

# Ius Commune Conference 2018

## Workshop: Ius Commune in the Making Changing Methods and the Dynamics of Law in the History of Private Law

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Friday, 30 November (14.00 - 16.00)

Building: Aristo Amsterdam

Room:

Participants

Theme: **Changing Methods and the Dynamics of Law 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), and of the force of local laws (Utrecht 2017).

The current Workshop aims now to explore how actors in the past and researchers in the present deal with common law in the making. The Workshop will therefore look at the shifts in methodologies and in the dynamics of law. This looks like a highly fruitful domain of research. History by its nature provides us with the time perspective needed to extract the changes in law, as well as the arguments leading to this change. History is a living laboratory – a society and its legal formants *in vitro*. Different time periods, 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 in the interplay between law, society, and the methodologies used. The question is whether and to what extent and in which way these different methodologies contributed in the statics and dynamics of law. Thereby, help to contextualize and better understand not only law for specific societies in a specific time and space, but also to understand the diversities in our quest for normative certainty and change in a world, which we have but in common.

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

### Panel 3

Chair: **Pim Oosterhuis** (Maastricht University)

14.00 – 14.20 **Emese von Bóné** (Erasmus University Rotterdam.)  
*The French Civil Code (1804) compared with the Dutch Civil Code (1838): A Comparison between the Marriage Legislation in the French Civil Code and the Dutch Civil Code*

14.20 – 14.30 **Discussion**

- 14.30 – 14.50 **Anna Klimaszewska** (University of Gdańsk)  
*Harmonisation of Civil Procedure – Polish Legal Experiment from the First Half of the 19th Century*
- 14.50 – 15.00 **Discussion**
- 15.00 – 15.20 **Obiora Ezike** (University of Glasgow)  
*The Functional Method and Financial Collateral Directive: ‘By Way of Security’ as System-Neutral?*
- 15.20 – 15.30 **Discussion**
- 15.30 – 16.00 **Concluding Plenary Discussion**