

## JURISTS (AND) SENATORS IN THE GONZAGA FAMILY'S CASALE

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**Abstract:** This essay illustrates the varied relationship between the city of Casale and the University of Pavia as the main center for law studies of the Monferrato élites in the 14th and 15th centuries. As these scholars return to their homeland after studying in Pavia, the skills and the education obtained at the University allow them to aspire to the highest political and institutional positions of the State, as Senators and Presidents of the “Senatus Montisferrati”.

In so doing, the essay explores the dynamic relationship between the Senate of Casale and so peculiar a Jurisprudence, that it indeed deserves the definition of “casalese”.

**Keywords:** Casale, Pavia, Monferrato, Senate, University

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# 1. *A bird's eye view of Casale.*

“You ask me to send you a description of my home town: here it is in a nutshell. Casale lies in a plain and is built in a circle with a diameter of a mile, cheek by jowl with the River Po. Its forehead is adorned with a thick crown of green hills where Ceres and Bacchus reside, one pouring down divine nectar from on high and the other spreading tasty delicacies at its feet. It is surrounded by highly secure walls, a beautiful castle, distinguished churches, pious monasteries, magnificent houses, a virtuous Academy and a just Senate”.

This was how Stefano Guazzo, a leading representative in the intellectual, academic, *élite* world of the court and Academy of 16<sup>th</sup> century Monferrato, described the scenario. It is the written description of his city, Casale, told in a letter<sup>1</sup>.

So this is Casale, in a nutshell.

In this bird's eye view of Casale which unfolds from on high and plays on our imagination, between the rooftops and monasteries and magnificent houses, we catch sight of a noble, mighty building, the “just Senate” of ancient memory.

The origin of the *marchionalis senatus* dates back to a *curia feudal* which existed round about the end of the 13<sup>th</sup> century, made up of a limited assembly of noblemen and jurists who were in charge of assisting the Marquis of Monferrato carry out his advisory, administrative government activities and, even more importantly, his judicial activities<sup>2</sup>.

<sup>1</sup> M. L. Doglio, *Stefano Guazzo «segretario di lettere»:dalla raccolta Monferrato al proprio «libro d'autore»*, in *Stefano Guazzo e Casale Cinque e Seicento, Atti del Convegno di studi nel quarto centenario della morte*, Casale Monferrato, 22-23 October 1993, Rome 1997, pp. 287-308, pp.293-294

<sup>2</sup> C. Ricca, *Notes on the matters of the Senate in Casale in particular during the Sabauda rule(1708-30)*, in «Rivista di storia arte archeologia per le province di Alessandria e Asti» (1986), pp. 21- 44; A. Lupano, *Le Sénat de Casal*, in *Les Séna*ts de la Maison de Savoie (Ancien régime–Restauration) *I Senati sabaudi fra antico regime e restaurazione*, G. S. Pene Vidari (ed), Torino 2001, pp.133-150; E. Mongiano, «Una fortezza quasi inespugnabile». *Notes on the institutes in Monferrato during the duchy of Vincenzo I Gonzaga*, in «Rivista di storia arte archeologia per le province di Alessandria e Asti»

We will not deal here with the wide range of expertise and functions for which the Senate in Casale was famed; this has already been explained in several important studies. What is being proposed here, however, is to illustrate briefly the environment from which the members of the “giustissimo senato” came and the judicial culture that must have supplied them. It must be noted that the senators in Casale were almost all noblemen from Monferrato and there was also a not insignificant number of Mantovan noblemen<sup>3</sup>.

But, it was not enough to be a nobleman in order to be a senator.

The position of responsibility in the Senate required suitable professional qualifications based on a wealth of juridic knowledge. To start with, the senators had to be doctors in law. To this regard, suffice to glance briefly at the history of this supreme body of law to confirm that the Presidency of the Senate was, above all, “the privilege of Monferrat jurists”<sup>4</sup>.

## 2. *Casale/Pavia.*

It is on this well-structured backdrop in the 16<sup>th</sup> century, that the relationship between Casale and the University of Pavia was defined and consolidated, Pavia being the place of study for almost all the *élite* of Monferrato. Other prestigious universities, like Bologna, as we shall see, beckon students from Monferrato. However, Pavia seems to command a clear lead in the preferences of the students from Casale<sup>5</sup>.

Being the centre of juridic thought in Visconti-Sforzesco Lombardy,

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(1992), pp. 107-128, pp.115-119; B. A. Raviola, *Il Monferrato gonzaghesco Istituzioni ed élites di un microcosmo (1536-1708)*, Firenze 2003, pp. 151-158.

<sup>3</sup> Ricca, *Note*, (note 2), pp. 26, 30-31; Raviola, *Il Monferrato*, (note 2), pp. 156-158. This essay concerns the relationship between jurists from Casale and University of Pavia. Therefore, the Author has chosen not to include any bibliographical notes to the Senate of Casale but for those referred to the subject of the research.

<sup>4</sup> C. Rosso, *Un microcosmo padano: note on Monferrato from the Guazzo era to the sabauda annexation*, in Stefano Guazzo, (note 1), pp.103-129, p.107 nt. 12.

<sup>5</sup> See. pp. 113-114; A. Lupano, E. Genta, *Giovanni Pietro Sordi e il suo Consilium sull'eredità del Ducato di Veragua*, in *Atti del Congresso internazionale Colombiano “Cristoforo Colombo il Piemonte e la scoperta del Venezuela*, Torino 27 March 1999-Cuccaro Monferrato 28 March 1999, Cuccaro 2001, pp. 161-170, pp. 162-163.

the University produces "*doctores clarissimi*" but also men who were "prepared legally for the workings of the institutions of central administration".

"forge and...instrument for the education...of *officiales dominorum*"<sup>6</sup>, for the whole of the 15<sup>th</sup> and 16<sup>th</sup> centuries Pavia acted as "a springboard for future careers"<sup>7</sup>. There were a large number of students from Casale starting with the young descendants in the Natta family, a noble lineage which was completely dedicated to the studies of law and their hometown, Monferrato. Giorgio Natta, son of Enrietto, graduated from Pavia and was an expert jurisconsult, also acting as trusted advisor to the Paleologi family<sup>8</sup>.

"Under the auspices (...) of such father", Giorgio Natta embarked on the career of jurisconsult in Pavia, which brought him to hold the chair in 1472 and teach successfully Sesto and Clementine courses along with illustrious colleagues the like of Stefano Costa and Matteo Corte. Apart from teaching in Pavia, Natta carried out the role of advisor to the Paleologi family, alongside Giovanni Grosso, another personality from Monferrato who studied and graduated from Pavia<sup>9</sup>. He also worked on a so-called international level as an ambassador for the Marquisses of Monferrato on delicate missions to Milan at the court of the Sforza's and also to Rome with the pontiff Innocent VIII.

The Natta lineage boasts several senators. Almost every generation of this noble family made a contribution for the good of *magnificus senatus casalensis*. Senators in Casale were the great grandson of Giorgio, Girolamo

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<sup>6</sup> G. P. Massetto, *La cultura giuridica civilistica*, in *Storia di Pavia*, III, *Dal libero comune alla fine del principato indipendente 1024-1535*, II, *La battaglia di Pavia del 24 February 1525 nella storia, nella letteratura e nell'arte Università e cultura*, Milano, 1990 pp. 475-531, p. 513.

<sup>7</sup> A. Sottili, *Lauree pavesi nella seconda metà del '400*, II (1476-1490), in *Fonti e studi per la storia dell'Università di Pavia*, 29, Milano 1998, p. XV.

<sup>8</sup> C. Tenivelli, *Biografia piemontese*, Torino, 1785, pp. 67-68, 75; G. Morano, *Catalogo degli illustri scrittori di Casale e di tutto il Monferrato*, Bologna 1976, p. 71; E. Dezza, *Natta, Giorgio*, in *Dizionario Biografico dei giuristi italiani (XII-XX secolo)*, II, Bologna 2013, p. 1413.

<sup>9</sup> M. Lucchesi, *Ludus est crimen? Diritto, gioco, cultura umanistica nell'opera di Stefano Costa, canonista pavese del Quattrocento*, in *Fonti e studi per la storia dell'Università di Pavia*, 43, Milano 2005, pp. 25, 204.

and his son Vincenzo. The latter, “a self-assured genius, full of zeal at the service of the Prince”, rose to the position of President of the Senate in Monferrato in 1656<sup>10</sup>.

Scrolling down the Natta family tree we come across the name of another jurist, Marco Antonio Natta, who studied in Pavia under the guidance of two “columnae iuris”: Giasone del Maino and Filippo Decio, who taught civil law<sup>11</sup>. Marco Antonio, a quick-witted jurist, as well as working as a teacher at the university also acted as a judge at the Ruota of Mantova and of Genova and was a senator in Casale<sup>12</sup>. Panziroli wrote of him that he “semper caelebs fuit”. Indeed, Marco Antonio never married nor did he have children so that it fell to the other branches of the family to be the breeding ground for the prestigious Senate in Casale or the one in Mantua<sup>13</sup>.

Famous is the example of the fecond branch descending from Annibale Natta, which procreated prolifically, Carlo Natta is very much worth mentioning - he was the president in the Mantuan Senate as well as in Casale in 1657<sup>14</sup>.

In the years in which Giorgio Natta taught the Sesto and the Clementine in Pavia, another young descendant from Monferrato handed in his notice gets licensed and graduated in Canon Law at the University of Pavia. We are talking about Benvenuto da San Giorgio count of Biandrate<sup>15</sup>. For him, studying in Pavia was an important stepping stone for a distinguished career as president of the Senate in Casale in 1500, ambassador for the marquis Bonifacio Paleologo and regent of Monferrato<sup>16</sup>.

<sup>10</sup> Tenivelli, *Biografia*, (note 8), p.70; C. Dionisotti, *Storia della magistratura piemontese*, II, Torino 1881, p. 447.

<sup>11</sup> Prelini, *Memorie e documenti per la storia dell'Università di Pavia e degli uomini più illustri che v'insegnarono*, I, *Serie cronologica dei professori dell'Università di Pavia dall'anno 1362 al 1752*, Pavia 1877-78 (rist. anast. Bologna 1970), p.73.

<sup>12</sup> Tenivelli, *Biografia*, (note 8), p. 78; G. Tiraboschi, *Storia della letteratura italiana*, VI, p.II, Milano 1824, pp. 1091-1092; Morano, *Catalogo*, (note 8), pp. 72-74.

<sup>13</sup> G. Panciroli, *De claris legum interpretibus*, Venetiis 1637, pp. 291-292.

<sup>14</sup> Dionisotti, *Storia*, (note 10), p. 448.

<sup>15</sup> A. Sottili, *Lauree pavesi nella seconda metà del '400*, I (1450-1475), in *Fonti e studi per la storia dell'Università di Pavia*, 25, Milano 1995 pp. 32-277, 278.

<sup>16</sup> Tiraboschi, *Storia*, (note 12), p.1122; Dionisotti, *Storia*, cit., p. 443; Morano, *Catalogo*,

The choice of Pavia as alma mater by students from Monferrato is endorsed even further by the presence of yet another juristconsult, Giovanni Pietro Sordi, who graduated from there. Studying in Pavia also served as an important starting point for a distinguished *cursus honorum*, bringing him to have a career in law in Casale. Subsequently, he became a fiscal lawyer and finally he became a senator, first in Casale, then in Mantua returning again to Casale where he was elected president of the Senate in 1595<sup>17</sup>.

In Pavia at the turn of the 16<sup>th</sup> and 17<sup>th</sup> centuries, even Annibale Roero, the famous author of *Lo scolare*, devoted himself to the study of law. The canonist Gioseffantonio Morano, the author of *Catalogo degli scrittori di Casale* in the 18<sup>th</sup> century included Roero among the senators in Casale; however, this historian's information is somewhat vague<sup>18</sup>.

As far as Rolando Dalla Valle is concerned, the relationship with Pavia would not seem to be unfounded. Rolando's attendance at the University in the second decade of the 16<sup>th</sup> century is based on clues which are "weak but not completely without substance"<sup>19</sup>. Rolando obtained his degree, moreover, in Bologna. To be precise, *Rolandus de Valle* graduated *in utroque iure* on 22<sup>nd</sup> May 1528<sup>20</sup> and he attended the courses of Carlo Ruini, the renowned "master of *mos italicus* and of *consilia* methodology"<sup>21</sup>.

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(note 8), p. 89.

<sup>17</sup> Lupano, Genta, *Giovanni Pietro Sordi*, (note 5), pp. 161-170; G.P. Massetto, *Sordi, Giovanni Pietro* in *Dizionario biografico dei giuristi italiani (XII-XX secolo)*, II, Bologna 2013, pp.1893-1895.

<sup>18</sup> Morano, *Catalogo*, (note 8), p. 88.

<sup>19</sup> E. Dezza, *Un giurista per la società delle piccole corti*, in «Archivio storico e giuridico sardo di Sassari», n.s. 2 (1995), pp. 41-66; Id., *Rolando Dalla Valle (1500 c.-1575) Politica, diritto, strategie familiari nell'esperienza di un giurista casalese del Cinquecento*, in «Monferrato-Arte e storia», 9 (1997), pp. 23-43, p. 27; Id., *Rolando Dalla Valle e il primato della famiglia politica, attività professionale e strategie matrimoniali nell'esperienza di un giurista del Cinquecento* in Seminario di Studi italo-francese, *Il matrimonio nei giuristi e nei poeti del Rinascimento / Le mariages chez les juristes e les poètes de la Renaissance*, Università degli Studi di Verona, Facoltà di Giurisprudenza 14-15 marzo 2008 ( in corso di stampa).

<sup>20</sup> M. T. Guerrini, *Qui voluerit in iure promoveri... I dottori in diritto nello Studio di Bologna (1501-1796)*, Bologna 2005, pp.149, 477.

<sup>21</sup> Dezza, *Rolando Dalla Valle*, (note 19), p. 28; E. Dezza, *Dalla Valle, Rolando (Rolandus a*

The positions held by Rolando are all highly distinguished, thanks also to the precious service rendered as a trusted servant to the Paleologi and Gonzaga families. Suffice to recall the position of general curator of the Jews in Casale and Monferrato, councillor and senator in Casale and finally, the nomination to "praeses senatus Montisferrati" in 1567<sup>22</sup>, the most prestigious office in the whole state permitting him to further improve his socio-economic position and to amass a considerable fortune<sup>23</sup>.

For Francesco Beccio, another descendant of Casale's nobility, the attendance in Pavia as a student of law is also only a hypothesis. Like Rolando Dalla Valle, he got his degree in Bologna on 13<sup>th</sup> April 1542<sup>24</sup>. A series of unfortunate circumstances linked to turbulent events in the 1560s conditioned considerably the fate of this jurist from Monferrato whose troubled human and professional experience seem to have taken place both in Casale, where the *doctor* was employed above all as a senator and also France, where Beccio proved to have great skill and was of great worth as ambassador to the Gonzaga family<sup>25</sup>.

Niccolò Bellone was a student at Bologna, teacher in Pavia of *ius civile and Istituzioni* in the 1530s and was finally made senator, not in Casale but rather in Milan; he was the son of Francesco Bellone, a trusted councillor of the Paleologi marquisses who subsequently fell into disgrace and was condemned by the selfsame marquisses to be beheaded<sup>26</sup>.

This brief summary about the biographical profiles of the most notable

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Valle) in *Dizionario biografico dei giuristi italiani (XII-XX secolo)*, I, Bologna 2013, pp. 658-659.

<sup>22</sup> Dionisotti, *Storia*, (note 10), p.444; Dezza, *Un giurista*, (note 19), p. 47; Id., *Rolando Dalla Valle*, (note 19), pp.36-37.

<sup>23</sup> Raviola, *Il Monferrato*, (note 2), pp.155-157.

<sup>24</sup> Guerrini, *Qui voluerit*, (note 20), p. 173, 931.

<sup>25</sup> Fernanda Torcellan Ginolino, *Beccio (Becci) Francesco*, in *Dizionario Biografico degli Italiani*, VII, Roma 1965, pp. 497-498; inoltre Morano, *Catalogo*, (note 8), p.15; A. Lupano, *Beccio, Francesco*, in *Dizionario biografico dei giuristi italiani (XII-XX secolo)*, I, Bologna 2013, pp. 204-205.

<sup>26</sup> Morano, *Catalogo*, (note 8), p.16; Prelini, *Memorie*, (note 11), p.75; M. G. Di Renzo Villata, *Belloni (Bellone)*, Niccolò in *Dizionario biografico dei giuristi italiani (XII- XX secolo)*, I, Bologna 2013, pp. 210-212.

jurists in Casale highlights the preference that Monferrato's students showed for studying in Pavia University.

Moreover, it is important to highlight that even if the personal aspiration of the future *doctor* was not to be a senator, the degree *in utroque iure* from Pavia permitted those who boasted noble ancestry to hold those high positions of authority in the legal profession<sup>27</sup>.

In connection with this, the documents in Casale provide a memory of juristconsults and lawyers like Francesco Pugiella and Giovanni Agostino Guazzo, the latter being a relative of Stefano<sup>28</sup>.

The degree qualification from Pavia also offered other varied outlets: Bernardino Guazzo, for example, a distant ancestor of Stefano's, used his degree from there to be the *podestà* of Pavia<sup>29</sup>.

For the whole of the 16<sup>th</sup> century, Pavia remained a firm haven in the "composite educative system in Lombardy in the spanish age". It was a system that had a great reputation in the adjacent Monferrato. Proof of this lies in the fact that a leading figure like Annibale Guasco, a man of letters from Casale, studied law in Pavia and then he returned in about 1580 with his whole family to give his children a better education<sup>30</sup>.

### 3 *The doctrine of law in Casale.*

The store of notions learnt in Pavia contributed to the maturation over time of a solid doctrinal preparation. Some examples illustrate this.

Let us take the case of Giorgio Natta, whom we have already mentioned. In the short period of time he taught in Pavia, Natta stood out as the most prestigious canon lecturer in the faculty of law in Pavia. During his period of time teaching there, there was a curious incident. Prelini wrote about this, saying "accused of having made some deals with Parma to transfer the university there," Natta was taken to court and subsequently

<sup>27</sup> M. C. Zorzoli, *Alcune considerazioni sui collegi dei giuristi nella Lombardia d'antico regime*, in «Annali di storia moderna e contemporanea», 7 (2001), pp. 449-475.

<sup>28</sup> Rosso, *Un microcosmo*, (note 4), pp. 113, 119 note 53, 399.

<sup>29</sup> *Ivi*, p.117.

<sup>30</sup> B. Ferrero, *Il ragionamento di Annibale Guasco. Una lettera d'institutio all'ombra della Civil conversazione*, in Stefano Guazzo, (note 1), pp. 357-374, p. 358.



acquitted. As a result he abandoned teaching, “disgusted” by the academic environment; he retired to Asti where he died round about 1495<sup>31</sup>.

If the substance of this affair still needs to be ascertained, it is true that Natta was, as we have already said, the holder of the reading of Sesto and alle Clementine along with Stefano Costa and Matteo Corte. As a lecturer, Natta wrote some *Repetitiones* of Sesto and of Clementine printed in Pavia<sup>32</sup> and he actively took part in the promotion. There are numerous documents that attest to the presence of the *doctor* at degree ceremonies that took place in the University of Law. Worthy of mention is the presence at the final exams of Giasone del Maino.

On 5 May 1472 Giasone graduated *in utroque iure*. According to tradition in Pavia, the day before graduation, the candidate was presented before the vice-chancellor *in iure canonico* by some *spectabiles et famoxxissimi dottori*, among whom was Giorgio Natta. As has been noted, “the presentation by one's own professor was a tradition that dated back to the foundation of the university, and the students had continued to request this, as they considered, rightly so, that it was a demonstration of gratitude and affection that tied them to those to whom they owed allegiance for imparting to them their knowledge of the law”<sup>33</sup>.

Two years later, in the August of 1474, Natta took part as a *promotor* in the degree of another renowned personage. It was the flemish student Paul de Baenst who, apart from being the chancellor of Pavia University, was also great friends with the german humanist Rudolf Agricola. This is not an irrelevant point as it gives us reason to believe that in Pavia, Natta's lessons were followed with interest by Agricola's humanistic circle<sup>34</sup>. In the

<sup>31</sup> Prelini, *Memorie*, (note 11), p. 58; L. Musselli, *La cultura giuridica: il diritto canonico*, in *Storia di Pavia*, III, 2, (note 6), p. 538.

<sup>32</sup> A. G. Cavagna, *Libri e tipografi a Pavia nel Cinquecento. Note per la storia dell'Università e della cultura*, in *Fonti e studi per la storia dell'Università di Pavia*, 3, Milano 1981, pp. 11-112, 237; Musselli, *La cultura*, (note 31), p. 538; E. Grignani, *Edizioni pavesi del secolo XV in The incunabula short title Catalogue (ISTC)*, in «Bollettino della Società pavese di storia patria», 53 (2001), p. 198.

<sup>33</sup> M. Mariani, *La laurea in leggi di Giasone del Maino*, in «Bollettino della Società pavese di storia patria», 3 (1903), pp. 238 e 241.

<sup>34</sup> Lucchesi, *Ludus*, (note 9), pp. 33-47.

pavese climate of opening to humanistic teachings, there is room for a passion for historic studies fostered by Benvenuto da San Giorgio who, as has already been mentioned, graduated in canon law in Pavia under the direction of Giorgio Natta.

"A man of toga rather than of state" Benvenuto San Giorgio was the author of the famous, erudite *History of Monferrato*<sup>35</sup>.

As has already been noted, Marco Antonio Natta, Giorgio Natta's grandson, taught civil law in Pavia. The juridic knowledge of this jurist from Casale reflects "that co-existence (....) that indistinct mixture" of the real nature of medieval jurisprudence and the one tied to the humanistic culture which marks the personality of Giasone del Maino, his teacher<sup>36</sup>.

Indeed, Marco Antonio Natta's preparation was primarily that of a jurist who had a sound knowledge in all fields of law, and whose production was perfectly in line with the phenomenon of "pragmatisation" that characterised the development of the science of law at the end of the 15<sup>th</sup> century<sup>37</sup>.

The technical expertise of the *doctor* from Monferrato can be found in thick collections of *consilia*, more than 600 of which were printed in Venice, and in dense *additiones* in the *consilia* of Tartagna<sup>38</sup>. Cues linked to the humanistic tradition abound in a work by Natta of a philosophical nature published in Pavia in 1533, *De pulcro*, dedicated to the themes of beauty and love<sup>39</sup>. Marco Antonio Natta's writings also reflect, however, the literary climate in Pavia in the central decades of the 16<sup>th</sup> century, which were characterised by the active presence of the citizens' Academies. Regarding this, a concrete example is supplied by a collection of hymns and ceremonial compositions, printed under the heading of

<sup>35</sup> *Historia montisferrati ... auctore Benevenuto de Sancto Georgio* in *Monumenta historiae patriae, Scriptores*, III, Augustae Taurinorum 1848; Tiraboschi, *Storia*, (note 12), pp. 1122-1123; Morano, *Catalogo*, (note 8), pp. 89-90.

<sup>36</sup> Massetto, *La cultura*, (note 6), p. 522.

<sup>37</sup> A. Cavanna, *Storia del diritto moderno in Europa. Le fonti e il pensiero giuridico*, 1, Milano 1982, pp.146-171.

<sup>38</sup> G. Saporì, *Antichi testi giuridici (secoli XV-XVIII) dell'Istituto di Storia del diritto italiano*, Milano 1957, p. 423 – 2075-2076; p. 601 – 2930-2931.

<sup>39</sup> Cavagna, *Libri*, (note 32), p. 67.

*Orationes*, providing a thick book of subject-matter that the Pavese academics enjoyed discussing<sup>40</sup>.

Like Natta and other figures of the Monferrato *élite*, even Rolando Dalla Valle represented the pragmatism of the 16<sup>th</sup> century at the highest levels. This is confirmed in the 400 *consilia* in which Rolando shows he is able to “use his expertise and his ability for in-depth doctrinal examination concerning any aspect of the study of law”. The same mastery is shown in the two Treaties of which he is the author: the first is devoted to the subject of lucro dotale; the second to succession<sup>41</sup>.

To a certain extent the biographical profile of Giovanni Pietro Sordi is similar to that of Rolando Dalla Valle. Like Rolando, Sordi was an “all-round” jurist, as well as being the president of the Senate in Casale. Sordi, however, had studied in and graduated from Pavia. His doctrinal teachings were of literary genre increasingly attended by 16<sup>th</sup> century jurists. Giovanni Pietro Sordi was, indeed, the author of a large collection of *consilia*. Moreover, Sordi was also the author of an original treatise on alimenti<sup>42</sup>.

It is worth concluding these brief observations on the juridic culture in Pavia with a consideration about Stefano Guazzo.

In a letter sent at the end of the 16<sup>th</sup> century to a certain Lodovico Maccetto, a student of law in Pavia, Stefano Guazzo was perfectly aware of the *modus studendi* in Pavia. The young student is invited to devote himself to the “studies of law, from which he can expect an optimisation of glory”. But Guazzo underlined: “la esorto ad invaghirsi più del sentimento, che delle parole de' chiosatori, acciochè con l'impressione delle loro barbare, ed istomacose voci, et locutioni, non si venga a distruggere nelle mente di Vostra Signoria la bellissima forma della romana favella”<sup>43</sup>.

Guazzo's advice slightly precedes a similar call by Annibale Roero in *Lo scolare*<sup>44</sup>. In this work - which is in part a “veritable text on etiquette” and

<sup>40</sup> Cavagna, *Libri*, (note 32), pp. 127-134; Morano, *Catalogo*, (note 8), pp. 72-74.

<sup>41</sup> Dezza, *Un giurista*, (note 19), pp. 50-66; Id., *Rolando Dalla Valle*, (note 19), pp. 37-42.

<sup>42</sup> Lupano, Genta, *Giovanni Pietro Sordi*, (note 5), pp. 165-166.

<sup>43</sup> *Lettere del signor Stefano Guazzo, gentiluomo di Casale di Monferrato...*, Venice 1590, pp. 120-121.

<sup>44</sup> G. Vismara, *Vita di studenti e studio del diritto nell'Università di Pavia alla fine del Cinquecento*, in *Scritti di storia giuridica*, 3, Istituzioni lombarde Milano 1987, pp. 145-215

in part an “instruction manual on how to get the best out of the University of Pavia - apart from explaining how the perfect university student should behave, Roero also identifies the books to be studied and the courses to be attended<sup>45</sup>.

In this context, the advice is presented to students to study law with the assistance of history and the subjects included in the *studia humanitatis* and to concentrate on the sources, on the “pure texts” of Roman law, according to the methodology of the *culta* school, the memory of which the University of Pavia kept vividly alive<sup>46</sup>.

If the University of Pavia guided the preferences of the Casalese students, hot on its heels was Bologna.

In Bologna, the teaching of Carlo Ruini was of prime importance in arousing a great deal of interest between the young students from Casale who rushed to hear him. The memory of Ruini as *praeceptor* and *dominus* crops up frequently in Rolando's works as it does in that of Nicolò Bellone<sup>47</sup>. The methodology of *consilia* used by Ruini at the highest levels is learnt and developed by Bellone in about seventy *consilia* on civil law written during his continuous travels between Italy and France in the cities where the *doctor* held the chair, i.e. Pavia, Valence, Piacenza and Dole<sup>48</sup>. The illustrious name of Carlo Ruini acts as a *trait d'union* between Casale and Bologna also for another casalese, shortly destined to hold the chair in civil law not in Pavia, but rather in Bologna and in Pisa: Giovanni Crotti. Tiraboschi tells that Crotti and Ruini were great rivals in Bologna, but Ruini always came off better<sup>49</sup>.

Drawing on these observations it is therefore possible to say that the culture of the casalese jurists reflects the evolution of the doctrine of law

<sup>45</sup> M. C. Zorzoli, *Università, dottori giureconsulti. L'organizzazione della “Facoltà legale” di Pavia nell'età spagnola*, Padua 1986, pp. 115-136.

<sup>46</sup> Massetto, *La cultura*, (note 6), pp. 526-527.

<sup>47</sup> Dezza, *Rolando Dalla Valle*, (note 19), p. 28; Id., *Dalla Valle, Rolando*, (nota 21), p. 659; M. Cavina, *Ruini, Carlo* in *Dizionario biografico dei giuristi italiani (XII- XX secolo)*, II, Bologna 2013, pp.1758-1759.

<sup>48</sup> Tiraboschi, *Storia*, (note 12), p.1076; Morano, *Catalogo*, (note 8), p.16; Prelini, *Memorie*, (note 11), p. 75.

<sup>49</sup> Tiraboschi, *Storia*, (note 12), p.1045.

of that time, but it is also important to clarify that the jurists from Casale were by no means passive interpreters in this culture.

Once it had returned home, juridic knowledge learnt in Pavia as in Bologna was examined again and expanded upon, metabolised so that it could be used on two fronts: the first restricted one of the small court in Monferrato; the second, of much broader scope, that coincided with the international limelight.

It is of the greatest importance to underline that operating on two fronts did not mean that the *doctor* was obliged to wear different hats for each role: the role of jurist consult, the trusted advisor, the wise ambassador, the diligent senator and the supreme “*praeses senatus Montisferrati*”. On the contrary the roles are the same.

Indeed, what strikes us most in the biographical profile of each casalese jurist is the capacity to reconcile different roles. Suffice to think, for example, of Rolando Dalla Valle, a complex figure whose many-sidedness was sealed by the ability to be at one and the same time jurist consult, trusted counsellor for a dynasty as well as president of the Senate in Monferrato<sup>50</sup>. The same can be said for the other *doctores* that have been mentioned.

Evidence, thus, shows that all the casalese jurists, (with the exception of Crotti who cut his ties with his hometown in order to build a career as a lecturer elsewhere), were present as *doctores* in two dimensions: able to act at the forefront of their small homeland as well as on the international stage.

In the light of all this, it would not seem unreasonable to talk about the line of thought of these jurists, about a science of law endowed with particular characteristics, capable of autonomous along the 16<sup>th</sup> century; it does not seem wrong to define it a casalese way of thinking’.

### 3.1. *Love of the homeland.*

This last observation needs to be examined more thoroughly, at this point on the basis of two ideas: the first regards the 'biological' aspect, or rather the extremely strong ties that existed between the casalese jurists and their land. The second is the court and academic environment in Casale.

<sup>50</sup> Dezza, *Rolando Dalla Valle*, (note 19), p. 42.

Love for the homeland is a recurring theme in the conversations of the gentlemen from Monferrato.

In the dedication to Isabella di Gonzaga, the Marquise of Pescara, in the introduction of the collection of *Letters from several gentlemen*, Stefano Guazzo confesses that the idea of gathering together letters came to him out of a love for his land, a troubled love which was put to the test “by the continual long past wars” which “oppressed the beautiful lands of Monferrato”<sup>51</sup>.

The aim of the scholar from Monferrato was to “glorify his homeland”. To this end it is not difficult to sense in the historical, geographical and cultural identity of Monferrato the thread that keeps all the gentlemen's letters united, like pearls in a very long necklace. Another example is provided by the letters that Beccio wrote from Paris where he was living as ambassador to the Paleologi and Gonzaga families. These letters are today kept in the state archives in Mantua.

The years that involved Beccio in his delicate diplomatic mission were full of turmoil.

As it is well-known, Monferrato was at the centre of a bitter dispute between the Spanish and the French. Casale, which until the settlement of Federico Gonzaga was guarded by the Spanish, was occupied by French troops in 1554 who stayed there until 1559, the year in which the peace treaty of Cateau-Cambresis reassigned Monferrato, and this time definitively, to the Gonzaga family.

In the final years of the French occupation, Beccio does all he can to manage the Gonzaga family's interests in France. “if things are prolonged”, he writes from Paris, “the wickedness of sad times, the vain promises that were made and the difficult negotiating of this court”. Despite this, Beccio has no doubt that “his Excellency's affairs will have a positive result”<sup>52</sup>.

In the spring of '59 when the peace will restore Monferrato to the Gonzaga family is nigh, Beccio doesn't hide his desire to return “to my home with my wife and children”, since, not having “married Franze (...) idon't want your excellency to leave me there”.

<sup>51</sup> Doglio, *Stefano Guazzo*, (note 1), p. 288.

<sup>52</sup> *Archivio di Stato di Mantova* ( from now on ASM), *Fondo Gonzaga*, E-XV-3, lettera 19.1.1559.

The diligent diplomat proposed, "Should your Excellency find the grace to remove me from here (...) I would like to have a position as senator in my hometown"<sup>53</sup>.

In June 1564 Guglielmo Gonzaga granted Beccio the long hoped-for leave permitting him to return to Italy, also because there was an epidemic of the plague in France. So, Becco, who meantime had become ill and had little money, wrote from Paris expressing the desire to be able to "live for a while in the air of his homeland"<sup>54</sup>.

### 3.2. *The court and academic environment.*

In the middle of so much turmoil and in the roundabout of political and military alliances involving also the Monferrato family, in Casale there is no lack of desire to live well. On the contrary, the decades in the middle of the 16<sup>th</sup> century perhaps mark the height of an unrepeatable cultural season characterised above all by the experience of the academies<sup>55</sup>.

In the circle of those who are part of the Accademia degli Illustrati founded by Stefano Guazzo, the best of the Monferrato patricians stood out. Of this *élite* there was a host of learned scholars, jurists – the same ones that studied in Pavia and who had acquired a taste for academia in Pavia – doctors of medicine, poets and civil servants.

As is well-known, the central, recurring theme between the fellow Illustrati was that of dialogue and reasoning, precisely the subject of Stefano Guazzo's *Civil conversazione*<sup>56</sup>. The art of reasoning, applied to the topics relating to the court, led the Illustrati to examine in depth valid communicative techniques on a theoretical philosophical level, but even more useful in the daily relations of their social life.

Drawing together the threads of this argument, it is not difficult to recognise in the feelings of love for the homeland how in the cultural turmoil of the cities' academies, the peculiar characteristics which in the

<sup>53</sup> ASM, letters 4. 5. 1559 e 18. 5. 1559.

<sup>54</sup> ASM, letter 1. 6. 1564.

<sup>55</sup> Rosso, *Un microcosmo*, (note 4), pp. 112-113.

<sup>56</sup> G. Patrizi, *I «Dialoghi piacevoli» di Stefano Guazzo* in *Stefano Guazzo*, (note 1), pp. 273-284, p.275.

course of the 16<sup>th</sup> century increasingly strengthened the face of that doctrine of law that we have just labelled 'casalese'.

#### 4. *The Senate in Casale and the doctrine of law in Casale.*

It is appropriate at this point to make some remarks about the relationship existing between this doctrine and the Senate in Casale. This also allows us to better understand the actual development of the *doctores casalenses*.

In connection with this, the first information we have regards the area around which legal science in Casale orbits is, indeed, the Senate. This is obvious if we consider that all the jurists mentioned – with the exception of Crotti – were senators. In Milan as well as Francesco Bellone, or in Mantova and in Casale or only in Casale.

The interweaving of the Senate in Casale and the science of law was, therefore, a vital circuit. It was a circuit in which the Senate acted as an engine and the science of law as a driving belt. It was as senator that the jurist from Casale was at his best as far as social excellence was concerned and above all as regards his career. Concerning this, it is useful to remember that the Senate in Casale was the “the Prince's *corpo mistico*”<sup>57</sup>.

It was, however, not money that primed the circuit between Senate and the science of law in Casale but rather that sentiment of love of homeland that ruled their reasoning. This sentiment was such that on the institutional level, every gentleman in Casale felt bound to devote himself to the double duty: to serve his sovereign faithfully and at the same time to serve his homeland.

This was, indeed, a difficult task, especially if we consider the dramatic events of the Sixties culminating in the casalese conspiracy heavily stifled by Guglielmo Gonzaga. And yet, it was a task that the jurists from Casale carried out tenaciously, fully exploiting the rich store of scientific knowledge learnt at school and showing off that art of reasoning that at the core of academic learning.

In the course of the turbulent events that mark the definitive consolidation of the Gonzaga's hegemony, only a strenuous continuation of reasoning permitted the most complex of dialogues to continue and not

<sup>57</sup> Ricca, *Note*, (note 2), p. 30.



break down. The value of the word and of truth reached by means of a comparison of opposing opinions were the tools used by Rolando Dalla Valle in his exceedingly difficult task of persuasion; he convinced his fellow citizens to submit and this raised Rolando to the highly prestigious position of “*praeses senatus Montisferrati*”.

Fulfilling his potential as expert consultant, Rolando provides Duke Guglielmo with “decisive arguments and they were above all, founded on legal principles with which to prove the total and absolute possession of jurisdiction of Casale and of Monferrato”. This stance did not prevent the jurisconsult to make well reasoned observations regarding the “effectively good motivations of the casalese”<sup>58</sup>. Ruling out that Rolando's behaviour may be attributed outright to subjugation to power and wise management of the financial interests of the family, it is unlikely to assume that his strategy reflected that double task of serving his sovereign and serving his homeland. Therefore, ambition crowned by the outcome of presiding over the “Prince's *corpo mistico*”, but also the attempt to keep open a dialogue between the Prince and the citizens as a prerequisite for future reconciliation, in order to safeguard “at least a part of the best inheritance left by the citizen's culture at its end”<sup>59</sup>.

These tendencies guided Francesco Beccio's actions. He experienced the dramatic events that violently shook the little dukedom of Monferrato. Paris, where Beccio was working as ambassador to the Gonzaga family, was a privileged observatory, giving him the chance to intercept the plots against his lords.

For example, Lorenzo Silvano, “patrician of Casale and a graduate “*d'ambe leggi*” - a jurist of great worth, President of the senate in Casale, a professor of “*ragion civile*” in Padua and Ferrara, the author of a treatise on feuds quite apart from being on various *consilia* and *repetitiones*”<sup>60</sup>.

<sup>58</sup> Dezza, *Rolando Dalla Valle*, (note 19), p.35; Raviola, *Il Monferrato*, (note2), p. 67.

<sup>59</sup> Rosso, *Un microcosmo*, (note 4), p. 122.

<sup>60</sup> F. Borsetti Ferranti Bolani, *Historia almi Ferrariae gymnasii*, Ferrariae 1735, p.160; J. Facciolati, *Fasti gymnasii patavini*, Padova 1757, p.166; Morano, *Catalogo*, (note 8), p.93; Dionisotti, *Storia*, (note 10), p. 444; E. Dezza, *Lorenzo Silvano : materiali per la scheda biobibliografica di un giurista del XVI secolo* ( in corso di stampa per gli Studi per Mario Ascheri).

who, Beccio writes, in a letter to the Gonzagas, “along with other malicious individuals in that city as regards the French occupation” - Casale as has been noted was occupied by the French in 1554 - “taking the opportunity to go around saying what a great duty was owed to he who had taken the city out of the hands of his excellency (...) tyrannical hands” to place it “under the most harmless king that existed”<sup>61</sup>.

The result of this disparaging campaign was that Casale was for the most part an enemy of the Gonzaga family.

In spring of '59 when Monferrato was about to be definitively returned to the Dukes of Mantua, Beccio galvanised himself as a peacemaker informing those who had in the past schemed against the Gonzagas that their Excellencies “ had resolved to forgive all past offences and use clemence and benevolence”<sup>62</sup>. Like Rolando, even Beccio worked to placate the souls in order to create a dialogue between the Gonzagas and the citizens.

Behind his putting a good word in for everyone, it is improbable that Beccio had ambitious career plans. Beccio “the luminous one”, this is the academic nickname that differentiated him from the other illustrious Casalese jurists, had already obtained what lied dearest to his heart: being a “senator in his home town”.

Behind this tireless work lay the sole desire to serve his sovereign and his homeland faithfully. It was a task that was to cost the unlucky Beccio a great deal, who, far from benefiting, would be betrayed in prison and tortured under the accusation of being a traitor<sup>63</sup>.

##### 5. *L'Accademia degli Illustrati: or the sun and the moon.*

In conclusion, let us take a look at the academic life of Casale.

Like all the academies even the Illustrati in Casale was represented by a rising sun chasing away the darkness of the night. It is not hard to recognise the “Academy” in the sun that rises, which, with its knowledge, overcame ignorance.

<sup>61</sup> ASM, letter 24 04 1559.

<sup>62</sup> ASM, letter 29.04.1559.

<sup>63</sup> Lupano, Genta, *Giovanni Pietro Sordi*, (note5), p. 163; Id., *Beccio, Francesco* (nota 25), p. 205.

Having shone for ages in the skies of Monferrato, round about the end of the 16<sup>th</sup> century in the final years of Guglielmo Gonzaga's rule, academic life in Casale began to show signs of fatigue. And it was then that strange portents appeared in the skies.

The sun slowed down its journey obscured by a darkness that it was unable to dissipate. A worried Guazzo turned to Duke Vincenzo, asking the Academy to “brighten up” immediately. The Duke's intervention seemed effective. Indeed, the sun darted high into the sky again and this coincided, not by chance, with the release from prison of the “*luminous*” Beccio, who was then able to take up his academic pursuits again.

Between the end of the 16<sup>th</sup> century and the first decade of the 17<sup>th</sup> century, new fellows inspired the assemblies. Among them were in particular the two counts Carlo and Federico Natta, scholars and gentlemen along with Traiano Guiscardi, a jurist of noble birth from Casale who was put in charge of the great position of Gran Cancelliere of Monferrato<sup>64</sup>.

The creator of this general climate of “brightening up” was, in all probability, Duke Vincenzo I.

Committed to pomp and generous in spending the Duke conceded considerable privileges to the Academy, enabling it to glorify the splendour of the Gonzaga Court until the death of the Duke in February 1612. Then everything changed. The curtain came down on the court just as it did on the golden age of the 16<sup>th</sup> century. The Duke's squandering and delusions of grandeur concentrated in the building of the mighty citadel, pushed tiny Monferrato to the brink of financial collapse.

In 1594 Stefano Guazzo died and the following year so did Francesco Beccio.

“So that in a very short time the two great luminaries disappeared: after Guazzo, also Beccio: after the sun, the moon also went out of the Academy!” And with these lines the Accademici mourned their deaths<sup>65</sup>.

<sup>64</sup> Raviola, *Il Monferrato*, (note2), p. 162.

<sup>65</sup> F. Valerani, *Le accademie di Casale nei secoli XVI e XVII*, in «Rivista di storia, arte e archeologia della provincia di Alessandria», 17 (1908), pp. 343- 382; 519-565, p. 542.