

European Legal History



Newsletter of the Max Planck Institute,
March 2019 #21

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: Research coordinator (m/f/d) for Max Planck Law, a collaborative network of the eleven Max Planck Institutes conducting fundamental research on legal issues, deadline 31 March 2019

CfA: Web content editor (cross-media) (m/f/d) for Max Planck Law, deadline 31 March 2019



Events

4-8 March 2019, 12th Frankfurt Investment Arbitration Moot Court (2018/2019) McDermott Will & Emery and MPlER, Campus Westend

14 March, 11:00-14:00, Colloquium: History of Criminal Procedure and Conspiracy, Clara Borges, Victor Saucedo (both Visiting Researchers), Karl Härter

CfA: Postdoctoral and Research Scholarships 2020 at the MPIeR, deadline 31 May 2019

[more details](#)

(MPIeR)

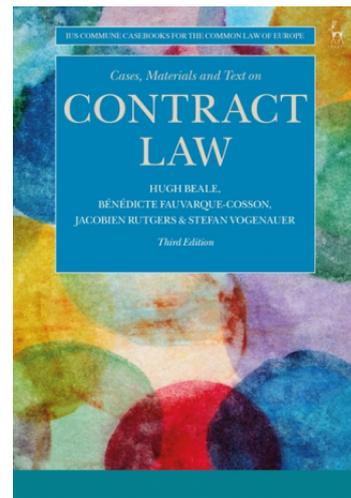
18 March, 15:00-17:00, Max-Planck Legal History Quarterly Forum: Transformaciones históricas y respuestas legales, Bruno Castelo Branco, Antonio Luque Reina, Fabricio Mulet Martínez (all Visiting Researchers)

[more events](#)

Publications

Third edition of *Ius Commune Casebook on Contract Law* published

February saw the publication of the third edition of *Cases, Materials and Text on Contract Law*, a volume in the series *Ius Commune Casebooks for the Common Law of Europe*. The new edition is once again co-authored by a multinational team of scholars: Professors Hugh Beale (Warwick), Bénédicte Fauvarque-Cosson (Paris), Jacobien Rutgers (Amsterdam) and Stefan Vogenauer (Frankfurt).



Despite its title, the *Ius Commune Casebook series* is not concerned with giving an account of the historical 'common law' of Europe. It rather enables anyone who teaches, learns or practises a certain area of law to adopt a comparative and European perspective by analysing the same leading cases, legislation and materials. The book contains such materials from English, French and German law as the main representatives of the legal traditions within Europe, as well as European Union legislation, case law and extracts from international instruments and restatements of contract law. Materials are chosen and ordered so as to foster comparative study, complemented with annotations and comparative overviews.

The third edition includes many new developments at the European Union level (including the ill-fated proposal for a Common European Sales Law and further developments linked to the digital single market)

and in national laws, in particular the major reform of the French Code civil in 2016 and 2018, the United Kingdom's Consumer Rights Act 2015 and new cases for all jurisdictions concerned.

Featured Events



McDermott
Will & Emery



12th Frankfurt Investment Arbitration Moot Court (2018/2019)

4-8 March 2019, Campus Westend

For the second year in a row, the Max Planck Institute for European Legal History, together with the international law firm McDermott Will & Emery, is hosting the Frankfurt Investment Arbitration Moot Court, the oldest and most prestigious student competition in the area of investment protection law. The 2019 Moot Court will take place on Campus Westend from 4-8 March 2019, <http://www.investmentmoot.org/>

This year's case is set right after the Acadian Exodus and Father Le Loutre's War in 1763. The fictional character of Cécile Bellefontaine claims that she has suffered considerable loss by reason of the killing of her family and the seizure of her family possessions by the British. She therefore claims an award in her favour due to Britain's breach of its obligations under the Utrecht Treaty and the Genocide Convention.

Participating student teams will prepare pleadings for both sides and then compete against each other in several rounds. The winning team will move on to the next round, until the last two teams compete in one final pleading to determine the winning team.

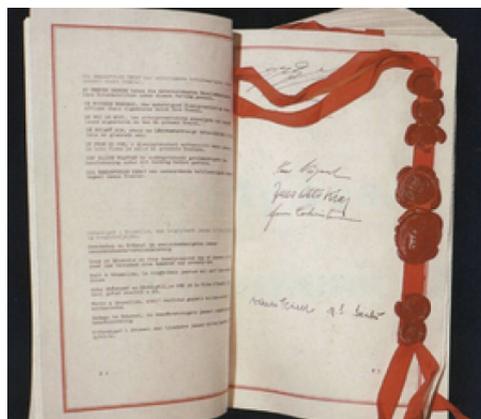
Call for Papers

Conference: The Contribution of the Legal Services of the European Institutions to European Union Law

18-19 June 2019, MPIeR

Deadline: 29 March 2019

The Research Field 'Legal History of the European Union' attempts to situate the history of European law in a *longue durée* perspective, emphasising the comparative dimension and taking into account the broader political and socio-economic context.



The 2019 conference will examine the history of European law with a distinct focus on the contribution of the Legal Services of the European Institutions to European Union law from its origins until the present day.

Possible paper topics include (but are not restricted to):

- The role of the Legal Services in the institutional and informal practices aiming to influence constitutional practices
- Scholarly and policy contributions by key administrators serving in Legal Services
- The history of legal doctrines elaborated in these services in the process of European integration
- Inter-institutional controversies between the Legal Services
- The contribution of the Legal Services regarding treaty negotiations

We welcome proposals of not more than 150 words by 29 March 2019
Please email your proposal and a short CV to ramirez@rg.mpg.de.

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
- **Belda Plans, Juan** (Universidad de Navarra, Spain): *Relecciones teológicas de Melchor Cano*, visiting March 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
- **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

- **Clausen, Thomas** (Trinity College, Cambridge, UK): *Roland Freisler (1893-1945): an intellectual biography*, visiting December 2018 – September 2019
- **Fu, Guangyu** (School of Law, University of International Business and Economics, Beijing, China): *Übersetzung des Standardwerks von Helmut Coing, Europäisches Privatrecht, Band II*, visiting March – May 2019
- **Guerra, Maria Pia** (Universidade de Brasília, Brazil): *Brazilian reforms and American ideas: the translation of the concept of public utility (1930-1964)*, visiting January – March 2019
- **Lebovitz, Adam** (Harvard University, US): *Cosmopolitan constitutionalism: French and American Constitutional Court (1774-1800)*, visiting January – March 2019
- **Lima, Bruno** (Universidade de 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
- **Luque Reina, Antonio Manuel** (Universidad Autónoma de Madrid, Spain): *Dissolving the ‘Polisinodia’: The Royal Council of Spain and the Indies (1834-1836)*, visiting February – April 2019
- **Mulet Martinez, Fabricio** (Universidad de Huelva, Spain): *The Royal Council and the commercial companies by shares in Cuba and Spain (1848-1868). Itinerary between private law and state interventionism in colonial nineteenth century*, visiting March – May 2019
- **Possemiers, Joost** (KU Leuven, Belgium): *Systematische Analyse von den juristischen Werken des Theologen Konrad Summenhart (c. 1485-1502); Situierung, Quellen und Einfluss auf die Schule von Salamanca*, visiting March – May 2019
- **Roos, Mechthild** (Universität Augsburg, Germany): *The evolution of EU legislation on atypical work*, visiting February – April 2019
- **Saucedo, Victor** (Universidad Autónoma de Madrid, Spain): *Mapping legal change: conspiracy in the 18th and 19th centuries*, visiting January – March 2019
- **Tikka, Katja** (Helsingin Yliopisto, Finland): *Administration and Legal Development of the Swedish Chartered Companies in the 16th century*, visiting March 2019

MPIeR out and about

Keeping you up-to-date on the activities and public engagements of the Institute's researchers abroad.

If you are in the area and are interested in attending, feel free to stop by.

Albani, Benedetta, Las relaciones entre la Santa Sede y la América española (siglos XV-XVIII) a La Luz de los archivos vaticanos (Universidade de Coimbra, Faculdade de Letras, 15 March, time tba)

Albani, Benedetta, La chiesa cattolica nel Nuovo Mondo: romana, spagnola, americana (Università degli Studi "G. D'Annunzio" Chieti-Pescara, Dipartimento di Lettere, Arti e Scienze Sociali, 25 March, time tba)

Barnes, Victoria, Shifts of wealth, capital and responsibility: litigating in London about shareholder rights in Canada and the Commonwealth (Business History Conference, Cartagena, Colombia, 15 March, 15:30-17:00)

Duve, Thomas, Small books for big empires: observations on the history of legal knowledge (Harvard Law School, WCC 3018, 12 March, 17:00-18:00)

Duve, Thomas, Using history in law: indigenous rights (Harvard University, Department of History, CGIS, S450, 13 March, 15:00-17:00)

Vogener, Stefan, Rechtsrezeption aus Karrieregründen - Zu den englischen Übersetzungen Savignys (Abendvortrag der Jahresversammlung Wiener Rechtsgeschichtliche Gesellschaft, Universität Wien, Juridicum, 12 March, 19:00)

Vogener, Stefan, Die Herstellung 'nationaler Rechtseinheit' im Deutschen Bund: Der Dresdner Entwurf zum Obligationenrecht von 1866 (Tagung: Rechtsvereinheitlichung durch den Deutschen Bund als entscheidende Voraussetzung für die Herstellung nationaler Rechtseinheit auf dem Gebiet des Privatrechts, Universität Regensburg, 21 March 2019, 17:00)



Hansaallee 41



Translating Weimar

Numerous events and important



Farewell Karl-Heinz Lingens

At the end of February 2019, our

new publications are in the works to commemorate the 100th anniversary of the Weimar Constitution. It is not uncommon that reference is made to the Weimar Constitution's specific international influence and impact. However, what parts of the constitution actually had a special international effect? By whom, under what circumstances and with what aims were constitutional regulations and academic discussions on the Weimar Constitution translated into different local contexts? How were, for example, authority or the alleged failure of the Weimar Constitution instrumentalised and mobilised for one's own purposes?

These and other questions will be the subject of the *Focus* section 'Translating Weimar' in the upcoming issue of the journal *Rechtsgeschichte - Legal History*. Thomas Duve and Fupeng Li invited the authors of the contributions to meet with both members and guests of the Institute in Frankfurt on 18 February to discuss their texts on Weimar in Latin America, Asia and Europe.

Thomas Duve

long-standing Head of the Editorial Department, Dr Karl-Heinz Lingens, will go into well-deserved retirement. Karl-Heinz Lingens has been at the Institute since 1988 and his work significantly shaped the Institute's publications of recent decades: the *Studien zur europäischen Rechtsgeschichte*, the journal *Ius Commune*, the *Rechtshistorisches Journal* and *Rechtsgeschichte - Legal History*. He and his team were also essential in developing the book series on the *Geschichte des Völkerrechts*, the new *Global Perspectives on Legal History* and the *Research Paper Series* on SSRN. The gratitude expressed by many authors in their books' prefaces is evidence of the esteem in which he was held. He took the conception, consulting and editing of every book very seriously.

The internationalisation of research and the changes in the publishing industry he met with his usual calm confidence and sense of humour and saw them as an opportunity for the Institute. His interest and knowledge in the field of the history of international law have repeatedly enriched our internal discussions. His colleagues are delighted that Karl-Heinz Lingens will remain involved with the Institute as an Affiliate Researcher even after his retirement.

Thomas Duve

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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https://listserv.gwdg.de/mailman/listinfo/mpierg_news. Just scroll down to the bottom of the page and to the row 'To unsubscribe from MPleRg_news (...)'. Needless to say, seeing you leave would make us very sad.



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