

European Legal History



Newsletter of the Max Planck Institute,
August 2019 #26

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.



Events

5 - 8 August, Summer Academy for Legal History: *Law in Text and Context*

21 August, 10:00 - 12:00, Workshop: *Methods and Sources: Globalising Normativities*, Manuel Bastias Saaverda (MPIeR)

23 - 25 September, Colloquium: *6th Colloquium on Crime and Criminal Justice in Early Modern and Modern Times: Crime, Justice and Elites*, Karl Härter et al.

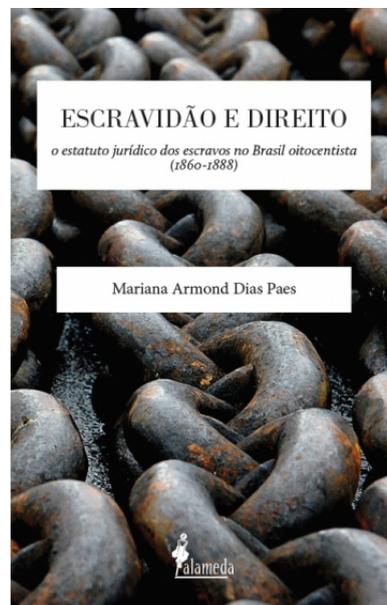
[more details](#)

Publications

Escravidão e Direito: o estatuto jurídico dos escravos no Brasil oitocentista, 1860-1888

by **Mariana Dias Paes, São Paulo: Alameda, 2019**

In July, Mariana Dias Paes, Research Group Leader at our Institute, launched her book *Escravidão e Direito: o estatuto jurídico dos escravos no Brasil oitocentista, 1860-1888* (Slavery and Law: the Legal Status of Slaves in Nineteenth-Century Brazil, 1860-1888). The book draws on extensive archival research on legal doctrine and legal procedures filed before the Court of Appeals of Rio de Janeiro during the last decades of Brazilian slavery. The main argument of the book is that slavery law was not a 'law of exception' but rather fully in accordance with liberal legal principles and civil law norms. In other words, slavery was not incompatible with liberalism. In order to sustain this argument, the chapters analyze issues such as legal personality and civil incapacity of slaves; the extent of their right of action; the limitations imposed on their capacity to acquire property and make contracts; the issue of slave families; the role of possession in determining people's statuses; the influence of the master's will in shaping legal interpretations of civil law; and the existence of legal categories of people in between slavery and freedom. If you would like to know more about the book, a video with the author is available here: <https://www.youtube.com/watch?v=W-BY86U81Gc&t=7s>



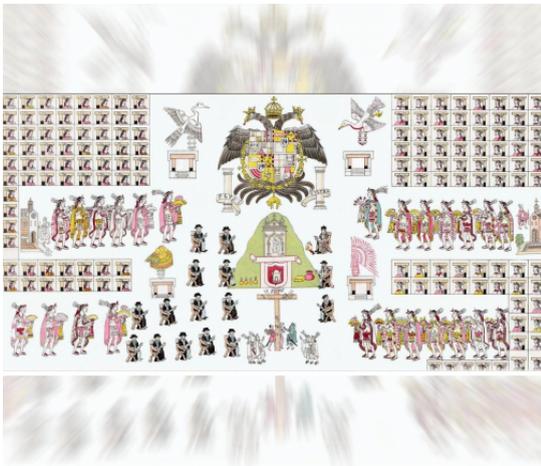
Featured Events

Glocalising Normativities

21.08.2019, 10:00-12:00,

Seminarraum Organisation:

Manuel Bastias Saavedra

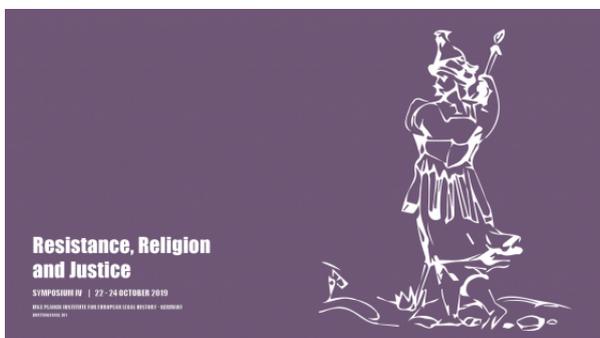


Methodologically, the *Glocalising Normativities* project is based on the legal history in global perspective developed at the MPIeR in recent years: sensitivity for the diversity of different forms of normativity (multinormativity), for processes of translation, for the spatial dimension of law, and for how norms were used and

mobilised in situations of conflict. The *Glocalising Normativities* project aims to contribute to a global legal history by decentering the observation of normative production. It does so by focusing on detailed local case studies from places in Africa, Asia, Europe and the Americas.

Since the problems of method and sources are central, the *Glocalising Normativities* project will conduct periodic workshops to discuss issues of method, media and law, normative praxeology, institutions, translation, and the larger problems of conceptualising and conducting global legal history. The aim is to foster discussion with researchers and guests based on hands-on experience in the use and interpretation of sources. The first of these workshops will take place on 21 August 2019 at the MPIeR. Participation is subject to registration at glono@rg.mpg.de.

Call for Papers/Posters



Resistance, Religion and Justice Symposium IV: Call for papers

As part of the project
[RESISTANCE: Rebellion and Resistance in the Iberian Empires, 16th-19th centuries](#)

(778076-H2020-MSCA-RISE-2017), the Max-Planck Institute for European Legal History announces the IV Symposium on Resistance, Religion and Justice, which will take place in Frankfurt am Main (Germany), 22-24 October 2019.

Abstract proposals should be sent to Dr. Benedetta Albani (albani@rg.mpg.de) before **31 July 2019**.

The complete Call for Papers is [here](#).

For more information on the RESISTANCE project, see [here](#).



Digital Methods and Resources in Legal History

In order to provide an opportunity for the critical discussion of digital methods and resources in legal history, and in order to learn about the vast array of such methods and resources, the Max Planck Institute for European Legal History invites contributions to its conference on

["Digital Methods and Resources in Legal History"](#) on 19-20 March 2020.

Interested researchers are welcome to present collections, databases, gazetteers and similar resources of relevance to legal history, but also to show how these or other resources and digital methods in general have been put to use in concrete project contexts. We explicitly invite reports about research questions, projects or approaches that have failed to find or create digital means to work with in a satisfactory manner, too. The complete call for papers/posters is available [here](#), along with further information. Submissions should be sent by e-mail to dlh@rg.mpg.de before **15 September 2019**.

Guests and Visiting Scholars

- **Black, Lynsey** (University College Dublin, Ireland): *The Mandatory Death Sentence in Ireland, Trinidad and Tobago, and Barbados: Colonial Legacies and Sovereign Symbols*, visiting July – September 2019
- **Cherchi, Alice** (Università degli Studi di Cagliari, Italy): *New Reflections on the Theophili Paraphrasis*, visiting July – August 2019
- **Clausen, Thomas** (Trinity College, Cambridge, UK): *Roland Freisler (1893-1945): an intellectual biography*, visiting December 2018 – September 2019
- **Darossi, Flávia** (Universidade Federal de Santa Catarina, Brazil): *Rights and land ownerships regimes in Santa Catarina Brazil in the nineteenth century*, visiting August 2019 – January 2020
- **Domínguez Benito, Héctor** (Universidad Autónoma de Madrid, Spain): *The end of an empire – Titles over territories in Spanish and Ibero-American international law, 1810-1928*, visiting July – December 2019

- **Fatal, Solange** (Université de Montpellier, France): *The history of theorization of Civil Procedural Law. From Italian Legal Scholars in France (1865-20)*, visiting August 2019
- **Fu, Ningxin** (Tsinghua University, Beijing, China): *Modernization of Chinese Fiscal and Tax Law (1912-1949)*, visiting August 2019
- **Gogoșe, Loredana** (Universitatea "Lucian Blaga" din Sibiu, Romania): *Der Codex Altenberger – das erste Gesetzbuch der Siebenbürger Sachsen*, visiting July – August 2019
- **Guanche, Julio César** (FLASCO, Quito, Ecuador): *La ciudadanía republican en Cuba. (1902-2002). Un studio integral*, visiting July – December 2019
- **Klebaner, Samuel** (Université de Bordeaux, France): *The determinants of the sectoral deregulation in Europe during the 80s*, visiting July – September 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
- **Matsumori, Natsuko** (University of Shizuoka, Japan): *Conquest, Empire, and Sovereignty: the Natural Right of Communication in the 'New World'*, visiting August – October 2019
- **Okada, Masanori** (Waseda University, Tokyo, Japan): *'Legal Transformation' in relation to East Asia and investigate some historical processes of 'reception' of German law in the 19th century Japan*, visiting June – August 2019
- **Roldán Cañizares, Enrique** (Universidad de Sevilla, Spain): *The reception of Jiménez de Asúa's penal doctrines and acts in Spanish America*, visiting July – September 2019
- **Schirò, Pietro** (Università degli Studi di Verona, Italy): *The Social School of Criminal Law*, visiting May – September 2019
- **Sedano Rueda, Joaquin** (Universidad de Navarra, Pamplona, Spain): *Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI - XVIII (DCH)*, visiting August 2019
- **Söğüt, İpek Sevda** (Kadir Has Üniversitesi, İstanbul, Turkey): *'Exceptio Doli Generalis' in Roman Law*, visiting July – September 2019
- **Spitra, Sebastian** (Universität Wien, Austria): *Semantical Order and Unequal Encounters: the Formation of Private International Law in the 19th century*, visiting July – 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
- **Walker, Andrew** (Wesleyan University, Middletown, USA): *Strains of Unity:*

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.

Donal Coffey, *Bunreacht na hEireann and the Drafting of the 1947 Burmese Constitution*, University College Cork, 30 August.

Peter Collin, *Judicial Pluralism, Conference Vielfalt im Recht*", Universität Hamburg, 26 August.

Peter Collin, *Mehrwert der Selbstverwaltung? Die Anfänge der Krankenversicherung*, Conference Mehrwert der Selbstverwaltung, Goethe-Universität Frankfurt am Main, 24 September.

XX. Congreso del Instituto Internacional de Historia del Derecho Indiano, Huelva Spain, 16 - 20 September:

Thomas Duve, *La literatura pragmática y el Derecho indiano*, 16 September.

Damián Augusto Gonzales Escudero, *Expropiar para reducir: Una herramienta jurídica para la formación de una reducción de indios en Lima durante el siglo XVI*, 16 September.

José Luis Egio García, *Desmontando a la Monarquía hispánica. Los juristas calvinistas y politiques en el debate sobre los (in)justos títulos*, 17 September.

Caspar Ehlers, *Inclusion of Space and Exclusion of People? Ecclesiastical and secular rule in its regional contexts*, [Historicidagen 2019 in Groningen](#), 22 - 24 August 2019.

Caspar Ehlers, *Die Funktion der Balleien für die Kommunikationsstrukturen des Deutschen Ordens zwischen dem Reich und Preußen, 800 Jahre Deutscher Orden in Würzburg - Investiturfeier, Würzburg*, 5 September.





Summer Academy for Legal History 2019

Once again we are very excited to soon be welcoming a group of early-stage researchers from all over the world here in Frankfurt for the Max Planck Summer Academy for Legal History.

The summer academy is one of the academic highlights at our Institute's life and traditionally takes place in the summer break. The course consists of two parts: the first part introduces students to the studying historical sources, methodological principles, as well as theoretical models and controversial research debates in legal history. In the second part, the participants discuss the special research theme and develop their own approach to the topic. Lastly, all participants will have an opportunity to avail themselves of our library and for discussing their research with fellows of the Institute.

This year's overarching research theme is: 'Law in texts and contexts'.

Written texts represent the most important sources for legal historians, and they cannot be understood without their respective historical contexts. In recent decades, however, there has been a growing awareness that they must also be read with specific attention to their mediality and their interrelation with visual and oral sources, as well as objects and artefacts. Historians, but also legal theorists, are reflecting more intensively



The MPI at the British Legal History Conference

This year's British Legal History Conference was held at the University of St Andrews in Scotland. The conference's theme was 'comparative legal history'. Given that the Scottish legal system is mixed and influenced by both common law and civil law traditions, the theme of comparison was particularly well suited to the location and its surroundings. Some of the papers were explicitly comparative, and when the papers in each panel were taken together, they examined differences and similarities across jurisdictions and revealed broader patterns in the development of legal processes and legal change.

Two researchers from the research field 'Legal Transfer in the Common Law World' presented. [Donal Coffey](#) gave a paper entitled 'Provincialism and Federalism in Commonwealth Constitutional Thought'. He undertook an energetic and vigorous multi-jurisdictional analysis of constitutionalism in the British Empire in the interwar period. [Justine Collins](#) spoke about her work on 'An Examination of British Societal Laws as the Origins of the Comprehensive Slave Laws of the British West Indies'. Her insightful research showed how principles of English law were transplanted to the Caribbean across the seventeenth, eighteenth and nineteenth centuries. Their papers were thought-provoking and contributed to the overall discussion of

about textuality and normativity, and digital humanities seem to hold great potential for research in legal history. What do these developments mean for legal historians and their specific tasks?

(Stefanie Rüther)

comparative legal history. The papers of Coffey and Collins added an interesting and new comparative perspective from within the common law system.

Beyond these two lectures, the Institute's publications were present as well, showing the multilingual book series, journals, and paper series at a book display table.

(Victoria Barnes)

Summer Break

There will be no newsletter in September as we are taking a summer break and retreating away from the heat. We wish all our readers a pleasant and enjoyable summer, wherever you may spend it. You'll hear back from us in October with the start of a new and exciting semester.

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/mpierng_news. Just scroll down to the bottom of the page and to the row 'To unsubscribe from MPIeRg_news (...)'. Needless to say, seeing you leave would make us very sad.



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