Opportunities

We are looking for student research assistants in various of our departments, including the Editorial Department, the Research Group on Translations and Transitions and Department I (Prof. Vogenauer). For more information, visit: http://www.rg.mpg.de/stellenangebote

Events

03.09., 15:00-17:00, Max Planck Legal History Quarterly Forum:
Speakers include Marya Camacho (Manila), Jian QU (Heidelberg), Xiaojun Shen (Shanghai), and Stefan Vogenauer (MPI).

10.09., 12:00-13:00, Jour Fixe: Security Interests and Consistency in
Call for Applications: Doucet Scholarship. The Institute offers a three months scholarship to Latin American researchers who would like to work with the collection of the private library of the Argentinian legal historian Gastón Doucet. Deadline is the 15th of September. For more details, please visit: http://www.rg.mpg.de/1523327/notice-2018-07-23-doucet

Commercial Law in Roman Dutch Scholarship ca. 17th Century, Dave De Ruysscher (Tilburg University), Commentator: Christiane Birr (MPI).

Save the Date: Rechtshistorisches Abendgespräch with Christopher Clark (Cambridge), 17.10.2018, 20:00.

more details
more events

Publications

Global Legal History: Setting Europe in Perspective

Our image of European legal history has evolved as a result of the nineteenth century national legal historiographies and their translation into the mid-twentieth century European Movement. It is only more recently that these path-dependencies have been problematized and that stronger claims have been made to situate European legal history within global perspectives. This chapter presents an overview of both this development and what might be called ‘global perspectives on European legal history’. To do so, it traces back how the category ‘Europe’ became the most important spatial framing of transnational legal history. It provides an overview of how leading scholars constructed the relation between Europe and other world areas. It sketches out current ways of placing European legal history in global perspectives.

The Right to Shoot Himself: Secession in the British Commonwealth of Nations
by Donal Coffey, in: The Journal of Legal

The ultimate test of whether an association is voluntary or not is if you can leave it. It is difficult, at this remove, to appreciate how live an issue secession from the British commonwealth of nations was in the 1920s and 1930s. It occupied an inordinate amount of time and negotiation for a doctrine that had been ostensibly conceded in 1920. Yet, much as with the case of the appeal to the judicial committee of the privy council, once the dominions sought to take advantage of the freedom which had been guaranteed by official statements, they found a formidable amount of diplomatic pressure and legal opinion brought to bear to indicate that no such right could be officially declared. This article traces the evolution of the arguments about the right to secede in the 1930s, and examines how the right came eventually to be exercised in the case of the new commonwealth countries in the 1940s. It concludes by examining how the doctrine of secession as developed in the 1930s was abandoned in order to retain Indian membership in the commonwealth.

Diritto: storia e comparazione

by Massimo Brutti, Alessandro Somma (eds.), Global Perspectives on Legal History 11, Frankfurt am Main: Max Planck Institute for European Legal History 2018, ISSN 2196-9752, open access:

http://www.rg.mpg.de/publikationen/gplh-11

Comparison involves history, as the well-known motto proclaims, but history also involves comparison. Both disciplines are in fact interested in deepening the space-time coordinates of law as a social phenomenon, which means that they take up a critical approach to their object of study. In recent years, this trait is increasingly coming into conflict with the tendency to present law as a mere technocratic instrument for organizing societies. As a result of the “end of history” discourse, the Western economic and political order has become a definitive point
of reference worldwide, with law scholars charged with identifying best practices to enhance their efficiency.

A group of comparative lawyers and legal historians critically discuss this assumption from a theoretical point of view as well as from the perspective of their respective fields of research. The result is a multifaceted range of ideas on the significance and possible future of two disciplines that share, in addition to their traditional approach, a crisis of identity.

Roffredo Beneventano, professore a Roma: Lecturae super Codice in un Apparatus recollectus di ignoto allievo

by Manlio Bellomo, Studien zur europäischen Rechtsgeschichte 313, Frankfurt am Main: Klostermann 2018, ISSN 1610-6040

A well-known manuscript in the Prague National Museum contains the text published in this volume. The author was a student of Roffredus Beneventanus. He composed an apparatus of glossae recollectae and concealed his name behind a siglum consisting of three points in the shape of triangle. He used the first person in only a few instances. The work preserves important parts of Roffredus' lecturae held in Naples between ca. 1220 and 1230 and later for a few years in a school in the Roman Curia that is not well known. The work demonstrates that, among the civil law glossators of the 13th century, Roffredus was among the first ones to use the ius canonicum extensively. It also provides us with information about the final period of Roffredus' life.

Normatividades e instituciones eclesiásticas en la Nueva España, siglos XVI – XIX

Benedetta Albani, Otto Danwerth, Thomas Duve (eds.), Global Perspectives on Legal History 5, Frankfurt am Main: Max Planck Institute for European Legal History 2018, open access:
Ecclesiastical institutions and actors were essential for the formation of normative orders in early modern Ibero-America. However, both legal historiography and general historiography have only rarely discussed the contribution of ecclesiastical normativity to the formation of that normative texture which has been called ‘derecho indiano’.

The Max Planck Institute for European Legal History has therefore organised a series of seminars in different Latin American cities in order to offer an interdisciplinary forum dedicated to the research of ‘ecclesiastical normativities and institutions in Ibero-America’ between the 16th and 19th centuries. The present volume is the first in a series of publications that document the results of this cycle of seminars in Mexico City, Lima, Bogotá and São Paulo. The articles collected in this volume propose new research fields for legal history and the history of the Church, which at the same time are relevant for social and cultural history.

Featured Events

Max Planck Legal History Quarterly Forum: History of Private Law in East Asia,

03.09.2018, 15:00 - 17:00, Organisers: Stefan Vogenauer, Emily Whewell

The "Guest Workshop" has previously
been an opportunity for visiting researchers to present their work and engage in conversation with our own research fellows. It has developed into a substantial part of our Institute's academic calendar. It now features under a new name: Max Planck Legal History Quarterly Forum. The new name should reflect its importance and emphasize the open invitation to everyone interested to participate.

The first Forum will be held on the 3rd of September and features the ‘History of Private Law in East Asia’. Marya Camacho (University of Asia and the Pacific, Manila, Philippines) will speak on ‘Tempering Custom: Bridewealth, Bride Service, and Law in the Seventeenth- and Eighteenth-Century Philippines’. Jian QU (Heidelberg University, Germany) will present his research on ‘What is a Contract? Definition and Designation in the Context of Late Imperial China’. Xiaojun Shen (Shanghai University of International Business and Economics, China) will discuss ‘The Methods of Legal Reception of German Civil Law in China’. Last but not least, Stefan Vogenauer will present his work on the Studies in the Contract Laws of Asia (Oxford University Press).

Guests and Visiting Scholars

- **Bohorquez, Jesus** (University of Lisbon, Portugal): Dispute resolution and contract enforcement: Commercial law in the Spanish and Portuguese Empires during the Eighteenth century, visiting August - October 2018
- **Camacho, Marya Svetlana** (University of Asia and the Pacific, Manila, Philippines): Marriage in Lowland Philippines in the Early Modern Period: Codes of Law and Behavior in Intercultural Encounter, visiting June - September 2018
- **Carrilho, Leonardo** (University of Sao Paulo, Brazil): In Comparative Public Law, the similar and different conditions between the federal intervention and the state of exception that occurred in the Weimar Republic, and in some crucial moments in the Brazilian Republic 1937-1988, visiting September 2018 - February 2019
- **Coutinho, Luisa Stella** (University of Lisbon, Portugal): Legal Encounters between Empires: Japanese and Portuguese Normativities, 1540s-1630s, visiting September 2018 - August 2020
- **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

- **Izecksohn, Vitor** (Federal University of Rio de Janeiro, Brazil): *Insolvent Republics: Risk and Ruin for American Confederates and Argentinean Federalists in the Age of State-Building, 1848-1870*, visiting September - December 2018

- **Khorakiwala, Rahela** (Jawaharlal Nehru University, New Delhi, India): *Research on comparative constitutional law between Germany and India, with a focus on the functioning of the court systems in these jurisdictions*, visiting August - November 2018

- **Lima, Bruno** (University of Brasília, Brazil): *Between the Ancien Régime and Modernity: Natural Law and Constitution in the legal thinking of Fr. Joaquim do Amor Divino Caneca (1779-1825)*, visiting September 2018 - August 2019

- **Manganaro, Stefano** (University of Pavia, Italy): *Shaping Legal Spaces through Personal Bonds. The Privilege of Royal Protection in a Comparative Study of Different Geopolitical Areas within the Ottonian Empire (936-1024)*, visiting July - December 2018

- **Mongey, Vanessa** (Newcastle University, UK): *Suspicious Citizens: border control, diplomacy, and travel regulations, 1790-1870*, visiting July - December 2018

- **Qu, Jian** (Heidelberg University, Germany): *Social Order through Contracts: A Study of Qingshui River Manuscripts*, visiting July - December 2018

- **Saksena, Priyasha** (Harvard Law School, Cambridge): *Contestations over the idea of sovereignty in colonial South Asia / Attempted transfer of jurisdictional bases from Britain to colonial South Asia*, visiting July 2018 - June 2019

- **Shen, Xiaojun** (Shanghai University of International Business and Economics, China): *Modernisierung des chinesischen Vertragsrechts vor dem Hintergrund der Kodifikation eines chinesischen Zivilgesetzbuches: Eine historische und rechtsvergleichende Betrachtung*, visiting July - September 2018

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

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The Max Planck Summer Academy in Legal History 2018
July was a busy month for us as we welcomed some 25 young and early career researchers for our annual Max Planck Summer Academy in Legal History. Young PhD candidates from all over the world replied to our CfA and we were able to welcome students from India, Australia, Canada, the US, Brazil, and many more countries. This diversity of participants was particularly fitting with this year’s special topic: “The World and the Village: the Global and the Local in Legal History.”

The Summer Academy’s program is usually split into two parts: the first week features presentations of our own research projects and introduces participants to various key debates in legal history scholarship. The second week broadens the perspective and participants are asked to present their own research projects with regard to the special topic.

It would exceed this space to give a full account of all the lectures and talks that happened during those two weeks. The days were eventful and dense with discussions and new information; participants often attended lectures from 9 o’clock in the morning until 7 o’clock in the evening. We were all the more impressed by the enthusiasm and energy with which each of them contributed, oftentimes carrying on the discussions throughout the coffee and lunch breaks and well into the evening. It’s the interest, openness and intellectual acuity of our guests that ultimately made this Summer Academy such an enriching experience for all of us.

Organizing this Summer Academy would not have been possible without the relentless efforts by Stefanie Ruether, our Research Coordinator, and the voluntary contributions by many of our own research fellows and guest speakers, who enjoyed talking to a young and eager audience. We would also like to thank those many helping hands in the background, particularly from the Institute’s administration and our student assistants, ensuring that everyone felt welcome.
and looked after.

(Jasper Kunstreich)

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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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Max Planck Institute for European Legal History
Hansaallee 41, 60323 Frankfurt am Main
Tel: +49 (69) 789 78 – 0
Fax: +49 (69) 789 78 – 169
www.rg.mpg.de
media@rg.mpg.de