

De Statutis Society
“La libertà di decidere: da Cento a Cento, 1993-2024;
Trent’anni di studi sugli statuti”
June 1, 2024

Italian *Statuti*: Views from a North American Curator

By Michael Widener, Rare Book Librarian (retired),
Yale Law School Library (2006-2021)

I am deeply honored by the invitation to appear on such a distinguished panel, as part of a conference on a topic that is near and dear to my heart.

I very much regret that I could not be present in person. Next week I am teaching a week-long intensive course on law books for the University of Virginia’s Rare Book School, for the eighth and last time, and I could not afford to interrupt my preparations.

I also regret that my brief talk must be in English, and I am grateful for your forbearance.

Since I do not speak Italian, it is possible that some of the points I raise may have been addressed by speakers at this conference, or in the literature. Again, I ask for your forbearance.

Like my fellow panelists, I am from outside of Italy. I am even more of an outsider. I am from the other side of the Atlantic. I don’t speak Italian and I don’t read Latin, although I am fluent in Spanish. My academic training is in librarianship, not law or history. So, why am I here?

My connection is the collection of early Italian statutes that I found when I became the Yale Law Library’s rare book librarian in 2006, and that I nurtured until my retirement in 2021. I believe that it is the largest such collection outside of Italy.

The Yale Law Library purchased the original collection *en bloc* in 1946, totaling 900 volumes, including 12 incunables and 52 manuscripts. The director of the Law Library at that time, a legal historian named Samuel Thorne, called it “the outstanding acquisition of the year.” In the decades since Thorne’s departure, until my arrival in 2006, the collection was largely ignored.

The collection fascinated me, in part because it was a branch of legal literature that I had never seen before. It also intersected with a number of my own interests. I am interested in the history of the book, and its contributions to legal history. One of the leading legal historians in the U.S., Michael Hoeflich, wrote that “Any serious history of law must also be a history of law books.”¹

I have a passion for building unique and useful collections. No one in the U.S. was collecting early Italian statutes as a genre. I saw an opportunity to make a great collection even greater. And I have a passion for sharing collections, for connecting them with people.

I invested a considerable part of my time and Yale’s money in building the collection and promoting its use. I added over a thousand separate items to the collection, across the entire range of types, formats, and dates. I also promoted the collection through exhibitions, digitization initiatives, classroom teaching, and other outreach efforts.

¹ Michael H. Hoeflich, “Legal History and the History of the Book: Variations on a Theme,” *University of Kansas Law Review* 46, no. 3 (Apr. 1998): 415-431, at 416.

Understanding the collection was a challenge. I had the superb catalogue of the Biblioteca del Senato, but I could not find a guide that explained the genre. To use a metaphor, I could see lots of trees, but I did not have a map of the forest.

Today, as I look over the program for this conference, I see the map that I so badly needed. The speakers in the opening sessions have described the many types of statutes, their variations across time and geography, and their significance.

I hope this information finds its way into a publication, and especially into an English-language edition. An English-language publication would benefit not only a handful of North American curators like myself. I believe it would help to bring early Italian statutes into the broader conversations of comparative legal historians.

With no guide to go by, other than the catalogue of the Biblioteca del Senato, I learned about the collection by immersing myself in the books and manuscripts themselves. As texts, they spoke to me only with difficulty. But as objects, they had a lot to say. The more I looked, the more I became convinced that Italian city statutes provide fertile ground for book history.

Early on, a book conservator pointed out to me that the collection offered a wonderful sampling of local Italian binding styles. This raises an important point. These books and pamphlets and broadsides were, for the most part, produced locally, bound locally, for a local market, reflecting local tastes, using local editors, labor, materials, technology, and distribution networks. They are artifacts of local culture. As law books, this sets them apart from the texts of Roman and canon law produced in the great printing centers of Venice, Paris, and Lyon, and sold across Western Europe.

The texts themselves are expressions of local identity. Mario Ascheri writes that “The statute was a symbol of urban freedom or at least of its autonomous life.”²

The title pages reinforce this symbolism. They are expressions of civic pride. They announce, for example, not simply the statutes of the city of Modena, but rather the statutes of the magnificent city of Modena [see **Figure 1**]. The 1609 edition of the statutes of Cento is another example [see **Figure 2**]. The elegant architectural border on the title page includes images of a bishop, Saint George, two coats of arms, and the Keys of Saint Peter, all of this crowned by a seated Justitia. It recalls the architecture of the public buildings in Cento’s piazza, and those of countless other Italian towns. The 1579 statutes of the blacksmiths’ guild of Bologna, with its lovely full-page woodcut of the Crucifixion, is another example [see **Figure 3**].

In a 2014 article, “Publishing the *Constitutiones Domini Mediolanensis*,” Kevin Stevens wrote, “The subject of the early law book title page in Italy merits a monographic study.”³ I agree.

These elegant title pages added to the expense of producing the volumes. Printers would not have produced them unless they had reasonable expectation of compensation, either through sales or subsidies.

² Mario Ascheri, “Statutory Law of Italian Cities from Middle Ages to Early Modern,” in *Von der Ordnung zur Norm: Statuten in Mittelalter und Früher Neuzeit* (Gisela Drossbach, ed.; Paderborn: Ferdinand Schöningh, 2010), 201-216, at 207.

³ Kevin M. Stevens, “Publishing the *Constitutiones Domini Mediolanensis* (1541-1552): New Revelations,” *La Bibliofilia* 116, nos. 1-3 (Jan.-Dec. 2014): 215-229, at 222, footnote 25.

I would like to know more about the business of publishing Italian city statutes, especially since in most cases, the market would seem to have been a local one. No business wants to sit on unsold inventory. Specifically...

- Did the local governments, guilds, and confraternities subsidize the printing? Or, did printers subsidize them in order to attract other business?
- Did printers actively compete for the printing, or did they have to be enticed by generous subsidies? What was the role of politics, or family connections?
- What was the size of the typical print run?
- Were they produced to be sold in book shops? If so, what were the sales? Or, were they distributed by the institution? It seems to me that the sales potential for smaller jurisdictions was quite limited, but I could be very wrong.
- Who were the readers or consumers of these books? Obviously they included lawyers, judges, notaries, and local officials, but who else?

Apart from the early modern printings, there was the explosion of 19th and early 20th century editions of municipal statutes as historical source material, a sub-genre that presents distinct questions about motivation, readership, and publishing history.

Another aspect of Italian city statutes that stands out is the role of manuscripts, and in particular scribal publication, in the preservation and dissemination of the texts.

To begin with, a significant number of the printed statutes in Yale's collection are bound together with extensive sections of manuscript. I have had the privilege of handling a wide variety of law books from across the western world, and I don't recall any other genre of legal literature where this occurs so frequently. It makes sense, of course; printed statutes for many of the towns appeared in only one edition, and manuscript was the only way to update them with later enactments.

Milan presents a special case. While I was at Yale, I acquired two different volumes, both containing 16th-century editions of Francesco Grassi's *De origine iuris Mediolanensis* and the *Constitutiones dominii Mediolanensis*, together with miscellanies of printed material and extensive manuscript sections. There is a third example in Yale's Beinecke Library, all of them with similar though not identical miscellanies. I have seen at least two more offered recently in the antiquarian trade, and there might be another at Berkeley. They seem more like notebooks. What is going on here? Again, perhaps this is not new to you, but for me it is intriguing.

As you well know, compilations of statutes for many small towns remained in manuscript and were never printed. In this regard, it puzzles me why Florence, one of Italy's most important cities, went for so long without a printed compilation of its statutes. Compilations for Florence existed, but they were published scribally. The same is true for Mantua. Florence's statutes were not printed until 1778, and even then, they were published in Switzerland. Why?

Apart from printed books and manuscripts, there is the enormous body of ephemeral pamphlets and broadsides. In larger jurisdictions such as Venice or Florence, they represent the greatest number of legal publications. They demonstrate how local law was disseminated to the general public. They reflect local concerns relating to crime, public health, commerce, social status, agriculture, and a host of other issues. Today they relate to broader research interests, such as printing history, social history, economic history, and the growth of literacy. James

Whitman wrote that “our legal histories are fundamentally incomplete if they do not attempt to conjure up what the law meant to business folk, and to similar crude consumers of the law.”⁴

When I arrived at the Yale Law Library, I was charged not only with building the collections but also with making them visible and available. Use is what brings a collection to life.

In my outreach efforts, I turned my lack of language skills into opportunities, by collaborating with those who had the language skills and subject knowledge, and who shared my enthusiasm.

The very first exhibition I mounted at Yale, in October 2008, was “The Flowering of Civil Law: Early Italian Statutes in the Yale Law Library,” co-curated by Benjamin Yousey-Hindes, a Stanford University doctoral student in medieval studies who was writing his dissertation on the notarial archives of Genoa. In 2016 I collaborated with a Yale doctoral student, Christopher W. Platts, on the exhibition, “Representing the Law in the Most Serene Republic: Images of Authority from Renaissance Venice.”⁵

I also reached out to the medieval studies and European history communities at Yale. These outreach efforts eventually brought me into contact with several of the speakers at this conference: Mario Ascheri, Sandro Notari, and Alessandra Casamassima, and with the extraordinary collection at the Biblioteca del Senato.

This brings me to my final point: opportunities for collaboration. Digital projects, such as the ones presented earlier this morning, are vehicles for fostering collaboration. I believe opportunities exist for collaboration between Italian and U.S. institutions. In my experience, organizations that provide funding for digital projects look favorably on proposals that involve collaborations between institutions.

I must make one clarification. I retired from the Yale Law Library in 2021, and thus I no longer speak for the Yale Law Library, or for any other institution. That being said, I would be pleased to assist.

⁴ James Q. Whitman, “The Moral Menace of Roman Law and the Making of Commerce: Some Dutch Evidence,” *Yale Law Journal* 105, no. 7 (May, 1996): 1841-1889, at 1887.

⁵ *Representing the Law in the Most Serene Republic: Images of Authority from Renaissance Venice*. New Haven: Lillian Goldman Law Library, Yale Law School, 2018. Catalogue of an exhibition curated by Christopher W. Platts, History of Art, Yale University, & Michael Widener, Yale Law Library, September 20-December 16, 2016. Available online at <http://hdl.handle.net/20.500.13051/5435>.

Resources on Early Italian Statutes from the Yale Law Library

Italian Statutes, Rare Book Collection, Yale Law Library

<https://library.law.yale.edu/italian-statutes>

An overview of the collection, with links to related resources.

Manuscripts in the Italian Statute Collection, Yale Law Library.

<http://hdl.handle.net/20.500.13051/5433>

An inventory of manuscripts and printed books with substantial manuscript additions. Compiled by Mike Widener, 2021.

Yale Law Library Flickr site, "Italian Statutes" album

<https://www.flickr.com/photos/yalelawlibrary/albums/72157631490786658/>

466 images from the Italian Statutes Collection.

Italian Statutes (Yale Law School Open Scholarship Repository)

<https://openyls.law.yale.edu/handle/20.500.13051/26>

Sixteen items, including three fully digitized manuscript statutes (Ceneda, Montebuono, and Montefortino).

Representing the Law in the Most Serene Republic: Images of Authority from Renaissance Venice. New Haven: Lillian Goldman Law Library, Yale Law School, 2018.

<http://hdl.handle.net/20.500.13051/5435>

Catalogue of an exhibition curated by Christopher W. Platts, History of Art, Yale University, & Michael Widener, Yale Law Library, September 20-December 16, 2016.

Lo Statuto di Montebuono in Sabina del 1437 / saggi di Mario Ascheri, Tersilio Leggio, Sandro Notari; edizione del testo manoscritto a cura di Alda Spotti. Roma: Viella, 2011. Includes a facsimile of the manuscript held by the Yale Law Library, with transcription of the Latin text.

Della Giustina, Massimo. *Statuti di Ceneda: il codice originale del 1474 con le addizioni e le aggiunte sino al 1609 / con saggi di Pier Carlo Begotti e Luigi Zanin.* Belluno, Italy: TIPI Edizioni, 2017. Includes a facsimile of the manuscript held in the Yale Law Library, with transcription of the Latin text.

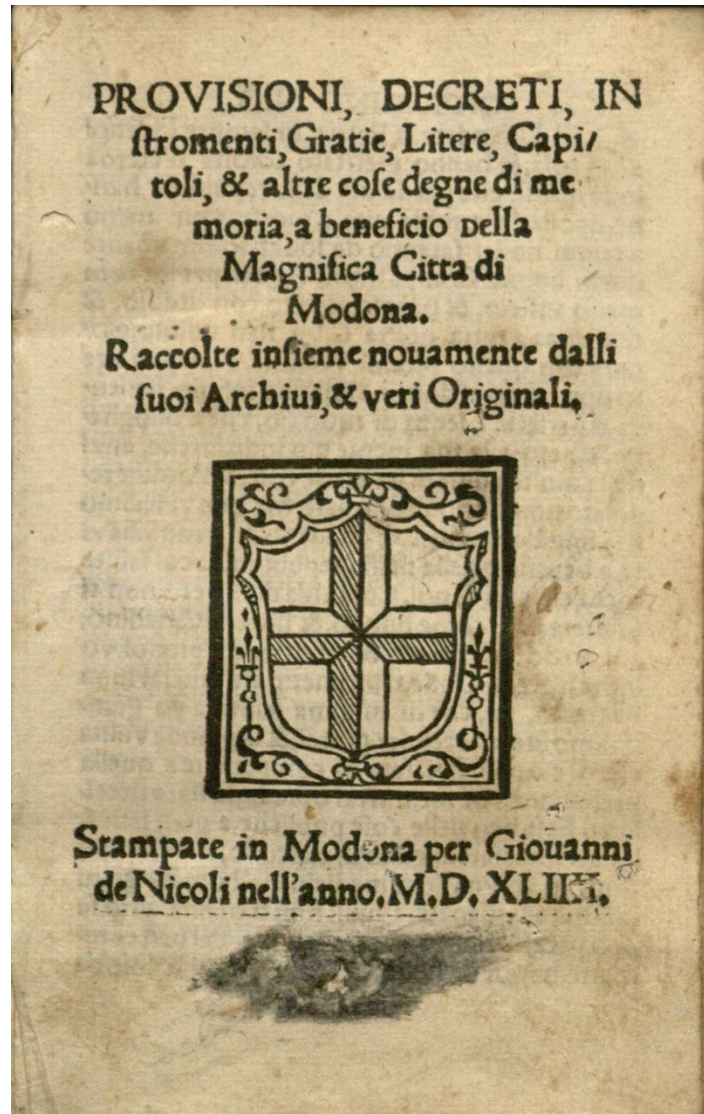


Figure 1

Modena (Italy). *Provisioni, decreti, instrumenti, gratie, litere, capitoli, & altre cose degne di memoria, a beneficio della magnifica città di Modona.*

Modona: Stampate per Giovanni de Nicoli, 1544. 15 cm.

Rare Book Collection, Lillian Goldman Law Library, Yale Law School.



Figure 2

Cento (Italy). *Statuta terrae Centi: nuper reformata anno Domini, M.DC.VII.*

Ferrariae: Victorius Baldinus, 1609. 30 cm.

Rare Book Collection, Lillian Goldman Law Library, Yale Law School.

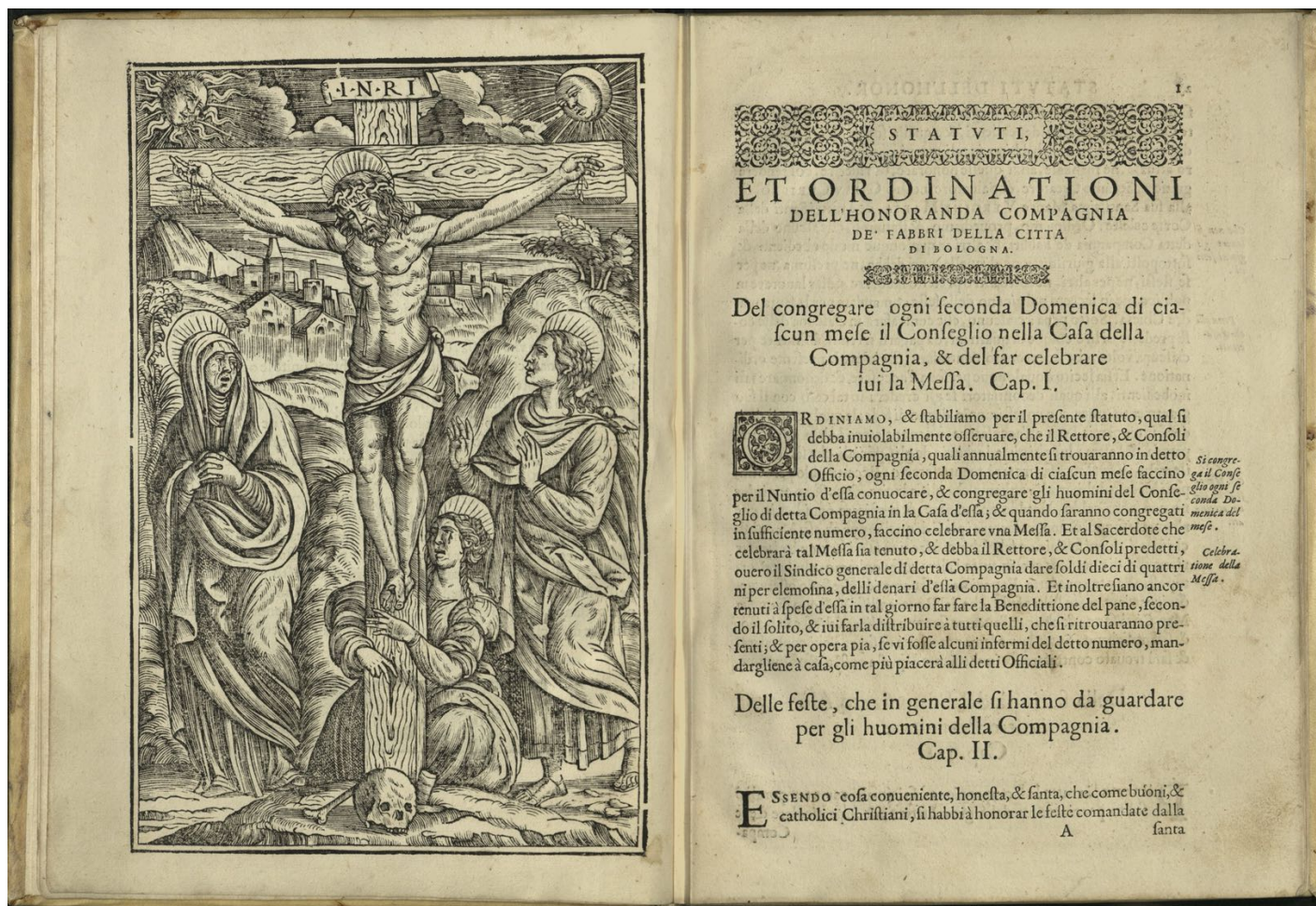


Figure 3

Compagnia de' Fabbri (Bologna, Italy). *Statuti et ordinationi dell'honoranda compagnia de' fabbri dell'inclita citta di Bologna*. Bologna: Giovanni Rossi, 1579. 32 cm.

Rare Book Collection, Lillian Goldman Law Library, Yale Law School.

Mike Widener was the Rare Book Librarian at the Lillian Goldman Law Library, Yale Law School, from 2006 until his retirement in 2021. From 1991 to 2006 he was the Head of Special Collections, Tarlton Law Library, University of Texas at Austin. He is on the faculty of Rare Book School, University of Virginia, where he has taught the one-week intensive course, “Law Books: History & Connoisseurship”, since 2010. His forthcoming publication, “Histories of Legal Literature: A Hundred Years of English-Language Scholarship,” includes a bibliography of a thousand English-language historical studies on all the world’s legal literatures, published between 1921 and 2022. He holds a Master’s in Library & Information Science from the University of Texas at Austin.



LA LIBERTÀ DI DECIDERE

da Cento a Cento

1993-2024

Trent'anni di studi sugli statuti

Convegno internazionale - Cento

30 maggio - 1° giugno 2024

I GIORNATA, giovedì 30 MAGGIO ore 14,00

PRIMA SESSIONE - Prima parte

Coordinamento e prolusione di Mario Ascheri

Saluti delle autorità:

Sindaci di Cento e di Pieve di Cento

e dalla Biblioteca del Senato, Alessandra Casamassima e Sandro Bulgarelli,
La Biblioteca del Senato e gli statuti; bilanci e prospettive di un vincolo postunitario

Presentazione del convegno

Rolando Dondarini, De Statutis-Society (SISEFN): una storia ultratrentennale

Claudia Storti, Il prisma statutario nella ricerca dell'ultimo trentennio

Manuela Bolelli, Gli statuti medievali di Cento

ORE 16,00: PRIMA SESSIONE - Seconda parte

Tipologia e produzione degli statuti

Coordina Paolo Cammarosano

Lorenzo Tanzini, Gli statuti cittadini. Cronologie e tipologie

Francesco Salvestrini, Gli statuti signorili italiani (secoli XIII-XV)

Anna Esposito, Gli statuti di sodalizi religiosi

G.P. Scharf, Gli statuti minori e rurali (secoli XIII-XV)

Carla Frova, Gli statuti di università e collegi studenteschi

Ferdinando Treggiari, Gli statuti di collegi dottorali

Maura Mordini, Un rapporto multidimensionale: i giuristi e lo statuto comunale

Ivana Ait, Gli statuti di corporazioni di arti e mestieri

Alessia Legnani Annichini, Gli statuti delle Mercanzie: studi fatti e da fare

Maura Fortunati, Gli statuti marittimi e diritto commerciale

AGGIORNAMENTO AL 29 marzo 2024

II GIORNATA, venerdì 31 maggio ore 9,30

SECONDA SESSIONE (MATTINO)

Materie e temi

Coordina **Claudia Storti**

- Federigo Bambi**, La lingua degli statuti comunali
Alessandra Bassani, Il giurista e lo statuto: Nello da San Gimignano
Raffaella Bianchi Riva, Semantica dello scandalo nel diritto statutario tardomedievale
Beatrice Borghi, La partecipazione agraria. Un'istituzione storica delle campagne emiliane
Roberta Braccia, Statuti civili genovesi in una prospettiva di genere
Alfio Cortonesi, Statuti e storia agraria: una nota storiografica
Alessandro Dani, La cura dell'ambiente negli statuti comunali
Spunti dai territori toscani e pontifici tra XIII e XIV secolo
Miriam Davide, Marina Romani, Il credito negli statuti medievali italiani
Tiziana Ferreri, La disciplina del 'danno dato' negli statuti delle comunità dell'Alto Lazio
Filippo Galletti, La vita notturna negli statuti emiliano-romagnoli
Maria Grazia Nico, La legislazione suntuaria
Sandro Notari, Statuti e consuetudini locali. Il caso del diritto municipale romano

TERZA SESSIONE (POMERIGGIO) 15,00

Aree statutarie

Coordina **Maria Grazia Nico**

- Paolo Cammarosano, Marialuisa Bottazzi, Emanuela Tabiaddon, Paola Saltini**,
Consuetudini, leggi e statuti dell'area italiana nord-orientale
Elisabetta Fusar Poli, Marco Castelli, La lunga età degli statuti nella Lombardia veneziana
Hannes Obermair, L'area alpina centrale
Valerio Gigliotti, Caterina Bonzo, Lo studio degli statuti piemontesi: un cantiere ancora aperto
Paola Galetti, Corporazioni di arti e mestieri: alcuni esempi per Bologna
Michele Pepe, Fini assistenziali e regole del lavoro e della produzione
negli statuti professionali del Regno di Napoli in età moderna
Laura Galoppini, Gli statuti dei mercanti lucchesi e fiorentini nelle Fiandre (secoli XIV-XV)
Alessandro Soddu, *Cartas de Logu* e statuti nella Sardegna tardomedievale
Stefania Zucchini, L'Umbria pontificia
Francesca Sigismondi, Il Lazio pontificio
Francesco Pirani, La Marca pontificia
Concetta Bianca, Le consuetudini e gli statuti di Messina del 1498
Matteo Moro, «Hec sunt statuta [...] super pedagiis mercandiarum».
Gli statuti dei dazi in area piemontese: riflessioni e nuove prospettive di ricerca

AGGIORNAMENTO AL 29 marzo 2024

III GIORNATA, sabato 1° GIUGNO ore 9,30

QUARTA SESSIONE

Strumenti di lavoro, repertori, collezioni, progetti di studio

Coordina Rolando Dondarini

Francesco Mastroberti, Progetto Alfarana: arti, mestieri, statuti nel Mezzogiorno d'Italia dal Medioevo all'età contemporanea

Gioacchino Giammaria, Il progetto ISALM per lo studio degli statuti cassinesi

Giovanna Giubbini, Il progetto di digitalizzazione e pubblicazione degli statuti comunali dell'Umbria

Enrico Angiolini, Le repertorizzazioni statutarie

Tavola rotonda ore 11

Coordina Mario Ascheri

Vi prendono parte:

Gisela Drossbach (Universität Augsburg)

Susanne Lepsius (Universität München)

Ingrid Baumgärtner (Universität Kassel)

Didier Lett (Université Paris Cité), .

Gero Rudolf Dolezalek (Universität Leipzig, University of Aberdeen)

Mike Widener (Yale Law School)

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