Honourable rectors, distinguished guests, dear colleagues,

It is my pleasure to introduce this conference on behalf of the scientific committee, which is composed of the colleagues Martyn (Ghent), Truffin (ULB), Bousmar (USL), De ruysscher (VUB) and myself.

The conference theme “Identity, Citizenship and Legal History” illustrates the changes in legal historical scholarship as a whole over the past fifteen years.

First, impressive syntheses of global history, such as Christopher Bayly's *The Birth of the Modern World*¹ or Jürgen Osterhammel's *The Transformation of the World (Die Verwandlung der Welt)*² suggest mutual benefits for legal historians of an in-depth comparison of European norms and institutions of the past with mechanisms in other cultural contexts.³ Studying the legal culture of extra-European civilisations renders us more conscious of different forms of normativity (cf. Duve), and incites us to take a new look at Europe’s premodern past⁴ or at its essential defining characteristics.⁵

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Secondly, Imperial legal histories have demonstrated that the isolated study of dogmatic texts and formal institutional discourse ought to be complemented with the construction of norms and institutions “from below”, embedded in their social context, based on archival sources. “Vernacular” legal discourse, to paraphrase Lauren Benton, can be our key to understand how rules and institutions are experienced by the relevant groups within society.\(^6\) Minorities previously written out of the master narrative, gradually become more visible in historical scholarship.

Finally, critical legal studies have encouraged legal historians to study law as a discourse accompanying the exercise of power or domination. Hence the idea of Martti Koskenniemi to study the history of international law as a process of legal imagination, producing the intellectual divides of private and public, of economics and politics.\(^7\) The recent *Histoire Populaire de la France* by Gérard Noiriel, echoing Howard Zinn’s *A People’s History of the United States*,\(^8\) illustrates this tendency in general historiography. Power, in the words of Gérard Noiriel, is not “*un jugement de valeur*”, but a set of relations of interdependence, engendering either domination or solidarity, in continuous and reciprocal influence between groups.\(^9\)


\(^9\) Noiriel, 9.
The conference theme does not solely appeal to classical studies of urban society and politics, but more generally to the factors that co-construct belonging to a legal order. Public law, defining state authority and legitimacy through procedures, institutions and political theory, is only a first step. Private law is the instrument *par excellence* to organize society according to ideological preferences. Institutions as property and marriage should be analysed through legal doctrine and practice, but should also be seen as the expression of political, ideological and moral values. “Legal politics” (Benton) encompasses more than the mere selection mechanisms of an elite.

Legal history is the intellectual forum to test broad and general hypotheses on human behavior, as called for by David Armitage and Jo Guldi in *The History Manifesto* (2014). The rigor of legal reasoning comes to the surface when rich court records, diplomatic correspondence, parliamentary debates, pamphlets or newspapers are read through a jurist’s eye, unearthing traces of a centuries-old tradition of scientific study of the law, essential to the training of political, economic and ecclesiastical elites. The ‘field of action’ of law, as Tamar Herzog calls it, requires an in-depth knowledge of so-called ‘traditional’ legal history, even if the methodological and theoretical divide

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13 Benton 2019, 11.
between internal and external legal history cannot anymore encompass all scholarship.\textsuperscript{16}

The \textbf{mutual influence} of regional, national and European legal traditions, leads comparatists or contemporary lawyers to legal historical scholarship.\textsuperscript{17} The three evolutions mentioned above reinforce this tendency. Recently, Thomas Duve and Heikki Pihlajamäki contributed to a section in the \textit{American Journal of Comparative Law}, evoking the idea of a merger of the disciplines of legal history and comparative law.\textsuperscript{18}

Our co-organiser, the committee for legal history of the Royal Flemish Academy of Belgium for the Arts and Sciences, symbolizes the crucial role of legal history as a \textbf{space of interdisciplinary encounter}. The committee is open to all holders of a doctoral degree in law, criminology, history or other social sciences connected to the study of law in the past, either member of the Academy or not. Its tradition of annual meetings, conferences and publications in the peer reviewed series \textit{luris Scripta Historica} illustrate that vital function. The committee has been presided over for decades by the late Baron Van Caenegem, a towering authority for contextual legal history in the Western world.\textsuperscript{19} In April, leading legal historian Jean-Louis Halpérin (Ecole normale supérieure) addressed the committee for a special lecture on the idea of a sociology of jurists, as a sign of the increasing methodological transfers between social

\textsuperscript{17} Thomas DUVE, « German Legal History: National Traditions and Transnational Perspectives », \textit{Rechtsgeschichte}, XXII, 2014, p. 16-48, ici p. 27.
history and legal history. Most importantly, Professor Halpérin insisted on a ‘pluralisme méthodologique’: there is no such thing as a unique ‘voie royale’ in such a diverse and powerfully inspiring domain as ours.

It is our privilege and pleasure to add three major names to this list of activities at today’s opening ceremony, as an introduction to the next generations of legal historians.

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