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

**CfA:** We are currently recruiting student assistants for our research and our editorial departments. For more information and how to apply, click below.

Events

**06 May, 14:15, Seminar:** Legal transplantation within amelioration and manumission laws in the British West Indies 1700s-1830s, Justine Collins (MPI).

**15 May, 18:00, Rechtshistorisches Abendgespräch:** Laws ancient and modern: history and context in the reforms of mid-nineteenth century India,
Publications


**ADMINISTORY** is an open access journal for the history of public administration. It is published jointly by the Institute of Austrian Historical Research (IÖG) and the Swiss Federal Archives (SFA), in cooperation with the Max Planck Institute for European Legal History, Frankfurt. The third and most recent volume, edited by Peter Becker, Peter Collin, Timon de Groot and Thomas Rohringer, deals with 'Bureaucracy and Emotions' from a historical perspective.

The Transnationalisation of Criminal Law in the Nineteenth and Twentieth Century

**Ed. by Karl Härter, Tina Hannappel & Conrad Tyrichter, Studien zu Policey, Kriminalitätsgeschichte und Konfliktregulierung, Frankfurt am Main: Klostermann 2019, ISSN 1612-7730**

The volume contains nine case studies on the recent history of transnational criminal law, all of which derive from current international research projects. The papers cover cross-border
political crime and security threats, extradition and expulsion, police cooperation and international expert discussions on social crime and torture. The focus is less on event-historical phenomena and more on transnational legal-political interactions of different actors. The contributions thus analyse the historical development of transnational criminal law as a form of temporally, spatially and legally limited criminal law and security regimes. As a result, the volume shows that the investigated transnationalisation of criminal law in the 19th and 20th centuries did not lead to a cohesive normative order, and thus offers legal-historical interpretations of current problems in international criminal law.

In Search of Ordoliberalism: Evidence from the Annual Reports of the German Council of Economic Experts, 1964-2017

by Anselm Küsters, Max Planck Institute for European Legal History Research Paper Series No. 2019-12

In order to provide a more nuanced and dynamic view of this German economic distinctiveness, this study analyses the extent to which representative German economists adhered to an ideal type of Ordoliberalism in the second half of the twentieth and the early twenty-first century. In particular, it uses the annual reports of the German Council of Economic Experts (GCEE) between 1964 and 2017 as a case study.

A computational text mining technique known as Topic Modelling is introduced to structure and understand the annual reports’ vast amount of semantic data (over 21,000 pages). Combining this quantitative analysis with qualitative evidence suggests that ordoliberal thought was not consistently present in German economic policy advice. Rather, certain ordoliberal ideas have been reactivated during times of domestic crisis that called for guidance by easily accessible narratives. In terms of methodology, this study demonstrates that quantitative and qualitative analyses have to be treated as necessary complements when analysing the influence of economic ideas.

Featured Events

Rechtshistorisches
In 1861 a new structure was created for law-making in India, and by the end of the 1860s it was recognised in the British Parliament that the reform had involved the equivalent of: ‘... the duty of making general laws for the whole of Europe except Russia [...]’. It was also noted that in the course of the 1860s, it had become normal for the laws to be prepared in Calcutta in the winter months and that government and law-makers would move to the cool of Simla in the Himalayas for the summer. In this regard it was argued that it was as if in Europe a legislative body was: ‘sitting half the year at Dantzic and the other half of the year at the Baths of Lucca’. Indian law reformers of the day sensed that location was important.

A sense of the relevance of context was linked to a sense of the importance of history. Again, it could be expressed by reference to Europe. The jurist Henry Maine, author of *Ancient Law* published in 1861, was involved with the production of laws for India between 1862 and 1869, and in later years he came to think that if law reformers were ‘too slow, there will be no improvement. If they are too fast there will be no security’, and he went on to observe that ‘the British rulers of India are like men bound to make their watches keep true time in two longitudes at once’. In other words, a watch in Europe and a watch in India should keep different times to reflect their different longitudes but, for the purposes of managing legal change in India, there had, somehow, to be one uniform time. An awareness of history was important, but it was an awareness which had to be controlled by the law-maker, and the law-maker was European.

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**Call for Papers**

**Weimar Moments.**

Constitutionalising Mass Democracy in Germany, Italy,
Spain, and Beyond

13-15 Nov 2019, Universidad Autónoma de Madrid

The Weimar Constitution was among the first constitutions that aimed at organising a mass democracy in which the social question played a key role. Such 'Weimar Moments' and their significance for the current European constitutional crisis will be at the centre of the workshop in Madrid from 13 – 15 November 2019.

The workshop is the result of a cooperation between Goethe University, Universidad Autónoma de Madrid, Universidad de Valencia, Università di Ferrara, and the Max Planck Institute for European Legal History (Department I).

Proposals may comprise up to 1.000 words and should be submitted to Kevin Hinzen, hinzen@jur.uni-frankfurt.de by 1 June 2019.

Please see the full Call for Papers


We introduce ...

Glocalising Normativities – a new research project

In the course of the sixteenth century, religious, imperial, and trade networks made the world more interconnected than at any previous point in history. The world’s oceans began to compete with traditional overland routes in their importance for moving goods, peoples, and communications. The Iberian empires of Portugal and Spain played an important role in this process. In these interconnected spaces, the normative representations of settlers, missionaries, and imperial agents collided with local normativities, forming a process of normative production and reconfiguration that took on different paths in different places.
In its first phase, the project seeks to combine a global perspective on legal history with local case studies based on the detailed analysis of archival sources. Its aim is to understand how norms were constructed in the different locations that were part of the sphere of influence of one of the Iberian empires between the fifteenth and nineteenth centuries.

The project provides an overarching research agenda within which a number of individual postdoctoral and PhD projects are carried out. Currently, these include research on Angola, Canton, Japan, Lima, Macao, Pernambuco (Dutch Brazil), the Philippines, Rio de Janeiro, Salvador de Bahía, Taiwan and Valdivia. Research focuses on how the interaction between vernacular and foreign worldviews shaped and constructed new ways of organising life, habitation, commerce, government, religious practice, and social hierarchies.

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
- **Cobo, Natalie** (Brasenose College, University of Oxford, UK): *Translating Solórzano*, visiting May 2019
- **Langella, Simona** (Università degli Studi di Genova, Italy): *Studio, edizione critica e traduzione spagnola del commentario inedito di Francisco de Vitoria alla I-IIae de la Summa theologiae di san Tommaso d’Aquino*, visiting April – June 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
- **Mamolea, Andrei** (Institut de Hautes Études Internationales et du Développement, Genève, Switzerland): *Reexamining International Arbitration, 1890-1914*, visiting April – August 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

- **Peinert, Erik** (Brown University, Providence, USA): *Post-War French competition rules in comparative perspective*, visiting 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
- **Ramis Barceló, Rafael** (Universitat de les Illes Balears, Palma de Mallorca, Spain): *Encyclopaedism, textuality and Jurisprudence in 16th and 17th Centuries*, visiting April – June 2019
- **Schirò, Pietro** (Università degli Studi di Verona, Italy): *The Social School of Criminal Law*, visiting May – September 2019
- **Tarozzi, Simona** (Università degli Studi di Bologna, Italy): *Rezeption der Grundlage des römischen Verfahrensrechts in römisch-germanischen Quellen und in common Law*, visiting April – September 2019

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**The Institute 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.


**Lena Foljanty**, *The justice ministry and the local courts: Early Meiji legal reforms*, Institut de l'Asie Orientale, Lyon, 17 May, 14:00.


**Jan-Henrik Meyer**, *Die industriepolitische Geschichte der nuklearen Utopie*, Vortragsreihe *Offener Hörsaal*, Freie Universität Berlin, 8 May, 17:00.

**Jan-Henrik Meyer**, *'Nuclear Energy, no thanks' – How Denmark shifted from
European Elections Ahead

European Citizens are called to vote on a new Parliament this month, beginning on 23 May. Seizing the occasion, our members will hold a joint discussion of the role and competences of Europe’s Parliament on 6 May, 11:30. Some of our research fellows will present their current research projects on the legal history of the European Union. In particular, they touch on issues such as the scope of Member of Parliament’s rights and privileges, the sovereignty of member states, or the alcohol concentration that is legally prescribed for French liqueur to be sold in German supermarkets. We are looking forward to being joined on this occasion by Jörg Uwe Hahn, the former Hessian Minister of Legal Transformations in 19th and early 20th Century Japan, China, and the Ottoman Empire (27-29 March 2019)

The second comparative workshop on legal transformations of Japan, China and the Ottoman Empire brought together a range of experts from different parts of the world. In addition to participants from China, Japan, Turkey and Israel, scholars from the United States, Belgium, France, Germany and Italy were present. This year's workshop focused on translation practices, their implications and outcomes. Participants contributed to this topic by introducing different perspectives on the matter. In addition to literal legal translations from Western countries, the
Justice and European Matters, as a discussant.

Stefanie Rüther

creation of a new legal vocabulary and transfers of institutions were the subject of discussion. Another focus was the interconnectedness between non-Western countries, especially Japan and China, and in the Ottoman case the influence of Mecelle towards the neighbouring cultures. Legal borrowing, glocalization, cultural translations and legal transplant belonged to participant's common vocabulary, emerging from last year's workshop, to discuss specific case studies and methodologies.

Murat Burak Aydin

Max Planck Newsletter for Ibero-American Legal History

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