

Curriculum Vitae

Emanuele Conte

Ordinary Professor of Legal History at Roma Tre University (Italy) and Directeur d'études at the École des Hautes Études en Sciences Sociales of Paris (France)

Place and Date of Birth: Rome (Italy) 01, September, 1959. Nationality: Italian.

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Address: Dipartimento di Giurisprudenza, via Ostiense 159, 00154 Roma

Education and Employment

2011-present: Directeur d'Études (cumulant) at the École des Hautes Études en Sciences Sociales - EHESS (Centre d'Études en Normes Juridiques - CENJ), Paris.

2000-present: Full Professor of Legal History, Faculty of Law, Roma Tre University.

1995-1999: Associate Professor of Legal History, Faculty of Law, Roma Tre University.

1992-1995: Associate Prof. of Legal History, Faculty of Political Sciences, University of Catania, Italy.

1991: Researcher at the University of Rome "La Sapienza" (Scuola speciale archivisti e bibliotecari).

1990: Robbins Junior Fellow at the Robbins Collection, University of California, Berkeley.

1989: Editor at Enciclopedia Italiana Treccani, Rome.

1988: Fellow at the Planck-Institut für Europäische Rechtsgeschichte (MPIER), Frankfurt a. M.

1986-1988: PhD in Legal History at the University of Milano-Statale.

1986: Fellow at the Planck-Institut für Europäische Rechtsgeschichte (MPIER), Frankfurt a. M.

1979-1983: Graduated at the Faculty of History, University of Rome "La Sapienza".

Service

2017-present: President of the Scientific Board of OpenEdition Italy

2009-2017: President of the Scientific Board of the Network of University Libraries Roma Tre (Sistema Bibliotecario di Ateneo)

2005-2012: Head of Dept. of Legal History and Gen. Legal Theory, Law School, Roma Tre Univ.

2008-present: Director of the "Law and the Humanities" course at the Roma Tre University.

2012-2014: Member of the Evaluation Committee of the École Française de Rome.

2009-2014: Member of the Scientific Committee of the PhD in Human Rights, Univ. of Palermo.

2011: Member of the Evaluation Committee of the Deutsches Historisches Institut in Rome.

2006-2010: Member of the Scientific board of the École Normale Supérieure (ENS), Lyon.

1997-1999: President of the Scientific Board of the University Libraries System (Sba), Roma Tre University.

Scientific Interest

Vision: Law is a complex phenomenon, that can be really grasped only in its historical context.

The particular historical diachrony of law asks for long-period observations.

Topics: Legal historiography: The use of history as a legal argument. The construction of law as a scholastic discipline in the Middle Ages. Law and the Humanities in historical perspective

Tools: Philology; law and economics in history; law and the humanities in history; public law and politics.

Visiting Professorships and research fellowships (selection)

Visiting Fellow at Wolfson College, Oxford (2018)

Senior researcher in the ERC project CLCLCL (University of St Andrews, PI prof. John Hudson) (2017-2022)

Bok Visiting International Professor at the School of Law of the University of Pennsylvania, Philadelphia US (2014).

I have been invited as Visiting Professor at: University of Wollongong (Australia) (2015); Australian National University Canberra (2015); École des Hautes Études en Sciences Sociales (EHESS) - Chaire Yan Thomas, Paris, France (2010); EHESS, Paris, France (2008; 2004; 1998); École des Chartes, Paris (2011); École Normale Supérieure Lettres et Sciences Humaines, Lyon, France (2009; 2006); Univ. de Paris X, Nanterre, Fac. de Droit, France (2005); Univ. de Toulouse I, Fac. de Droit, France (2000); Univ. de Paris II Panthéon, Fac. de Droit, France (2000); Univ. of California at Berkeley (Robbins senior fellow) (1999); Univ. Autónoma de Barcelona, Spain (1996).

I have been invited for shorter periods to give special seminars and talks by many Universities, among which: Yale University (2006), University of Pennsylvania (2010), University of Saint Andrews, UK, Oxford University (All Souls College), University of Edinburgh (2013), University of Gent (Belgium) (2010 and 2015); University of Helsinki (2014), University of Taipei (2015), Ecole Normale Supérieure de Paris (2015), University of Chicago (2016), Columbia University (2017), University of California at Berkeley (2017), and some other Italian, German, Spanish and French universities.

I gave papers at international congresses in Italy, Germany, France, Spain, Switzerland, United Kingdom, USA, Finland, Denmark, Netherland, Belgium, Argentina.

Honours, Awards

2010 : Sarton Medal for the History of Science (University of Gent, Belgium);

1983 : Special Price of the University of Rome “La Sapienza” for the degree thesis.

Member of editorial boards: *Journal of Comparative Legal History* (2012-present); *Medieval law and its practice*, series Brill publisher (2011-present); *Rivista internazionale di diritto comune* (2005-present); *Forum Historiae Iuris* (2005-2016); *Studies in the History of Law and Justice*, Springer publisher (2012-present); *Mélanges de l'Ecole Française de Rome* (2002-2006); *Interferenze. Collana di diritto e cultura umanistica* (2009-present), *Rivista Critica di Diritto Privato* (2013-present); *Bullettino dell'Istituto Storico Italiano per il Medio Evo* (2015-present).

Member of: Italian Society of Legal History, French Society of Legal History.

Member of the Board of the Institute for Legal and Constitutional Research, University of St. Andrews, UK

Fundings: Main Research Projects as Main PI or Local PI, last 10 years

**PI; *Local PI.

2017-2022 ERC* : CLCLCL *Civil Law, Common Law, Customary Law: Consonance, Divergence and Transformation in Western Europe from the late eleventh to the thirteenth centuries* PI John Hudson (St Andrews). Senior Researcher Emanuele Conte (Roma Tre)

2013-2016 MARIE CURIE-ITN* : *PIMIC: Power and Institutions in Medieval Islam and Christendom* (<http://www.pimic-itn.eu/>) Total Project Budget € 3.320.918,48, from which € 261.529 administered under my responsibility

2009-2012 FIRB*: *MOSAICO. Piecing together a Mosaic: Describing, Digitizing and Using Medieval*

Legal Manuscripts (<http://mosaico.cirsfid.unibo.it/>). MIUR; Total Project Budget € 713.000 (circa), from which € 229.000 administered under my responsibility

2010-2012 PRIN*: *La giustizia tra dimensione locale e principi universali dal tardo medioevo all'età moderna*, on justice between local dimension and universal principles in the late Middle Ages. MIUR; Total Project Budget € 160.000 (circa), from which 65.000 administered under my responsibility

2007-2009 MARIE CURIE-EST*: Associate member of Marie Curie Early Stage Training programme, charged of the organization of the yearly Summer Schools of the European Doctorate at the Roma Tre University. EST; Total project Budget over € 2.000.000, from which € 192.000 administered under my responsibility

2007-2008 PRIN*: *Potestas publica ed esercizio della giustizia penale tra XIII e XIV secolo* on criminal justice in the 13th and 14th centuries. MIUR; Total Project Budget € 200.000 (circa), from which 60.000 administered under my responsibility

2004-2006 PRIN:** *"Enrico da Susa". Il diritto nella cultura e la cultura dei giuristi*, on medieval legal cultures; MIUR; Total Project Budget € 67.000, (circa), from which € 8.100 administered under my responsibility

2002-2004 PRIN*: *Bibliotheca Glossatorum Iuris Civilis et Canonici*. (<http://www.labinf-digips.unisi.it/glossatorum/>) on the digitalization of medieval legal manuscripts. MIUR. Total Project Budget € 90.000 (circa), administered under my responsibility

PhD Thesis supervision

Tutor of the following PhD theses: M. Nocelli (2006), *Numero chiuso dei diritti reali*, Univ. of Naples Federico II; S. Provvidente (2010), *Yan Huss et le conciliarisme médiéval*, Roma Tre Univ. and EHESS; Tzung-Mou Wu (2011), *La personne juridique*, Roma Tre Univ. and EHESS; W. Decock (2011), *Theologians and contract law*, Roma Tre Univ. and Univ. of Leuven; Pierre Thévenin, *Le Miroir des Faits*, Roma Tre and EHESS (2014); Flavia Mancini, *Usi civici e domini collettivi nella Stato della Chiesa in età moderna*, EHESS and Roma Tre (2018); Marta Cerrito, *Auctoritas Iudicialis ed autonomia privata. Aspetti della giustizia criminale nei Regna meridionali da Federico II ad Alfonso il Magnanimo (sec. XIII-XV)* Roma Tre (2018); Paolo Astorri, *The Influence of Protestant Theology on the Development of Modern Contract Theory*, K.U. Leuven (Astorri began under my supervision, but passed then under Wim Decock and I have been his co-supervisor) (2018)

Nocelli is now a Magistrate of the Italian Consiglio di Stato; **Wu** is now a member of the Academia Sinica, Taiwan; **Provvidente** is a researcher at CONICET (Argentina); **Decock** is Professor at Leuven University; **Thevenin** has been member of the Ecole Française de Rome and is now researcher in the CNRS in Paris, **Mancini** is legal advisor for an international firm in Zurich.

Other students of mine have passed their PhD under supervision of different colleagues, but they have kept working with me. Sara Menzinger (PhD in Medieval History, Turin) is now an associate professor at Roma Tre. Silvia Di Paolo (PhD in Legal History, Milan) is now a researcher in Roma Tre. Stefania Gialdrone (PhD in Legal History, Milan and Paris) after some post-doc in Germany, Italy and Finland, is now a researcher at Roma Tre.

Ongoing PhD: Jasmin Hauck (cotutèle Roma Tre and University of Eichstatt).

Publications (selection)

Books as Author

Accademie studentesche a Roma nel Cinquecento. De modis docendi et discendi in iure (Studi e fonti per la storia dell'Università di Roma, 4), Roma 1985

Tres Libri Codicis. La ricomparsa del testo e l'esegesi scolastica prima di Accursio (Ius commune Sonderhefte. Studien zur Europäischen Rechtsgeschichte, 46), Frankfurt am Main 1990.

<i>I maestri della Sapienza di Roma dal 1514 al 1787: i Rotuli ed altre fonti</i> , Roma 1991 (Fonti per la Storia d'Italia) 2 voll.
<i>Servi medievali. Dinamiche del diritto comune</i> (Ius Nostrum – Studi e testi pubblicati dall'Istituto di Storia del Diritto Italiano dell'Università di Roma La Sapienza, 21), Roma 1996
<i>Diritto comune. Storia e storiografia di un sistema dinamico</i> , Bologna, Il Mulino, 2009
E. Conte – S. Menzinger, <i>La Summa Trium Librorum di Rolando da Lucca (1195-1234). Fisco, politica, scientia iuris</i> , Roma 2012 (Ricerche dell'Istituto Storico Germanico di Roma, 8)
<i>La fuerza del texto. Casuística y categorías del derecho medieval</i> , Madrid, Universidad Carlos III, 2016

Books as Editor

<i>Iuris Historia. Liber amicorum Gero Dolezalek</i> , a cura di V. Colli ed E. Conte, Berkeley 2008
<i>Proceso judicial y prueba de la Antigüedad a la Modernidad Temprana</i> , a c. di E. Conte e M. Madero, Buenos Aires 2008
<i>Il diritto per la storia. Gli studi storico giuridici nella ricerca medievistica</i> , a c. di E. Conte e M. Miglio, Roma 2010
<i>Entre hecho y derecho: tener, poseer, usar en perspectiva histórica</i> , a c. di E. Conte e M. Madero, Buenos Aires 2010
<i>Casuística y ficción: homenaje a Yan Thomas</i> , a cura di E. Conte, M. Madero, A. Morin (= Glossae 11, 2014)
<i>A Cultural History of Law in the Middle Ages</i> , ed. Emanuele Conte and Laurent Mayali, London, Bloomsbury Academic, in print (foreseen for 2018)

Selection of articles

<i>Federico I Barbarossa e il diritto pubblico giustiniano</i> , in "Bullettino dell'Istituto Storico Italiano per il Medio Evo e Archivio Muratoriano", 95 (1990), 237-259.
<i>Il manoscritto 5 della Robbins Collection. Note descrittive</i> , in "Bulletin of Medieval Canon Law", 19 (1989 ma 1991), 51-55.
<i>La ribellione al sistema signorile nel Duecento italiano. Aspetti giuridici</i> , in <i>Ordnung und Aufruhr im Mittelalter</i> , hrsg. von M.T. Fögen (Ius Commune Sonderhefte, 70), Frankfurt am Main, 1995, 313-337
<i>Coloni e manentes tra servitù e libertà. Spunti canonistici</i> , in <i>Proceedings of the Ninth International Congress of Medieval Canon Law</i> (Monaco 1992), Città del Vaticano 1997, 591-637.
<i>Cose, persone, obbligazioni, consuetudini. Piccole osservazioni su grandi temi</i> in <i>Le sol et l'immeuble. Les formes dissociées de propriété immobilière dans les villes de France et d'Italie (XIIIe-XIXe siècle)</i> (Collection de l'Ecole Française de Rome, 206), Roma 1995, 27-39.
<i>L'utilisation de la législation Justinienne concernant le colonat aux XIIe et XIIIe siècles</i> , in <i>Aux sources de la gestion publique</i> , vol. III, <i>Hommes de pouvoir; ressources et lieux du pouvoir: Ve-XIIIe siècles</i> , a c. di E. Magnou-Nortier, Lille 1997, 129-142
<i>Passioni</i> , in <i>Rechtshistorisches Journal</i> , 17 (1998), 53-59.
<i>Vetustas. Prescrizione acquisitiva e possesso dei diritti nel Medioevo</i> , in E. Conte – V. Mannino – P.M. Vecchi, <i>Uso, tempo, possesso dei diritti. Una ricerca storica e di diritto positivo</i> , Torino (Giappichelli) 1999
<i>Comune proprietario o comune rappresentante? La titolarità dei beni collettivi tra dogmatica e storiografia</i> , in <i>Rivista di Diritto Agrario</i> , 78 (1999), 181-205
<i>Dai servi ai sudditi. La "realitas" dei contratti di status nel diritto comune</i> , in <i>Glosse, Summe, Kommentar</i> , Hg. von W.E. Voss, Osnabrück 2000, 37-54
<i>"De iure fisci". Il modello statutale giustiniano come programma dell'impero svevo</i>

<i>nell'opera di Rolando da Lucca (1191-1217)</i> in <i>Tijdschrift voor Rechtsgeschiedenis</i> , 69 (2001), 221-244
<i>La bolla Unam sanctam e i fondamenti del potere papale fra diritto e teologia</i> , in <i>Mél. de l'Ecole Française de Rome</i> , 113 (2001), 663-684
<i>Il diritto delle acque tra antico regime e codificazioni moderne</i> , in <i>Acqua agricoltura ambiente. Atti del Convegno Siena 24-25 novembre 2000</i> , Milano 2002, 11-32
<i>I diversi volti di un testo del XII secolo. La Summa di un giudice fra aule universitarie e tribunali</i> in <i>Juristische Buchproduktion im Mittelalter</i> , ed. V. Colli, Frankfurt am Main 2002, 351-366
<i>Droit Médiéval. Un débat historiographique italien</i> , in <i>Annales. Economie, Sciences Sociales</i> , 57 (2002), 1593-1613
<i>Storicità del diritto. Nuovo e vecchio nella storiografia giuridica attuale</i> , in <i>Storica</i> 22 (2002), 135-162
<i>Archeologia giuridica medievale. Spolia monumentali e reperti istituzionali nel XII secolo</i> , in <i>Rechtsgeschichte. Zeitschrift des Max-Planck-Institut für europäische Rechtsgeschichte</i> , 4 (2004), 118-136
<i>Eine Rezeption germanischen Rechts in Italien? Römisch-wissenschaftliches Recht und vulgarrechtliche Tradition in den italienischen Städten des 12. und 13. Jahrhunderts</i> in <i>Forum Historiae Iuris</i> (2004) http://www.forhistiur.de/zitat/0411conte.htm
<i>Diritto romano e fiscalità imperiale nel XII secolo</i> , in <i>Bullettino dell'Istituto Storico per il Medio Evo</i> , 106/2 (2004), 169-206
<i>Fiscalité et droit savant : les rapports de l'Empire et des villes italiennes dans la Somme de Roland de Lucques</i> , in <i>L'impôt dans les villes de l'Occident méditerranéen. XIIIe Xve siècle</i> , Paris (Comité pour l'histoire économique et financière de la France) 2005, 485-509
<i>Storia interna e storia esterna. Il diritto medievale da Francesco Calasso alla fine del XX secolo</i> , in <i>Rivista Internazionale di Diritto Comune</i> , 17 (2006 ma 2007), 299-322.
<i>Res Publica. Il modello antico, la politica e il diritto nel XII secolo</i> , in <i>Iuris Historia. Liber amicorum Gero Dolezalek</i> , ed. V. Colli and E. Conte, Berkeley 2008
Voce <i>Ernst Kantorowicz</i> , nel <i>Dictionnaire des auteurs et des grands œuvres juridiques</i> , ed. Dalloz, Paris, 2008.
<i>Roman law vs. customs in a changing society (Italy, 12th-13th centuries)</i> , in <i>Custom. The Development and Use of a Legal Concept in the High Middle Ages</i> , ed. P. Andersen e Mia Münster-Swendsen (Congresso Aarhus, Danimarca, 2008), Copenhagen 2009, 33-49
<i>Gewere, vestitura, spolium: un'ipotesi di interpretazione</i> , in <i>Der Einfluss der Kanonistik auf die europäische Rechtskultur, Bd. 1: Zivil- und Zivilprozessrecht</i> , ed. O. Condorelli, F. Roumy, M. Schmoeckel, Köln-Weimar-Wien 2009, 169-191
<i>I beni delle piae causae tra beneficenza e vincolo fiduciario</i> , in <i>Der Einfluss der Kanonistik auf die europäische Rechtskultur</i> , ed. O. Condorelli, F. Roumy, M. Schmoeckel, Bd. 2, Köln-Weimar-Wien 2011
Voce <i>Italienisches Recht</i> in <i>Handwörterbuch zur deutsche Rechtsgeschichte</i> , Bd. 2 (2011), anche on line: http://www.hrgdigital.de/id/italienisches_recht/stichwort.html
<i>Beni comuni e domini collettivi tra storia e diritto</i> , in <i>Oltre il pubblico e il privato. Per un diritto dei beni comuni</i> , a cura di M.R. Marella, Roma 2012, 43-59.
<i>Framing the Feudal Bond. A Chapter in the History of the Ius Commune in Medieval Europe</i> , in <i>Tijdschrift voor Rechtsgeschiedenis</i> 80 (2012), 481-495 (ed. anche in <i>Sartoniana</i> , 24 (2011), 87-107)
<i>Defensa: Resistance against Unjust Power in the Medieval Learned Law (12th-13th Centuries)</i> , in <i>Revoluten und politische Verbrechen zwischen dem 12. und 19.</i>

<i>Jahrhundert</i> , ed. A. De Benedictis e K. Harter, Frankfurt am Main 2013 (Studien zur europäischen Rechtsgeschichte, 285), 121-133
<i>Affectation, gestion, propriété. La construction des choses en droit médiéval</i> , in <i>Aux origines des cultures juridiques européennes. Yan Thomas entre droit et sciences sociales</i> , ed. Paolo Napoli, Rome (Ecole Française), 2013, 73-87
E. Conte – M. Ryan, <i>Codification in the Western Middle Ages</i> , in <i>Diverging Paths ? The Shapes of Power and Institutions in Medieval Christendom and Islam</i> , ed. J. Hudson e A. Rodriguez, Leiden, Brill 2014 75-97
<i>Il Digesto fuori dal Digesto</i> , in <i>Interpretare il Digesto. Storia e metodi</i> , a c. di A. Padoa Schioppa e D. Mantovani (Pavia, Iuss Press 2014)
<i>Ordo iudicii et regula iuris: Bulgarus et les origines de la culture juridique (XIIème siècle)</i> , in J. Chandelier et A. Robert (éds), <i>Frontières des savoirs en Italie à l'époque des premières universités (XIIIe-XVe s.)</i> , Rome, Ecole Française de Rome, 2015, 155-176.
<i>Consuetudine, Coutume, Gewohnheit and Ius Commune. An Introduction..</i> in <i>Rechtsgeschichte</i> 24 (2016), pp.234-243
<i>Corporation, Stiftung, Fondation: Un protagonista dell'economia attuale fra storia e dottrina</i> , in <i>Der Einfluss der Kanonistik auf die europäische Rechtskultur</i> , vol. 5, <i>Das Recht der Wirtschaft</i> , Köln 2016, pp. 61-72.
<i>Storia per giuristi. Le discipline storiche nella formazione e nella cultura dei giuristi fuori d'Italia</i> , in <i>Storia del diritto e identità disciplinari: tradizioni e prospettive</i> , a c. di Italo Birocchi e Massimo Brutti, Torino, Giappichelli, 2016, 226-241
<i>Summa aurea</i> , in <i>The Formation and Transmission of Western Legal Culture. 150 Books that Made the Law in the Age of Printing</i> , a c. di S. Dauchy et al., ISBN 978-3-319-45564-8 / ISSN 2198-9842, Springer 2016 (Studies in the History of Law and Justice, 7)
<i>Ius ecclesiasticum protestantium, usum hodiernum iuris canonici iuxta seriem Decretalium ostendens...</i> , in <i>The Formation and Transmission of Western Legal Culture. 150 Books that Made the Law in the Age of Printing</i> , a c. di S. Dauchy et al., ISBN 978-3-319-45564-8 / ISSN 2198-9842, Springer 2016 (Studies in the History of Law and Justice, 7)
<i>Berman et les révolutions du droit occidental</i> , in <i>Pour les sciences sociales. 101 livres</i> , a c. di C. Lemieux, Paris (EHESS) 2017, 272-274
<i>L'état au Moyen Âge, dans Formes et doctrines de l'État. Dialogue entre histoire du droit et théorie du droit</i> , éd. par Pierre Bonin, Pierre Brunet et Soazick Kerneis, Paris 2018, 123-136.