

fungspunkte, beispielsweise für Untersuchungen zu Zusammenhängen zwischen Konfessionszugehörigkeit und Wirtschaftsorientierung oder zur Kirchenkritik in der Kunst.

Bonn

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Maria Sole Testuzza, *Cibo e pratiche alimentari tra diritto e religione. Strategie euristiche dell'età premoderna* (= *Storie del diritto* 7). Bonanno, Acireale 2018. 158 S., ISBN 978-88-6318-191-3

Following her monograph on Baltasar Gómez de Amescúa's "Tractatus de potestate in se ipsum", the author offers yet another remarkable study on engagements of the *ius commune* tradition with topics that remain of great topical interest. Taking contemporary food studies as a starting point for legal historical reflection, the work under review reveals the wealth of late medieval and early modern debates on issues related to food, sustenance and alimonies. The investigation draws on dozens of exciting but often neglected primary sources from the legal and moral theological tradition, including both famous and lesser-known authors from the so-called School of Salamanca. The small book is divided in three chapters. The first one offers insight into the *sedes materiae* of debates on food and sustenance in the canon law, civil law and moral theological traditions. Special attention is paid to the exemplary treatment of food (*cibaria*) in the juridical works of Giovanni Bertachini, a late fifteenth century canon lawyer from Fermo, and Pierre Rebuffi, the sixteenth century French professor of civil and canon law. A great number of decretists, decretalists and civilians are also the subject of in-depth study, including Guido da Baisio, Nicola Alessandri and Oldrado da Ponte.

The second chapter highlights the status-related nature of legal debates on food consumption in the ancien régime. Claiming authoritative support from the Roman law tradition (Dig. 32,1,99), Bertachini voiced the common opinion in maintaining that dark bread, cheese, beans and onions were the food typical of lower-rank people in the countryside. Attentive to the privileged status of the nobility, the French humanist lawyer André Tiraqueau logically concluded that both the quantity and type of food to be left to an insolvent nobleman substantially differed from that of a bankrupt debtor of lower status. Analyzing the work of influential canon lawyers and theologians such as Silvestro da Prierio, Martín de Azpiluceta, Juan Azor and Prospero Fagnani, Maria Sole Testuzza then offers a glimpse of the controversy about special clerical obligations related to food, particularly in the context of Lent.

Perhaps a bit disappointing is the third and last chapter on duties of charity and property sharing in situations of necessity. Debates on the commonality of ownership in times of necessity are certainly related to issues of alimony and the sharing of food, but they form a highly complex matter worthy of separate treatment. Probably, it could have been more consonant with the general topic of the monograph to study the early modern scholastic literature on dietary precepts and ascetic practices, as

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instantiated by Leonardus Lessius' seminal *Hygiasticon*. Yet, even in the last chapter, the author manages to offer a fresh perspective on old research questions, notably by drawing on the much-neglected but highly interesting *Differentiae* of Juan de Valero, a Carthusian monk trained as a jurist and theologian at Salamanca. The book under review, then, is highly exemplary in many ways. It is particularly well-written, astutely connects legal history to contemporary debates and offers innovative perspectives on legal history through the analysis of an impressive amount of primary sources. It deserves full attention, then, by jurists, theologians and philosophers eager to discover the medieval and early modern antecedents of contemporary debates on food.

Leuven/Liège

Wim Decock*)

Lucia Bianchin, *Diritto, teologia e politica nella prima età moderna. Johannes Althusius (1563–1638) (= Piccola Biblioteca del Pensiero Giuridico). Il Formichiere, Foligno 2017. 201 S., ISBN 978-88-94805-12-3*

Una vera e propria monografia – benché si tratti di una raccolta di studi precedenti rielaborati e aggiornati nella bibliografia –, che sviluppa e approfondisce questioni già affrontate nella prima monografia dell'Autrice, “Dove non arriva la legge. Dottrine della censura nella prima età moderna”¹⁾: questa la natura del denso volume dedicato da Bianchin a Johannes Althusius²⁾.

Va segnalato innanzitutto – e soprattutto ai lettori della ZRG Kan. Abt. – che, tranne il saggio confluito nel primo capitolo del volume, tre dei saggi qui organicamente rielaborati sono stati pubblicati in raccolte di studi derivate da giornate di studio organizzate dalla Althusius-Gesellschaft für die Erforschung der Frühen Neuzeit e curate da membri del Comitato direttivo della società, uno dei quali è anche Heinrich de Wall, coeditore della ZRG Kan. Abt., mentre un altro saggio è stato pubblicato in un volume edito dalla Evangelische Verlagsanstalt, frutto di un convegno organizzato a Wittenberg nel 2014 in cooperazione tra la Stiftung Leucorea – Stiftung des öffentlichen Rechts an der Martin-Luther-Universität Halle-Wittenberg, la Katholische Universität Leuven e la Johannes a Lasco-Bibliothek in Emden. Rinviando gli specifici riferimenti alla successiva presentazione di ognuno dei capitoli, l'annotazione di chi scrive intende sottolineare che il libro ora pubblicato in italiano è il frutto di un frequente e intenso dialogo scientifico fra l'Autrice e quella recente storiografia tedesca che su diritto, teologia e politica riflette ormai da tempo.

Conoscere la *Politica methodice digesta* (1614) di Johannes Althusius significa conoscere l'“intero contesto dottrinale europeo della prima età moderna”; comporta, dunque, l'approfondimento “delle diverse correnti di pensiero giuridiche, politiche e confessionali che compongono questo quadro, spesso in aperto contrasto fra loro,

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¹⁾ (= *Annali dell'Istituto storico italo-germanico in Trento, Monografie 41*), Bologna 2005, già recensito per questa rivista da Patrizio Foresta, ZRG Kan. Abt. 95 (2009) 698–700.

²⁾ Arricchito da una consistente bibliografia, costituita da *Fonti (167–170)* e *Letteratura (170–194)*, oltre che dall'*Indice dei nomi (195–201)*.