We are delighted to welcome you to our newsletter. It is designed for everyone with an interest in legal history, global history, or legal studies. The Max Planck Institute for European Legal History investigates the history and development of law in Europe and beyond. In our monthly newsletter, we keep you updated about events at the Institute, new publications by our fellows, and other news about the field. For comments, suggestions, and general feedback please email us. We hope you enjoy this month's issue.

Opportunities

CfA: PhD Position - Max Planck Research Group: Governance of the Universal Church, deadline: 15.04.2018, for details click here.

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

Events this month

09.04., 14:00 Uhr, Seminar: Portalis vs. Bentham? Criminal or Civil Codes and the Courts in France, England and Canada, Michel Morin (Montreal)

12.-13.04., Workshop: Strafrecht, Sicherheitsgewährleistung und Diversität in rechtshistorischer
Each year we welcome numerous researchers and stipend-holders from around the world, who wish to take advantage of the excellent working 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.

Perspektive, Instituto de Investigaciones de Historia del Derecho, Buenos Aires, Argentina

17.04., 12:30 Uhr, Book Launch: Rechtswissenschaft in der Berliner Republik, Campus Westend, Normative Orders, 5th Floor.

23.04., 12:00 Uhr, Jour Fixe: Tontines and the History of Insurance Law, Philipp Hellwege (Augsburg), MPI

Save the date: 02.05.,18:00 Rechtshistorisches Abendgespräch, Barockscholastische Debatten zur ignorantia iuris - was gibt es Neues im Vergleich zum Mittelalter? Jacob Schmutz (Paris - Sorbonne)

Featured Publications

Juges et avocats généraux de la Cour de Justice de l'Union européenne (1952–1972)  
by Vera Fritz, Studien zur Europäischen Rechtsgeschichte 312, Frankfurt am Main, Klostermann, ISBN 978-3-465-04350-8

Drawing on archival material from different EU countries, this book offers a new perspective on the ‘constitutionalisation process’ of the European treaties. This process was launched in the 1960s by the EU Court of Justice. Vera Fritz examines the dynamics at work within the institution during its revolutionary years. Professional and personal backgrounds of the first European judges and Advocates General receive particular attention. Some of these actors helped shape some of the most well-known and
commented judgments of the Court. Vera Fritz seeks to understand how the judges succeeded in limiting the Member States’ sovereignty without provoking a rebellion by national decision-makers. The book focuses on the Court’s political network and the relationship of judges with governments in Member States.

SSRN-Paper: Unternehmensrechtliche Lehrstühle in der Berliner Republik

by Lilly Gerstorfer and Jan Thiessen

The Institute’s project on jurisprudence in the Berlin Republic has yielded the latest addition to our research-paper series on SSRN. The authors, Lilly Gerstorfer and Jan Thiessen, have compiled and combed through the source material relating to about 180 university chairs and related institutions classified under commercial law, economic law, corporate law, business law and capital-market law. The result is a comprehensive survey of the academic status of jurisprudence on business and economic law in the Berlin Republic. Information relating to dissertations and chair classifications included in the table complement another article of Thiessen’s on company law in the Berlin Republic that appeared in the last issue of Rechtsgeschichte – Legal History.

Featured Event

Criminal Law, Security Provisions and Diversity from a Legal Historical Perspective

12.04.-13.04., Thomas Duve (Organisation) Instituto de Investigaciones de Historia del Derecho, Buenos Aires, Argentina

The transnationalisation of law, new technologies and the increased demand for the consideration of diversity in law all confront criminal law with fundamental challenges. European-style criminal law, which is
based on a systematic, dogmatic stringency and the idea of uniformity, is subject to a particular form of urgency. Other world regions have different historical experiences when it comes to an overlap of repressive and preventive government actions, reactions to social diversity and other forms of social control. Even the current legal-political discussions are, for this reason, carried out within a context of different horizons of experience. This exploratory workshop will be held in Buenos Aires in cooperation with the Cluster of Excellence The Formation of Normative Orders. Its aim is to bring legal history and criminal law theory and doctrine, mainly from Argentina and Germany, into a dialogue on these issues.

Guests and Visiting Scholars

- **Alvarez-Nakagawa, Alexis** (Birkbeck College, University of London, UK): *Cannibal Laws. The Origins of International Law and the Juridical Forms of the Conquest (16th-18th centuries)*, visiting April - June 2018
- **Barreneche, Osvaldo** (Universidad Nacional de La Plata, Argentina): *The Legal and Political History of Buenos Aires Police Province, Argentina, during the XX Century*, visiting January - June 2018
- **Bermejo Castrillo, Manuel Angel** (Universidad Carlos III de Madrid, Spain): *European non-contractual Civil Liability in a historical and comparative perspective*, visiting April - June 2018
- **Bottomley, Sean** (Université de Toulouse Capitole, France): *The English Court of Wards and Liveries, 1540 – 1660*, visiting January - June 2018
- **Fernández Marrón, Melisa Andrea** (National University of Río Negro, Argentina): *Discipline the police force. Police justice in the National Territories during Peronism (Peronismo) in Argentina*, visiting April - September 2018
- **Genin, Vincent** (Université Liège, Belgium): *A biographical approach to the history of Community law: Fernand Dehousse’s ‘strategic’ and pioneering stance (1945-1976)*, visiting April - June 2018
- **González González, Enrique** (Circuito Cultural Universitario, Ciudad Universitaria, Ciudad de México, México): *Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI-XVIII*, visiting March – April 2018
- **Hamilton, Tom** (Trinity College, University of Cambridge, UK): *Criminal Justice in Early Modern France: Multinormativity and Entanglements in Practice*, visiting April - June 2018
- **Klünder, Thorben** (Georg-August-Universität Göttingen, Germany):
Interpreting Insolvency

On March 19th and 20th the DHI Paris hosted a conference “contextualizing Frankfurt Investment Arbitration Moot Court

The Max Planck Institute for European
bankruptcy”. I have worked on the topic for some time and enjoyed exchanging ideas and approaches with scholars from all over Europe. Indeed, the list of visitors ranged from Spain all across the continent to Finland. Just as diverse were the papers. We were presented with studies on the Swedish bankruptcy statute from 1798, an early modern tribunal for bankruptcy cases in Lyon, Swiss procedural law for debt collection and biographical studies on the before- and afterlife of bankrupts in 19th-century Belgium.

“Contextualizing bankruptcy” meant, in particular, paying attention to the difference between economic space and areas of jurisdictions, to temporal narratives of bankruptcy and the question of secrecy in publicity of procedures. While it would exceed this newsletter to give a full conference report, I would like to point out three observations that struck me as noteworthy during the conference. (1) Agency in bankruptcy depends on early knowledge of the situation; that entails both financial and legal literacy. We have to approach the issue of bankruptcy with a special sensibility for class and privilege. (2) Illiquidity is not insolvency. Yet the two are often conflated in the opaque notion of “bankruptcy”. Bankruptcy procedures can play a role in both situations, yet with different functions. (3) Culture matters. German and French scholars approach bankruptcy in strikingly different ways. One visitor suggested the reason being that Balzac is overrated in France. I prefer to think that it is Germany’s fragmented legal landscape and its myriad towns with special

Legal History recently became part of the organizing team for the Frankfurt Investment Arbitration Moot Court, which took place from 12th – 16th March 2018 in the Seminarhaus at Campus Westend. In cooperation with the law firm McDermott Will & Emery we invited students from all over the world to Frankfurt to compete in fictitious court hearings. 47 teams followed our invitation to present their juridical skills. The case study focused on procedural issues of investment arbitration and combined legal history with modern international law. Prior to the actual competition, all teams, each consisting out of two to four members, prepared skeleton arguments for both claimant and respondent. During the pleading, each team had about 30 minutes to present their arguments to the arbitrators. In this year’s finale, the University of Ljubljana from Slovenia narrowly lost against the National University of Singapore, which was able to convince the arbitrators with an excellent team performance.

Sabine Konrad, Partner of McDermott Will & Emery, launched the Frankfurt Investment Arbitration Moot Court in 2008. We look forward to March 2019, when the Moot Court will take place for the 12th time.

(Yolanda Ristau)
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