

# XXVIII Annual Forum of Young Legal Historians

## Religion and Ethics in Legal History

Scientific and Organizing Committee: Giulia Aurora Radice, Monica Rita Ferrari, Marco Castelli, Ana Paula Zappellini Sassi

### WEDNESDAY, SEPTEMBER 4<sup>th</sup>

16:30 17:00	<b>CONFERENCE REGISTRATION</b> (Sala di Rappresentanza del Rettorato, University of Milan – Statale, via Festa del Perdono 7, 20122, Milano)
17:00 17:30	<b>INSTITUTIONAL GREETINGS</b> <b>Elio Franzini</b> (University of Milan – Statale), Rector <b>Anna Scavuzzo</b> (Municipality of Milan) - Vice Mayor and Deputy Mayor for Education <b>Gabriella Pasi</b> (University of Milan – Bicocca) – Vice rector for International Relations <b>Maria Teresa Carinci</b> (University of Milan – Statale) - Head of the Department of Private Law and Legal History <b>Francesca Poggi</b> (University of Milan – Statale) - Coordinator of the PhD Program in Legal Sciences Cesare Beccaria
17:30 18:10	<b>INTRODUCTORY REMARKS</b> <b>Iole Fagnoli</b> , Full Professor in Roman Law (University of Milan – Statale) <b>Giovanni Chiodi</b> , Full Professor in Legal History (University of Milan – Bicocca)
18:10 18:20	<b>PRACTICAL INFORMATION</b> <b>Giulia Aurora Radice</b> , PhD Candidate in Roman Law (University of Milan – Statale) <b>Monica Ferrari</b> , Post-doc Researcher in Roman Law (University of Milan – Bicocca)
18:30 19:30	<b>WELCOME APERITIVO</b> [Reserved to XXVIII AFYLH Registered Participants]

### THURSDAY, SEPTEMBER 5<sup>th</sup>

9:30 10:15	<b>UNIVERSITY TOUR</b> [Reserved to XXVIII AFYLH Registered Participants / Under Registration]		
10:15 11:00	<b>KEYNOTE SPEECH</b> (Sala Napoleonica, University of Milan – Statale, via Sant'Antonio 12, 20122, Milano) <b>Antonio Padoa Schioppa</b> , Emeritus Professor in Legal History (University of Milan – Statale)		
11:00 11:30	<b>COFFEE BREAK</b> (Loggiato della Signora, 300 rooms area, entrance from via Festa del Perdono 3, 20122, Milano)		
11:30 13:00	<b>Foundations of Private Law: Ties with Religion and Ethics</b> Room: 302, University of Milan - Statale Chair: <b>Filippo Rossi</b> (University of Milan – Statale) <ul style="list-style-type: none"> <li>• <b>Michael Binder</b> (University of Vienna), <i>Exceptio doli against a Parent or the Patronus. A Violation of contra bonos mores</i></li> <li>• <b>David Magalhães</b> (University of Coimbra), <i>The Christian Roots of the Modern Possessory Protection and the Decretal "Saepe contingit" (X.2,13,18). An Example of the Dialogue between Civil Law and Canon Law</i></li> <li>• <b>Eugenio Ciliberti</b> (University of Salerno), <i>The Principle of Good Faith in Chinese Law between Roman Law and Confucianism</i></li> <li>• <b>Chutong Xu</b> (Peking University), <i>A Community of Benevolence and Reason: Dispute Resolution of Minor Civil Cases in the Qing Dynasty</i></li> </ul>	<b>Morality, Religion and the State: Connections and Conflicts I</b> Room: 304, University of Milan – Statale Chair: <b>Alexander Thompson</b> (University of Cambridge) <ul style="list-style-type: none"> <li>• <b>Samuele Lavelli</b> (University of Milan – Bicocca), <i>A Triumph Without War? Velleius Paterculus 2.97.4</i></li> <li>• <b>Martino Emanuele Cozzi</b> (University of Milan – Statale), <i>Philip 'the Arab' and the Spread of Christianity</i></li> <li>• <b>Adam Evangelos</b> (National and Kapodistrian University of Athens), <i>Conflicting Authorities and Embedded Morality: Decius' Religious Policy in Context</i></li> <li>• <b>Jinxian Chen</b> (Zhongnan University of Economics and Law), <i>Theoderic's Religious Policies and the Decline of the Ostrogothic Regime</i></li> </ul>	<b>Intersections of Security and Spirituality</b> Room: 309, University of Milan – Statale Chair: <b>Alessandro Negri</b> (University of Milan – Statale) <ul style="list-style-type: none"> <li>• <b>Edin Skrebo</b> (Università degli Studi di Milano – Bicocca), <i>Public order in 20th century Italy: a historical reconstruction</i></li> <li>• <b>Tania Pagotto</b> (Università degli Studi di Milano – Bicocca), <i>The refusal to sing the national anthem in Canada: between sanctions and freedom of conscience</i></li> <li>• <b>Alessandro Negri</b> (Università degli Studi di Milano), <i>Punishment in Canon Law: from the Second Vatican Council to contemporary reforms</i></li> <li>• <b>Margherita Del Deo</b> (Università degli Studi di Milano), <i>The role of religion in the penitentiary system during the pre-constitutional period: a comparison between Spain and Italy</i></li> </ul>
13:00 14:00	<b>LIGHT LUNCH</b> (Loggiato della Signora)		
14:00 15:30	<b>Private Law, Business and Ethics</b> Room: 302, University of Milan – Statale Chair: <b>Elisabetta Fusar Poli</b> (University of Brescia) <ul style="list-style-type: none"> <li>• <b>Shiri Roelofs</b> (KU Leuven), <i>Robert Bellarmine (1542-1621) on the Exchange Contract: At the Intersection of Law and Business Ethics</i></li> <li>• <b>Máté Pétervári</b> (University of Szeged), <i>Business Behaviour of Merchants in the Hungarian Bankruptcy Procedures in the 1920s</i></li> <li>• <b>Wojciech Banczyk</b> (Jagiellonian University), <i>Sustainability, Morals and Religion Clauses in Contracts (1921-2024 and onwards). Between Discrimination and Favoring Universal (?) Values</i></li> <li>• <b>Michał Tutaj</b> (University of Warsaw), <i>Unbundling Contract of Employment from Service Contract: Historical Background, Ethical Reflections and Remarks from the Polish Perspective</i></li> </ul>	<b>Morality, Religion and the State: Connections and Conflicts II</b> Room: 304, University of Milan – Statale Chair: <b>Raffaella Bianchi Riva</b> (University of Milan – Statale) <ul style="list-style-type: none"> <li>• <b>Anna Li</b> (University of Edinburgh), <i>Treason and Heresy: Offences against Religion, the State or the Emperor? [ONLINE]</i></li> <li>• <b>Letizia Solazzi</b> (University of Modena), <i>Ferri: Faith and Reason</i></li> <li>• <b>Sebastian Vandenberghe</b> (University of Antwerp), <i>Belgium's Separation of Church and State: Fact or Illusion?</i></li> <li>• <b>Jing Wang</b> (University of Ningxia), <i>The Changes of Places of Worship in front of Laws and Beliefs</i></li> </ul>	<b>The "Jurist" between Sacred and Secular</b> Room: 309, University of Milan – Statale Chair: <b>Daniela Buccomino</b> (University of Milan – Statale) <ul style="list-style-type: none"> <li>• <b>Athanasios Delios</b> (Democritus University of Thrace), <i>The Use of Nomizomena in the Forensic Speeches of the Attic Orators [ONLINE]</i></li> <li>• <b>Nuo Cheng</b> (Nanjing University), <i>History of Pontiffs and the Development of Roman Law</i></li> <li>• <b>José Luis Álvarez de Mora</b> (University of Salerno), <i>The Roman priestly colleges and canon law: the Roman republican collegiality in the structures of the Catholic Church [ONLINE]</i></li> <li>• <b>Giulia Aurora Radice</b> (University of Milan – Statale), <i>Reflections on the Role of the Iuris Prudens from a Legal History Perspective</i></li> </ul>
15:30 16:00	<b>COFFEE BREAK</b> (Loggiato della Signora)		
16:00 17:30	<b>Ecclesiastical Law in Central Europe across Modern and Contemporary History</b> Room: 302, University of Milan – Statale Chair: <b>Marco Castelli</b> (University of Milan – Statale) <ul style="list-style-type: none"> <li>• <b>Jan Jerzy Sowa &amp; Przemysław Gawron</b> (Cardinal Stefan Wyszyński University in Warsaw), <i>Regulating Religion and Morality in the Polish-Lithuanian Armies in the 16<sup>th</sup>-17<sup>th</sup> Centuries</i></li> <li>• <b>Antoine Leclère</b> (University of Liège and Vrije Universiteit Brussels; Research Fellow FRS-FNRS), <i>The Punctuation of Ems and the rights of the bishops of the Holy Roman Empire in the Age of Enlightenment: the case of the ecclesiastical principality of Liège (1786 – 1789)</i></li> <li>• <b>Łukasz Gołaszewski</b> (University of Warsaw), <i>Resolving Disputes over the Jurisdiction of the Court in the Consistory of the Diocese of Lutsk in the 18<sup>th</sup> Century</i></li> <li>• <b>Marcin Łysko</b> (University of Białystok), <i>The Religion Associations of National Minorities in the Second Polish Republic Minorities in the Second Polish Republic</i></li> </ul>	<b>The Salamanca School and the Practice of Law in the New World</b> Room: 304, University of Milan – Statale Chair: <b>Alessandra Bassani</b> (University of Milan – Statale) <ul style="list-style-type: none"> <li>• <b>Sarah Kelly Limão Papa</b> (Goethe University Frankfurt), <i>Law, Religion, and Agrarian Production: Jesuit Land Tenure in Portuguese America</i></li> <li>• <b>Dvorský Václav</b> (Charles University, KU Leuven), <i>To Charge or not to Charge: The School of Salamanca's Perspective on Usury in Deposit Contracts</i></li> <li>• <b>Adrien Mociulschi</b> (Université Paris-Saclay), <i>The Moral Foundations of the Development of a Jus Gentium: The Example of the Jurists of the Salamanca School in Modern Christian Humanism</i></li> </ul>	<b>The Sacrality of Law</b> Room: 309, University of Milan – Statale Chair: <b>Giulia Rabaïoli</b> (University of Pisa) <ul style="list-style-type: none"> <li>• <b>Caetano Dias Correa</b> (Federal University of Santa Catarina), <i>Law as Religion: The Possibilities of a Religious Ontology of Law [ONLINE]</i></li> <li>• <b>Vanessa Pizzimenti</b> (University of Roma 'La Sapienza'), <i>Legal and Sacral Aspects connected to Boundary Markers: Termini Botontini and Pali Sacrificales</i></li> <li>• <b>Enzo Rocha Magri</b> (University of São Paulo), <i>Magic and Unlawfulness in Roman Law: From the Twelve Tables to the Classical Notion of iniuria</i></li> <li>• <b>Mariana Marchi Malacrida</b> (Federal University of Santa Catarina), <i>Notes on the Formulation of the Doctrine of Natural Law in the History of Roman Legal Thought: Ethics, Religion, Reason and Natural Order in the Natural Law Debate of Cicero (106-43 BC) and Lucretius (94-50 BC)</i></li> </ul>



# XXVIII Annual Forum of Young Legal Historians

## Religion and Ethics in Legal History

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**FRIDAY, SEPTEMBER 6<sup>th</sup>**

9:30 9:45	<b>INSTITUTIONAL GREETINGS</b> (U6-28, University of Milan – Bicocca, Piazza dell'Ateneo Nuovo 1, 20126, Milano) <b>Nicola Sartori</b> , Associate Professor, Vice Head of the School of Law Department (University of Milan – Bicocca)		
9:45 10:30	<b>INTRODUCTORY LECTURES</b> <b>Chiara Buzzacchi</b> , Full Professor in Roman Law (University of Milan – Bicocca) <b>Annamaria Monti</b> , Full Professor in Legal History (University of Milan – Statale) <b>Lorenzo Gagliardi</b> , Associate Professor in Roman Law (University of Milan – Statale)		
10:30 11:00	<b>COFFEE BREAK</b> (U-6, Hall on the ground floor)		
11:00 12:30	<b>Natural Law and the Construction of Female Exploitation</b> Room: U6-22, University of Milan - Bicocca Chair: <b>Anna De Giuli</b> (University of Milan – Statale) <ul style="list-style-type: none"> <li>• <b>Lacey-Louise Bradley</b> (University of Oxford) &amp; Olivia Francis (University of Oxford), <i>The Influence of Natural Law for the Inferior Treatment of Women in the Law</i></li> <li>• <b>Maria Cheri</b> (University of Milan – Statale), <i>Adultery in the Legislation of Gordian III</i></li> <li>• <b>Ana Paula Zappellini Sassi</b> (University of Milan – Statale), <i>"Vain, futile, easy prey": Modern-secular Women in Viveiros de Castro's Thought regarding Sexual Crimes (Brazil, 1897)</i></li> <li>• <b>Mathilda Tarandi</b> (Lund University), <i>Locating the Blame: Sin and Shame</i></li> </ul>	<b>Punishment and rehabilitation between the East and the West</b> Room: U6-23, University of Milan - Bicocca Chair: <b>Pietro Schirò</b> (University of Verona) <ul style="list-style-type: none"> <li>• <b>Heqin Geng</b> (University of Oxford), <i>Roman Law as a Tool of Control</i></li> <li>• <b>Gianmarco Palmieri</b> (Roma Tre University), <i>Usque ad emendationem. Christian Church and Prison Sentences in the Early Middle Ages</i></li> <li>• <b>Sida Wang</b> (Nankai University), <i>Detention and the Belief in the Great Virtue in late imperial China</i></li> <li>• <b>Setsen Kiyoutes</b> (University of Trento), <i>"To Put an End to the Dispute": Redemption System a Chinese Style of Restorative Justice - From the Perspective of article 279 of the Criminal Procedure Law [ONLINE]</i></li> </ul>	<b>Law and Ethics: General Theory and Case Studies</b> Room: U6-24, University of Milan - Bicocca Chair: <b>Virginia Presi</b> (University of Milan – Statale) <ul style="list-style-type: none"> <li>• <b>Shiyu Wang</b> (Peking University), <i>Re-creating a Consensual Community: Another Possibility of Getting Rid of Crisis From the Perspective of Legal Sociology</i></li> <li>• <b>Amber Gardeyn</b> (Ghent University), <i>Law and ethics: Restitution, a Legal or a Moral Obligation</i></li> <li>• <b>Alice Sisino</b> (University of Milan – Statale), <i>The Restitution of the Benin Bronzes: Legal Challenges and Ethical Implications</i></li> <li>• <b>Denes Jistvan Legeza</b> (University of Szeged), <i>Copyright Protection of Religious Contents</i></li> </ul>
12:30 13:00	<b>LIGHT LUNCH</b> (U-6, Hall on the ground floor)		
13:30 15:00	<b>Family Law: General Principles and Specific Experiences I</b> Room: U6-22, University of Milan - Bicocca Chair: <b>Federico Battaglia</b> (University of Milan – Bicocca) <ul style="list-style-type: none"> <li>• <b>Lin Shan</b> (Xiamen University), <i>Legalization of Ancient Roman Family Morality: Centered on the Concept of Pietas</i></li> <li>• <b>Ivana Marušić</b> (University of Mostar) <i>Legal Regulation of Marriage in Roman Law under the influence of the Christian Religion</i></li> <li>• <b>Mingzhen Li</b> (Peking University), <i>The Principles of Family Law in Early China [ONLINE]</i></li> <li>• <b>Magdalena Ossowska-Tutaj</b> (University of Warsaw), <i>Does the Family Foundation Serve to Protect the Principle of Family Solidarity?</i></li> </ul>	<b>Societal Life between Ethics, Religion and Secularization</b> Room: U6-23, University of Milan - Bicocca Chair: <b>Giulia Aurora Radice</b> (University of Milan – Statale) <ul style="list-style-type: none"> <li>• <b>Zhengyang Jiang</b> (Beijing Institute of Technology), <i>Sovereignty Presence: Legal Modernization in Northeastern China in the Late Qing Dynasty</i></li> <li>• <b>Wojciech Wydmański</b> (Cardinal Stefan Wyszyński University in Warsaw), <i>Arbitration involving Jews in Poland (1918-1939)</i></li> <li>• <b>Marco Castelli</b> (University of Milan – Statale), <i>An Attempt to Build a Patriotic Ethos on a Legal Text? The 'Festa dello Statuto' Between Religious Reminiscences and Nation-Building Activities</i></li> <li>• <b>Pieterjan Schepens</b> (Ghent University), <i>Pensions and Pillarization in Belgium</i></li> </ul>	<b>The Struggle over Public Space: Religion, Politics and Law</b> Room: U6-24, University of Milan - Bicocca Chair: <b>Ana Paula Zappellini Sassi</b> (University of Milan – Statale) <ul style="list-style-type: none"> <li>• <b>Dawid Szulc</b> (Adam Mickiewicz University in Poznań), <i>Normative Aspects of Religion in the Ottoman Empire as exemplified by the Constitution of 1876 and the Acts of the Tanzimat</i></li> <li>• <b>Luiz Henrique Debastiani</b> (Federal University of Santa Catarina) <i>Mikhail Reiser: Between Religious Freedom and Party Sponsored Atheistic Propaganda in the Early USSR</i></li> <li>• <b>Amila Svraka-Imamović</b> (University of Sarajevo), <i>Between Religiosity and Secularity: The Headscarf in Public Space</i></li> <li>• <b>Rafał Kaczmarczyk</b> (independent scholar), <i>Legislation not keeping up with the Changing World: The Case of the Muslim Religious Union in the Republic of Poland</i></li> </ul>
15:00 15:30	<b>COFFEE BREAK</b> (U-6, Hall on the ground floor)		
15:30 17:00	<b>Family Law: General Principles and Specific Experiences II</b> Room: U6-22, University of Milan - Bicocca Chair: <b>Pieterjan Schepens</b> (Ghent University) <ul style="list-style-type: none"> <li>• <b>Mia Da Costa</b> (University of Cambridge), <i>Marriage Law in England</i></li> <li>• <b>Julie Rocheton</b> (Max Planck Institute for Legal History and Legal Theory), <i>Marriage Strategies in Colonial Nouvelle France: Impact of the Catholic Church on marriage practices</i></li> <li>• <b>Damian Szczepaniak</b> (University of Gdańsk), <i>The significance of the Italian marriage law reform of 1929 for the debate on the codification of law in the Second Polish Republic [ONLINE]</i></li> </ul>	<b>Societal Life and Bioethics</b> Room: U6-23, University of Milan - Bicocca Chair: <b>Monica Ferrari</b> (University of Milan – Bicocca) <ul style="list-style-type: none"> <li>• <b>Yuxin Lin</b> (University of Macau), <i>The Punishment for "Looking on Unconcerned to Others Danger". From Social Life Community to Social Governance Community [ONLINE]</i></li> <li>• <b>Gabriele Massimiliano Ragusa</b> (University of Messina), <i>The Body, Consent, and the Sale of organs. An Important Question between Law and Ethics in the Early Twentieth Century</i></li> <li>• <b>Elizaveta Stetsenko</b> (University of Cambridge), <i>Medical Law, Medical Ethics, Bioethics</i></li> <li>• <b>Giulia Mannarini</b> (University of Milan – Bicocca), <i>Bioethics and Constitutionalism</i></li> </ul>	<b>Reflections across the East and the West</b> Room: U6-24, University of Milan - Bicocca Chair: <b>Amila Svraka-Imamović</b> (University of Sarajevo) <ul style="list-style-type: none"> <li>• <b>Tea Dularidze</b> (Ivane Javakishvili Tbilisi State University), <i>Main Aspects of Building Interstate Relations in the Ancient East and Greece;</i></li> <li>• <b>Armando José Santana Bugés</b> (University of Jaén), <i>The Influence of Religion in Medieval Spanish Assemblies (1188-1348);</i></li> <li>• <b>Patryk Maćkowiak</b> (Adam Mickiewicz University in Poznań), <i>Fama inter homines as Proof in Medieval Canon Law and its Doctrinal Inspirations</i></li> </ul>
17:00 18:00	<b>CLOSING SESSION</b> (U6-28 – University of Milan – Bicocca)  <b>Diploma Award Ceremony and Voting for the Next Conference Venue</b> [Reserved to XXVIII AFYLH Registered Participants]		