

Ugo Grozio, *Il diritto di guerra e di pace*, ed. by Carlo Galli and Antonio Del Vecchio. Translations, introductions, and apparatus by Antonio Del Vecchio, Carlo Galli, Francesco Ingravalle, Giulia Maria Labriola, Merio Scattola, Gabriella Silvestrini, Claudio Tommasi, Stefano Visentin (Naples: Istituto Italiano per gli Studi Filosofici Press, 2023), 3 vols. (CXXXVI, 222; 647; 424 pp.).

The publication of a translation of a classic work always brings elements that stimulate scholarly debate, thanks to both its critics and admirers. The recent Italian full translation of Grotius's *De iure belli ac pacis* (*IBP*) – a vast undertaking – has thus far re-invigorated discussions among Italian scholars,¹ who have seized the opportunity to again survey the entirety of Grotius's *magnum opus* and provide their own comprehensive and learned analytical assessment of that great book. Italian scholars' reception of the first complete translation in Italian so far shows a general positive consensus in their evaluation of the choices made by the editors and translators, all of whom are university professors in the history of political thought, the history of institutions, and the philosophy of law.

The work indeed presents Grotius's text in its entirety, following the 1646 edition, which is the last one supervised by the author and the most complete (as it also includes the *Annotata* and all the postliminary materials of the 1642 *IBP*). It also adopts the subdivision of paragraphs into sub-paragraphs, which was first introduced in the 1667 edition, the first edition edited by Grotius's son, Pieter. It is comprised of three volumes, one for each book of the *IBP*.²

Concerning the international scholarly community in the pages of this journal, we might ask why international readers could be interested in consulting an Italian translation of *IBP*. In this connection it is important to

1 Domenico Taranto, 'Su Grozio in italiano e sulla sua timida modernità', *Il pensiero politico* 56:1 (2023), 75–87; Pier Paolo Portinaro, 'Il ritorno di Ugo Grozio nella crisi del diritto umanitario', *Filosofia politica* 37:3 (2023), 521–34; Luca Scuccimarra, 'Il crocevia groziano. A proposito della nuova edizione italiana de *Il diritto di guerra e di pace* di Ugo Grozio', *Scienza & Politica* 35:69 (2023), 237–46; and Pietro Costa, '"Se fare la guerra possa mai essere giusto". Qualche considerazione sulla violenza, i diritti e il sovrano in Ugo Grozio', *Storia del pensiero politico* 13:2 (2024), 287–98.

2 The 1646 edition was the first posthumous edition: no. 572 in Jacob ter Meulen and Pieter Johan Jurrian Diermanse, *Bibliographie des écrits imprimés de Hugo Grotius* (The Hague: Martinus Nijhoff, 1950). It retained the contents of the previous 1642 octavo edition by the same Amsterdam printer, Johan Blaeu, with some revisions to the annotations. On this, see *Briefwisseling van Hugo Grotius*, 17 vols., edited by Philipp Christiaan Molhuysen et al. (The Hague: Nijhoff, 1928–2001), vol. xv, no. 6726, Willem Grotius to Hugo Grotius, 22 February 1644: 'Misi ad Blavium per liberos meos errata et addenda ad commentarios de iure belli et pacis'; and Cornelis van Vollenhoven, 'L'édition de 1631 du De Jure Belli ac Pacis de Grotius

remark that the notes to the original text are fundamental to the design of Grotius's work. For an author like Grotius, steeped in the humanist tradition of assembling *exempla* and *auctoritates*, the references to primary sources remain central to the construction of his arguments and cannot be ignored by the reader without risking serious misunderstandings. Hence, I believe that even readers who do not know Italian will benefit from this new edition: first and foremost, international readers can take advantage of the critical apparatus developed in this publication.

It was precisely on this awareness that Robert Feenstra and his team based their work for the 1993 publication,³ which has since become the scholarly standard, including for the Italian translation under review (vol. I, pp. CXXVIII–CXXIX and vol. III, p. 401). The 1993 *IBP* is a reprint of the 1939 *IBP* edition, the critical apparatus of which (essentially based on that of the 1919 edition, which used the 1646 *IBP* edition as the guiding text⁴) is emended with a typographical device that proves rather impractical for the reader; small letters were added to the margin of the main text and footnotes of the 1939 edition, referring to a substantial appendix located at the end of the lengthy and weighty volume of 1993.

(1625); *Mededeelingen der Koninklijke Akademie van Wetenschappen, Afdeling Letterkunde* 66, serie B (1928), 31–60, at 51–3. The contents of the 1646 edition can be listed as follows: Title page; Letter of dedication to the King of France, Louis XIII; Introduction; Annotations to the introduction; Book I (5 chapters, annotations following each chapter); Book II (26 chapters, annotations following each chapter); Book III (25 chapters, annotations following each chapter); Two extracts from the biographies of Louis IX; Printer's Note (but written by Grotius as an introduction to the subsequent commentary); Grotius' commentary on Paul's Epistle to Philemon; Table of contents; Table of cited passages; Analytical index. The Italian edition provides a complete translation of both the text and the annotations, except for the postliminary material that follows the extracts of the advices given by the French King, Louis IX, canonised as Saint Louis in 1297, to his son Philip. It concludes with a concise list of sources. In comparison with the original edition, a minor error concerns the date at the bottom of the letter to Louis XIII, which is published as 1645 but should be corrected to 1625, as in the original.

- 3 Hugo Grotius, *De iure belli ac pacis* (ed. by Bernardina Johanna Aritia De Kanter-van Hettinga Tromp, Leiden: Brill, 1939), edn. reprint with additional note by Robert Feenstra, Catharina Elisabeth Persenaire and Elisabeth Arps-De Wilde (Aalen: Scientia, 1993).
- 4 Hugo Grotius, *De iure belli ac pacis*, ed. by Philip Christiaan Molhuysen (Leiden: Sijthoff, 1919). In this edition, the footnotes reproduce Grotius's marginal notes and the *Annotata* (added since the 1642 *IBP* edition at the end of each chapter), along with variants from editions supervised by Grotius (though only partially from the *princeps*) and references to Grotius's primary sources (principally derived from the eighteenth-century editions by Jean Barbeyrac).

As Feenstra explains in the introduction to the appendix of the 1993 publication, the 1939 edition is not to be regarded as a critical edition, but rather as a reproduction of the 1631 *IBP* text, collated and supplemented with the 1625, 1632, 1642, and 1646 editions. The footnotes detail the source from which the text has been incorporated and any corrections made.⁵ As mentioned, the 1939 apparatus is fundamentally ‘copied from the 1919 edition’,⁶ edited by Philip Christiaan Molhuysen, in which the references to Grotius’s primary sources are mainly based on the eighteenth-century editions by Jean Barbeyrac.⁷

Feenstra’s fundamental contribution focuses on verifying and correcting Grotius’s citations from jurists and theologians from the Middle Ages to the beginning of the seventeenth century. Feenstra’s additional notes aim precisely to correct and supplement the editions of Barbeyrac, Molhuysen, and the American translators of the 1925 publication prepared for the Carnegie Endowment for International Peace of Washington.⁸

Despite the undeniable scholarly value of Feenstra’s work and that of his team, the 2009 online edition available in *De Digitale Bibliotheek voor de Nederlandse Letteren* (DBNL) does not reflect it, presenting only an electronic reproduction of the weaker 1939 edition text.⁹ The new Italian edition now offers, for the first time, a critical apparatus that not only incorporates Feenstra’s significant corrections but also supplements them, thus providing the reader with an indispensable and comprehensive resource, which is also immediately accessible, as the information is located on the corresponding page of Grotius’s text.

For instance, in the very first line of the *Annotata* (i.e., annotations introduced by Grotius since the 1642 *IBP* edition) to the first chapter of Book 1, the Italian edition corrects the citation of Philo of Alexandria, which in the

5 Robert Feenstra, ‘Introduction’, in Grotius, *De iure belli ac pacis*, 1993, pp. 923–45, at p. 923.

6 Ibid., p. 926.

7 Philip Christiaan Molhuysen, ‘Prooemium editoris’, in Grotius, *De iure belli ac pacis*, 1919, pp. VIII–XV, at pp. XIII–XIV. Partially revised by the same Molhuysen in a subsequent contribution, in which he also systematically collates the 1625 and 1919 (based on *IBP* 1646 as the guiding text) editions: Philip Christiaan Molhuysen, ‘The first edition of Grotius’s *De Iure Belli ac Pacis*’, *Bibliotheca Visseriana* 5 (1925), 103–49. The editions by Barbeyrac used by Molhuysen include both the Latin (1720, 1735, 1773) and the French versions (1724).

8 Feenstra, ‘Introduction’, pp. 929–34. Hugo Grotius, *De jure belli ac pacis*, tr. by Francis W. Kelsey, Arthur E.R. Boak, Jesse S. Reeves and Herbert F. Wright, with an introduction by James Brown Scott (Oxford: Clarendon Press; London: H. Milford, 1925 [but 1927–1928]). Reprints: New York: Oceana Publication, 1964; Birmingham, AL: Gryphon Editions, 1984; Buffalo, NY: Hein, 1995; Clark, NJ: The Lawbook Exchange, 2021.

9 With only minor corrections and omissions; on this, see the accountability statement (Verantwoording) at https://www.dbnl.org/tekst/groo001bjado1_01/colofon.php.

1993 *IBP* edition is still incorrectly identified as being from the second book of *De specialibus legibus*, whereas it is actually taken from the third book. The error is present in both the 1642 and 1646 editions supervised by the author, as well as in the more recent editions of 1919, 1939, and consequently in the 2009 digital edition, with the exception of the 1925 edition.¹⁰

Moreover, international readers who approach this new edition, irrespective of their proficiency in the Italian language, will undoubtedly appreciate and make use of an updated international selected bibliography that accompanies the work and offers precise information on 'Bibliographical repertoires', 'Main works by Grotius', and 'Monographs and critical essays on Grotius' (A. Del Vecchio and F. Ingravalle, vol. I, pp. CXV-CXXVI).

For those readers proficient in Italian, they will benefit, in addition to eight very well-documented introductory essays by the co-authors and translators (C. Galli, S. Visentin, G. Silvestrini, C. Tommasi, F. Ingravalle, M. Scattola, A. Del Vecchio, and G. Labriola, vol. I, pp. XI-CVII), from a new and complete modern language edition of Grotius's *magnum opus*.

To provide another example, thus updating what Feenstra reported in 1993 based on Edwin Rabbie's observations in 1990,¹¹ we can take the quotation from Seneca 'Occidere contra legem nemo non potest: servare nemo praeter me' (II.20.24.[2]), which was correctly printed in the *editio princeps*, but was erroneously published in the 1631 edition (without this being noted in either the shorter or the longer variant of its *Errata*), and thus also in the 1939 edition (and perpetuated in the 2009 digital edition). The citation was printed incorrectly in the 1646 edition, and therefore also in the English translation of the 1925 edition. Only the 1993 edition notes and corrects this error; yet the reader could easily overlook this point since the correction does not appear on the page but in the appendix at the end of the volume; and this is only indicated to the reader with a small letter 'a' in the margin of the text, while the footnote simply provides the reference to the Seneca text from which the quotation is taken, without further comment. The new Italian edition, rather, corrects the error in the main text (vol. II, p. 489), provides the source in the footnote as it appears in Grotius's text, and in parentheses < > integrates

¹⁰ *IBP* 1642, p. 10: Philo II de legibus specialibus; *IBP* 1646, p. 10: Philo II de legibus specialibus; *IBP* 1919, p. 22: Philo II de legibus specialibus; *IBP* 1925, p. 33: Philo, *On Special Laws*, II [III. xv]; *IBP* 1939, p. 30: Philo II de legibus specialibus [15]; *IBP* 1993 = 1939+F., p. 30: Philo II de legibus specialibus [15]; *IBP* 2009 = 1939: Philo II de legibus specialibus [15]; *IBP* 2023, vol. I, p. 42: Secondo Filone di Alessandria, *De specialibus legibus*, II <ma III, 15>).

¹¹ Feenstra, 'Introduction', p. 924.

TABLE 1 A Comparative analysis of the *IBP* editions in relation to the citation of Seneca ‘Occidere contra legem nemo non potest: servare nemo praeter me’ (*IBP*, II.20.24.[2]).

1625	1631	1646	1925 = 1646	1939 = 1631	1993 = 1939+F.	2009 = 1939	2023
424	307	331	492	496	496		II, 489
in the main text, on page							
a							
<i>Occidere contra legem nemo non potest: servare nemo praeter me</i>	<i>Occidere contra legem nemo potest: servare nemo praeter me</i>	<i>Occidere contra legem nemo potest: servare nemo praeter me</i>	‘No one can put to death against the law: nobody can save except me’	<i>Occidere contra legem nemo potest: servare nemo praeter me</i>	<i>Occidere contra legem nemo potest: servare nemo praeter me</i>	<i>Occidere contra legem nemo potest: servare nemo praeter me</i>	‘tutti possono uccidere in contrasto con la legge, ma nessuno può salvare tranne me’
Marginal note	Marginal note	Marginal note	Marginal note	Footnote	Footnote	Marginal note	Footnote
De Clem. l. 1, c. 5. <i>De Clem. L</i> 1, c. 5. <i>De Clem. L</i> 1, c. 5. <i>On clemency</i> , I. v. 4. De Clem. l. 1, c. 5 De Clem. l. 1, c. 5 De Clem. l. 1, c. 5 <Seneca>, <i>De clementia</i> 1, 5, 5 <ma 4>							
Appendix							
496 a							
nemo potest:							
read ‘nemo non potest’							

IBP 1993 = 1939+F	IBP 2023
<p>496 LIB. II CAP. XX § XXIV, 1 — XXV</p> <p>quia legis auctor aliquo modo legibus suis obligatur, sed hoc diximus verum esse quatenus auctor legis ut pars civitatis spectatur¹, non qua civitatis ipsius personam atque auctoritatem sustinet. Nam qua talis est potest legem etiam totam tollere, quia legis humanae natura est ut a voluntate humana pendat non in origine tantum, sed et in duratione. Non debet tamen legis auctor legem tollere nisi probabili de causa, peccaturus aliqui in regulas iustitiae gubernatricis. [2] Sicut autem totam legem tollere potest, ita et vinculum eius circa personam aut factum singulare manente de caetero lege, Dei ipsius exemplo qui Lactantio² teste, <i>legem cum poneret non utique ademisset sibi omnem potestatem, sed habet ignoscendi licentiam. Imperatori</i>, inquit Augustinus³, <i>licet revocare sententiam, et rerum mortis absolvere et ipsi ignoscere: causam explicat, quia non est subiectus legibus qui habet in potestate leges ferre</i>. Seneca⁴ Neronem hoc vult cogitare, <i>Occidere contra legem nemo potest: servare nemo praeter me</i>. [3] Sed hoc quoque faciendum non est nisi causa subitis probabilis, quae autem sint causae probabiles, quamquam non potest praecise definire, tenendum tamen est maiores esse debere post legem quam quae ante legem spectabantur, quia⁵ legis auctoritas, quam servari utile est, ad causas puniendi accessit.</p> <p>XXV. Causae autem liberandi aliquem a poena legis solent esse aut intrinsecae, aut extrinsecae. Intrinseca cum si non iniusta, dura tamen est poena ad factum comparata.</p> <p>XXVI. Extrinseca ex merito aliquo aut alia re commendante: aut etiam spe magna in posterum: quod causae genus tunc maxime sufficit, si ratio legis saltem particulariter casset in facto de quo agitur. Nam quamquam ad sustinendam legis efficaciam satis est ratio universalis sine repugnantia contrariae rationis, tamen cessatio rationis etiam quae par-</p>	<p>LIBRO II, CAPITOLO XX 489</p> <p>può abolire l'intera legge, allo stesso modo può anche sospendere il vincolo per una persona o un fatto particolari, pur restando in vigore la legge per quanto riguarda tutto il resto, seguendo l'esempio di Dio stesso che, come attesta Lattanzio¹⁶⁶, «ponendo la legge non si è completamente privato di ogni potere, ma si è riservato la libertà di perdonare». Agostino¹⁶⁷ sostiene che «l'imperatore può revocare una sentenza¹⁶⁸, e assolvere un colpevole condannato a morte, e perdonarlo», adducendo questa motivazione: «poiché non è soggetto alle leggi chi ha il potere di emanare le leggi». Seneca¹⁶⁹ vuole che Nerone rifletta su questa frase: «tutti possono uccidere in contrasto con la legge, ma nessuno può salvare, tranne me». [3] Ma anche questo non si deve fare, a meno che non sussista una ragione fondata. Per quanto non si possa definire con precisione quali siano le ragioni fondate, tuttavia va ben tenuto a mente che devono essere più forti dopo l'introduzione della legge penale rispetto a quelle che venivano prese in considerazione in precedenza, poiché l'autorità della legge, che è utile sia conservata, si aggiunge alle ragioni della punizione.</p> <p>XXV. D'altronde, le ragioni per esentare qualcuno da una pena prevista dalla legge sono solitamente o intrinseche o estrinseche. Si ha una ragione intrinseca quando la pena, comminata al fatto, pur non essendo ingiusta, è troppo severa.</p> <p>XXVI. Le ragioni estrinseche derivano o da un qualche merito, o da qualche altra cosa che lo suggerisce, oppure da una grande speranza per il futuro. Questo genere di ragioni è di gran lunga predominante quando sia venuta meno la finalità della legge, almeno in particolare, ossia relativamente al caso in questione. Infatti, benché all'efficacia</p>

FIGURE 1 Comparison between the two editions that rectify the error in the citation of Seneca, *IBP* 1993 in the appendix and *IBP* 2023 on the page.

and corrects what was previously overlooked in the 1646 *IBP* edition (tab. 1 and fig. 1).

In the new edition, the reader will encounter a translation that is both precise and sophisticated from a doctrinal perspective, as the translators, all distinguished scholars, have meticulously avoided any anachronistic application of categories from legal-political philosophy that would be incongruous with Grotius's theoretical and practical background (A. Del Vecchio and C. Galli, vol. 1, pp. CXXVII–CXXXII). Indeed, the co-authors, editors, and translators have paid meticulous attention to the conceptual discontinuities within lexical continuity, following the exemplary approach of the late Merio Scattola, to whose memory this translation is dedicated.

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