

# Workshop Comparative Legal History

## Ius Commune Conference 2014

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Thursday, 27 November (14.00 – 18.00)

Building: St Leonard's Hall

Room: Nelson

### Participants

**Theme** Ius Commune in the Making: The Role of Legal Actors in the History of Private Law

**Background:** Law is a social science subject to changes, while main actors of those changes can be often identified. Jan Smits argues that private law has been shaped by the activity of different legal actors, being these scholars, judges, practitioners, law makers, or citizens. This corresponds with the statement by Nils Jansen, who indicates that “the applicability and thus the validity and authority of legal texts have always been determined from within a legal system, by the participants to the legal discourses.” That reality still prevails in the European legal context. The workshop aims to explore the role of legal actors in the instrumentation of changes in private law. Perspectives will be extracted from different time periods, including Roman law, Ius commune, nineteenth-century codification, and the more recent efforts towards an European private law harmonization.

**Organizers:** The event is jointly organized by Harry Dondorp ([j.h.dondorp@vu.nl](mailto:j.h.dondorp@vu.nl)); Agustin Parise ([agustin.parise@maastrichtuniversity.nl](mailto:agustin.parise@maastrichtuniversity.nl)); and Pim Oosterhuis ([janwillem.oosterhuis@maastrichtuniversity.nl](mailto:janwillem.oosterhuis@maastrichtuniversity.nl))

14.00 – 14.05 **Welcome and Introductions**

14.05 – 14.35 **Keynote Address**  
**John Cairns** (University of Edinburgh)  
*The creativity of legal actors: Erecting a law of slavery*

**Part I** **Scholars and Popes**

**Chair** **Jan Smits** (Maastricht University)

14.35 – 15.00 **Harry Dondorp** (VU University Amsterdam)  
*Redress for killing and wounding: Roman, canon and Lombardic law*

15.00 – 15.25 **Jan Hallebeek** (VU University Amsterdam)  
*How a Dutch pope shaped the debate on extinctive prescription*

- 15.25 – 15.50 **Guus van Nifterik** (University of Amsterdam)  
*Property beyond princely Authority. A rule of law reading of Huber's fundamental law on the freedom of property*
- 15.50 – 16.10 Coffee Break
- Part II** **Citizens, Judges and Legislators**
- Chair:** **Hector MacQueen** (University of Edinburgh)
- 16.10 – 16.35 **Bram van Hofstraeten** (Maastricht University)  
*Legal actors and Antwerp commercial law (ca. 1600)*
- 16.35 – 17.00 **Pim Oosterhuis** (Maastricht University)  
*Unexpected circumstances arising from World War I and its aftermath: The role of judges and legislators in the creation of 'open' versus 'closed' legal systems*
- 17.00 – 17.25 **Agustin Parise** (Maastricht University)  
*On reforms, debates, and institutes: Implementing changes in the private law of the US State of Louisiana (1900-1950)*
- 17.25 – 18.00 Discussion and concluding remarks