

# COMMON LAWS

## XXth Annual Forum of Young Legal Historians

Cambridge, 2–5 April 2014

### Programme

#### Wednesday 2 April

- 15:30 onwards      **Arrival and registration** – Selwyn College, Chadwick Room
- 17:30 – 18:00      **Welcome and official opening** – Law Faculty, LG19
- 18:00 – 19:00      **Keynote address** – Professor David Ibbetson (University of Cambridge)
- 19:00 onwards      **Drinks reception and buffet dinner** – Selwyn College, New SCR



UNIVERSITY OF  
CAMBRIDGE

Faculty of Law

# COMMON LAWS

**Thursday 3 April**

Until 9:30

**Breakfast** (for those staying in college) – Selwyn College, Hall

9:30 – 10:45

**First morning session** – Law Faculty

<b>Panel 1</b> – G24 <b><i>Ius commune</i></b>	<b>Panel 2</b> – B16 <b>Private law in England</b>
<b>Jasmin Hepburn</b> , ‘Nicolas Bohier and the meaning of the term <i>ius commune</i> in sixteenth-century France’	<b>Andreas Televantos</b> , ‘“Commercial Equity”: equitable accounting, funds, and the common law in the long eighteenth century’
<b>Bettine Jankowski</b> , ‘The role of <i>ius commune</i> in Leibniz’s early work’	<b>David Foster</b> , ‘Civilian influences at the contract-trust boundary’
<b>Belinda Rodriguez Arrocha</b> , ‘The <i>mos italicus</i> and the Castillo’s work’	<b>Hannah Glover</b> , ‘Land, charity and family: mortmain laws in eighteenth-century England’

10:45 – 11:15

**Coffee** – Law Faculty

11:15 – 12:30

**Second morning session** – Law Faculty

<b>Panel 3</b> – G24 <b>Roman law</b>	<b>Panel 4</b> – B16 <b>Family law</b>
<b>Andreas Schilling</b> , ‘Interpreting wills: the <i>Causa Curiana</i> of 93 B.C. and the jurisdiction in nineteenth- and twentieth-century Germany and Britain’	<b>Piotr Pomianowski</b> , ‘The Napoleonic Code in Poland: problems of the reception of family law’
<b>Marzena Wojtczak</b> , ‘Precedents in the court and arbitration proceedings of Roman and Byzantine Egypt’	<b>Szymon Paciorkowski</b> , ‘Adultery as an impediment to civil marriage in the former Prussian Partition in the Second Polish Republic, 1918-1939’
<b>Marten Reijntjes</b> , ‘Roots of a common rarity: on judicial liability in Roman law’	<b>Šejla Maslo Čerkić</b> , ‘How Shari’a was “Europeanised”: on some efforts of the supreme Shari’a court in Sarajevo to modernise Shari’a rules in Bosnia between the two world wars’

12:30 – 14:00

**Lunch** – law faculty

# COMMON LAWS

14:00 – 15:15

**First afternoon session** – Law Faculty

<b>Panel 5 – G24</b> <b>Mediaeval England and beyond</b>	<b>Panel 6 – B16</b> <b>Law and war</b>	<b>Panel 7 – LG19</b> <b>Ancien régime France</b>
<b>Jacob Currie</b> , ‘Leases in fourteenth-century England’	<b>Jan Jerzy Sowa</b> , ‘Polish-Lithuanian military law in the seventeenth century: case law or statutory law?; between theory and practice’	<b>Cyrielle Chamot</b> , ‘Stealing criminals' corpses for dissection purposes: a case-law issue’
<b>Joe Sampson</b> , ‘ <i>Restitutio</i> in the <i>Summa Theologiae</i> ’	<b>Ramon Pils</b> , ‘Common laws in times of war: the Anglo-Austrian legal frameworks for (not) trading with the enemy, 1914-19’	<b>Iris Lellouche</b> , ‘Exile of the Protestants in the late seventeenth century: recantation rather than repression by the judges’
<b>James Lawson</b> , ‘A common law of inheritance: <i>mort d’ancestor</i> and the learned laws’	<b>Inge Van Hulle</b> , ‘Rebels fighting for a common cause?: Syria, international law and the history of the UK Foreign Enlistment Act’	<b>Thomas Outin</b> , ‘Jurisprudence financière du Conseil du Roi et institutions du droit dans les dernières décennies de l’Ancien Régime’

15:15 – 15:45

**Coffee** – Law Faculty

15:45 – 17:00

**Second afternoon session** – Law Faculty

<b>Panel 8 – G24</b> <b>Contested common laws: England</b>	<b>Panel 9 – B16</b> <b>Contested common laws: Europe</b>
<b>David Harbecke</b> , ‘Uncertainty’s progressive dimension: Chancery’s challenge to the common law’	<b>Jean Charriaud</b> , ‘Edouard Laboulaye, historien de droit, père de la statute de la liberté, constitutionnaliste et homme politique français de dix-neuvième siècle: un regard tourné vers le monde anglo-saxon’
<b>Moira Gillis</b> , ‘The common law legacy of Sir Edward Coke's corporation’	<b>Marianne Vasara-Aaltonen</b> , ‘The end of common legal learning?: eighteenth-century changes in the foreign studies of Swedish lawyers’
<b>Constantin Willems</b> , ‘Common laws and commonplaces: Latin legal maxims as intermediaries between continental and English law’	<b>Dmitry Poldnikov</b> , ‘Transplanting the western legal tradition: the “big bang” of Russian civil law in the mid-nineteenth century’

# COMMON LAWS

- 17:00 – 18:30      **Tour of Cambridge**
- 18:30 – 19:15      **Drinks reception and address** – Magdalene College, Benson Hall
- 19:15 onwards      **Dinner** – Magdalene College, Hall  
Guest of Honour, Lord Sumption (Justice of the Supreme Court)

# COMMON LAWS

**Friday 4 April**

Until 9:30

**Breakfast** (for those staying in college) – Selwyn College

9:30 – 10:45

**First morning session** – Law Faculty

<b>Panel 10 – G24</b> <b>Mediaeval Europe</b>	<b>Panel 11 – B16</b> <b>Law and the rule of law after 1945</b>
<b>Emanuel Van Dongen</b> , ‘Commonalities concerning contributory negligence in medieval <i>ius commune</i> and common law?: two legal traditions compared’	<b>Benjamin Lahusen</b> , ‘What do we study when we study a case?: some remarks on the relationship between law and society’
<b>Sandro Wiggerich</b> , ‘Demons, popes, and canon law: a manuscript drawing in the library of Trinity College, Cambridge’	<b>Omer Aloni</b> , ‘For there is peace in the village: reflections of orientalist perspectives in early Israeli law’
<b>Benoît Alix</b> , ‘L’implantation de maisons religieuses en France et au Royaume-Uni: entre présence épiscopale et étatique (XIIe -XXIe siècle)’	<b>Jaroslav Kuisz</b> , ‘Totalitarian “common law”?: legal strategies against political dissidents in the Soviet Bloc countries’

10:45 – 11:15

**Coffee** – Law Faculty

11:15 – 12:30

**Second morning session** – Law Faculty

<b>Panel 12 – G24</b> <b>Early modern common laws</b>	<b>Panel 13 – B16</b> <b>Judgement and judging</b>
<b>Jamie Ellis</b> , ‘And it pertains to knights to know the laws of war’: Alonso de Cartagena and a jurist's view of knighthood’	<b>Chloe Kennedy</b> , ‘Common law and the Scottish moral tradition’
<b>Agustin Parise</b> , ‘Ownership during the Hispanic colonial period (fifteenth to seventeenth centuries): a common <i>ius</i> for American civil law jurisdictions’	<b>Katharina Schmidt</b> , ‘Beyond necessary connections: the common law tradition and anti-formalist jurisprudence’
<b>Maciej Mikula</b> , ‘Precedents of the royal court for cities in the Kingdom of Poland (fourteenth to sixteenth centuries)’	<b>Maarten Vankersbilck</b> , ‘Belgian judicial law of the nineteenth and twentieth centuries’

12:30 – 14:00

**Lunch** – law faculty

# COMMON LAWS

14:00 – 15:15

**First afternoon session** – Law Faculty

<b>Panel 14 – G24</b> <b>Mediaeval Europe</b>	<b>Panel 15 – B16</b> <b>Nineteenth-century Europe</b>	<b>Panel 16 – LG19</b> <b>International law: public and private</b>
<b>Frasier McNair</b> , ‘Community and authority: uses of the <i>Lex Visigothorum</i> in late Carolingian Catalan legal cases’	<b>Elena Cooper</b> , ‘How art was different: painters, collectors and copyright, 1850-1862’	<b>Frederik Dhondt</b> , ‘Making sense of failure: the Congress of Cambrai and the authority of international legal discourse’
<b>Merike Ristikivi</b> , ‘ <i>Antique Leges Scanie: ius commune</i> and <i>ius proprium</i> in nordic medieval law’	<b>Anat Rosenberg</b> , ‘Domestic consumption in turmoil’	<b>Raymond Kubben</b> , ‘Indecent rulers, conditional sovereignty: Justifying intervention and the “common law of mankind.”’
<b>Katherine Elspeth Anderson</b> , ‘The integration of udal and feudal in Orkney and Shetland’	<b>Bruno Debaenst</b> , ‘The common cradle of the European welfare states: the international conferences on workplace accidents and social insurances, 1889-1914’	<b>Elisabetta Fiocchi Malaspina</b> , ‘Augusto Pierantoni at the Italian Parliament: his instances for the codification of international private law’

15:15 – 15:45

**Coffee** – Law Faculty

15:45 – 17:00

**Second afternoon session** – Law Faculty

<b>Panel 17 – G24</b> <b>Legal overlap: private law and criminal law</b>	<b>Panel 18 – B16</b> <b>Law, territory, sovereignty</b>
<b>Matthew Dyson</b> , ‘Common or collateral? English co-ordination of tort and crime’	<b>Verena Steller</b> , ‘Law and empire: the “rule of law “ in British India?’
<b>Mathilde Groppo</b> , ‘Defamation: tort, crime, or both?’	<b>László Komáromi</b> , ‘The principle of self-determination and the question of territorial plebiscites in the course of the Hungarian peace negotiations after the First World War’
<b>Jan Hövermann</b> , ‘Electricity and the law: challenges to the methodology of criminal and private law in Imperial Germany, 1887-1914’	<b>Nicolas Aubert</b> , ‘The early practice and changing nature of the referendum on territorial-related sovereignty issues, 1791-1914’

# COMMON LAWS

18:30 – 19:15

**Drinks reception and address** – Selwyn College, New SCR

19:15 onwards

**Dinner** – Selwyn College, Hall

Guest of Honour, Professor Mark Godfrey (University of Glasgow)

Supported by the Journal of Legal History

# COMMON LAWS

**Saturday 5 April**

Until 9:30

**Breakfast** (for those staying in college) – Selwyn College

9:30 – 10:45

**First morning session** – Law Faculty

<b>Panel 19</b> – G24 <b>Common laws: three islands</b>	<b>Panel 20</b> – B16 <b>Common laws: comparative law 1</b>
<b>Francesco Di Chiara</b> , ‘The collection of <i>decisiones</i> of the Sicilian kingdom in the early modern period: research on the <i>ius commune</i> ’	<b>Adrien Wyssbrod</b> , ‘Coutume et common law face à la codification: essai de comparaison’
<b>Matthias Castelein</b> , ‘The isle of Corsica in European legal history: splendid isolation from the <i>ius commune</i> ?’	<b>Valerio Massimo Minale</b> , ‘Roman law and common law according to the teaching of Giovanni Pugliese: back to the future’
<b>Shavana Musa</b> , ‘Commonality at sea in seventeenth-century Europe: the story of the English prize court’	<b>Floriane Ribeiro</b> , ‘Going beyond the French concept of cause and the common law doctrine of consideration: is Roman law helpful today?’

10:45 – 11:15

**Coffee** – Law Faculty

11:15 – 12:30

**Second morning session** – Law Faculty

<b>Panel 21</b> – G24 <b>Common laws: contract</b>	<b>Panel 22</b> – B16 <b>Common laws: comparative law 2</b>
<b>Stephen James Bogle</b> , ‘The emergence of a will theory of contract in Scots law: the contribution of seventeenth century case law’	<b>Sarah Bakkali</b> , ‘Canonical roots of the common law tradition of the testamentary executor’
<b>Audrey Dauchy</b> , ‘La division du contrat de louage chez glossateurs’	<b>Gergely Deli</b> , ‘The rationale of conditional fee agreements in Roman and English common law: a historical comparison’
<b>Niels De Bruijn</b> , ‘Natural law on the liability for professional sellers’	<b>Rachel Guillas</b> , ‘The influence of roman and canon law on the <i>mens rea</i> concept in common law’

12:30 – 14:00

**Lunch**

14:00 – 15:00

**Annual meeting of the Association of Young Legal Historians** – Selwyn College, Chadwick Room

15:00 onwards

**Punting**