

Transformation and Continuity in the History of Universities

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The School of Law of the University of Naples between 1881 to 1923: a dynamic study through the analysis of newly-discovered archival documents.

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In this paper I analyse the development process of the School of Law from the first years of the Italian State to the “Gentile” law of 1923 which, almost seventy years after the unification of the State, finally organized the educational system in Italy. In this period the University of Naples was the only southern peninsular university in Italy and its five faculties (Law, Medicine, Natural Science, Matematics and Liberal Arts) played a very important role the development of this region and strongly influenced Italy’s economic development, such as the administrative and the political structures.

The role played by this University in the development of southern Italy is the reason why a researcher of Economic History as I am has been carrying on research in this field for more than ten years.

Within the five faculties of Naples the School of Law had a indisputable leadership. In fact the School trained both the first generation of Italian bureaucrats, who provided input to the administrative and bureaucratic structures of the new-born nation, and a large number of the most representative criminal and civil lawyers in Italy.

Contrary to its importance, while all the Italian universities have been carrying on research based on the data of their university records for many years, the

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University of Naples has not been able to give this contribution to history because of the loss of all the documents at the end of the Second World War. As is common knowledge, the German army, before they fled from Naples, burnt the main building of its University causing the total destruction of the archives which were located there. This situation is similar to what happened in other European Universities and strongly reduced the chance of studying the history of that cultural background which is connected to the university evolution process.

In this situation when, a few years ago the Rettore of the University of Naples decided to give a new seat to the documents produced after the Second World War, there was no hope that this new location could influence the research in this field. What happened was that during the move a few documents concerning the Faculty of Law were discovered.

They consist in two series of registers still bearing the fire scorch marks on the edges: the books of the consignment of the degree parchment sent from 1881 to 1934 to the graduated students and the official report, signed by student and commission teachers, of the examination sessions which took place from 1901 to 1940.

I discovered these documents during a visit to the new archives and I decided to study both categories.

The list of consignment included: the name of the student, the name of his mother and father, place of birth, age (from 1898 the day of birth), the nature of the diploma gained by the student, the day of the examination and a few several notes of a various nature. The official report gave information about the marks and the teachers who examined the student. I decided to integrate, for the years in common (from 1901) this information and to study the data from the beginning (1881) up to the year of the Gentile Law (1923).

The creation of the new archives has been the first step of my job but the organization of the data-base was shortly followed by the analysis of the characteristics of the students graduating from the Law School in the period between 1881 and 1923.

The first information which came out of the archives was, of course, the number of students that graduated in this period from the University of Naples.

12996 students who had attained a diploma at the Faculty of Law during the period taken into consideration were examined. As the period lies between 1881 and 1906, the 'authorizing permits' issued by the University were of many sorts. The first screening made of the data available has focused on the classification of the diploma students according to the typology of the diploma awarded. In reality this diversification for the most part can be attributed to the approximation of the staff dealing with the documents, and referable to three types of qualifications awarded by the Faculty. The original source, however, had many varied and imprecise categories under the heading 'authorized papers'. Therefore it has been necessary to clarify and even out all the wording of the diplomas and, following this operation, the diplomas awarded by the Royal University at the Faculty of Law have been separated into three headings: Degree in Law, Diploma as Notary, and Diploma as Attorney.

The percentage distribution of the various types of diploma amongst the students who studied at the Faculty is illustrated in the first chart. The period under examination offers, under this profile, a certain dynamic and even excluding the period between 1887 and 1894 where the documentation has been lost, it is evident that there is a overall movement of growth from the beginning of the survey up until 1897. It is, in fact, in 1897 that there is the largest difference in the types of qualifications awarded. In that year, 58% of the diplomas depended on the passing of the degree exam, and 24% on the exam as Notary, and 18% as Attorney.

The movement of the situation is outlined in the first diagram, an analysis of which shows the significance of the 25 years under scrutiny, in the span of which an event takes place which saw the phenomenon of the differentiation of these 'authorizing permits' increase, reach its maximum in 1897, and then disappear completely in 1907.

Turning the research towards a valuation of the place of origin of the students, we need first of all to define precisely the method of study adopted for the valuation of this parameter. The source gives a geographical extraction of the student's birthplace and not that of his residence at the moment of the awarding of his qualification; therefore one must be aware that, from this point onwards, when there is a reference to the origin of the newly-qualified student, it is information of that nature which one is referring to.

In the original documents, both the precise place of origin was denoted (in each case whether it was a city, a small village centre or a part of a town) as well as a larger geographical reference, sometimes the province but often the region. The question of the homogenization of the geographical data at this point became a requirement with considerable difficulties, not least because in the ample time span of the research the geographical contexts have undergone quite a few modifications. Thus, in the attempt to place in order and unify the multiplicity of the data available the original source has been enriched in a field which we can define as 'technical' in which every place corresponds to the initials, in use today, which represent the province. This is a practical expedient which has, however, permitted a relationship between the data, which for their heterogeneity, would not have occurred in their original state.

Following this operation, it has been possible to make a sort of map of the extraction of the student body of the Law Faculty.

In chart 2. the initial skimming-off operation is shown: there is certainly a large interest in all the southern provinces, with a clear but predictable prevalence in those from Naples (3599 diplomas awarded) followed by: Salerno (999), Caserta (921), Bari (808), Avellino (783), Potenza (688), Cosenza (637), Catanzaro (557), and Foggia (496).

In a more advanced phase of the study, it has been necessary to operate a methodological expedient devoted to reduce the enormous variety of provinces involved. In this phase, the provinces have been grouped according to which region they belonged to.

Following this further elaboration the situation is represented in diagram 2. from which the articulation of the students by region is placed in evidence and from which the predominance of students from Campania is deducible, representing 52% of all the Law students in the Faculty, followed by the students from Puglia(16%) and then Calabria (12%).

In the map (fig. 3) the South of Italy is drawn, as if it were an island, and divided into regions: for each region, the number of students has been highlighted.

The last elements taken into consideration have been the marks given at the diploma and the possible relationship between the marks given and the distance between the University and the place of origin of the student.

As a result of the limited number of documents found, the survey of the marks awarded by the examining panel does not exhaust the entire period under examination, but only the students who obtained a diploma between 1901 and 1923. All the same, even in this period the coverage, although significant, is not total; one goes from a close estimate to the totality for the period between 1906 and 1917. For the following period one goes from a minimum of 30% of the available marks of all the students in 1923 to a maximum of 92% in 1922.

Straightaway there emerged out of the first selection a rather unusual circumstance for someone who, like myself, has been researching data of this sort for several years. The particularity which I refer to is the fan of marks which go from 60 to 110. In fact, the marks in evidence follow a progression of 5, and fall to just 11: 66, 70, 75, 80, 85, 90, 95, 100, 105, 110, 110 and distinction(*summa cum laude*). It does not need to be stated that the usual empiric reduction into classes of marks which operates on these occasions in this case is totally superfluous.

The most frequent mark out of all the total marks examined, was the minimum: 66. If one examines, however, the situation in a dynamic way, one can verify that , if in the early years there was a considerable preponderance of students who were awarded that mark(66), this situation slowly faded away in time, to the point where, in 1923 most of the students received marks which were considerably higher. In practice, if in 1901 30% of all the candidates examined were awarded

the minimum of 66%, and only 4% the maximum 110, in 1922 only 10% of the candidates were placed in the lowest category while 16% obtained 80 and 6% the highest mark, 110.

With this first phase of analysis completed, the next step was to verify if it were possible to apply, on this occasion, a method of analysis which I had already experimented with: an elaboration of research which led recently to the publication of a book on the graduates from the University of Naples. (R. Varriale: *The graduates from the University of Naples and their theses*. 1988, Naples, ESI). In this research I studied the generation of graduates from Naples over the period 1968- 1988, and their theses subjects before they graduated. Perhaps the most interesting research in that area was the relationship between the productivity of the studies measured against the marks awarded at the degree and the distance in kilometres between the university and the place of residence of the students. For these students, there was always in evidence an inverse correlation between the marks of the examining panel and the distance between the university and the usual residence of the graduate (the shorter the distance, the higher the marks). In the case of the data referring to the Law graduates from 1881-1923 the situation is completely reversed: in general, the marks in the higher category were given to students coming from further away. In this special category the Sardinian students obtain the top marks (with an average of 95,18/110), followed by students from Umbria (91/110), then by students from Le Marche (89,54/110) and Sicilians (84,68), while for the Campania region the average is only 80,83. These results have led to the conclusion diametrically opposite to that of the previous research. While for the students examined in the previous research, who graduated very recently, the distance between place of residence and the University did not create such an obstacle that it was an element of selection in itself (in fact, the low marks obtained by students living far from the campus are attributable to cultural and social motives characteristic of the relationship centre/suburb), the situation for students at the turn of the century was completely different. Very probably in that period, the move to be closer to the University

was tied to such responsibilities that only the most motivated and well-off students could shoulder the burden. In reality, this is a hypothesis that takes into consideration the social indicators which without doubt could be compared to the study of family extraction of these students, a research which even though still just a project, has been experimented on only a small sample of students. The first surveys have, however, led to a reading which moves in this direction; students who moved near Naples had usually a solid didactic curriculum and a wealthy family behind them which sustained them in this adventure and they were therefore likely to be successful academic candidates.

To conclude, one can affirm that the marks, in general, have improved in the period taken into consideration and this observation leads to an interesting question: is one dealing with an increase in the didactic *performances* of the Faculty, or simply an evolution in the models of evaluation adopted?

While at the moment we do not have the suitable instruments to furnish a reply to this question, the fact is certain that the Faculty of Law faced the period of the Gentile reforms in 1923 at full strength and aware of its important role in the many years of its history as the only centre for the legal/academic formation in the South of Italy and the peninsular. In its classrooms the entire *élite* of the professional classes was formed and it was these who contributed to the creation and growth of Italy.

It is for this motive that I hope that this contribution offered by me with the publication of all the documentation concerning the archive material and its analysis serves to furnish another element in the process of valuation of the work of qualitative and quantitative support given by the southern Italian structure of formation to the economic and social development of Italy. (R. Varriale: *I Laureati in Giurisprudenza dell' Università di Napoli. Un archivio ritrovato (1881-1923)*, Jovene, Napoli, 2000).

Certainly the contribution offered by that system is many-sided but it is emblematic of the importance of the various zones of the Mezzogiorno to the common cause of national development. I hope that my work can be an element

of verification for the idea that the southern *élite* helped tangibly the growth of Italy which we observe today and that the lawyers who were formed in the University Federico the Second have been some of the most competent promoters of this process.