



«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

31st Course

THE FORMATION AND CRISIS OF THE GREAT SYSTEMS OF LAW: THE LEGACY OF THE ROMANO-CANONICAL IUS COMMUNE

ERICE-SICILY: 6 – 12 OCTOBER 2011

Sponsored by the: • Italian Ministry of Education, University and Scientific Research • Sicilian Regional Government
• Catholic University of America, Washington D.C. • University of Catania • University of Messina
• Universidad de Córdoba (Spain), UNESCO Chair in Conflict Resolution • Fondazione Cassa di Risparmio di Imola

TOPICS AND LECTURERS

Avventure delle categorie giuridiche nelle società dell'Europa continentale
• M. BELLOMO, Università di Catania, IT

Il diritto comune fra storia e teoria
• I. BIROCCHI, Università di Roma "La Sapienza", IT

Diritto Comune e Common Law
• G. CHIODI, Università di Milano "Bicocca", IT

Consuetudini delle città di Sicilia e restituzione dei "male ablata": tra "ius proprium" e "utrumque ius"
• O. CONDORELLI, Università di Catania, IT

El derecho común y el derecho positivo en la formación del Estado Moderno (siglos XVI-XVIII) (I, II)
• J.M. De BERNARDO ARES, Universidad de Córdoba, ES

Il diritto comune e la formazione del diritto penale "maturo" (secc. XIV-XVI) (I); Il "favor defensionis" nei "Tractatus varii" di Egidio Bossi ovvero l'eredità del passato e una prospettiva per il futuro (II)
• G. Di RENZO VILLATA, Università di Milano Statale, IT

Diritto Romano Comune e Common Law: una discussa influenza
• A. MIRANDA, Università di Palermo, IT

¿Crisis del sistema del derecho común en la literatura jurídica gallega del siglo XVIII? Juan Francisco de Castro y sus "Discursos críticos"
• E. MONTANOS FERRÍN, Universidad de La Coruña, ES

Fra sistema di diritto comune e sistema di civil law: alle origini della codificazione del diritto in Europa
• D. NOVARESE, Università di Messina, IT

La repressione dell'eresia in Italia settentrionale (sec. XIII). Tra "ius proprium" e "ius commune"
• A. PADOVANI, Università di Bologna, IT

The Norms of the Ius commune in Conflict with the Power of the Early Modern State
• K. PENNINGTON, Catholic University of America, Washington D.C., US

"Ius Commune", "Common Law", "Civil Law": origini, nessi e crisi dei grandi sistemi giuridici europei. Un'introduzione
• A. ROMANO, Università di Messina, IT

Ius commune e apoteosi positivista della legge - sec. XIX
• H. SCHLOSSER, Universität Augsburg, DE

Paz y conflictos en el Mediterraneo: derecho, política y cultura
• M. TORRES AGUILAR, Universidad de Córdoba, ES

Alfonso X y su vinculación con el "ius commune" (I); Carlos V y el derecho romano-imperial (II)
• J.L. VILLACANAS, Universidad Complutense, Madrid, ES

PURPOSE OF THE COURSE

The objective of this course will be to explore the foundations and then the crisis of the European systems of law in the age of the *Ius commune* (canon, Roman, and feudal law). A further objective will be to measure the rich inheritance that contemporary legal systems have received from these legal systems, even if, in some cases, profoundly changed. The present legal reality puts the entire concept of "great juridical systems" in crisis. This means that it is necessary to understand the inheritance of the past that had created and elaborated the *Ius commune*. This world had innumerable conflicting local norms established by the *iura propria* that had to be balanced and measured against the *Ius commune*. It is necessary, then, to explore and clarify how present day European and other legal systems evolved from this heady stew.

An elementary aspect of this development was the transformation that took place in the twelfth century. From the sixth to the eleventh centuries, European law can be characterized as an age of *Sapientia iuris* that was transformed in the twelfth century into an age of *Scientia iuris*. The twelfth century was an age in which not only law but theology, philosophy, and medicine emerged as independent and autonomous academic fields of knowledge.

From this historical perspective it is useful to consider the potential of the *Ius commune* to be a unifying instrument that regulated the plethora of distinct institutions (empire, kingdoms, city states, republics, Roman law, canon law, germanic and feudal law, *iura propria*, custom) into a system of jurisprudence that had one language, common norms, a methodology, a political structure, and a system of values. It was a jurisprudence that strove to render to every person his rights (*ius suum cuique tribuere*). The course proposes, furthermore, to expand the horizons of these questions to include legal systems outside continental Europe. A key issue is the difference between systems of "codified law" and systems of "common law". Both, however, had their roots in the *Ius commune*.

The great American jurist and historian John Henry Wigmore created a paradigm in 1928 that identified 16 legal systems. Other scholars have found only three. If one includes historical legal systems the number would be much larger. They all, however, have their place in the history of law. And they all must be taken into account to understand the evolution of legal institutions.

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:

- i) date and place of birth, together with present nationality, current address, telephone number, and e-mail;
- ii) degree and other academic qualifications;
- iii) 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 methodical 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 6, not later than 7 pm.