



«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

## XXVII Course: THE DIVERSITY OF LAWS AND THE NORMS OF THE IUS COMMUNE: THE INTERPLAY BETWEEN PUBLIC AND PRIVATE REALMS IN MEDIEVAL AND EARLY MODERN EUROPE

ERICE-SICILY: 4 – 10 OCTOBER 2007

Sponsored by the: • Italian Ministry of Education, University and Scientific Research • Sicilian Regional Government  
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### TOPICS AND LECTURERS

*Tribunale dell'onore. Il duello giudiziario fra XV e XVI secolo (I)*  
*I luoghi della giustizia in una città di antico regime. Il caso di Bologna (II)*  
• M. CAVINA, Università di Udine, I

*Figure del nemico: strategie di disconoscimento fra medioevo e prima età moderna (I, II)*  
• P. COSTA, Università di Firenze, I

*"Omnis iurisdictio et omnis districtus apud principem est". Lo sviluppo di una concezione del diritto pubblico nell'incontro fra i quattro dottori di Bologna e l'imperatore Federico Barbarossa (I, II)*  
• G. DILCHER, Universität Frankfurt am Main, D

*"Ius proprium" and "ius commune": Marriage in law and practice in the late medieval and early modern periods (I, II)*  
• C. DONAHUE Jr., Harvard University, Cambridge, MA, USA

*Droit commun et coutumes dans le royaume de France (I, II)*  
• G. GIORDANENGO, Ecole de Chartes, Paris, F

*Los Fueros de España y el Derecho común europeo: un caso concreto, Sepúlveda*  
• E. MONTANOS FERRÍN, Universidad de La Coruña, E

*Roman Law and the jus commune in the twelfth Century (I, II)*  
• K. PENNINGTON, Catholic University of America, Washington D.C., USA

*"Populus" e "civitas" in Bartolo (I);*  
*Obbligazione politica e contratto in Bartolo (II).*  
• D. QUAGLIONI, Università di Trento, I

*Tra mestiere, scienza e systema iuris. La difficile professionalità degli avvocati medievali nel "Libellus cautelae et doctrinae" di Uberto da Bobbio (I);*  
*Iacopo Balduino, Martino da Fano, Uberto da Bobbio: il modello bolognese per una didattica alternativa (II)*  
• N. SARTI, Università di Bologna, I

*La fusione del diritto canonico e del diritto romano nei Paesi Bassi settecenteschi:*  
*(I) Nel diritto delle obbligazioni.*  
*(II) Nell'evoluzione dai diritti civili ai diritti privati*  
• L. WAELKENS, Universiteit Antwerpen, B

### PURPOSE OF THE COURSE

The *Ius commune* was born in twelfth-century Bologna when Justinian's Roman law and canon law met, first in the classrooms and later in the courts. It fostered the creation of a system of jurisprudence and also established a firm foundation upon which Western European legal culture would be built during the following centuries. All European legislation, even today, bears the unmistakable fingerprints of a process through which these two disparate bodies of law became one system of cohesive legal thought. The language, terminology, conceptual categories and hermeneutical practice that the jurists used were precisely modelled on homogeneous historical antecedents. This development of an unitary jurisprudence may seem surprising in view of the many local legal systems and institutions in the medieval and early modern periods that functioned in competition with and at the flanks of the *Ius commune*. When we consider the multiplicity of usages, territorial customs, statutes of cities, legislation of the kingdoms and other political bodies, feudal law that constituted the vigorous and many-sided world of the *ancien régime*, we immediately perceive the complexity of medieval and early modern law. In order to explain and describe the vast array of legal institutions that were layered, one on top of the other in an intricate and inextricable way, scholars have spoken of *iura propria* in contrast to the *Ius commune*. Since local norms were focused quite intentionally on the discipline of people subject to them and did not claim to be a part of or to derive their authority from the *Ius commune*, they constituted a *ius proprium* that was limited by geography, time, and legal status of its subjects.

Some scholars have argued that the distinction between the *Ius commune* and the *iura propria* can only be resolved by conceding that there was a hierarchy of law with the *Ius commune* being subordinate to the *iura propria*. In fact the *Ius commune* was, rather, a capacious system that could integrate the various systems of local norms by providing them with the principles, the juridical concepts, the terminology, the hermeneutical canons without which the jurist could not practice law and carry out his professional activities. The *Ius commune* was not only or most importantly a system of positive law, but it was the lens through which the norms of the *iura propria* were read and interpreted, even where the *iura propria* feigned to be independent systems of law.

The lectures will illustrate the dialectical rapport between the *Ius commune* and the *iura propria* during the medieval and early modern periods. These lectures will be paradigmatic of the relevant experiences, both intellectual and practical, that reveal the subtle and reciprocal relationship between public and private law.

### 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](mailto: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 Anchise, by his son Enea, 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.ccssem.infn.it>

### PLEASE NOTE

Participants should arrive in Erice on October 4, not later than 7 pm.

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](mailto:Pennington@cua.edu)