

ARCHIVE: All the letters are conserved by Professor Mario Varvaro (Università degli Studi di Palermo, Dipartimento di Storia del Diritto) thanks to the concession of Salvatore Riccobono's heirs. Professor Varvaro himself discovered the documents in Salvatore Riccobono's house. Therefore they are not stored in an official archive.

FULL ARCHIVAL REFERENCE: There are no archival reference. Professor Varvaro stored all the documents found in Salvatore Riccobono's house in different folders he himself shields.

PERSON: Franz Wieacker

SHORT DESCRIPTION OF CONTENT: Four letters written by Franz Wieacker to Salvatore Riccobono. The letters are written in German.

PERSON VISITING ARCHIVE: Tommaso Beggio

DATE VISITED: 10.-12.07.2014

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NOTES ON THE ARCHIVAL SOURCE:

Four letters written by Franz Wieacker and sent to Salvatore Riccobono.

The letters were written between 1940 and 1951.

The letters are of different length, they are not numbered and were discovered in Salvatore Riccobono's house by Professor Mario Varvaro.

They are all typewritten.

Letter sent on February the 2nd, 1940.

Typewritten, but the closing salutation is handwritten, in German, three (small) pages long not numbered, sent from Leipzig.

Wieacker has received a work (likely written by Riccobono), that he could never get before, and he is very grateful to the Italian scholar for this reason.

From the letter emerges the great respect Wieacker had for Riccobono and how much he appreciated his works.

He is really fascinated by the way the latter examined the roman jurisprudence, in particular not from a historical point of view.

Wieacker had a lecture at the University of Leipzig on the roman jurists as well, not only for people of the University, but for the members of the "Reichsgericht" too. He feels very well in Leipzig, and not only at the Faculty of Law, but with many colleagues of the Faculties of History, Philology and Philosophy too.

He talks then of the peculiar time they're living and of the fact that, in spite of the war, the academic life still continues to go on.

[T.B.: we find some handwritten corrections and emendations in the text].

The envelope of the letter is very interesting, because we can find on it the stamp of the censorship, which approved the content of the letter ("Geprüft"), and the different stamp of the Italian regime ("Visitate l'Italia").

Letter of the 10th of January, 1950.

Typewritten, in German, four pages long, not numbered, sent from Freiburg i.Br.

There are handwritten corrections to the text.

Wieacker thanks Riccobono for his previous letter and for the wishes of a happy new year. The German scholar remembers the first time he went to Palermo and he met Riccobono (twenty years before), and then the visit of the latter to Leipzig.

From the text emerges the sadness and the sorrow Wieacker feels for what happened during the war and for the destruction of the city.

Only Siber still remains at the University, of the old scholars Riccobono knew and met.

All Wieacker's old colleagues are now in West Germany.

He has to work at the review of the "Studi Ferrini" (defined by him as the "Zeugnis der Blüte der Romanistik") for the publication on "Studia et Documenta". He really appreciates the Italian romanists.

Wieacker wants to write a book entitled "Die Verdienste Justinians um die römische und die europäische Rechtskultur", but he says that if he now can write such a book, it is due to the works and the example of the same Riccobono. Writing such a book, thus, could be a way to thank him too.

In the meantime, he has finished his work "Privatrechtsgeschichte der Neuzeit" ("nicht schwer zu lessern"). He writes about it: "(...) wo ich versuchen will, die Textkritik auf sichererere mechanische Grundlagen zu stellen. Es wird ein sehr konservatives Buch werden".

Letter of the 10th of March, 1951.

Typewritten, in German, three pages long, sent from Freiburg i.Br.

Wieacker thanks a lot Riccobono for the last letter that the latter sent him; in particular for the "Weisheit und Humanität" of the text.

He is so grateful for the invitation to Palermo and to stay in Riccobono's house, during the days he will spend there. We can understand that there were still some restrictions to travels abroad at the time, but they were less strict than in the previous years.

He has sent reluctantly his review of a work [T.B.: but we don't know which one] to Riccobono, but the latter gave him a kind judgment of it.

Wieacker deals with Riccobono's ideas on the "Theorie des Willens", considered by the Italian scholar as the outcome of a cultural development due to the roman jurisprudence.

Coming to the "Textkritik", Wieacker writes: "Auch die Textkritik ist freilich ein Glaube, vielleicht eine Häresie, und so erleben wir heute in der Romanistik die gleichen alten Kämpfe wie zwischen Thomismus und Occamismus, Realismus und Nominalismus".

Wieacker has read Riccobono's nephew's works and he finds them brilliant and interesting. The two are friends and Wieacker spent with him a lot of time in Palermo and in Rome.

He is very happy for Pringsheim, his "Lehrer", who has published "The Greek Law of Sale".

In the end, Wieacker talks of the situation in Freiburg, of the work, and then quickly refers to the time they are living and to what happened just a few years before, using the word "Katastrophe".

Letter written on the 9th of July, 1951.

Typewritten, in German, three pages long (only a page, the third one, is numbered), sent from Freiburg i.Br.

Riccobono is at the moment (likely on vacation) in Merano, Italy (see the envelope). Wieacker is very thankful towards Riccobono, who has sent him a work published on the *Studi Albertario*. The German author complains about the lack of very good piece of writings at the time.

Riccobono is praised for his “Weisheit” and for having understood, before many others did, the problems of the exaggerations of the interpolationist trend. Wieacker himself writes that “ich aus dem textkritischen Fanatismus meiner Jugendjahre heraustrete”.

From the text emerges a true and deep esteem and respect for Riccobono and we can read: “In den knappen Sätzen Ihres Beitrags entsteht eine ganze, nicht nur schöne und große, sondern sogar wahre Konzeption der großen Schwingungen des römischen Geistes”.

Wieacker says that Pringsheim has come back to Germany and he was very grateful to receive Riccobono’s work too.

He will have to give a lecture at the University of Pisa in October and then he will be in Rome and he would be very glad if he could meet the Italian scholar, if he was there too.

Wieacker then talks about two of his works: one is the “Privatrechtsgeschichte der Neuzeit”, the first edition, which will be published, but he is not satisfied of his book. The other one regards the “Quellenkritik” and he wants to come to work on it [T.B.: I suppose the latter is the famous work by Wieacker “Textstufen klassischer Juristen”].