



UNIVERSITÀ
DEGLI STUDI
DI MILANO

ASSOCIATION of
YOUNG LEGAL HISTORIANS



Religion and Ethics in Legal History

XXVIII Annual Forum of Young Legal Historians,

Milan (4th – 7th September 2024)

CALL FOR PAPERS 2024

INTRODUCTION

We are delighted to announce that the UNIVERSITY OF MILAN and the UNIVERSITY OF MILAN-BICOCCA are hosting the *28th Annual Forum of Young Legal Historians (AFYLH)*.

The purpose of this forum is to bring together young legal scholars to share ideas, foster collaborations and contribute to the expansion of academic research and knowledge in the field of legal history.

The forum will be composed of three days: the first day as welcoming day with keynote speakers, and numerous parallel sessions over the following two days.

The broad theme of the 28th Forum is **Religion and Ethics in Legal History**.

ABOUT THE THEME

Travelling through time back to the beginning of civilization, historians have observed how societies were born, how humans attributed roles in a group distinguishing duties and responsibilities, how they answered questions about their existence, the natural phenomena, and the legitimacy of the rules by which they attempted to govern themselves. In that process law and religion were intrinsically intertwined: on one hand, religion was the group of beliefs, rites and rules, that explained the world and guided people, from both a public and individual perspectives; on the other hand, law was the set of rules needed to maintain the society's structure and to regulate relations between individuals, recognized as legal subjects, and, in particular, between rulers and the ruled ones.

The cradle of civilization, Mesopotamia, was the birthplace of the first collections of laws, the Sumerian Code of *Ur-Nammu* and the Code of Hammurabi: legal experiences that could be considered as the formal birth of law, and that demonstrate the profound linkage between law and religion, being the legitimization of the codes to be found in the deities of the Sumerian and Babylonian Pantheons.

The interplay between law and religion added a new element when new ideas on human freedom and human conduct were elaborated by the philosophical thought, almost detached from the pure religious realm. It was from the 5th century BC when ethics and its connection with law started to be conceptualized and deeply analyzed by the great thinkers of that time. In Ancient Greece, Socrates, Plato, and Aristotle laid the foundations of the Western thought on the issue, questioning human conduct, social organization, the role of law, and elaborating theories on ethics that, afterwards, arrived in and became part of the cultural and legal experience of the Romans; the Roman experience was itself characterized in its early stage (the so-called archaic era) by the strong bond between religion and the legal element, as the conception of the role of the *Rex* and of the *sacerdotes* in the light of *Pax Deorum* and the related contents of the *Leges Regiae* demonstrate. Throughout the course of European history, the complex relationship between law and the religious factor has persistently manifested itself in various ways: from the *ius commune* system, built on a fruitful dialogue between civil law and canon law, to the discussions of the School of Salamanca aimed at constructing new theoretical frameworks for modernity, all the way to the formalization of the State as an institutional construction supposedly capable of putting a stop to religious wars.

Moreover, the European experience produced a considerable impact on the American and African dominated territories, in which local norms and rites were, when not completely exterminated, combined with colonial rules and beliefs, shaping new ideals based on intercultural exchanges.

Even in moments of greater friction and, with the development of legal rationalism, the increasing distance between the religious factor and legal norms, the dialogue between the two elements has never ceased, assuming an external dimension – the so-called ecclesiastical law – which is continuously evolving also in response to the challenges of pluralistic societies.

On the other side of the world, almost at the same time of the Ancient Greek civilization, Confucius and Confucianists were elaborating the viewpoint on how society should be governed built on a deep moral foundation, nurturing one of the pillars of the Chinese civilization. Many of the ideas, principles and rules of Confucianism have survived the ages: advocating li (禮) and emphasizing law; prioritizing morality over sanction; educating people through morality and so on. The pursuit of the “no-litigants value” means that law should be the last resort, while education and rites, aiming at enhancing the inner morality of individuals through ethical principles, should be the primary means in the hands of the emperor, 天子, the son of Heaven. Furthermore, Confucianism and its value system played a role in building the legal spiritual culture and institutional civilization of the ancient Korean peninsula, Japan and Vietnam.

Given those brief and (not) comprehensive insights on the role of ethics and religion in the first stage of the history of law, a double-faced relation comes forth: in some scenarios, religion and ethics have acted as sources of law, while, in other cases a sound distinction between what is law and what is not has been stated and pursued. Considered as crucial components of society, law, religion, and ethics constitute a triad that needs to be further investigated in order to clarify their main features as well as to enrich the debates on contemporary issues. The conflict and the connection between ethics and law emerges notably in recent matters, such as the use of artificial intelligence or the issues in the realm of bioethics, which raise both legal and ethical questions. Moreover, awareness of the nexus between law and religion arises as a key element in understanding legal systems that are still characterized by a religious component, such as the shariah-based ones in African and Middle Eastern regions, as well as the so-called secular legal orders in the West, amongst which the remains of Christianity are still visible.

Indeed, our present time still demonstrates the complex relation between those three elements and **this forum, from an historical point of view, aims at shedding a light on the interactions of law with religion and ethics.**

By bringing together young researchers from different jurisdictions and various parts of the world, the conference aims to be a platform for high-level academic exchanges where reflections on the theme will make explicit how the scientific analysis of the past is a necessary tool for understanding the present.

SUBMISSION OF PAPER PROPOSALS – SUBJECTS AND GENERAL INFO

Under the scope of the conference theme, we are welcoming proposals from different fields of law and other law-related subjects, explicitly linked to a legal historical analysis.

Here is a non-exhaustive list of subjects involved in the forum and to which the paper proposal may belong:

- | | |
|---------------------|----------------------|
| ◇ Legal History | ◇ Law and Ethics |
| ◇ Roman Law | ◇ Philosophy of Law |
| ◇ Ancient Greek Law | ◇ Legal Culture |
| ◇ Canon Law | ◇ Civil Law |
| ◇ Comparative Law | ◇ Constitutional Law |
| ◇ Law and Religion | |

The proposal may be **individual** or for an entire **panel**. Those are the guidelines for proposing a pre-arranged panel:

1. The panel convener is the leading person in the group of presenters.
2. The panel should consist of 4 presenters, including the panel convener.
3. The panel convener is in charge of submitting the panel proposal.
4. Among the ordinary requirements (see below), the panel proposal shall include the sequence of the speakers' presentations.

The Forum will be in **English**, and each paper presentation should not exceed 15 minutes, so there is time for discussions in the last part of each panel.

The submission deadline is **31st March 2024**. Abstracts received after the submission deadline will be declined. Decisions on the acceptance of paper proposals and the invitation to present at the conference will be communicated by **4th May 2024**.

If you have an **exceptional situation** preventing adherence to the specified timelines, please promptly contact us. We will ask for evidence supporting your request and evaluate it objectively.

We intend to **publish** the presented papers. The related details will be sent in advance to the accepted participants.

SUBMISSION OF PAPER PROPOSALS – REQUIREMENTS

To express your interest in presenting at the conference, please send to **milan2024.aylh@gmail.com** a document (PDF format) with the following information:

- ◇ Name of presenter;
- ◇ Title;
- ◇ Abstract (between 150-300 words, inclusive of footnotes if any);
- ◇ Short Bio with your affiliation (max 150 words);
- ◇ Key words (4-5);
- ◇ Identification of the subject (*e.g.*: Roman Law).

We kindly ask you to name your file sent by e-mail according to the subject of your presentation, so it will be easier to filter them and organize the conference panels.

Example: SURNAME_SUBJECT_PresentationTitle.pdf

SASSI_LAWANDRELIGION_TheCatholicChurchInBrazil.pdf (in the email, the subject line must be "AFYLH 2024")

CONFERENCE FEE

The conference fee will be € **150** and it does **not** include travel and accommodation. After the notification of acceptance on **4th May 2024**, the Organizing Committee will contact the selected participants with further information to complete the registration by paying the conference fee.

We sincerely look forward to welcoming you and value your contribution!

For enquiries, please contact us at Milan2024.AYLH@gmail.com or, if you find any inconveniences doing so, at giulia.radice@unimi.it.

XXVIII AFYLH Organizing Committee

Monica Ferrari coordinator
Giulia Aurora Radice coordinator
Marco Castelli
Ana Paula Zappellini Sassi
Lin Shan

TIMELINE AT A GLANCE

Sun 31st March	Submission Deadline
Sat 4th May	Notification of Acceptance
Mon 20th May	Closing Date for Payment and Registration
September 4th-7th	XXVIII Annual Forum of Young Legal Historians