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

The Institute will be awarding several scholarships for a research stay in 2019. Each year we welcome researchers from around the world,

Events this month

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

09.05.,14:00-18:00,
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. For 2019 the main areas of research pursued at the Institute are:

- Legal transfer in the common law world
- History of European Union Law
- Fundamental issues concerning legal reception
- Diversity, property and dependency regimes in Iberian Imperial territories (16th – 20th century)
- Legal history of the School of Salamanca
- History of legal historiography: traditions of writing legal history

**Workshop:** Francisco de Vitoria’s “Confesionario” launch of the School of Salamanca’s digital edition, Christiane Birr, MPI

**14.05., 14:00-16:30, Guest Workshop:** Derecho e Historia en Latinoamérica, Alexis Alvarez-Nakagawa/ Romina Zamora/ Melisa Fernández Marrón, MPI

**22.05.-10.06., Library closure** due to renovation works in the building (see below)

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**Featured Publications**

*Der herrschende Geist der Thorheit – Die Frankfurter Lotterienormen des 18. Jahrhunderts und ihre Durchsetzung*

*by Christian Kullick, Studien zu Policey, Kriminalitätsgeschichte und Konfliktregulierung*  
Frankfurt am Main: Klostermann 2018.  

A “lotto fever” held 18th-century German territories firmly in its grip. Countless lotteries competed for players’ attention. Local authorities tried to curb this development while simultaneously benefitting financially from it. In his book, Christian Kullick focuses on the imperial city of Frankfurt am Main to describe the technical and legal framework
that enabled the lotteries’ success. He sheds light on the rule-setting regarding lotteries and their enforcement by the Frankfurt City Council. Christian Kullick shows how the City Council was challenged by a constantly changing object of control. Lotteries provide a prime example for the difficulties that authorities encountered in the early modern era with regard to monitoring and controlling economic activities.

The Institute’s Open Access Projects

The Institute is committed making new research and scholarly resources accessible online. Our Institute’s own journal, Rechtsgeschichte - Legal History, is now included in the Directory of Open Access Journals (DOAJ). Metadata and abstracts of all issues can now be searched in the freely accessible database. Each of the entries also contains a link to the full text on the journal’s website. Explore the database via this link.

Likewise, our library has been working constantly to reshape the online accessibility of digitized primary resources. The library was part of the project Legal Journals of the 19th Century, funded by the German Research Foundation (DFG). It has offered online access to a vast collection of legal journals already since 2002. The internationally recognised collection spans 75 journals, including 1320 total volumes and 635 752 pages. As of 2017, full-text content generated by OCR was integrated into the collection, and this content was also supplemented with hand-curated structural and meta-data. This material now forms part of the Digital Libraries Connected platform. It is a platform jointly provided by the Max Planck Institutes for Legal History (Frankfurt), for Human Development (Berlin) and for the History of Art (Florence).

The influence of the Napoleonic Penal Code on the Development of Criminal Law in Germany: Juridical Discourses, Legal Transfer and Codification
This volume addresses an important historiographical gap by assessing the respective contributions of tradition and foreign influences to the 19th century codification of criminal law. More specifically, it focuses on the extent of French influence – among others – in European and American civil law jurisdictions. The impact of the Napoleonic criminal code on other jurisdictions was real, but the scope and extent of its influence were significantly less than has sometimes been claimed. The question as to whether they truly broke with the past or were merely a degree of reform touches on a difficult issue, namely, the dichotomy between tradition and foreign influences in the codification of criminal law.

Featured Event

"The School of Salamanca": Presentation of the Digital Edition Platform

09.05.2018, 18:00-19:30, MPI Lecture Hall

The ‘The School of Salamanca' project will officially release its digital edition on May 9th 2018. It is the result of many years of developing the digital tools and will be amended as research further progresses. The digital edition provides an online portal for research on the texts of the School of Salamanca.

The release of the digital edition will take place within the scope of a workshop on the 'Confesionario Útil y Provechoso' by Francisco de Vitoria. He will focus on core texts of the central group of works of the digital
edition; these are texts that are already edited to the greatest extent following the project's extensive text preparation and annotation processes. Following the discussion of Vitoria's 'Confesionario', the project members will present the web application of the digital edition by means of a small 'tech demo'.

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
- **Ferlan, Claudio** (Italien-German Insitute, Trento, Italy): *Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas*, visiting May - 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): *Geschichte als Argument im Unionsrecht*, visiting March - August 2018
- **Leucht, Brigitte** (University of Portsmouth, UK): *Citizens or consumers?
The origins of consumer protection in the European Union, visiting May 2018

- **Mazzarella, Ferdinando** (Università degli Studi di Palermo, Italy); *Working for a social private Law. The cooperation of German and Italian lawyers in the age of totalitarianism*, visiting April - May 2018


- **Ristikivi, Merike** (Tartu Ülikool/University of Tartu, Estonia): *Professionalization of the first woman lawyers in Estonia*, visiting April - June 2018

- **Rossi, Guido** (School of Law, University of Edinburgh, UK): *Insurance, markets and the law: a comparative analysis on the development of barratry (XVI to XVIII centuries)*, visiting April - June 2018

- **Zamora, Romina** (CONICET – Consejo Nacional de Investigaciones Científicas y Tecnicas, Argentina): *Derecho local y localización del derecho en las ciudades españolas en América. La servidumbre indígena en perspectiva comparada*, visiting May – June 2018

- **Zustrassen, Dimitri** (Université Paris-Sorbonne [Paris IV], France): *ECSC Competition Law and Policy during the steel crisis of the 1970's and 1980's*, visiting March - May 2018

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Two Members of the Institute awarded the Max Planck Society's prestigious Otto Hahn Medal

We are delighted to announce the award of the Otto Hahn Medal to two of our members by the Max Planck Society. The medal is awarded annually to a maximum of up to thirty junior scientists who have accomplished outstanding scientific and academic work. Roughly ten awardees are selected from each of the three sections within the Max Planck Society. We feel very honored that this year two young researchers from our Institute receive the award simultaneously. Since the founding of this Institute in 1964 there have been only five awardees, including Insa Jarass and Jasper Kunstreich.
Insa Jarass: Private Uniform Law

Insa Jarass explores fundamental questions of uniform private law. Legal scholars use this label to denote a multitude of heterogeneous phenomena of transnational law that are not easy to shoehorn into the traditional canon of legal sources, including international treaties, trade usages, standard form contracts and non-binding sets of rules issued by international organisations. The fragmentation of commercial and trade law into various national systems has long been regarded as a hurdle for international trade. In addition to states attempting to reach harmonization through international treaties, private actors created institutions and organisations to establish norms and rules for international transactions. The International Chamber of Commerce in Paris is a case in point which serves as an example in Insa Jarass’ work. Jarass undertakes the ambitious attempt, to elaborate the concept of ‘uniform private law’, starting from its functions and based on a broad comparative and empirical analysis of English and

Jasper Kunstreich: the Social and Legal Process of Bankruptcy

Jasper Kunstreich explores the rules, practices, problems and the evolution of insolvency regulation in nineteenth-century Germany. His work covers the whole period that led to national unification in 1871 and, in 1877, the adoption of a pan-German Bankruptcy Act. He focuses on the dilemma between private and collective interests. In order to inquire why and how different lawmakers solved that dilemma differently he compared a number of insolvency regimes in different German polities prior to political unification in 1871. He shows that bankruptcies are, beyond their legal character, complex and diffuse social processes. Bankruptcy laws were operated by local market institutions and local elites. However, they were unable to respond adequately to the industrial revolution and market integration. Designing new insolvency rules ultimately became an element of state formation. Kunstreich has produced highly original work that breaks new ground for legal and social historical scholarship on modern
German case law. On this basis she develops ‘uniform private law’ as a category of legal doctrine, with legal effects flowing from a number of clearly defined legal requirements. Her ground-breaking work is representative for fundamental scholarship in legal studies at the highest level. Jarass has worked before at the University of Bremen for the SFB “Transformation of the State”. Ever since she is fascinated by the transnationalisation of law and had dedicated her research to analyzing and conceptualizing this phenomenon in doctrinal terms.

Germany. Among the defining qualities of his work is the rich array of sources used, ranging from law books and journals to court records and business and guild archives. Bankruptcies are thus approached from a variety of mutually complementary perspectives. Kunstreich’s work focuses on the intersection of history, law, and economics. Through his former studies of economic history at Oxford he developed a strong interest in empirical research and in bringing methods from different disciplines together to tackle historical phenomena.

Our library...

... is constantly growing and now comprises more than 470,000 items. For more information, please visit the library's website. For regular updates on new acquisitions, visit the opac-catalogue.

Temporary Library Closure

Due to severe water damage, the floors in six of the main magazines in the basement have to be renovated at short notice. Approximately five kilometres of books are affected by this work. The library will be closed between May 22nd and June 10th. There will follow a restructuring phase between June 11th and September 2nd, during which the lending of books from the magazines remains limited to one occasion per day. There will be another library closure between September 3rd to 30th. We will keep you updated about the works and the ensuing limitations via this newsletter and on our homepage. We apologize for any inconvenience.

Our Newsletters

If you have been forwarded this newsletter and you like it, there is a
way to receive it on a regular basis. Feel free to visit our webpage http://www.rg.mpg.de/newsletter and follow the instructions there to subscribe to this newsletter.

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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