

Laura Beck Varela (2013), *Literatura jurídica y censura. Fortuna de Vinnius en España*. [Monografías, 863]. Tirant lo blanch, Valencia. 639 pp.

In 1642, the Dutch jurist, Arnoldus Vinnius (1588-1657) published a commentary on the Institutes of Justinian, which from its later editions, is known under the title *In quatuor libros Institutionum imperialium commentarius academicus et forensis*. The present volume discusses the vicissitudes of this work throughout the course of time, especially for the Spanish territories, where a considerable reception of the work took place. Attention is paid to the circumstances which may have promoted this success, which is a question of a cultural rather than a legal nature. Through a thorough analysis of the book history, the author attempts to find appropriate clues, which can offer insight into the legal culture of the 18th century. In addition to investigating the printed book, there was the challenge of exploring the sociology of its text. In any case, the primary purpose of the research was to reconstruct the divergent applications and social appropriations of Vinnius' book.

This reconstruction is subsequently unfolded in six chapters. The first is of an introductory nature and describes in broad outline Vinnius' life and his principal work, just mentioned. It builds on the review by Daniel Nettelblatt (1719-1791), which in its turn goes back to the funeral oration by Adriaan Beekerts van Thienen (1623-1669). Upon Vinnius' death, his life as legal author took off. Accordingly, the second chapter discusses the dissemination of the work from the north of Europe to Spain or rather the dissemination of publishing the work, and the role the printing house of Anisson in Lyon must have played. The survey, presented in this chapter, is based on more than 700 copies of Vinnius' commentary, consulted in various European libraries. The third chapter deals with the Spanish editors, who to some extent appropriated the work and rewrote several fragments. They adopted the alterations, already incorporated in the Anisson edition of 1683, and brought the text into line with the Spanish *Index librorum prohibitorum* of 1707. The main contested passage was the one in which Vinnius maintained that a marriage which lacks parental consent, cannot be confirmed by subsequent consummation. According to the Council of Trent, parental consent was no fundamental prerequisite for a valid sacramental matrimony. Accordingly, between 1729 and 1737, the publisher Francisco Lasso from Madrid realised the so-called *Vinnius castigatus*. The fourth chapter deals with the role of Vinnius' work in legal education and its use at the time of academic reforms, characterised by the emergence of introductory works on local law. Re-editions of his work reflect the attempts to combine the basic teachings of late *ius commune* with the increasing demand for incorporating *ius proprium*. The fifth chapter elaborates on the

process of expurgation in accordance with the rulings of the *Index*, which was of a constitutive and structural nature. Moreover, it reflects the long-standing practice of reading scholarly works in a distinct, imperative way. The sixth chapter focuses on the critical approach of the Historical School towards commentaries on the Institutes as an academic genre. Previously, this genre was the prevailing one, and the book of Vinnius, with or without the annotations of Heineccius, was one of its most famous representations. The monograph of Beck Varela comes to an end with an epilogue, dealing with Vinnius' survival in the Spanish legal education of the 19th century, which enabled the old system, based on concordances between Roman and Spanish law, to hold its ground.

Investigations, such as the present one, although strictly speaking not of a legal historical nature, are of great value for legal history. They enable us to pronounce more accurately upon the significance which a distinct scholarly work in the course of time may have had for legal education, legal scholarship and legal practice. The author can take a stance – and that may be one of the most important findings of this study – against the opinion that Vinnius' book should be seen primarily as a vital link in the dissemination of the old *ius commune* throughout Europe. This result of the work is mentioned, for example, in the introduction by Reinhard Zimmermann to the German translation of part of Vinnius' commentary<sup>1</sup>. The author, by contrast, emphasises the efforts, made by users, editors and publishers, which she regards as attempts to form in the margins and rubrics of the commentary an indigenous law that is freed from medieval sources and that is in conformity with at that time standards of ecclesiastical and civil censorship<sup>2</sup>. This is not the only important insight, resulting from the investigations. Recording meticulously Vinnius' expansion, for example, shows to what extent the illusory idea of a uniform handing down of his commentary according to obvious chronological and geographical patterns, should be seen as an oversimplification. However, whether it is justifiable to refer for such an 'over-simplifying illusion' to the introduction of Zimmermann, just mentioned, remains to be seen<sup>3</sup>.

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1 See R. Zimmermann, 'Arnold Vinnius – Leben, Umfeld, Werk und Wirkung', in: Arnold Vinnius, *Institutionenkommentar. Schuldrecht. Text und Übersetzung*. Heidelberg 2005, p. XI-XXVII.

2 See p. 35-36 and note 48. Cf. also the epilogue (p. 391-402).

3 See p. 91-92 and note 8.