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Posted on [11/07/2017](#) by [John Cairns](#)

On 6th July 2017, the University of Edinburgh awarded the degree of LL.D. honoris causa to Professor Wolfgang Ernst, Regius Professor of Civil Law in the University of Oxford. The Laureation address was given by Professor John W. Cairns, Professor of Civil Law in the University of Edinburgh. Professor Cairns's address is given below:

Laureation Address – **Wolfgang Ernst**

Mr Vice-Chancellor, in the name of and by the authority of the Senatus Academicus, I have the honour to present for the Honorary Degree of Doctor of Laws

Professor Wolfgang Hermann Wernher Ernst

Those of us who were privileged in June 2014 to hear Professor Ernst's MacCormick Lectures in Edinburgh will remember their elegance and erudition, as well as the lecturer's gentle humour. In a period in which we seem to be voting at least once a year, it is worth noting that Professor Ernst brilliantly expounded in these lectures the history and nature of voting, ranging with ease over the ancient, mediaeval and early-modern worlds. In what was the year of the Scottish Referendum, he did not shy away from an analysis of the nature and fairness of the question posed.

It was a brave topic for a German scholar of Roman law and legal history; but Professor Ernst is no ordinary German professor. Though he followed the traditional, rigorous, German *cursus honorum* of state examinations, doctorate, and *Habilitation*, he also engaged with what the French call *les pays anglo-saxons*, studying for the degree of LL.M. at Yale. After call to the Chair of Roman and Civil Law in Tübingen in 1990, he returned to his alma mater of Bonn in 2000, before moving to the University of Zurich in 2004.

But Professor Ernst continued his engagement with the world outside German-speaking academia, as Arthur Goodhart Professor of Legal Science in Cambridge, and as a Visiting Professor in Jerusalem.

His wide-ranging scholarship in Roman law and in legal history has led to his development of path-breaking work on the legal history of money: research that has been as elegant and erudite as his continuing work on voting, which is part of his legal historical research on choice and decision-making. But in this innovative and cross-disciplinary research scholarly rigour has not been sacrificed for fashion.

It was undoubtedly this variety of intellectual engagement that specially suited Professor Ernst for the Regius Chair of Civil Law in Oxford, perhaps the most significant chair in Roman law in the Anglophone world. His awareness of the strange attitudes of *les pays anglo-saxons*, and of the nature of their laws, which possess a significant cultural component beyond mere rules, made him an especially suitable choice.

Many distinguished individuals have held the chair in Oxford; Professor Ernst is at least their equal and brings his own unique distinction to the chair. He is, as they used to say, an ornament to the University. Since he is an

unassuming man, I hope I do not embarrass him; but as he is also a kindly man, I am sure he will forgive me.

I therefore have the honour, Mr Vice Chancellor, to invite you to confer on Professor Wolfgang Hermann Wernher Ernst, the degree of Doctor of Laws, honoris causa

After the Vice-Chancellor had conferred the degree on Professor Ernst, the new graduate responded.

Professor Ernst's Response

As a contrarian, I am greatly tempted to first of all disprove the flattering laudatio you have just heard, point by point, but I won't do this here, or today.

It is not necessary for me to express thanks, for on my face, the pen of happiness must have written an ode of gratitude. (This was a quotation)

It is doubly pleasant but perhaps also a paradox to be honoured for activities which in themselves have been, and continue to be, a joy to pursue.

Where does this joy come from? A colleague recently said "This makes academic work worthwhile – when you actually discover something that people don't know. That's what we are meant to be doing!" If the lust of knowing what is not yet known is to flourish, we need a culture of doubt and controversiality. Of the mistakes I have made, there is one I have come to regret recently:

I have taken for granted living and working in an open society, an environment which liberally allows and invites debate, with a regard for thought-through arguments, however provocative.

If it now turns out that we need to more vigilantly protect and cultivate such an open society this is what we should do, what we must do. More than ever we should try to project the virtues of scholarship into society at large: openness to reality – advancing and testing ideas in a transparent, methodological manner – overcoming biases – giving attention to detail – remaining conscious of the ever-preliminary nature of our findings.

In all these characteristics, our work is a repudiation of both, authoritarianism, but also of the attitude that you can float everything as 'true', if only this 'truth' suits your agenda.

We in turn, like Pontius Pilate, another lawyer, presumably, cannot offer "truth":

The opposite of propaganda is not truth, the opposite of propaganda is debate.

By maintaining a civilized debate, we thus make a contribution transcending the microscopic subject matters which are our immediate concerns.

Thank you & all the best!

Some photos (which also include our two PhD graduates, Asya Ostroukh & Ilya Kotlyar):

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