Now into its fourth year, the St Andrews Institute of Legal and Constitutional Research (ILCR) has built upon its previous successes and experienced another busy, enjoyable, and intellectually stimulating period.

Over the past academic year, the ILCR has enjoyed success in a number of areas: internationally recognized academic publications, innovative public engagement activities and unique research projects and workshops. Now in its third year, the MLitt in Legal and Constitutional Studies continues to attract students from various disciplines and a wide variety of countries.

The past year also saw the beginning of the major ERC Advanced Grant funded project on medieval legal history ‘Civil Law, Common Law, Customary Law’, with the arrival of four post-doctoral and two doctoral researchers.

This report contains information about the activities of the Institute and its members over the course of the 2017–2018 academic year.
The Law’s Two Bodies

The ‘Law’s Two Bodies project’ expanded during its second year. The varied interviewees in St Andrews included two solicitors, the Procurator General of the Dominican Order, and the former Assistant Chief Constable of Tayside Police. The project was also taken to Australia and the U.S., with interviewees including a range of barristers and judges. Most were video interviews, but also available are transcripts of interviews with Murray Gleeson, the former Chief Justice of Australia, and James Allsop, the current Chief Justice of the Federal Court of Australia.

The following interviews took place:

**Benjamin Earl** (pictured), Procurator General of the Dominican Order (3 October 2017)

**Angela Wilson**, former Assistant Chief Constable, Tayside Police (7 November 2017)

**Geoff Lindsay**, Justice, Supreme Court of New South Wales (14 January 2018)

**Mandy Tibbey**, Barrister, 8 Wentworth Chambers, Sydney (14 January 2018)


**James Allsop**, Chief Justice of the Federal Court of Australia (17 January 2018)

**Douglas Kinnear**, Thorntons (13 February 2018)

**Bridget McCormack**, Justice of the Michigan Supreme Court (20 March 2018)


**Len Niehoff**, litigation attorney at Honigman Miller Schwartz and Cohn LLP and a Professor from Practice at University of Michigan Law School (3 April 2018)

**Stuart Pemble**, partner at Mills and Reeve Solicitors (17 April, 2018)

**William I. Miller** (pictured), Thomas G. Long Professor of Law (12 May 2018)
The Institute welcomed as a visiting scholar Meridith Roy, on a Bates Fellowship from the University of Michigan. Between graduation from Law School and starting work for a large law firm in New York, she undertook a research project on ‘Women’s Wills in Late Medieval England’. The project took her to various libraries and archives in Scotland and England.

Law and...Law as...

Another interview series was started this year. ‘Law and...Law as...’ examines the views of scholars from other disciplines who deal with matters of law. The aim is to build up a corpus of interviews with a variety of scholars from a variety of disciplines, and the first interview was held with Lorna Hutson, Merton Professor of English Literature at Oxford, on Monday 28 May 2018.

LECTURES AND EVENTS

ILCR lecture: Don Herzog (Michigan Law), ‘Sovereignty, RIP: Part of the Story’, 28 September (pictured)

ILCR reading group with Dr Jacqueline Rose, 14 November

SAIMS Annual Lecture: Professor Dan Smail (Harvard), ‘The Materiality of Credit: Debt Collection as Pawnbroking in Late Medieval Mediterranean Europe’, 12 March

Butler/ILCR Lionel Butler Lecture: Professor Michael Cook (Princeton), ‘The spread of Islam around the Indian Ocean’, April 30

ILCR lecture: Professor Thomas Gallanis (Associate Dean for Research, Allan D. Vestal Chair in Law, and Professor of History at the University of Iowa) ‘English Law in the Age of Blackstone: What Can We Learn from Sir Dudley Ryder?’, May 4

Alice Taylor (King’s College London), ‘Identifying Governmental Forms in Twelfth-Century Europe’, 7 June
ILCR Conference: Comparative Legal History 1050–1650

On 11 and 12 May 2018, the St Andrews Institute of Legal and Constitutional Research held a workshop on the theme of comparative legal history. The aim was to explore the ways in which comparative legal history could be approached, and to hear examples of these approaches in the variety of papers delivered throughout the workshop. Among the speakers were the three keynotes Alice Rio (King’s College London), Magnus Ryan (Cambridge) and George Garnett (Oxford), as well as Susanne Brand, Felicity Hill, Danica Summerlin, Ashley Hannay, Cory Hitt, Hannah Boston, Anna Peterson, Gwen Seaborne and Jacqueline Rose. William Miller was interviewed as part of the Law’s Two Bodies series, answering from the perspective of Njáll Þorgeirsson, a tenth and eleventh-century Icelandic legal expert featured in the eponymous thirteenth-century Njáls Saga.

The next workshop, Legal History, Legal Historiography, will take place 12 and 13 June, 2020 in St Andrews.

Forensic Rhetoric and Emotions workshop

St Andrews, 11 August 2018

This small workshop explored the use of Latin rhetorical treatises, and in particular that of Quintilian, as a source for the history of emotions. The evocation and exploitation of emotion was a crucial aspect of the rhetorician’s art, so the writers of the treatises had thought deeply about the subject. Examination of their works reveals what they considered to be emotions, and the nature of those emotions. The treatises are also important sources regarding the feigning and the manipulation of emotions. In particular they allow consideration of emotions as interactions between two or more people, rather than focussing on the individual’s emotions or writing studies starting from a particular emotion. The workshop was jointly organized by Kimberley-Joy Knight and John Hudson, and participants also included specialists in mediaeval rhetoric and modern legal practitioners.


Caroline Humfress, ‘Natural Law and Casuistic Reasoning in Roman Jurisprudence’ in State and Nature: Essays on Ancient Political Philosophy, Peter Adamson and Christoff Rapp (eds.) (Berlin, accepted for publication)


MLitt in Legal and Constitutional Studies

In 2017/8 St Andrews enrolled eleven students for the second year of the MLitt Legal and Constitutional Studies The MLitt students worked with scholars and researchers from across the disciplines of History, IR, Philosophy and Classics on an exciting and diverse range of topics and research questions relating to legal history, international law and global constitutionalism. In addition to participating in ILCR events, such as our ‘Law’s Two Bodies’ interview series, the group also enjoyed a number of receptions and other social events hosted in our medieval ‘Undercroft’. We warmly wish the graduating class of 2017/18 every future success and look forward to staying in touch with them all!

The programme also welcomed our first ‘Erasmus Exchange’ student who joined us for Semester 2 from the Faculty of Law at Roma Tre University (Rome). We look forward to similar exchanges in the future, with students from Europe and beyond.

Further information about the M.Litt in Legal and Constitutional Studies at the University of St Andrews can be found here: https://www.st-andrews.ac.uk/subjects/history/legal-constitutional-studies-mlitt/
In March, Andrew Cecchinato, Attilio Stella, Sarah White and Will Eves took part in a roundtable at the University of Roma Tre to discuss their work and the nature of the Civil Law, Common Law, Customary Law project, on which they are post-doctoral researchers.

Justine Firnhaber-Baker gave papers at the University of Lille and Caltech and in Nájera, Spain, keynoted the Medieval Culture and War conference in Brussels, and hosted the annual Late Medieval France and Burgundy seminar in St Andrews. She has also joined the editorial board of the journal French History and the research network ‘Les nombres de la libertad: Comunidad política y autonomía a fines de la Edad Media’ underwritten by a grant from the Agencia estatal de investigación of Spain.

John Hudson delivered the paper ‘Thinking through The Law’s Two Bodies’ at University of Michigan Law School, 2018 (pictured), as well as the 2018 Fulton Lecture in Legal History at the University of Chicago Law School entitled ‘F. W. Maitland, Common Law, and Civil Law’. He taught the subject ‘Television and Law’ at University of Rome III in February 2018.

Caroline Humfress gave the ‘Faber Lecture’ at Princeton University by invitation of the ‘Princeton Committee for the Study of Late Antiquity’, entitled “Law before Islam” (https://csla.princeton.edu/events/faber-lectures). She also spoke at the International conference to commemorate the 50th Anniversary of the Ancient History and Mediterranean Archaeology Programme (UC Berkeley), giving the invited paper: “The (I)awful revolution? Emperors, litigants and Roman law”. She gave the invited paper "Out of Time? Eternal Judgements in Late Antiquity" at the international conference, "Political Thought, Time and History" at the University of Cambridge, organized by John Robertson, and participated in various workshops relating to legal and constitutional history. She also gave a paper at the Graduate Institute in Geneva, as part of an International meeting on "Entangled Legalities" hosted by Nico Krisch.
Alicia Mavor, MLitt 2016/7 (first year PhD Cambridge)

"In October 2018 I started an AHRC-funded PhD at Peterhouse, University of Cambridge, having graduated from the MLitt in 2017 and then taken a year out of academia. Based in the History Faculty under the supervision of Dr Annabel Brett, I am researching early-modern conceptions of world community and how these ideas were being used in C16/17th international legal and political thought."

Dominic Dark, MLitt 2017/18 (Graduate Diploma in Law, sponsored by Clyde &Co law firm)

"I am currently studying the GDL in London. The course is quite intense, although, as you can imagine, a very different type of study to the MLitt. In particular, I really appreciate the slightly alternative approach of the MLitt course which, I think, will give me a fresh outlook on the practice of law when I eventually start working at Clyde & Co. I had a fantastic year and enjoyed pushing myself to think more independently."

John Chan, MLitt 2016/17 (Assistant Contracts Officer, The Chinese University of Hong Kong, and applying for PhD)

"After I left St Andrews last year, I began working full-time in Hong Kong. Now, I am an assistant contracts officer at The Chinese University of Hong Kong, working on legal administration and contracts review. I find myself enjoying this job, for the job nature constantly inspires me to think about the concept of law and my research interest of legal pluralism. As such, and because doing research is what I always dream of, I am hoping to begin my doctoral degree part-time in the coming academic year."