

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 4th

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

THURSDAY, SEPTEMBER 5th

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

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FRIDAY, SEPTEMBER 6th

INSTITUTIONAL GREETINGS

(U6-28, University of Milan – Bicocca, Piazza dell'Ateneo Nuovo 1, 20126, Milano)

Nicola Sartori, Associate Professor, Vice Head of the School of Law Department (University of Milan – Bicocca)

INTRODUCTORY LECTURES

Chiara Buzzacchi, Full Professor in Roman Law (University of Milan – Bicocca)
Lorenzo Gagliardi, Associate Professor in Roman Law (University of Milan – Statale)
Annamaria Monti, Full Professor in Legal History (University of Milan – Statale)

COFFEE BREAK

(U-6, Hall on the ground floor)

Natural Law and the Construction of Female Exploitation

Room: U6-22, University of Milan - Bicocca
 Chair: **Anna De Giuli** (University of Milan – Statale)

- **Lacey-Louise Bradley** (University of Oxford) & Olivia Francis (University of Oxford), *The Influence of Natural Law for the Inferior Treatment of Women in the Law*
- **Maria Cheri** (University of Milan – Statale), *Adultery in the Legislation of Gordian III*
- **Ana Paula Zappellini Sassi** (University of Milan – Statale), *"Vain, futile, easy prey": Modern-secular Women in Viveiros de Castro's Thought regarding Sexual Crimes (Brazil, 1897)*
- **Mathilda Tarandi** (Lund University), *Locating the Blame: Sin and Shame*

Punishment and rehabilitation between the East and the West

Room: U6-23, University of Milan - Bicocca
 Chair: **Pietro Schirò** (University of Verona)

- **Heqin Geng** (Oxford University), *Roman Law as a Tool of Control*
- **Gianmarco Palmieri** (Roma Tre University), *Usque ad emendationem. Christian Church and Prison Sentences in the Early Middle Ages*
- **Sida Wang** (Nankai University), *Detention and the Belief in the Great Virtue in late imperial China*
- **Setzen Kiyoutes** (University of Trento), *"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]*

Law and Ethics: General Theory and Case Studies

Room: U6-24, University of Milan - Bicocca
 Chair: **Virginia Presi** (University of Milan – Statale)

- **Shiyu Wang** (Peking University), *Re-creating a Consensual Community: Another Possibility of Getting Rid of Crisis From the Perspective of Legal Sociology*
- **Amber Gardeyn** (Ghent University), *Law and ethics: Restitution, a Legal or a Moral Obligation*
- **Alice Sisinno** (University of Milan – Statale), *The Restitution of the Benin Bronzes: Legal Challenges and Ethical Implications*
- **Denes Jistvan Legeza** (University of Szeged), *Copyright Protection of Religious Contents*

LIGHT LUNCH

(U-6, Hall on the ground floor)

Family Law: General Principles and Specific Experiences I

Room: U6-22, University of Milan - Bicocca
 Chair: **Federico Battaglia** (University of Milan – Bicocca)

- **Lin Shan** (Xiamen University), *Legalization of Ancient Roman Family Morality: Centered on the Concept of Pietas*
- **Ivana Marušić** (University of Mostar), *Legal Regulation of Marriage in Roman Law under the influence of the Christian Religion*
- **Mingzhen Li** (Peking University), *The Principles of Family Law in Early China [ONLINE]*
- **Magdalena Ossowska-Tutaj** (University of Warsaw), *Does the Family Foundation Serve to Protect the Principle of Family Solidarity?*

Societal Life between Ethics, Religion and Secularization

Room: U6-23, University of Milan - Bicocca
 Chair: **Giulia Aurora Radice** (University of Milan – Statale)

- **Jiang Zhengyang** (Beijing Institute of Technology), *Sovereignty Presence: Legal Modernization in Northeastern China in the Late Qing Dynasty*
- **Wojciech Wydmański** (Cardinal Stefan Wyszyński University in Warsaw), *Arbitration involving Jews in Poland (1918-1939)*
- **Marco Castelli** (University of Milan – Statale), *An Attempt to Build a Patriotic Ethos on a Legal Text? The 'Festa dello Statuto' Between Religious Reminiscences and Nation-Building Activities*
- **Pieterjan Schepens** (Ghent University), *Pensions and Pillarization in Belgium*

The Struggle over Public Space: Religion, Politics and Law

Room: U6-24, University of Milan - Bicocca
 Chair: **Ana Paula Zappellini Sassi** (University of Milan – Statale)

- **Dawid Szulc** (Adam Mickiewicz University in Poznań), *Normative Aspects of Religion in the Ottoman Empire as exemplified by the Constitution of 1876 and the Acts of the Tanzimat*
- **Luiz Henrique Debastiani** (Federal University of Santa Catarina), *Mikhail Reiser: Between Religious Freedom and Party Sponsored Atheistic Propaganda in the Early USSR*
- **Amila Svraka-Imamović** (University of Sarajevo), *Between Religiosity and Secularity: The Headscarf in Public Space*
- **Rafał Kaczmarczyk** (independent scholar), *Legislation not keeping up with the Changing World: The Case of the Muslim Religious Union in the Republic of Poland*

COFFEE BREAK

(U-6, Hall on the ground floor)

Family Law: General Principles and Specific Experiences II

Room: U6-22, University of Milan - Bicocca
 Chair: **Pieterjan Schepens** (Ghent University)

- **Mia Da Costa** (University of Cambridge), *Marriage Law in England*
- **Julie Rocheton** (Max Planck Institute for Legal History and Legal Theory), *Marriage Strategies in Colonial Nouvelle France: Impact of the Catholic Church on marriage practices*
- **Damian Szczepaniak** (University of Gdańsk), *The significance of the Italian marriage law reform of 1929 for the debate on the codification of law in the Second Polish Republic [ONLINE]*

Societal Life and Bioethics

Room: U6-23, University of Milan - Bicocca
 Chair: **Monica Ferrari** (University of Milan – Bicocca)

- **Yuxin Lin** (University of Macau), *The Punishment for "Looking on Unconcerned to Others Danger". From Social Life Community to Social Governance Community [ONLINE]*
- **Gabriele Massimiliano Ragusa** (University of Messina), *The Body, Consent, and the Sale of organs. An Important Question between Law and Ethics in the Early Twentieth Century*
- **Elizaveta Stetsenko** (University of Cambridge), *Medical Law, Medical Ethics, Bioethics*
- **Giulia Mannarini** (University of Milan – Bicocca), *Bioethics and Constitutionalism*

Reflections across the East and the West

Room: U6-24, University of Milan - Bicocca
 Chair: **Amila Svraka-Imamović** (University of Sarajevo)

- **Tea Dularidze** (Ivane Javakishvili Tbilisi State University), *Main Aspects of Building Interstate Relations in the Ancient East and Greece;*
- **Armando José Santana Bugés** (University of Jaén), *The Influence of Religion in Medieval Spanish Assemblies (1188-1348);*
- **Patryk Maćkowiak** (Adam Mickiewicz University in Poznań), *Fama inter homines as Proof in Medieval Canon Law and its Doctrinal Inspirations*
- **Chutong Xu** (Peking University), *A Community of Benevolence and Reason: Dispute Resolution of Minor Civil Cases in the Qing Dynasty*

CLOSING SESSION

(U6-28 – University of Milan – Bicocca)

Diploma Award Ceremony and Voting for the Next Conference Venue
 [Reserved to XXVIII AFYLLH Registered Participants]