

European Legal History



Newsletter of the Max Planck Institute,
November 2019 #28

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: **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 participate in editing the dictionary and have the opportunity to conduct their own research



Upcoming events

04.11., 14:15-15:15, Common Law Seminar: *The Use of Bills of Exchange in 18th Century Glasgow*, Hunter Harris (University of Michigan)

05.11., 14:15-16:30, Kolloquium: *Anthropology of Law and Legal Pluralism*, Armando Guevara Gil (Instituto del Perú-

closely related to the dictionary's topics.

CfP: **Annual Conference 09 - 10 June 2020: Law and Policy in European Integration (1960s-1990s) - Call for Papers**, Deadline: 1 December 2019, follow this [link](#).

Further details

USMP)

05.11., 17:00-19:00, Norms and Empires Lecture: *The Justification of Concubinage as an Institution of Slavery*, Chouki El Hamel (Arizona State University)

12.11., 14:30-16:00, Forschungskolloquium: *The assassination attempt against Brazilian President Prudente de Morais in 1897*, Raquel Sirotti (MPI)

14.11.- 15.11., Konferenz: *Pluralistische Rechtsverständnisse?*, Peter Collin (MPI) & Leonard Wolckenhaar (MPI)

19.11., 14:00-15:30, Workshop: *El lugar de las imágenes y de la iconografía en la Historia del Derecho*, María del Pilar Mejía Quiroga (MPI).

03.12., 17:00-19:00, Norms and Empires Lecture: *Local normativity and the Portuguese imperial order*, Ângela Barreto Xavier (Instituto de Ciências Sociais Lisboa).

More events

Publications

The School of Salamanca: New Digital Edition of Diego de Avendaño's *Thesauris Indicus*, vol. 1 now online

Diego de Avendaño (1594-1688) was born in Segovia. While studying at Seville, he met Juan de Solórzano Pereira and, not yet twenty years old, accompanied Pereira to the New World. After, as he himself said, 'almost fifty years in Peru', he published his main work, the six-volume *Thesaurus Indicus*, in which he discussed copious questions of secular administration and spiritual practice. All six volumes will appear successively in the Digital Collection of Sources of the project *The School of Salamanca*. A start has now been made



with the first volume.

Book Prize for Manuela Bragagnolo

Manuela Bragagnolo was awarded the *Premio in Memoria di Domenico Maffei* for her book *Lodovico Antonio Muratori e l'eredità del Cinquecento nell'Europa del XVIII secolo*. The book, published in 2017 by Leo S. Olschki (Florence), is a study of the important Italian historian Lodovico Antonio Muratori (1672-1750) and the material circulation of normative and political knowledge between the 16th and 18th centuries. The prize is awarded in memory of the Italian legal historian Domenico Maffei for an original and innovative contribution to the field of legal history. The award ceremony took place on 5 October at the *Sala storica della Biblioteca Comunale degli Intronati* in Siena.



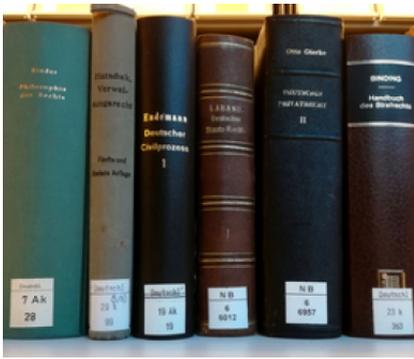
Die sächsische Läuterung. Entstehung, Wandel und Werdegang bis ins 17. Jahrhundert

by Volker Unverfehrt, *Studien zur europäischen Rechtsgeschichte* 317 (Frankfurt 2019), ISBN 978-3-465-04388-1

When it comes to historical legal institutions, their role and their practical implementation is often not clear at first sight. This is particularly the case with those institutions that have no equivalent or successor in modern times, such as the Saxon '*Läuterung*' (clarification review). It can be traced back to medieval German legal practice and ends in 1877/1879 with the German *Reichsjustizgesetze*. Last used as a legal remedy, earlier forms of '*Läuterung*' still point to their predominant use as a mere declaration of judgment. This study is devoted to showing the reasons for the emergence, change and longevity of the institution of '*Läuterung*', which was practiced in the Saxon courts over the course of several centuries.



Featured Event



Pluralistische Rechtsverständnisse? Diskussionen um den Rechtsbegriff in den juristischen Disziplinen an der Wende vom 19. zum 20. Jahrhundert

14.11. - 15.11., organised by Peter Collin
(MPI) and Leonard Wolckenhaar (MPI)

Since the end of the 19th century, one can observe a differentiation within German jurisprudence. New sub-disciplines emerged which had their own university chairs, textbooks, institutes and journals. The various sub-disciplines - old and new - were connected with different sets of problems, target groups and intellectual traditions. The conference 'Pluralistic Legal Understandings?' will examine whether different conceptions of law developed out of this.

The Institute out and about

Our researchers are often travelling abroad to give talks and engage with the wider public. If you are interested and you happen to be in the area, feel free to stop by and attend the event.

Mariana Dias Paes, *African Legal History: Current Debates and Research Possibilities*, Zürcher Ausspracheabende zur Rechtsgeschichte, Universität Zürich, 14 November.

Idem, *Law*, African Studies Association Annual Meeting, Boston, 23 November.

Idem, *Colonialism and Possession: the Case of "mera posse"*, American Society for Legal History Annual Meeting, Boston, Registration in Angola, 21 November.

Jan-Henrik Meyer, *The European Commission 1986-2000. History and memories of an institution*, book launch and discussion, University of Copenhagen, 25 November.

Stefan Vogenauer, *What should we learn from the English Commercial Court and from the projects in Singapore and Continental Europe?*, International Chamber of Commerce, Frankfurt, 6 November.

Idem, *English as the language of the contract*, and *Legal aspects of*



Guests and Visiting Scholars

- **Brízido, Anabela** (Universidade Nova de Lisboa, Portugal): *The armed conflict in Angola and Mozambique in the post-colonial period under the approach of IHL and IL. Is the Martens Clause a myth or reality for the ruling of Private Military Companies Activities?*, visiting October – November 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
- **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
- **Espelt-Bombin, Silvia** (University of Exeter, UK): *Peace- and Treaty-Making: Different Legal Systems in Action in Early Modern Amazonia and the Guianas*, visiting October – December 2019
- **Freda, Dolores** (Università degli Studi di Napoli Federico II, Italy): *Across boundaries: the English justice of the peace on the Continent*, visiting November 2019
- **Guanche, Julio César** (FLASCO, Quito, Ecuador): *La ciudadanía republicana en Cuba. (1902-2002). Un studio integral*, visiting July – December 2019
- **Guevara Gil, Jorge Armando** (Pontificia Universidad Católica del Perú): *Transgression, abjection and unfruitful pain. The case of Sister Dominga Gutierrez de Cossio (Arequipa, Peru, 1831)*, visiting October 2019 – September 2020
- **Harris, Hunter** (University of Michigan, Ann Arbor, USA): *When Trust Fails: Merchants, Law and the British Empire in the Eighteenth Century*, visiting September – November 2019
- **Ijeoma, Winner** (Goethe Universität, Frankfurt, Germany): *Contracts, trade and British legal transplants in 19th-century Nigeria and Ghana*, visiting October 2019 – March 2020
- **Jones, Colin** (Columbia University, New York, USA): *Searching for Social Order: Capitalism, Empire, and the Making of Japanese Law*, visiting September – November 2019
- **Massuchetto, Vanessa** (Universidade Federal do Paraná, Curitiba, Brazil): *Criminal Legal Culture and Women's Status in 18th century in Curitiba (1750-1800)*, visiting November 2019 – January 2020
- **Passarella, Claudia** (Università degli Studi di Padova, Italy): *Lay Participation in the Administration of Criminal Justice: The Procedure of Jury*

Selection in Europe in the late Nineteenth Century, visiting November 2019

- **Tulli, Umberto** (Università degli Studi di Trento, Italy): *The EEC, Human Rights and the Right to Development. From Negative Conditionality to the Promotion of the Human Right to Development*, visiting October – December 2019
- **Zilberszac, Nicole** (Universität Wien, Austria): *Reconceptualising legal objectivity according to the concept of embodied, embedded, enacted, and extended cognition*, visiting October 2019 – March 2020

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Departmental Retreat at Buchenau Castle

From 30 September to 2 October 2019 the members of [Department I](#) went on their annual retreat. This autumn, their destination was in the Rhön mountains, near the border between the States of Hesse and Thuringia. Buchenau Castle is the latest Renaissance castle in Germany – it was finished just before the Thirty Years' War broke out in 1618. The retreat was more peaceful, though. Members of the Department presented their research projects, ranging from the 14th to the late 20th century. A number of brainstorming sessions concerned future publication projects in the Research Fields '[Legal Transfer in the Common Law World](#)' and '[Legal History of the European Union](#)'. A hike through the forests surrounding the castle left everyone soaked, but fortunately the local 'Ritterstube' defied its usual opening hours to host members of the Department.

Max Planck Law

The Inaugural Conference of Max Planck Law took place 21–23 October 2019 in Berlin. It brought together scholars at all levels from ten law related Max Planck Institutes. As our Institute itself comprises fellows with a variety of interests, our researchers quickly established connections with other institutes. Personally, I felt lucky for the opportunity to exchange ideas with my colleagues from the MPI for international private law in Hamburg. On a methodological plane, both legal history and comparative law have a number of common issues such as translation, legal transfer, sources, big data etc. It was also interesting to learn that in Hamburg, the research agenda now includes a decolonial approach to comparative law. My colleagues reported similar encounters with researchers from other MPIs. They were particularly grateful for the masterclasses, which consisted of two MPI directors, giving

Stefan Vogenauer

further occasion for indepth discussion of research. Taken together this makes for a truly fascinating spectrum of possible collaborations. We are very much looking forward to this new network and the bountiful opportunities for intra- and interdisciplinary research that it could create.

Insa Jarass

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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