ITALIAN PROFESSOR (Macerata, Siena, Rome “La Sapienza”), leading historian of medieval and modern law, Maffei certainly had the most international audience among the Italian scholars in this field.

With a 1947 degree from Siena and a 1952 Harvard M.L., for some years a lawyer expert in commercial law, the field in which Tullio Ascarelli (later his father-in-law) was an eminent professor in Rome well known for his use as a jurist of the historical perspective, Maffei entered the University of Bari in 1953 as the assistant of Giovanni Cassandro (a pupil of the famous philosopher Benedetto Croce and later a professor in Rome). Maffei worked also for some time with the leading professor of the history of Italian law in Rome during the fifties and sixties, Francesco Calasso, and his circle of students, later distinguished legal historians, but with his strong personality he went on along his own singular path of research.

He soon understood the necessity for broader international connections, during those years still rare among Italian professors. He had many occasions for useful exchanges of ideas and points of view with well-known historians of different countries and interests.1 Probably due to their influence, he acquired a strong preference for research without any prejudice, as far as possible “objective,” very interdisciplinary and with no political and ideological purposes, contrary to the common trend in postwar Italy.

This explains his deep adherence to the sources, with his continual effort to have at his disposal “original” texts, i.e., those with certain authorship and with a clear transmission from manuscripts to printed versions. What was usual among historians in other fields, such as his friends Nicolai Rubinstein and Felix Gilbert, was not common at that time among legal historians—in Italy exactly as in other continental countries. From the fifties through the seventies legal history was more a history of doctrines over time than an examination of complex and intertwined ideas and facts to be read in their precise context, making references to all possible sources.

Therefore, step by step, his work became during the sixties and seventies really new in its pure adherence to the sources, with analytical

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1 From Stephan Kuttner (Catholic University, Washington, later University of California, Berkeley) and Alfons Stickler (Biblioteca Apostolica Vaticana) to Robert Feenstra (Leiden), Giles Constable (Princeton), Helmut Coing (Frankfurt am Main), Sten Gagnér (Munich), Samuel Thorne (Harvard), Hans Erich Troje (Frankfurt), Mary and Christopher Cheney (Cambridge), Peter Stein (Cambridge), Arnold Esch (Rome), Antonio García y García (Salamanca), Gerard Fransen (Louvain-la-Neuve), Peter Linehan (Cambridge), Knut Wolfgang Noerr (Tübingen), just to mention some of the distinguished scholars.
research on the authorship of single works—always related in language unusually elegant for a jurist.

The examination of abstract problems (like, e.g., the concept of *ius commune* or codification) went completely beyond his horizon, and his love for significant details used for the explanation of great problems (like the early printing policy in France and in Italy) acquired a defined character, exercising a great appeal among young Italian and foreign scholars.

That is not to say that the enthusiasm was universal. Sometimes his work was read as simply “learned,” and erudite, without an appreciation of the way the learned details were opening a new consideration of great issues: from the legal thought on the Donation of Constantine to the (previously almost ignored) history of legal printing and what it meant for the spread of legal doctrines in Europe. Even the secondary results were numerous, though they were not explained with explicit methodological papers—Maffei judged them a waste of time. The first one, which probably changed the direction of his research toward the wide world of neglected manuscripts, was the discovery (1963) of a *Lectura super Digesto Veteri* by Cynus de Pistoia, in which the great friend of Dante was proved to have embraced Guelphism in the later years of his life. Having concluded the work on the Donation of Constantine (1964) and started with the catalogue of the manuscripts at the Spanish College in Bologna, he could discover the *Apparatus Clementinarum* by Albericus of Metz, the *Lectura Clementinarum* by Simon of Borsano (in 1971), and in the following year the oldest university statute of Bologna (1252). And those results were only the starting point of a very rich series that saw, for example, the identification of the first professor of the University of Palencia (Ugolinus de Sesso) and of an Italian version of the *Liber Augustalis* of Frederick II, written in the late fifteenth century.

An ocean of possibilities was now opened to his patient and talented research, now mainly collected in a useful volume. The works on *De modo studendi* written by the unknown Neapolitan Diomede Mariconda and by Johannes Baptista Caccialupi pointed out his love

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2The list of Maffei’s publications can be found in the appendix to Ennio Cortese’s “Ricordi di Domenico Maffei,” in *Rivista di storia del diritto italiano* 82 (2009, but 2010): 446–64, which is richer than the list in *Miscellanea*, ed. Ascheri and Colli (n. 7); Cortese’s index will be supplemented by the list that will be carried by the journal *History of Universities* (as kindly noted by Peter Denley).

3His selected studies were published by Keip (Goldbach, 1995), as the first volume of the *Bibliotheca eruditorum* (with indexes and addenda) established by himself and Horst Fuhrmann: *Studi di storia delle università e della letteratura giuridica*. 
for the medieval universities and their doctors, whose writings were to be put into a precise context. Therefore the subsequent articles were always incredibly rich in their treatment of the life and works of single jurists, with important new data and attributions.\footnote{He worked, among many others, on Jacques de Révigny and Pierre de Belleperche, Benedictus Barzi and Benedictus de Piombino, Albertus Guidalotti, Martinus de Laude, Bindorinus de Perusio, Angelus de Gambilionibus (written with his daughter Paola), Baldus de Ubaldis, Paulus de Castro, Petrus Philippus Martorelli, Bonus de Curtileis, Vitalis de Cabanes, and Bonifacius de Vitalinis (an invented author, to whom were attributed writings by Bonifacius Antelmi and Bonifacius de Ammannatis). For early modern jurists under his examination it is sufficient to remember his works on Giulio Ferretti, Prospero Rendella, and Pietro Giannone.} The paramount result of this kind of investigation is, however, the book on the varied editorial work of the French jurist of the early sixteenth century Celsus Hugo Dissutus.\footnote{Giuristi medievali e falsificazioni editoriali del primo Cinquecento. Iacopo di Belviso in Provenza? (Frankfurt am Main, 1979).}

In some pages dedicated to him after his death a reference to his rich collection of early printed legal books (the richest private collection in the world)\footnote{Good hints in Cortese, “Ricordo” (n. 2). Paola Maffei is preparing a description of the large collection of Maffei’s letters (from 1945 onward, very interesting mainly for the cultural contents).} has been made to explain his work. And indeed it became a center of interest for many scholars who shared with Maffei his love and enthusiasm for the old books as still-living witnesses of the cultural heritage of our world.

His care for the precise reading of “sure” sources for authors and for their time of origin was at least formally (not always substantially) absorbed during the eighties and nineties among Italian researchers, while his indifference toward the current fashions in scholarship was not always appreciated.

In any case, his warm and complete dedication was steady, both to research and to helping anyone (often American scholars) who wanted advice in his specific fields of skill. Hence there was much international recognition of his learned work: his membership in this Society as well as in other distinguished foreign institutions, many doctorates honoris causa and invitations to be a visiting professor, as well as long membership in the Beirat of the Max-Planck-Institute for European Legal History (Frankfurt am Main), became well known. But they may have created some difficulties in the (sometimes really close) Italian academic world. Meanwhile, his love for his country pushed him to a deep awareness of the growing national crisis, a crisis not limited to university circles.

He cared in any case about the success of his students and of enterprises like the Ius Commune School in Erice and the Rivista inter-
nazionale di diritto comune directed by Manlio Bellomo. But the increasing gap between his wishes and the common trend of the educational world dictated prudence in the selection of friendships and scientific relations during his last years.

Many Italian and foreign scholars have, however, officially acknowledged their admiration for the quality of his work and of his library. Three different Festschriften testify to the large range of his connections.\(^7\) And the many memorial pieces dedicated to his memory have confirmed his international reputation.

We deeply feel his departure. We miss his smart writings and his good advice, but we also miss the good projects created by his enthusiasm.

Who can now start with such new projects of cataloguing collections of legal manuscripts as he was able to promote and complete (at the Spanish College in Bologna and Seo de Urgell, Catalunya)? Who will go on with analytical research on the history of many universities, as he did?\(^8\)

Domenico Maffei’s work, library, and learned model will positively influence international historical scholarship even after the fifty years of his scholarly life.

Elected 1986

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\(^7\)Around 180 scholars from Europe, America, Japan, and South Africa have contributed to the volumes: Scritti di storia del diritto offerti dagli allievi a Domenico Maffei, ed. Mario Ascheri (Padua, 1991) (Medioevo e Umanesimo, 78); Miscellanea Domenico Maffei dicata: Historia, Ius, Studium, ed. Antonio García y García and Peter Weimar, 4 vols. (Goldbach, 1995); Manoscritti, editoria e biblioteche dal Medio Evo all’Età contemporanea. Studi offerti a Domenico Maffei per il suo ottantesimo compleanno, ed. Mario Ascheri and Gaetano Colli, with cooperation by Paola Maffei, 3 vols. (Rome, 2006).

\(^8\)It is also well known how much help he gave to, for example, the works on the University of Siena written by Giovanni Minnucci, Paolo Nardi, and Peter Denley.