The Riccobono Seminar of Roman Law in America: The Lost Years

Timothy Kearley*

Abstract — The Riccobono Seminar of Roman Law in America was the preeminent source of intellectual support for Romanists in the United States during the middle of the twentieth century (1930–1956). It was named in honor of the great Italian Romanist Salvatore Riccobono, who was a visiting professor at the Catholic University of America (CUA) in 1929. His lectures at the CUA inspired American Romanists to create an organization that would foster the study and teaching of Roman law in the United States following his departure. In the course of the Seminar’s existence, many of the era’s greatest Roman law scholars, both foreign and domestic, gave presentations at the Riccobono Seminar. The history of the Seminar after it came under the aegis of the CUA in 1935 has been readily available, but that is not the case for the years 1930–1935, when it moved among several law schools in the District of Columbia. This paper uses archival information and newspaper sources to describe the Seminar’s activities in those “lost years.”

I. Introduction

Many readers of this journal are aware of the Riccobono Seminar of Roman Law in America due to Salvo Randazzo’s extensive description of that organization in Roman Legal Tradition’s first issue.¹ As Randazzo indicated in that article, by 1937–1938 the Riccobono Seminar was “known all over the world.”² Among the Roman law luminaries who gave papers before this Roman law research and discussion body during the two-and-a-half decades of its existence (1930–1956) were: H. F. Jolowicz, Stephen Kuttner, Timothy Kearley.

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² Id., 137.
Ernst Levy, Max Radin, A. Arthur Schiller, Fritz Schulz, Leopold Wenger, Julius Wolff, and Francis de Zulueta.\(^3\) However, Professor Randazzo did not have access to archival information about the Seminar or to databases that offer additional, important information about its history. The present article will supplement Randazzo’s in order to provide a fuller and more detailed picture of the Riccobono Seminar of Roman Law, especially the “lost years” of 1930–1935, before the Seminar was reorganized and began to be financed and administered by the Catholic University of America (CUA). Appended to the current article is a nearly complete list of the presentations made to the Seminar in those lost years, along with citations to where many of the papers presented in that period were published in law journals.

II. Salvatore Riccobono and his lectures

Salvatore Riccobono (1864–1958), of course, was one of the most eminent Roman law scholars of his era.\(^4\) After he had earned a law degree at the University of Palermo in 1889, Riccobono studied in Germany for four years under several notable Romanists, including Ernst Eck, Heinrich Dernberg, Otto Lenel, Otto Gradenwitz, and Bernhard Windscheid. When he returned to Italy from Germany, Riccobono held positions at several universities and published extensively before earning appointment to the chair of Roman law at Palermo. He was statutorily retired from full-time teaching at age 70 while a professor at the University of Rome, but he went on to teach at the Pontifical Lateran University until 1955.

Riccobono was known as “the Great Conservative” of Roman law, holding that “all the changes which took place in Roman legal doctrines and institutions between the classical age and Justinian’s codification are owing to an intrinsic, consistent, and

\(^{3}\) Id., 133–40.
specifically Roman development,” rather than having been shaped by Hellenistic or Byzantine influences. Riccobono also was one of the editors of the *Fontes Iuris Romani Antejustiniani*, the preeminent collection of pre-Justinian sources of Roman law. In 1925, his *Outline of the Evolution of Roman Law* was published as the lead article in an issue of the *University of Pennsylvania Law Review*, and it was this article that provided the core of his first series of lectures at the CUA.

In 1928, the CUA invited Riccobono, then professor of Roman law at the University of Palermo, and at the peak of his fame, to give a series of lectures and seminars in the spring semester of 1929. Riccobono appears to have arrived in late December of 1928 and to have departed in June of 1929. It was fitting that the university extending the offer to host Riccobono in the United States was the CUA, given its curricular offerings on Roman and canon law; not surprisingly, Riccobono’s second series of lectures centered “upon the contention that Christianity exerted an influence on Roman law.” These lectures were said to have resulted in “a spontaneous movement to insure the continuation of this or similar lectures in the future,” which was then manifested in

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5  Kuttner (note 4), 661.
8  “Catholic University of America, Course in Roman Law” [hereafter “Course in Roman Law”] (showing an outline of Riccobono’s proposed lectures, the first of which concerned the evolution of Roman law). CUA President Records, Box 62, Folder 17, Riccobono Seminar of Roman Law, 1930–1936.
9  Randazzo (note 1), 123. In the seminars, Riccobono discussed “the methods of handling the sources.” See “Course in Roman Law” (note 8).
10  A Western Union telegram from the SS Augustus, dated Dec. 21, 1928 and signed Riccobono, states: “Landing Saturday, Greetings.” CUA President Records, Box 62, Folder 16, Riccobono, Salvatore, 1928–1940. A newspaper article of June 2, 1929 describing a testimonial dinner for Riccobono says that the CUA was “favored by a six month’s stay.” “Dinner Honors Palermo Savant: Dr. Riccobono Entertained at Cosmos Club by Capital Men,” *Washington Post*, June 2, 1929, at R3. The article goes on to claim he was going to spend a year in the U.S., but there is no indication he stayed that long. Riccobono did lecture at Columbia University and Harvard during his stay. Id. A letter from the rector of CUA dated June 10, 1929 is addressed to Riccobono at the CUA. Letter from Rector James H. Ryan to Salvatore Riccobono, June 10, 1929, CUA President Records, Box 62, Folder 16, Riccobono, Salvatore, 1928–1940.
11  “Course in Roman Law” (note 8).
the foundation of the Riccobono Seminar of Roman Law in America.12 (Some ten years later, the CUA conferred a doctorate honoris causa upon Professor Riccobono, in his absence, at the university’s Jubilee Convocation.13)

III. The Riccobono Seminar of Roman Law in America, 1930–1935

Initial organization

Among the group that organized Riccobono’s presentations were American Romanists Charles Phineas Sherman, Charles Sumner Lobingier, and Frederick de Sloovere.14 They also were members of the consilium that organized the Riccobono Seminar in 1930 to continue the study and teaching of Roman law in America after Riccobono departed.15 Sherman in particular seems to have come to know Riccobono rather well, hosting him socially and later making a contribution to a Festschrift honoring him.16

The inaugural session of the Riccobono Seminar took place on January 8, 1930 at the CUA, with Charles S. Lobingier presenting

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13 Letter from Rector Joseph Corrigan to Salvatore Riccobono, December 2, 1939, CUA President Records, Box 62, Folder 16, Riccobono, Salvatore, 1928–1940.
14 “Dinner Honors Palermo Savant: Dr. Riccobono Entertained at Cosmos Club by Capital Men” (note 10). The others were: (former) Judge William de Lacy, Francis Lucidi, John J. Coady, Martin R. McGuire, William A. Losieniecke, Francis Bonora, John Vance, H. Winship Wheatley, Peter O. Monleon, and John C. Gunzelman. Id. For more information about Sherman and Lobingier, as well as the American Romanists Justice Fred H. Blume and Clyde Pharr, see generally T. G. Kearley, Lost in Translations: Roman Law Scholarship and Translation in Twentieth Century America (Durham, NC 2018).
15 See “Invitation to the Inaugural Session of the Riccobono Seminar,” Jan. 8, 1930, listing the members of the consilium (which includes Lobingier as magister and Sherman as a member), CUA President Records, Box 62, Folder 17, Riccobono Seminar of Roman Law, 1930–1936. The other members of this first consilium of the Riccobono Seminar were: de Lacy, Losieniecki, Gunzelman, and Roscoe Pound. Id.
16 Regarding Sherman’s relationship with Riccobono, see C. P. Sherman, Academic Adventures (New Haven 1944), 259–61, where Sherman writes that they became “fast friends” and that he entertained Riccobono at the former’s Washington home in Cleveland Park. Sherman contributed “The Roman Administrative Marine” to Studi onore di Salvatore Riccobono (Palermo 1936). Id., 113–14.
his magisterial address on *The Continuity of Roman Law*. Inter-

testingly, this meeting was chaired by Lobingier’s University of

Nebraska classmate Roscoe Pound, who was then dean of the

Harvard Law School.

Roscoe Pound and the Riccobono Seminar

Roscoe Pound’s connection to the Riccobono Seminar seems not to

be widely known. Pound (1870–1964) was, of course, one of the

most prominent American legal thinkers and public intellectuals

of his day and is considered to be the founder of sociological juris-

prudence. However, Pound also was a Roman law scholar,

especially in his earlier years. He taught Roman law at the

universities of Nebraska, Northwestern, and Harvard, and in

1914 he published *Readings in Roman Law and the Civil Law

and Modern Codes as Developments Thereof*, a sourcebook for Ro-

man law classes, many of the documents in which he translated

from Latin himself. His reputation was such that in 1933 Pro-

fessor Elemér Balogh, then at the University of Berlin, asked

him to become one of the “Foundation Leaders” of an Interna-

17 “Invitation to the Inaugural Session of the Riccobono Seminar” (note 15).

18 Pound was dean at Harvard from 1916 to 1936. P. Sayre, *The Life

of Roscoe Pound* (Iowa City, IA 1948), 208. In a letter of 1914, Lobingier

reminds Pound that “It will be thirty years next September that we began

Greek together under Bennett.” Letter from Charles S. Lobingier to Ros-

coe Pound, April 2, 1914, in *The Roscoe Pound Papers*, Folder 001766-009-

0567, Charles S. Lobingier Correspondence with Roscoe Pound. A Univer-

sity of Nebraska publication shows the two were among the twenty

members of the senior class of 1888. *The Register and Catalogue for the

University of Nebraska, Lincoln, Nebraska [1887–1888]* (Lincoln, NE

1888), 12. (Pound’s papers, which contain much correspondence with

Lobingier, are available online in the ProQuest History Vault.) For more

information about Pound’s relationship with Lobingier, see Kearley (note

14), 81–85, 90.


July 2, 1964, 1, and L. C. Cassidy, “Dean Pound, the Scope of His Life and


20 Sayre (note 18), 143, 155, 213.

21 Cassidy (note 19), 915–16. R. Pound, *Readings in Roman Law and

the Civil Law and Modern Codes as Developments Thereof*, pt. 1, 2nd ed.

(Cambridge, MA 1914). Pound privately published a part 2 in 1916, 352

mimeographed pages in five volumes, according to the WorldCat database.


Digitized versions of both the 1906 and 1914 editions are available in

HeinOnline’s Legal Classics library.
Although Pound's undergraduate degree was in botany, he was greatly enamored of the classics, and he later said: “There is no better way for the student to train himself in the choice of the very word that will fit his thought than by translation from Latin and Greek.” He demonstrated his ongoing love of the classics by teaching a special course in Harvard's Classics Department after he had stepped down as dean of the Law School. While still dean at Harvard, Pound had added Jurisprudence and Roman Law as post-graduate courses for would-be law faculty and had taught these courses himself. Perhaps this is why Professor Joseph Beale said that “it was Roscoe Pound who really brought the spirit of Roman law to Harvard.”

Given the above, one can see how Pound was prevailed upon to preside over the Riccobono Seminar's inaugural meeting. However, the astonishingly busy Pound seems not to have remained heavily involved with the Seminar. Pound's papers do not show any correspondence between him and the Seminar during the years of 1930–1935. After the Seminar was reorganized under the auspices of the CUA, Pound began to receive invitations to attend its meetings, but he appears not to have traveled to

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22 Letter from Elemér Balogh to Roscoe Pound. There is no date on Balogh’s letter to Pound, but Pound’s letter of acceptance is dated May 18, 1933. The other scholars asked to be foundation leaders were: Riccobono, Scialoja, Albertario, Cornil, Collinet, de Zulueta, and Lenel. Photocopy on file with the author. An International Academy of Roman Law appears never to have been created, perhaps because of the Nazi takeover in Germany, which forced Balogh out of his position in Berlin and caused him to leave the country. See G. Hamza, “Elemér Balogh (1881–1955): The Scholar of Roman Law and of Comparative Law,” J. Juridical Science, 33 (2008), 123.


25 Cassidy (note 19), 927.

26 Bulletin of the Riccobono Seminar of Roman Law in America, no. 26 [1939], 8. Beale said that when Pound was a first-year student at Harvard, John Chipman Gray had “aroused Pound’s interest in the great continental commentators on the Roman law, such as Sohm.” Id.

Washington for that purpose. For several years, starting in 1939, members of the Seminar’s *consilium* asked Pound to present papers to the Seminar, but he almost always declined, citing his workload.\textsuperscript{28} Pound had a change of heart in 1945 and promised to present a paper to the May 1946 “Social Night” meeting, but he appears not to have fulfilled that promise.\textsuperscript{29} He was asked again in 1949, equivocated, and seems not to have accepted in the end.\textsuperscript{30} The last notice of a Riccobono Seminar meeting Pound received was dated March of 1950.\textsuperscript{31}

*Pound and Riccobono*

Pound also appears to have met, or at least heard, Riccobono before the latter came to the United States to lecture at the CUA. In 1928, Pound advised a correspondent who had inquired about inviting Riccobono to lecture at Boston University for the Bacon lectures that, while Riccobono was “a great scholar in Roman private law,” he did not know constitutional law and that “he speaks Italian with English words, and speaks the English words with a rich Italian pronunciation which makes him almost unintelligible.”\textsuperscript{32} The *Pound Papers* include very sparse correspondence between the two from 1931 to 1948. Their final exchanges mainly concern a paper solicited by Riccobono from Pound for a Festschrift honoring Paul Koschaker.\textsuperscript{33}

\textsuperscript{28} E.g., in July of 1941, Pound replied to such an invitation to make a presentation that he could not make a definite promise owing to “a heavy load of arrears promises to make-up.” Letter from Roscoe Pound to Brendan Brown, July 29, 1941, in *The Roscoe Pound Papers*, Folder 001766-089-0135, Riccobono Society, Roscoe Pound Correspondence, Jan. 1, 1940 – Dec. 31, 1950.


\textsuperscript{32} Exchange of Letters between Thomas Z. Lee and Roscoe Pound, Nov. 26 – Nov. 27, 1928. *The Roscoe Pound Papers, Part I: Correspondence*, 1907–1964; Folder 001766-036-0325, Roscoe Pound Unsorted Correspondence, L.

\textsuperscript{33} The paper is: R. Pound, “Roman Law in China,” in *L’Europa e il diritto romano. Studi in memoria di Paul Koschaker* (Milan 1954).
Regular meetings of the Seminar, 1930–1935

Following the Seminar’s inaugural meeting of January 1930, it appears as if it did not meet again until October of that year. Thereafter, it met sporadically (about twenty times) until 1935 at various law schools in the District of Columbia.\textsuperscript{34}

My research in the CUA’s archives recording the invitations sent to Seminar members, along with my online searches of newspaper and law reviews of the time, provided information about the lost meetings, i.e. the ones that took place after the Seminar was formed, but before it was reorganized. After the Seminar’s reorganization under the CUA, its meetings were regularly reported on in the \textit{Bulletin of the Riccobono Society of Roman Law in America} and then in the \textit{Jurist} and the \textit{Seminar} (a special, annual issue of the \textit{Jurist}).\textsuperscript{35} The \textit{Bulletin} also was essentially reproduced by Riccobono, along with some commentary by him, under the heading \textit{Il Diritto Romano in America} in the Italian journal he edited.\textsuperscript{36} The CUA archives do not contain a full set of meeting invitations, e.g. there is a gap from the session of Thursday, April 30, 1931 to the session of Friday, December 11, 1931.\textsuperscript{37}

However, the existence of additional Seminar meetings can be

\textsuperscript{34} See “The Riccobono Seminar of Roman Law” (typewritten note) stating “The initial meeting for 1930–31 will be held in Room #207, McMahon Hall, The Catholic University of America, on Thursday, October 30th at 8:15 p.m.” CUA President Records, Box 62, Folder 17, Riccobono Seminar of Roman Law, 1930–1936.


\textsuperscript{36} \textit{Bullettino dell’Istituto di Diritto Romano}. The coverage runs from volume 43, 1935, through volume 46, 1939, when it ended due to difficulties in communication caused by the war.

\textsuperscript{37} The year is not given for either invitation, but a check of the dates and days stated indicates 1931 must be the year. Making matters worse, the April 30 meeting invitation refers to it as the “fifth session,” whereas the December 11 invitation refers to the one of that date as the “second session.” However, it seems clear the former invitation must be counting sessions from the inaugural meeting of January 8, 1930, whereas in the fall of 1931, the Riccobono Seminar started numbering the sessions of each academic year independently; thus, each academic year from 1931–1932 onward had a first session, a second session, etc. Hence, the invitation for the meeting of Wednesday, February 10, 1932 (again, no year was given, but the calendar indicates it must be 1932) refers to it as the “fourth session.” See CUA President Records, Box 62, Folder 17, Riccobono Seminar of Roman Law, 1930–1936.
ascertained from notes appended to law review articles indicating that the articles initially were presented at the Riccobono Seminar. For instance, Charles Lobingier’s article *Factors in the Preservation of Roman Law* indicates it was given as his magisterial address before the Riccobono Seminar on October 30, 1930. Other meetings for which invitations are lacking in the CUA archives are noted in brief newspaper publicity pieces. One example of these is the notice that appeared in the *Washington Post* of a presentation made by H. Winship Wheatley on “The Christian Fathers and Roman Law” at a Seminar session held at National University.

While the Riccobono Seminar did meet fairly frequently during this lost period, its organizational difficulties are reflected both by the fact that it failed to meet monthly during the academic year as intended and by the dearth of diversity in its presenters.

### IV. Successful reorganization

Cognizant of its problems, the members of the Seminar voted in 1935 to reorganize, and they drafted a new constitution that gave the CUA more control in exchange for financial support from that institution. Following this reorganization, the Riccobono Seminar for many years customarily held monthly meetings during the academic year of October through May, and it hosted presentations by many Roman law scholars, some of whom were well known foreign visitors.

When the Riccobono Seminar was in its prime it provided a forum and support group for Roman law experts, including Euro-

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40 See “The Riccobono Seminar of Roman Law in America,” *Jurist*, 1 (1941), 94 (briefly summarizing Seminar history). My archival, newspaper, and law review research shows Lardone presented at least five times and Lobingier at least four times during this period.

pean refugee scholars,\(^\text{42}\) and at its final meetings of the academic year, held in May, special guests of the elite bar and academe, as well as politicians, mingled with the Roman law scholars. For instance, the special guests attending Wyoming Supreme Court Justice Fred H. Blume’s presentation of his paper *The Code of Justinian and its Value* in May of 1938 included: U.S. Supreme Court Justice Pierce Butler, Professor Joseph Beale (Harvard Law School), Professor Samuel Williston (Harvard Law School, Reporter for the American Law Institute’s *Restatement of Contracts*), Professor John H. Wigmore (Northwestern Law School, author of *A Treatise on Evidence*), Professor Hessel E. Yntema (University of Michigan Law School, founder of the *American Journal of Comparative Law*), U.S. Senator Joseph C. O’Mahoney, and John T. Vance (Law Librarian of Congress).\(^\text{43}\) The Seminar thrived into the World War II era, but thereafter gradually lost energy, until it appears to have expired quietly in May of 1956.\(^\text{44}\)

The Riccobono Seminar of Roman Law in America played an important and fascinating role in the propagation of Roman law in the United States in the first half of the twentieth century, and it deserves to be fully known and remembered.

V. Appendix

Riccobono Seminar meetings, 1930 until the 1935 reorganization\(^\text{45}\)

1/8/30 Inaugural Meeting. Charles Lobingier:

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\(^{43}\) See *Bulletin of the Riccobono Society of Roman Law in America*, no. 26, 1938, 1.

\(^{44}\) The last report of a Riccobono Seminar meeting appears in the final issue of *Seminar*, the annual, special issue of the CUA’s *Jurist* law journal. See “The Riccobono Seminar of Roman Law in America,” *Seminar*, 13 (1955–1956), 73. Concern had been expressed about the Riccobono Seminar’s continued vitality in Washington, D.C. after the war, but the consilium was unable to find the funds needed to make it a more national institution. See C. J. Neusse, “The Thrust of Legal Education at the Catholic University of America, 1895–1954,” *Catholic U. L. Rev.*., 33 (1955), 33, 73.

\(^{45}\) All meetings were held at the Catholic University of America unless otherwise indicated here.
“The Continuity of Roman Law.”


2/26/31   Lewis C. Cassidy: “The Lex Aquilia.” [Georgetown University]

3/12/31   Charles Lobingier: “Revival of Roman Law.” [Columbus University School of Law]

4/30/[31] “Fifth Session.” Francesco Lardone: “The Council of Ephesus in the Sources of

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47 Published at Georgetown L. J., 19 (1930), 1, with the note: “Magisterial address before the Riccobono Seminar of Roman Law, Oct. 30, 1930.”

48 The presentation appears to have been published as Airspace Rights in Roman Law, Air. L. Rev., 2 (1931), 455.

49 Wheatley was “the speaker at the Riccobono Seminar . . . at National University Thursday night. He spoke on The Christian Fathers’ . . . .” “National U. Opens Debate Schedule,” Washington Post, Jan. 11, 1931, at S8. (The newspaper articles announcing Riccobono Seminar events often included reports of other events, hence the unrelated title.) Wheatley was later president of the District of Columbia Bar Association.

50 “Revival of Roman law will be discussed by Charles Lobingier . . . in an address Thursday night . . . at Columbus University School of Law.” “Lobingier to Air Roman Law Case,” Washington Post, Mar. 8, 1931, at M13 (where it also is said “the meeting will mark a public session of the Riccobono Seminar of Roman Law.”). Columbus University was affiliated with the CUA, and the former’s evening-only law school merged with the CUA’s law school in 1954.

51 Brackets indicate no year was given in the invitation; I determined the year by matching the day, given as Thursday in the invitation, to the date in the calendar. It must have been the fifth session in the 1930–1931 academic year.
Roman Law.”

10/10/31 Charles Lobingier: “The Modern Expansion of Roman Law.”


——— Missing session


[Georgetown University]


52 This appears to have been published as “The Imperial Constitutions of Theodosius II and the Council of Ephesus,” *Georgetown L. J.*, 20 (1932), 456.

53 Published at *U. Cin. L. Rev.*, 6 (1932), 152, with the note: “Read before the Riccobono Seminar of Roman Law, October 10, 1931.”

54 This must be the second session of the 1931–1932 academic year, with that of 10/10/31 having been the first.


56 Matching the day, given as Friday in the invitation, to the calendar date indicates the year must be 1932 and that this is the fourth session of the 1931–1932 academic year.

57 Published at *Georgetown L. J.*, 21 (1932), 456.


59 Robinson is reported to have “lectured frequently” at the Riccobono Seminar. A. F. Mignone, “Roman Readings in Roman Law,” *Bul. New Haven Cnty. Bar Ass’n.*, 1 (1934), 16 (book review). Robinson was to have been co-author, with Charles P. Sherman, of *Roman Readings in Roman Law*. Robinson’s contribution was to have been volume two, but it never was published. If “lectured frequently” is accurate, addresses by Robinson may account for meetings missing in this list.
to Our Law.”

11/15/32

“First Session.” Francis Lardone: “The Imperial Constitutions in Gaius.”
[Georgetown University]

[1932?]

A. Arthur Schiller: “Sources and Influence of the Roman Law, III–VI Centuries A.D.”
[Georgetown University Law School]

2/10/33


3/22/33


4/28/33

“Fifth Session.” Torquato Carlo Giannini: “The Digest: Its Interpretation as a Roman Monument.”

1/8/34

Donald W. Whalen: “The Value of Testimonial Evidence in Roman Civil Procedure.”

4/12/34

Leonidas Pitamic: “Some Aspects of the Problem of Interpretation.”

2/28/35

New Constitution of the Riccobono Seminar.

60 Published at Georgetown U. L. J., 21 (1932), 147, with the note: “[R]ecently delivered before the Riccobono Seminar at the Georgetown University Law School.” “Recently” could mean the paper was presented in 1931.

61 Published as “The Digest,” Notre Dame Law., 9 (1934), 412, with the note: “Paper read at a meeting of the Riccobono Seminar . . . April 28, 1933.”

62 Published at A.B.A.J., 19 (1933), 582, where a note indicates: “Address delivered before the A.B.A. at Grand Rapids, Michigan . . . Aug. 30.”