

call for papers

Modena and Europe: law, culture and science in the years of the Estense Code (two hundred and fifty years after its promulgation, 1771-2021)

Conference: Modena, April 28th – 30th 2021

On April 26th 1771 Francesco III promulgated the first volume of the *Codice di leggi e costituzioni per gli Stati di S.A.S.*, one of the most progressive collection of laws of 18th-century reformism. Conceived by two jurists with very different statures and careers, Bartolomeo Valdrighi and Giuseppe Gallafasi, the so-called Estense Code is undoubtedly one of the most advanced Italian “consolidations” (to use Marco Viora’s outdated term), after the Piedmontese one of 1723-29 and it can stand comparison with other European collections of laws (e.g. the Bavarian *Codices*). While preserving the vast heritage of *Ius Commune* as a last resort in the event of a regulatory gap, the 1771 Code is noticeable because the application of other types of laws has been reduced to its bare minimum. With the exception of Roman law, to be used as a “positive” law unfiltered by interpretations based on doctrine. A mechanism of authentic interpretation assigned to the Supreme Council of Justice completed this project of a strong centralization of law sources to the advantage of the sovereign’s authority.

The Code, as well as other reforming initiatives which took place in those years, was inspired by Ludovico Antonio Muratori and especially by his writings *I difetti della giurisprudenza* (1742) and *La pubblica felicità oggetto de’ buoni principi* (1748). In Modena Muratori had been able to converse with different key figures of the European cultural world of his century: Gottfried Wilhelm Leibniz, Johann Burchardt Mencke, Joseph de Bimard La Bastie, Gisbert Cuper, John Hudson, Eusebius Amort and Gregorio Mayans. They all belonged to an extremely vast movement that promoted reforms in historiography, humanities, philosophy and also a new religious sensibility, responsive to social suffering, hostile to empty ritual ostentations, culturally alert and tolerant.

During the years of his long reign (1737-1780) the Estense Duke Francesco III, whom Muratori tutored, was able to represent, with foresight but not without contradictions, a multifaceted reformism that involved other Italian and European sovereigns of the second half of the 18th century and a ruling class that showed new cultural and social traits. This up-and-coming elite’s education had taken place in universities the syllabuses and the *governance* of which were undergoing a renewal process in those very years, as it happened in Modena in 1772 thanks to Valdrighi’s writings. Following the traces of what had been done in Turin, Göttingen, Leipzig, Vienna and Parma he started working on the *Costituzioni per l’Università di Modena ed altri studi negli Stati di Sua Altezza Serenissima* that became one of the reforms most closely connected to the code that had been promulgated the year before. Not only because of its author, who was immediately placed at the head of the law faculty, but since it contained the openness of views and perspectives that Valdrighi had gained during his stay in Leipzig. Inspired by an intuition that Muratori had laid out in his *Pubblica felicità* the jurist from Garfagnana had lived in Germany from 1764 to 1766 to attend those courses of Public Law and Law of Nations that later on he would be the first to set up in Modena.

The renovation did not concern law and jurists alone. For example, the scholar and historian Agostino Paradisi who had already distinguished himself in 1767 for defending Italian culture from Alexandre Deleyre’s accusations of decadence and who was the dean of the philosophy faculty at the newly reformed Modena University, was given the professorship of Civil (or Political) Economics that had been established not long before: it was the third one, after those held by Antonio Genovesi in Naples (1754) and by Cesare Beccaria in Milan (1768), in the wake of Adam Smith’s *The wealth of nations* on one hand and of Joseph von Sonnenfels’ *Grundsätze der Polizei, Handlung und Finanzwissenschaft* on the other.

It must also be remembered that in 1772 the great Venetian doctor and surgeon Antonio Scarpa together with Croatian doctor and astronomer Ruggero Boscovich and French chemist and botanist Robert de Laugier were offered a professorship at Modena University. A few years later (1775) Antonio Scarpa supervised the construction of one the most suggestive and best preserved anatomical theatres carved in wood, alongside those in Bologna, Padua and Pavia.

As for the arts, even though Francesco III of Este’s name remains associated with the infamous Dresden sale of 1746, when about a hundred of the most beautiful pieces of the Estense collection and of 15th- and 16th-century Italian painting for that matter, were sold to Augustus III, Elector of Saxony and King of Poland, in the years immediately after the sale, Francesco and his son Ercole III were the driving force behind the progressive restoration of the Estense collection, as Gian Filiberto Pagani’s and Giuseppe Amici’s catalogues bear witness to.

This summary would not be complete without mentioning the many reforms carried out in those years under the influence of Muratori by men with a European cultural vision such as Salvatore Venturini and Ludovico Ricci. On one hand they took inspiration from France for literature and for the debate on Enlightenment, on the other they looked to Habsburg Austria for the policies to reduce aristocratic and ecclesiastic privileges. The most important ones were those regarding fideicommissum and ecclesiastical mortmain, that placed Francesco III’s and Ercole III’s reigns right at the heart of Italian and European jurisdictionalism.

On the basis of this overview, we invite scholars from different historical fields – law, institutions, politics, literature, philosophy, religious culture, higher education, art, science etc. – to submit the abstract of a possible paper for the 2021 Conference on one or more of the following research lines:

- **interpretation, sources and rule of law** in the Estense Code or in other Italian and European collections of laws related directly or indirectly to the 1771 Estense Code;
- **policies and reforms** in Duke Francesco III's and his ministers' action, as well as in that of the contemporary Italian and European rulers that pursued similar policies and reforms;
- **history and literature** both in Ludovico Antonio Muratori and in the Estense intellectuals of his and future times and also in other Italian and European authors that have something in common with the Estense cultural world of the 18th century;
- **church and religious culture** in the Estense Duchy of the second half of the 18th century and in those Italian and European areas that have something in common with the Estense world;
- **science and scientists** in Modena and in the Estense Duchy of the 18th century including Italian and European medical and naturalistic schools of thought (analyses of the doctrines and possible influences);
- **art and artists** in Modena and in the Estense Duchy of the 18th century including those artists who worked in other Italian and European areas and who came into contact directly or indirectly with the Estense Duchy;
- **Modena University and its professors** and their relations with other universities and other Italian or European professors of the second half of the 18th century.

Paper proposals can be sent at the following email address (modenaeuropa1771-2021@unimore.it) no later than September 30th 2020. The *abstracts* selected by the Scientific Committee will be published by December 15th 2020 and the authors will be invited to the Conference that will take place in Modena from April 28th to 30th 2021. The authors will also have to provide a written version of their papers to be published in the Conference Proceedings no later than December 31st 2021.

The Conference Scientific Committee:

Matteo Al Kalak, Carlo Altini, Berenice Cavarra, Elena Fumagalli, Michael Gasperoni, Elio Tavilla, Duccio Tongiorgi.