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

We are looking for three new colleagues to join the Institute's research projects.

CFA: Post-doctoral researcher (m/f/d) or Doctoral student (m/f/d) in the research group Translations and Transitions: Legal Practice in 19th-Century Japan, China, and the

Upcoming events

7 October 2019, 15:00-17:00, Workshop: Gender and Sexualities in Legal History, organised by Luisa Stella Coutinho (MPIeR)

8 October 2019, 17:00, Norms and Empires Lecture Series: Between Citizenship and Foreignness. Free People
Ottoman Empire, Deadline: 31 October 2019
The successful candidate will be responsible for developing and carrying out a project on the transformation of conceptions of law and the practice(s) of decision-making in China during the late Qing period and early 20th century (until 1937).

CFA: Doctoral student (m/f/d) in the LOEWE subproject Konzernarchitektur. Bauliche und rechtliche Ordnungsregime der korporativen Moderne, Deadline: 31 October 2019
The successful candidate will develop, coordinate and carry out a research project on the genesis of 'corporate architecture' in the late 19th century.

CFA: Researcher (m/f/d) in the project Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas siglos XVI-XVIII, Deadline: 11 November 2019
The successful candidate will undertake editorial work on the dictionary and have the opportunity for conducting their own research closely related to the dictionary's themes.

Further details

9 October 2019, 10:00-17:30, Workshop RISE-MPIeR: Diálogos entre História e Direito na África, organised by Mariana Dias Paes (MPIeR)

10 October 2019, 16:30, Research Colloquium: The origins and legacies of the British West Indian Slave Legislation: When periphery becomes the centre, Justine Collins (MPIeR)

14 October 2019, 15:15, Common Law Research Seminar: Legal Education as a Tool of Professionalization in England (1850-1900), Zeynep Yazıcı-Caglar (MPIeR)

16 October 2019, 14:30-16:30, Workshop Methods and Sources: Glocalising Normativities, organised by Manuel Bastías Saavedra (MPIeR)

16 October 2019, 18:15, Frankfurter Rechtshistorische Abendgespräche: Current doctrines and similar petitions: capitalist legal logic among native and enslaved litigants in Spanish America, Bianca Premo (Florida International University)

17 October 2019, 10:00-13:00, Meet the Author: Bianca Premo, The Enlightenment on Trial: Ordinary Litigants and Colonialism in the Spanish Empire

More events

Publications

Rechtsgeschichte – Legal History
27 (2019)

The first article in the new issue of the Rg is unfortunately also the last publication
of António Manuel Hespanha, who was a close associate of the Max Planck Institute for European Legal History for many years. To our great regret, he passed away only a few weeks before the journal went to press. His contribution summarises the prosopographical work on Portuguese lawyers of the early modern period carried out over the last three decades, which sheds light on the social origins, education and career patterns of both scholars and practitioners of law in the Lusophone world.

The second essay in the Research section is by Jean-Louis Halpérin. It deals with the surprising connection between criminal law and the law of nations at German-speaking universities from the 16th to the early 20th centuries – long before the advent of international criminal law.

The Council of Trent’s (1545-1563) debates and decisions are the starting point of the issue’s first thematic Focus, ‘Tridentine Marriage’. Ten authors examine the effects and implications of the marriage law reforms enacted by the council in a variety of different regions around the world (Europe, Pakistan, Japan, the Philippines, Latin America) up to the 19th century.

To mark the 100th anniversary of the Weimar Constitution, the second Focus section, ‘Translating Weimar’, addresses the text’s transnational resonance. Five contributions analyse local perspectives from Asia, Latin America and the Common Law World.

This year’s Forum takes a closer look at the two handbooks on legal history published last year by Oxford University Press. Focusing on specific themes related to their own fields of expertise, researchers from our Institute review the volumes and offer their own comments on the discussion on the state of the discipline.

Luckily, the book review section treats more than just two books. As always, the books reviewed have been published within the past two years. Our policy of trying to commission reviews in a language other than the publication’s is aimed at facilitating the transfer of knowledge across linguistic, regional and disciplinary boundaries.

Finally, Anette Baumann shares her observations on the evidentiary inspection practices of the Reichskammergericht (1495-1806), and has selected a number of inspection maps (Augenscheinkarten) to illustrate the print edition of the journal.
In keeping with our established practice, this issue of the Rg is available both in print (Verlag Vittorio Klostermann) and online in Open Access on the journal's new website.

Two new publications in the Max Planck Institute for European Legal History Research Paper Series

Thomas Duve's Pragmatic Normative Literature and the Production of Normative Knowledge in the Early Modern Iberian Empires in the 16th-17th Centuries shows how handbooks and other texts aimed at practitioners produced by clerical authors played a key role in the knowledge economy of the early modern Iberian empires. They covered questions of right or wrong in all areas of life, be it in the confessional, the treatment of indigenous peoples, or trade practices. Exploring the role and function of these media is key to understanding how normative knowledge was translated into practice and how practices in turn contributed to knowledge production in the Iberian world during the 16th and 17th centuries.

The second paper is part of the Institute's project Historical Dictionary of Canon Law in Hispanic America and the Philippines. 16th-18th Centuries (DCH), which aims to provide information about key concepts of early modern ecclesiastical law in Hispanic America and the Philippines. Based on both the normative and prescriptive literature of the time, Javier Villa Flores' article Falseadores (DCH) discusses the legal understanding of the crime of forgery on both sides of the Iberian Atlantic. The seriousness of the crime lay not so much in the act of lying or of malicious concealment, but in the intentional abuse of public trust through fraud.

Featured Event

Frankfurter Rechtshistorische Abendgespräche

Current doctrines and similar petitions: capitalist legal logic among
This talk focuses on the devaluation of casuistic argumentation not only among legal minds but also among ordinary litigants in the 18th-century Spanish American colonies. It is particularly concerned with how experiments with new ways of thinking about legal logic linked temporal and economic ideas. Enslaved and native litigants began to advance a fundamentally capitalist logic of legal argumentation in the late 1700s. In civil suits aired in royal courts against superiors, unlettered litigants from unlikely places such as Trujillo, Peru and Southern Mexico played with new notions of time, value and law – concepts that are conventionally thought to be the provenance of European intellectuals, especially German philosophers. Their allusions to legal truth and value in the civil cases they brought against masters and community leaders departed from the casuistic mode of legal epistemology inherited from the pan-European civil law tradition, veering into a new way of legal way thinking about time that contained kernels of capitalist logic, especially concepts of speculation and type.
legal history scholars from all over the world.

Being an international lawyer with a strong interest in legal history but not a legal historian myself, I followed the events through a special lens as a ‘non-expert’. In my opinion the unique features of the academy were its academic rigour, its internationality and its interdisciplinarity.

First things first: the Academy is very demanding. The research of the participants is discussed in depth and renowned scholars provide insights into their fields of interests. How the discussions evolve is a result of the Academy’s design. While in the past, legal history used to be an intellectual exercise often constrained by national borders, the atmosphere at the Academy was shaped by the different backgrounds of the participants coming from all corners of the world. Another decisive aspect was that the academic starting points of the participants spanned a broad range and included training in history, law and philosophy. This was especially fruitful for exploring this year’s topic of the Academy: 'Law in Texts and Contexts'. As it turned out, the conceptions of both 'context' and 'law' frequently differed according to one’s academic lens.

However, the social aspects were just as noteworthy as the academic ones. The program was complemented by social activities ranging from tours of the adjacent university campus to attending the Institute’s summer party. Especially during these events I found that the Academy allowed us to forge a network of fellow researchers and friends that will stay with us together with the professional experiences.

Fabian Simon Eichberger is a Research Fellow at the Max Planck Institute for Comparative Public Law and International Law, Heidelberg

Guests and Visiting Scholars

- **Brito Monteiro, Ivone de Fátima** (Universidade de Cabo Verde, Cidade da Praia, Cape Verde): *Os fundamentos da luta pela adjacência de Cabo Verde (Séc. XIX)*, visiting October 2019
- **Carlos, Elter Manuel** (Universidade de Cabo Verde, Cidade da Praia, Cape Verde): *Corpo Submisso e Resistência na Dança do Batuku*, visiting October 2019
- **Censi, Damiano** (Università degli Studi di Ferrara, Italy): *A reconstruction of European economic governance through the legislative and jurisprudential route of the role of the European Parliament*, visiting October – November 2019
- **Cobo, Natalie** (Brasenose College, University of Oxford, UK): *Translating*
Conceição Gomes, Lourenço (Universidade de Cabo Verde, Cidade da Praia, Cape Verde): Discursos e narrativas sobre resistência camponesa em Babo Verde no Século XIX, visiting October 2019

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


Girón Zúñiga, Nicolás (Pontificia Universidad Católica de Chile, Santiago de Chile, Chile): Prácticas y representaciones de corrupción en el marco del proceso de construcción estatal de Chile decimonónico (1830-1891), visiting October 2019


Guevara Gil, Jorge Armando (Pontificia Universidad Catolica del Peru): Transgression, abjection and unfruitful pain. The case of Sister Dominga Gutierrez de Cossio (Arequipa, Peru, 1831), visiting October 2019 – September 2020

Hallebeek, Jan (Vrije Universiteit, Amsterdam, Netherlands): Ausgabe und Übersetzung der Glossen zur Jurisprudentia Frisica (Codex Roorda), visiting October 2019

Ijeoma, Winner (Goethe Universität, Frankfurt, Germany): Contracts, trade and British legal transplants in 19th-century Nigeria and Ghana, visiting October 2019 – March 2020

Losano, Mario (Università degli Studi di Torino, Italia): Le tre constituzioni pacifiste, visiting October 2019

Sagredo Baeza, Rafael (Pontificia Universidad Católica de Chile, Santiago de Chile, Chile): Rebellion and Resistance in the Iberian Empires, 16th-19th centuries, visiting September – October 2019

Matsumori, Natsuko (University of Shizuoka, Japan): Conquest, Empire, and Sovereignty: the Natural Right of Communication in the 'New World', visiting August – October 2019

Hansaallee 41
Podcast: Grenzen der Freiheit

Konrad Duden (Max Planck Institute for Comparative and International Private Law) and Jasper Kunstreich recently contributed to a podcast discussing freedom and the rule of law. They focused on how the recent rise of populist and autocratic governments is affecting judicial independence and the separation of powers. While it might seem that that the rule of law and democratic institutions are sound in Germany, we are nevertheless not isolated from developments taking place elsewhere. Looking closely, one can observe small digs being taken at the judiciary, but also at the press and at scientists, which show that even in Germany, a functioning democracy and respect for the rule of law should not be taken for granted. Jasper Kunstreich and Konrad Duden therefore encouraged listeners to be particularly alert to possible challenges to democratic institutions and to stand up in their defence, but also to practice constructive criticism of them.

Jasper Kunstreich and Konrad Duden were contributing to a longer podcast produced and published by detektor.fm, a digital radio station based in Leipzig with a special focus on culture, politics and science, in cooperation with the Max Planck Society. The podcast also featured Lorraine Daston, director emerita of the Max Planck Institute for the History of Science, who discussed the historical development of the ideas behind the rule of law and scientific freedom. Christian

Schrödinger's Dragon

Building upon the cooperation between the MPIs in the greater region, the four Frankfurt institutes—biophysics, brain research, legal history and empirical aesthetics—put together a team to compete in the annual dragon boat race held in connection with the Museumsuferfest. After just two training sessions, 'Quantum Dragon' was ready to take on the other 31 teams on 24 August.

Although we had a poor start in the first heat, a few tactical adjustments in the next round propelled us to a strong 2nd place. Since we didn't win the second heat, however, our hope of getting into the quarterfinals was up in the air—a state of being all too familiar to Schrödinger's cat. Just as the cat's fate remained uncertain until acted upon by an external party, so too Quantum Dragon's fate rested in the hands of other teams racing in the next heat and a lottery process.

The outcome? Let's just say that the cat didn’t make it. While we were eager to show what we were truly capable of, our hopes were dashed when we did not get one of lottery slots for the quarterfinals.

We look forward to next year.

James Thompson
Hann from the Max Planck Institute for Ethnological Research in Halle contributed his findings on how certain political ideals are recalibrated in Europe’s rural areas when combined with both feelings of nostalgia and pragmatic needs.

You can access the podcast via the MPG and on the radio station’s own website.

Konrad Duden & Jasper Kunstreich

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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