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THE INSTITUTIONAL AND INTELLECTUAL STATE OF LEGAL HISTORY IN TWENTY-FIRST CENTURY FRANCE. A BRIEF ACCOUNT

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SUMMARY: I. *Introduction.* II. *History and Current Developments in the Teaching of Legal History.* III. *Scholars and Places Involved in Legal History Research*. IV. *Legal History, between Identity Crisis and Epistemological Renewal*. V. *Closing Remarks*. VI. *Bibliography*.

I. INTRODUCTION

In France, legal history is taught as a separate discipline in law faculties, alongside private and public law. In contrast to the situation in other jurisdictions, legal historians teach this subject exclusively, thus finding themselves somewhat cut off from positive law. Despite this institutionally enshrined ternary division, legal history is unfortunately all too often regarded as an "auxiliary" discipline to private and public law, as introductory civil law textbooks regularly remind us.

This chapter aims to provide an overview of the institutional and intellectual state of legal history in France in the twenty-first century, without refraining from revisiting some historical aspects that are essential for the understanding of its current uncomfortable position. I will begin by reviewing the teaching of this discipline (II), before turning to the situation of scholars and their institutional environment (III). Finally, I will attempt to give an account of the epistemological debates that are taking place in a discipline that is navigating between an identity crisis and an epistemological renewal (IV).

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II. History and Current Developments in the Teaching of Legal History

The academic consecration of legal history did not come easily. At the beginning of the nineteenth century, in a Napoleonic context dominated by the exegetical method and the cult of codes, legal history was regarded as a subject of little use to the training of legal practitioners, if not potentially subversive. Teaching was centred on civil law, and only Roman law "in its relationship with the Civil Code" was taught. Roman law was not seen as a historical subject in the strict sense of the term, but as a subject that could teach students to *think like jurists*.

The history of French law, in the first half of the nineteenth century, occupied only a marginal place in the form of elective courses that each faculty was free to organize each year since 1840, with the agreement of the Ministry of Higher Education and Research.[1] Although a small group of French admirers of Friedrich Carl von Savigny had gathered around the journal *La Thémis* (1819-1831) to promote the historical study of law, they failed to have a lasting influence on the situation in law faculties, which remained essentially places of professional training. The same applies to the founding of the *Revue historique de droit français et étranger* (still in existence today) in 1855.

It has to be said that, throughout the first half of the nineteenth century, legal historical research was produced less in law faculties than in academies (*e. g.*, *Académie des Inscriptions et Belles-Lettres* or *Académie des sciences morales et politiques*) or provincial learned societies. Further, legal historical research was produced less by professors than by local jurists, be they lawyers, magistrates, notaries, or even archivists, who unearthed unpublished local sources (*e. g.*, charters, customary documents) and set about editing them.[2]

Despite the intensity of legal-historical research in the first half of the nineteenth century, stimulated by the favour enjoyed by general historical research since the Restoration (1814-1830), law faculties only included legal history in their curricula as an elective and marginal subject. It was not until the Third Republic (1870-1940) that the teaching of legal history became widespread, particularly in the years 1880-1890. In 1880, a course in the general history of French law was introduced in the first year, and the following decade saw the publication of the first textbooks. The professionaliza-

[1] Audren, Frédéric and Halpérin, Jean-Louis, *La culture juridique française entre mythes et réalités, XIX^e^-XX^e^ siècles*, Paris, CNRS éd., 2013, p. 46.

[2] *Ibidem*, p. 85.

tion of the discipline accelerated when in 1896 the *concours d'agrégation*, being a competitive examination destined to recruit law professors, was split into four sections (one being devoted to legal history).[3] While some welcomed the creation of a specialized body of legal history scholars, given the increasing technical nature of the historical discipline, others deplored the new divide between legal history and positive law and feared that legal history should now only be about sheer erudition.

Legal historians of the Third Republic essentially taught the history of public law, and particularly the construction of the French state, from the Germanic invasions of the fifth century to the Revolution of 1789, a date rarely surpassed. Although they were gradually opening to the history of private law —and to the history of customs— it must be said that the "official" history of law in the 1900s was teleological and evolutionary, culminating in the State and its codes. From the Interwar period onwards, however, the discipline began to open, with some legal historians, for example, turning to sociology to renew their approaches. Under the influence of the *École des Annales,*[4] the decree of 27 March 1954 reduced the place of Roman law in the curriculum and renamed the history of institutions "*history of institutions and social facts*". This trend continued in the 1970s, with studies now considering legal practice (particularly notarial practice), religious sociology, or the link between law and economics, to give but a few examples.[5]

Today, far from this golden age, legal history is often regarded as a less important subject than private or public law. It has lost its subversive charge and has been relegated to the status of a "general culture" subject, useful for students wishing to take competitive examinations that include such a test (*e. g.*, magistrates' exam). Its place in teaching curricula varies greatly from one university to another. As a rule, legal history is compulsory in the first year of a Bachelor of Laws degree (*première année de licence*)[6] and is one of the core courses (alongside civil law and constitutional law). This course deals with

[3] See III.1. of this chapter.

[4] The *École des Annales* is a current of French history founded by historians Marc Bloch and Lucien Febvre in the 1920s. It advocated for a "bottom-up" approach to history, focusing on economic and social facts rather than solely on political and military history, as had been the case with the previous generation of historians. In 1929, the journal *Annales d'histoire économique et sociale* was founded, which would profoundly transform French historical science.

[5] This brief history is based on Jean-Louis Halpérin's excellent summary: "Histoire du droit", in Alland, Denis and Rials, Stéphane (coords.), *Dictionnaire de la culture juridique*, Paris, PUF, 2003, pp. 783-787.

[6] Law studies in France are organized into five years: three general bachelor's years and two specialized master's years (sometimes followed by a doctorate). This system, which is the same all over Europe, is called the L-M-D system (*licence*, *master*, *doctorat*).

the history of the sources of law and the construction of the French state. This course is often —but not always— developed in small tutorial groups (*travaux dirigés*), in which students practice the essay and text commentary techniques. In the second and third years of the bachelor's degree (*deuxième et troisième années de licence*), its place in the syllabus varies: everything depends on the faculties in question and the way in which local legal historians have succeeded in having courses created. Some faculties offer one or even two legal history electives per year (*e. g.*, history of obligations, history of family law, history of justice, history of criminal law, history of commercial or labour law). It should be noted that legal history is generally more present in the larger faculties.

At the two-year master's degree, the situation also varies greatly from one faculty to another. Specialized master's degrees in legal history are guaranteed in major cities, with their presence, for example, in Aix-Marseille, Bordeaux, Grenoble, Lille, Lyon, Montpellier, Nancy, Nantes, Nice, Paris 1 Panthéon-Sorbonne and Paris V (joint degree), Paris-Panthéon-Assas, Paris-Nanterre, Paris-Saclay, Poitiers, Toulouse, and Strasbourg. Some faculties specialize in the history of law in general, while others focus on a particular branch of legal history (*e. g.*, history of legal thought at Paris I and Paris V, history of political ideas at Aix-Marseille). In these specialized master programs, students take almost exclusively legal history courses and are required to write a 100-page research thesis (*mémoire de recherche*) on an original subject, under the supervision of a legal historian. If the thesis is good enough, the student may choose to pursue studies at doctoral level.

Doctoral students must normally defend their dissertations within three years. In practice, completing a dissertation in France lasts commonly around five years. The dissertation, several hundred pages long (500 on average), is defended before a jury, half of whom are members of the university, and the other half external members, after having been the subject of pre-defence reports authorizing the defence. Once the dissertation has been defended, it is presented to the legal and institutional history section of a national body known as the CNU (*Conseil national des universités*).[7] Made up of legal historians, this body regulates careers. Doctoral dissertations are the subject of two reports: if both are positive, the candidate is qualified for

[7] As far as law is concerned, the CNU —which also exists for all the other disciplines— is organized into three sections: private law and criminal sciences (section 1), public law (section 2), and legal and institutional history (section 3). The CNU decides on individual measures relating to the qualification, recruitment, and career of university professors and *maîtres de conferences.* Available at: *https://conseil-national-des-universites.fr/cnu/#/.*

the position of *maître de conferences* (assistant professors) and is then entitled to apply for *maîtres de conferences* positions opened by the faculties. This qualification is highly selective. For example, for the year 2022, the CNU qualified 18 candidates out of 47 applications received. Rapporteurs assess the candidate's scientific qualities (quality of dissertation and articles), as well as his or her teaching experience.

III. Scholars and Places Involved in Legal History Research

As far as careers are concerned, French scholars are divided into two categories: *maîtres de conférences* and *professeurs des universités* (full professors). Both are civil servants and have life tenure. As said before, young PhDs qualified by the CNU are entitled to apply for positions as *maîtres de conférences* at faculties. While the CNU qualification phase is national, the recruitment phase is local. The recruitment procedure for young PhDs consists of an audition before a jury of professors and *maîtres de conférences*, half of whom belong to the recruiting faculty, and half to other faculties. Open positions are becoming increasingly scarce: in 2024, for example, only two *maîtres de conférences* positions were open for the whole of France. In the context of government budget deficit, the number of scholars is continually declining. Many retiring colleagues are not being replaced, and their positions are being eliminated.

Maîtres de conférences may wish to become full professors after a few years in that first position. There are two main ways of achieving such a career development. Historically, the main one is to sit for the *concours d'agrégation* in legal history, an extremely demanding examination consisting of four oral performances (lecturing and text commentaries), covering the entire history of law from Roman law to the twentieth century. Established in 1855 but split into four sections in 1896 (public law, private law, legal history, and political science),[8] the *concours d'agrégation* is open not only to *maîtres de conférences*, but also to PhDs who have not yet found a position at a faculty. Opened every two years, it enables young scholars to become professors at a very early age, sometimes before reaching the age of 30, and sometimes without ever having been a *maître de conférences*. However, professorships are also becoming increasingly rare. In recent years, there have been an average of two to three positions per competition, for around 40 candidates.

[8] Halpérin, Jean-Louis, "L'histoire du droit constituée en discipline: consécration ou repli identitaire?", *Revue d'histoire des sciences humaines*, Paris, vol.1, no. 4, 2001, pp. 9-32.

The *concours d'agrégation*, a relatively unique institution in the academic landscape,[9] is a myth for many French jurists. Legal scholars are generally very attached to it, even if the academic community is increasingly divided over it. It has been the subject of much criticism. Among these, it has been criticized for being more of a co-optation system than a genuine competitive examination (since the tests are oral, they are not anonymous). Candidates from Paris who know members of the jury are deemed to have better chances than provincial candidates with little introduction to the milieu. The jury has also been criticized for giving priority to purely formal exercises, highlighting candidates' eloquence skills, to the detriment of a genuine evaluation of research work. The juries, it has been claimed, tend to choose candidates with a very classic profile, to the detriment of candidates presenting more innovative and "risky" work. A final criticism concerns the third test, known as the "24-hour lesson," which involves working on a lecture with an entire team, and working through the night without sleep. This test is in fact very expensive, as the candidate must lodge his entire team in Paris (sometimes dozens of people) and therefore favours Parisian candidates... and the wealthy.

It is worth noting that women are significantly less likely to be *agrégées* than men. Most candidates are in their thirties, and women with young children find it difficult to commit to such a demanding exam, which lasts around half a year. For some years now, there has been talk of reforming and modernizing the *concours*. Legal historians are sharply divided on this issue, which gives rise to a great deal of tension between advocates and opponents of this route to professorship. While some see the *concours d'agrégation* as emblematic of the singularity of legal disciplines, others object that it is outdated in a world governed by project-based research.

In response to this criticism, part of the legal community obtained in 2014 the right for *maîtres de conférences* to become professors in the same way as all other disciplines, *i.e.* by attaining a diploma to supervise research (HDR, *habilitation à diriger des recherches*). The HDR procedure (article 46-1 of the decree of 6 June 1984, establishing the status of scholars)[10] is the normal route in all disciplines that do not have an *agrégation*. This route has been open to legal scholars for the past ten years.[11] The HDR consists in

[9] The *agrégation* only exists for law, political science, and economics.

[10] The decree is available at: *https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000520453*.

[11] See the report by the French Ministry of Higher Education and Research on all these debates, available at: *https://www.enseignementsup-recherche.gouv.fr/sites/default/files/content_mi-*

defending an unpublished manuscript of around 200 pages, proving that the candidate has produced quality work since recruitment. Once they have passed the HDR examination, candidates for the professorship can apply for local teaching positions at faculties. As it is the case for the *maîtres de conférences*, they are then auditioned by a panel of professors. This system has enabled *maîtres de conférences* with less traditional profiles, developing original and sometimes multidisciplinary work, to become professors. Women have also taken advantage of it. It has thus made it possible, albeit marginally,[12] to correct the shortfall in the number of female professors,[13] which was becoming more damaging given that parity is now strongly recommended in dissertation juries and in the juries of recruitment of *maîtres de conferences.*[14] Finally, it is worth noting that candidates with singular profiles often apply to the CNRS (*Centre national de la recherche scientifique*), an institution that promotes multidisciplinarity and recruits its researchers based on the innovative nature of their research projects. This contrasts with faculty recruitment, which is much more traditionally based on candidates' ability to teach all branches of legal history, and to engage in dialogue with their privatist and publicist colleagues.

In 2020, according to official figures provided by the Ministry of Higher Education and Research, there were 118 *maîtres de conférences* in the field of legal history, and 85 professors, for a total of 203 legal historians. Of these, 194 were employed in state faculties and nine in other types of establishments (catholic faculties, CNRS, *Collège de France*, *École militaire Saint-Cyr*, *École normale supérieure*, *Conservatoire national des arts et métiers*, *École des hautes études en sciences sociales*, *École pratique des hautes études*, *École nationale des chartes*, *Institut d'études politiques*).

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gration/document/Etude_sur_le_recrutement_des_professeurs_des_universites_dans_les_disciplines_juridiques%2C_politique%2C_economiques_et_de_gestion_1112343.pdf/.

[12] To ensure that this new procedure does not "kill off" the *concours d'agrégation*, which remains the main route to full professorship, the number of positions open to habilitated *maîtres de conférences* is limited, i.e. it cannot exceed the number of positions open to the *concours d'agrégation*.

[13] This shortfall is particularly marked in law. For precise figures, see the report by the Ministry of Higher Education and Research, available at: *https://www.enseignementsup-recherche.gouv.fr/sites/default/files/content_migration/document/Note_DGRH_N_4_Avril_2021_La_situation_des_femmes_universitaires_dans_l_enseignement_superieur_en_2020_1405949.pdf*.

[14] A research program on gender and law has recently been launched by junior legal historians, called the *ANR HLJP-Genre. Gender Relations and Legal and Judicial Systems.* Available at: *https://hljpgenre.hypotheses.org*. As part of this program, a vast survey on the impact of gender in the academic field of legal history has been launched. Available at: *https://hljpgenre.hypotheses.org/2622*.

State faculty legal historians are attached to a research centre of their choice. Only faculties in major cities do have research centres specialized in legal history. These include Aix-Marseille, Bordeaux, Lille, Limoges, Lyon, Montpellier, Nice, Paris Panthéon-Assas, Paris V, Paris Nanterre, Paris Saclay, Poitiers, and Toulouse. In smaller cities, on the other hand, legal historians are attached to generalist research centres, which cover some or all branches of law. The institutional situation of the discipline therefore varies across the country.

IV. Legal History, between Identity Crisis and Epistemological Renewal

The institutional situation of legal history in France is therefore relatively fragile, due to the greater weight of public and private law, and the low number of positions for both *maîtres de conférences* and professors. This institutional precariousness, which reinforces the perception of legal history as an auxiliary discipline, is compounded by the intellectual identity crisis of a discipline torn between law and history.[15] On closer examination, there seems to be two ways of practicing legal history in France.

There is, on the one hand, a "dogmatic" way of practicing legal history in France. There, to blend in their day-to-day institutional environment (that of law faculties), legal historians have sometimes tended to develop highly "dogmatic" works of a technical nature, with no epistemological ambition. To engage in dialogue with their privatist and publicist colleagues, they have made themselves more jurists than historians and have promoted a vision of the discipline that focuses on describing the past of norms, without regard for their context of production or application. Context, seen as "sociology", is banished from the analysis, which remains purely internal to the science of law. Rules of law from the past are thus explained with reference to other rules from the same period, but not with reference to their political, social, economic, or intellectual environment. Proponents of this position believe that law is a very specific object, totally autonomous from the social world, and that the latter has no role to play in the analysis. For

[15] For an excellent analysis of this crisis of identity, see Cornu-Thénard, Nicolas and Laurent-Bonne, Nicolas, "Enjeux d'une critique fondée sur l'histoire du droit et le droit comparé", *Tribonien. Revue critique de législation et de jurisprudence*, Paris, vol. 1, 2017, pp. 6-19, as well as Laurent-Bonne, Nicolas, "Observations sur la fonction de l'histoire dans la doctrine contemporaine", in Mazeaud, Denis and Bonneau, Thierry (coords.), *Sur quelques aspects du renouvellement des sources du droit*, Paris, Éditions Panthéon-Assas, 2016, pp. 11-28.

this reason, legal history, which has evolved in law faculties that have long been resistant to epistemological reflection, has often seemed to lag the history practiced in humanities faculties. It has only been marginally affected by the various epistemological currents that have shaken the historical discipline. This strong trend in legal history can also be explained by the way the discipline has been constituted since the nineteenth century. The "classical" conception of legal history is exclusively devoted to the study of "the evolution of legal institutions, concepts and systems, supposed to have their own life and their «organic» development through time".[16] In other words, law, because of its technical specificities, would have its own history, with its own temporalities, in which the political, social, or economic context would weigh little against the *Isolierierung* of jurists.

There is, on the other hand, a "contextual" way of practicing legal history in France. There, another part of the academic community has chosen the opposite path, favouring a contextual analysis of law,[17] or what has been called a "socio-history" of law.[18] Without reducing the study of law to its context, or denying the specificities of legal matters, the aim has been to stop overestimating the technical element of law and its supposed neutrality, and to take note of the weight of the political, social, or economic context. In particular, the role of politics in law has been firmly emphasized in many works, countering its supposed neutrality.[19] The proponents of this position rely on an ongoing dialogue with the other human and social sciences.

Nader Hakim summarizes these two approaches to legal history, by writing that while "dogmatic history produces order, coherence and clarity", the contextual history of law is disturbing in its propensity to highlight "the disorder and contradictions of discourse", by focusing on sometimes marginal or subaltern objects.[20] Particularly in the last ten years, these two ways have

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[16] Halpérin, Jean-Louis, "Pourquoi parler d'une histoire contextuelle du droit?", *Revue d'histoire des sciences humaines*, Paris, vol. 30, 2017, pp. 31-48.

[17] *Id.* The issue of context was recently taken up by Heirbaut, Dirk and Sontag, Ricardo, "Historia do direito tradicional e historia do direito contextual", in Martyn, George and Dal Ri Junior, Arno (coords.), *Métodos da historiografia do direito contemporânea. Olhares cruzados entre a Bélgica e o Brazil*, Belo Horizonte, Sao Paulo, D'Plácido Editora, 2024, pp. 49-108.

[18] Audren, Frédéric, "«Le droit est la science sociale par excellence». Un entretien avec Frédéric Audren, socio-historien du droit", in Ayad-Bergounioux, Soulef (coord.), *Les logiques du droit. Science de la norme et des régimes de domination*, Paris, Mare & Martin, 2018, pp. 43-58.

[19] For a summary of this tricky issue, see Chambost, Anne-Sophie, "Une histoire politique du droit", in Audren, Frédéric *et al.*, *Histoires contemporaines du droit*, Paris, Dalloz, 2020, pp. 123-144.

[20] Hakim, Nader, "Histoire du droit et politique : éviter l'affrontement, affronter l'inéluctable", in Hakim, Nader (coord.), *L'histoire du droit entre science et politique*, Paris, Éditions

given rise to highly fertile epistemological debates on the discipline's methodology. Should legal historians adopt an internalist legal method or an externalist historical method? To what extent, in other words, should the context be considered without making law an object of history like any other? Is there not a risk of losing sight of its specificity? While we cannot deny the self-referential nature of law and its autonomy, it seems to me that legal history does not have to adopt the same postures as private or public law. It is, like legal anthropology or sociology, a "*science du droit*", and as such cannot remain internalist if it wishes to propose an analysis of its object. To understand the tension between the rationality of law and its exterior, legal historians can profitably use the methods of the humanities and social sciences, without forfeiting their identity and technical mastery. In consequence, many colleagues are now adopting a moderate externalist or internalist stance in their work.

These questions and legitimate concerns have led to a reassessment of the historiography of legal history and the foundations of the discipline since the nineteenth century.[21] The need to take stock of the discipline was felt, and a synthesis work was published in 2014, offering a state of the art of all branches of legal history.[22] More broadly, a major historiographical revival has also contributed to questioning the history of law faculties and law professors, the organization of legal studies[23] and the writing activity of jurists, in both its intellectual and material aspects (*e. g.*, history of law reviews, history of legal publishers, history of law libraries, history of textbooks as reproduction of knowledge). Legal historians have also recently engaged in digital humanities to renew their approaches.[24]

Research in legal history is therefore currently very active and often critical. For example, three volumes have been devoted to its methods, and to the question of the anachronism of concepts: is it possible to analyse an-

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de la Sorbonne, 2019, p. 24 and Hakim, Nader, "«L'histoire n'enseigne rien». Quelques remarques sur l'utilité de l'histoire du droit", in Zabalza, Alexandre and Grard Carole (coords.), *Mélanges en l'honneur du Professeur Jean-Marc Trigeaud. Les personnes et les choses du droit civil à la philosophie du droit et de l'État*, Bordeaux, Bière, 2020, pp. 303-311.

[21] Poumarède, Jacques (coord.), *Histoire de l'histoire du droit, Actes des Journées internationales de la Société d'Histoire du Droit (Toulouse, 1-4 juin 2005)*, Toulouse, Presses de l'Université Toulouse Capitole, 2006.

[22] Krynen, Jacques and d'Alteroche, Bernard (coords.), *L'Histoire du droit en France. Nouvelles tendances, nouveaux territoires*, Paris, Classiques Garnier, 2014.

[23] For a synthesis, see Audren, Frédéric, "*Alma mater* sous le regard de l'historien du droit. Cultures académiques, formation des élites et identités professionnelles", in Krynen, Jacques and d'Alteroche, Bernard (coords.), *L'Histoire du droit en France…*, *cit.*, pp. 145-172.

[24] See the blog post by Decoux, Prune, "Histoire du droit et humanités numériques I–L'historien du droit, un humaniste numérique qui s'ignore?", *Carnet de recherche du projet CONDÉ*, available at: *https://doi.org/10.58079/n23d* (last accessed: 17 April 2024).

cient public or private law using contemporary concepts? Legal historians have also recently embarked on several innovative projects, considering the exclusively national framework that had long prevailed and thus taking the turn towards global, or at least connected, history.[25] They have taken gender history into account,[26] or more generally have engaged in dialogue with other disciplines such as history, economics, philosophy, sociology, anthropology, or literature. Legal historians have also considered chronology (do norms obey to the same chronology as facts?) to tackle the very identity of their discipline.[27]

The journal *Clio@Themis*, founded in 2009 by legal historians from the CNRS (and not from law faculties), is emblematic of this revival. It aims to cover all periods of legal history up to the twenty-first century (whereas previous studies rarely considered contemporary history), and to do so from a perspective that is no longer exclusively national, but European, even global. It is also committed to engage in dialogue with other disciplines, promoting a form of socio-history of law. Finally, it presents itself as a critical instrument for understanding the present through history, breaking with the more traditional perspectives adopted by the prestigious *Revue historique de droit français et étranger*. In addition, a collection entitled "*Contextes. Culture du droit*" has been founded by Editions LGDJ and it publishes works from this trend. A mere glance at those journal issues and books is enough to get a pretty accurate overview of new trends in French legal history.

It should be noted, finally, that legal historians are now able to respond to calls for projects and obtain research funding, although more needs to be done in this area. Furthermore, after a long period of isolation, French legal historians are increasingly forging links with their foreign colleagues. A recent colloquium organized by the *Association des historiens des facultés de droit* (AHFD), held on 30 November and 1 December 2023, sought to bring together legal historians from all over Europe to compare teaching practices and reflect on the status of legal history scholars in different European countries. The AHFD, a corporatist association founded in 1958, aims to defend legal history as an academic field. It should be also noted that legal

[25] For a good synthesis of such studies, seeking to go beyond the traditional national perspective of legal historians, to take an interest in the circulation of knowledge (of both people and texts), see Chambost, Anne-Sophie, "Le juriste en voyageur", in Audren, Frédéric *et al.*, *Histoires contemporaines*…, *cit.*, pp. 267-280.

[26] See the *ANR-HLJP Genre*, mentioned *supra*. See also the recent issue of *Clio@Themis*, published by the same team, dedicated to "Genre, histoire et droit" (2023, n° 25).

[27] Halpérin, Jean-Louis, "Le droit et ses histoires", *Droit et Société*, Paris, 2010/2, no. 75, pp. 295-313.

historians are grouped in a centenary learned society, the *Société d'histoire du droit*, founded in 1913, which organizes annual lecture series, as well as an annual congress, sometimes held in France, sometimes abroad, open to colleagues from other countries.

V. Closing Remarks

While research in legal history is increasingly active, and methods and objects are being renewed at a rapid pace, the institutional situation of the discipline is still considered worrying in France. In 2022, the Ministry of Higher Education and Research thus placed legal history "under observation status" as a "rare discipline" requiring vigilance, in training as in research, regarding the precariousness of its workforce. Let us hope that this institutional situation improves for the benefit of a discipline essential to the training of quality jurists as well as to the understanding of the contemporary legal world.

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