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Alain Wijffels: Chaire Européenne, Collège de France

Posted on 06/05/2017 by John Cairns

During his time in Paris, your blogger was lucky enough to receive an invitation to the inaugural lecture that our friend and colleague Professor Alain Wijffels gave for his chair in European History at the Collège de France, which he holds for 2016-17. The lecture is now available for downloading on the website of the Collège de France. The theme was whether there was a European legal history and whether one was needed.

See <https://www.college-de-france.fr/site/alain-wijffels/inaugural-lecture-2017-04-20-18h00.htm>

It is important to stress the very significant but well deserved honour achieved here by Professor Wijffels. Your blogger believes that Professor Wijffels is the first legal historian or lawyer to have been awarded this chair. The word “prestigious” is now embarrassingly over-used in an academic context, as universities exaggerate the often trivial achievements of their academic staff. But Professor Wijffels’ appointment to this chair at one of the world’s leading academic research institutions (one far more important intellectually than some bizarre “world” rankings may suggest) is indeed a real mark of prestige and honour. And it should be a real source of pleasure and delight to all legal historians.

The intellectual life of Paris puts a great emphasis on such lectures at the Collège de France, and Professor Wijffels has also been interviewed on the radio on France Inter, and next month he will be interviewed by Antoine Garapon on France Culture. Garapon is an interesting figure, a *magistrat*, as well as *secrétaire général de l’Institut des Hautes Etudes sur la Justice*. He is noted for his intellectual discussions and interviews, late-night on Thursday, on France Culture. Considerable public exposure of the ideas behind the lectures is thus achieved.

It was an excellent lecture, a positive tour-de-force, which your blogger found very stimulating. The theme raises all kind of historical and indeed political questions. It is worth noting that Professor Wijffels extensively discussed and analysed the recent Scottish case of *Holdich v. Lothian Health Board* (2013). This was one of the many recent cases dealing with the personal tragedies arising out of the failure of electricity supplies leading to the degrading of sperm stored in a sperm bank, often deposited by young men who have stored their sperm because forthcoming medical treatment will render them infertile. The case was taken before Lord Stewart on the procedure roll for debate on the relevancy and specificity of the averments. This issue has been litigated around the world, as the very learned and wide-ranging judgment of Lord Stewart demonstrates. But one can be confident that the discussion in the opinion of the role of the praetor, his edict, the *actio indirecta* in Aquilian liability, and the views of Ulpian on ownership of the body, as well of the Roman rules on acquiring ownership of property by *occupatio* is rather unique to Scotland. Professor Wijffels’ elegant discussion brought all this together in a European historical context.

Your blogger had hoped to attend the next lecture, but, alas, he was laid low by some type of viral attack; the following week he could not attend, as he had to prepare for his own *leçons* at the *École normale supérieure*.

Professor Wijffels’ inaugural lecture was followed by an elegant reception with champagne and canapés. Your blogger was delighted to find there more old friends than he had anticipated. The publication is anxiously awaited.

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