

Ius Commune Conference 2017

Workshop: Ius Commune in the Making: The Role of Local Laws in the History of Private Law

Thursday, 23 November (14.00 - 18.00)

Building: Aristo Utrecht

Room: 304

Participants

Theme Ius Commune in the Making: The Role of Local Laws in the History of Private Law

Organisers: J.H. Dondorp, J.M. Milo, J.W. Oosterhuis, A. Parise

Background: The workshops on 'Comparative Legal History - Ius Commune in the Making' aim to reveal and understand the nature and effects of various legal formants in the development of law. Indeed, forces of legal formants are too often lost or hidden beneath a superficiality of commonalities. In the past we have explored roles of legal actors (Edinburgh 2014) as well as legal sources (Maastricht 2016) in the making of law. The coming workshop at the Utrecht Ius Commune Conference (2017) aims to bring forward the force of local laws. This topic is of specific relevance in our contemporary resurgence of local, regional, and national particularities.

Over the largest stretch of time, local laws of different communities (written or unwritten) have played an important role. These local laws have been the subject of harmonization attempts over time; local laws have played an important role in practice of law; local laws have also fueled scholarly Ius commune or national codified laws; local laws have been as such the subject of scholarly research, in law as well as other disciplines (i.a. history, language). Invariably these issues are linked to the acceptance of diversity in law as well as in society. This workshop seeks to trace forces of local laws in the fabric of constructions of common laws.

Chair: Agustin Parise (Maastricht University)

14.00 - 14.10 **Michael Milo** (Utrecht University)
Local laws in shaping private law - An introduction

14.10 - 14.30 **Tim van Polanen** (Leiden University)
Slavery and freedom in Amsterdam - On custom and Roman-Dutch law

14.30 - 14.00 **Discussion**

14.40 - 15.00 **David Magalhães** (University of Coimbra)
The dichotomy ius commune-iura propria and the role of local laws in shaping European Private law history: the rule emptio non tollit locatum

15.00 - 15.10 **Discussion**

- 15.10 – 15.30 **Stephan Dusil** (KU Leuven)
Eduard Maurits Meijers and the „Ligurian Inheritance Law“. The quest for the roots of private law
- 15.30 – 15.40 **Discussion**
- 15.40 – 16.00 **Coffee/tea**
- Chair:** **Pim Oosterhuis** (Maastricht University)
- 16.00 – 16.20 **Harry Dondorp** (VU)
The compensation for killed and wounded animals in Saxony in early modern times
- 16.20 – 16.30 **Discussion**
- 16.30 – 16.50 **Agustin Parise** (Maastricht University)
The consolidation of a corpus iuris indiarum and the emergence of local legal science in Spanish America (17th Century)
- 16.50 – 17.00 **Discussion**
- 17.00 – 17.20 **Dmitry Poldnykov** (University of Moskva)
From regional codifications to the Draft Civil Code of 1905: the role of legal periphery in the late Russian empire
- 17.20 – 17.30 **Discussion**
- 17.30 – 18.00 **Concluding remarks**