



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



INTERNATIONAL SCHOOL OF IUS COMMUNE

36th Course: *REPRESSION AND TOLERANCE IN MEDIEVAL AND MODERN EUROPE*

ERICE-SICILY: 7 – 11 OCTOBER 2016

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

TOPICS AND LECTURERS

Active Vices, Passive Virtues, and the Rewards of the Tolerant Society
• P. MCKINLEY BRENNAN, University of Villanova Law School, US

Persecuzioni religiose e diritto di asilo nell'età moderna
• G. CHIODI, Università di Milano-Bicocca, IT

Ebrei e musulmani nelle consuetudini delle città di Sicilia: tra diritti particolari e "utrumque ius"
• O. CONDORELLI, Università di Catania, IT

L'intolleranza nel processo: i meccanismi giudiziari operanti contro i "sospetti" eretici
• A. FIORI, Università di Roma "La Sapienza", IT

Aquinas and Suárez on Warfare as Punishment
• J. MURPHY, Dartmouth College, Hanover, New Hampshire, US

Il sabba della Modernità. La stregoneria da Graziano a Bodin
• F. MARTINO, Università di Messina, IT

Judíos y moros en los fueros municipales de Hispania y el sistema del derecho común
• E. MONTANOS FERRÍN, Universidad de La Coruña, ES

Violenza e paci private in una città di Romagna: Imola nel Quattrocento
• A. PADOVANI, Università di Bologna, IT

Legal Status of Indigenous Peoples and African Slaves in the 16th- and 17th-century New World
• K. PENNINGTON, Catholic University of America, Washington DC, US

Fundamental Laws as a Guaranty of Freedom. Arumaeus and the Invention of Public Law
• M. SCHMOECKEL, Rheinische Friedrich-Wilhelms-Universität Bonn, DE

PURPOSE OF THE COURSE

Tolerance and repression are attitudes, models of actions and deeds in the public and the private spheres that are a measure of the reaction of persons and groups, not only to criminality and social deviance, but also more generally to those persons and groups who are perceived as "other", and "diverse", with respect to the social, political, or religious order in society (strangers, travelers, migrants, political and religious dissidents).

This Course will examine diverse aspects of repression, tolerance, and intolerance in the history of European and New World societies in the medieval and modern periods. The first area of study will be the religious and social differences that were characteristic of the relations between Christian majority populations and the Jewish and Moslem minorities. At the center of Christianity there is, moreover, the problem of the reaction to dissenting persons (apostates and heretics) or to popular beliefs that embrace phenomena as witchcraft.

The religious schism of the sixteenth century encouraged quests of new models that might permit minority religious groups to live in societies dominated by other confessions and belief systems. The system of "confessional states" in the Ancien Régime, in which a particular church or religion was promoted and endorsed, resulted in the dissidents from the dominate religion being persecuted or at best tolerated. In the course of these historical developments emerged the idea of liberty of conscience and freedom of religion. The conviction matured that political power should promote and guarantee religious peace as a necessary condition for the peaceful living together of social groups, in the framework of a renewed *ius publicum*.

In the arena of criminal law the theme of the course shall be examined by exploring alternative models of reacting to violence and public repression (private peace pacts). In the context of international relations we will cast a glance at the thoughts of theologians and jurists on the idea of war as an act of repression and punishment. Turning our attention to the New World we will take into account the relations of the Europeans to native Americans and native and African slaves, as the conquerors experimented with models of exploitation and repression. There is no doubt that the thought of the jurists and theologians and their treatment of the injustices committed in the New World contributed to the emergence of the ideas of liberty, self-determination, and equality before the law.

Although it is true that in the course of this period from the twelfth to the eighteenth century, some elements and principles of the *Ius commune* were used to support repressive systems and intolerance, modern scholarship has found that the *Ius commune*, in particular in its ideas about natural law and natural rights, created the fundamental theoretical roots that permitted the emergence of the modern idea of rights of human liberty and freedom.

- PLEASE NOTE
Participants should arrive in Erice on October 7, not later than 7 pm.

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.

APPLICATIONS

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

- Professor Orazio CONDORELLI
Dipartimento di Giurisprudenza, Università di Catania
Via Gallo, 24 – 95124 CATANIA, Italy
Tel +39.095.230417 – e-mail: ocondorelli@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.

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>