



«ETTORE MAJORANA» FOUNDATION AND CENTRE FOR SCIENTIFIC CULTURE
TO PAY A PERMANENT TRIBUTE TO GALILEO GALILEI, FOUNDER OF MODERN SCIENCE
AND TO ENRICO FERMI, THE "ITALIAN NAVIGATOR", FATHER OF THE WEAK FORCES



INTERNATIONAL SCHOOL OF IUS COMMUNE

32nd Course: *THE LEGAL STATUS OF JEWS AND MUSLIMS IN THE IUS COMMUNE*

ERICE-SICILY: 5 – 11 OCTOBER 2012

- Sponsored by the:
- Italian Ministry of Education, University and Scientific Research
 - Sicilian Regional Government
 - The European Research Council Programme RELMIN: The Legal Status of Religious Minorities in the Euro-Mediterranean World
 - Catholic University of America, Washington D.C.
 - University of Catania
 - Fondazione Cassa di Risparmio di Imola

TOPICS AND LECTURERS

Jews and the Law in England, 1190-1290

- P. BRAND, University of Oxford, UK

Separate, but not equal: Jews and Muslims in the legislation of Alfonso X, the Learned

- D. CARPENTER, Boston College, Chestnut Hill, MA, US

Les juifs et la définition de l'usure dans le jus commune catalan (XIIIe-XIVe siècles)

- C. DENJEAN, Université de Toulouse, FR

"Sicut Iudaeis" in the 11th century? On the origins of papal protection for Jews

- J. HEIL, Hochschule für Jüdische Studien, Heidelberg, DE

Moros y moriscos en los fueros municipales de Hispania

- E. MONTANOS FERRÍN, Universidad de La Coruña, ES

Le ius commune traitant de la capacité judiciaire des juifs dans les tribunaux chrétiens et sa réception dans la Catalogne des XIIIe et XIVe siècles

- C. NEMO-PEKELMAN, RELMIN, Université de Nantes, FR
- Y. MASSET, RELMIN, Université de Nantes, FR

Diritto canonico, diritto veneto, diritto islamico. Incontri e scontri (secoli XIV-XV)

- A. PADOVANI, Università di Bologna, IT

Jews in the Medieval and Early Modern Courts

- K. PENNINGTON, Catholic University of America, Washington, DC, US

Ebrei e cristiani nel tardo diritto comune: il "judicium" di Johann Jacob Frey (1701)

- D. QUAGLIONI, Università di Trento, IT

How canon law created religious boundaries between Christians and Jews

- J. SHERWOOD, RELMIN, Université de Nantes, FR

El fuero judiego en los reinos de Castilla y Aragón (siglos XII-XV)

- F. SUÁREZ BILBAO, Universidad Rey Juan Carlos, Madrid, ES

Muslims as pagans, heretics, or Jews? The quandary of classification for medieval jurists

- J. TOLAN, Université de Nantes, FR

Intercommunal bathing in the ius commune and in the ius proprium of medieval and early modern Iberia

- R. JOHNSRUD ZORGATI, University of Oslo, NO

PURPOSE OF THE COURSE

Utrum ritus infidelium sint tolerandi, asks Thomas Aquinas in the Summa theologica, "should the rites of infidels be tolerated?" He concludes that there are limited grounds for the Church's tolerating the existence of non-Christian cults. First and foremost, Judaism: the rites of Jews prefigure those of Christianity and should hence be allowed to continue as a confirmation of Christian truth. As for other faiths, they may be tolerated for reasons of expediency: if it would prove difficult or impossible to prohibit those rites without provoking social or political unrest (in particular where these infidels are numerous).

Christian legislators and lawyers from the fifth century on created laws that regulated, protected, or in some cases prohibited, the practice of other religions. In this course, we will look at these legislators' attitudes towards Judaism and Islam. In order to prove that the Church should indeed allow Jews to practice their religion, Aquinas cites Pope Gregory I, via Gratian's Decretum. This in itself gives an important glimpse at how authority and precedent are constructed in legal discourse. Yet the question of toleration and protection of Jewish communities is found in legal sources well before Gregory the Great, in particular in a number of fourth- and fifth-century imperial constitutions preserved in the Theodosian code. Popes, bishops, kings, counts, and city councils issued a bewildering array of laws authorizing Jews to live in certain areas, build synagogues, trade with Christians, etc.; other laws prohibited or discouraged certain kinds of interactions between Jews and Christians; in other cases, Jews were expelled from cities, counties or kingdoms. In parts of Mediterranean Europe, jurists posed the same questions concerning Muslims living within Christian polities.

By studying medieval legal discourse on Jews and Muslims, this course aims not only to contribute to the understanding of the history of those minority communities within Christian Europe, but also to reflect on an important dimension of the development of legal thought in Europe. The existence of non-Christians poses questions about the universality of Christianity and Christian law. Just as in the early modern period, European colonization of non-Christian areas provoked debates on the universality of legal principles (in the works of Las Casas, Grotius and others), in the Middle Ages the existence of non-Christians both within and outside of Roman Christendom affected the development of the Ius commune. We will play close attention to the interplay between theoretical discourse on the legality (or not) of infidel law and practice and the practical application of law in daily interactions between Jews, Christians and Muslims.

APPLICATIONS

Persons wishing to attend the School are requested to write to:

- Professor Dr. Manlio BELLOMO
Facoltà Giuridica – Via Gallo, 24 – 95124 CATANIA, Italy
Tel +39.095.230376 – Fax +39.095.327776
e-mail: mbellomo@lex.unict.it

They should specify:

- date and place of birth, together with present nationality, current address, telephone number, and e-mail;
- degree and other academic qualifications;
- present position, place of work, and current research activities.

POETIC TOUCH

According to legend, Erice, son of Venus and Neptune, founded a small town on top of a mountain (750 metres above sea level) more than three thousand years ago. The founder of modern history — i.e. the recording of events in a methodic and chronological sequence as they really happened without reference to mythical causes — the great Thucydides (~500 B.C.), writing about events connected with the conquest of Troy (1183 B.C.) said: «After the fall of Troy some Trojans on their escape from the Achaei arrived in Sicily by boat and as they settled near the border with the Sicilians all together they were named Elymi: their towns were Segesta and Erice.» This inspired Virgil to describe the arrival of the Trojan royal family in Erice and the burial of Anchises, by his son Aeneas, on the coast below Erice. Homer (~1000 B.C.), Theocritus (~300 B.C.), Polybius (~200 B.C.), Virgil (~50 B.C.), Horace (~20 B.C.), and others have celebrated this magnificent spot in Sicily in their poems. During seven centuries (XIII-XIX) the town of Erice was under the leadership of a local oligarchy, whose wisdom assured a long period of cultural development and economic prosperity which in turn gave rise to the many churches, monasteries and private palaces which you see today.

In Erice you can admire the Castle of Venus, the Cyclopean Walls (~800 B.C.) and the Gothic Cathedral (~1300 A.D.). Erice is at present a mixture of ancient and medieval architecture. Other masterpieces of ancient civilization are to be found in the neighbourhood: at Motya (Phoenician), Segesta (Elymian), and Selinunte (Greek). On the Aegadian Islands — theatre of the decisive naval battle of the first Punic War (264-241 B.C.) — suggestive neolithic and paleolithic vestiges are still visible: the grottoes of Favignana, the carvings and murals of Levanzo.

Splendid beaches are to be found at San Vito Lo Capo, Scopello, and Cornino, and a wild and rocky coast around Monte Cofano: all at less than one hour's drive from Erice.

More information about the «Ettore Majorana» Foundation and Centre for Scientific Culture can be found on the WWW at the following address:
<http://www.csem.infn.it>

There are travel fellowships available for North American law and graduate students and for junior faculty. To apply for a fellowship send a letter and Curriculum Vitae with one letter of recommendation to:

- Professor Dr. Kenneth PENNINGTON
e-mail: Pennington@cua.edu

- PLEASE NOTE

Participants should arrive in Erice on October 5, not later than 7 pm.