

## LAUDATIO ALAIN WIJFFELS

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The Sarton-medal is awarded to a scholar who has contributed in an outstanding way to the development of the history of science. Of necessity, this person has to be versatile. At least, he should be familiar with both history and that particular science of which he has become the historian. If this is true, it is beyond any doubt that prof. Wijffels more than qualifies. He was born in 1954 from a Belgian father and a Dutch mother, lives in France and is currently working in Belgium and the Netherlands. His studies at the university almost predestined him to receive the Sarton-medal. He started by obtaining the degrees of candidate in law and in philosophy in Antwerp, continued in Louvain with the degrees of licentiate in law and in criminology and also with a baccalaureate in canon law. Thereafter, he went on to become a licentiate of canon law in Louvain-La-Neuve, where he also found time to add a post-graduate degree in medieval history to his other diplomas, followed by another post-graduate degree, this time in Roman law after studies at, again another university, Paris II. All this was only meant as the preparation for a doctoral thesis in law, defended at Amsterdam University in 1985. As if this were not enough, there is also a 1994 Cambridge Ph.D. In short, Alain Wijffels has had a most uncommon career as a student, studying in Belgium, the Netherlands, France and England. His professional career has, up to now, been just as diverse with research and teaching in Antwerp, Leyden, Amsterdam, Cambridge, Louvain-la-Neuve, Paris and Brussels. Because Alain Wijffels has been very busy, it is impossible to give a detailed review of all his activities in this short notice. Though it does no justice to him, here I can only state that he has been teaching mostly about legal history and comparative law and a host of other, sometimes very diverse, subjects, e.g. English tort law.

Because of his *Wanderlust* as a student and as a professor, Alain Wijffels now stands out in a law faculty, as law by definition is national and both students and professors do not travel that much. However, once, before the era of the great codifications, things were different. Law was anything but national, being either local or European. The former was customary law, the legal system of ordinary people, whereas the latter, the *ius commune*, based on Roman law, was studied at the universities and, thus, was the preserve of the law professors.

As all law faculties used the same language, Latin, and the same books (the *Corpus Iuris Civilis*, and later the works of Accursius, Bartolus or Voet) students and professors could, and did, easily move from one university to another. Thus, by wandering around European universities Alain Wijffels is not an oddity, but only follows in the footsteps of his predecessors. One can wonder whether his own experiences as a wandering scholar led him to make the study of the *ius commune* his life's work or whether it was the other way round. Whatever the truth may be, Alain Wijffels is clearly one of the very few who study the *ius commune*, the old common law of Europe as a European phenomenon, as a European scholar, and not from a national point of view. The best illustration of this is to be found in his many publications about Alberico Gentili, a sixteenth-century Italian lawyer, who as a protestant had to leave his homeland for England, where he would end his distinguished career as the king of Spain's lawyer. Studying Gentili from an English, Italian or Spanish perspective, reduces him to a marginal figure. However, Wijffels by looking at him with European eyes has awarded him the place that is his due in history, as a scholar who was a bridge between different legal traditions, like Wijffels himself has brought together scholars from different countries by publishing in Italian and English about Gentili (as editor of *Alberico Gentili Consiliatore. Atti del Convegno Quinta Giornata Gentiliana 19 Settembre 1992*, Milan, 1999 p.; and as sole author of *Alberico Gentili and Thomas Crompton. An Encounter between an Academic Jurist and a Forensic Practitioner*, Leyden, 1992, vi + 41 p.). The Gentili research has not been Wijffels' only link with England. It has become the stepping-stone for a greater project, a study into the role and influence of the *ius commune* in England, a country long said to have remained unaffected by this common European law. Alain Wijffels has been so effective in providing arguments to the contrary that even the English cannot longer neglect either the *ius commune* in their nation's legal history, or Alain Wijffels himself, who is the only continental scholar who can pride himself on having been the co-organiser of the British Legal History Conference, the most important congress in this field in the British Isles (the papers were published in: J.A. Bush & A. Wijffels (eds.), *Learning the Law. Teaching and the Transmission of the English Law, 1150-1900*, xxv+417 p.). All this attention to the *ius commune*, university-made law, does not mean that Alain Wijffels has only studied the law of the books, neglecting the real life of the law in practice. He stimulated a lot of research about case law (e.g. his authoritative book: A. Wijffels (ed.), *Case Law in the Making. The Techniques and Methods of Judicial Records and Law Reports*. Vol. 1: *Essays*. Vol. 2: *Documents*, Berlin, 1997, vol. I: 373 p.; vol. II: 485 p.). His own studies in this field have mainly focused on the practices of the highest courts in Europe: Court of Admiralty in

England, *Reichskammergericht* in Germany, *Parlement* of Dijon in France and the Great Council of Malines in the Low Countries. The latter has been Wijffels' darling and it is not exaggerated to say that scholars all over Europe know this court best through Wijffels' publications in the major European languages and most of all his very impressive *Qui millies allegator. Les allégations du droit savant dans les dossiers du Grand Conseil de Malines (causes septentrionales, ca. 1460-1580)*, Leyden, 1985, xlii+1173 p. Apart from the subjects already mentioned, Wijffels has written about many other topics, his first book dealing with proposals from a reform of the punishments in Belgium's criminal law (*Inkomensderving als geldstraf*, Antwerp, 1983), xii+204 p.), his latest being *History in Court*, Leyden 2001, 336 p., a bout about law suits in which historians were involved either as experts or as claimants or defendants because of their publications. Thus, Wijffels has become not only a historian of legal science, but also a historian of historians.

In the light of his many publications, it would have been very remarkable if Alain Wijffels had escaped the notice of his fellow legal historians. He is a member of some of the most prestigious commissions and editorial boards in his discipline. He has been honoured with, among others, the Prix Charles Du Vivier of the Brussels Académie Royale (1989), fellowships from the Alexander-von-Humboldt Stiftung (Bonn), the Dutch NOW and Trinity Hall in Cambridge. The Law Faculty of Ghent University has followed by proposing in 2001 that two prizes should be awarded to him: the national Francqui chair for Ghent University and the Sarton medal, both of which he received in 2002. It should be stressed that it was hitherto unthinkable for the Ghent Law Faculty to put forward one and the same person for two prizes in the same year. That it did, was not at all due to a lack of inspiration, but only to a deep and profound wish to honour an exceptional scholar in an exceptional way.