



«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

30th Course

HISTORY OF DOGMATA IURIS – DOGMATA IURIS IN THE HISTORY

ERICE–SICILY: 8 – 14 OCTOBER 2010

Sponsored by the: • Italian Ministry of Education, University and Scientific Research • Sicilian Regional Government
• Catholic University of America, Washington D.C. • University of Catania
• Fondazione Cassa di Risparmio di Imola

TOPICS AND LECTURERS

“*Sigismundus dogmate legum fultus*”. *Per una storia della storiografia in tema di categorie giuridiche (I); “Irnerius qui fuit ausus dirigere cor suum ad legem istam”. Il problema socio-politico dei “dogmata iuris” (II)*

• M. BELLOMO, Università di Catania, IT

L'interpretazione del testamento nel diritto comune: nascita e sviluppi di un metodo (I)

• G. CHIODI, Università di Milano “Bicocca”, IT

Il vassallaggio medievale fra le maglie della scolastica giuridica. Un capitolo della storia del diritto comune in Europa (I)

• E. CONTE, Università Roma Tre, IT

“*Iura condere*” e “*iura constituere*” nel pensiero dei giuristi romani (I)

• A. CORBINO, Università di Catania, IT

“*Ne pater pro filio*”: la responsabilité délictuelle personnelle du mineur entre principe et réalité (I); *Le droit romano-canonique: droit savant? (II)*

• A. LEFEBVRE-TEILLARD, Université Panthéon Assas, Paris, FR

Un ejemplo de categoría jurídica pasada del derecho canónico al derecho español: el asesinato (I)

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

“*Tenebo hunc ordinem*”: metodo e struttura della lezione dei giuristi medievali dalle “*Summae*” al commento (I, II)

• A. PADOVANI, Università di Bologna, IT

Il processo come “sistema” tra ricostruzioni storiografiche ottocentesche e struttura medievale delle fonti (I)

• B. PASCIUTA, Università di Palermo, IT

Legal Positivism and Natural Law (I)

• K. PENNINGTON, Catholic University of America, Washington D.C., US

Die deutsche Rechtsgeschichtsschreibung zwischen Mythos, nationalem Pathos und richtiger methode: (I) Von der Historischen Schule bis zur Krise der Pandektistik Ende XIX. Jahrhundert; (II) Neue Wege nach 1945 (Coing, Wieacker, Thieme), die Methodendiskussion und der heutige Standort.

• H. SCHLOSSER, Universität Augsburg, DE

Early-Modern ius commune: transmitting and renewing old doctrines? (I, II)

• A. WIJFFELS, Université Catholique, Louvain, BE

PURPOSE OF THE COURSE

At the center of attention for this year's School is the problem of the possibility and utility of thinking and writing a history of private law using specific terms. Such a history would focus on individual legal concepts and principles (*figurae*) as *dominium* and *obligatio* and on the history of a *sistema iuris* within which the *variae causarum figurae* are placed within a chronological framework and within the legal systems of Europe and beyond. From this point of view the investigation and consideration of the *dogmata iuris* (or *figurae*) ought to be placed in their historical context. However, *dogmata iuris* are abstract by their nature. For example, the glossators thought of them ontologically as endowed with a unchangeable and thus eternal nature. They spoke therefore of *natura contractus*, *natura domini* etc. Since the *dogmata iuris* are abstract, legal historians have encountered and continue to confront grave difficulties in placing them in their historical context and in utilizing them as a signpost of an ideal value and of a variable social and political reality in time and space.

The existence of this difficulty has led to many attempts by legal historians to explore this problem, especially in the civil law world. An analysis of these efforts has stimulated some legal historians to outline adequate historiographical profiles of the *dogmata iuris* to give a framework within which scholars may locate their work when they explore this problem more deeply. In brief, along side the *dogmata iuris* as a witness and mirror of the history of circumscribed and determined times and places (*dogmata iuris* in history or with the expressive German phrase *Dogmengeschichte*), one may see a series of attempts undertaken to resolve the problem of the *dogmata iuris* in history (history of historiography, or to use the German word *Rechtsgeschichtsschreibung*). The organizers of the course propose two points of view that point to one common objective that is properly and exclusively the goal of legal history: to understand history in terms of law and jurisprudence.

In particular the Course proposes to explore if the *dogmata iuris* and what is written about them can indicate which was (and which can be, in the present or in the future) the level of culture of the people who have conceived and have utilized *dogmata iuris* as a guide, or have forgotten them, or have rejected them with destructive force. Then there is the final question: can a society be considered civil that has rejected, mocked, and smashed all models regulating relationships in society and in the field of law and rights all *figurae* (or categories or *dogmata*)?

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 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 Sicanians 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.ccsem.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 8, not later than 7 pm.