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: Max Planck Summer Academy for Legal History 2019, Deadline January 31, 2019, more information here.

CfA: We are looking to recruit student assistants in our research departments and our editorial department. For more information and to apply, follow this link or click on the button below.

Events

05.11., 14:15, Common Law Research Seminar: Legal Transplantation in the West Indian Comprehensive Slave Codes, Justine Collins (MPI)

12.11., 12:00, Jour Fixe: The Many Meanings of Divisible Sovereignty, Priyasha Saksena (Harvard)
more details

12.11., 18:00, Seminario Permanente: Proceso de paz y sistema democrático en Colombia, Lucy Jeannette Bermúdez (Consejo de Estado, Colombia) Penitenciarismo peronista de exportación, Jorge Núñez (CONICET – Argentina)

19.11., 15:00, Max Planck Legal History Quarterly Forum: Legal Transitions and Comparisons in the Long 19th Century

27.11., 10:15, Symposium: Justiz Macht Politik, Akademie der Wissenschaften und Literatur, Mainz

29.11., 11:00, Guest Lecture: Visualisierte Evidenz – Inaugenscheinnahmen und Augenscheinkarten am Reichskammergericht 1495-1806, Annette Baumann (Gießen)

more events

Featured Event

Symposium: Justiz Macht Politik, 27.11.2018 Akademie der Wissenschaften und Literatur Mainz

The separation of powers and the independence of the judiciary was believed to be a tenet of the Western political belief-system – a settled issue, far from controversial. This seems to be no longer the case. Europe finds itself confronted with a renewed debate concerning the place of the judiciary in the framework of state-power. There is a number of countries in Europe that continue to diverge from the concept of separation of powers and an independent judiciary. Countries like
Germany and the EU institutions object. In turn, Germany and the EU are criticized for subjecting politics to the realm of jurists. The German Federal Constitutional Court and the European Court of Justice are seen as crossing the line into the political sphere by getting involved in fundamental political questions and 'legislating from the bench'. We deem it an urgent matter to examine the difference between necessary political effects of (constitutional) jurisprudence, on the one hand, and the political manipulation of the judiciary, on the other.

The Symposium will take place on November 27th in the Academy of Science and Literature in Mainz and will be open to the public.

Speakers include – among others – Prof. Dr. Susanne Baer, Justice at the German Constitutional Court, and Prof. Dr. Michael Stolleis, director emeritus of our Institute.

Admissions are free. Registering your participation online will be appreciated.

Publications

**Gemeines Recht und Gemeiner Mann**

*by David von Mayenburg, Studien zur europäischen Rechtsgeschichte 311, Frankfurt am Main: Klostermann 2018, ISSN: 1610-6040*

The German Peasants' War of 1525 has hitherto rarely been examined from the perspective of legal history. The struggle between peasants and their lords is commonly seen as a political conflict, and the peasants’ Twelve Articles are treated as utopian religious demands. This book questions some common assumptions and explores the role of law in the Peasants' War from a variety of angles: can the conflict be interpreted as a clash of differing legal positions? How did the peasants perceive the law, and the law the peasants? What opportunities for a lasting solution to the conflict were opened up by recourse to the law, and what risks did it entail? By examining the
example of the dispute regarding labour services, David von Mayenburg demonstrates the central significance of law in the history of the Peasants’ War.

Modernisation through Process - The Rise of the Court of Chancery in the European Perspective

by David Harbecke, Studien zur europäischen Rechtsgeschichte 309, Frankfurt am Main: Klostermann 2018, ISSN: 1610-6040

The existence of a separate equitable jurisdiction remained a seemingly idiosyncratic feature of the common law tradition. It is a source of continuous fascination and irritation for common lawyers and continental legal historians alike. The Court of Chancery was not the only but by far the most prominent of the equitable courts.

Much has been said about the evolution of the Court of Chancery and yet the historical accounts have commonly failed to explain the reason for the singularity of the English development satisfactorily for the modern reader. By examining the sources from the perspective of modern legal theory and comparing the English to contemporary continental European developments, this book aims to facilitate a better understanding of a seemingly inscrutable late medieval phenomenon.

Two Kingdoms in a Multi-Tiered Empire: New Spain and New Galicia in the Mid-Eighteenth Century

by Christoph Rosenmüller, Max Planck Institute for European Legal History Research Paper Series No. 2018-10,

This article casts light on the structure of the Spanish empire by focusing on the relations between two American kingdoms, New Spain and New Galicia.
Spain comprised the heartland of colonial Mexico, and New Galicia lay to its northwest. New Spain enjoyed significant status and to a degree controlled New Galicia and other dependent realms. By the mid-eighteenth century, the viceroy of New Spain sent inspectors, appointed treasury officials, and even wrested the mining camp of Bolaños from New Galicia. Yet New Galicia insisted on its autonomy. Its president resisted the viceregal interventions and finally succeeded in recovering jurisdiction over Bolaños. The empire can thus be described as multi-tiered and not exclusively characterized by the hegemony of Madrid/Castile over its overseas possessions. Instead, the empire consisted of uneven and overlapping ties between a group of core kingdoms and their dependent territories; and their relations changed over time.

Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas

two new articles published in our SSRN research paper series

The Historical Dictionary of Canon Law in Hispanic America and the Philippines (DCH) provides researchers with a comprehensive study of canonical concepts. It is based on a close reading of primary sources informed by recent historiography. Its intention is to offer a work and consultation tool for a better understanding of the terms of Canon Law in Hispanic America from the sixteenth to the eighteenth century. Three new articles appeared in the past month: Claudio Ferlan describes the specific doctrine and practices regarding the laws and rules of the ecclesiastical fast, the "Ayuno Eclesiástico". Eva Elizabeth Martínez Chávez analyses the "Precarium", an important contract in canon law, by examining its origins, its development in Roman law, and its impact on canon law. Sandro Olaza Pallero writes on "Peticiones Excesivas" and looks on the procedural control exercised by courts when examining the suing party’s claims.
• **Allemann, Daniel** (University of Cambridge, UK): *Slavery in Spanish Scholastic Thought, c. 1539-1682*, visiting October - Dezember 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

• **Cecchinato, Andrew** (University of Trento, Italy): *Reading Law in Revolutionary Times: Thomas Jefferson's Reception of the Western Legal Tradition*, visiting October - Dezember 2018

• **Cobo, Natalie** (University of Oxford, UK): *Translating Solózano*, visiting November 2018

• **Coutinho, Luisa Stella** (University of Lisbon, Portugal): *Legal Encounters between Empires: Japanese and Portuguese Normativities, 1540s-1630s*, visiting September 2018 - August 2020

• **Freda, Dolores** (Università degli Studi di Napoli Federico II, Italy): *Across boundaries: the English justice of the peace on the Continent*, visiting November 2018

• **Hooton, Victoria** (University of Manchester, UK): *A History of EU Citizenship and the Welfare State*, visiting October - December 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

• **Kim, Marie Seong-Hak** (St. Cloud State University, Minnesota, USA): *Custom and Legal Change in European and East Asian History*, visiting October - December 2018

• **Küsters, Anselm** (Oxford University, UK): *Der Einfluss des Ordoliberalismus auf die Entwicklung des europäischen Wettbewerbsrechts im Spiegel der Publikationen der Europäischen Kommission (1952-2018)*, visiting October 2018 - February 2019

• **Liendo Tagle, Fernando** (Carlos III University of Madrid, Spain): *The legal Press in the formation and teaching of legal disciplines and university studies in 19th century Spain*, visiting October - December 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*
Our new activity report is online. It covers the period 2015 to 2017 and contains a wide range of information, from our publications and research activity to a detailed description of our Vocational Training at the MPI.

Though we are primarily a research institute, we are also a place where people receive training. We are proud of an ever increasing number of PhD students who study and work here at Hansaallee 41.

- **Mongey, Vanessa** (Newcastle University, UK): *Suspicious Citizens: border control, diplomacy, and travel regulations, 1790-1870*, visiting July - December 2018
- **Pérez Godoy, Fernando** (Pontificia Universidad Catolica de Chile, Santiago, Chile): *Estado, evolucion y funcion del derecho internacional en Chile decimononico*, visiting November 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, USA): *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
research fields, co-operations, and our infrastructure and service facilities. The activity report is part of our triannual evaluation by the scientific advisory board, which visited our institute in October. Over the course of two days, the board members attended some eighteen presentations, a book exhibition, a PhD poster exhibition and a tour on our premises. We are very grateful for their time and invaluable effort. The activity report is available online.

The PhD is a profoundly formative period in every academic's life. Less known might be the fact that we are also training staff in the library, the IT and the administrative services. Recently, our former trainee Ronja Weitzel passed her exam as a management and administrative assistant being awarded a distinction by the Frankfurt Chamber of Industry and Commerce (IHK). We warmly congratulate Ms Weitzel on her outstanding results. Currently there is a new call for applications addressed to future trainees. For more details, see our CfA online.

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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