Giuristi romani e storiografia moderna.
Dalla Palingenesia iuris civilis al progetto Sciptores iuris Romani

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Why has the History of European Legal Thought not yet been written?

> The history of European law is "a floral garden with a multitude of flowers and fruits. Many of them are still immature, but many others have already wilted. The gardeners do not simply have few staff, they are equally incapable of knowing what the garden will resemble."[1]

This title, in the form of a homage to Frederic Maitland[2], allows us to doff our cap to jurists and to historians of Common Law in order to pose questions on the existence of a European history of European legal thought[3]. Behind this repetition of the European adjective hides a possibly existential question which is nothing more than a nationalisation of the history of law, in general, and of the history of legal thought[4], in particular. If there is no question of ignoring the works that have already been published on the subject[5] and if one must not minimise what has been

[1] Michael Stolleis, « Histoire du droit européenne, toujours à l'état de projet ? », *Clio & Themis*, n° 1, 2009.

[2] Frederic William Maitland, *Why the history of English Law is not written ? An inaugural lecture delivered in the arts school at Cambridge on 13th. October, 1888*, London, Clay & Sons, Cambridge university press Warehouse, 1888. See further, cf. John Hamilton Baker, « Why The History of English Law Has not Been Finished », *Cambridge Law Journal*, March 2000, p. 62-84.

[3] In homage, cf. André-Jean Arnaud, *Pour une pensée juridique européenne*, Paris, PUF, 1991.

[4] We retain provisionally that the history of judicial thought is the history of representations that relate to law and means by which these can be expressed, specifically amongst jurists. Paolo Grossi retains the following definition : « Expression spécifique de la culture occidentale, impliquant l'existence d'une dimension juridique spécifique, l'enracinement profond d'un droit lié aux valeurs essentielles d'une société, objet d'une connaissance non pas seulement technique et scientifique, mais de ce plus haut degré de compréhension que les philosophes appellent pensée, d'une pensée cependant ancrée au cœur de l'action humaine » (« Pensée juridique », in *Dictionnaire encyclopédique de théorie et de sociologie du droit*, dir. A-J. Arnaud, 2ème éd., Paris, PUF, 1993, p. 426). We note that terminological and linguistic difficulties present themselves to us as European historians, while what we call here 'history of legal thinking' is called elsewhere 'history of jurisprudence', 'history of law', 'history of legal doctrine' or 'history of legal ideas'. This offers a source of confusion and this question merits discussion and, possibly, a epistemological convergence.

[5] Cf. Franz Wieacker, *Privatrechtsgeschichte der Neuzeit*, Göttingen, Vandenhoeck & Ruprecht, 2e éd., 1967 (in English : *History of private law in Europe*, Oxford, Clarendon Press, 1996) ; Paolo Grossi, *Assolutismo giuridico e diritto privato*, Milano, Giuffrè, 1998 ; equally, *L'Europe du droit*, Paris, Seuil, 2011 ; Jean-Louis Halpérin, *Histoire des droits en Europe de 1750 à nos jours*, Paris, Flammarion, 2004. *Add.* Riccardo Orestano, *Introduzione allo studio del diritto romano*, Bologna, Il Mulino, 1987 ; Antonio Padoa Schioppa, *Storia del diritto in Europa. Dal medioevo all'età contemporanea*, Bologna, Il Mulino, 2007 ; Pierre Legendre, *L'Amour du censeur. Essai sur l'ordre dogmatique*, Paris, Seuil, 1974 ; *Leçons VII. Le Désir politique de Dieu. Étude sur les montages de l'État et du droit*, Paris, Fayard, 1988 or *Sur la question dogmatique en Occident*, Paris, Fayard, 2006 and, in a more limited context, Jean-Louis Mestre, « Des recherches sur l'histoire de la science du droit administratif en Europe », *Annuaire d'histoire administrative européenne*, 1996, p. 37-53. For a stimulating synthesis, cf. Michael Stolleis, « Histoire du droit européenne… », *op. cit.* et *loc. cit.* Cf. also n° 1 (2009), n° 2 (2009) and n° 5 (2012) de *Clio & Themis* as well as the n° 104 of the *Biblioteca per la storia del pensiero giuridico moderno*, *Storia e diritto. Esperienze a confronto*, Bernardo Sordi (dir.), 2013.

brought by the comparatist approach[6], the fact remains that these are exceptions in the landscape of contemporary research in the history of law. Languages, habits, laziness and utilitarianism of research are, without doubt, the major causes. However, other things seem to us to be at work. The programme *Sciptores iuris Romani*, led by Aldo Schiavone, offers a unique opportunity to ask questions of a European legal thought which have developed from this common European substrate of *Corpus Juris Civilis*[7] which, nevertheless, must not make forgotten the "other law", which was issued from antiquity, namely the *Corpus Juris Canonici* like, moreover, all other specificities of Common Law, customary law or modern and contemporary legal inventions.

Amongst these initial difficulties, we insist especially on the following:

- The first is, as was correctly stated by Maitland[8], the difficulty to resolve the equation of historical and dogmatic methods[9] or, to state otherwise, to not cease to be a historian yet whilst fully understanding the legal phenomenon (for what it is and not what it should be, for what it allows to be done and not for its intrinsic beauty and internal coherence; we recognise here the old opposition between internal and external history or between imminent history and social and institutional history);
- The second, possibly more complex, is that of the ontology which blights historical reflections. To research and discuss the nature of law, not simply historians bolting on their own cultural histories but affronting, nearly always without success, a series of philosophical problems as important as they are insoluble;
- The third is, in turn, the chronologies since we must clearly distinguish the history of the substantive law from a history of legal thinking that has its own rhythms and evolutions[10];
- The fourth is being capable of escaping from the illusion of unity of legal thought issued from the famous *Ius commune* and of medieval scholarly law as much as its effectiveness. To make the critique of modern legal reason (as it is constructed in the early modern and modern period), as Aldo Schiavone invites us to, is therefore, without doubt, the best means by which to seize its specificity without becoming prisoners of the self-justifying speeches in the world of jurists;

[6] We will only cite the classic work in French : René David et Camille Jauffret-Spinosi, *Les grands systèmes de droit contemporain*, 11e éd., Paris, Dalloz, 2002. We insist here on the fact that if the comparatist method has weaknesses, it is nevertheless indispensable to accumulate the materials necessary to explore our subject. As was written by Maitland in 1888 : "but still there is nothing that sets a man thinking and writing to such good effect about a system of law and its history as an acquaintance however slight with other systems and their history. One of the causes why so little has been done for our medieval law is I feel sure our very complete and traditionally consecrated ignorance of French and German law" (*op. cit.* et *loc. cit.*).

[7] We provisionally understand by the European framework, the distribution of *Corpus Iuris Civilis*, which is, evidently, also a linguistic space, in the first revival of Roman law in the Middle Ages.

[8] « The lawyer must be orthodox otherwise he is no lawyer; an orthodox history seems to me a contradiction in terms. If this truth is hidden from us by current phrases about "historical methods of legal study," that is another reason why the history of our law is unwritten. If we try to make history the handmaid of dogma she will soon cease to be history. » (Frederic William Maitland, *op. cit.*, p. 14-15).

[9] The well-known example of the works undertaken by Helmut Coing sums up, fairly well, the influence of history of legal dogma (*Europäisches Privatrecht*, Munich, Beck, 2 vol., 1985 et 1989).

[10] On this point, cf. Jean-Louis Halpérin, « Le droit et ses histoires », *Droit et société*, n° 75, 2010, p. 295-313.

- Finally, the fifth is not the insufficiency of work, in Europe or in western countries, dedicated to the history of legal thought, but their dispersion and their multifaceted character, which can sometimes be accused of being methodologically discordant.

Only a project aware of such difficulties and the extent of work involved may attempt to take up the gauntlet thrown down not only by Maitland but equally by other jurists and historians.

If we admit the absolute necessity of a history of European legal thought[11] based on scientific rigor, in this case historical, not forgetting the simple fact that history is always in the present and it serves, in the words of Nietzsche, life - that is to say, it should not just be monumental and antiquarian -, maybe it is possible to place some markers starting from the following indices:

1/ Horizontality and Spatiality

It is possible to launch an appeal to remove the territoriality of the legal phenomenon to reach towards the spatiality of the history of legal ideas. This same movement signifies a shift from the Savignicien model[12], linking organicism and historicism, to an understanding of the history of the specific, the phenomena of invention, of emergence, of circulation and duplication, and to take seriously the normativity.

This rupture must not be understood as a refusal to integrate the territoriality: the ideas do not fly in the air, nor do they float in the platonic firmament. On the contrary, this tear signifies being susceptible to come back to territories and to roots that inevitably characterise people, things and ideas, but without the blinkers of mental frameworks that are the national or local straits (here, we think of the Schmittien *nomos*[13] but equally of the construction of national states as decisive, centripetal forces, and so to diverse, national traditions and to legalistic positivisms), the naturalist thoughts or, once again, a thought on verticality (which can only be reasoned in terms of domination, of revelation and of authors/creators/demiurges). To prefer the spatiality of representations, otherwise called the 'constructed spaces of communication and action', is, therefore; a methodologically pragmatic step which seems to us necessary in the same way that the renunciation to research the causes in order to dedicate themselves to the study of the effects

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[11] As noted by Michael Stolleis : « Une histoire du droit européenne comparative ne peut voir le jour que si une génération de jeunes historiens du droit a grandi en lisant de bons manuels comparatifs, que si donc les nationalismes de la recherche sont devenus eux-mêmes des phénomènes historiques. Car c'est évident : à partir de toutes les recherches substantielles sur l'histoire du droit et sur l'histoire de la science juridique en Europe aucun manuel valable, utilisable par les étudiants, traitant de l'histoire du droit et « européen » n'a vu le jour jusqu'à présent. » (« Histoire du droit européenne… », *op. cit.* et *loc. cit.*).

[12] Cf. the presentation and translation of Alfred Dufour of Friedrich Carl von Savigny, *De la vocation de notre temps pour la législation et la science du droit*, Paris, PUF, 2006.

[13] « Le *nomos* est donc la configuration immédiate sous laquelle l'ordre social et politique d'un peuple devient spatialement perceptible, la première mensuration et division des pâturages, c'est-à-dire la prise des terres et l'ordre concret qu'elle comporte et engendre tout à la fois ; selon les termes de Kant, 'la loi distribue du Tien et du Mien sur le sol' ; ou encore, selon l'heureuse expression anglaise, le *radical title*. Le nomos est la *mesure* qui divise et fixe les terrains et les fonds de terre selon un ordre précis, ainsi que la configuration qui en résulte pour l'ordre politique, social et religieux. Mesure, ordre et configuration forment ici une unité spatiale concrète. La prise de terres, la fondation d'une cité ou d'une colonie rendent visible le *nomos* avec lequel un clan ou la suite d'un chef ou un peuple deviennent le champ de force d'un ordre. » (Carl Schmitt, *Le nomos de la Terre*, presented by Peter Haggenmacher, PUF, quadrige, 2008, p. 74).

and events. It thus allows one to think more freely and more efficiently about the circulations (of editorial objects like men and ideas), the networks (an effort must be made to distinguish that which comes from the artificial – simple homage, editorial and academic or institutional practices – and workforce – human relations and movement, political and strategic ties), transplants, discursive practices (multiple recopying, exploitations and mobilisations…) and therefore the horizontality of spaces, in this case the European space, is marked by the very real relative, evolving and partial permanence of the Romanist paradigm, beyond the *Usus Modernus Pandecarum*[14].

Here, horizontality is not the sign of a wish for a break with previous works upon which it is indispensable to lean. It is the sign of an awakening, of an understanding of intellectual practices, that are not new but are fully-assumed and clarified: it is to admit that the models are the intellectual creations that the effects are only quantifiable with the greatest of prudence[15], that an idea does not always have the defined author, that the dogmatic history is forgetful of the fact that the law is fully social, that to cite a work is not to reproduce a culture, that each epoch uses, in all evidence, the ideas in their own way and according to their own needs, that each place produces therefore an inevitably specific usage, that recopying is not always a homage but often simply laziness which is sometimes unproductive, that ideas travel physically, that written law is not law in action, that ideas are often ineffective (but not always happily-so), that law practitioners are the strong men who often do not read doctrine and that their culture is often not that of academia (in this case, it is necessary to distinguish legal areas according to the effective dissemination of legal thought), that the political options of jurists over-determine their legal ideas whilst they think of law in an autonomous manner, or even that the truth of their discourse must not be confused with that of the law.

2/ Historicity and Juridicity

From a methodological viewpoint, legal thought must be distinguished from law itself, even if this could cause confusion and have influence on its effects. However, this obliges us to devise legal thought as a particular form of knowledge and discourse, and to integrate this into a sociohistory that would be susceptible to underpin the analysis of legal speeches, even if it does not look to replace it. Therefore, to construct a history of European legal thought brings us back to trying to reconcile the irreconcilable, as was discussed by Maitland: legal thought levels all,

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[14] The Early-Modern era was « marquée par le rayonnement du paradigme romaniste au-delà du droit privé, jusqu'à en faire la base du *ius publicum Europaeum* et du jusnaturalisme moderne, précocement divisé en une multiplicité d'orientations, toutes construites cependant autour de la conviction que le droit du *Corpus iuris* représentait un modèle insurpassable de rationalité naturelle et civile, sinon l'expression d'un authentique et immuable métaphysique juridique » (Aldo Schiavone, *Ius. L'invention du droit en Occident*, Belin, 2008, p. 25).

[15] On the role of the French « modèle » and on a different register, we refer back to Tiphaine Le Yoncourt, Anthony Mergey and Sylvain Soleil (dir.), *L'idée de fonds juridique commun dans l'Europe du XIXe siècle. Les modèles, les réformateurs, les réseaux*, PU Rennes, coll. L'Univers des normes, 2014 ; Sylvain Soleil, *Le modèle juridique français dans le monde. Une ambition, une expansion (XVIe-XIXe siècle)*, Paris, IRJS, 2014. For another example, cf. Laura Moscati, *Italienische Reise. Savigny e la scienza giuridica della Restaurazione*, Roma, Viella, 2000.

man, creature and thing, and the sociohistorical approach inevitably fragments and disperses them[16].

The consequences of these choices are myriad: it effectively implies attracting a particular attention to this specificity which makes legal thought a scholarly mixture of forms, dogmas and norms (here, the existence of long-lasting legal structures must not be confused with a form of naturalism because legal history comes first without having to fall back onto any form of ontology; in other words, a formalist approach has the immense advantage of permitting definitive clarity for distinguishing the signs of juridicity); this forces us to take seriously the legal texts as both a product of the mind and as evidence of "real"[17]. This equally supposes scrutiny of privileged places of an often hypostasised thought within universities (as it so happens, the history of legal teaching in universities, whilst distinct, considerably enriches that of legal thought[18]); this leads to not simply considering the "great authors", but "ordinary jurists" too, who are the main drivers of ideas (and, above all, of their possible effectiveness); this can equally allow us to pull back from a history of ideas that forgets political presuppositions, like the social consequences of intellectual constructions of jurists; once again, this signifies taking into account discursive forms and editorial supports because legal statements mediatised by jurists discourse are closely dependent on many factors, namely cultural, material, academic, economic and linguistic[19]; finally, this leads to the constantly updated significances of structural elements issued from *Corpus Iuris Civilis*, without neglecting the deep rifts and the drifting of false pretences and appearances[20].

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[16] Cf. not. Jean-Louis Halpérin, « Histoire du droit et théorie du droit. Un essai de conciliation », *Archives de philosophie du droit*, 2008, p. 281-296.

[17] We fully concur with Michael Stolleis who wrote : « l'histoire de la science juridique ne constitue pas une histoire des idées au sens – méthodologiquement discrédité – où la matière historique permettrait d'étudier la nature et l'action, pour ainsi dire autonomes, de certaines idées et de suivre leur ascension et leur chute. Cette histoire des sciences juridiques n'est pas non plus une histoire de la pensée comme pur « reflet » de l'histoire politique, sociale ou économique – un reflet qui serait dénué de toute autonomie. Il s'agit plutôt de prendre au sérieux la science juridique du passé tout d'abord en tant qu'ensemble de textes rendant compte de la manière dont on percevait les choses à l'époque, et de comprendre cette science à partir de son contexte historique. Dans la mesure où ces textes donnent accès à un XIXe siècle perçu de l'intérieur au prisme des sciences politiques, ils nous mènent aux « choses mêmes » - aussi paradoxal que cela puisse paraître […] En ce sens, l'histoire de la science juridique, qui n'est en apparence que le déchiffrement ésotérique de textes poussiéreux, donne accès à un ensemble de comportements humains réels du passé. » (*Histoire du droit public en Allemagne 1800-1914*, préface Jean-Louis Mestre, Dalloz, Rivages du droit, 2014, p. 4-5).

[18] To use a single example from the 19th century, the historical reality of *professorenrecht* in Germany (the organisation of studies, the small number of students and the access to professions favouring proximity, unity and intellectual links) clearly distinguishes itself from the French example (professorial distance, rareness of research, etc…).

[19] On this point, cf. Frédéric Audren, « Les juristes en travailleurs manuels », in *Histoire des manuels de droit, Histoire des manuels de droit. Une histoire de la littérature juridique comme forme du discours universitaire,* Anne-Sophie Chambost (dir.), LGDJ, Contextes-Culture du droit, 2014, p. 337-345. A European history of legal journals has already been undertaken as attested by the publications including the issues of *Quaderni Fiorentini per la storia del pensiero giuridico moderno*, n° 29, 1985 ; Jean-François Kervégan and H. Mohnhaupt (dir.), *Influences et réceptions mutuelles du droit et de la philosophie en France et en Allemagne*, Ius commune n° 144, Frankfurt am Main, 2001 ; Michael Stolleis and Thomas Simon (dir.), *Juristische Zeitscriften in Europa*, Frankfurt am Main, 2006

[20] Before noting that the role of Roman law ran out in the 20th century, Aldo Schiavone remarked that in the preceeding century : « L'expérience juridique romaine n'est plus décrite comme rationalité révélée d'un droit naturel

In all, far from calling for the prolongation of the traditional dogmatic and hagiographic history of legal thought, we wish to renew the lines of European dialogue of jurist-historians who try to inscribe the legal *logos* in the history of legal ideas and cultures, of a particular "science" despite being the daughter of all the others, and mother of a legal discourse which drives, for better or worse, the political, economic and social tensions of an era in which it finds itself. In order for the history of law to cease to be a simple instrument of legitimation of the work of jurists and to permit the dialogue between historians of law and other social sciences, a pragmatic approach is needed, and one which mixes scepticism and empathy[21] seems to be the surest way to reclaim our respective territories to understand, as far as is possible, our common intellectual space[22].

To achieve this ambitious programme that is the history of European legal thought, issued from the constantly renewed tradition of Roman law, a (European) network of the history of legal thought is called for in order to engage and pursue the dialogue of law historians on this subject which, much as it seems familiar, is still needing to be constructed.

To do this, we propose to pursue this frail outline of reflection according to the following provisional scheme:

- Create a network of history of European legal thought reuniting all those who wish to play a part in this project with a scientific committee and national correspondents.
- Undertake a first overview on the existing works, from both a national and a European perspective[23] (to this end, a conference on the state of the history of European legal

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fixé pour l'éternité, mais comme l'aboutissement historique d'une méthode de travail sans égale, qui détenait le secret du droit, et que la science moderne ne pourrait qu'imiter. Cette suprématie faisait paraître les juristes romains comme les protagonistes absolus du classicisme juridique de l'Occident, à une époque où le concept de 'classique', en histoire de l'art comme en littérature, vivait son plus grand succès ; la science juridique, d'abord romantique puis positiviste, allait à son tour contribuer à la diffusion de ce modèle : la culture antique comme parangon du progrès des modernes. » (*Ius...*, *op. cit.*, p. 26.).

[21] « L'historien des idées doit être par 'devoir d'état' au service des morts et, accomplissant ce service inutile, il doit être dépourvu de condescendance, comme de prudence et de révérence, pas seulement impavide à analyser et comprendre les idées que plus personne ne respecte, les idées des vaincus de l'histoire, mais également suspicieux à l'égard du 'sacré' et de l'intangible actuels et de leur généalogie – tout en sachant bien que les serviles, les conformistes et les dogmatiques ne le lui pardonneront pas et l'attendent au tournant. » (Marc Angenot, *L'histoire des idées. Problématiques, objets, concepts, méthodes, enjeux, débats*, Presses Universitaires de Liège, 2014, p. 337).

[22] For a stimulating reflection on the subject, cf. Natalino Irti, *Nichilismo giuridico*, Rome-Bari, Laterza, 2004.

[23] We cannot give a comprehensive bibliography here. We can cite certain major reference works as a provisional sketch (notably in those numerous countries that are not cited or are insufficiently known to us, for the time being : In Germany, besides Wieacker whom has already been cited above, cf. Roderich von Stintzing et Ernst Landsberg, *Geschichte der Deutschen Rechtswissenschaft*, Munich et Leipzig, 1880, 1884, 1898 et 1910 ; Michael Stolleis, *Geschichte des öffentlichen Rechts in Deutschland*, Munich, Beck, 4 vol. 1988, 1992, 1999, 2012 to which must be added the synthesis that appeared in 2014 : *Öffentlichen Recht in Deutschland*, Munich, Beck, 2014 (French translation : *Histoire du droit public en Allemagne. La théorie du droit public impérial et la science de la police. 1600-1800*, PUF, 1998 ; *Histoire du droit public en Allemagne 1800-1914*, *op. cit.* ; the synthetic volume is to be published in 2016) ; Olivier Jouanjan, *Une histoire de la pensée juridique en Allemagne (1800-1918)*, Paris, PUF, 2005 ; Jean-Louis Halpérin, *Histoire de l'état des juristes. Allemagne, XIXe-XXe siècles*, Paris, Garnier, 2015 and more broadly, Ernst Wolfgang Böckenförde, *Geschichte der Rechts- und Staatsphilosophie*, Tübingen 2002 ; Klaus von Beyme, *Geschichte der politischen Theorien in Deutschland 1300-2000*, Wiesbaden, 2009 ; Wilhelm Bleek, *Geschichte der Politikwissenschaft in Deutschland*, München, 2001.

thought around the idea of the Western invention of law as dogma, forms and also norms will take place in Paris in autumn 2017).

- Create an internet site dedicated to facilitating the communication and diffusion of the above, and equally to permit the publication of original or old works on the subject.
- To favour the undertaking of convergent works with regards to both questions and methods on the national scale as well as comparative, and may be, above all, relative to circulations which are determinant in this transnational history[24].
- Organisation of successive thematic conferences.
- Without forgetting, indispensable publishing activity by way of publishing works and dossiers in the journals of legal history.

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For Italy, besides the works of Grossi et Orestano already cited, cf. Natalino Irti, *Scuole e figure del diritto civile*, Milano, Giuffrè, 1982 ; equally, *L'età della decodificazione*, Milano, Giuffrè, 2e éd., 1999 ; Aldo Schiavone*, Stato e cultura giuridica in Italia*, Roma-Bari, Laterza, 1990 ; Luigi Ferrajoli, *La cultura giuridica nell'Italia del Novecento*, 2e éd., Roma-Bari, Laterza, 1999 ; Guido Alpa, *La cultura delle regole. Storia del diritto civile italiano*, Roma-Bari, Laterza, 2000 ; Paolo Grossi, *Scienza giuridica italiana. Un profilo storico 1860-1950*, Milano, Giuffrè, 2000 ; *La cultura del civilista italiano*, Milano, Giuffrè, 2002 ; Paolo Cappellini et Bernardo Sordi (dir.), *Codici. Una riflessione di fine millennio*, Milano, Giuffrè, 2002 ; Ugo Petronio, *La lotta per la codificazione*, Torino, Giappichelli, 2002.
For modern Switzerland, cf. not. Andreas Kley, Geschichte des öffentlichen Rechts der Schweiz, Zürich, 2011.
For modern Spain, cf. Francisco Tomas Y Valiente, *Manual de historia del derecho espanol*, Madrid, Tecnos, 4e éd., 1987.
For Common law, cf. the overview by Michael Lobban, *The Common Law and English Jurisprudence*, Oxford, Clarendon Press, 1991.
For France, we can consult André-Jean Arnaud, *Les juristes face à la société du XIXe siècle à nos jours*, Paris, PUF, 1975 ; Donald R. Kelley, *Historians and the law in Postrevolutionary France*, Princeton University Press, 1984 ; Alfons Bürge, *Das französische Privatrecht im 19. Jahrhundert. Zwischen Tradition und Pandektenwissenschaft, Liberalismus und Etatismus*, Frankfurt am Main, 1995 ; Mathias Gläser, *Lehre und Rechtsprechung im französischen Zivilrecht des 19. Jahrunderts*, Frankfurt am Main, 1996 ; Jean-Louis Halpérin, *Histoire du droit privé français depuis 1804*, Paris, PUF, quadrige, 2e éd. 2012 (which is much more than a simple overview of private law) ; Christophe Jamin et Philippe Jestaz, *La doctrine*, Paris, Dalloz, 2004 ; Frédéric Audren et Jean-Louis Halpérin, *La culture juridique française. Entre mythes et réalités (XIXe-XXe siècles)*, Paris, éd. Du CNRS, 2013 ; Bernard d'Alteroche et Jacques Krynen (dir.), *L'Histoire du droit en France. Nouvelles tendances, nouveaux territoires*, Paris, Garnier, 2014 (notably the parts dedicated to the history of law faculties, to the historiography of legal history and the chapter devoted to modern and early-modern judicial thought) ; Patrick Arabeyre, Jean-Louis Halpérin et Jacques Krynen (dir.), *Dictionnaire historique des juristes français XIIe-XXe siècle*, Paris, PUF, Quadrige, 2e éd., 2015.

[24] We draw attention to the project currently underway : *Giuristi in rete. Circuiti culturali e instituzionali in Europa prima della Grande Guerra* - Università Bocconi, Milano/Ecole de droit de Sciences Po, Paris/Université de Bordeaux (http://www.cahd-bordeaux.com).