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: Two PhD positions** – Junior Research Group: “Law and the creation of dependency in the Ibero-Atlantic”, deadline is 20 January 2019. For details click [here](#).

**CfA: Two PhD positions** – Max Planck Research Group: “Governance of the Universal Church after the Council of

Events

**15.01., 15:00, Workshop:** Glocalizing Normativities, Mariana Armond Dias Paes (MPI)

**18.01., 15:00, Guest Lecture:** Lawyers, the Writing of History, and Public Uses of the Past (Brazil, 1900-1943), Mariana De Moraes Silveira (Universidade Federal de Minas Gerais)
Trent", deadline is 31 January 2019. For details click here.

CfA: Max Planck Summer Academy for Legal History 2019, deadline is 31 January 2019. For more information click here.

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21.01, 14:15, Common Law Research Seminar: Murder and Capital Punishment in Colonial Ghana, Stacey Hynd (Exeter)

30.01, 18:00, Rechtshistorisches Abendgespräch: How Did Pre-Modern Merchants Solve Conflicts? Sheilagh Ogilvie (Cambridge)

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Publications

Das Vierte Laterankonzil als Einschnitt der kirchlichen Rechtsgeschichte


The Fourth Lateran Council – celebrated in Rome in 1215 – is generally considered one of the most important universal councils of the second millennium. Christoph Meyer examines its significance for legal history. That the Council of 1215 is seen as a turning point in the Church’s legal history is particularly due to Pope Innocent III (1198-1216). He used the Council as an instrument of the most important single act of legislation concerning the Universal Church in the Middle Ages. However, the 71 constitutions of the Fourth Lateran Council not only shed light on the history of legislation in the later Middle Ages, but also on their wider canonistic context. They reveal the strong interest the conciliar, i.e. papal, legislator took in regulations concerning legal communication, which could lead to a more extensive implementation of his regulations. The legislation of 1215 further indicates a general tendency to push the boundaries of
traditional canon law. This legal expansion not only concerned the institutional order of the Church but also the interior life of every adult Christian who had, according to one the Council’s constitutions (c. 21), to confess his or her sins at least once a year to a priest.

### Featured Events

**Rechtshistorisches Abendgespräch: How Did Pre-Modern Merchants Solve Conflicts? – Sheilagh Ogilvie (Cambridge)**

30 January, 19:00, Campus Westend, Casino 1.802

For some time now, criticism of American civil procedure has led to significant interest in ‘private ordering’, that is, extralegal means of resolving conflicts. This positive view was then projected into the past, perhaps most prominently by the economist Avner Greif in his book on the Maghreb Jews *Institutions and the Path to the Modern Economy: Lessons from Medieval Trade* (2006). The Cambridge economic historian Sheilagh Ogilvie does not share his enthusiasm. In a lively debate, she argued with Avner Greif about how pre-modern merchants preferred to resolve their conflicts in the most cost-effective and sustainable way. She will present her view on this topic—one that the Frankfurt LOEWE focus ‘Extrajudicial and Judicial Conflict Resolution’ (2012-2015) has also extensively dealt with—at the upcoming Rechtshistorisches Abendgespräch (30 January 2019).

*The Freshfield Awards for the Best Legal-Historical Academic Term Papers of the Year 2017 will be presented just before the lecture.*

**Guest Lecture: Lawyers, the Writing of History, and Public Uses of the Past, Brazil, 1900-1943 – Dr. Mariana De Moraes**
Focusing on the concept of “public uses of the past”, this talk raises some theoretical and methodological questions regarding the potential dialogues between legal history, the history of historiography, and intellectual history. It provides an empirical analysis of five law conferences that took place in Brazil between 1900 and 1943. Each of them coincided with larger public commemorations, counted on the collaboration of foreign colleagues, and received strong institutional support, especially from the Institute of Brazilian Lawyers. This institute was established in 1843, under Imperial protection, and reinvented itself following the proclamation of the Republic in 1889. The contrasting readings of historical experience advanced during each one of those events reveal the close connection between the writing of history and contentious issues of a certain place and time. This lecture aims to contribute to both the understanding of the lawyer's role as *historiographer* and to expanding historiographical inquiry beyond the disciplinary bounds of academic history.

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**Retrospective**

On 7 December 2018, the joint Initiative for the History of Labour Law of the Hugo Sinzheimer Institute and the Max Planck Institute for European Legal History organised its fourth Annual Conference on the ‘Historicity of Judge-Made Law’.

The German Federal Labour Court's President, *Ingrid Schmidt*,
introduced the topic. She underlined the importance of labour courts playing an active role, particularly in view of existing gaps in the definition of legal concepts and in labour law itself.

In his lecture on the development of law in judicial practice, the former Federal Labour Court Judge Wolfgang Linsenmaier dealt with the two types of legal development through case law: case law that stays within existing law and case law that goes beyond it. He illustrated both types on the basis of a survey of the German Federal Labour Court’s judicial tradition. Martin Otto (Fern Universität Hagen) illuminated a key problem within the Weimar social order, using the case study of the largest labour conflict in the Weimar Republic, during which over 200,000 iron workers in the Ruhr area were locked out of their factories in a dispute over pay. Eva Kocher (Frankfurt/Oder) examined the development of the validity of EU law on the basis of the European Court of Justice’s case law, and the member states’ subsequent policy responses.

The fifth Annual Conference in December 2019 will be devoted to the topic of ‘Recht der Angestellten’ (‘Labour law of white-collar employees’), exploring a phenomenon that goes beyond the once dominant industrial blue-collar work. In view of dynamic employment relationships in the context of work 4.0, we expect this to provide interesting historical findings that will add to our understanding of the current challenge.

(Gerd Bender)

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**Call for Applications: Max Planck Summer Academy for Legal History**

**Law in Texts and Contexts**

Every year the Institute aims to provide roughly 20 early-stage researchers, usually PhD students, from all over
the world with two weeks of learning and discussing approaches and methodology of legal history.

The Summer Academy consists of two parts. The first part is an introduction to the study of sources, methodological principles, as well as theoretical models and controversial research debates on basic research fields of legal history. In the second part, the participants discuss the special research theme and develop their own approach to the topic.

PhD Students in Legal Studies and historically focused Social Sciences and Humanities are encouraged to apply by 31 January 2019 with a research project that gives special consideration to the connection between normativity and textuality.

For further information and the complete Call for papers please click here.

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**Guests and Visiting Scholars**

- **Alford, Ryan** (Lakehead University, Canada): *The transmission of the concept of parliamentary sovereignty from the United Kingdom to Canada in the early nineteenth century*, visiting January – June 2019
- **Borges, Clara** (Universidade Federal do Paraná, Brazil): *A genealogy of the discourses on authoritarianism in the Code of Criminal Procedure of 1941*, visiting January – March 2019
- **Carrilho, Leonardo** (Universidade de São 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
- **Camilleri, Nicola** (Freie Universität Berlin, Germany): *Citizenship policy in the German and Italian colonial empires: ideologies, practices, comparisons*, visiting January 2019
- **Castelo Branco, Bruno** (Universidade Federal Fluminense, Brazil): *Fronteiras sobrepostas: entre o trabalho e a escravidão guarani na conquista e*
colonização da América meridional (1541 – 1641), visiting January – March 2019


- **De Moraes Silveira, Mariana** (Universidade de São Paulo, Brasil): *Towards a collective understanding of the legal past: law conferences, historiography and public uses of history (Brazil, 1900 – 1943)*, visiting December 2018 – January 2019

- **Guerra, Maria Pia** (Universidade de Brasília, Brazil): *Brazilian reforms and American ideas: the translation of the concept of public utility (1930 – 1964)*, visiting December 2018 – January 2019


- **Lima, Bruno** (Universidade de Brasília, Brasil): *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

- **Moutin, Pol René** (Universidad Nacional de Rosario, Argentina): *Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas*, visiting December 2018 – February 2019

- **Nie, Xin** (Tsinghua University School of Law, China): *Between Weimar Republic and traditional China: legal translation of social rights through Chinese tradition*, visiting January – March 2019

- **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

- **Saucedo, Victor** (Universidad Autónoma de Madrid, Spain): *Mapping legal change: conspiracy in the 18th and 19th centuries*, visiting January – March 2019

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**Happy New Year!**

While some parts of the world are enjoying the summer holidays, we kicked off 2019 with the Institute Conference (IK) and Plenary Session. Within the context of the IK, we welcomed a new researcher to Department I and two new PhDs to Department II.
Moreover, we had the pleasure of announcing a Max Planck Partner Group in Chile and the start of a research group at the new Cluster of Excellence 'Beyond Slavery' in Bonn.

Reflections on legal historiography and questions surrounding legal-historical method will be the subject of intense discussion in the coming year. In the spirit of this endeavour, two events have already been organised: Thomas Vesting will join us for an extended Jour Fixe on 12 February to discuss his new book *Staatstheorie*, which focuses on legal change and thus how this affects our historical perspective of law. In our 'Meet the Author' series, we will be speaking with Lauren Benton, who co-authored, with Lisa Ford, the book *Rage and Order*.

Of course, the main order of business remains our own research. For Department I, the *Common Law Research Seminar* and the *Annual Conference on the Legal History of the European Union* (18-19 June) will again serve as important venues of discussion. In Department II, several more contributions to our *Historical Dictionary of Canon Law in Hispanic America and the Philippines* will complement the ten others already published in our SSRN research paper series, not to mention the further digital editions of the Works of the School of Salamanca. And that is just a small selection of the results coming out of both departments and the two Max Planck Research Groups.

This year as well, we are very pleased to welcome our guests in the coming year. In January, we are hosting guests from Brazil, China, Great Britain, Spain and the USA. We are anxious to hear their presentations in our monthly Jour Fixe or in the Max Planck Legal History Quarterly Forum. The topic of this year's Summer Academy is 'Law in Texts and Contexts' and will take place from 5-16 August. The deadline for applications is 31 January 2019. The next issue of our journal *Rechtsgeschichte - Legal History* will appear in September, including a Focus section on 'Translating Weimar'. We will be informing you all of this and much more (publications, conferences, events, etc.) via our monthly newsletter, Twitter and on our website.

We wish you all an exciting and fruitful year!
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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