Opportunities

We are recruiting two new student research assistants for Department I, led by Prof. Stefan Vogenauer. Successful candidates will assist with the preparation of conferences and workshops, help improve our databases and complete small research tasks. We are looking for students with a background or interest in law, history or the social sciences and preferably with good English skills. For more details, please follow the link. Deadline for applications is 31 March 2020.
Before Vitoria: Expansion into Heathen, Empty, or Disputed Lands in Late Mediaeval Salamanca Writings and Early 16th-Century Juridical Treatises

by Christiane Birr and José Luis Egío, in: A Companion to Early Modern Spanish Imperial Political and Social Thought, ed. by Jörg Tellkamp, Leiden, Brill, 2020, pp. 53-77.

Francisco de Vitoria is often seen as having played the pioneering role in identifying the new historical dilemmas entailed by the ‘discovery’ of new, pagan peoples in the Americas. However, the ideas underlying these issues can only be understood in their full complexity if we look back into the 15th century. The dynamic of the expansions into Africa initiated by the Castilian and Portuguese kingdoms created situations and dilemmas that the juridical framework that the Iberian Christians had built during centuries of convivencia with Jews and Muslims could not accommodate or resolve. Birr and Egío’s chapter focusses on a number of writings by the jurist Alfonso de Cartagena and the theologian Bernardino López de Carvajal, both of whom were very active in Castilian diplomatic circles. They stress the continuities and discontinuities between these 15th-century texts, the ius commune tradition (especially Bartolo), and the treatises of the jurist Juan López de Palacios Rubios and of the theologian Matías de Paz concerning the so-called asuntos de Indias, written as contributions to the consultations conducted by Ferdinand II during the Junta de Burgos (1512).

Depósito (DCH) (Deposit (DCH))

by Gilberto Guerra Pedrosa, Max Planck Institute for European Legal History Research Paper Series 2020-03.

This article addresses the deposit as a contractual legal form of ecclesiastical goods. It traces the types of deposit stricto sensu and of sequestration, investigates what kind of things could be deposited and who could make and receive a deposit. The paper highlights the different qualities of encomenderos and depositarios generales presented in some of the canonical doctrines. It concludes by taking stock of the current historiography, indicating possible future lines of research.
In view of the recent increase of Covid-19 infections in Germany, the Max Planck Society has taken a number of precautionary measures. They will be closely coordinated between the individual institutes and the society’s general administration in Munich. Our aim is to avoid considerable disruptions to ongoing research activities while simultaneously ensuring that we are adequately managing any risks. Unfortunately, this affects some of our planned events. One of the binding measures across the Max Planck Society is that larger events, in particular events that include a significant number of external visitors, are being cancelled up until Easter. We regret that we thus have to defer workshops and conferences until further notice. Rest assured that there are a number of exciting gatherings and symposia that will come up again in the future. There is a German saying: Aufgeschoben ist nicht aufgehoben – 'postponed is not abandoned'.

Guests and Visiting Scholars

- **Cherviatsova, Alina** (V.N. Karazin Kharkiv University, Kharkiv, Ukraine): *At the Origins of Soviet International Law: the Rise and Decline of the First-Generation Soviet Legal Scholars*, visiting March – May 2020
- **Corrêa Santos, Douglas** (Universidade Federal Fluminense, Brazil): *Homicidio y justicia criminal en Vila Rica de Ouro Preto y Buenos Aires en el ocaso del Antiguo Régimen*, visiting January – March 2020
- **Da Rocha Wanderley, Marcelo** (Universidade Federal Fluminense, Brazil): *Vocations in the court: secular clergy and ecclesiastical justice in the archbishopric of Mexico and Puebla in the 17th century*, visiting January – March 2020
- **De Rycke, Wouter** (Vrije Universiteit Brussel, Belgium): *The legal construction of peace Networks and arguments (1840-1870)*, visiting March – April 2020
- **Franco-Chasán, José** (Universität Augsburg, Germany): *The reception of positivism in Spain: Pedro Dorado Montero*, visiting March – May 2020
- **García Aguilar, Maria Idalia** (Universidad Nacional Autónoma de México, Mexico): *Order and agreement in a new space: circulation of legal literature in New Spain, 1585-1640*, visiting January – June 2020
- **Godfrey, Katherine** (Pennsylvania State University, USA): *Negotiating law, justice, and ethnic identities in the New Kingdom of Granada, 1538-1680*, visiting January – March 2020
Guzmán Guzmán, Yolanda (El Colegio de Michoacan, Michoacan, Mexico): Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI-XVIII, visiting February – April 2020

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

Kaczka, Mariusz (European University Institute, Florence, Italy): A cross-border Islamic–Christian court of justice: an Ottoman–Polish example, visiting January – June 2020

Lahondès, Antoni (Université Paris II, Panthéon-Assas, France / Université de Montréal, Canada): Integration of conquered peoples and introduction of British legal system in Canada, Florida, and Grenada (1759-1783), visiting February – March 2020

Lu, Sheng-Yen (Institutum Iurisprudentiae, Academia Sinica, Taipei, Taiwan): Women’s rights under the small house policy in Hong Kong, visiting January – March 2020

McGovern, Jonathan (University of York, UK): Sheriffs’ Courts and the Execution of Legal Writs in England and Wales, 1485-1600, visiting February – July 2020

Pérez Zamarripa, Abisai (University of Texas at Austin, USA): Tracing the Origins of the Republic of Indians in the Philippines, visiting 9 March – May 2020

Ribeiro da Silva Jr, Airton (Faculdade Paraíso do Ceará, Juazeiro do Norte – Ceará, Brazil): The controlled circulation of normative knowledge in the Portuguese Empire (18th and 19th century), visiting February – July 2020

Sarmiento, Jacqueline (Universidad Nacional de La Plata, Argentina): Resistencias cotidianas y género a través de fuentes criminales, visiting January – March 2020

Savina, Anastasiia (Lomonosov Moscow State University, Russia): Legal practice and public life in Pisa in the second half of the 14th century, visiting March – April 2020

Zilberszac, Nicole (Universität Wien, Austria): Reconceptualising legal objectivity according to the concept of embodied, embedded, enacted, and extended cognition, visiting October 2019 – March 2020

---

**The Institute out and about**

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

- **Luisa Stella Coutinho**, Multinormativities in the Portuguese Empire: Women’s Legal History from Brazil to Japan, Sixteenth through Nineteenth Centuries, Central European University Florence, 4 March, 17:30.

- **José Luis Egío**, Traducción de conocimiento normativo entre Europa y México a mediados del siglo XVI, Centro de História da Sociedade e da Cultura, Coimbra University, 6 March 2020, 9:00.

- **Mariana Dias Paes**, *Global Legal History on the Ground*, Symposium 'Global Legal Histories', Fung Global Fellows Program and the Shelby Cullom Davis Center for Historical Studies, Princeton University, 6–7 March.

- **Bruno Lima**, *Slavery, freedom and Civil Law in the Brazilian courts (1860–1888): How the black lawyer Luiz Gama developed a legal doctrine that freed five hundred slaves*, Latin America & Caribbean Workshop, Princeton University, 6 March.


- **Mariana Dias Paes**, *Propriedade, colonialismo e vida social em Angola: o caso das justificações de mera posse*, II Conferência Internacional da Cátedra Unesco, Universidade de Cabo Verde, 10 March.


- **Luisa Stella Coutinho**, *Lay Communities during the Christian Century in Japan: a Global Perspective of Normativities, 1540s –1630s*, Zürcher Ausspracheabende für Rechtsgeschichtliche, University of Zurich, 26 March, 18:00.

- **Raquel R. Sirotti**, *Within the law: criminal law and political repression in Brazil (1889-1930)*, Bonn Center for Dependency and Slavery Studies. Bonn, 30 March, 16:00.

† Filippo Ranieri

Filippo Ranieri, one of our former researchers, died suddenly on 14 February 2020. He joined the Institute in 1972 and was a deeply committed researcher studying the history of European private law. He attempted to apply to legal texts the quantitative assessment and interpretation of sources as a mass phenomenon that was favoured by historians in the 1970s. On the basis of the roughly 60,000 legal dissertations in the Institute’s extensive collections and with the help of the IT department and a number of changing working groups, Ranieri created databases on the ‘Legal Dissertations of German Universities’ and ‘Lawyers from the Old Empire’. He also used this material to compile ‘indices’ on language and concept formation in the ‘Usus modernus Pandectarum’. Though the project remained unfinished, it nevertheless made it possible to make important assertions about the legal culture of the German Ancien Régime.

In the same vein, Ranieri examined the numerous records of the Imperial Kammergericht in order to study the application of law and its social reality in a period known as the reception of Roman law. After he completed his Habilitation in 1984, Rechtsprechung or judicature remained one of Ranieri’s primary research interests, as evidenced by the repertory of the printed collections of the administration of justice by all the European states.

‘Architekturen des Ordnens’

The research group of the new LOEWE focus ‘Architekturen des Ordnens’ investigates the role that architectural concepts play in shaping the ways in which we think about and discuss the fabric of society. Nowadays, notions such as the ‘architecture of European security’, ‘corporate architecture’ or ‘édifices’ of philosophical ideas are taken for granted. They serve as examples where, apparently, images and concepts of architecture are utilized to describe complex systems of thoughts, policies, or legal persons. This is by no means a one-way relationship.

Historical narratives and shared normative beliefs come into play when and wherever the use of public space and the construction of landmark buildings is being discussed. Architecture is thus a space for multiple voices to discuss and negotiate their perception of society.

The new research group focuses on this relationship. It starts from the assumption that architecture is a practice of ordering at the intersection of knowledge, production, creation, art, and governance. Architecture thus serves as an ordering device for society; it is also being employed to discuss non-architectural narratives of ordering; and, lastly, these two spheres mutually influence each other. The research group is highly inter- and transdisciplinary, combining history, culture and media.
He left the Institute in 1992 to accept a professorship at the University of Rostock, and in 1995 went on to the University of the Saarland. His publications on the 'European lawyer', on legal training or the 'European Code of Obligations' attest to the conceptual and scholarly foundations he acquired while at the Institute. European legal history has lost a highly dedicated and argumentative researcher.

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.

You would like to unsubscribe from this newsletter?

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 that seeing you leave would make us very sad.