

PANEL DEBATE, 30 MAY 2013



Great Personalities in Law:

The role of biographical studies in the history of international and European law

This panel debate will explore the lives of famous American legal scholar *Eric Stein*, the influential director of the European Commission's Legal Service from 1953-1969 *Michel Gaudet* and finally the *judges* of the European Court of Justice from 1952-1972. The aim is to present different examples of recent biographical studies in order to address the question of how biographical methodologies can contribute to the understanding of the history of international and European law.

Participants:

Alexandra Kemmerer, Academic Coordinator and Co-director, Humboldt University Law School

Anne Boerger, Assistant Professor, University of Alberta, Canada

Vera Fritz, Doctoral Student, Aix-Marseille Université, France

Discussants: Ann-Christina Lauring Knudsen, Associate Professor, University of Aarhus and Niklas Olsen, Assistant Professor, University of Copenhagen, Denmark

Time: Thursday May 30, 14-16.

Venue: University of Copenhagen, Bispetorvet 1-3, Room 213, 1167 Copenhagen K

The event is open to the general public.

Please contact Tina Pia Peirano (gwj377@hum.ku.dk) to participate.

- Organized by SAXO History and Law Group and Rethinking European Integration (CEMES)

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Eric Stein

By Alexandra Kemmerer

Academic coordinator, Wissenschaftskolleg zu Berlin/Berlin Research Network Recht im Kontext - Rechtskulturen and co-director of the 'Rechtskulturen'-program, Humboldt University Law School



Born in the Bohemian lands of the then Habsburg empire, educated at Charles University in Prague and emigrated to the US, Eric Stein (1913 - 2011) shaped the emergence of a new transnational order in his native Europe – and actively took part in the evolution of European law as an academic and professional field since the mid-1950s. A biographical exploration of his life and career illustrates more than 60 years of transnational law and politics – from the transitional military administration in occupied Italy in 1944 and the UN's Uniting for Peace Resolution to the latest decisions of the European Court of Justice. Such an approach offers an opportunity to re-contextualize European law not only in its broader political, economic social and cultural environment, but also to trace the intertwined pathways of the development from international to supranational law – uncovering path-dependencies which the protagonist himself has always openly affirmed. A biography of Eric Stein contains the potential and the promise to see, through the prism of a long life of legal scholarship and academic networking, the broader contexts of European law and its close interconnections with international law and politics.

Michel Gaudet

By Assistant Prof. Anne Boerger, University of Alberta, Canada



A productive way of studying the emergence of European Law outside the Courts is by paying close attention to key European jurists who, behind the scene and the political spotlight, worked tirelessly to foster a supranational legal order. The perfect candidate for such a study is Michel Gaudet. As the director of the legal service of the European executives from 1952 to 1969, and as a negotiator of the Treaties of Rome's institutional and legal features, Gaudet was not only an important witness of the early developments of the European law but also a unique player who can indeed be ascribed a major responsibility in the legal revolution that quasi-constitutionalized the European Treaties in the mid 1960s. Despite his unswerving efforts to promote a quasi-federal approach of the European law and the success he encountered, Michel Gaudet remains one of the least known figures of the early history of the European integration. So, relying on the historical methodology of archival research, this paper investigates his life and career with the aim of shedding some light on his personal trajectory, his ideas and his vision of the supranational legal order. It focuses in particular on Gaudet's personal contacts (both in Europe and in the United States) to assess who influenced his views on European law and to trace how they developed over time. It also examines how Gaudet and the legal service convinced the ECJ to embrace their teleological approach of EEC Treaty at the occasion of the celebrated *Van Gend and Loos* (1963) and *Costa v. ENEL* (1964) cases. Altogether, a better understanding of one of the most influential European jurists of the '50 and '60 will increase our understanding of how the European law emerged outside the Courts.

Collective Biographies of the Judges of the European Court of Justice, 1952-1972

By Doctoral student Vera Fritz, Aix-Marseille Université, France



Countless publications have analysed the European Court of Justice's case law and its substantial role in the European integration process. Very few have however focused on the individuals behind the Court's decision-making i.e. the judges and the advocates general who remain largely unknown today. The aim of this presentation will be twofold: it will first address the different methodological approaches and the various types of sources that can be used in order to shed new light on the former members of the Court's personal and professional trajectories. Secondly, it will be shown how certain data gathered to study the judges' and advocates general's biographies can also provide new elements of knowledge on the early history and functioning of the Court in general. It will be argued and illustrated through examples that, especially since the ECJ refuses to give researchers access to its archives, biographical research on its members is a valuable methodology to generate further understanding of a central actor in the history of European law.