol. 2, 383–392.

116 ASF, Consiglio di Reggenza, 640 (fasc. '1728' and '1729', and the 'Ristretto delle lezzioni' [*sic*]), fols n.n.: in the first academic year he only gave eight lessons, being nominated at the end of the last 'Terzeria'; in the second only nine (out of seventy). In the fascicle '1737', a draft note on the professors at the Florentine *Studium* states that Pompeo Neri

However, analysing this, Neri's consultation on the question of border regulation between the Grand Duchy and the Papal State, it is possible to grasp the sophisticated expertise acquired by the young jurist on the doctrines of the greatest natural law authors, and to understand why resorting to them was necessary.

Indeed, from the first pages, Neri points out that, since the question involves two states/sovereigns, the interpretation must be based not only on *ius commune*, but also on the 'naturale diritto delle genti' (natural law of nations).[117] Grotius is used at the beginning of this legal opinion to affirm that the Pope is obliged to accept the exchange of land requested by the Grand Duke on the basis of the 'first principles of natural justice according to the famous axiom *Quod tibi non nocet etc*. [D.39.3.1.11; D.39.3.2.5]', an axiom explained by reference to the Dutch jurist (*IBP*, 2.2.6).[118] The instance brought by the Grand Duke, in fact, satisfies two conditions, the necessity and usefulness for neighbouring peoples, and the absence of damage to the defendant (Principality of the Holy See). It thus matches the exception of the exclusive exercise of the right of ownership over goods; by means of this exception, the original right to make use of goods as if they were still in common is revived, as Grotius had written.

Pufendorf and Hobbes, too, are cited to illustrate the Pope's obligation to accept the exchanges, but with reference to 'the only law, which obliges the sovereigns', that is, the security and the welfare of the people.[119] Through these references, Neri argues that no papal bull, including *De non infeudando*, can limit the Pope's actual sovereignty. In fact, in any state the existence of a supreme and full power ('summam et plenam potestatem') is necessary, and this can be divided and limited in order to moderate the will of the sovereign prince's arbitrariness through promises and agreements. But these have no binding force on the sovereign unless they attribute specifically to certain institutional subjects a part of the sovereignty over particular matters; much less are they binding in the case of 'necessità legale' (legal necessity), that is, a necessary act for the correct execution of the convention already established and approved by the parties (*ING*, 7.6; 7.2; 7.4–5; *De Cive*, 7.17).[120]

In the final part, the quotations from Grotius, together with his greatest commentators, Boecler, Van der Muelen and Barbeyrac, give further evidence

was appointed in 1728 as professor at the Pisan *Studium* but after being asked to assist the prince directly he moved to Florence and thus was enabled to read there.

117 Neri, 'Responsum I', 386, no. 2, and 388, no. 4.

118 Ibid., 386, no. 3.

119 Ibid.

120 Ibid., 389, nos 12–18.

of Neri's in-depth knowledge of the doctrines of the Dutch natural law jurist. These last references serve to emphasize the exceptional nature of the case under discussion, since the exchanges concern only limited, depopulated areas and proved advantageous and necessary to the peoples. Consequently, Grotius's doctrine on the indispensable consent of the people, in the total or partial alienation of states by sovereigns, could not be applied. In the case examined, using the two exceptions of public utility and necessity, silence of the people had to lead to the presumption of consent, as Grotius had specified (*IBP*, 2.6.3–4 and 2.6.7–8).[121]

7 Conclusion

At the University of Pisa, traces of the introduction, circulation and use of, and indeed reliance on, modern natural law are already recorded alongside the classes of *ius civile* during the last decades of the seventeenth century and in the early eighteenth century. The first explicit evidence of Grotius in the official academic context was in 1703, associated with the activity of one of the most important professors, Giuseppe Averani, not in the field of civil law but, rather, in external public law, that is, in the field of law of war and peace. The same field, that is, interstate relations and *inter gentes* law, appeared as the preferred field in the judicial and political use of natural law. Ultimately, the process of institutionalization of modern natural law in the Pisan academic context has emerged as developing in the context of the *bellum diplomaticum* between the Grand Duchy and the Empire, ending two decades later with the establishment of the first chair of *ius publicum* in 1726.

Unquestionably, the Roman legal culture of the Pisan historical-critical school directed and mediated the reception of modern natural law doctrines. However, depending on the purposes for which the texts of the great authors of the 'modern natural law school' were used, it is possible to observe some differences. The reception of natural law for educational purposes was indirect with respect to that aimed at international politics (binding for the Tuscan small state). This is because legal education was traditionally directed to practice in the internal fora, that is, Tuscan courts of justice, in which mainly private law issues were dealt with, by means of *ius commune*, based on Roman law. Its political use, instead, was addressed to the European system of courts and diplomats, that is, the external fora of interstate relations among sovereign

121 Ibid., 391–392, nos 34–37.

states, in which Roman law had become ineffective and therefore recourse to the *auctoritates* of the natural law of nations was direct and explicit.

At the University of Pisa, therefore, partly due to external factors such as the *bellum diplomaticum*, modern natural law theories spread gradually among law professors until the establishment of the first public law chair in 1726, under the government of the last Medici Grand Duke, Gian Gastone. Employing an extraordinary procedure, the chair was entrusted to the jurist abbot Pompeo Neri, but the teaching was conducted for just two academic years, 1727/1728 and 1728/1729. Fresh archival research has revealed that he taught only a very few lessons. Although the content of the lessons has not been found, deeper examination of other contemporary sources has revealed the advanced expertise acquired by the young jurist with regard to the modern natural law doctrines of the major authors, necessary in dealing with cases of external public law.

The public law professorship was reconstituted only ten years later, in the academic year 1738/1739, under the government of the new Grand Duke, Francis Stephen Habsburg-Lorraine. The teaching was then entrusted to a doctor of theology, abbot Francesco Niccolò Bandiera, who taught for nearly thirty years, until 1765/1766, in a very different political scenario.[122]

These research results suggest that the study of legal education in the last Medici period is still essential, not only to clarify the relationship between Roman law, natural law and public law, both internal and external (therefore, to comprehend the development of modern natural law in academic culture), but also to understand the legal-political culture of the Tuscan ruling class, and how this culture led the institutionalization of natural law at the University of Pisa, until the foundation of the first public law chair in Italy, in 1726.

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122 Bandiera's teaching dealt with universal public law, and in the official reports he specified that he followed mainly the doctrines of Grotius and Pufendorf, and that on the question of the resistance of subjects he supported the opinion of passive obedience. See ASF, Consiglio di Reggenza, 641 (fasc. '1748'), fols n.n.

ASP: Archivio di Stato, Pisa, Italy, Università 2, C I 2 (Ruoli dell'Università).

BANL: Biblioteca dell'Accademia Nazionale dei Lincei e Corsiniana, Roma, Italy, Corsiniana, 1199 [35.D.4] (Raccolta di scritture, e memorie appartenenti alle cose occorse nella Corte di Firenze e negoziati avuti colla corte di Roma dall'anno 1730 al 1740).

BRF: Biblioteca Riccardiana, Firenze, Italy, Riccardiano, 3497 (Lettere diverse all'Ab. Mehus e al Marchese Cosimo Riccardi).

BUP: Biblioteca Universitaria, Pisa, Italy, Manoscritti, 387 (Catalogo alfabetico della Libreria Grandiana).

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Abbreviations

BG: Jacob ter Meulen and Pieter Johan Jurrian Diermanse, *Bibliographie des écrits imprimés de Hugo Grotius* (La Haye: M. Nijhoff, 1950).

BMRF: Biblioteca Marucelliana, Firenze.

BNCF: Biblioteca Nazionale Centrale, Firenze.

BP: Horst Denzer, *Moralphilosophie und Naturrecht bei Samuel Pufendorf* (München: Beck, 1972), 359–373.

CI: *Corpus iuris civilis*.

IBP: Grotius, *De iure belli ac pacis*.

ING: Pufendorf, *De iure naturae et gentium*.

fasc.: fascicle

fol.: folio

n.d.: no date

n.n.: not numbered

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