

Ettore Majorana Foundation and Centre for Scientific Culture

President and Director: Prof. Antonino Zichichi

INTERNATIONAL SCHOOL OF IUS COMMUNE

Directors of the School: M. Bellomo - K. Pennington - O. Condorelli

37th Course:

Migrations, Law and Religions in Medieval and Modern Ages

ERICE-SICILY: 12-16 OCTOBER 2017

Directors of the Course

Federico Martino (Università di Messina) - Orazio Condorelli (Università di Catania)

Sponsored by the: The Italian Ministry of Education, University and Research – Sicilian Regional Government – University of Catania – Fondazione Cassa di Risparmio di Imola – Fondazione CEUR, Bologna

Lecturers and topics

“Ius migrandi” e libertà religiosa in Germania nell’età moderna
G. CHIODI, Università di Milano-Bicocca, IT:

Gli Albanesi in Sicilia (secoli XV-XVIII): modalità e problemi dell’integrazione civile e religiosa
O. CONDORELLI, Università di Catania, IT

Oltre l’“hospitalitas”: insediare i barbari entro i confini. Il caso degli Ostrogoti e quello dei Franchi
L. LOSCHIAVO, Università Roma Tre, IT

Tra intolleranza politica, ragion di Stato e diplomazia europea: le migrazioni dei Valdesi di Piemonte alla fine del Seicento
A. LUPANO, Università di Torino, IT

La strage dei Valdesi di Calabria (1561) e una sua eco siciliana
F. MARTINO, Università di Messina, IT

La protection des pèlerins dans le “ius commune” médiéval
Y. MAUSEN, Université de Fribourg, CH

La libertad, un aspecto de la condición jurídica del Indio en la Monarquía de España
E. MONTANOS FERRÍN, Universidad de La Coruña, ES

“Gente d’Egitto”, “quasi negri”, “apolidi”. Gli zingari
A. PADOVANI, Università di Bologna, IT

A Migrant and Exile’s Testimony: Alberico Gentili on Law and Religion
A. WIJFFELS, KU Leuven, BE

Purpose

Mobility and migrations are phenomena that have always characterized human history. Today we observe the movements of migratory peoples that have assumed an enormous geographic dimension and a social and political relevance that is global. These phenomena compel the historian to return to certain moments and phases of European and American history. In the analysis of the complex relationships of the many historical variables, economic, political, military, and others, the Course will put in relief the religious context, be it the reason for the migrations or be it a factor that generates the need of an accommodation in the relations between the migrants and the native populations that receive them. We will explore some connections and aspects of this history.

The Middle Ages originated in the roots of the dissolution of the social order and of the collapse of the Roman Empire. The determining factor of these events was the role of new peoples who, peacefully or through war, settled in the territories of the *Orbis romanus*. Between the early and late Middle Ages canon law defined the jurisprudential norms that governed a pilgrimage, which was a practice that generated significant mobility impelled by reasons that were not exclusively religious. With the fall of the Byzantine or East Roman Empire, under pressure from the conquering Moslems Christian populations migrated to the Italian peninsula where they began a new life. They maintained the practice and rituals of their Orthodox religion in a land of Latin rites. The institutions, authorities, and jurists also struggled to insert a

nomadic population, the gypsies, and their customs, into the categories of Latin society’s social and legal norms.

The Protestant Reformation ruptured the religious unity of Latin Europe and provoked new streams of migration among the networks of confessional states. The events of religious division and persecution demanded that the jurists defined the character of a *ius migrandi* in the framework of a process of renewing the European *ius publicum*. In another direction a powerful and continuous migratory flow was given great force by the discovery of the American continents. In this case the migrants were powerful conquistadors who imposed on the New World their political structures and their religion. In this context, the jurists were compelled to reflect on the content and implications of *naturalis libertas* and the human person, which were discussed in the sources of Roman and canon law. Could there exist a space for religious liberty or at least tolerance in the new political context of the confessional states? From the experience of limited or even destroyed liberty arose the vindication of human prerogatives that today we place in the categories of human or fundamental rights. Contemporary historians find the theoretical, fundamental roots of natural rights in the *Ius commune*, which, in turn, prepared the ground for the creation of modern rights of liberty and freedom.

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 – Fax +39.095.230416

e-mail: ocondorelli@lex.unict.it