

Ius Commune Conference 2019

Workshop: Ius Commune in the Making Networks in the History of Private Law

Thursday, 28 November (14.00 - 18.00)

Building:

Room:

Participants

Theme: Networks in the History of Private Law

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 the role of legal actors (Edinburgh 2014), legal sources (Maastricht 2016), force of local laws (Utrecht 2017) and methods and dynamics of law (Amsterdam 2018).

The current Workshop aims now to explore our contemporary emerging concept of 'networks' in a comparative-historical perspective. These networks shape and challenge boundaries of traditional legal categories (e.g., persons, things, contracts, torts, actions) as semi-autonomous social fields (Sally Falk Moore 1973), and thus have always grown and waned, and have had an impact on law and society. Networks are a form of social arrangement, and grow and nurture in that *sfumato* and agonal human environment—these days even electronically. History shows that at all times these social arrangements have taken shape; actors tend to group themselves in clusters to survive, attain synergy, to strengthen their positions to serve common interests.

Networks have different origins, objectives, and attain different effects. Some networks interact for a common goal, while others act in isolation. Networks can have a temporary presence or even attain a more permanent and even formal place in society, contributing to its resilience or decline. In legal terms: they may have influence in, on the one hand, persons reaching consensus and (legally) acting in the private life (e.g., persons, things, obligations, torts, actions) or, on the other hand, the public life (e.g., legislation, administration, judicial decisions). Networks—or social arrangements—may be found all over.

Different time-periods in the order of law, including Roman law, the learned *ius commune*, nineteenth-century codification, and the more recent efforts towards a European private law harmonization will offer us insights on the role of networks. Law in the making can be better explained by a look into the role of networks at different times and places.

Organisers: Harry Dondorp, Wouter Druwé, Michael Milo, Pim Oosterhuis, and Agustín Parise

14.00 – 14.10 **Wouter Druwé** (KU Leuven)
Introductory Remarks

Panel 1: Academics

Chair: Michael Milo (Utrecht University)

14.10 – 14.25 **David Magalhães** (University of Coimbra)
Far-Reaching Connections arising from 'Universitas Magistrorum et Scholarium'. The Example of Peter the Chanter, Innocent III, and the End of Ordeals

14.25 – 14.40 **Jan Biemans** (Utrecht University)
The Development of Private Law Theory in the United States and the Netherlands and their Interrelations. On Roscoe Pound, Oliver Wendell Holmes jr. and Paul Scholten

14.40 – 14.55 **Agustín Parise** (Maastricht University)
The Committee on Legal History of the Association of American Law Schools and a Transatlantic Endeavor to Develop Comparative Legal History (1905-1928)

14.55 – 15.15 **Plenary Discussion**

15.15 – 15.30 **Coffee / Tea**

Panel 2: Judges and Merchants

Chair: Agustín Parise (Maastricht University)

15.30 – 15.45 **Willem Theus** (KU Leuven)
Consular Courts

15.45 – 16.00 **Johannes W. Flume** (Free University of Berlin)
A Spatial History of Exchanges or Bourses: On the Rise and Fall of an Iconic Place of Capitalism

16.15 – 16.35 **Plenary Discussion**

16.35 – 16.45 **Coffee / Tea**

Panel 3: Change

Chair: Harry Dondorp (VU)

16.45 – 17.00 **Pim Oosterhuis** (Maastricht University)
The New 19th Century Dutch Codes' Greatest Protagonist: Abraham de Pinto's Lifelong Plea for the New Codes within the Dutch Legal Community

17.00 – 17.15 **Anna Klimaszewska** (University of Gdańsk)
Debtors and Creditors – The Grey Zone of Practice in Meeting Obligations in the Polish Territories in the First Decades of the Nineteenth Century

17.15 – 17.30 **Laura Macgregor** (University of Edinburgh)
Partnerships and Attributes of Legal Personality

17.30 – 17.45 **Plenary Discussion**

17.50 – 18.00 **Pim Oosterhuis** (Maastricht University)
Concluding Remarks