Opportunities

CfA: Postdoctoral and Research Scholarships 2019 at the MPI, deadline 31 May 2018

Each year we welcome numerous researchers and stipend-holders from around the world, who wish to take advantage of the excellent working

Events this month

• 07.02., 18:00, Goethe University, RuW 1303, Frankfurter Rechtshistorisches Abendgespräch: Die Judengesetzgebung der christlichen römischen Kaiser von Konstantin bis Justinian,
environment, come into contact with other researchers, as well as access the institute's library and its special collection. We make every attempt to accommodate our guests’ wishes and do our best to ensure that each researcher's stay is as productive as possible. The Institute will be awarding several scholarships for a research stay in 2019.

Matthias Armgardt (Universität Konstanz)

- **12.02., 12:00, Jour Fixe:** Police Legal Frameworks and Practices in 20th Century Latin America. Oswaldo Barreneche (Universidad Nacional de la Plata)

- **19.-20.02, Workshop:** Oral History of the European Court of Justice

- **28.02., 14:30, Research Colloquium:** Contractus, Francisco Cuena Boy (Universidad de Cantabria, Santander)

New Publications

**New Insights into the History of Derecho Indiano**

The proceedings of the *XIX Congreso del Instituto Internacional de Historia del Derecho Indiano* appeared in print late last year. Organised under the supervision of Thomas Duve on the occasion of the Institute’s 50th anniversary, the 19th iteration of the conference took place at the Harnack House in Berlin in August 2016. More than 120 experts in the history of *derecho indiano* discussed the latest developments in their discipline during the week-long conference. Most of the presentations are now compiled in two volumes as *Actas del XIX Congreso del Instituto Internacional de Historia del Derecho* published by Dykinson publishing house in Madrid. The publication is also available via open access on the website of the Instituto Figuerola de Historia y Ciencias Sociales de la Universidad Carlos III de Madrid.
Security, Transnational Law and Emotions. The History of the Transnational Anti-Torture Regime

Sylvia Kesper-Biermann (University of Hamburg)

This paper provides an overview of the emergence and persistence of the transnational anti-torture regime from the Enlightenment to the 1984 United Nations Convention Against Torture (CAT). To this end, it discusses the complex relations between torture, security, emotions and (international) law by combining different approaches from security studies, law and emotions research. The first part of the article depicts the relations between torture and security by means of a chronological sketch. The second part analyses how and to what extent the prohibition of torture was translated into (inter)national legal regulations. The third and final part examines the significance of emotions, notably disgust, in the transnational anti-torture consensus.

The Rise and Fall of the 'Social Crime' in Legal Theory and International Law

Richard Bach Jensen (Northwestern State University)

At the end of the nineteenth century, the concept of the social crime developed in response to the violent deeds of the anarchists and other subversives. This essay examines how and why this idea of the social crime permeated legal theory and international law with increasing frequency prior to and after World War One, but fell out of favor by the mid-1930s. It virtually disappeared from legal and political discourse following 1945, although vestiges of it remain in European penal codes. The decline of the social crime was due to the fact that its definition of terrorism no longer fits the violent deeds at the forefront of terrorist practice.
Featured Events

Oral History of the European Court of Justice

Stefan Vogenauer, Sigfrido Ramírez Peréz, 19-20 February 2018

This workshop will bring together historians and EU lawyers involved in European oral history projects. Its aim is to present best practices at the practical and methodological level. On the first day, political sociologists and legal historians will start by discussing official history projects of European institutions before going into practical examples of oral history projects applied to European courts.

On the second day, the Max Planck Institute for European Legal History will discuss its project on the oral history of the European Court of Justice, which it conducts in cooperation with the Saxo Institute of the University of Copenhagen and the Historical Archives of the European Union. This part of the workshop is restricted to participants in the project.

Police Legal Frameworks and Practices in 20th Century Latin America

Speaker: Osvaldo Barreneche (Universidad Nacional de La Plata), 12 February, 12.00-13.00

As Latin America moved from dictatorship to democracy towards the end of the 20th century, increasing inequality together with multiple factors put the issue of crime (in the ample sense of the term) at the center of the political agenda. How to control the increasing cases of homicides, robberies, rapes, etc.? How ought police
institutions be deployed if these institutions seemed to be conditioned to repressing citizens rather than to protecting them? The talk follows the historical path of law enforcement organisations that played an important role not only during the years of Latin America's last military dictatorships (1970s and 80s) but also earlier in the century when eventually police gained a great deal of institutional autonomy and power.

Guests and Visiting Scholars

- **Barbosa, Samuel** (University of Sao Paulo, Brazil): *Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI-XVIII.*, visiting January - February 2018
- **Di Stefano, Alessia Maria** (Università degli Studi di Catania, Italy): *Justice and emigration: the judgments of the Arbitral Commissions for emigration in Italy between the 19th and 20th centuries*, visiting January - March 2018.
- **Korpiola, Mia Margareta** (University of Turku, Finland): *Popular Legal Learning in Pre-Modern Europe: Legal Literacy in Finland ca. 1800-1920*, visiting February 2018.
- **Lahondés, Antoni** (University of Montreal, Canada): *The participation of the new Catholic subjects of British Empire to the public world, in the institutions and colonies concerned by the Treaty of Paris and the Royal Proclamation of 1763*, visiting February - April 2018.
- **Pintos Iacono, Gaston** (National University of Córdoba, Argentina): *Foreign legal solutions and local legal culture: Legal Translation and the case of The Labour Accidents Law in Argentina (1880 - 1943)*, visiting
What are you reading?

Populism, hate speech and fake news increasingly threaten our democratic order. They are the ugly correlates of the freedom of speech and new modes of sociability. Social media have toppled dictatorships, just as dictatorships use them to survive. Relevant actors face increased pressure: Twitter has revised its rules, Facebook is changing its algorithm to

Translations and Transitions

A new research group started its work last August at the Max Planck Institute for European Legal History. The aim of the group is to conduct comparative research on Japan, China and the Ottoman Empire – three countries that have not been in the institute’s focus so far. In the 19th and early 20th century, all three countries set out to re-consider their entire legal order.
increase the quantity “meaningful” content in the news feed, and Germany’s network enforcement law (Netzwerkdurchsetzungsgesetz) has entered into force.

Will this suffice? In his new book, *Republic. Divided Democracy in the Age of Social Media*, renowned Harvard law professor Cass Sunstein presents studies indicating that social media not only expose social polarisation, they can actually intensify it. The ability of users and algorithms to personalise content fosters filter bubbles. Everyone can curate a personal ‘Daily Me’, a cocoon of information. Cyber-cascades aggravate group polarization, but our deliberative democracy needs reasoned discourse. Does it have any future under these new conditions? Sunstein proposes regulatory steps towards an architecture of serendipity: doors and windows for the echo chambers.

I read the book over the holidays in Latin America. This setting was not neutral. In many countries there, social media are more prominent, and societal polarisation is more pronounced. Trust in politicians and representative democracy is low. Most people, however, feel that the reasons for this divide are ideological or social. Sunstein alerts readers to some of the deeper reasons. A good read, not least for those who doubt the value of fundamental research in law.

As a citizen and father of young children, I am slightly worried about how we can maintain the conditions of a functioning political system. And as a legal historian, I wondered whether

They were partly driven by internal needs for reform partly pressed by Western nations. Some reforms were based on Western models.

The project is challenging because it necessitates a complex comparison. Our focus will not be on the reform steps that were taken by the governments, but rather on the impact that the reforms had on the local court level. Which were the characteristics of the legal practice that emerged from the reforms? How did they differ from each other and why?

Lena Foljanty, who has been working on Japan for the last couple of years, proposed the project to the Max Planck Society. It commenced last summer with the arrival of three PhD students: Murat Burak Aydin is working on Ottoman legal practice and Yu Wang is focusing on the transformations that took place in China. Zeynep Yazici Caglar contributes from a different angle: She is looking at those European countries that served as a model, making clear that they themselves were also struggling with modernity.

The group allows us to discuss comparative aspects and support each other in the process of research. After only half a year, we are already sure: It is fascinating to look at 19th and early 20th century legal history by bringing together different non-European and European experiences. From 8th to 10th March 2018, we will discuss our approach with experts from Japanese, Chinese and Ottoman legal history on a workshop at the Max Planck Institute.
we are sufficiently aware of how communication shapes the law. Then I started to think about our projects on the circulation of books in early modern Ibero-America, on translation ... and suddenly the holidays had ended.

(Thomas Duve)

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... is constantly growing and now comprises more than 460,000 items. For more information, please visit the library's website. For regular updates on new acquisitions, visit the opac-catalogue.

Max Planck Newsletter for Ibero-American Legal History

If you find this newsletter interesting, you might also be interested in the special newsletter for Ibero-American Legal History, which is published monthly by our research group "Legal History of Ibero-America". You can subscribe under the following link.

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