

## Research topic : Law

Soazick Kerneis (2024-2026)

Site : <https://soazick-kerneis.penkorrigan.fr/>

- **Historical perspective**

The legal research axis considers law from a historical perspective to challenge the legacy of 'Roman law' by focusing on popular practices and customary traditions that contributed to the development of legal representations. Thanks to the editing work, carried out by the Centre for the Study of Ancient Documents (CSAD) in Oxford, the practice of law in the Western provinces of the Roman Empire was made clearer (<http://curses.csad.ox.ac.uk/index.shtml>). Popular sources, like judicial prayers or wooden tablets, emphasize the intertwining between provincial practices and Roman law, the impact of legal hybridization in the development of law, as well the subversive activity of women by silencing the judge.

### At the MFO

- Book-launchs

January 29, 2025 : *The Colonate in the Roman Empire*, with the author Boudewijn Sirks (All Souls College) Discussants: Bryan Ward-Perkins (Trinity College, Oxford) and Yann Rivière (EHESS, Paris) ; Convenor: Soazick Kerneis (MFO).

March 7 2025 : *The Rule of Laws. A 4000 years Quest to order the World*, with the author Fernanda Pirié (University of Oxford), Discussants Baudouin Dupret (CNRS) and Sophie Demare-Lafont (EPHE, Université Paris 2)

- Presentation of the ISTHisFrench project (ERC-2024-COG 101170233)

February 16 2026, Xavier Prévost: *Legal humanism across nationalisms and transnational history*

- Lectures (S. Kerneis)

November 12 2005 : "*Women and the Magic of Silence in Roman Gaul*", Wolfson College, University of Oxford.

March 25 2026 : "*Myth-Making in the Early Augustan Age and the Legitimation of Augustus' Family Reforms*", Spring School organized by le Grand programme de recherche de Paris Sciences et Lettres (PSL) "Fabrique de l'Antique" (O. Delouis) et la Maison Française d'Oxford, Oxford, 23-27 mars 2026.

### Publications (S. Kerneis)

« Viol antique. Une affaire d'honneur », *Cahiers de la Justice* 2025/1, p. 123-137.

Actes du colloque franco-italien ; *Famille, droit et Antiquité tardive*, (org. B. Caseau, E. Chevreau, S. Kerneis), in *Legal roots* 14/2025

(avec Jean-Paul Jean) « La parole en justice, perspective historique et anthropologique », *Revue Histoire de la justice*, 37, 2026.

To be published:

« Le droit en main. Sources populaires et force normative dans la tradition romaine », *Archéologie et pensée juridique*, éd. P. Bonin, Classiques Garnier, collection histoire du droit, 2026.

« À la source du droit. Les ruissellements du *ius* à Rome », *Mélanges en l'honneur de Louis Assier-Andrieu*, (éd. M. Minsk, J. Herrera), Presses de Sciences-Po, 2026.

« A propos des usages de l'histoire. Le droit romain et la construction du patriarcat », in *La famille, questions anciennes, questions nouvelles*, (dir. S. Soleil & S. Nene Bi Boti), Cahiers du CAHDIP, 2026.

« Les liens des ténèbres. Un petit anneau pour la longue histoire du mal », *Mélanges offerts à Elisabeth Fortis*, (éd. P. Beauvais, C. Chassang), Mare&Martin, 2026.

## External lectures

October 14 2024 : avec Jean-Paul Jean, « La parole en justice : perspective anthropologique », Cycle. *La justice et la culture de l'oralité*, Cour de cassation.

November 28 2024 : « Les formulaires, le droit et les droits à Rome », Colloque *Ce que les formulaires font au(x) droit(s)*, Fonteny-Segur.

March 6 2025 : « Marcel Mauss et les principes explicatifs de l'histoire du droit », *Les trajectoires du don. Prendre au sérieux l'héritage de Marcel Mauss cent ans après*. Séminaire en ligne, Org. Jean-François Bert, Université de Lausanne.

April 24 2025 : « Le juge et la « belle inconnue », Séminaire AHJUCAF, Dakar, org. Jean-Paul Jean.

June 4 2025 : répondante au colloque *Les coutumiers officiels sont-ils de la coutume ? Approche internationale et interdisciplinaire*, (org. S. Soleil), Rennes.

June 28 2025 « Muta Tacita, la magie des femmes dans l'Empire tardif », XXVII Convegno Internazionale, Accademia Romanistica Costantiniana, *Le donne nella realtà giuridica tardoantica*, Spello, 28 juin,

[https://accademia-romanistica-costantiniana.unipg.it/files/programma\\_xxvii\\_convegno.pdf](https://accademia-romanistica-costantiniana.unipg.it/files/programma_xxvii_convegno.pdf)

December 3 2025, dans le cadre du cycle « Justices à travers les âges : voies de femmes », (dir.) Alexandra Fabbri, *La justice à Rome, une affaire d'hommes ?*, Fondation Napoléon.

December 12 2025 Chair, *Penser la société en catégories au Moyen Age*, dir. A Destemberg, Oxford.

May 8 2026 « Le ventre des femmes à Rome », Colloque international CADHIP, *Rationalité juridique, spiritualité et normes juridiques*, San Pedro. Côte d'Ivoire.

June 24 2026 « Présidence et réponse ». Communication présentée au colloque international *Pour une histoire des femmes à inscrire dans l'histoire de la cité (antique, médiévale, moderne et contemporaine)*, Chaire Francqui Internationale, Académie royale de Belgique, Bruxelles, June 24 2026.

### • Law and Society

Since law is a social reality, the jurist has to cope with major issues. How do societal mutations lead to reinventing the uses of law? Denis Salas, a French magistrate and teacher at the *École Nationale de la Magistrature*, presented on April 28, 2026, a review of the Pelicot trial and pointed out the liberation of speech in a rape trial as an anthropological break. Another challenge confronting the legislator is the question of life and death. Should the interest shown in UK since the end of the 19th century in an intermediate period between life and death—the so-called end of life—lead to the emergence of a new subject of law, the dying person, who would get a new subjective right, the right to die, meaning to choose the date of one's death? But should we think in terms of a "right to"? If the State is the guardian of life, then granting the dying persons the right to euthanasia may be interpreted as meaning that their life is no longer worthy of being protected, because they are no longer useful. The topicality of the issue prompted the *Institut français* to include the question of the end of life on the agenda of the *Night of Ideas* held in London on February 5, 2026.

The birth of law coincided with the ambition of the *Res publica* to counter the abuses of power. Today, law is jeopardised, both at the international level, due to the loss of influence of international conventions, and at the domestic level, because of the erosion of the rule of law and the competition from the so-called alternative dispute resolution (ADR). A duty of vigilance imposes to take stock of the attacks against republican principles and to recall the ideal of public justice as the foundation of democratic freedom. This issue was illuminated by Jean-Paul Jean, Honorary Chamber President at the *Cour de cassation*, presenting his book *Les juges devant l'histoire. Savoir dire non, de Vichy à nos jours*. How could judges, who took an oath of loyalty to Marshal Pétain and served the Vichy regime, later preside over the Purge courts? What was the actual role of justice in the implementation of laws under the Occupation, in the persecution

of Jews, and the repression of resistance fighters? The question is highly topical at a time when the power of judges is increasingly threatened by the authoritarian drifts of Power that has become Trumpian in its application. Another challenge concerns the irruption of artificial intelligence in the field of law. Is the future one of digital justice? This was the question explored by Professor Stéphanie Rohlffing-Dijoux on June 8, 2026, at the MFO.

Contemporary law also has to cope with its own limits. In sub-Saharan Africa, witchcraft overflows traditional frameworks of law. In villages as in cities, accusations are rife, and in their wake, extrajudicial violence spreads by false rumors. Because it follows migratory flows and crosses borders, witchcraft sometimes stresses international bodies. How to judge the witch, and how to give satisfaction to crowds convinced by a diviner's verdicts? The question touches upon the epistemology of law since it deals with the perimeter of legal action. Can law grasp the Invisible?

### **At the MFO**

- Book-launch

February 18, 2026 : *Les juges devant l'histoire. Savoir dire non, de Vichy à nos jours, en présence de l'auteur Jean-Paul Jean, discussants Anne Simonin (EHESS) et Lise Jaulin (Magistrate de liaison)*

- Lectures

June 19, 2025, End-of-life. Comparative view (France, Germany), Stéphanie Rohlffing-Dijoux (Université Paris-Nanterre) & Une Hellman (Universität Postdam). Chair : Morgan Clarke (Keele college)

April 28, 2026, Denis Salas, « Le procès Pelicot : quels enseignements ? ».

June 8 2026, Séphanie Rohlffing-Dijoux, *AI in the Service of the Law — or the Law in the Service of AI?*

### **External lectures**

February 4, 2026, *Ethics, Law and Care at the End of Life*, chair S. Kerneis, Institut Français, Londres.

May 24, 2026, S. Kerneis, « Le droit pris au piège de la sorcellerie », Colloque international, *Violences sociétales, exclusions, vulnérabilités et culture en Afrique et dans le monde*, Ouagadougou, Burkina Faso

### **Publications**

S. Kerneis, « Le tribunal de l'invisible – Juges et sorciers en Afrique », *Mélanges en l'honneur de Philippe Cocâtre-Zilgien*, Presses de Paris 2, 2027.

Ead., « Le droit pris au piège de la sorcellerie », Actes du Colloque international, *Violences sociétales, exclusions, vulnérabilités et culture en Afrique et dans le monde*, Ouagadougou, Burkina Faso.