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To remember and to forget: European Forum of Young Legal Historians 2006

When does one stop to be young? Is it the inevitable decay of the body or the gradual dulling of the mind? Or is it becoming established, the fading of the will to instinctively rebel against authorities and to question established truths? Or is it just the time when everything seems to proceed according to plan, without the crises and recurring difficulties?

Whatever the answer might be, these questions did occur to this reviewer while attending the European Forum of Young Legal Historians, 25th to 28th of May 2006 in Frankfurt am Main. The decade-old series of conferences has now reached an age when a modicum of introspection and general pondering may actually seem desirable.

The very existence of a »young« legal historians' conference is somewhat an oddity. It is supposed to be a place where doctoral students can discuss matters »without fear or respect« as Marie Theres Fögen phrased it in her closing address. Irrespective of the sociologically interesting matter that such a place is indeed needed, the Forum has been – and still is – an immensely valuable meeting place for graduate students of all countries. From its rather Germanic origins the Forum has both grown in size and extent. Of the roughly one hundred participants this year eleven came from outside the geographic boundaries of Europe which made the name *euro-päisches Forum* slightly redundant.

The growth and consolidation of the Forum has produced numerous positive side-effects. For one it has a theme. The general theme of the conference was »To remember and to forget«, and the organisers had with some success

grouped papers under eight general streams such as *Counter-Memory*, *Coming to terms with the past*, and *Constructing a past*. The call for papers had elicited numerous discussions on the global righting of old wrongs project and the use of law and memory as a sort of national therapy. As a result the papers presented were mostly concentrated on modern legal history.

It is a welcome development that the presentations are now something more than just the expositions of the doctoral projects of their presenters as was the case in some of the earlier Forums. The spin-off approach has provided the conference series with some good prospects, and I hope that this will be continued in the future meetings. One of the most promising ones is the possibility to discuss themes with a more universal interest than the simple exposition of facts. Thus some lively discussions took place on very broad comparative subjects that found resonance in different regions and contexts.

Due to this transferability it is safe to say that the best range of papers and the most interesting discussions in the Forum were those in the streams on law and memory. Unsurprisingly many of the papers were linked to totalitarian regimes. Similar themes were explored in various historical situations, such as Meyer's paper on the French Oradour-process on war crimes committed during the Second World War, Falconieri's fascinating paper on the attempted institutionalisation of racism during the Fascist era in Italy, Aragonese Aguado's paper on the Spanish meeting the Francos of their past, or Olaz's paper on the troubled past of Mexico's military regime. On a rather different note Wink-

ler demanded that Nazi scholars ought to be stricken from the law school curricula and raised the German constitution as the universal measure of things. Continuing on the righting of old wrongs Murtfeld and Petrovic were more action-oriented and talked about the possibilities of using history as a tool in the attempts at bringing cases to court, such as the US law suit by the representatives of Ovaherero tribe against the Federal Republic of Germany for compensation of the crimes against humanity committed by Imperial Germany in the present-day Namibia in the beginning of the 20th century.

The construction of the past and its modern uses was discussed in two interesting papers, by Kedar in relation to the role of Hebrew law in the newly formed state of Israel, and Mohr on the resurrection of Celtic Brehon law in the newly formed state of Ireland. Another rich theme was the varied history of science, for example Thompson's paper on 19th century German private law, Hofri-Winogradof's 18th century English family law or Beck-Varela's paper on Vinnius in Spain. Very much in the background were the studies on Antiquity and Middle Ages, with just a few papers each. Of those the most acclaim was given to Buis's methodologically innovative paper on how law and lawmaking was reflected in Athenian Old Comedy.

One of the most obvious signs of the de-Germanification of the Forum was the choice of language by the presenters. English is starting to dominate the Forum language-wise, with 15 papers given in English, in contrast to 10 in German, two both in Italian and French. The effortless polyglotting of some was an inspiring sight; Oliver Brupbacher for example managed to chair a session changing fluently from English to German to French and finally to Italian. One of the more pressing questions about the future

of the Forum touched upon in the unofficial discussions is the possible inclusion of Spanish as an official language.

Seen simply as presentations there has been a noticeable improvement on the quality of papers. Imaginative use of pictures and video, not to mention the *good* use of PowerPoint presentations set some papers apart from the rest. Note the stress on the word good – luckily we were spared of the bad use of PowerPoint prevalent in most conferences. The most obvious criticism against this year's Forum is linked to the relative immaturity of some of the papers. In the worst cases the papers consisted simply of the presentation of facts in the sources, or worse, just the sources. Admittedly there have been major improvements in this field too. Insecurity with relation to other literature on the matter was rather common and willingness to position oneself to and, if necessary, against previous authors was the virtue of quite few. A further criticism on the lack of historiographical initiative is linked with the very position of legal history as an interdisciplinary effort. Of some of the papers one had the impression that the speaker saw her- or himself as a lawyer dealing with laws that just happen to be past their due.

All in all the Forum 2006 was a success: everything rolled along smoothly and professionally, good and at times slightly less good papers were given, the philosophers on the second floor made good coffee and the world was not improved terribly much. That was also the biggest drawback of the Forum 2006: there were no real surprises, no crises, nobody stripped naked and shouted that it is all lies, all lies. There was very little rebellion against authorities, in its place there were many serious-looking young men in suits. Men, as the gender balance was very much tipped to the male side this year.

Continuing on the theme of moving on to establishment, one of the positive developments announced at the Forum was the institutionalisation of the event. Verena Halbwachs, Nick Linder, and Tilmann Röder announced a plan to found a Society of Young Legal Historians. The new society would ensure the smooth tran-

sition of the event and the passage of knowledge from one organising team to the other. It has just been announced that in September 2007 the Forum of Young Legal Historians will take place in Sevilla, Spain.

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