

European Legal History



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.



CfA: The Institute is looking to recruit a new **Head of IT Management (m/f/d)**. Click [here](#) for the complete job description. The deadline for applications is **15 December 2019**.

CfA: We are also offering a new **trainee position** with our IT department, starting in August 2020. For the complete job

03.12., 17:00, Norms and Empires Lecture Series: *Local normativity and the Portuguese imperial order. The case of Goa in the 16th and 17th centuries.* Ângela Barreto Xavier (Instituto de Ciências Sociais Lisboa)

06.12., 10:00, Annual Conference of the Initiative History of Labour

description, click [here](#). The deadline for applications is **15 December 2019**.

CfA: Department II (Prof. Dr. Thomas Duve) is looking to recruit new **student research assistants**. For further information click [here](#).

Further details

Law: *Die Rechtsgeschichte des Angestelltenverhältnisses*, organised by Gerd Bender (MPI)

10.12., 14:30, Research

Colloquium: *Seeing others and seeing me: comparative interpretations of law throughout legal changes in early 20th-century China*, Yu Wang (MPI)

11.12., 14:30, Salamanca-

Kolloquium: *Reflections on the legal subject in the context of Latin American colonialism*, Bruna Franceschini (Coimbra)

12.-13.12., 10:00, Workshop:

Connecting networks in crime history – Surveillance, repression and punishment in Africa and Latin America in the late 19th and early 20th centuries, organised by Karl Härter and Raquel Sirotti (MPI)

16.12., 11:00, Max Planck Legal

History Quarterly Forum: *Global legal history*, Vanessa Massuccheto (Universidade Federal do Paraná) & Silvia Espelt-Bombin (University of Exeter)

16.12., 14:15, Seminar:

Transferring offer, acceptance and revocation to British Guiana, Victoria Barnes, Niels Pepels (MPI)

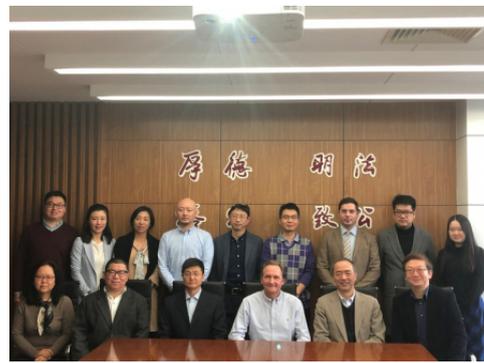
More events

***Global Legal History*, translated by Li Fupeng et al., *Chinese Series of Global Legal History 1* (Beijing: Commercial Press, 2019)**

In this volume, Thomas Duve provides an historical overview of the development of legal history writing in the German tradition and an

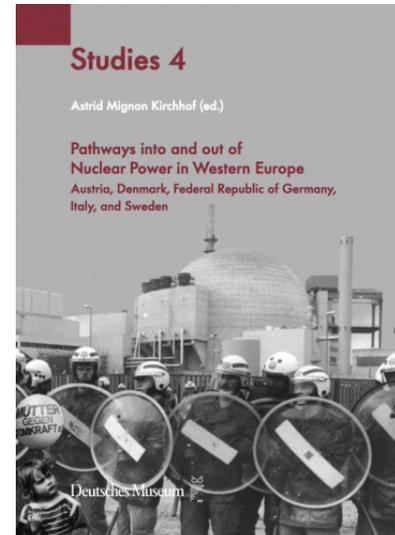
introduction to the conceptual foundations and historical context of the development of a 'European legal history'. This forms the basis for his examination of the emerging field of global legal history. This Chinese edition was coordinated by LI Fupeng. The book ends by proposing that in order to avoid epistemic asymmetries, global legal history requires a truly global community of scholars who supplement each others' efforts and specialist knowledge.

The book is the first volume in the new *Chinese Series of Global Legal History* published by Commercial Press, the oldest Chinese publishing house still in existence, established in Shanghai in 1897. The series is edited by Thomas Duve and LI Fupeng.



by Jan-Henrik Meyer, in: *Pathways into and out of Nuclear Power in Western Europe*, ed. by Astrid Mignon Kirchhof (Munich: Deutsches Museum, 2019), 74-123.

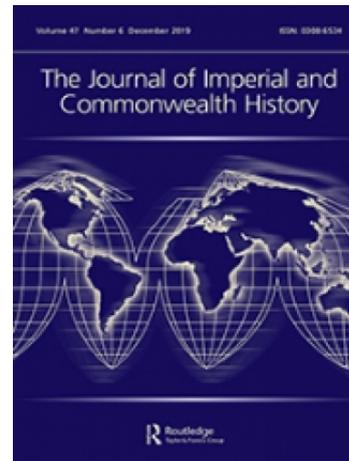
This chapter analyses the history of the relations between nuclear energy and society in Denmark. Even though Denmark was home to one of the pioneers of nuclear research, Niels Bohr, the country never introduced commercial nuclear power plants. In 1974, the Danish government proved very open to civil society concerns, advanced notably by the newly founded Organisationen til Oplysning om Atomkraft. Two years later, in the summer of 1976, the Social Democrat-led government further delayed the decision to licence nuclear power plants. In 1985, the Danish parliament finally decided to exclude nuclear power from future energy planning. Changing positions within the political parties, adverse public



opinion, and concerns about how to dispose of nuclear waste within Denmark informed this decision. The book is available in [open access](#).

by Emily Whewell, in: *Journal of Imperial and Commonwealth History*, DOI: [10.1080/03086534.2019.1689618](https://doi.org/10.1080/03086534.2019.1689618)

The early 20th century was a formative legislative era for the rendition of fugitives across the globe. Yet, imperial regimes were often unable to extradite fugitives. This paper draws upon a key extradition case in Trinidad – *Kossekechatko and others v. Attorney General for Trinidad*. The paper highlights how the case and its aftermath gave rise to imperial tensions. These existed between the rights of the imperial state to remove fugitive convicts who were cast as ‘undesirable’ individuals, the legality of deporting ‘criminal aliens’ accused of extraditable offences, and the right of refuge for French Guiana fugitive convicts as advocated by humanitarian groups. The paper argues that the state’s right to remove fugitive convicts triumphed when reforming imperial policy on extradition. It shows how the Trinidad government strategically deployed both policy and philanthropic groups to remove fugitives rather than grant them refuge. The example of French Guiana fugitives arriving in Trinidad therefore provides an apt window onto these imperial tensions and their resolution.



This month also saw a number of new publications in our SSRN research paper series. You can easily access these papers via the link on our [webpage](#) or directly [here](#).

The research paper series, edited by the directors Thomas Duve and Stefan Vogenauer, aims to enhance the Institute's international profile. Since 2012, the series has been available online in the Social Science Research Network (SSRN) eLibrary. Working papers, pre-prints and post-prints as well as research resources (in the subseries *subsidia et instrumenta*) are published in open access.



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Max Planck Institute for European Legal History
[research paper series](#)

Date **17 August - 28 August 2020**

Deadline **31 January 2020**

The Call for Applications to the Summer Academy for Legal History 2020 is now open. Early-stage graduate students, usually PhD candidates, in legal studies and historically focused social sciences and humanities are encouraged to apply by 31 January 2020 with a research project that gives special consideration to the significance of the use of history in law and legal contexts.



Since 2014, the Institute has organised the annual Max Planck Summer Academy for Legal History. Its aim is to offer ca. 20 early-stage researchers from all over the world a two-week introduction to fundamental research approaches and methods in legal history.

The Summer Academy consists of two parts. The first part is an in-depth introduction to the study of sources, methodological principles, theoretical models and controversial research debates on the key research fields of legal history. In the second part, the participants discuss the Academy's theme of 'Using History in Law', and develop their own approach to the topic.

For further information and the complete call for applications, please click [here](#).

6 Dezember 2019, 10:00-17:00, MPI

In late nineteenth century, a new variant of paid labour emerged in the form of white-collar work.

This was a socio-historical

process of great importance. The

conference of the Max Planck Institute for European Legal History and the Hugo Sinzheimer Institute for Labour Law will examine the legal implications of the history of differentiation.



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.

Donal Coffey, *Chief Baron Palles and the Representation of the People*, University College Dublin, 2 December, 9:00.



Luisa Stella Coutinho, *Christian Japanese in the Portuguese Empire: The Production and Circulation of Normativities in a Global Empire, 1540s - 1630s*, Australian and New Zealand Law and History Society (ANZLHS) Conference, Melbourne, Australia, December 13, 2019

Jan-Henrik Meyer, *'Not in anyone's backyard!' On the multiple levels of protest in high modernity*, Workshop 'European Infrastructures and Transnational Protest Movements', Deutsches Museum München, 12 December 2019

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- **Barbosa, Samuel** (Universidade de São Paulo, Brazil): *Practical legal books*

and practical legal reading in 19th-century Brazilian law, visiting December 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
- **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
- **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
- **Ijeoma, Winner** (Goethe Universität, Frankfurt, Germany): *Contracts, trade and British legal transplants in 19th-century Nigeria and Ghana*, visiting October 2019 – March 2020
- **Massuchetto, Vanessa** (Universidade Federal do Paraná, Curitiba, Brazil): *Criminal Legal Culture and Women's Status in 18th-century Curitiba (1750-1800)*, visiting November 2019 – January 2020
- **Moutin, Pol René** (Pontificia Universidad Católica Argentina, Rosario, Argentina): *Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI-XVIII*, visiting December 2019 – January 2020
- **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



Resistance, Religion and Justice

SYMPOSIUM IV



At least since the 19th century, China was an exotic but meaningful point of reference for European legal historians. The 'transformation of the world' (Osterhammel), European imperialism, the end of the Qing dynasty, the flourishing of universal (legal) history and comparative law all combined to increase European scholars' interest in this world. What one could read about Chinese law in Europe, however, told some odd tales. As Chinese legal historian [LI Xiuging showed in *Rechtsgeschichte - Legal history 22* \(2014\)](#), Western scholars perceived Chinese law as backward, arbitrary and brutal. Such views – not least Max Weber's classification of Chinese law as 'substantive irrational' – supported the European claim that occidental legal culture was allegedly more advanced.

Today's understanding of Chinese legal history is more nuanced. Recent studies have revealed a legal culture of great complexity in which different modes of normativity interacted. The attempts for legal reform undertaken towards the end of the imperial era and by the new republican government are nowadays described in much more differentiated terms. The contributions of our Chinese colleagues NIE Xin und LI Fupeng to the [Focus *Translating Weimar in the current issue of our journal *Rechtsgeschichte - Legal history 27**](#) may serve as examples of this new approach.

During their recent trip to China, Thomas Duve and LI Fupeng discussed questions regarding the translation of normative knowledge, glocalisation and multinormativity with Chinese colleagues at various workshops and seminars. Given the ongoing potential for mutual misunderstandings between China and 'the West', this kind of cooperation and

From 22 – 24 October, the Institute hosted the IVth symposium of the Project [RESISTANCE. Rebellion and resistance in the Iberian Empires, 16th-19th centuries](#), funded by the European Union's Horizon 2020 Research and Innovation programme.

The project, covering Europe, the Americas, Africa, and Asia (the former Iberian empires), aims to study, in an interdisciplinary perspective, processes of resistance by social and institutional actors who have been historically disadvantaged, discriminated against and dominated. It endeavours to understand how these actors were able to influence processes of social change.

The symposium, dedicated to ["Resistance, religion and justice"](#) was organized by the [Institute's team](#) taking part in this project. It attracted more than forty researchers from twelve research institutions from all over Europe, America and Africa, who participate in the project together with the Institute. The keynote lecture, held by Professor Tamar Herzog (Harvard University), was entitled: *Resisting through customs? On what customs could and could not do in colonial Latin America*. It proved a great occasion for an extremely interesting interdisciplinary discussion.

Many of the researchers involved spent the entire month of October at the Institute as part of the "secondments" planned for the RESISTANCE project. Their presence facilitated a number of other events, such as the [Diálogos entre História e Direito na África](#) organised by Mariana Dias Paes, and *Governing diversity: a talk with Tamar Herzog* organised by Benedetta Albani. A very

exchange may be of particular relevance today. The recent workshops and conversations with Chinese colleagues were a promising step in this direction.

Thomas Duve

busy and exciting month!

Manuela Bragagnolo

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](#).

We have all been there: signing up to as many interesting newsletters as possible and now the inbox is cluttered with them. In case you wish to unsubscribe from our newsletter, that can easily be done visiting the page where you signed up for it:

https://listserv.gwdg.de/mailman/listinfo/mpierg_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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