



Before the state

International law and politico-legal pluralism in Europe, 12th-17th century

Call for papers

Conferences of Rome (20 September 2021) and Lille/Kortrijk (18/19 May 2022)

The purpose of these two conferences is to help fill a historiographical gap by establishing a dialogue between historical studies – which have attested a renewed interest in the study of international relations, and diplomacy in particular, in the late medieval and early modern period – and legal historical studies, in particular the history of the late medieval practice and doctrine of the law of nations.

Today, international law is still basically conceived of as interstate law: in fact, the state is considered as the primary actor – and even the *a priori* condition of any possible understanding – of international relations. This approach leads to exclude relations between non-statal political actors from the field of investigation. However, the medieval political constellation was characterised by a plurality of power centres of varying status and a distribution of political authority at different levels. Instead of a clear link between sovereignty and territory, this constellation reveals a complex interweaving and overlapping of jurisdictions of various kinds, which were grounded either in bonds of personal dependence or in relations of subjection within territorial domains. Far from being conceived of as interstate law dominated by the sovereign national state, late medieval and early modern international law should be regarded as the multi-normative framework which governed the relations between a wide variety of actors.

Two conferences on this issue will be organised in Rome and Lille/Kortrijk on 20 September 2021 and 18/19 May 2022. Our goal is to tackle a wide range of themes relating to international law, such as war (its conditions and conduct, soldiers and mercenaries, the law of booty and captivity, the negotiation and execution of peace treaties), reprisals, diplomacy (diplomatic envoys, alliance treaties, leagues and *adhaerentiae*), feudal relations (for example the obligation of vassals to respond

to their lord's call to arms), the relationship between territory and jurisdiction (the notion of border, the status of foreigners), conflicts of laws and jurisdiction, the law of the sea (including the status of pirates), trade and relations with Jews and so-called infidels.

Additionally, three cross-cutting themes will receive special attention. These are the actors of international law (their selection, their status and the dynamics of their reciprocal relations); the sources of international law, which in premodern times was not an autonomous branch of legal scholarship; and the resolution of conflicts, in particular through mediation and arbitration (two institutions which have attracted less interest in historiography, compared to negotiation and war).

The organisation of two conferences and the contributions from scholars of different backgrounds will allow us to discuss these issues over a period stretching from the 12th to the 17th century in Western Europe, including the relations of European actors to the East (Byzantium, the Mongols, the Ottomans), the Maghreb and the lands "discovered" in the 15th and 16th centuries.

From a methodological point of view, both practice and legal scholarship will be considered. Regarding the former, we aim to understand what mechanisms made it possible to manage the relations between various political and legal orders. Concerning legal scholarship, our purpose is to study how this role was played especially by the *ius commune* (a product of the science of Roman, canon and feudal law), which provided jurists with the necessary notions and methods to manage multi-normativity and, in particular, the relations between local legal systems (the *iura propria*).

We kindly invite scholars to present their new research on the theme of these conferences. All applications must be sent by 31 January to dante.fedele@univ-lille.fr, randall.lesaffer@kuleuven.be and savy_pierre@yahoo.fr with a proposal of at least 3,000 characters. The results will be communicated by 28 February 2021. The proceedings will appear in a peer-reviewed publication.

Transportation and accommodation costs will be covered by the organising institutions.

Partner institutions

Centre d'histoire judiciaire (UMR 8025) – Université de Lille

École française de Rome

KU Leuven, Department of Roman Law and Legal History

Conveners

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