



«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

35th Course: *THE EMERGENCE OF "IUS CRIMINALE" FROM "IUS CIVILE" AND "IUS CANONICUM":*

PATHWAYS AND PERSPECTIVES IN MEDIEVAL AND EARLY MODERN EUROPE

ERICE-SICILY: 4 – 8 NOVEMBER 2015

UNDER THE HIGH PATRONAGE OF THE PRESIDENT OF THE REPUBLIC OF ITALY

Sponsored by the: • Italian Ministry of Education, University and Scientific Research • Sicilian Regional Government •
• University of Catania • University of Milano-Bicocca • Fondazione Cassa di Risparmio di Imola • Fondazione CEUR Bologna

PROGRAMME AND LECTURERS

*A cinquanta anni dalla scomparsa di Francesco Calasso. Nel ricordo di
Piero Fiorelli, Ennio Cortese, Manlio Bellomo*
• M. BELLOMO, Università di Catania, IT

La tortura nel dibattito moderno: il contributo di Antonio Gómez
• G. CHIODI, Università di Milano-Bicocca, IT

*Legitimate Self-defence in Medieval Theory and Practice: the European "Ius
Commune" and English Common Law Compared*
• P.D. CLARKE, University of Southampton, UK

*Sulle origini medievali del delitto di religione come delitto politico: il caso
del "Regnum Siciliae"*
• O. CONDORELLI, Università di Catania, IT

*"Fides haereticis non servanda"? Crimes Against Faith and Confidence
(16-17th c.)*
• W. DECOCK, KU Leuven, BE

*Il sistema delle prove legali nelle pratiche criminali dell'età moderna
tra "ius civile" e "ius canonicum"*
• L. GARLATI, Università di Milano-Bicocca, IT

L'émergence des particularités de la procédure pénale
• Y. MAUSEN, Université de Fribourg, CH

Crimini e prove nella decisionistica napoletana di antico regime
• M.N. MILETTI, Università di Foggia, IT

*Responsabilidad penal individual y colectiva en la familia medieval y
moderna*
• E. MONTANOS FERRÍN, Universidad de La Coruña, ES

Esecuzioni capitali a Bologna dal medioevo al sec. XVI
• A. PADOVANI, Università di Bologna, IT

Il diritto criminale tedesco: una prospettiva storiografica
• H. SCHLOSSER, Universität Augsburg, DE

PURPOSE OF THE COURSE

The Course is centered on the emergence of the categories and principles of the *ius criminale* (as understood in its two dimensions: substantive and procedural) in the *ius civile* and the *ius canonicum*. The chronological boundaries of the Course will be medieval and modern Europe in the context of the system of the *ius commune*. The scholars called to give lectures in the Course have been asked to base their presentations on the edited and unedited sources, while emphasizing specific significant trends in the history of law and the history of criminal procedure. The lectures will draw upon the works of the medieval jurists and from the great tradition of modern criminal scholarship, as well as from other sources. In their examination of substantive penal law, the jurists created broad and narrow principles to define intentionality, negligence, circumstantial evidence, and proportional penalties. In terms of procedure, they constructed the *ordo iudiciarius*, accusatorial and inquisitorial modes of proof, and divided judicial procedure into its component parts, from the beginning of the process until the final judgment. They analyzed the various modes of proof and carefully weighed their validity. They discussed the evidence required to torture and the limitations placed on torture. The jurists also examined the problems raised by the rules of procedure for a mode of proof *extra ordinem*, that was employed for *crimina excepta*. They established the assumptions and limits that governed the use of that procedure. The principles of the *ius criminale* that the jurists had formulated circulated throughout Europe and beyond, even if in altered forms depending on the place and on the jurisdiction. In the modern age the Course poses the question of ascertaining the role of the *ius commune* in the decisions of magistrates of the central courts. In these courts magistrates encountered the forms and principles of the *ius criminale* that is a guide and a limitation on their judgment (*arbitrium*), even if the rules of procedure left them ample room to function and manoeuvre.

APPLICATIONS

Persons wishing to attend School are requested to write to:

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e-mail: ocondorelli@lex.unict.it

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 Comino, and a wild and rocky coast around Monte Cofano: all at less than one hour's drive from Erice.

PLEASE NOTE

Participants must arrive in Erice on November 4, no later than 7 p.m.

More information about the other activities of the
"ETTORE MAJORANA" FOUNDATION AND CENTRE FOR SCIENTIFIC CULTURE
can be found on the WWW at the following address:
<http://www.ccsem.info.it>