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: We are looking to recruit an editor for our English publications from August 1st or a.s.a.p. thereafter. Applications may be submitted online until June 15th.

CfA: position as a student research assistant for the

Events this month

- 06.06., 14:30, Salamanca Colloquium: Scandalum und Menschenrechte, Jose Luis Egio (MPI), Pedro Henrique Ribeiro (University of Murcia)
- 18.06., 14:15, Seminar: 20th Century Electoral Reform in the Bahamas, Stephen Aranha (MPI)
research project “translations and transitions”, required language skills: German, English, Japanese (reading). More details here.

CfA: position as a student research assistant in department I, as soon as possible. For more details click below or follow this link.

more details

• 20.06., 15:45, Guest Workshop: Legal Transfers, Transplantations and Translations, with Aparna Balanchandran, Sean Bottomley, Tom Hamilton, Victoria Barnes

• 21.06.-22.06., Conference: Key Biographies in the Legal History of the European Union, 1950-1993

• 25.06., 14:15, Seminar: Struggles over Legal Education in Nkrumah’s Ghana, John Harrington (Cardiff University)

more events

Featured Publications

Drafting the Irish Constitution 1935-1937 and Constitutionalism in Ireland 1932-1938


Donal Coffey recently published two volumes on Irish constitutional history. In “Constitutionalism in Ireland 1932-1938”, Coffey examines the document and its drafters in the context of a turbulent decade for the United Kingdom, the Commonwealth, and Europe. He considers a series of key issues leading up to its drafting, including the failure of the 1922 Constitution, the rise of nationalism in the 1920s and 1930s, and the abdication of Edward VIII. In the second volume, “Drafting the Irish Constitution, 1935-1937”, Coffey pioneers a new method of draft sequencing in order to track early influences in the drafting process and demonstrate the importance of European influences such as the German, Polish, and Portuguese Constitutions to the Irish drafts. Together with volume I, this book argues that the 1937
Constitution is only explicable within the context of the European and international trends which inspired it.

Legal Traditions: A Dialogue between Comparative Law and Comparative Legal History

by Thomas Duve, Journal of Comparative Legal History 6 (2018), pp. 15-33

‘Legal tradition’ is a term frequently used in legal history and comparative law. The increasing interest in global perspectives on law and history, the dialectics inherent in globalisation as such, as well as some tendencies of ‘de-’ and ‘re-tradionalisation’, often enhanced by law, have made legal traditions even more topical. But what does ‘legal tradition’ mean? Thomas Duve reviews some characteristic usages of the term by classical authors from both legal history and comparative law, like JH Merryman and Harold J Berman, with special emphasis on the work of Canadian comparative law scholar HP Glenn. Open access to this article is provided thanks to the collaboration between the Max Planck Society and Taylor & Francis for so-called “gold open access”. To read more about this arrangement, follow this link.

Englisch als Vertragssprache. Fallstricke und Fehlerquellen


International contracts are frequently written in English although they are often governed by a law other than that of England and Wales. In their recent book, Stefan Vogenauer and Volker Triebel discuss the difficulties that arise in such scenarios. They highlight potential pitfalls and offer advice on how best to avoid mistakes. In doing so, they also analyse the peculiar style of drafting and the linguistic features that
characterise Anglo-American contracts. These can only be understood against the background of the long and complex history of English law and the many linguistic influences that shaped legal language across the Channel.

Regulierte Selbstregulierung in rechtshistorischer Perspektive. Studien und Materialien

by Peter Collin, Max Planck Institute for European Legal History Research Paper Series No. 2018-05

Peter Collin familiarizes the reader with the concept of regulated self-regulation by way of drawing on examples from 19th and early 20th century Germany. Each chapter begins with a comprehensive introduction, providing an overview of the regulated self-regulation sector in question. This is then followed by the normative sources that illustrate the regulated framework. The paper documents the results of the research project “Regulated Self-Regulation from a Legal Historical Perspective” at the MPI. Regulated self-regulation refers to regulatory complexes, in which state and non-state regulatory activities are intertwined.

Featured Event

Guest Workshop: Legal Transfers, Transplantations and Translations

June 20, 2018, 15:45-17:30, MPI

The workshop on June 20 will be the third in this year’s series of guest workshops at the Institute. Visiting researchers will discuss projects with a link to those in the research field of Legal Transfer in the Common Law World. While the work carried out by those within the research field focuses primarily on common law
jurisdictions, legal ideas moved freely around the globe. The transfer of legal ideas was by no means a phenomenon which operated exclusively within the jurisdictions of the Anglo-American sphere. This workshop, therefore, takes an inclusive approach to questions of legal transfers, transplantations and translations. It welcomes a multitude of theoretical and methodological approaches and it showcases a wide range of case studies with examples that stem from the common law and civil law traditions.

Aparna Balachandran (University of Delhi) will present her work on law and custom in early colonial Madras. She is an expert in South East Asian legal history and has recently published a co-edited collection called *Iterations of Law: Legal Histories from India*. Sean Bottomley (Institute for Advanced Study Toulouse) will focus on patents and the transfer of case law from England to the United States. This talk is grounded in his extensive work on the legal history of intellectual property and conflicts over the design and interpretations of legal rights. Tom Hamilton (University of Cambridge) is working on criminal justice in early modern France. Having written widely about Pierre de L'Estoile and the Wars of Religion, Tom is now turning to consider the influence of religion (among other factors) on the dispensation of criminal justice in France.

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**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
- **Balachandran, Aparna** (University of Delhi, Department of History, India): *The many pasts of Mamul: Law and custom in early colonial Madras*, visiting June – August 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
- **Boerger, Anne** (University of St. Alberta, Canada): *Institutional and legal history of the Treaties of Rome*, visiting 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

• 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


• 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 barraty (XVI to XVIII centuries)*, visiting April - June 2018

• Vegh Weis, Valeria (New York University, School of Law, USA // Buenos Aires University, School of Law, Argentina): *Criminal Selectivity in Ibero-American Modern Legal History*, visiting June – September 2018

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

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**Hansaallee 41**
Institute Retreat 2018

Once a year, all our researchers travel together to a not-so-distant place in the environs of Frankfurt to discuss existing research projects, develop new ideas, and assess the long-term goals of the institute. This year, we enjoyed the hospitality of the SeminarZentrum Rückersbach, which provided us with an ideal infrastructure to work, concentrate, and simultaneously enjoy our stay. The institute will be visited by its advisory board in October; hence questions concerning the communication of research were paramount in this year’s retreat. Communicating research is not to be conflated with superficial advertising. Being able to sum up one’s research in three minutes, being able to engage an audience with abstract and new ideas of which they hold no prior knowledge, being able to convince scholars of both the own field as well as neighboring disciplines of law, social sciences and humanities – all this forms part of the skills that society and scientific community expects scholars to command. It requires hard work, thorough

Martin Elsässer Prize for the Institute’s architecture

The architects of our institute’s building received this year’s Martin Elsässer Plakette, an architectural prize awarded by the organisation of German architects, BDA. The organization selected ten distinguished buildings that were erected within the Rhein-Main-Region between 2013 and 2018. The German architect Martin Elsässer worked together with Ernst May (who has become famous for the so-called Frankfurt kitchen) for the project “Neues Frankfurt” during the late 1920s, an innovative and social approach to housing and city planning. We feel certainly very honored by this award and the fact that we have the privilege to be working in a building of prize-winning architecture. There is a little saying in Frankfurt, that dates back to the 1920s and the Project Neues Frankfurt: “Alles neu macht der May, alles besser Elsaesser” – “May makes everything new, Elsaesser makes it better.” In recognition of this great architect, we won’t hesitate to make every attempt necessary to make this building even better. Our
research, a meticulous sense for detail, good style in speech and writing that is ethically attractive and aesthetically modest. We continuously strive to become better at this job. Our retreat in Rückersbach furthered our endeavors to communicate our research – not just in view of the advisory board, but also in order to advance knowledge in the society as a whole.

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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