

History and Law in European Integration

Place: "Professorboligen", The Faculty of Law, 0162 Oslo.

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At this workshop, we will engage with national reception of EU law from a historical perspective. With a focus on actors, structures and institutions producing the law, we will approach the historical creation of EU law starting from the national sphere as a springboard to questioning boundaries between national, transnational and European containers. By studying the genesis of national EU law receptions, we hope to advance our understanding of the social process that has been popularly dubbed "European integration", as well as to disentangle it from its own mythology. Read the full call for papers [here](#).

The main part of the workshop will be presentations of work-in-progress papers by young scholars from a number of European countries and research environments. We aim to make the workshop a constructive space for developing both the papers as well as our collective thinking, and hope that this work will also continue after the workshop.

On Thursday, 10 November, Brigitte Leucht (University of Portsmouth) will open the workshop with a keynote lecture on "European legal history as social history: from interdisciplinarity to intra-disciplinarity and back?" The abstract can be found below. The day will continue with paper presentations and debate and concluded by a more general discussion on the topic of the workshop introduced by Hanne Hagtvedt Vik (University of Oslo) and Tarjei Bekkedal (LEVEL). In the evening, we will have a dinner for participants.

Friday, 11 November, Lise Rye (Norwegian University of Science and Technology) will introduce with a presentation titled "From peace project to community of values. The centrality of law for the evolution of the EU." We will then have another series of paper presentations before we round off the workshop.

The workshop is hosted by the Research Group for Law, society and historical change at the Faculty of Law, University of Oslo.

Thursday, 10 November

8:30 – 9:15: Coffee and fruit

9:15 – 9:30: Welcome

9:30 – 10:45: Keynote lecture by Brigitte Leucht (University of Portsmouth): European legal history as social history: from interdisciplinarity to intra-disciplinarity and back?

10:45 – 11:00: Coffee break

11:00 – 12:30: Paper presentations:

- "... in accordance with EU law?": Accidental reception as a by-product of national strategies (Magnus Esmark, Norway Inland University of Applied Sciences)
- Denaturalizing *Effet utile* – the making of a powerful and controversial doctrine (Jacob van de Beeten, London School of Economics)
- Discussant: Mala Loth (University of Oslo)

12:30 – 13:30: Lunch break

13:30 – 15:00: Paper presentations:

- Integration through communication? Rationales in EU social law (Stine Piilgaard Porter Nielsen, University of Southern Denmark)
- The process of EU integration from a perspective of national judges: Evidence from new member states (Monika Glavina, Erasmus University Rotterdam)
- Discussant: Stian Øby Johansen (University of Oslo)

15:00 – 15:30: Coffee break

15:30 – 17:00: Plenary debate to round off the day. Introductions by:

- Hanne Hagtvedt Vik (University of Oslo)

Tarjei Bekkedal (LEVEL)

18:00 – 21:00: Dinner

Friday, 11 November

9:15 – 10:30: Introduction by Lise Rye (Norwegian University of Science and Technology): From peace project to community of values. The centrality of law for the evolution of the EU.

10:30 – 12:00: Paper presentations:

- In the shadow of the Single Market? Indifference, reluctance and hopes of the French administration towards the EEC in the context of the 1986 competition policy reform (Lola Avril, University of Eastern Finland & Sebastian Billows, INRAE)
- Postcolonial Constitutionalism: The Case of Malta (Jenny Orlando-Salling, University of Copenhagen)
- Discussant: Magnus Esmark (Norway Inland University of Applied Sciences)

12:00 – 13:00: Lunch break

13:00 – 13:45: Paper presentation:

- The History of Law from below? Helen Marshall, State Retirement Age, and the European Court of Justice, c. 1986-1993 (Mala Loth, University of Oslo)
- Discussant: Lola Avril (University of Eastern Finland)

13:45 – 14:15: Rounding off and farewell

Abstract: European legal history as social history: from interdisciplinarity to intra-disciplinarity and back?

Brigitte Leucht, University of Portsmouth

This lecture proposes to locate the legal history of the European Union (EU) in an interdisciplinary and intra-disciplinary context. While the interdisciplinary dimension of our research has been the starting point for developing research questions and collaboration with lawyers and social scientists, historians have given less thought to the question of where European legal history fits within the broader contemporary history of Europe. What does it mean to approach the legal history of the EU as a historian and with the tools of a historian? What is the added benefit of our 'histories' of EU law? Are we simply nuancing the narratives generated by lawyers and social scientists, when we go to archives? To what extent does this research feed into the field of European contemporary history, if indeed it does?

The lecture will address these questions highlighting the potential of recent approaches including mobilisation of the law and 'bottom-up' approaches focusing on primary sources associated with social and cultural history to argue for conceptualizing European legal history as social history. Sketching this programme and its benefits for making European legal history relevant to the wider field does not mean closing the door to interdisciplinary thinking and cooperation, however. Instead, it opens up new avenues for mutual exchange, as the lecture will demonstrate.