

How does one become a Legal Historian?

by Laurent Mayali – 3 June 2026

Becoming a legal historian is, in one sense, relatively straightforward: a succession of academic milestones eventually leads to institutional membership in a discipline firmly established within law school curricula worldwide. A significant consequence of this trajectory—which deeply impacts the methodology and substance of legal history—is that one typically approaches history through the foundational study of law. Why one chooses this path, however, is a far more complex question. While subjective motivations, circumstantial factors, and formative encounters with inspiring mentors certainly play a role, these explanations only scratch the surface. The true complexity lies in the peculiar, ambivalent nature of legal history at the crossroads of two major disciplines: law and history. It is precisely here that the choice becomes less obvious, as terms like legal history, *storia del diritto*, or *histoire du droit* inherently betray an undeniable disciplinary ambiguity. Despite this hybrid origin, legal history maintains an inherent unity, protecting legal historians from a sort of dissociative identity disorder as they endeavor to wear the robe of the jurist and the toga of the historian. Whether a combination of both disciplines or entirely distinct, legal history maintains its own intellectual identity—one that is neither a hybrid nor a juxtaposition. In fact, it is precisely within this dual nature that legal history reveals its inherently multidisciplinary and comparative character, offering a unique vantage point for studying law across its diverse normative implications.

My own path was shaped by a confluence of circumstances: a decision to study law and a series of personal encounters that guided and sustained me through my formative academic years. The mentors I met were generous with their time and contagious enthusiasm, transforming an arid academic discipline into something vibrant and alive. It was through them that I was drawn to the study of medieval legal systems and the rich legal pluralism of Roman, canon, and customary law that defined the last centuries of the Middle Ages. My fate was sealed the moment I handled medieval documents and manuscripts kept within dusty archives and labyrinthine libraries. There is a physical and emotional reality to these musty manuscripts; their nearly indecipherable handwriting resurrects the scribe in its painstaking dedication, and through him, makes the author's presence tangibly felt. Local customs, urban statutes, university lectures and debates—often compiled by dutiful students—alongside collections of legal consultations, preserved first in manuscripts and later in the countless printed folios of the late fifteenth and sixteenth centuries, constitute a treasure trove for historians and jurists alike. They not only reveal the multi-faceted nature of law—both as a system of rule and governance, and as a privileged language of communication best embodied by the somewhat enigmatic *ius commune*—but also shed light on the diverse facets of medieval people's everyday lives.

To find my way through the diversity of historical legal sources, I began by exploring how the interaction between Romano-canonical principles and local customs reshaped the legal framework of family bonds and actions—a process deeply tied to the social and political transformations sweeping through twelfth-century medieval communities. The adoption of diverse rules—transplanted from one city or region to another, and eventually enshrined in royal or imperial legislation—alongside the intense doctrinal debates pursued across centuries until the end of the Middle Ages, fostered an unavoidable comparative curiosity. My curiosity gradually extended to the study of law and legal

phenomena within contemporary systems, all while maintaining a keen awareness of how distinct time periods shape the interpretation and understanding of the law. This temporal connection proves that law is deeply grounded in history, viewed not as a linear tradition but as a constellation of unequal and separate events, while also serving as a reminder that law is, in essence, a human experience—a reflection of humanity for better or for worse.

Laurent Mayali
Distinguished Lloyd M. Robbins Professor of Law
Director of the Robbins Collection Research Center
Director of the Korea Law Center
Berkeley Law, University of California at Berkeley