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Reassessing Legal Humanism, 7-8 June, 2013

#### **Citation for published version:**

Cairns, JW, *Ad fontes: Reassessing Legal Humanism, 7-8 June, 2013*, 2013, Web publication/site, Edinburgh Legal History Blog. <<http://www.elhblog.law.ed.ac.uk/2013/06/12/ad-fontes-reassessing-legal-humanism/>>

#### **Link:**

[Link to publication record in Edinburgh Research Explorer](#)

#### **Document Version:**

Publisher's PDF, also known as Version of record

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## Ad fontes: Reassessing Legal Humanism, 7-8 June, 2013

Posted on 12/06/2013 by John Cairns



As part of the celebration of 303 years of continuous teaching of Civil Law (*ius civile*) in the University of Edinburgh, the Centre for Legal History, over 7-8 June 2013, hosted an expert symposium on Legal Humanism, addressing the topic from a variety of perspectives. The symposium challenged and debated the common conceptualization of legal humanism. The symposiasts were invited speakers and invited guests, a mix aimed at ensuring a clear focus on the issue. There were distinguished senior scholars, but also research students from several universities working on relevant topics.

A traditional view of European legal history will often start – after discussion of the early medieval codes – with the rediscovery and teaching of the *Corpus iuris civilis* in medieval Italy. It then sets out this history as a progression of schools of jurists, working through Glossators, Commentators, Humanists, Natural Lawyers and Codifiers, with the enactment of the BGB almost a step end of history. It is also traditionally linked to a geographical progression – almost a *translatio studii* – from Italy, to France, to the Netherlands, to Germany. This is not a convincing narrative as scholars have increasingly realized over the past three decades. What of the influence of Pothier? What of the French Code? What of Spanish, Portuguese and Italian scholarship? What of England?



Legal Humanism presents particularly difficult issues of understanding Lesaffer's recent subtle study of European Legal History brings home the problems and contingencies of the traditional narrative when he has to use the term 'Moderate Humanism' to deal with the historical realities with which he is faced. The participants examined a whole varieties of aspects of what is usually considered under the rubric "Legal Humanism", covering the "philological" work on the Digest, humanist jurists and political thought, humanists and the legacy of Byzantium,

humanists and *formulae*, libraries, humanism and English law, and the humanist legacy as understood in the eighteenth century, and the extent to which legal humanism was and is a meaningful classification other than for a small group of specialist writers. In this respect, the traditional distinctions between the *mos Gallicus* and *mos Italicus* were considered, as well as the significance in this context of the *usus modernus*. Sources, pedagogy, the working methods of scholars, and the book-collecting habits of lawyers were all considered and debated.



Details of the speakers and their papers may be accessed by the link below:

[http://www.centreforlegalhistory.ed.ac.uk/documents/ad\\_fontes.pdf#](http://www.centreforlegalhistory.ed.ac.uk/documents/ad_fontes.pdf#)



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