



MAX-PLANCK-GESELLSCHAFT

MAX PLANCK INSTITUTE
FOR EUROPEAN LEGAL HISTORY

ACTIVITY REPORT

2015-2017



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für europäische
Rechtsgeschichte**

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WELCOME	– 7
I. INTRODUCTION	– 11
II. DEPARTMENTS	– 17
Department I (Stefan Vogenauer)	– 19
Department II (Thomas Duve)	– 26
Michael Stolleis	– 34
III. RESEARCH PROFILE	– 35
Research Fields	– 38
History of Criminal Law, Crime and Criminal Justice	– 38
History of Legal Methods and Practices	– 41
History of Private Law	– 42
Law and Diversity – Perspectives from Legal History	– 44
Law as a Civilising Factor in the First Millennium	– 46
Legal Historiography	– 47
Legal History of the Church	– 48
Legal History of the European Union	– 50
Legal History of Ibero-America	– 54
Legal History of the School of Salamanca	– 58
Legal Transfer in the Common Law World	– 61
Regulatory Regimes	– 64
Sources	– 65
Research Focus Areas	– 69
Conflict Regulation	– 69
Legal Spaces	– 71
Multinormativity	– 73
Translation	– 75

IV. RESEARCH PROJECTS – 77	
Individual Projects – 79	
Max Planck Research Group: Governance of the Universal Church after the Council of Trent (Benedetta Albani) – 161	
Max Planck Research Group: Translations and Transitions (Lena Foljanty) – 174	
V. EARLY CAREER RESEARCHERS – TRAINING AND SUPPORT – 183	
Doctoral training programme – 185	
International Max Planck Research School on Retaliation, Mediation and Punishment (IMPRS-REMEP) – 186	
Postdocs – 187	
Max Planck Summer Academy for Legal History – 189	
Max Planck Study Sessions – 197	
VI. GUEST PROGRAMME – 199	
Guest Workshops – 202	
Guests at the Institute – 205	
VII. EQUAL OPPORTUNITIES – 223	
Reconciliation of career and family life – 225	
Mentoring and career advancement – 226	
Raising gender awareness – 226	
Further measures – 227	
VIII. CO-OPERATION – 229	
IX. INFRASTRUCTURE AND SERVICE FACILITIES – 235	
Library – 237	
Editorial Department – 241	
Administration – 256	
Research Coordination – 258	
IT Management – 260	
Digital Humanities – 262	

X. ANNEX –	267	5
Institute Events –	269	
Publications by members of the Institute –	315	
Publications by members of the Institute from January to August 2018 –	362	
Presentations –	371	
Teaching –	414	
Awards, prizes and distinctions –	421	
Activities and memberships –	423	
IMPRESSUM –	432	

WELCOME



Within the space of a few weeks in September 2017, more or less by coincidence, both Directors of the Max Planck Institute for European Legal History found themselves on the northern shores of Taiwan, in a remote place with a Spanish name. Why?

There are few places where global legal history comes to life more vividly than in Fort San Domingo. Overlooking the estuary of the Tamsui River, and with the Chinese mainland just a little more than a hundred miles away, the fortress has been at the crossroads of explorers, traders and warriors for centuries.



Fort San Domingo, Tamsui, Taiwan

The Spanish first established it in 1628 to trade with the indigenous tribes in what Portuguese sailors had previously called the *Ilha Formosa*. The Dutch East India Company (VOC), eager to exploit the Taiwanese sugar cane, drove out the Spaniards and rebuilt the fort in 1644. The VOC, in turn, were ousted by warriors from mainland China. From 1683 to 1867, the fort was in the hands of the Qing Dynasty Emperors. Following the Second Opium War, the British leased it and used it as a consulate. During World War II, they briefly handed it over to the Japanese who had been the new colonial power in Taiwan since 1895. It only fell to the post-war Taiwanese government in 1980.

The primary purpose of this imposing structure was of course a military, commercial and administrative one. However, law was an essential component of governing northern Formosa. Rulers issued decrees, judges settled disputes and colonial officials issued



'Het Eylant Formosa' ('The Island of Formosa'),
Map by Johannes Vingboons, ca 1640

paperwork. Under the British consular jurisdiction, British citizens who broke the law in Taiwan were jailed in one of the prison cells.

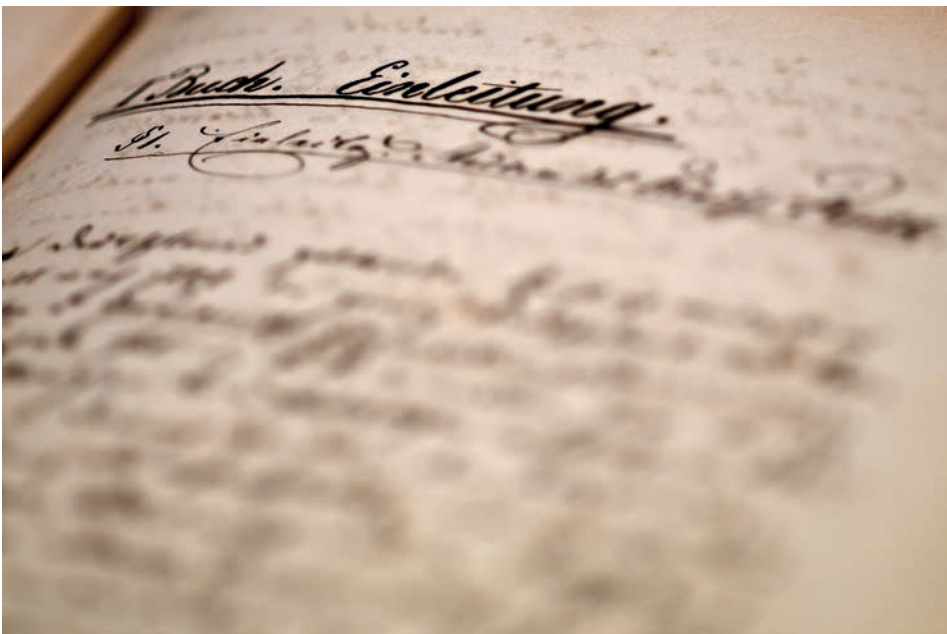
Each of the colonial powers – including the mainland Chinese and the Japanese – interacted with the locals, and so did the colonial laws with the local customs and traditions. In such a context, Spanish, Dutch, English and German law (the latter mediated via the law of Japan) acquired a very different flavour. While still being distinctly European, each of them changed its form and substance when ‘translated’ into a different cultural context, with the latter subtly shaping and modifying the incoming legal rules, principles and institutions. In places like Taiwan, it is thus possible to study European legal history in a global perspective.

This is what we attempt to do more and more at the Max Planck Institute for European Legal History. We are keen to learn more about how European laws developed and changed in different environments overseas. Thus both directors went to Taiwan in 2017: Thomas Duve gave lectures at NTU, the National Chengchi University and the National Chung Cheng University; Stefan Vogenauer taught as a Visiting Professor at the College of Law at National Taiwan University (NTU).

The Institute’s increasing focus on European legal history in a global perspective will be obvious to readers of this Activity Report. You will be taken to Argentina, Barbados, Bolivia, Hong Kong, India and the Philippines, among others. However, as will be seen in the following pages, we of course remain interested in the legal history of Europe *tout court*, from the first millennium to the Treaty of Maastricht. We very much hope that you enjoy reading this report and find the research that we did during the years 2015-17 as interesting as we did.

Stefan Vogenauer,
Managing Director of the Institute, 2016–18

I. INTRODUCTION



This report covers the activities of the Max Planck Institute for European Legal History from 2015 to 2017. These three years were interesting and challenging at the same time. Most of all it was a period of rapid expansion. During the previous ten years, the Institute had been led by a single Director, first by Michael Stolleis and later by Thomas Duve. It was only in October 2015 that the second directorial position was filled and a second research Department was established. Since then, a growing number of talented young scholars have joined the Institute and there has been a corresponding increase in research interests, scholarly publications, academic events and research related activities.

The research focus and the activities of the new Department which I have the privilege to lead will be described in more detail in Part II of this Report, alongside those of the now well-established Department of Thomas Duve. Suffice it to say that the two Departments work hand in hand to broaden the research agenda of the Institute beyond Europe. We view European legal history in a global perspective, with Europe being but one of many important global regions. Our research focus has largely shifted to the legal histories of some of these other parts of the world and their connections to the history of law in Europe. While Department II, under the guidance of Thomas Duve, deepens its study of the legal history of Ibero-America, the new Department I is particularly interested in the legal history of the common law world which broadly corresponds to the former British Empire.

Our two Max Planck Research Groups highlight the increasingly global outlook of the Institute. The first, headed by Benedetta Albani, analyses how the Roman Curia constructed its governance throughout the Catholic world from the early modern period onwards. The second, led by Lena Foljanty, took up its work in August 2017. It investigates the standardisation and professionalisation of judicial practice in Japan, China and the Ottoman Empire during the 19th century. The work of these groups is featured in Part IV of this Report.

Yet, nearly all of our projects still have a European aspect, some of them even almost exclusively so. The establishment of Department I, for example, has led to the introduction of a new Research Field that deals with the legal history of the European Union. It also revived the traditional interest of the Institute in the history of European private law, and it carries on with the investigation of medieval and early modern sources from Western Europe. Meanwhile, members of Department II continue to work on the history of kingship, canon law, criminal law and regulation at different moments in time throughout Europe.

At the same time, it is obvious that the expansion of our research interests beyond Europe requires us to focus on a narrower range of European questions than was the case in previous decades. Today, even a Max Planck Institute cannot legitimately claim to cover all sub-disciplines of legal history with equal breadth and depth. Nor are we required or even expected to do so. Quite the contrary,



given the division of labour prevailing in the German research landscape, our task is not to replicate the research areas that are traditionally – and expertly – dealt with in the Law Faculties. We are rather asked to identify novel questions that cannot easily be resolved within the constraints of the university system.

Moreover, we are expected to be active participants in the international debates in our field. Fortunately, legal history has proved to be a growing and thriving discipline around the globe for the past two decades or so. In other parts of the world, however, many of the questions, themes and methodological approaches differ significantly from those that have traditionally been asked and dealt with in Europe and at our Institute. Even in Europe, the history of law has attracted more and more attention on the part of other disciplines. We will be more successful in reaching out to them if we do not focus too narrowly on the history of black letter law but if we analyse legal and related phenomena within their rich cultural, societal, religious and economic context.

The interdisciplinarity and internationality that we regard as essential for an institution with our agenda has a big impact on everyday life at the Institute. First, our academic staff comes from very different scholarly backgrounds, mostly in law and history, but also in anthropology, economics, philosophy, sociology and theology.

Secondly, it is multinational to an extent that remains exceptional in the field of legal studies, broadly conceived. The 50 scholars and PhD students that gathered for our 2017 Away Day at the old seat of the *Reichskammergericht* in Wetzlar hailed from 18 different countries, ranging from Argentina to China. The same applies to our academic visitors. During the period covered by this Report they came from 33 countries.



Thirdly, and relatedly, we introduced English as one of the ‘official’ languages of the Institute. The Institute’s monthly conference is held in English, and so are nearly all the presentations and papers delivered at our events. Readers may note that this Report, in contrast to its predecessors, is entirely written in the English language. We are fully aware of the perils associated with such a language policy, but here it is precisely the diversity of our scholars and visitors that requires, somewhat paradoxically, a certain level of uniformity. We do, however, actively encourage publications in other languages and deliberately adopt a multilingual policy for the Institute’s book series and its inhouse journal *Rechtsgeschichte – Legal History*. In any event, everyday interactions at the Institute retain a quasi-Babylonian dimension. Each time I pass by the small lounge area next to the coffee machine I am surprised to hear Spanish, Italian, Portuguese or Turkish spoken – and of course German.

The national and disciplinary heterogeneity that characterises our Institute make it all the more important to build bridges and facilitate discussion across departmental borders. Thus, while scholars in both Departments carry out independent Research Projects, these are integrated in a joint research profile with more than a dozen thematically coherent Research Fields. In order to increase

the common ground amongst our scholars, the four overarching Research Focus Areas are particularly important: the perspectives of '*Conflict Regulation*', (*cultural*) '*Translation*', '*Legal Spaces*' and '*Multinormativity*' create a framework for discussion across Research Fields and Departments. The research profile of the Institute that emerges from the interplay of individual projects, Research Fields and Research Focus Areas is explained in greater detail in Part III of this Report.

Coherence in outlook and perspective does not, of course, imply uniformity and dull monotony in the actual research agenda. As will be seen in Part IV of the present Report, the projects conducted at the Institute vary greatly with regard to the periods and topics covered, and they employ very different methodologies. They range from high treason in 7th century Byzantium to company law in the Berlin Republic, and they involve the digital edition of early modern texts of the School of Salamanca as well as the recording of interviews for an oral history of the European Court of Justice.

The remaining parts of this Report cover other activities that are central to our work. Much of our time and resources, for example, are directed at training and mentoring doctoral students and postdocs from inside and outside the Institute (Part V), welcoming a stream of visiting scholars from all over the world (Part VI) and co-operating with research institutions in Germany and abroad (Part VIII). In doing so, we are fortunate to have the excellent support of those units of the Institute that modestly call themselves 'Service Facilities', the Library, the Editorial Department, the IT Management and the General Administration (Part IX). The Annex to this Report, finally, lists what is frequently summarized under the infelicitous rubric 'scholarly output', the publications and presentations flowing from our research; it also provides information on the teaching activities and administrative duties that our members discharged at other institutions.

Looking back over the past three years, two different developments can be observed. On the one hand, the Institute has undergone profound changes. They go beyond the increase in academic staff and the broadening of research interests mentioned above, and some of them are far-reaching. Perhaps most importantly, two new positions were created, that of Research Coordinator (Stefanie Rüther) and Digital Humanities Officer (Andreas Wagner). The Editorial Department was strengthened by the arrival of an English language editor. New formats of publication were developed, such as an SSRN Series, the open access book series *Global Perspectives on Legal History* (GPLH), with ten volumes being published in its first three years, and *methodica*, a series of introductions to the methodology of research in selected areas of legal history. Another format was revived: the *American Journal of Legal History* (AJLH) was relaunched from its new editorial office in Frankfurt, under the aegis of Oxford University Press. We have improved our communication with the outside world. The entire website has been made available in English (and many parts in Spanish, too), a monthly Newsletter was launched in 2017, and the Institute is now on Facebook and Twitter.



On the other hand, there has been fundamental stability with regard to many of our institutional features. The Institute has now fully settled into its new location at Hansaallee 41; the move into the new building in 2013 seems like an event of the distant past. By the time this Report will be distributed, the heads of our General Administration and our Editorial Department, Carola Schurzmann and Karl-Heinz Lingens, will have been working at the Institute for three decades. Michael Stolleis who joined the Institute three years after them continues to be an active presence with an astonishing publication record, mostly on the history of public law. The library continues to increase its holdings and attract legal historians from all over the world. Our flagship book series, the *Studien zur Europäischen Rechtsgeschichte*, celebrated the publication of its three hundredth volume in 2016. And, perhaps most importantly, we have steadily proceeded with the broadening of our research agenda beyond Europe that was initiated at the end of the last decade.

We hope that we will be able to report a similarly interesting mix of innovation and continuity in our next triennial Activity Report. For the time being, we commend this Report to all its readers and look forward to all comments and suggestions which it might elicit.

Stefan Vogenauer,
Managing Director of the Institute, 2016–18



II. DEPARTMENTS



Department I (Stefan Vogenauer)

19

Research in Department I focuses on four major themes. The first concerns the history of *Legal Transfers in the Common Law World* and thus the complex interplay between English law and the laws of those jurisdictions that at some stage of their history belonged to the British Empire. The second is the *Legal History of the European Union*. The third involves identifying and providing access to late medieval and early modern *Sources*. The fourth is the *History of Private Law*. These four themes broadly correspond to four of the Institute's Research Fields and are thus explored in greater detail in Part III of this Report. At the same time, members of Department I contributed to many of the Institute's other Research Fields – notably the *History of Legal Methods and Practices* and *Legal Historiography* – and co-ordinated two of the four Research Focus Areas of the Institute, *Conflict Regulation* and *Translation*.

Building up a Department

Department I began work in October 2015. The first year and a half was characterised by building up two new Research Fields, *Legal Transfer in the Common Law World* and *Legal History of the European Union*. The main task was to create an environment and infrastructure conducive to research in these areas, neither of which had previously been explored at the Institute. This required building up the respective research groups, replenishing the relevant library holdings and establishing scholarly networks with other institutions. All of this happened against the background of the existing research profile of the Institute which was carefully adapted and modified in order to accommodate the new specialisations.



Building up the research groups involved an extensive hiring process. Post-doc and PhD positions were advertised nationally and internationally. In the end the Department welcomed new researchers from all over Europe and beyond, including the Bahamas, France, Germany, Grenada, India, Ireland, the Netherlands, New Zealand, Spain and the United Kingdom. Many of them had graduated from top universities. Apart from lawyers, they included general historians, an anthropologist, economic historians and an expert in Chinese legal history. The new members joined two of the Institute's permanent staff who continued their research within the new Department, Vincenzo Colli and Douglas Osler, originally from Italy and Scotland respectively.

Replenishing the library holdings was only possible with the expert support of the Institute's Head Librarian, Sigrid Amedick. While the Institute's library holdings on the civilian *ius commune* are unrivalled, coverage of the common law tradition is less complete. This is certainly so for the former British overseas territories, but even for English legal history proper. The challenge for the overseas territories was twofold. First, it is difficult to identify the relevant literature; for many jurisdictions there are hardly any printed primary sources; not much secondary

literature is available and, due to the non-existence of specialised legal historians, it tends to be written by social, political and economic historians and anthropologists. Secondly, in some of the relevant countries the structures of the book trade are such that it is not always straightforward to trace and purchase a particular book or journal, once identified.

Building up library holdings on the *Legal History of the European Union* was taxing for the opposite reason: here, there is an abundance of material, and it is difficult to know where to draw the line. This concerns not only the jurisdictions and the period covered, but also the disciplines taken into account. With regard to jurisdictional coverage it is important to include literature from as many of the Member States as possible, particularly from the six founding states. With regard to temporal coverage the innate problem of all contemporary history arises: strictly speaking, the history of European Union law ends with the latest Council regulation and the most recent decision of the Court of Justice. Yet it cannot be the function of the Institute's Library to furnish comprehensive up-to-date coverage of contemporary European law. Finally, much of the most relevant literature for the purposes of this Research Field has been produced by political scientists, sociologists and economists, so these disciplines have to be taken into account too.

Establishing scholarly networks with other institutions was another priority. In the Research Field *Legal Transfer in the Common Law World* this involved identifying institutions with shared research interests in the United Kingdom and overseas. In order to establish contact and initiate exchange with them, the research group organised three 'initiation workshops' at Birkbeck University of London, NALSAR University of Law in Hyderabad, India, and the David Berg Foundation Institute of Law and History at the Buchmann Faculty of Law, Tel Aviv. Max Planck scholars presented their findings and familiarised themselves with the research conducted at these other institutions and in the respective countries. They also showcased their work at selected conferences throughout the common law world, most importantly the '2017 British Legal History Conference' as well as the annual conferences of the American Society for Legal History, the Australian and New Zealand Law and History Society and the Law and Society Association. The biweekly 'Legal Transfer in the Common Law World Research Seminar' series in Frankfurt provided an important forum for inviting distinguished scholars working in the field.

Establishing the Research Field *Legal History of the European Union* required the Institute joining forces with scholars across Europe and the United States who are interested in this emerging area of study. These include lawyers, political scientists, contemporary historians and sociologists. The 'Annual Conference on the Legal History of the European Union', first held in June 2017, is an excellent forum for establishing a pan-European and interdisciplinary group of scholars with related interests. Moreover, the Research Field benefitted greatly from close co-operation with the contemporary historians of the former Copenhagen-based research network *Towards a New History of European Public Law*. In addition to joint workshops and seminars, the Institute and the members of the former network concluded an agreement with the Historical Archives of the European Union in Florence. This will ensure that materials collected by researchers of the research network and the Institute will be transferred to the Historical Archives and

conserved there. It thus addresses one of the key problems of the new Research Field with regard to the available source materials: until very recently, the European institutions did not have proper archives to collect and store the records and documents that they produced. Much of the work in this Research Field is thus directed towards locating, recording and preserving primary sources, often in close collaboration with these institutions. This includes two oral history projects, one on the Court of Justice and one on the Legal Services of the Commission.

First Findings

Much of the research conducted while the new Department was set up will of course only see the light of day in published form during the next reporting period. Apart from the PhD theses, this includes Donal Coffey's magisterial two-volume work on the origins of the Irish Constitution and Emily Whewell's book on British consular power in the borderlands of China, India and Burma. In addition, this period will see the publication of Stefan Vogenauer's third edition of the *Ius Commune Casebook* on the contract laws of Europe, his book on the difficulties arising from the use of the English language in contracts governed by German law, as well as the two most recent volumes in the *Studies in the Contract Laws of Asia* series. However, it is not too early to summarize a few findings that indicate the direction of travel in the four Research Fields on which the Department is primarily engaged.

Those working on the *Legal History of the European Union* were mostly engaged in mapping out an entirely novel field of research. There was a particular emphasis on sources, including the Treaties of Rome (Bajon, Ramírez Pérez, Vogenauer) and the collection of materials by way of oral histories (Lorenz, Ramírez Pérez, Vogenauer). Another focus was on institutions, ranging from the more obvious, such as the Council (Bajon) and the Court of Justice (Lorenz, Ramírez Pérez, Vogenauer, Zimmermann), to the lesser known, such as the Legal Services of the Commission (Ramírez Pérez). This included the process of decision-making and lawmaking in and by the organs of the European Communities (Bajon, Schmitt). A closely connected field is the harmonisation and unification of law more generally (Jarass). Work was also conducted on key actors (Bajon), legal methodology (Vogenauer) and specific areas of law, such as contract (Vogenauer) and procedural law (Zimmermann).

The picture that emerges is very different from some of the grand narratives on the history of European Union law that have been advanced by political scientists and sociologists in the past. As so often, it turns out that formal law frequently tended to be meaningless in the face of hard political realities, that there was no quasi-teleological progress of history, key players did not always act rationally, pathways were established more or less accidentally and many of the assumptions about the underlying causes of legal development do not survive closer examination of the archival records. There is no doubt that the work undertaken in this Research Field will significantly enhance our understanding of the process of European legal integration and thus European integration more broadly.

The Research Field on *Legal Transfer in the Common Law World* called for a similar exercise in surveying mostly uncharted territory. Apart from exploring the

theme of legal ‘transplant’ or ‘transfer’ more generally (Vogenauer), four regional focus areas emerged. Members of the research group worked primarily on India (Dequen, Konoorayar, Kumarasingham, Vogenauer), South East Asia (Kumarasingham, Vogenauer, Whewell), the United States and their thirteen predecessor colonies (Barnes, Pepels) and the British West Indies, notably Barbados (Collins), the Bahamas (Aranha), Guiana (Whewell) and Jamaica (Collins, McKee). Work was also conducted on Australia (Coffey), Canada (Barnes, Coffey), Hong Kong (Whewell), Ireland (Coffey) and South Africa (Coffey). Many projects focused on the 19th century (Barnes, Dequen, McKee, Vogenauer, Whewell), some of which harking back to early modern or even medieval English history (Collins, Pepels). Others mostly charted 20th century legal developments (Aranha, Coffey, Kumarasingham). They normally involved classical archival work (Aranha, Barnes, Coffey, Collins, Dequen, McKee, Vogenauer, Whewell), including the close study of constitutional and legislative *travaux préparatoires* (Coffey, Pepels) and the more conventional analysis of case reports (Barnes, Vogenauer). Some of them focused on biographies (Barnes, Kumarasingham, Vogenauer), others on substantial areas of law, such as constitutional law (Coffey), criminal law (McKee, Whewell), dispute resolution (Konoorayar), electoral law (Aranha), international law (Coffey), the law of slavery (Collins) and private law (see below).

The preliminary results in this Research Field are equally promising. The quasi-mythical unity of the common law, so cherished by English lawyers of the 19th and early 20th century, clearly did exist. However, it is equally obvious that it existed only up to a point. The regional and local variations of English law overseas were as manifold and diverse as the various territories into which it was ‘transplanted’. It is not really surprising that the law of personal property had to be modified when applied to slaves in the West Indian plantation economy. Of course the established mechanisms for registering a copyright in London had to be modified when they were transferred to the fledgling United States, with their territory being roughly ten times the size of England. And it is hard to overestimate the difficulties of using British law as a model in electoral law reform in a society like that of the 20th century Bahamas where views on the role of women were profoundly different and the political system was notoriously corrupt for much of the period in question.

Those contributing to the Institute’s Research Field on *Sources* focussed on the legal history of Europe. This ranged from the autograph manuscripts of medieval jurists and the personal copies that these authors kept of their works (Colli); to 17th and 18th century legal imprints more generally and the published works of Dutch lawyers in particular (Osler); and finally to the collections of sources and materials of the European Union institutions mentioned above (Lorenz, Ramírez Pérez, Vogenauer).

Contributions to the Research Field *History of Private Law* were made in the areas of contract and commercial law (Barnes, Vogenauer), copyright (Pepels), insolvency law (Kunstreich), land law (Collins, McKee) and personal property law (Collins). While most of them were directed to common law jurisdictions (Barnes, Collins, McKee, Pepels, Vogenauer), others concerned civilian systems, including 19th century Germany (Kunstreich), the history of European private law more

broadly (Vogenauer) and 19th and 20th century developments in East Asian jurisdictions, such as China, Indonesia, Japan, Korea, Taiwan and Thailand (Vogenauer).

Much more information on the research projects pursued in Department I will be found in Part IV of this Report. All that remains at this stage is to emphasize that these projects are not pursued in isolation but in close co-operation and constant dialogue with Department II and the Max Planck Research Groups. The mutual interests and connections are most obvious in the Research Field dealing with *Legal Transfer in the Common Law World*, where many of the questions asked are very similar to those examined in the Research Field *Legal History of Ibero-America* and the Max Planck Research Group *Translations and Transitions*. The group working on the *Legal History of the European Union* has a keen interest in the research on *Regulatory Regimes* carried out in Department II. It also notes the structural similarities between the notion of ‘multi-level governance’ in the European Union and the global governance mechanisms of the post-Tridentine Roman Catholic Church, as explored in the Research Group of Benedetta Albani. The Research Focus Areas, most importantly those looking at *Multinormativity* and *Translation*, are obvious meeting points for the discussion of overarching questions that are of equal relevance throughout the Institute.

Stefan Vogenauer
Director, Head of Department I

Institute trip to Rome

In the first week of October 2017 a large group of members from both Departments and the two Research Groups of the Institute participated in an excursion to Rome. This academic trip, organised by Benedetta Albani and Thomas Duve, had the purpose of promoting dialogue between the Institute and research institutions based in Rome, allowing discussion on related research topics, publication issues and working methodologies, among other matters. To this effect, the group visited the Max-Planck-Institut für Kunstgeschichte – Bibliotheca Hertziana and the Deutsches Historisches Institut in Rome, where presentations of research projects and plans from both host and visiting members took place during two fruitful working days.

The trip also included a guided tour of two of the most fascinating archives in Rome, the Archives of the Fabbrica di San Pietro and the Vatican Secret Archives, which gave further insight into the work that the Max Planck Research Group *Governance of the Universal Church* and other members of the Institute carry out on a regular basis at the Vatican Archives.







Department II (Thomas Duve)

The research in Department II is primarily concerned with legal history in the early modern and modern period. Of particular interest is the analysis of religiously shaped normativity – canon law, moral theology – in the early modern and modern eras as well as special normative orders (*Sonderordnungen*) in the European and Latin American societies of the 19th and 20th centuries. Further important Research Fields include the *History of Criminal Law, Crime and Criminal Justice* as well as the history of *Regulatory Regimes* and decision-making systems. One of our regional focuses involves Ibero-America. We use this concept to describe the space constituting the early modern Iberian Empires of Spain and Portugal as integrative (drawing upon Europe, America and, to an extent, other continents) and as possessing historically unstable and blurred borders. Global historical perspectives and interdisciplinary methods should serve as productive irritations, break up established conceptions of space, make historical multinormativity visible and, as a result, help us grasp legal history as a continuous historical process of translation, which is not restricted to nations, continents or empires.



In the reporting period 2015–2017, the researchers in Department II have, above all, brought their research projects to bear within the context of the Research Fields *Legal History of Ibero-America*, *Legal History of the School of Salamanca*, *Legal History of the Church*, *Law and Diversity*, *History of Criminal Law, Crime and Criminal Justice*, *Regulatory Regimes*, *History of Legal Methods and Practices* and *Legal Historiography*. Detailed reports about the activities and findings of the individual research projects can be found in the reports of researchers as well as in presentations of the Research Fields. These introductory remarks are meant to point out a few select overarching aspects of the work done in this department.

Research Fields Ibero-America, Salamanca, Legal History of the Church

As the perspective-generating conference on the history of law in early modern Hispano-America (see Duve/Pihlajamäki 2015) and the ‘XIX Congreso del Instituto Internacional de Historia del Derecho Indiano’ 2016 in Berlin (see Duve, *Actas* 2017) both made quite clear, the historiography of early modern colonial Ibero-American legal history is currently undergoing a period of significant upheaval. Topics, methods, fundamental concepts and even the spatial divisions of the so-called *Derecho indiano* are contested. A vivid, original and social-historically oriented research on the judicial history, increasing interest in historical perspectives on law, the state and its practices – also in the cultural and social sciences as well as in postcolonial studies – an increasing number of Anglo-American publications, and the dominant questions and methods connected with it, the efforts to overcome nation-state or Eurocentric perspectives as well as a series of other factors have led to a convoluted yet, at the same time, intellectually promising opening up of the field. Due to this situation, one of the important goals

of the work conducted in the department during the reporting period consisted of the continued development of the specific research efforts of the MPlER and the introduction of the fruits of these developments into the very heterogeneous historical, legal, cultural and social scientific discourse context.

The institutional conditions for this have been created in recent years. Through a targeted acquisition policy, not least through the purchase in 2015 of the 4,800-volume collection of the Mexican and Argentinian legal historians Lourdes Lascurain de Doucet and Gaston Doucet, the phase of assembling a research library on the legal history of Ibero-America – even outstanding when compared internationally – was completed and laid the basis for long-term inventory. The publication policy, consistently geared toward multilingualism and open access, and the publication formats created for this purpose in 2012–2014 have proven their worth. The *Global Perspectives on Legal History* series, which kicked things off in 2014 with a programmatic volume on *Entanglements in Legal History* and was expanded by nine further volumes between 2015 and 2017, contains six volumes on topics of the legal history of Ibero-America, including an English-language volume with research perspectives on *Derecho Indiano* (Duve / Pihlajamäki 2015), a volume on the history of private law in the modern period (Keiser / Polotto / Duve 2015), a work on the Third Mexican Provincial Council of 1585 (Moutin 2016) written at the Institute, and a volume with contributions by the Argentinian legal historian Víctor Tau Anzoátegui (2016).

In addition, a total of 18 research papers on the legal history of Ibero-America were published in the SSRN series between 2015–2017, a large number of them on topics concerning the history of criminal law and the history of ensuring security in Latin America, which were the subject of workshops in Frankfurt and Buenos Aires (see on this the report of Nuñez). The main topics of the journal *Rechtsgeschichte – Legal History* (*Legal spaces*, Rg 2015; *Translators: mediators of legal transfers*, Rg 2016; *Multinormativity*, Rg 2017; *Convivencias, Before Vitoria, End of empires*, Rg 2018) also contain numerous articles stemming from research on Ibero-American legal history. The considerable resources we invest in the support of our own publications and our open access policy make our research accessible even in places with weaker institutional structures, such as some universities in Latin America. Last but not least, this ensures that we can continue to publish in multiple languages – i.e. in addition to English, in particular Spanish, Portuguese and Italian. This opens up a space that also allows us to bypass the pressure of conformity, which arises from the increasing linguistic and even partly intellectual Anglicisation of research.

If one counts the individual publications of the department's researchers in journals and edited volumes not published by the Institute, the organisation of panels at larger conferences such as 'AHILA', 'ASLH' and participation in specialist congresses in Argentina, Bolivia, Brazil, Chile, Colombia, Germany, France, Italy, Mexico, Peru, Portugal, Spain and the United States, it will be clear that the Max Planck Institute for European Legal History has become an important actor in the scientific discussion on the history of law in Latin America. The many guests, scholarship programme, seminars and Summer Academy have all contributed to this networking as well as the 'Seminario Permanente' and the monthly Span-

ish-language newsletter with over 1,000 subscribers, which is specifically geared toward research on the legal history of Latin America.

A great deal of time and energy was also devoted to the 'XIX Congreso del Instituto Internacional de Historia del Derecho Indiano', which took place in August/September 2016 in Berlin. This was a large event with a total of 130 papers presented. The printed volumes and publically accessible congress proceedings (open access), comprising more than 1,600 pages, were published in 2017 (see Duve, *Actas*, 2017). They offer some insight into the sheer breadth of legal historical research and, at the same time, display the coexistence of very different methods and traditions. The increased consideration given to the history of the law of indigenous peoples, the integration of Hispano- and Luso-American legal histories, the opening up to global perspectives on legal history and the reflection on the methods and normative concepts on which the legal history of Hispano-America is based via the establishment of new panels has been viewed by large segments of the research community as an important impulse.

These accentuations – opening up research spaces that go beyond nations or empires, reflected norm concepts, overcoming path dependencies originating from a Eurocentric research tradition, emphasis on disciplinary knowledge production while simultaneously maintaining an interdisciplinary openness – mirror the fundamental intellectual concerns of our research. We are currently implementing these in various research projects, which are being carried out in individual projects or by project groups.

Working very closely with primary sources as well as integrating both the local and regional particularities, the *Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglo XVI–XVIII* (expected to encompass more than 2,000 pages) is intended as a reference work on institutions of canon law. The contributions, which are based on a body of sources obligatory for all contributors of the 100 *lemmata* (headings) and are intensively supervised by the Institute, should provide not only important and, in many cases, largely unknown knowledge of canon law, they also emphasise the importance and scope of religious normativity for colonial history and the localisation of this often universally understood law. Between 2015 and 2017, the conceptual design and assembly of authors were completed, the first entries prepared and published as preprints (see the project description by Mejía/Moutin/Humanes as well as the blog <https://dch.hypotheses.org>).

Carried out since the end of 2015 within the context of the Frankfurt SFB 1095 *Discourses of Weakness and Resource Regimes*, the research project *Knowledge of the pragmatici* focuses on moral theology, together with canon law the most important sphere of Christian religious normativity. By bringing together complementary perspectives on the circulation of moral theological literature in Hispano-America (Danwerth), its contexts of use (Rex Galindo) and the analysis of the inner structure (Bragagnolo), we were able to more clearly outline the significance of moral theological pragmatic literature for the formation of normative orders in early modern colonial America. In addition to a number of other contributions, including by researchers from Department II as well as associated researchers working on this project (Cabral, Egío, Mejía, Meyer, Moutin), significant

findings coming out of this research project will be published in an edited volume in 2019. This project, which will be completed in 2018, has generated a number of interesting follow-up questions on textuality and law, and in view of the importance of so-called 'pragmatic literature', as a point of access to a legal history of juridical practices – an avenue of research we will be devoting more attention to in the coming years.

Moral theological literature and its significance for the history of law is also the focus of our work in the Research Field *Legal History of the School of Salamanca*. Both in the long-term project funded by the Union of Academies of Sciences and Humanities (see Birr/Egío and the project page www.salamanca.school) and in the Institute project *Salamanca in America*, the aim is to analyse moral theological discourses on questions of law and social order, and, drawing upon a broad range of sources emphasising the aspects of regional origin and typology, to develop a diverse and more comprehensive picture of the School of Salamanca. The digital edition of more than 100 fundamental texts from the School of Salamanca, the production of full texts and their connection to a reference work, as well as the content analysis within the context of longer articles to a dictionary, currently carried out within the context of the Academy project, should make this project an important point of reference for research on the School of Salamanca. Under the title *Salamanca in America*, works are summarised that should help us to understand the moral theology of the 16th and 17th centuries as a transnational normativity that was translated in many places and in a variety of different ways into local realities and was thus ultimately decentrally produced. Should this impression be confirmed, it could lead to a profound change in the traditional image of the School of Salamanca's legal and historical significance. The School would then no longer be inscribed just in a history of the scientification of law but would also be understood as a community of practical norm production (see Duve, *Salamanca in Amerika*, 2015; Duve, *La Escuela de Salamanca*, 2018).

The importance of the legal regulation of the coexistence of members of different religions in the Ibero-American world was the subject of a project that we carried out in cooperation with other Max Planck Institutes on *Convivencias*. Within the framework of a small project group, works on the Islamic legal tradition, on regulating the legal status of *infideles* in the history of canon law, early modern experiences in dealing with diversity in the New World and the functionalisation of *Convivencia*-discourses in Spain in the 19th and 20th centuries were brought together (see Aragoneses, Deardorff, Sakrani, Meyer). The results – including a bibliography containing well over 1,000 entries on the canonical treatment of the topic of *infideles*, which is little known in general historical research – will be published in *Rechtsgeschichte – Legal History* 26 (2018) and the bibliography in the *Max Planck Institute for European Legal History Research Paper Series*.

The Max Planck Research Group *Governance of the Universal Church after the Council of Trent* led by Benedetta Albani is not only working out a legal history of the governance of the Catholic Church, but has also come across numerous important findings regarding the significance of Church norms for history in early modern Hispano-America. These efforts have proven extremely fruitful for many other projects in Department II by providing a number of further insights (for

more, see the topics of Albani's Research Group and the contributions by López, Alibrandi, Cucuruto, Lehmann, Paz Nomey). Researchers from the *Convivencias* and *Pragmatici* projects were able to integrate sources from the Vatican Archives into their work, which linked together – at least selectively – often separately led discourses between research on the Roman Curia and the history and legal history of Hispano-America.

All in all, within the last three years, we have come closer to our goal of being able to better assess the function and significance of ecclesiastical normative discourses, institutions and legal practices for the legal history, in particular, of early modern Ibero-America. We have also been able to look at the processes of translation of normativity in other cases, such as international law (Keller-Kemmerer), and learn more about key authors and texts like Juan de Solórzano Pereira (Ballone, Cobo). The image of the legal history of early modern Ibero-America, traditionally drawn from a nation-state legalist perspective, thereby becomes more diverse. At the same time, the history of canon law and moral theology, which has been reconstructed largely in a Eurocentric mode, should be enriched by decentralised perspectives. Religious normativity, long interpreted from a norm-theoretical perspective in a field of tension between universality and particularity, now appears as a flexible and multicentred phenomenon of knowledge production that allows for unity and diversity, intimately linked to secular normativity. The same more or less applies to the School of Salamanca. If we have made some progress in the reconstruction of colonial or imperial normative spheres, one of the major challenges for the coming years may be to further deepen our specific expertise in this area of early modern religious normativity, to push forward the two larger dictionary projects and in individual cases – as far as possible – to take a closer look at the commingling and mixing of these colonial normative spheres with indigenous legal traditions (on some perspectives Duve, *Indigenous rights*, 2017). Having concentrated on Hispano-America up till now, we also want to direct our attention more strongly toward the Portuguese Empire and inscribe local legal histories in a global horizon that also includes the non-American parts of the Iberian Empires.

Law and Diversity, History of Criminal Law, Crime and Criminal Justice, Regulatory Regimes

While the focus of the Research Fields mentioned thus far was on early modern legal history, a number of other projects focus on the 19th and 20th centuries. These centuries have observed radical reforms in many parts of the world in the areas of constitutional law, national legislation, the organisation of the judiciary and administration. They are traditionally and from a European perspective described as an era of nation-state building – yet, at the same time, these decades also witnessed an unprecedented level of the globalisation of law and legal thinking, legal imperialism and the growth of trans- and international normativity. The research projects combined in the Research Fields *Law and Diversity, History of Criminal Law, Crime and Criminal Justice* and *Regulatory Regimes* are taking up this tension between nationalisation and transnationalisation, centralisation and

diversity. They – carefully – inquire about the current narrative of a monopolisation of legal production, derived from the observation from some points in Europe, and sometimes implicitly, sometimes explicitly transferred to many regions of the world. They deliberately overlap with other Research Fields, especially the *Legal History of Ibero-America*, where much of our empirical research is taking place.

In the Research Field *Law and Diversity*, we want to better understand how equality-based legal orders dealt with existing social, cultural and ethnic differentiations. Initially, interest has been directed toward states that emerged from colonial empires and in which multiple modernisation processes can be observed. Dissertations on the legal status of slaves (see Armond Dias Paes) and the criminalisation of protests (see Sirotti) in Brazil, on common property in Argentina (see Cacciavillani), on the reactions to these changes by representatives of indigenous peoples in Colombia (see Escobar Hernández), and on the regulation of mixed marriages in German Samoa (see Vinson) deepen individual aspects of these transformation processes.

Social diversity – which can result from legal diversity – does not, however, only manifest itself in ethnic, religious and cultural differences. In modern societies of the 19th and 20th centuries, it also appears as a consequence of functional differentiation, which generates sub-areas with their own normative logic and a tendency to form organised subsystems. Whether and to what extent this has been accompanied by the formation of regimes of special normative orders (*Sonderrechtsregime*) are aspects pursued in the Research Field *Regulatory Regimes*. Two doctoral projects supervised by Peter Collin as well as a larger research project of his own, in which fundamental publications on the concept and sources of regulated self-regulation have appeared in recent years, are dedicated to these aspects. The focus here is on the special normative orders that have thus far received little attention from traditional, state-centred legal history and that existed both in and alongside the state (Fuchs, Wolckenhaar, Collin). Exceptional circumstances or states such as war (Siebert) and not least modern corporatism (Bender), especially in the field of labour law, also lead to a modification of the image of an equality-based legal order with temporal and objective claims to universality.

Diversity, however, does not just challenge equality-based legal orders but also calls into question legal orders based on inequality, namely when existing distinctions made by law are reconfigured, modified or coordinated. What changes can be observed from a *longue durée* perspective became visible through the works on cultural diversity in the legal system of the Holy Roman Empire (Härter) and in the context of the work of the project *Convivencias* (Sakrani, Deardorff, Meyer). They were also the subject matter of several events that we held with Argentinian, Brazilian and Italian cooperation partners (see Meccarelli).

Overall, it is becoming increasingly clear that we cannot describe historical developments solely in terms of the rise of the rule of law and the notion of a monopolisation of law and justice, but we also have to pay attention to forms of interaction, other protective regimes and their functionality. To put a finer point on the matter, the image of a 'juridical absolutism of the modern' (Grossi), drawn within the context of the history of European private law, is replaced by societies that are

differentiated in many ways, which produce different regulatory and protective regimes, productively transforming characteristic features of former status-based and corporative regimes.

Finally, we also enquire as to how ‘national’ the time of the nation-state actually was in the area of *The History of Criminal Law, Crime and Criminal Justice*. In this Research Field, coordinated by Karl Härter, not only the longer-term projects on the legal history of the Old Empire, in particular the *Policey*-research, were continued. Regarding the question of transnational criminal law regimes (Tyrichter), transnational perspectives on the state response to political crimes (Härter), different modes of regulating marital conflicts in France and Germany (Scheuch), the work in this Research Field was also opened up to transnational formations of law. A series of workshops on Latin American criminal history (Nuñez), a conference on the reaction of the right to political crime and a dissertation (Sirotti) also bring together European and Latin American investigations. Above all in the field of the legal reaction to diversity, also by means of criminal law, and the analysis of the corresponding regulatory and protective regimes, we see a significant opportunity for mutual enrichment of the various research traditions through comparative perspectives.

History of Legal Methods and Practices, Sources, Legal Historiography

A number of research projects on early modern legal history and the legal history of the 19th and 20th centuries focus less on comparative issues than on the phenomena of the circulation of knowledge, legal transfers or – as we put it within the context of our Research Focus Area on *Translation* – the cultural translation of law. We do not see comparative perspectives and approaches concentrated on tracing the historical entanglements as contrary, but rather as complementary and almost inseparably connected to one another. A central approach to the work in Department II is to carry out differentiated analyses, on the basis of concrete individual projects, of the production of norms that localise the circulating normative options in different places.

Following the programmatic publications in the Institute’s journal *Rechtsgeschichte – Legal History* 20 (2012) and 22 (2014) focusing on ‘European Legal History – Global Perspectives’ and in the first volume of the *Global Perspectives on Legal History* series (GPLH) (*Entanglements in Legal History*, 2014) and its successive development (Duve, *German Legal History*, 2016; Duve, *Global Legal History*, 2017; Duve, *Multinormativity*, 2017; Duve *European Legal History*, 2018), various studies have endeavoured to analyse these processes of localisation, paying particular attention to legal practices. In the area of early modern legal history, we see this in a dissertation by Moutin (2016), in individual studies on the School of Salamanca (Duve, *Salamanca in Amerika*, 2015), in dealing with the role of translators (*Focus in Rechtsgeschichte – Legal History* 24 (2016)). Moreover, a dissertation on the cultural translation of the Weimar Constitution in the Republic of China (Li) also uses this approach. The Max Planck Research Group *Translations and Transitions. Legal Practice in 19th-Century Japan, China, and the Ottoman Empire*, headed up by Lena Foljanty since April 2017, who prior to leading the independ-

ent research group worked in Department II and was coordinator of the Research Focus Area *Translation*, and the dissertations being carried out within this group, will certainly become important dialogue partners for Department II. There is also a strong proximity to numerous projects being conducted in Department I within the context of *Legal Transfer in the Common Law World*.

These considerations already show how important it is for us to continuously reflect on the methodological foundations of legal-historical research. We carry out this discussion within the context of the departmental overarching – including guest researchers – Research Focus Areas, in particular in *Multinormativity* and *Translation* as well as *Legal Spaces*, coordinated by Caspar Ehlers. However, due to the importance of methodological reflection, we have anchored this as an independent Research Field in our research profile. A series of publications on legal-historical methodology by Thomas Duve, a debate carried out in *Rechtsgeschichte – Legal History* 23 (2015), and a project dedicated to the opening of a previously little-noticed field of normativity (Damlar) have their place in this Research Field. One of the most interesting methodological challenges currently within legal-historical research is to ask about the epistemic opportunities afforded by the Digital Humanities and to implement them in specific projects. In addition to the *School of Salamanca* project, funded by the Union of Academies of Sciences and Humanities, which is also intensively involved in the debate concerning the DH (see Birr/Egío), new projects have emerged from the *Pragmatici* project that will make use of DH methods for the analysis of the textuality of early modern texts (see Bragagnolo). We will certainly develop these activities, together with Department I and the Max Planck Research Groups, in the future.

Thomas Duve
Director, Head of Department II

Michael Stolleis

As emeritus director, in the reporting period 2015–2017, I was able to continue my work with the support of the Institute. I was provided with an office, a half-time student assistant and limited financial support for translations.

In 2016, I was a guest at the Collège de France (Paris) and held lectures there on the topic *L'État interventionniste en Allemagne 19. et 20. siècles*. The lectures will be published by the Collège de France.

A number of my books were translated during the reporting period. This proved to be a labour-intensive process because of the constant coordination with the translators. Volume 3 of *Geschichte des öffentlichen Rechts in Deutschland* was published in Russian and volume 2 in French and Italian.

Under the title *Öffentliches Recht in Deutschland* (2014), the concise summary of *Geschichte des öffentlichen Rechts* was published in Italian, Spanish, English, French, Chinese and Estonian between 2015 and 2017. The Brazilian-Portuguese translation is currently in print. The previously published English version of *Recht im Unrecht* (2nd edition, 2014) is now joined by a French version of the text (*Le droit à l'ombre de la croix gammée*, 2016). The short treatise *Das Auge des Gesetzes*, which has been published in seven languages, is now available in Korean as well.

A presentation held at the 'Arbeitskreis "Grundlagen" der Vereinigung der Deutschen Staatsrechtslehrer', as part of the conference in Lind 2016, was expanded and published under the title *Verfassungs(ge)schichten*, with commentaries by A.-B. Kaiser and C. Gusy. Moreover, my methodological work *Verfassungs- und Verwaltungsgeschichte* was published as volume 4 of the MPI book series *methodica*.

I also worked on an edited volume consisting of essays written for various occasions (*Margarethe und der Mönch. Rechtsgeschichte in Geschichten*, 2015). The volume has been presented at various events such as readings and radio broadcasts. These stories also served as the basis for an amusing stage play that is being produced by the Hessian Broadcasting Corporation.

All further activities (essays, handbook contributions, reviews and newspaper articles) can be found in the annexed list of publications. Thanks to my good health and the support of the Institute, I am grateful that I have been able to concentrate on my scientific research during the reporting period till now.



III. RESEARCH PROFILE



The Institute has two departments and two independent Max Planck Research Groups. Department I is led by Stefan Vogenauer, Department II by Thomas Duve. The Max Planck Research Group *Governance of the Universal Church after the Council of Trent* is headed by Benedetta Albani, that on *Translations and Transitions* by Lena Foljanty.

However, the research profile of the Institute is not structured around departmental divisions. It is rather designed to enhance cross-departmental discussion and collaboration. The profile involves three different elements: individual research projects, thematic Research Fields and overarching Research Focus Areas.

Individual research projects are conducted independently by single researchers or small teams of scholars, with PhD students and postdocs receiving supervision and mentorship by more senior scholars at the Institute. Since many of the Institute's scholars, particularly the more senior ones, pursue more than one research project at a time, the Institute has more projects than researchers. For the purposes of this Report, every scholar has provided information to showcase one of his or her individual research projects. These accounts can be found in Part IV of the Report.



Research Fields are groups of thematically coherent research projects. A Research Field may cover a certain historical period, a specific geographical region, a given legal system, a particular area of law or certain methodological questions pertaining to legal history more generally. The purpose of clustering individual projects in a Research Field is to embed them in the broader specialist discourse in the relevant area. Each individual research project at the Institute is part of at least one Research Field, with many projects being affiliated with more than one field. Research Fields do not follow departmental lines. While some of them naturally gravitate towards the research agenda of one or the other department, each field is open to projects situated in any of the departments or Research Groups.

At the time of writing, the Institute has 14 different Research Fields, and they are described in the first section of this Part of this Report.

Research Focus Areas explore overarching research questions that arise or potentially arise across all individual research projects and Research Fields at the Institute. Their purpose is to link the empirical work conducted by individual researchers with the broader theoretical discourses in the humanities and social sciences. In doing so, they are the primary vehicles for cross-departmental discussion and the integration of visitors. Research Focus Areas organise reading groups, lecture series or specific workshops. Each researcher at the Institute is affiliated to one Research Focus Area of his or her choice. At present, there are four such focus areas at the Institute: *Conflict Regulation*, *Legal Spaces*, *Multinormativity* and *Translation*. Their work is summarized in the second section of this Part of the Report.

The research profile of the Institute is not static. From time to time, new Research Fields emerge and are added to the profile, the most recent being *Law and Diversity*. Others are not actively continued, but are retained within the Institute's research portfolio as so-called 'areas of expertise', as long as the relevant scholars are still active at, or affiliated with the Institute. Information on Research Fields that have been discontinued is available at the website of the Institute.

Research Fields

History of Criminal Law, Crime and Criminal Justice

The Research Field combines approaches and concepts from the history of criminal law (*Strafrechtsgeschichte*) and the history of crime and criminal justice (*historische Kriminalitätsforschung*). The development of criminal law and justice from the 15th to the 19th century is studied in the broader framework of a cultural legal history, stressing the interdependences between normativity, legal practice and discourses/media. This is explored, for instance, with regard to such issues as political conflict/crime, cultural diversity and deviance, judicial and popular media and the culture of criminal procedure. A primary research aim is to examine the different forms and modes of interaction of various institutions and actors through case studies on deviance, crime, criminal procedure and infrajudicial practices. As a result, the means of judicial and extrajudicial conflict regulation are included as well as the cultural and communicative dimension of legal practice and the development of judicial, pragmatic and popular media that was related to actors or stages of criminal proceedings. The Research Field has close links with the Research Focus Area *Conflict Regulation*, the Research Field *Law and Diversity* and the IMPRS-REMEP. The projects, among them four doctoral dissertations, are frequently discussed with doctoral students and guests in the colloquium on 'The history of *Policey*, crime, criminal justice and conflict regulation'. Research results have been published in several articles on 'the culture of early modern criminal procedure', 'perspectives on the cultural history of crime and criminal justice' and a monograph in the *methodica* series that provides a synthesis of the *Strafrechts-*

und Kriminalitätsgeschichte der Frühen Neuzeit. Thematically, individual research projects focus on the formation of transnational security and criminal law regimes in the 18th and 19th centuries, the history of political crime and the respective responses of the legal systems, the development of the criminal justice system during the transition from the European *ius commune* to national criminal law, and the representation of crime and criminal justice in judicial, pragmatic and popular media, whereby the regulation of political conflicts and political crime provide a common research question.

The project *The formation of transnational criminal law and security regimes in the 18th and 19th centuries* investigates specific areas and activities of transnational legal interaction – extradition, political asylum, judicial and police co-operation – covering a variety of the actors involved. With these regimes, the authorities responded to the intensification of cross-border activities, political subversion / violence and international crime, in particular of political dissidents and refugees. However, research is not directed towards the actual manifestations or the phenomenology of political crime / violence, but primarily focuses on the ‘legal responses’, the security policies and the formation of transnational criminal law and security regime crucially shaped within related institutions, laws, discourses and administrative-judicial and policing practices and manifested in international treaties, national criminal law codes, international discourses among experts and various state practices. Hence, a main objective is to analyse the interdependences between transnational and national norms, actual state practices, transnational activities and discourses, and related processes of securitisation. In this regard, transnational political subversion and crime is conceptualised as a security threat or narrative that triggered and justified the development of transnational regimes. However, they were also characterised by legal pluralism, fragmentation, ‘regime collisions’ and a low degree of juridification that are also examined with regard to long-term developments and the emergence of a durable normative order of transnational criminal law. In this respect, the project is closely related to the Cluster of Excellence *The Formation of Normative Orders* as well as co-operating with the ERC research project *Securing Europe, fighting its enemies. The making of a security culture in Europe and beyond, 1815–1914* in Leiden (B. de Graaf) and the Collaborative Research Centre (CRC) *Dynamics of Security* in Marburg/Giessen. Two dissertation projects tackle important questions: Conrad Tyrichter analyses *Political crime and transnational criminal law regimes in the 19th century: the example of the German confederation*, and Tina Hannappels examined *Transnational criminal law regimes, 1871–1914: the reactions of German and European legal systems to political violence*. The former dissertation has

Explosion of an infernal machine (Paris around 1800)



been completed and was accepted at the University of Darmstadt. Both have contributed results of their research to a collected volume on *International security, political crime and resistance: The transnationalisation of normative orders and the formation of criminal law regimes in the 19th and 20th centuries*, which is currently being prepared for publication in 2018 and includes articles from the above-named co-operating partners as well. Likewise, members of the project team have contributed to several conferences and publications of partners with articles and presentations on 'Security and transnational policing of political subversion and international crime' or the role of 'Assassination and conspiracy for the development of transnational criminal law and security regimes'. Moreover, a panel on 'Extradition and the formation of transnational criminal law regimes in the 19th century (1789–1914)' at the Annual Conference of the American Society for Legal History (Toronto 2016) showed the key role of cross-border activities and 'extradition networks' for the formation of transnational criminal law and discussed the results of the project in an international scientific framework.

A further project investigates in more detail the *Legal responses to political crime and terrorism* and examines the changing normative definitions of political crimes, the state's punitive and preventive security measures, the related juridical-political discourses and the role of popular media. This is based on the concept that authorities responded to various political conflicts by labelling them as 'political crimes' such as sedition, conspiracy, revolt and assassinations, and prosecuting them through the means of policing and criminal justice. These legal responses were closely related to juridical-political discourses and popular print media, which created and communicated specific images of political crimes (for instance, 'conspiracy' or 'terrorism') and political justice, and are therefore also in the focus of research. The interdependences of political conflicts / crime, legal responses / criminal justice and popular media / images are examined through a variety of sources ranging from illustrated broadsheets, pamphlets and the press to sedition laws and court records. Case studies observe the legal responses of the criminal justice system to political conflicts in the Brazilian First Republic from the perspective of the political-juridical discourses in various newspapers (R. R. Sirotti); the images of dishonoured rebels and infamous revolts in early modern pictorial media (K. Härter); and the media coverage of assassination attempts and the respective reactions of police and criminal justice in the first half of the 19th century (K. Härter, C. Tyrlicher). The project has also extended its scope to violent political conflicts / crime and legal responses from a transatlantic perspective, focusing on the comparison of Western Europe and Ibero-America. The edited volume, in preparation for publication in 2018 (ed. A. De Benedictis, O. Danwerth, K. Härter), comprises exemplary case studies that give comparative insights in legal responses, arguments, strategies and procedures that aimed to regulate protest, resistance, social upheavals, political and independence movements and revolt in the period of transition from the 18th to the early 19th century.

This period is also in the focus of the project *The Development of criminal justice in transition from the ius commune to the criminal law of the nation-state* that examines the changes of criminal justice in Europe from the 18th to the 19th century. In co-operation with the University of Valencia (A. Masferrer), recent re-

search activities are dedicated to the transnational influences of the French criminal code. An exemplary case study shows that the development of criminal law in Germany was not only influenced by the implementation of the *Code pénal*, but reveals exemplary problems of legal transfer regarding the conceptualisation of the punishable offences, the penalty system and the purposes of punishment, as well as the infeasibility of a strictly codified conformity of crimes, judiciary and the penal system.

History of Legal Methods and Practices

Legal history cannot be restricted to a history of legislation and adjudication, of people and institutions. It must also pay attention to the methods, conventions and practices that influence – if not guide – the process of determining the law. These doctrines, conventions and practices are increasingly important for understanding the diverse processes of exchange and translation between various epistemic communities in the past and present.

Various research projects dedicated to the reconstruction of these processes are assembled in this Research Field. In the context of the research on the *Legal History of the School of Salamanca* and the research conducted under the heading ‘Salamanca in America’, several studies have confirmed the importance of praxeological approaches for understanding the formation of new normative orders drawing upon normative options offered in the general moral theological and juridical discourse (see on this Duve, *Salamanca in America*, 2015). A PhD thesis reconstructing the intellectual agenda of the third Mexican Council (1585) and clearly outlining the *modus operandi* of the Council fathers was published in 2016 as volume 4 of our *Global Perspectives on Legal History* series (Moutin). In a similar manner, a research project on the cultural translation of the Weimar Constitution in the Republic of China (Li) is focusing on different cultural contexts in which the translation and adaptation of European legal theory and dogmatics were performed.

Due to the establishment in 2017 of the new Max Planck Research Group *Translations and Transitions. Legal Practice in 19th Century Japan, China, and the Ottoman Empire*, led by Lena Foljanty and comprised of Murat Burak Aydin, Zeynep Yazici Caglar and Yu Wang, Lena Foljanty has been developing her own research project on *Cultures of judgement* (started as member of Department II) in this broader and independent institutional framework (see the individual contributions by the members of the Research Group, Part IV).

The Institute also participates in a larger research project on the history of the Max Planck Society after 1945, co-ordinating a research project concentrating on the history of legal studies within the Max Planck Society (see Co-operation, Part VIII).

History of Private Law



Research into the history of private law has a long tradition in Frankfurt. It goes back to the establishment of the Institute in 1964. For Helmut Coing, the Founding Director, it was indeed the key task of the new institution, for he considered this area of legal history to be ultimately the 'direct foundation of the contemporary system of private law'. As a result, the Institute's first flagship publication, an extensive handbook, was entirely devoted to the sources and literature of the modern history of private law (*Handbuch der Quellen und Literatur der neueren europäischen Privatrechtsgeschichte*). The study of the development of private law under the *ius commune* and during the 19th century was supposed to reveal that the different European legal systems were but emanations of a single European legal tradition. Recourse to this tradition, it was hoped, might serve as a starting point for efforts of legal harmonisation in the European Communities. However, even in the early days of the Institute, the historical development of European private law was presented not only as a process of gradual unification, systematisation and 'scientification' of the law, but also with a view to the co-existence of a wide plurality of legal phenomena throughout the continent.

Today, the Institute continues to hold considerable expertise in this Research Field. With the appointment of Stefan Vogenauer as Director in 2015, the focus on the history of private law has become even more ambitious. The Research Field has grown substantially, with a considerable expansion in vision and geographical scope. The historical study of private law has traditionally attracted attention from those looking to inform present law by explaining the historical evolution of civil codes, doctrines and legal principles, as well as the jurisdictional differences (if any) found among them. The Institute still speaks directly to this influential community of contemporary lawyers, jurists and the academic literature. Yet the work carried out here is now also in close dialogue with historical research in the related sub-disciplines of social, economic and business history. Thus it stimulates the debates about the importance of differences in cultural values and socio-economic context together with the multitude of normative phenomena. The latter would include informal and alternative methods of regulating conflict and cannot be easily shoehorned into the traditional category of private law.

Furthermore, 'European' legal history is no longer confined narrowly to the study of the continental 'civil law' tradition. It has turned its attention firmly to the common law jurisdictions and to the exchange of legal ideas across the Channel. Moreover, while there is still an explicit focus on European law and, notably, the emergence of private law in the European Union, the Institute now embraces the history of private law in the context of global legal history. Private law development in the Commonwealth countries, the United States, the Ibero-American world and East Asia is investigated in the belief that the legal histories of these world regions are intimately connected to the legal history of Europe.

Together, the projects studying the history of private law contribute to the scholarship in four main areas of substantive law. The first is contract law. Stefan

Vogenauer's work informs our understanding of the development of contract law across the world. He focusses in particular on contract law in Europe both before and since the inception of the European Union. This is of particular importance in the ongoing debate about national differences and similarities during a period of potential divergence and relative legal uncertainty. He is also collaborating with Asian contract law scholars to improve our knowledge of contract laws in Asia. These efforts are chronicled in a six-volume collection, which is the first to systematically analyse the key doctrines of the region's contract laws. It considers, among other things, the manifold historical 'legal transplants' that shaped modern-day contract laws in Asia, both in the civil law and in the common law tradition.

The second area covered is business and commercial law, broadly conceived. Wim Decock's project centres on the role of religious institutions and custom in instigating new legal developments and in regulating business transactions made in early modern Europe. Jasper Kunstreich deals with bankruptcy law in Germany between 1815 and 1870. Niels Pepels works on the English law origins of United States copyright law. He is particularly interested in the influence of the early modern Statute of Anne on the drafting of state and federal legislation, including the subtle deviations from the English model. Bringing together perspectives from law, economics and business, Sigfrido Ramírez Pérez studies European competition law as it evolved in the second half of the 20th century. He emphasises the significance of business, commercial and political networks as drivers of legal change that have previously been overlooked.

The third area is property law, including both land law and the law of personal property. The plantation societies in the British West Indies relied on systems of land tenure that were imported from England and thus go back to the Norman feudal roots of English law. The legal classification of slaves as chattel, and thus personal property, also emanated from this tradition. These property issues are relevant to the work of Helen McKee on Jamaica and Justine Collins on other islands in the region.

The final area in the focus of the Research Field is corporate law. With some large corporations having as much power as national governments, their regulation can hardly be separated from that of transactions and markets. Victoria Barnes engages actively in this area of law by exploring the internal struggles between parties vying for control of organisations. She focuses on the common law doctrines that regulated the disputes between corporate management and shareholders, as they moved from England to the United States and Commonwealth countries. Using a comparative framework, Gerd Bender investigates changes in labour law in the corporate context. He does so by examining how corporations devised structures for their employees and settled relationships with their workers. In light of the emergence of the neo-liberal political agenda, Peter Collin examines how differ-



ent states have created strategies for regulating capitalist entities. He critically analyses the concept of self-regulation which has become central to economic policy-making in some countries and questions the proposition that society is the best supervisory body for corporations.

Law and Diversity – Perspectives from Legal History

While admittedly oversimplified, it is nevertheless valid to state that the legal order of the Middle Ages and the *ancien régime* was based on the principle of inequality. On the other hand, the modern legal system, as expressed above all in the codifications of continental European origin, is based on equality.

However, neither an inequality-based legal system can be satisfied with establishing and perpetuating the differences, nor can an equality-based legal system ignore social inequality. The Research Field *Law and Diversity* is based on the idea that the tensions between equality and inequality are constantly being rebalanced in every phase of legal development.

It brings together projects dealing with law in different legal systems and in different legal eras, e.g. on cultural diversity and deviance in the Holy Roman Empire in the early modern period, on cultural *mestizaje* in Spain in the 16th century, on different forms of property in Argentina in the 19th century, on normative diversity under the conditions of functional differentiation in the 19th and 20th centuries in Germany, on slavery and legal claims in Brazil in the 19th century. This short list illustrates the thematic heterogeneity of the Research Field.

The aim of the Research Field is not to develop research approaches or to compile overall representations based on the equally strong integration of all participating projects. Rather, the work is to be focused on two branches.

In the first branch ('Law and diversity: experiences in legal history'), historical arrangements of the organisation of diversity are to be identified. The knowledge of varieties of diversity and how to deal with it in law should, among other things, facilitate the creation of models that serve to develop more precise questions. In the second branch ('Law and diversity in Latin America today: The history of regulation and the role of history'), the goal is to analyse relevant Latin American debates to enrich deliberations in transnational legal discourses about the legal orders of various societies; this also takes into account the fact that much of the research in Department II focuses on the legal history of Latin America. Workshops on law and diversity in Argentina, Germany, Italy and Peru (2015, 2016, 2017) have shown the potential of bringing these perspectives together. A workshop in Buenos Aires (April 2018), bringing together scholars from Argentina and Germany, dealt with a special field: 'The Challenge of Diversity: Architectures of Security, Criminal Law, and Policing between the 19th and 21st centuries'. Some major research projects (*Convivencias*) as well as several PhD projects (Armond Dias Paes, Cacciavillani, Escobar) are clearly addressing legal responses to social and ethnic diversity. The significant research goals and problems regarding this area have already been described in a programmatic working paper published in 2013 (Duve, *Die Justiz vor den Herausforderungen der kulturellen Diversität*, 2013).

The actual challenge confronting the Research Field *Law and Diversity* as a research network (not only its individual projects), however, is to establish the Research Field as an object of research as such. This is because it is not a traditional field of research in legal history with a fixed canon of references to research objects and research questions. Admittedly, an orientation towards a contemporary understanding of diversity is possible. But these understandings are linked to attributes (race, gender, sex, age, disability, ethnicity, religion, etc.) that are historically contingent in their legal relevance. From a historical perspective, however, it is necessary to ask which social differences have challenged equality or inequality-based legal systems and in what way(s). In other words: What kind of differences proved to be guiding differences also in a legal context? From a theoretical perspective, this requires not only a focus on modern concepts of diversity, but also on differentiation theories based on the assumption of fundamental segmental, stratificational and functional forms of differentiation.

These questions – how relevant is a given kind of diversity for a given kind of law – were in the focus of the conference ‘Herausforderung Diversität – Normative Konsequenzen gesellschaftlicher Ausdifferenzierung seit dem 19. Jahrhundert’ (‘The challenge of diversity – normative consequences of social differentiation since the 19th century’) in February 2018. At this conference, legal scholars, historians, political scientists and sociologists discussed different understandings of diversity, the connection with different legal rationalities and sources of law. It became evident that orientation towards present-day ‘normative’ concepts of diversity is only partially helpful for a historical perspective. On the other hand, it has been shown that questions and categories have been developed in the current discussion that can also be used for historical research approaches with appropriate sensitivity. It is also the purpose of regular internal discussions to debate such fundamental issues. Since the early summer of 2017, researchers working on projects in this field have been meeting monthly for internal sessions to discuss the works by leading authors. In addition, specific research projects are presented at these meetings in order to discuss their relation to the questions of the Research Field.

The consideration of combining a broad, theory-based understanding of diversity (e.g. to include functional differentiations as well as ethnic and religious differences) with empirical findings have now resulted in a larger workshop and publication project: ‘Law and Diversity – European and Latin American Experiences from a Legal Historical Perspective’. On the basis of up to eight workshops, four to five volumes are to be published in which the topic is systematically elaborated. With reference to certain basic debates (e.g. diversity and codification), key terms (e.g. autonomy), fields of law (e.g. family law) and reference fields (e.g. normativity of professions), European and Latin American experiences should be compared. The first two workshops are now conceptually complete and will take place in June 2019.

Law as a Civilising Factor in the First Millennium

The legal history of the first millennium is traditionally studied from the perspective of different academic disciplines, which deal with, for instance, particular legal systems (e.g. Roman law) or individual eras. Such an approach can lead to an isolated or fragmentary view of the subject matter. In order to avoid this danger, it is particularly important to look at institutions and phenomena that transcend individual eras and legal systems and thus provide a more comprehensive impression of the role of the law as a civilising factor. This includes not least Christianity and the Church, in the vicinity of which a multiplicity of normative ideals thrived but also space as a central configuration of order. During the reporting period, special attention was paid to these two aspects.

Relating to the spatial factors of early medieval civilisation, Caspar Ehlers dealt with the function of royal presence in various places and the development of spatial structures by the Church in the form of monasteries and episcopal seats. Since formerly non-Roman territories were also integrated into the Carolingian Franconian Empire, the question arose not only about the practical side of territorial conquests but also about their ideological justification in times without martial or international law, which resulted in religion becoming the primary and decisive factor for ordering spaces.

Among his research activities, which in previous years focused on baptism and the notion of personhood, Christoph Meyer has as far as the first millennium is concerned primarily dealt with the status of non-Christians in the legal culture of the Church in Antiquity and the Early Middle Ages. An article dealing with the legal-historical research on the so-called *infidels* will appear in *Rechtsgeschichte – Legal History* in 2018. Furthermore, in the second half of 2018, a bibliography of legal-historical literature concerning the status of non-Christians in the history of canon law will be published in the *Max Planck Institute for European Legal History Research Paper series: Subsidia et instrumenta*.

Having concluded several preliminary studies over the course of the last five years, Wolfram Brandes primarily investigated the specific origins of Church law in the special cultural-political circumstances of that time. What was its genesis, who dominated its content and what was the technical mode of its verbalisation? An important focal point of the Research Field turned out to be the so-called ‘conciliar decision-making’. Accordingly, he concentrated on the study of councils or synods as timely and spatial points in history. This culminated in a major international conference ‘Conciliar Decision-Making in Late Antiquity and the Early Middle Ages (6th to mid-9th centuries)’ that took place in Frankfurt in October 2017. The proceedings of the conference will be published by de Gruyter in 2019.

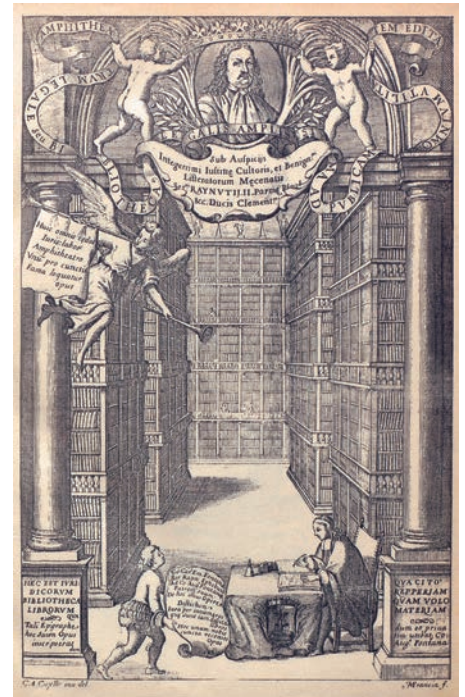
Legal Historiography

Reflecting on the methods of legal historical research is one of the fundamental tasks of the Institute. Between 2015 and 2018, members of the Institute dealt with questions concerning legal-historical methods in various publications, workshops, within the context of the Summer Academy or at the Institute's internal plenary and Jour fixe events. The work in the Research Focus Areas also touches on fundamental methodological questions.

An important step in strengthening our efforts in this field was the founding of a new book series *methodica – Introductions to research in legal history* (edited by Thomas Duve, Caspar Ehler, Christoph Meyer). The thematically-tailored volumes are intended to provide introductions to legal historical research and offer basic information on the state of research, useful tools, reference works, sources for a given research area within the framework of a fixed scheme, e.g. on research history and sources, on methods, working techniques and fundamental literature for the respective topic, without the pretense of completeness associated with a handbook. From 2012 to 2017, five volumes authored by members of the Institute have been published dealing with central issues that, at the same time, are representative of the legal-historical research carried out at the Institute: *Law and morality in early modern Scholasticism* (Wim Decock/Christiane Birr); *Private-public regulatory structures in the early industrial and welfare state* (Peter Collin); *Constitutional and administrative legal history* (Michael Stolleis); *The history of criminal law, crime and criminal justice in the early modern period* (Karl Härter); as well as *Legal spaces* (Caspar Ehlers).

In the journal *Rechtsgeschichte – Legal History*, we have made an effort to open up a space for, as well as to deepen discussions about methods. In issue 23 (2015) Thomas Duve und Peter Oestmann jointly published a contribution about the debate on the *History of legal norms, science and practice*, which builds on a paper published by Peter Oestmann in the Institute's own SSRN series. In issue 24 (2016), the Frankfurt legal historian Gerhard Dilcher provided a fundamental treatment of the history of German Studies, the *Forum* section invited authors to participate in a discussion, coordinated by Christiane Birr, on the potential of the digital humanities for the social sciences and humanities. In issue 25 (2017), as well, one of the research contributions dealt with a fundamental question concerning legal historical research on time, law and legal history (Andreas Thier). In the *Focus* section of the same issue, *Multinormativity* was the centre of debate (Thomas Duve).

Alfred L. Brophy and Stefan Vogenauer inaugurated their newly launched journal *American Journal of Legal History* with a special issue titled *Introducing the future of legal history: On re-launching the American Journal of Legal History*. *Methods of global legal history* was the subject of a series of articles published by Thomas Duve in German, Portuguese, Spanish and French. The volume *Legal Science in the Berlin Republic*, edited by Thomas Duve und Stefan Ruppert, was published at the beginning of 2018 and provides an overview of the development of scientific subdisciplines since 1990. The volume contains, among other things,



The Amphitheatrum legale by Agostino Fontana, Parma 1688

a detailed review of the history of legal historical scholarship within the last quarter century and closes a longer discussion on the development of legal science.

The epistemic potential of the digital humanities for legal-historical research questions has been gaining in significance. Under the coordination of Andreas Wagner, a working group of scholars interested in these questions is following the development and has become an important location within the discussion about the opportunities and forms of realising this means of access to legal history.

Legal History of the Church

Since the early Middle Ages, the history of western legal culture has been characterised as an order regulating people's lives that was based on partially complementary and partially conflicting efforts by what would later be called the state and the church. The peculiar relationship here between law and the Christian religion draws attention to the great historical significance of the legal history of the Church, whose history extends almost 2,000 years. Ecclesiastical law has taken quite different forms during this long period, as exemplified by Catholic as well as Orthodox canon law and the legal norms that apply in Protestant denominations.

Since the 19th century, the legal history of the Church has been researched from various temporal and substantive perspectives, often resulting from confessional research interests. As a result, certain central and clearly delineated eras have consumed almost all the attention of modern scholarship: the history of canon law in the decades before and after Gratian (for Catholicism) and the 16th century (for Protestantism). The perception of ecclesiastical law as an object of historical study has been subject to other limitations, too. For example, the common understanding of the research subject is still determined to a considerable degree by 19th- and early 20th-century positivistic ideas of what law and jurisprudence are all about. Thus, important aspects of ecclesiastic normative concepts that originated from apparently non-legal theological disciplines have remained largely neglected. Traditional preconceptions have also led to important aspects being overlooked in the area of ecclesiastical law, where a one-sided conception of space has predominated. Even now, a universalistic view prevails only because the particular ecclesiastical laws of entire continents have been widely neglected, especially in the history of canon law.

Between 2015 and 2017, several research projects, which are part of the Research Field *Legal History of the Church*, have taken a broader view of the legal culture of the pre-modern Church in order to establish substantial counterpoints to prevailing historiographical views. One of these projects examined normative sources rarely dealt with in the history of canon law. Between 2016 and 2017, the research group *Knowledge of the pragmatici* has highlighted the role the so-called pragmatic religious literature played in the dissemination of normative canonical knowledge, especially in early modern Ibero-America (see Bragagnolo, Danwerth, Galindo and Cabral). For a concluding collection of essays, which will provide an overall view of the respective investigations of the research group, Christoph

Meyer has also contributed an article from his research project *Canon law in German speaking areas, 1350–1550* dealing with the epitomisation of legal texts both in the Middle Ages and in early modern times.

Apart from hitherto neglected literary genres, such as manuals of confessors and textbooks of moral theology, the focus of interest in the reporting period was also on spatial aspects of early modern ecclesiastical normativity. Apart from the *Knowledge of the pragmatici* and the research projects on the role of the Roman Curia (see the reports of the MPRG Albani) this holds particularly true for the continuing work on the *Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglo XVI–XVIII* (DCH). Between 2015 and 2017, the first of 120 articles that will ultimately comprise the DCH have been written and published on the project blog (<https://dch.hypotheses.org>). (see Mejía and Moutin).

In addition to normative sources and space, another aspect that received considerable attention in the reporting period was the role non-Christians and new Christians played in the legal and institutional life of the pre-modern Catholic Church. These questions played a major part in the activities of the multidisciplinary research group *Convivencias* in which a canon lawyer, a specialist in Islamic law, a Latin Americanist and a historian of contemporary Spanish legal history investigated the legal interactions between different religious and cultural communities, especially in the pre-modern Iberian as well as Ibero-American world. Some of the findings of the respective research group, which operated between 2015 and 2017, will be published in the 2018 issue of *Rechtsgeschichte – Legal History*. Apart from that, a bibliography on the status of non-Christians in medieval and early modern canon law will be published in the *Max Planck Institute for European Legal History Research Paper Series: Subsidia et instrumenta* (see Meyer).

Legal History of the European Union

Legal History of the European Union is a recently established Research Field at the Institute. It maps out a hitherto uncharted period of contemporary legal history. In doing so, it engages in interdisciplinary research and sustained international co-operation.

The origins and the development of the European Communities and, later, the European Union have long been neglected by legal historians. First accounts of the legal aspects of European integration were produced by the actors and eye-witnesses of the process – judges, politicians, civil servants and practitioners. Once European law had become an independent subject of doctrinal study, legal scholars began to provide chronological accounts of the legislative activities of the Communities and the case law of the Court of Justice. At the same time, sociologists and political scientists, many of them based in the United States, attempted to provide overarching narratives. More recently, contemporary historians of integration discovered the significance of law in the process of European integration. Based on archival research, they added insights from political, social and economic history.

The new Research Field *Legal History of the European Union* builds on the findings of these other disciplines and contributes new insights from the specific perspective of legal history: on the one hand, its particular focus is on the legal aspects of European integration; on the other hand, the evolution of a new, European legal order is placed in its broad social, political and economic context, and the wide range of actors, ideas and realities influencing this process is fully acknowledged. In doing so, the period covered is not confined to the post-war

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Telegramme establishing the Court of Justice of the EC, 2 July 1958

era. Instead, a certain *longue-durée* perspective is adopted. Many of the relevant legal phenomena can be traced back to earlier developments in national laws and international law, mostly, but not limited to the inter-war period. Similarly, the broader context of European integration cannot be separated from its prehistory.

As is well known, the role of law in the process of European integration can hardly be overestimated. ‘Integration through law’ has been a characteristic feature throughout the history of the European Coal and Steel Community (ECSC), the European Economic Community (EEC) and the present post-Maastricht European Union (EU). The European treaties of the 1950s were originally designed and classified as international law, addressed to the Member States rather than their citizens, and applied by their governments within the frameworks of their national constitutional orders. However, the Legal Service of the European Commission and scholars from the emerging discipline of European law strongly argued for a constitutional interpretation of the European treaties precisely as if they were aiming to ‘federate’ Europe. The European Court of Justice embraced and promoted the establishment of a ‘constitutional practice’. Its landmark rulings, most importantly the development of the legal doctrines of ‘direct effect’ and ‘primacy’ of European law in *Van Gend en Loos* (1963) and *Costa v ENEL* (1964), made it possible for citizens and businesses of the Member States to rely on European law before national courts even where it was incompatible with national laws.

Together these institutions and actors gradually shaped a proto-federal European legal order. While there was some resistance on the part of national constitutional courts, the governments of the Member States never made a serious attempt to set aside the case law of the Court. This was all the more remarkable since the political evolution of the European project from the immediate post-war era through to the Treaty of Maastricht was not necessarily in sync with these legal developments: governments attempted to increase their political control over European integration and reaffirmed national interests. This trend towards political disintegration can be seen, among others, in Charles de Gaulle’s European policy of the 1960s, the establishment of the intergovernmental European Council by the mid-1970s, Margaret Thatcher’s beggar-thy-neighbour European policy and the introduction of the pillar structure of the Treaty of Maastricht which placed the Common Foreign and Security Policy as well as Justice and Home Affairs in the hands of the governments.

The political and legal battles over European integration form the backdrop to the various research projects and the associated activities pursued in this Research Field. Collectively, they aim to broaden and deepen our knowledge of this particular period of legal history. Various perspectives and methodological approaches are adopted. During the period covered in this Report, a strong focus was on the history of institutions. Philip Bajon, for example, examined the history of the Council of the European Union, Sigfrido Ramírez Pérez studied the origins and the development of the Legal Service of the European Commission and Nina-Louisa Lorenz and Stefan Vogenauer focused on the Court of Justice. Ultimately, however, institutions are staffed with personalities. Therefore, a further emphasis was on key actors in the legal history of integration, both in the European institutions and in the Member States, as can be seen in Philip Bajon’s

work on Walter Hallstein. Other projects focussed on specific areas of law and legislative techniques. Sarah Zimmermann analysed the procedural law of the Court of Justice, Stefan Vogenauer investigated European contract law, Sigfrido Ramírez Pérez studied European competition law, Philipp Schmitt researched the origins of minimum harmonisation, and Insa Jarass examined a non-legislative approach to harmonisation in the international sphere: uniform private law as a constitutive element of transnational commercial law. There was also a conscious attempt to analyse the legal history of the European Union through a cultural lens, with Sarah Zimmermann and Philip Bajon in particular looking into institutional cultures, norms and values. Finally, all projects have a strong comparative dimension because they approach their research topics both from the perspective of the European Union and those of the Member States.

Studies of the history of the European Union conducted by lawyers and other social scientists do not always rely on a sound empirical base. It is therefore particularly important to add methodological and analytical rigour to the field. Identifying and collecting sources has been an essential part of the work from the beginning. This included attempts to make private archives accessible to a wider professional and popular audience. The Institute's expertise in digital humanities helped to digitise various types of material with state-of-the-art tools. Work began on a complex and unique database of relevant sources. Oral history also played a central role. Sigfrido Ramírez Pérez conducted work on an oral history of the Legal Service of the European Commission. Together with Nina-Louisa Lorenz and Stefan Vogenauer he initiated a pilot programme on the oral history of the Court of Justice which will see semi-structured interviews with eyewitnesses and former members of the Court being carried out by mixed teams of lawyers and historians from mid-2018 onwards.

The efforts related to oral history, digitisation and archival storage are a good example for the international co-operation in which the Research Field is involved. It was crucial to secure the support of European institutions, such as the endorsement of the oral history pilot by the President of the Court of Justice, Koen Lenaerts. Moreover, a formal agreement on the deposition of documents was concluded with the Historical Archives of the European Union at the European University Institute in Florence. Philip Bajon and Sigfrido Ramírez Pérez acted as co-chairs of an international collaborative research network that had formerly been based at Copenhagen University. The research interests of its members include the 'constitutional practice' in European law and the resistance to it in the Member States, biographies of key personalities, the role of lobbies, the long-term impact of academic discourses as well as the history of doctrines and paradigms in European law. They therefore aptly complement the research agenda of the Institute. Since January 2017, members of the network have gathered in Frankfurt twice a year for workshops and conferences.

The establishment of the Research Field *Legal History of the European Union* comes at an opportune moment. In light of recent trends towards re-nationalisation it promises to make a major contribution to the incipient interdisciplinary debate over the nature of integration and the *finalité politique* of the European Union. The findings will not only enhance our understanding of the slow emergence of a

unique, supranational polity and its complex institutional and policy-making structures. They will also, it is hoped, increase Europe's reflexive knowledge of its own institutional and legal evolution and values. The conception of a European 'legal community' or 'community based on law' (*Rechtsgemeinschaft*) popularised by Walter Hallstein, the first President of the European Commission, strikingly exemplifies the relevance and timeliness of the research interests pursued in Frankfurt. Incidentally, work on a doctoral thesis illuminating the conceptual and intellectual history of the notion of *Rechtsgemeinschaft* has just begun at the Institute.

Co-operation with the Historical Archives of the European Union

In March 2017 the Institute concluded an agreement with the Historical Archives of the European Union in Florence and the Copenhagen-based Research Network *Towards a New History of European Public Law*. Under the agreement, materials collected by researchers of the Research Network and the Institute will be transferred to the Historical Archives and conserved there.

The agreement was signed on the occasion of a visit of Dieter Schlenker, Director of the Historical Archives, to the Institute. It is part of the Institute's joint activities with the Research Network and its Principal Investigator, Morten Rasmussen. These were agreed at a workshop on 'The History of EU Law in Transnational and National Perspective' that brought together scholars of the Research Network and the Institute in Frankfurt a couple of weeks earlier.

The Research Network transferred a large collection of materials which has until now been in the possession of its researchers to the Historical Archives. Documents that will be collected in the future, by both the Research Network and the Institute's Research Field *Legal History of the European Union*, will also be transferred to Florence. The Historical Archives will process and conserve all the materials in accordance with international standards relating to archival treatment (ISAD(G)). Materials will be made available to the general public 15 years after the year of their submission.

Legal History of Ibero-America



Ibero-American and European legal history have been closely linked since Iberian explorers first ventured across the Atlantic. Apart from catastrophic de-

mographic consequences for the native population of the so-called 'New World', the encounter of previously alien cultures and religions also presented European jurists with new challenges. Normative orders that had developed in a European context were (re)produced under different conditions and in a time of rapid political, intellectual and technological change. Complex processes of translation and delineation began, in which indigenous, Castilian, and ecclesiastical conceptions of order and local practices intersected.

At the same time, new worlds opened up for the Church and canon law, as the spreading of the Catholic faith served to justify European expansion. Religion, ecclesiastical actors and institutions played major roles in the development of normative

concepts in America, which in turn affected administrative practices and normative thinking throughout early modern Europe.

The aim of the *The Legal History of Ibero-America* Research Field is to investigate decisive junctures in this history and to develop tools that help to reconstruct these processes. Within this vast field, we are paying special attention to the role of ecclesiastical institutions and normativities. We are convinced that it is impossible to understand the formation of early modern colonial legal orders without being attentive to the interaction between different normative spheres like the secular and the ecclesiastical, and that there is an urgent need to learn more about normativity emanating from religious discourse and institutions. In a similar way, we try to unite regions often looked at separately, like Europe and the Americas, or the Spanish and Portuguese Empires.

As a result, during the years 2015 to 2017, the Institute has started, continued and developed a number of research projects in this field. A major project is the *Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglo XVI-XVIII (DCH)*, which aims to publish (in 2020) a set of 120 extensive articles covering all the important institutions of early modern canon law with a special focus on local and regional particularities in Hispanic America and the Philippines. Between 2015 and 2017, the project was planned, the authors identified and the first entries submitted, under supervision and in close contact with the project group from the Institute (for more on this, see the project description and report by Mejía/Moutin). The first entries are already published on the project's blog (<https://dch.hypotheses.org>).

Since 2016, a group of researchers has been examining, under the title *Knowledge of the pragmatici*, what we call 'pragmatic religious literature'. The project outcome confirms our initial ideas that it was not least these texts, which

were important carriers of normative information to be translated into local realities (see on the subprojects the reports of Bragagnolo, Cabral, Danwerth, Rex Galindo). Research on moral theological literature has also been central for the Institute's projects on the history of the School of Salamanca (see on this the Research Field *Legal History of the School of Salamanca*). Both projects – *Salamanca* as well as *pragmatici* – have also cooperated in establishing the digital library *De Indiarum lure* and helped to develop a series of still smaller research initiatives, which make intense use of digital humanity tools (for more on this, see Bragagnolo, Ballone as well as some information on projects like Hyper-Azpilcueta on the MPIeR's website). The projects within this Research Field have also profited from cooperation with the members of the Max Planck Research Group *Governance of the Universal Church after the Council of Trent*, which led, for example, to the publication of a special issue of the *Anuario de Historia de América Latina/Jahrbuch für Geschichte Lateinamerikas* 52 (2015) on the formation of legal spaces in the early modern period, edited by Benedetta Albani, Samuel Barbosa and Thomas Duve.

Focusing on the *longue durée*, a group of medievalists, specialists in Islamic law, Latin Americanists and Spanish contemporary historians have been discussing legal-historical perspectives of *Convivencias*. This interdisciplinary enterprise, which also profits from constant exchange with other MPIs, is casting new light on how subjects from radically different backgrounds coexisted in Ibero-American contexts and considering transformations in theory and practice between the Old and the New Worlds. Some articles and commented bibliographies have been published, and this topic will be a focus of the 2018 issue of *Rechtsgeschichte – Legal History* (see Aragonese, Deardorff, Meyer, Sakrani).

Linking European and Ibero-American history was the aim of a conference on violent political conflicts and legal responses in transatlantic perspective (1750–1850), which united the Research Field *Legal History of Ibero-America* with the *History of Criminal law, Crime and Criminal Justice* (Härter). Scholars from both sides of the Atlantic were invited to reflect on the potential for comparative historical analysis in an age of revolts and revolutions that spread far beyond national boundaries. Researchers engaged in projects assembled in this Research Field have also participated in the focus on translators as mediators of legal transfers, published in *Rechtsgeschichte – Legal History* 24 (2016) (Escobar, Egío, Moutin). Transatlantic links, specifically the end of empires, were also the subject of events held in Bad Homburg that discussed how to bridge historical periods by examining both the end of the pre-Hispanic empires in the 16th century (e.g. the Incas and Aztecs) and the end of the Spanish Empire a mere 200 years ago. These events highlighted the fact that many imperial structures endure even after their political power has faded. The outcome of the conference on 'The end of empires' will also be published in the Institute's Journal *Rechtsgeschichte – Legal History* 26 (2018).



Sucre, Bolivia

Although most of the research projects in the field of Ibero-American legal history deal with early modern times, a growing number examine the 19th and 20th century, in particular property law and slavery in South America. The Research Field includes topics that echo into the present, such as how indigenous norms related to those exported from Europe, how they were reproduced by local elites, and to what extent cultural diversity was protected in and by the law (see on this the project reports of Armond Dias Paes, Cacciavillani, Escobar, Sirotti). Not least due to the recent processes of re-indigenisation, awareness has been raised regarding the role of law in the definition of ethnicities and has thus opened debates about the history of the rights of the indigenous peoples. These aspects have been discussed in some workshops in cooperation with projects from the Research Field *Law and Diversity*.

Major efforts have also been made to maintain and construct a scholarly community around the Institute's research on Ibero-American legal history. Regular seminars in the Institute, workshops with the guests, a newsletter with special information for research on the legal history of Ibero-America have constituted important fora for scholarly exchange. A series of conferences on ecclesiastical institutions and normativities, organised in four Ibero-American regions, came to a close in São Paulo (2015). The results of these seminars covering New Spain, Peru, New Granada and Brazil are published in the Institute's new series *Global Perspectives on Legal History* (GPLH), the first two books appearing in 2018. This new book series is available in open access and as high-quality print on demand books, and six of the 10 books published between 2015 and 2017 focus on the legal history of the Ibero-American world (Duve 2015, Polotto/Keiser/Duve 2015, Duve/Pihlajamäki 2015, Moutin 2016, Meccarelli/Solla Sastre 2016, Tau Anzoátegui 2016). Our open access *Max Planck Institute for European Legal History Research Paper Series* on SSRN allowed us to publish a series of papers on the history of criminal law in Latin America, which resulted from workshops held at the Institute (see, for example, the papers by Agüero, Barreneche, Cesano, Dias, Núñez).

Many of the research projects mentioned above were presented at the paramount event organised by the Institute in the last reporting period: the 'XIX Congreso del Instituto Internacional de Historia del Derecho Indiano'. This conference, held for the first time in a non-Spanish-speaking country (Berlin, 29.08. – 04.09.2016), celebrated the 50th anniversary of the umbrella association for research on the legal history of early modern colonial Hispanic America. Opening the field to innovative approaches, it brought together more than 130 scholars of the early modern legal history of Ibero-America; the conference proceedings, edited by Thomas Duve, were published in 2017 in two volumes (1681pp.).

XIX Congress of the IIHDI in Berlin, 2016

Between August 29th and September 2nd, 2016 the Max Planck Institute hosted the 'XIX Congreso del Instituto Internacional de Historia del Derecho Indiano' (19th Congress of the International Institute of early modern legal history of Hispanic America) in the Harnack-Haus in Berlin. For the first time in its history, this Institute celebrated a Congress in a venue other than in Spain or a Latin American country. More than 130 papers were presented during the Congress, which also celebrated the 50th anniversary of the Institute's foundation in 1966 by Ricardo Zorraquín Becú (Argentina), Alamiro de Ávila Martel (Chile) and Alfonso García Gallo (Spain) in Buenos Aires. Special emphasis was given to the integration of historiographies on Spanish and Luso-America, indigenous peoples' legal histories as well as global perspectives on legal history. The Congress papers (2 vols., 1681pp., coord. Thomas Duve) were published in 2017 as printed books (Dykinson, Madrid) and in electronic format in open access (<http://hdl.handle.net/10016/25729>).



Legal History of the School of Salamanca

From the beginning of the 16th century until the 18th century, the so-called School of Salamanca shaped the juridical-political discourse and language of the two great Iberian empires, with its characteristic intertwining of science, jurisprudence, religion and politics. Theology, philosophy, jurisprudence and the natural sciences owe substantial innovations to this group of Spanish, Portuguese and Latin American thinkers, whose impact was never limited by the borders of countries, continents or religious denominations.

For the researchers gathered in this field, the School of Salamanca is not restricted to only a small, close-knit group of Castilian theologians studying and teaching at the University of Salamanca from the 1520s onward, taking Thomas Aquinas' *Summa Theologiae* as the foundation of their teaching and thinking. On the contrary, we are well aware that the phenomenon of early modern Scholasticism can neither be reduced to a single university, Salamanca, nor to a single country, Spain, nor even to a single continent, Europe. Instead, normative systems, which had deep roots in European history and traditions, were replicated, complemented, changed and adapted to local needs in America and Asia. In the American context, the production of knowledge had to face new challenges: the encounter with hitherto unknown peoples and religions, the geographical distance to Europe and the enormous dimension of the American continent itself, to name but a few. Such external factors enabled and forced jurists, theologians and philosophers to leave the well-trodden paths of medieval tradition and to find new answers for the new questions of a new time. Authors, books and ideas then found their way back to Europe, into the lecture halls of the universities as well as into the session chambers of political bodies. The discourse about a law of nations



Pantéon de los teólogos, Convento San Esteban, Salamanca

and universal human rights, which began in Salamanca's Dominican convent, is only the best-known example for the fundamental role the American experiences played in the development of a modern Europe.

The European perspective was taken up by Wim Decock and Christiane Birr in their contribution to the Institute's *methodica* series (Decock/Birr, *Recht und Moral in der Scholastik der frühen Neuzeit 1500–1750*, 2016), profiling the rich panorama of authors and topics in early modern Scholasticism throughout the European academic landscape. It also took centre stage during a reading course about Francisco de Vitoria's *Prima relectio de potestate ecclesiae* (March 2017), an intense close reading experience for a group of international master and doctoral students and postdocs from various disciplines in which the political dimension of Vitoria's thought was explored. The American perspective is the topic of the project *Salamanca in America* and has been discussed by Thomas Duve, José Luis Egío, Osvaldo Moutin and Christiane Birr in various articles and conference papers, for example, at the 'XIX Congreso del Instituto Internacional de Historia del Derecho Indiano' 2016 and at the '14th International Congress of the Société Internationale pour l'Étude de la Philosophie Médiévale' 2017. American and Asian perspectives on the early modern Scholasticism will continue to be an important research focus in the ongoing work, for example, in the international conference scheduled to be held in October 2018 at the Academia Nacional de la Historia in Buenos Aires, 'The School of Salamanca: a case of global knowledge production?'.

Nevertheless, the question of what makes the School of Salamanca a school remains, as Andreas Wagner, a member of the research team in the project *The School of Salamanca. A digital collection of sources and a dictionary of its juridical-political language*, posed in his paper read at the 3rd meeting of the International Society for the Study of Iberian Scholastic Humanism (Porto, 2015). We are not interested in drawing up an exclusive catalogue of authors and texts, but rather in the discovery of common traits and threads, be they methodical, textual, regarding content or topics, in authors with such varied backgrounds and lives as Francisco de Vitoria and Juan de Solórzano Pereira. For this, we prepared the application of tools and methods of the Digital Humanities (topic modelling, text re-use detection, named entity recognition etc.) and have organised a number of workshops dealing with practical matters like OCR systems for early modern printed books, open linked data, and various tools of semantic analysis as well as a conference reflecting on the methodical implications of DH on legal historiography (with published results in *Rechtsgeschichte – Legal History* 24, 2016). This topic will continue to be part of our work in the following years.

Based on the insight that there was no one-way street across the Atlantic, but rather a reciprocal movement of ideas, influences, persons and books, one focus of our activities is to chart those influences: intertextually with the aid of the digital humanities, materially by following the book trade, and the distribution of books in the Americas (see Danwerth).

One of the projects in this Research Field is *The School of Salamanca. A digital collection of sources and a dictionary of its juridical-political language*. Funded by the Academy of Sciences and Literature, Mainz, the long-term project started

its work in 2013. After focusing at the beginning mainly on the task of building the foundations of the *Digital Collection of Sources*, in the last two years more attention has been paid to the intellectual preparation of the dictionary of the juridical-political language of the School of Salamanca and on the methodical steps in preparing a historic-semantic dictionary. Thomas Duve discussed in his lecture at the Academy of Sciences and Literature, Mainz, new legal historical perspectives on the School of Salamanca (February 2016). In her inaugural lecture as assistant professor (*Privatdozentin*) at the Goethe University's Faculty of Law (April 2015), Christiane Birr took stock of the problems discussed by the Salmantine scholars regarding the influence of time on legal positions (*praescriptio*). In addition to numerous internal workshops and discussions about methodological questions in the conception of the dictionary, we also invited experts like Javier Fernández Sebastián to discuss 'Historical semantics and conceptual transfers. Discussing the stakes and pitfalls of interdisciplinary and multi-national dictionary projects' (January 2015). Initially, the various members of the interdisciplinary project team (coming from legal history, philosophy and history) had different conceptions as to what juridical and political might mean. However, in order to realise the dictionary, it was important to pin down these concepts and go into greater detail. While it was agreed that the Latin and Spanish *lemmata* were to be selected from the early modern texts themselves, it was still not clear which of the numerous possible entries should be adopted into the dictionary. How can the dictionary do justice to the intrinsic role of other disciplines or fields of interest in the thinking and reasoning of the Salmantine scholars, such as sacramental or dogmatic theology, metaphysics and the economy? These issues can neither be entirely ignored nor the dictionary's approach widened even further to accommodate them into the entries. During a three-day 'Lemma Conclave' in February 2017, the project team discussed these questions with a group of experts from the disciplines concerned. As a result, the list of the dictionary's likely *lemmata* is now more clearly defined and substantially whittled down to (almost) the intended number of 250 entries. The deliberations continued in the research colloquium 'Some fundamental concepts of the School of Salamanca's juridical-political language. Working towards a dictionary in the Salamanca Project' during the winter semester 2017/18.

Legal Transfer in the Common Law World

61

'At first, all that we had to do was to govern ourselves, and this we did in a very loose manner — rather according to laws of power and impulses of passion, than to principles of justice and reason' writes John Kaye (d. 1876) about the first merchants setting foot on Indian soil in the early 17th century. Based on the nascent concept of the 'rule of law', the common law has crossed oceans and been transferred to every corner of the globe, even while experiences of legal institutions inevitably vary according to the societies encountered.

Questions of property, contract, constitutional law, family law, and so on were present to a greater or lesser extent throughout the colonial experience. However, how these different fields interacted and adapted to the social, economic, and pre-existing normative matrix of such a wide array of colonial spaces calls into question the unity of the 'common' law, leading us to consider the imperial system as a series of overlapping normative orders, 'common laws', each, confusingly, with the same overarching title. The description and analysis of this system — or these systems — is the focus of this Research Field.

This field is not concerned with a particular area of law, nor with a particular approach to legal studies. Each of the different areas of law provides a test case to study how legal processes diffused through the territories of the British Empire. Each is bounded by the particular historical, social, political and cultural context within which this diffusion took place. Moreover, the metropole was not immune to this diffusion either. Legal doctrine first expounded on the other side of the world came to be assimilated in the centre of colonial power.

Law as a system requires functioning institutions, so colonial legal and judicial apparatuses provide a rich area for analysis. Conflict regulation, both judicial and extra-judicial, is thus a central aspect of this Research Field. A fuller understanding of the vehicles for legal transfer can be reached once the practices of colonial administrators and the operation of legal education are considered alongside the creation of courts.

Furthermore, the insights of normative pluralism draw attention to the fact that other normative frameworks can be as important as legal ones in analysing a legal system, especially in the operation of institutions designed to guide the day-to-day behaviour of those subject to the common law. This, of course, invites consideration of approaches from fields such as legal sociology and legal anthropology.

Similarly, the Research Field also takes into account the question of law and language, or how the common law was translated into the vernacular, and vice-versa. This process led to new legal classifications, which affected both the



Britain, the World Centre, Leslie MacDonal Gill, Cable & Wireless Great Circle Map (1946)

perception and administration of indigenous norms. Finally, the recent occupation with the history of emotions, and more particularly with the anxieties of empire, sheds new light on how the transfer of the common law took place and whether the very doctrinal construction of this legal tradition throughout the 18th and 19th centuries in England and its colonial instances were not perhaps interdependent. To assess these far-reaching questions, the Research Field initially focused primarily on specific regions, namely India, South East Asia, the British West Indies and North America, while also examining the mutation of the imperial legal order into an international one in the 20th century.

The Research Field benefits from the expertise of visiting researchers and guests, and it has established a seminar series in cooperation with the Faculty of Law at the Goethe University. The bi-weekly research seminar allows the Institute's postdocs and doctoral students to share their ongoing research, and it provides a forum for the exchange of ideas with scholars from outside Frankfurt. Topics covered in the seminar series are enormously varied. In one semester, for example, they included questions of caste and gender in colonial India, vagrancy laws in Jamaica, the development of the medieval tort law doctrine of champerty and maintenance in the United States, the linguistic problems arising from the use of Persian documents in English courts and the creation of a network of international human-rights lawyers in the period of decolonisation. The Research Field has been actively cooperating, through a series of annual 'initiation workshops', with institutions both from the former heart of the empire at Birkbeck College in London as well as from its former territories at NALSAR University of Law in Hyderabad and the Tel Aviv-based David Berg Foundation Institute of Law and History. These workshops aim to disseminate the results of our research and benefit from the feedback and expertise of like-minded scholars of the common law.

The projects of the Research Field pursue analytical, doctrinal and sociological examinations of the legal history of the British Empire. It is worth noting that the empire, although vast, did not exist independently of other legal regimes. The interaction between these regimes promises future collaboration within the Institute.



Calcutta High Court, ca 1905

It does not make sense, for example, to speak of the history of the British Caribbean without an awareness of the operation of the Spanish, French and Dutch Caribbean. Similarly, institutional structures and operations that might seem mundane in isolation gain from comparative study. The operation of other empires, therefore, provides important context that informs the field, both as foils and as neighbours to the British Empire. Similarly, despite being an island, England and its common law were not immune to the legal revolutions on the Continent in the course of the 19th century. The Research Field is thus analysed and fully integrated into the broader context of the evolution of European law as a whole.

Legal Transfer in the Common Law World: India

In December 2016 three members of the Research Field *Legal Transfer in the Common Law World*, Stefan Vogenauer, Donal Coffey and Jean-Philippe Dequen undertook a week-long trip to India. The programme included a two-day international workshop, co-organised and hosted by NALSAR University of Law in Hyderabad. NALSAR, or officially, the National Academy of Legal Studies and Research, is one of India's top law schools. This workshop, part of the bilateral 'Initiation Workshops' scheme promoted by the Max Planck Society, was an opportunity for Max Planck- and other German-based researchers to exchange views on South Asian legal history with their Indian counterparts. Jean-Philippe Dequen presented a paper on *Prerequisites to English Legal Transfers in India: the Tricky Question of Sovereignty Between the 17th and 19th Centuries*; Donal Coffey spoke on *Crown and Commonwealth: Legal and Constitutional Questions Arising in the Commonwealth of Nations as a Result of India's Decision to Declare a Republic*.

On the following day, Stefan Vogenauer gave a lecture on *Legal Transfer in the Common Law World* at the German House in New Delhi. The lecture was organised by the German Embassy, as one of their 'Science Circle Lectures'. As it happens, the next lecture in this series was held by Dieter Grimm, former Justice of the German Constitutional Court, who began his academic career at the Max Planck Institute for European Legal History.

Finally, the three members of the Institute participated in the three-day LASSNET conference in New Delhi. LASSNET, the Law and Social Sciences Research Network, is co-ordinated by the Centre for the Study of Law and Governance at Jawaharlal Nehru University, New Delhi. Its conferences, normally held every other year, bring together scholars and practitioners engaged in research and teaching of issues of law in different social sciences in a South Asian context. The 2016 conference offered, among others things, a variety of panels on aspects of Indian legal history. Stefan Vogenauer spoke on the closing panel which was dedicated to *The Scholar's role in editing Journals, Blogs, and Paper Series* where he drew on his experience as an editor of the *American Journal of Legal History* and *Rechtsgeschichte – Legal History*, both of which have their editorial offices at the Institute.

Regulatory Regimes

Regulatory regimes are arrangements of steering and control mechanisms that profoundly influence the operation of a particular social sector. The constitutive elements of regulatory regimes extend beyond material rules of behaviour to include the procedures by which they are created and their validity is preserved; institutions that establish, promulgate and implement norms; as well as core principles and narratives of justification.

The individual elements of regulatory regimes are not static, nor are the relations between them. The influence of particular regulatory actors changes over time, and the validity of certain prescriptions and institutional leverage wax and

wane. The rule structures of regulatory regimes need not be uniform. Law, usage, customs, collective contracts and other forms of rules can interact in various ways and become charged with ethnic, religious, economic, technical and other rationalities. Nor are regulatory regimes restricted to a certain organisational structure. Network structures are no less relevant than those based on hierarchy or competition.

This Research Field, which builds upon previous work conducted under the title 'Modern Regulatory Regimes', investigates the dynamics and functioning of early modern regulatory regimes as well as their interaction with others. The main focus is on the legal history of the 19th and 20th centuries. The diversity of research interests can best be illustrated by means of example. The project *Social regulation and modern corporatism* investigates the regulation of the industrial relations within the interplay of state, corporate actors and private law subjects (*privatrechtliche Subjekte*). The project *Special order of Catholic welfare* analyses the self-regulation of confessional welfare organisations. Here, special attention is paid to the shaping power of religious normativities. The judicial manifestations of special legal orders are the

subject of investigation in the project *Schiedsstaatlichkeit*. The central question enquires as to the extent to which – driven by the need for specific groups or sectors to generate more effective mechanisms of conflict resolution – an 'alternative judiciary' emerged. And the project *Regulated self-regulation from a legal historical perspective* analyses the development of regulating frameworks for specific sectors of private-public coordination, for example, in areas like infrastructure, the financial sector and cartelised business. In the reporting period, the Research Field produced quite a number of publications. First and foremost, the monographs should be mentioned. Peter Collin's book on private-public regulatory structures in the early industrial and welfare state (*Privat-staatliche Regelungsstrukturen im frühen Industrie- und Sozialstaat*) offers an overview of the research problems of the Research Field and sketches out the most significant lines of development. The publication *Regulated self-regulation from a legal historical perspective* presents the important sectors of self-regulation, including the accompanying legal sources. Moreover, quite a few edited volumes were published: *Justice without*



the state within the state deals with the institutions of non-state and semi-state justice from a global perspective. A special issue of the journal *Politics and governance*, based on interdisciplinary co-operation with political scientists, takes up the legitimisation of hybrid forms of regulation. A special issue of the journal *Trivium* collected contributions from both German and French researchers and published translations in the other language. In addition, numerous articles were published in various journals and edited volumes within this timeframe.

At the centre of the future activities within this Research Field are the successful conclusion of two dissertations and the publication of the book *Schiedsstaatlichkeit*, which deals with non-state and semi-state justice in Germany in the late 19th and early 20th century. And even though it is still in the early stages of planning, a project on the special legal orders of the metal industry in Germany from the German Empire until the 1950s is currently being developed.

Sources

An important part of the Institute's research activities since its foundation has been to identify, process and make available sources and supporting materials that are essential to conducting legal historical research.

Using repositories, library and archive holdings, sources are collated and edited in long-term projects, such as collections of legal opinions (*consilia*) from medieval jurists (Vincenzo Colli) and legislation promoting the 'good order' of the polity (*Pollicey*) in the early modern period (Karl Härter). The identification of sources is also central to the Institute's research on early modern ecclesiastical history (Thomas Duve) and the activities relating to the Roman curia (Benedetta Albani). The Census of 16th Century Legal Imprints (Douglas Osler) seeks to provide a comprehensive listing and description of the entire legal literature produced during the relevant period, at the same time attempting to show how these works were disseminated throughout Europe. Another major research project seeks to uncover the complete manuscripts of the influential 14th century jurist Baldus de Ubaldis (Vincenzo Colli). The most important of these manuscripts were written or annotated by Baldus himself and permit unique insights into one of the greatest legal minds in European legal history. These and other manuscripts are recorded in the Institute's database *Manuscripta Juridica*, established and still added to by its former member Gero Dolezalek. The database records around 10,000 manuscripts, or fragments of manuscripts which pertain to the *ius civile* or the *ius canonicum*.

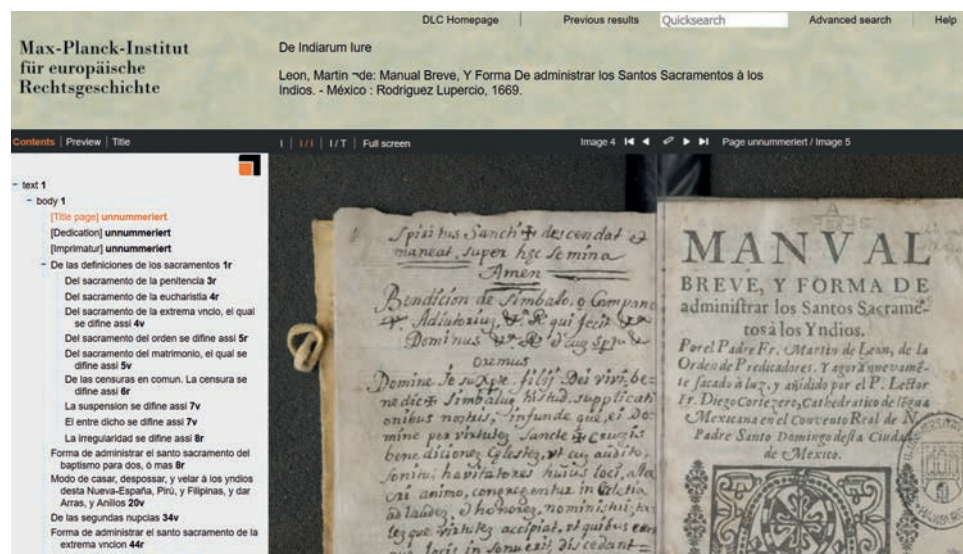
There are other projects at the Institute which seek to make available in digital form sources that are relevant to various aspects



of legal history. Enriching texts and pictures with high-quality metadata not only aids accessibility, but also simplifies the process of scholarly evaluation of the material. A major contribution to this strand of the Research Field *Sources* is the long-term research project *The School of Salamanca: a Digital Collection of Sources and a Dictionary of Its Juridical-Political Language*. It is sponsored by the Union of the German Academies of Sciences and Humanities, and collaborators at the Institute include Christiane Birr, Thomas Duve, José Luis Egío García, David Glück and Andreas Wagner.

The new digital collection *De Indiarum Iure* gathers together texts of particular importance for the legal historical tradition of Ibero-America. Most of them have been procured for research projects at the Institute, and the collection is expected to continue growing in the future.

Finally, the Institute's research on the history of European Union law makes use of oral history, one of the important modes of collecting sources in contemporary history. One project involves an oral history of the Legal Service of the European Commission (Sigfrido Ramírez Pérez), another of the Court of Justice (Nina-Louisa Lorenz, Sigfrido Ramírez and Stefan Vogenauer).



Digital collection *De Indiarum lure*

The legal history of Hispanic America has been the subject of systematic research since the beginning of the 20th century, usually under the designation *Derecho indiano*. The fundamental sources of this legal history are texts that stem from Europe or the Americas, and even sometimes from the Asian territories of the Iberian empires. They derive from Castilian and other Iberian traditions, and testify to the culture of the *ius commune* as well as to local law. Ecclesiastical law and moral theology played a special role in the Iberian expansion, which drew its legitimacy from its missionary character. The legal sources from which royal and ecclesiastical authorities drew were diverse.

The digital collection *De Indiarum lure* aims to gather together texts of particular importance for the legal historical tradition of Ibero-America as well as to organize and offer them to the scholarly community. This emerging collection is rising out of the work of different researchers and different research projects of the Institute, all focussing on various aspects of the legal history of the Spanish empire in the Americas. The goal of the digital library is not to build up an exhaustive inventory. Rather, it is a question of providing access to high-quality working texts, complete with metadata and persistent addresses in the context of project work in general. Thus they remain citable and directly retrievable. The title of the collection refers to the most important work on the law of the New World: *De Indiarum lure*, by Juan de Solórzano y Pereira.

What we offer at the moment, which can be seen as the starting point of the collection, is a number of texts that are not easily accessible, directly connected to the project dedicated to the *Knowledge of the Pragmatici. Presence and Significance of Pragmatic Normative Literature in Ibero-America in the late 16th and early 17th Centuries*. For these works, today preserved at the Linga Library in Hamburg, the Institute acquired not only the digital images, but also the rights to publish them online in open access. Digital Libraries Connected (DLC), the publication platform for digital works and collections from Libraries of the Max Planck Society and further institutions, hosts the digital images and the metadata of these works.

The digital collection *De Indiarum lure* is work in progress and the collection is expected to continue growing.



Research Focus Areas

Conflict Regulation

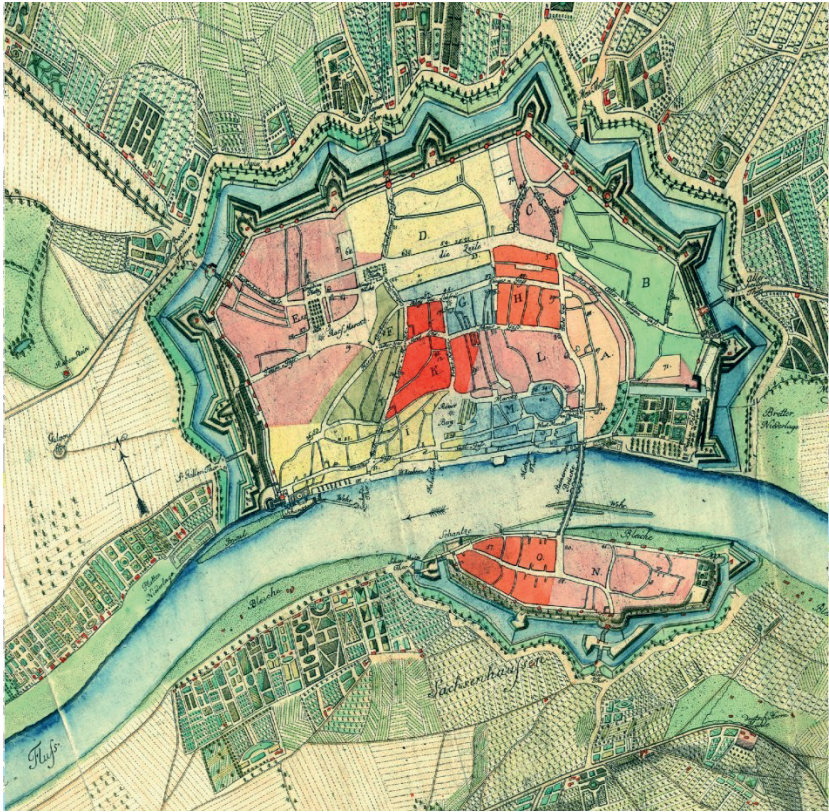
The Research Focus Area *Conflict Regulation* has two goals. First, it attempts to gain a better understanding of legal history by observing and writing it from the specific perspective of conflict. Secondly, it tries to connect the legal and historical expertise at the Institute with theories and models of conflict regulation in the humanities and the social sciences more broadly.

Conflict is the daily fare of lawyers, and it was equally so in the past. For legal historians the study of conflicts is an important means to reveal the various normative options that the parties to the conflict brought to bear. This is so because it requires us to broaden the focus of analysis beyond the sources of law in question (legislation, customs, treatises etc). Conflict is a lens which enables us to see not only the relevant legal authorities but also the pragmatic contexts and the local conditions and traditions within which the actors operate. As a result, the 'law in action' emerges much more clearly.

Moreover, a society's mechanisms of conflict regulation are an important research object in their own right. Each society develops its own repertoire. They are of course contingent, but by no means arbitrary. Today, we are well aware that state courts are seen as but one among a range of diverse mechanisms for conflict regulation, and there is much talk of 'judicial pluralism' – an obvious, and by no means coincidental parallel to the plurality of rule-making mechanisms and the 'legal pluralism' observed and analysed in the Research Focus Area *Multinormativity*. The menu of options that is available to individuals in order to regulate their conflicts today includes mediation, arbitration, (re-)conciliation, the invocation of ombudspersons and many others. Moreover, national mechanisms co-exist with those available in international courts, tribunals and other adjudicatory bodies.

Legal historians are familiar with a variety of mechanisms for the regulation of conflicts; historically, it is the rule rather than the exception. As a consequence, many research projects at the Institute touch upon issues of conflict regulation. These include the relationship between state courts and ecclesiastical courts as well as national and supranational courts, overlapping jurisdictions in empires and within nation states, the absence or existence of a distinction between substantive law and procedural law, the freedom from court supervision in areas of 'regulated self-regulation' and the impact of cultural diversity on obtaining justice. These projects have a lot to gain from the insights of the other disciplines in the humanities and the social sciences that deal with the regulation of conflicts, so anthropology, sociology, the political sciences, economics and political history are important interlocutors for this Research Focus Area.

During the period covered in this Report, the Research Focus Area Conflict Regulation was co-ordinated first by Karl Härter and later by Helen McKee. Apart from the joint reading of canonical texts it branched out into anthropology and explored the role of non-governmental organisations (NGOs) as a new type of actors involved in the regulation of modern conflicts. Meetings of the working group 'Conflict Regulation' were held at the Institute and during the annual away days.



Legal Spaces

71

Jurists and historians alike are used to clear definitions and demarcations of the spaces that they cover in their research projects. For a long time, the categories of 'German' and 'European' legal history did not seem to be problematic. More recently, given the experience of rapid advances in mobility and the growing 'delocalisation' of communication about law, scholars have become increasingly sensitive to the historical relativity, flexibility and fluidity of spaces. Consequently, the question of how to conceive of legal spaces as both historical and analytical spaces is more pressing than ever. The purpose of the Research Focus Area *Legal Spaces* is to reflect on the concepts of space developed in sociology and cultural studies, to apply them to the phenomena of legal history and to investigate and refine their analytical potential.

One of the priorities in this Research Focus Area is to bring different branches of scholarship in legal history, with their various experiences of space and practices of expansion into spaces, into contact with each other. Are there comparable modes of expansion into spaces and spatial construction in the context of the Carolingian expansion and the early modern European mission to America? How does the technical sophistication of law affect its 'translation' to other places and its penetration of other spaces? What does this mean for our analytical categories?

The way we define the 'space' of our research is an especially important consideration for an institute that was established to study 'European' legal history with a relatively clear idea of the spatial dimension involved, but is now looking to include global historical perspectives on Europe's own legal history. Imperial and colonial factors, among many others, define the space of 'Europe' and traverse it, overlap it, cut it and connect it with others. This raises a raft of questions that are typically dealt with in comparative law. It also requires legal historians to think harder about the factors that turn regions into a 'space' which is then perceived as a 'legal space'.

During the period covered in this Report, projects of staff members, scholarship holders and foreign guests were discussed at regular meetings of the working group 'Legal Spaces' and in the context of the research focus meetings at the annual away days. The working group developed theoretical foundations within the framework of reading courses. The co-ordinator, Caspar Ehlers, organized several conferences, deepening contacts with archeologists (2015) and research groups working on the Eastern European expansion of Germanic legal traditions like the *Magedeburger Recht*. The journal *Rechtsgeschichte – Legal History* 23 (2015) published two special sections on legal spaces, one on ancient and early medieval legal spaces, another on legal spaces in the Ibero-American empires. Researchers from the Institute (Benedetta Albani, Thomas Duve) and a guest from Brasil (Samuel Barbosa) jointly edited a special section on legal spaces in the Ibero-American world in the *Anuario de Historia de América Latina* 52 (2015). The co-ordinator of the Research Focus Area published a monograph on 'legal spaces' in the Institute's new book series *methodica – Einführungen in die rechtshistorische Forschung*.

The Institute at the *Reichskammergericht*: Away Day 2017

In May 2017, all scholars of the Institute held a two day retreat at Wetzlar. The purpose was to discuss current and future research projects and refine the Institute's research profile.

We focused on our four Research Focus Areas: *Conflict Regulation*, *Legal Spaces*, *Multinormativity* and *Translation*. All participants assigned themselves to either of these groups. During the two days, they discussed synergies between their projects, theoretical issues and possibilities of refining specific methodologies. Two of the groups had invited guest speakers: Markus Hoehne from the University of Leipzig spoke to the members of the Research Focus Area *Conflict Regulation*; the *Multinormativity*-group had a lively debate with Thorsten Keiser from the University of Gießen.

Wetzlar is also the former seat of the *Reichskammergericht*, Germany's highest court during the early modern period. Michael Stolleis, Emeritus Director at the Institute, gave a fascinating lecture on the history of the court. The *Forschungsstelle Reichskammergericht* kindly hosted us during the retreat. Wetzlar and the *Reichskammergericht* also played a major role in the life of Johann Wolfgang von Goethe and thus in the influential late eighteenth century literary movement of *Sturm und Drang*. Goethe wrote the bestselling *Werther* while clerking at the court. He described Wetzlar as utterly boring – quite undeservedly, as we learnt during those two days.



Multinormativity

73

The Research Focus Area *Multinormativity* tackles one of the fundamental questions, if not *the* fundamental question that we face when we talk about ‘law’. What is the relationship between ‘law’ and other kinds of rules that influence human conduct and co-ordinate expectations, such as moral and religious codes as well as technical and pragmatic instructions.

The question about the essence of ‘law’ has been a perennial occupation of legal philosophy, legal theory, the sociology of law and legal history. However, it has recently gained new urgency: whereas the study of legal history during the 19th and much of the 20th centuries was *étatist* and employed a positivist, monolithic concept of law, which led to a teleological narrative of history drawn irrevocably towards the ‘state’ and the attendant ‘law’, critical scholarship of the past three decades has increasingly questioned this reductionist view of normativity. Several factors, including cultural history, greater attention to religiosity and the complexity of non-state norms, appreciation for non-European legal histories and the distinction between non-state law as governance (a more complex pattern compared to government), and finally the gradual penetration of post-colonial theory and world history, have shifted the attention of legal history towards normative worlds beyond the state. These developments suggest a redefinition of priorities in legal history that goes beyond mere semantic concessions. Intercultural dialogue requires legal historians to overcome their tacit conception of law when they structure their empirical observations and to be sensitive to the robustness, independence and internal logic of discrete modes of normativity and the processes of differentiation between them. The Research Focus Area *Multinormativity* focuses on such questions, which are important to each research project conducted at the Institute. It is of particular interest to those that study the co-existence of judicial and extra-judicial varieties of normativity (including the related dimensions of norm implementation), the conflicts and synergies in the ensemble of normative layers and the relevance of multi-normative constellations to the structure of law through history.

During the period covered in this Report, projects of the staff members, scholarship holders and foreign guests were discussed at regular meetings of the working group ‘Multinormativity’ (co-ordination: Gerd Bender) and in the context of the research focus meetings at the annual away days. Multinormativity was the theme of the 2016 Summer Academy and the subject of a special section in the journal *Rechtsgeschichte – Legal History* 25 (2017), with an introductory and conceptual contribution by Thomas Duve. Discussions on the concept also took place within the framework of a project on multinormativity in the Cluster of Excellence ‘The Formation of Normative Orders’, in which legal scholars and philosophers were involved. The Cluster of Excellence’s New Year’s Lecture 2016 was dedicated to the theme, as were several other lectures of Thomas Duve in 2016 and 2017. Discussions at the Institute, including those with external visitors, showed that use of the concept of multinormativity may go a long way to achieving two interrelated aims: first, to make legal historians more sensitive to the diversity of normative spheres that are relevant to their research, and, secondly, to highlight the pertinent connections to legal theory, social science and cultural studies.



Translation

75

Communication about law takes place in time and space, both of which are key dimensions for legal history: law is (re)produced diachronically and synchronically. But what actually happens during this transmission, this transfer, this translation? This is the core question of the Research Focus Area *Translation*.

While communication about law in various places and under various cultural conditions is a widely debated phenomenon today, it is certainly not a new one. Throughout legal history, both in Europe and beyond, processes of cross-cultural legal development have been pervasive. Legal scholarship typically describes them with terms like ‘reception’, ‘transfer’ or ‘transplantation’, and the purpose of this Research Focus Area is to focus attention on their complex dynamics. What happens when law is introduced into another cultural context and thereby undergoes what we might call ‘translation’? What semantic shifts occur, either perceptibly or imperceptibly? How does the ostensibly new law come to terms with previously existing normative systems? And finally, how does foreign law become indigenised? These questions require an interdisciplinary approach that benefits from the potential heuristic value of approaches developed in global history, including ‘entangled history’, cultural transfer studies and translation studies.

We tackle these issues under the label of *Translation* or, more specifically, ‘cultural translation’. The use of this concept is intended to broaden the perspective beyond linear ideas of giving and borrowing of rules, and towards the interactions, interstices, internal dynamics, resistances and the discretions exercised by the relevant actors that characterise the process. Thus, the Research Focus Area has the potential of bringing all the projects conducted at the Institute together, not least those dealing with Latin America, the British and the Ottoman Empires and East Asia. Discussions in the Research Focus Area allow for collaborative theoretical reflection across a broad empirical field and help to assess the analytical potential of the concept of cultural translation for legal history. By taking non-European research into account, alternative historical narratives and alternative images of Europe emerge. The role of European laws that were ‘given’ to those who ‘borrowed’ them appears much more complex. What exactly *was* Europe in these processes: a point of reference, a meeting place or a blank space into which certain ideas were projected?

During the period covered in this Report, projects of the staff members, scholarship holders and foreign guests were discussed at regular meetings of the working group ‘Translation’ (co-ordination: Lena Foljanty, Jean-Phillip Dequen, Pamela Cacciavillani) and in the context of the research focus meetings at the annual away days. The working group developed theoretical foundations within the framework of reading courses. The Summer Academy 2015 was dedicated to the topic ‘Cultural Translations of Law’ and a special section of the journal *Rechtsgeschichte – Legal History* 24 (2016) was devoted to ‘Translators’. Furthermore, members of the Institute presented and developed the concept in various publications (see especially Duve, Foljanty). The Research Focus Area has experienced considerable growth since the independent Max Planck Research Group *Translations and Transitions: Legal Practice in 19th Century Japan, China, and the Ottoman Empire*, directed by Lena Foljanty, was established in 2017.

IV. RESEARCH PROJECTS



Constructing *Convivencias* in Spain in the 19th and 20th centuries

Alfons Aragoneses (Department II / Affiliate Researcher)

My field of research has been the representation of *Convivencia* in legal and political discourses in Spain in the 19th and 20th centuries. My aim is not the reconstruction of the coexistence of Muslims, Jews and Christians in Iberia in the Middle Ages but how this coexistence was actualised in the discourses of the elites in contemporary Spain. My first hypothesis is that the construction of *Convivencia* in the works of Américo Castro (1885–1972) was the continuation of previous idealised constructions of this *Convivencia* starting in the mid-19th century.

During the Nation-building process in Spain the Liberals first and after them the Republicans used an idealised image of medieval Spain as a model of religious and social tolerance to inspire the construction of the Spanish State. These intellectuals presented also an idealised image of Sephardic Jews, being part of the Spanish nation or *Españoles sin patria*. At the end of the 19th century, this discourse was also used to legitimise the Spanish presence in Morocco and in the Balkans: Spain was presented in political discourses as better prepared than other nations to deal with religious plurality because of its past of *Convivencia*. One of the topics of my research has been the recent actualisation of this idea in the Law of 2012 granting the Spanish Citizenship to Sephardic Jews. The preamble of this law, but also the rest of it, reproduces the old clichés of *Convivencia* and *Filosefardismo*.

In order to develop my research I analysed parliamentary debates, especially the ones about the Constitutions of 1869 and 1876. I also used political speeches and legal texts. I studied especially preambles of different laws reconstructing medieval *Convivencia*. My purpose was not to question the validity or the quality of these narratives about the past but to observe the function played by these re-constructions of history in the present. To do so I used the perspective of anthropologists like Clifford Geertz or Christian Giordano but also recent studies of legal Historians pointing out the symbolic and cultural dimension of legal discourses (Thomas Duve, Nick Linder...) and analysing the use of history as political discourse (António M. Hespanha).

I developed my research during three research stays at the Max Planck Institute for European Legal History: November-December 2015, November-December 2016 and October-December 2017 and presented the results in different conferences and seminars.

The research on the construction of medieval *Convivencia* in contemporary Spain opened a path to the study of how legal discourses actualise the past, what I call 'the memory of the Law', its functions, the links with memory laws and transitional justice measures and how this influences collective identity.

The project is part of the project group *Convivencias: Legal Historical Perspectives*. Some results of the group project will be published in *Rechtsgeschichte – Legal History* 26 (2018).

Subjects. Status and suffrage in the Bahamas over the past century

Stephen B. Aranha (Department I)

Focusing on election and citizenship laws, this project investigates how the legal and constitutional framework in the Bahamas has shaped the relationship between the state and the people living in it over the past century, asking in particular to what extent the state invited – or prevented – participation in the political process by the first colonial subjects and, later, citizens of an independent

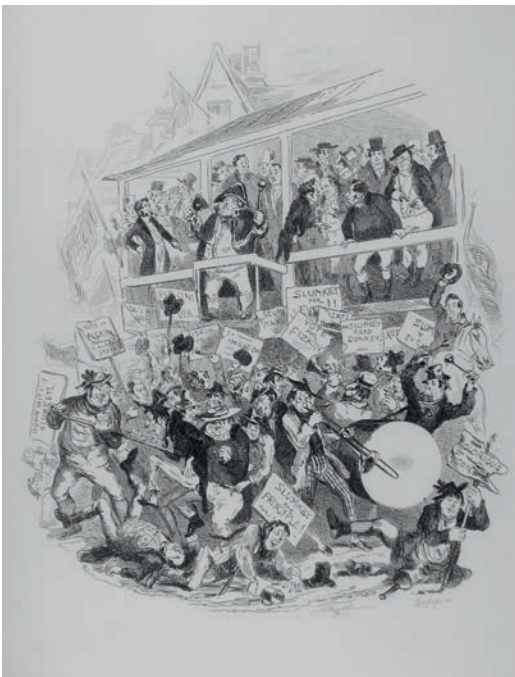
Bahamas. A century ago, while the process had already been underway for decades in the UK, the Bahamas was only just beginning to consider electoral reform. At the time it was a self-legislating colony of the Old Representative System, and the Bahamian House of Assembly was dominated by a white commercial clique known as the ‘Bay Street Boys’, who were named after the capital’s main commercial thoroughfare. The franchise included property qualifications and plural voting. It excluded women. Corruption and bribery were common, especially as voting was still an open process without ballots.

Nonetheless, many of the reforms that had taken place in the UK would incrementally become law in the Bahamas too. In the wake of World War I, civil society began to demand the democratisation of suffrage. The key conflicts surrounded the push for secret ballots, for the enfranchisement of women, and for the abolition of plural and company votes. However, despite citizens’ demands, and often the support of one of only a couple of local newspapers, progressive change tended to occur only when the Colonial Office sensed that demands were reaching a critical mass, at which point it would exercise

pressure on the local legislature through the governor.

Similarly, upon independence in 1973 the Colonial Office pressured the Bahamian government, which would have preferred a more restrictive model, to adopt citizenship provisions that largely reflected contemporary UK law. As part of the constitution they have remained unchanged since, but two failed attempts to reform them – in 2002 and 2016 – will also be analysed in this project.

Drawing on sources from the Department of Archives in Nassau, Bahamas, as well as the National Archives in Kew, UK, the project aims to revisit the topics of decolonisation and nation building in Bahamian historiography. The ascension of a predominantly black government, when the Progressive Liberal Party replaced the Bay Street Boys in 1967, is commemorated as ‘Majority Rule’ in today’s Bahamas, and the Bahamian decolonisation story is often reduced to a single chapter beginning with the formation of this party in 1953 and ending with independence in 1973, a period dubbed ‘the Quiet Revolution’. This national narrative is particularly tenacious because the independence generation, which has promoted it, persists in the country’s leadership.



Chaos at the Eatanswill election, Charles Dickens’, ‘The Pickwick Papers’

As the archival record and present-day realities in the Bahamas illustrate, this process and its protagonists were far less revolutionary than the language suggests. With political power wrested from the white oligarchy, legal reform in the areas under scrutiny came to a halt. The new political elite uses the same colonial toolkit to manifest its position without effecting societal change.

The legacy of the Luxembourg Compromise (1966–1992)

Philip Bajon (Department I)

My research project analyses the decision-making culture of the European Economic Community (EEC) between 1966 and 1992. During this period, the process of Western European Union was characterised by a solid – albeit not uncontested – ‘integration through law’. Both landmark rulings and a ‘constitutional practice’ by the European Court of Justice helped to establish a proto-federal legal order. At the same time, however, Member State governments consolidated their control over the integration process and reaffirmed their national interests. My project focuses on these intertwined, yet contrary trends towards legal integration and political disintegration. More specifically, I scrutinise an informal decision-making arrangement, which crystallized into different conceptions of the European Union and state sovereignty.

French president Charles de Gaulle launched a boycott of the EEC in 1965 – the famous ‘empty chair politics’ – to halt a further drift towards supranationality. At a crisis conference held in Luxembourg in early 1966, the French government unilaterally declared that no Member State should be outvoted in the EEC Council of Ministers when ‘very important national interests’ were at stake, thus calling into question the majority voting principle laid down in the EEC treaty. France’s partners tolerated the French declaration but maintained that voting was still possible. The ‘agreement to disagree’ became known as the Luxembourg Compromise. Scholars, practitioners and statesmen were divided over the question whether the arrangement fell within the domain of international law or Community law, or whether it was a purely political gentleman’s agreement.

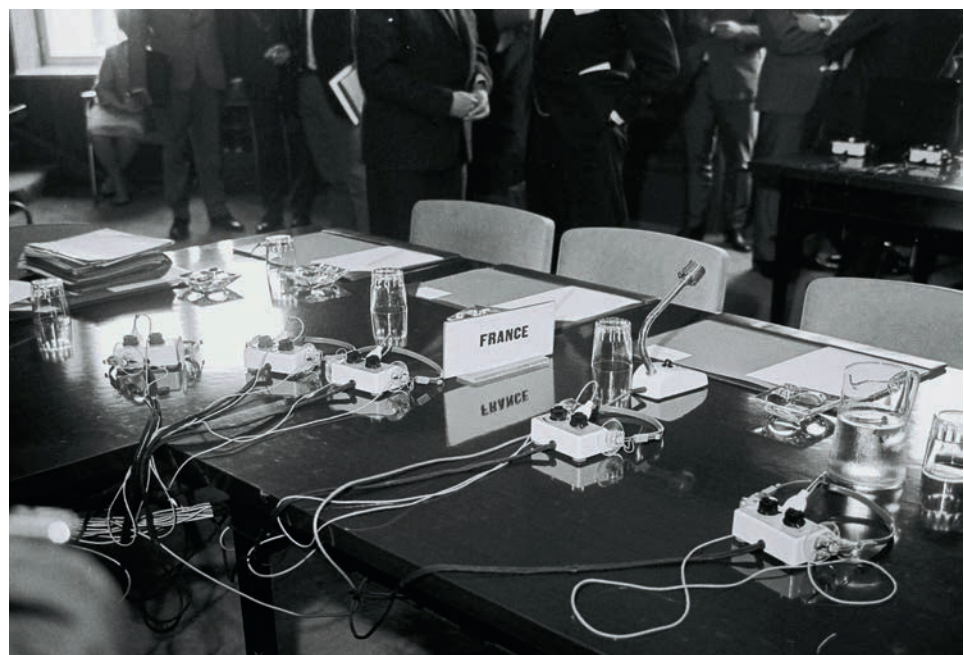
Soon, various EEC Member States invoked the Luxembourg Compromise in order to prevent the EEC Council from voting. France, the United Kingdom, Denmark and Greece were among the strongest advocates of the ‘veto option’ and were soon designated the ‘Luxembourg Compromise Club’. Although no treaty provision had been altered as a result, the entire decision-making procedure degenerated. The Commission, as the ‘engine of European integration’, feared the veto and refrained from submitting ambitious legislative proposals. Other institutions, such as the Council Secretariat, delayed ambitious proposals as well. Contemporary observers and scholars thus regarded the Luxembourg Compromise as the origin of the political and legislative paralysis of the EEC throughout the 1970s, a phenomenon referred to as ‘Eurosclerosis’.

The accession of new EEC Member States from the North (UK, Ireland and Denmark) and the South (Greece, Spain and Portugal) raised questions about the

blocking potential of an informal veto-right within an enlarged community. Reform proposals from the 1970s demanded an end to the Luxembourg Compromise and a return to voting. Internal and public debates over voting, structural reform, democratisation and future designs of the European Union (e.g. 'core Europe') amalgamated and put political leaders like François Mitterrand and Helmut Kohl under pressure, who declared their willingness to overcome the blockage of EEC decision-making. In the early 1980s, Member States were for the first time outvoted in the EEC Council after their invocation of the Luxembourg Compromise had failed to impress the partners. In the negotiations over the first major treaty reform – the Single European Act – the heads of state decided that voting should become the rule for future legislation, which was seen as a strong statement against the Luxembourg Compromise. Although a major obstacle on the road to the Maastricht treaty seemed to have been removed, talk of 'Luxembourg' and 'very important national interests' continued into the 1990s and experienced something of a renaissance in the Ioannina Compromise of 1994 and the Treaty of Amsterdam of 1997.

My project is a qualitative study of intra- and inter-institutional as well as public debates over the legitimacy and practice of consensus, voting and vetoing in EEC decision-making between 1966 and 1992. My aim is to reconstruct how European, national and private actors lobbied in favour of voting or vetoing in different contexts over time. Not only will I be able to describe the internal workings of the EEC Council's 'veto culture', but I also make a qualitative contribution to the ongoing scientific debate concerning 'Eurosclerosis'. Above all, I clarify how the Luxembourg Compromise helped Member State governments to control supranational European integration and to tolerate the incremental EEC legal integration.

Formal invocations of the Luxembourg Compromise were rare exceptions. Member State representatives usually operated 'behind the scenes' and informal-



ly made references to ‘national interests’ in order to influence the Council’s decision-making process. As a result, official records concerning EEC decision-making are mostly silent about the Luxembourg Compromise and statistics about its invocation remain highly incomplete. Due to these methodological difficulties, a project on the Luxembourg Compromise requires a complex research design and a careful selection of case studies.

My research draws on archival sources from European institutions (e.g. the Commission, the Council and the European Parliament), governmental actors, transnational actors (e.g. European parties and lobbies) and media reporting. To operationalise the project, my research is limited to selected core Member States, namely France as the origin of the ‘veto politics’, the Federal Republic as France’s main partner and economic pillar of the Communities, the United Kingdom as the prime advocate of the Luxembourg Compromise, and Belgium as a smaller and federalist-minded founding member of the EEC.

Recent institutionalist theory helps to analyse the consolidation and fading of the EEC Council’s ‘veto culture’. Historical institutionalism takes into account the reshaping of historical contexts over time and describes the lock-in and branching-points of historical processes. Sociological institutionalism questions rational choice accounts and facilitates the understanding of institutional cultures, norms and values such as the EEC Council’s *esprit de corps*. Drawing on institutionalist theory, my project conceptualises the history of the Luxembourg Compromise as an evolving path-dependent process embedded in a broader cultural and social context.

Comparing Solórzano from within. Juan de Solórzano Pereira and the process of adaptation of the *Disputationes de Indiarum lure* (1629–1639) into the *Política Indiana* (1648)

Angela Ballone (Department II)

The project aims at assessing the relationship between two major legal treatises by the jurist Juan de Solórzano Pereira (1575–1655) concerned with *Derecho indiano* (broadly described as a corpus of laws designed by the Spanish Crown to deal with colonial Latin America). The core sources of the project are Solórzano’s legal treatises (one in Latin and in two volumes, and the other in Spanish in just one volume): *Disputatio de Indiarum lure, sive de iusta Indiarum Occidentalium inquisitione, acquisitione, et retentione, tribus libris* (Madrid, 1629); *Tomus Alter de Indiarum lure, sive de iusta Indiarum Occidentalium Gubernatione, quinque libris* (Madrid, 1639); *Política Indiana* (Madrid, 1648).

Born as a development from my previous projects on Colonial Latin America and the life and work of Solórzano, the aim is to identify changes and adaptations in the doctrine of *Derecho indiano* as provided before the official *Recopilación* was promulgated by the Spanish Crown in 1680. Furthermore, published within a time-frame of two decades (roughly 1630–1650), Solórzano’s treatises are an excellent example of how the Spanish Empire might have changed after a number

of important events (e.g. the independence of Portugal, together with its colonies, in 1640). Due to the current situation of modern and critical editions of these treatises, scholars have usually relied on the latest version (in Spanish, 1 vol.). Since the volume published in 1639 constitutes an important part, in terms of contents, of the Spanish treatise, the project has focussed primarily on this specific part of the Latin treatise. In 1642 the *Tomus Alter* (a.k.a. *De gubernatione*) incurred severe censure by the Congregation of the Index in Rome. Re-issued in 1647 the censure had no effect on the Spanish treatise, then in the final process of publication.

The core result of this first year of the project has been the planning of a methodology through which to analyse the texts. Thanks to the collaboration with the Institute's expert on Digital Humanities (Andreas Wagner) the project has developed a tool for textual analysis and an alignment tools based on Phyton. Although this is still in an initial phase, samples of transcriptions from both the Latin and the Spanish texts have been analysed accordingly, which has brought about further development in the main research questions behind the project but also more effective ways to present results and visualise them. So far I have transcribed 12,000 words from book I of the *Tomus Alter* and book II of the *Política Indiana*, which are concerned with the indigenous population of the Americas. In November 2017, results are to be presented in a workshop at the Institute and a contribution for the international conference 'El siglo de la Inmaculada (1550–1650). Los mundos ibéricos en su edad de oro' to be held in Mazarrón, Spain. Ultimately, within a time frame of a few years, the objective is to reach a deep understanding of how the Spanish Monarchy dealt with its American territories through the corpus of norms it gradually developed during the sixteenth and seventeenth century, taking as a starting one of its most influential, and broadly quoted, jurists (Solórzano Pereira). Furthermore, through the implementation of Digital Humanities tools the project aim at providing scholars with a map of Solórzano's doctrine of the *Derecho indiano*.

My research at the Institute has benefitted from a number of other projects currently under development at the institute. Colleagues working in the projects *Translating Solórzano*, *Digital Bibliothek De Indiarum Iure*, *The School of Salamanca* and *The Historical Dictionary of Canon Law* have represented an important methodological and scientific support in helping me to develop my methodology and research.

The role of solicitors in regulating and constraining directors in the nineteenth century Anglo-American world

Victoria Barnes (Department I)

Following the 2008 financial crisis, mechanisms for regulating corporate governance and control have become an increasingly contentious topic within private law. In Britain, sections 171–77 of the Companies Act 2006 provide a thorough and detailed explanation of what directors should be expected to do, their powers and how they should behave. This Act constituted a novel attempt to codify the rules surrounding directors' duties and a move towards a European style of law making. Prior to this enactment, a director's power and responsibilities were defined by common law and most significantly in the cases of *Carlen v Drury* (1812), *Foss v Harbottle* (1843), and *Mozley v Alston* (1847). They established that shareholders and directors alike were bound by the rules and regulations set out in the company's articles of association – that is, in a contract between its shareholders. These rules and regulations defined the Board of Directors and management of the organisation.

Despite the growing interests in these topics and the recent scholarship that addresses many important areas, a large gap persists in our knowledge of the development of corporations in the common law world. The solicitors who drew up the companies' articles of association, their reasoning and legal ideas, which thus created the modern doctrine of directors' duties, have thus far remained unexamined. Furthermore, there has been little exploration of how these legal practices and doctrines spread from England to other jurisdictions within the British Empire and to the United States. In a comparative context, England is a good starting point, as it has been considered to have the most developed capital market (see Hopt, 2006, Harris, 2013 and Cheffins, Koustas and Chambers 2013); a situation that led to a revolution involving the separation of ownership and control and thus to the corporate revolution across the world (Foreman-Peck and Hannah, 2012). This project explains why these contracts and clauses took the form that they did rather than simply describing the powers of directors and shareholders. In doing so, it demonstrates how solicitors advanced the rules, principles and doctrines within contract and later company law outside of England, and if this knowledge and experience was fed back to England.

This project aims to explain the transfer of the legal rules, principals and ideas that regulated directors and managers, and the ways in which British solicitors exported their understanding of corporate regulation. It asks, when drawing up a company's articles of associations, what situations were these solicitors at-



Lord Nathaniel Lindley,
author of *Lindley on the
Law of Partnership*

tempting to prevent from occurring? Did the United States follow the rules and principles established in British contract law to constrain and control directors or did they create new ones? Or did divergence create a more stable system? The project proposes to examine select common law states in the United States, notably those in New England, in order to make a comparative study with Britain. The key concern is to examine how, or how not, there were transfers of law and legal practice across the Atlantic.

This legal history project therefore proposes an important and timely contribution to the current debate about the nature of the corporation and the ways in which it has been understood within the Anglo-American world. Historical study is critical here because it informs the present debate; it explains how the corporation as a legal and social construct has been created and the ways different actors and legal systems have sought to restrain and control corporate power. Comparative historical research plays an equally important role with regard to these topics because it can show a different set of legal ideas and paths not taken as well as the impact of that regime on corporate stability.

The proposed research has three main constituent parts. First, to provide a comprehensive examination of the legal activity involved in this process, this project will examine the full spectrum of legal change and set it in its wider legal historical context. The sources used are primarily of a legal nature and include legislation, original court materials, case reports and other sources that cast light on judicial reasoning, such as private notebooks and manuscript materials. As companies both in the United States and England were required to form by registration, this project analyses specific pieces of legislation and the cases arising from it that proved relevant to the construction of the corporation.

Second, the project provides a detailed understanding of the way lawyers comprehended legal principles and used this knowledge to create the contracts that constrained directors' powers. The seminal work of Simpson (1987) and MacMillan (2011) emphasises the significance of texts in the borrowing and transfer of ideas across the common law world. Similarly, Lobban's (2010) and Swain's (2015) work demonstrates that a key mechanism for the diffusion of legal ideas in contract law was a series of legal treatises. This part therefore relies upon the personal papers of jurists and treatise writers as well as their published works to explain the rationale behind contractual obligations and the form of the contract.

Finally, turning to the influence of contract law and institutional change, this project aims to explain how these obligations were understood within society and in a corporation in order to discover if they resulted in more stable companies. The sources used will be a mixture of case law that illustrated incidents where these obligations were not carried out, together with a more in depth analysis of the historical context. Archival sources, held in private company archives as well as the National Archives, will be used to understand how these companies operated and if directors understood their obligations and duties, not to mention if they actually carried them out. In order to identify the influence of contractual duties on directors' behaviour, it will take some examples from several sectors to present the findings in an international comparative context.

Social regulation and modern corporatism. Discourses of private power

Gerd Bender (Department II)

Industrial society is facing a major upheaval on a global scale. ‘The second machine age’, or Industry 4.0, marks an impending arrival of a technological boost for digitisation and robotisation; a development that is likely to fundamentally change the production regime in the next decade. And in these changing times there is news about an imminent shift with regards to the advanced forms of ‘Learning Systems’: the future of the future, if you will. In particular, perspectives of work, regulations related to work and the role that collective agents on the job market can still play are the subject of an intensifying debate. This debate is carried out in the light of a vast, historical background, and the sub-discipline History of Labour Law, as a specialism for turbulent institutions, contributes significantly to the configuration of this background. It is primarily concerned with the institution of free collective bargaining and its relation to company-related variants of regulation. Above all, however, History of Labour Law is concerned with the integration of the industrial associations into the state’s employment policy and thus a corporatist pattern of order, which has been shaping the scene in the country of investigation (Germany) since the days of the Empire.

Currently, the project has paid special attention to the crisis discourses that have accompanied the institutional history. On the primary level, debates of the late German Empire and the Weimar Republic stand out, in which the components of statehood extended by private actors were sorted out. The line of argument revolves around the inclusion/exclusion of organised diverse interests in ‘politics’ and the associated chances of a complex order. Many authors opted for a wise and cunning Leviathan, which acts as the centre of a broader political system. Others stress the risk of a fraying statehood, a ‘quantitatively total’ (C. Schmitt) state or the socially destructive abuse of private power. The main focus of the investigations are the constitutional lawyers Conrad Bornhak and Carl Schmitt as well as – with slight emphasis – the co-founder of Ordoliberalism, Franz Böhm. In the sense of a historical longitudinal section, the ‘crisis of free collective bargaining’ that began in the 1980s was thoroughly investigated and the topic was thus dimensioned in terms of contemporary history.

The project is integrated into the Research Field of *Regulatory Regimes* and, in view of the diversification of economic interests and their organisational echo, also into the Research Field of *Law and Diversity*. The normative order of official law (material laws/jurisdiction, collective agreements and company agreements, procedural laws/jurisdiction) and unofficial normativity (‘conventions’ of the industrial negotiation system) directly affect questions of the Research Focus Area *Multinormativity*. The ‘Initiative History of Labour Law’ by the Institute and HSI Frankfurt offers considerable advantages in terms of the organisation of science.

The School of Salamanca. A digital collection of sources and a dictionary of its juridical-political language

Christiane Birr / José Luis Egío García (Department II / Affiliate Researcher)

Within the context of the *The School of Salamanca* long-term project, financed by the Union of the German Academies of Sciences via the Academy of Sciences and Literature Mainz (see the Research Field *Legal History of the School of Salamanca*) and led by Thomas Duve and Matthias Lutz-Bachmann (Goethe University, Frankfurt) the main tasks during the years 2015–2017 fall under two headings: preparing the digital collection of sources, and preparing, organising and writing parts of the dictionary of the juridical-political language of the School of Salamanca. The digital collection of sources will comprise 116 works of the 16th and 17th centuries (Latin and Spanish) published as online editions in Open Access as digital images and searchable transcriptions (full texts). While the transcription work itself is done by an external provider, the project group's tasks are the acquisition of the digital images and publication rights from various European and American libraries, scientific advice in the preparing of the transcripts, and finally the process of text correction (correction of misprints and typos, expansion of abbreviations, marking allegations, personal names, toponyms, etc.). This mark up and correction activities are done with the use of XML-TEI, using the oXygen XML editor with a set of customised settings and alignments, developed by the project team.

These activities are flanked by discussions and reflections in the project team and with external colleagues about the possibilities, the prerequisites and possible new insights that methods of Digital Humanities may offer in the field of legal history. The results of the conference 'With the Eyes of a Humanities Scholar: What about the Humanities in DH?', organised by Christiane Birr and Andreas Wagner and held at the Academy of Sciences and Literature, Mainz (19.2.2016), were published as a 'Forum' in *Rechtsgeschichte – Legal History* 24 (2016).

Regarding the intellectual and methodical preparation of the dictionary of the School of Salamanca's juridical-political language (cf. Research Field: *The School of Salamanca*), the first necessary step was to concretise the lemmata from 600 possible candidates with which the project started to the final count of approximately 250. To do justice to the epistemological interests of modern scholars as well as the Salmantine contemporaries, this was approached by a mixture of methods. Birr analysed contemporary indices, dictionaries, and alphabetically sorted confessionaries



and set up a so-called lemmata poll for the project members who were asked to indicate which entries they considered essential, interesting, or dispensable. The resulting lists of possible entries were compared and integrated into a 'list of favourites' to reflect key aspects of the contemporaries as well as the research interests of the project team. To minimise the influence of this bias, the project organised a workshop (announced as a 'lemma conclave', cf. Research Field: *The School of Salamanca*) in February 2017, where all possible entries with experts from theology, philosophy, canon law and legal history were re-discussed and evaluated. As a result, some new terms were integrated into the list while a small number of possible entries will have to be examined further to decide about their acceptance into the dictionary. Also, the question of the integration of the School of Salamanca's influential economic theories into the dictionary was raised. To grapple with this question and the problem how to subdue potentially huge lemmata like *lex* or *iustitia* into the restricted format of a dictionary entry, Birr and Egío organised the research colloquium 'Some Fundamental Concepts of the School of Salamanca's Juridical-Political Language' in the winter semester of 2017/2018, discussing with a number of experts such central topics as *dominium*, *infidelitas*, *ignorantia*, or *lex*.

Beside these dictionary-bound activities, Birr and Egío were engaged in research on different topics: a common focus has to do with the precursors of the so-called first generation of the School of Salamanca. Traditionally, they, and especially Francisco de Vitoria, with whose accession to the chair of Theology at the Salmantine university in 1526 the school is said to begin, are regarded as innovators, producing in their discussions and writings trendsetting concepts in international law, mercantile ethics, civil and canon law that will reverberate deeply in the currents of European thinking during the following centuries. However, to judge the innovative potential of the school, a secure knowledge of the previous state of the debate – especially on the American questions of the Castillian crown – is required.

Birr focused namely on Juan López de Palacios Rubios, crown jurist to the Catholic Monarchs, and his substantial treatise *Libellus de insulis oceanis quas vulgus indias appellat* (1512–1516). Written on behalf of king Ferdinand as a result of the *Junta de Burgos* (1512), the text discusses the dominion and personal liberty of the indigenous peoples in the Americas, the foundation and legitimacy of Spanish rule as well as its organisation (taxes, etc.). The results are surprising: other than in the research literature suggested, Palacios Rubios is no apologist for a heedless appropriation of indigenous persons and property, but stresses repeatedly the brotherly position of all mankind, in which the Amerindians are fully and undoubtedly included. He also affirms the personal freedom and right to property of the indigenous, although in the political sphere he defends the legitimacy of Spanish rule on the basis of the Alexandrine bulls of donation. The idea of a right of communication, legitimising the Spanish presence and progress in the Americas, is already proposed by him, which has hitherto been regarded as one of the innovative ideas of Francisco de Vitoria.

Egío arrived at similar conclusions while studying the *Libellus circa dominium super indos* written by the Dominican friar Matías de Paz in 1512. His research

showed that the Early Modern ‘discovery’ of a plethora of pagan peoples, a completely unexpected fact for the men of the Middle Ages, led to the collapse of the kind of historical argumentation elaborated by humanist jurists such as Alonso de Cartagena (in his *Allegationes super conquesta insularum Canarie*, 1435) to deny African pagans any kind of dominion. As a result of this abrupt change of circumstances, 16th century jurists and theologians proceed to an intense reconsideration of the conceptual framework in which these debates had been set out and to develop new ways of argumentation. The *Libellus* written by Matías de Paz can be seen as a perfect illustration of this wave of change. Written twenty years before Vitoria’s famous American *relectiones*, it emerges as the first Thomist defense of infidels’ dominion. Especially influential on the general reorientation of the debates concerning the dominion of the infidels (and issues such as property, jurisdiction, slavery, forced labour,...) are De Paz’s detailed adaptations to the American context of Thomist classifications between kinds of infidels, ignorance, dominion or rule.

The results of Birr’s and Egío’s research have been presented at the XIV. International Congress of the Société Internationale pour l’Étude de la Philosophie Médiévale, 2017 and are published in *Rechtsgeschichte* 26 (2018). Birr and Egío submitted also joint contributions on the aforementioned topics to *Azafea. Revista de filosofía* 20 (2018) and to a forthcoming *Companion to Early Modern Spanish Imperial Political and Social Thought* (Brill 2019). Egío dedicated also to this topic the article ‘La consolidación del estatuto teológico-político del pagano amerindio en los maestros ‘salmantinos’ y sus discípulos novohispanos (1512–1593)’, *The Salamanca Working Paper Series*, 2015–01. He has also studied the canonical and missionary dimensions related to the innovative approach to pagan infidels in two contributions to other research projects on the *Legal History of Ibero-America*: the DCH dictionary entry *infideles* and a contribution to the book *Knowledge of the Pragmatici (Editing Catechism in Mexico in the Age of Discoveries and Reformation)*. Both texts will be published in 2019.



A further analysis of the above mentioned and other contemporary sources will show in which way the knowledge and legal regimes of the European Middle Ages, *ius commune* and humanist erudition are brought to bear on the fundamental otherness of the Americas.

Apart from her research on some of the precursors of Vitoria's thought on the *asuntos de Indias*, Birr is currently working on the concept of *praescriptio*, i.e. the influence the passage of time has on the existence and validity of rights and juridical positions. She presented results of this research in her inaugural lecture as assistant professor (*Privatdozentin*) at the Goethe University (22.4.2015) and will publish the dictionary entry *prescripción* for the DCH in 2019.

For his part, during the period 2015–17 Egío has also co-organised different academic events ('XIX Congreso del Instituto Internacional de Derecho Indiano', Berlin; Research Colloquium on Derecho Indiano, MPlER Frankfurt, April–June 2016) and published in peer-reviewed journals and books (see the full list annexed to this report) different texts dealing with the more general research project *Jurist of the Indies. Transmission and application of knowledge, readings and experiences to the debates over affairs of the Indies in the Early Modern period*. Especially linked to the goals of the planned *Dictionary of the Juridical-Political Language of the School and Salamanca* and some of the Focus Areas of the Institute (especially *Translation* and *Multinormativity*) is the article *From Castilian to Nahuatl, or from Nahuatl to Castilian? Reflections and Doubts about Legal Translation in the Writings of Judge Alonso de Zorita (1512–1585?)*, published in *Rechtsgeschichte* 24 (2016).

Martín de Azpilcueta's *Manual for Confessors* and the phenomenon of epitomisation

Manuela Bragagnolo (Department II)

The epitomisation of learned culture was not a new phenomenon in the sixteenth century. Ancient and medieval European cultures had previously experienced the phenomenon of condensing and transforming learned knowledge, in several disciplines. In this process, the sixteenth century marks a turning point. The development of printing allowed the spread of new genres and led to a new organisation of knowledge, which started to be methodised and epitomised like never before. This is precisely what happened in the case of pragmatic literature, which included confessional writings, catechisms, and moral theological instructions. For quite some time, however, condensed and epitomised books have been perceived as simple and unlearned.

Started in 2016, the aim of this project is to look into the eminent pragmatic book *Manual for Confessors* written by Martín de Azpilcueta (1492–1586) in order to understand the epistemic base of the *pragmatici*. The research has so far shown that pragmatic books could be very learned and have strong legal bases. Moreover, it stressed the instability of early modern legal knowledge. The *Manual* was in fact the product of different processes of epitomisation. It had an incredi-

ble number of editions and translations, and many of them were the occasion for rethinking, updating, reorganising and managing in new ways the legal knowledge contained within the book.

So that we can analyse these processes, the project uses, on the one hand, instruments and methods of material bibliography to assess the impact of the book's form on the content, thereby trying to understand how the media influenced the legal content. On the other, we have made extensive use of digital humanities and applied these resources in order to trace the instability of early modern legal knowledge.

First, the project has been analysing the sources from which the *Manual* draws. By placing the book within the framework of Azpilcueta's works related to his teaching activity, my analysis has been focusing on the way in which the author transposed learned university knowledge, expressed in Latin, into a practical manual for confessors.



Second, and at the same time, I reconstructed the very complex editorial history of the book – creating a database with metadata – and when possible digital images of those editions that appeared within Azpilcueta's lifetime.

Focusing on the lexicon and utilising a philological approach, the project is now studying the process of epitomisation through the four main editions and translations of the *Manual* (Coimbra, 1549; Coimbra 1552; Salamanca, 1556 and Rome 1573), all of which marked major changes.

On the one hand, I am paying particular attention to the materiality of the books, analysing all those material aspects related to the printing press (like special typographic signs, indexes, summaries, use of marginal notes) that influenced the knowledge management and processes of epitomisation. On the other, I am working on a digital tool that will offer both a searchable text consisting of the four main editions (encoded in XML-TEI) and a synoptic view of them. These

will be made available to the scholarly community so that scholars will be able to visualise the differences between the editions, thereby demonstrating how the text and its normative content changed from one edition to another as well as from one language to another. While making the texts, the synoptic visualisation, and the digital tool for comparing them available to scholars will already represent a first major result of the project, it also serves as the starting point for further systematic analysis of Azpilcueta's *Manual* in its entirety.

The project is part of the Project group *Knowledge of the pragmatici* (see on this: Research Field *Legal History of Ibero-America*). Some results of the project will be published in a collective volume in 2018.

Imperial power versus law in Byzantium

Wolfram Brandes (Department II / Affiliate Researcher)

A desideratum of Byzantine legal history – as well as social and political history – is a systematic study of the trials of high treason in the sixth to twelfth centuries. In the relationship between Roman law and pragmatic imperial rule, which the incomplete sources make difficult at times, this kind of research can produce deeper insights into the development of postclassical Roman law.

I am also planning a monograph entitled *692: The Advent of the New Canonical Law and the Turning Point of Byzantine Imperial Ideology and Policy*. In 691/2 the *Quinisextum* (a synod) with its 102 canons, which had been the backbone of the canon law of the Eastern churches until then, marked an important turning point of the church law of the Orthodox Churches. It seems that this event was correlated with actual politics, especially the Arab-Byzantine wars, administration in the form of fundamental reforms of the state structures, and ideology through imperial propaganda. With all these changes occurring in just one or two years, the possibility of them being mere coincidence seems unlikely. In many ways, 691/2 was the real 'end of antiquity'. Therefore, the nascent medieval Byzantine state, with its developed church law, was the creation of Emperor Justinian II.

From communal property to liberal property. The legal system of property in Córdoba, Argentina (1871–1885)

Pamela Alejandra Cacciavillani (Department II)

This PhD thesis aims to understand the legal-historical phenomena that enabled and constrained the continued existence of indigenous communal property in times of codification and, at the same time, to understand what role the Civil Code played within the process eventually leading to the demise of indigenous communal property in Córdoba, Argentina, in the late 19th century.

The starting point of the project is the well known fact of the persistence of many elements from colonial legal culture throughout the nineteenth century in

many Ibero-American regions. Within these continuities one form of traditional property, 'indigenous communal property', remained in force in Córdoba until the end of the nineteenth century.

Two key moments in this analysis are, first, the entry into force of the Argentinean Civil Code in January of 1871 and, second, the promulgation of the provincial Bills of December 21st 1881 and 20th October 1885. These Bills formed the legal procedure that resulted in the dismantling of indigenous common property existing in Córdoba.

Considering the main characteristics of Argentinean federalism, material legal codes common to the whole nation with the procedural legislation being provincial, we can discern, in matters of property law, the areas regulated by the nation and those that are assumed by provincial competences. As a first step we have analysed the theoretical proposition of the codification paradigm and the Argentinean Civil Code. We highlight, on the one hand, the adoption of the system of *Título y Modo* in matters of transmission of property rights, the rejection of property registry and, on the other hand, the omission of communal indigenous property.

Based on these considerations we reflect upon the Civil Code's omissions and rejections in two issues: property materialisation and registration. Both cases were interpreted as being conditioned by the social validity of the Code, since they have altered the vision of a homogeneous property, generating therefore a specific ownership system of each local space.

By means of reflecting upon the materialisation of property we could assert that, in the provincial plane, since the second half of the 19th century, legal dispositions were promulgated, which allowed the land surveyors to translate property titles and consequently to materialise their designations. These types of legal dispositions were also assumed by the provincial states as a consequence of the notion of shared sovereignty. This finding further reinforces the local perspective of this analysis.

The development and analysis of property registry as a conditioning of civil codification revealed moreover the importance of the Córdoba Case, since it was in Córdoba that the first Bill on property registry issues was promulgated. This bill was the subject of interpretation by the Supreme Court of the country in 1873. The Court considered the province as a 'sovereign state' and therefore competent to establish and implement their property statutes. At the beginning of the 20th century, the Supreme Court showed itself to be against this kind of property registration, referring for the first time to the conflicts between the National (Federal) competences and those of the provincial states. In this conflict the provinces echoed the interpretation of Cordobese law that the Court had previously made in 1873. In this context, the case of Córdoba shows itself to be a laboratory of analysis for the study of the conceptual displacement of notions of sovereignty and autonomy.

Once the manner in which the legal empty spaces and omissions in the regime of the Civil Code were filled by the provinces was settled by this study, we set out to study the blank legal space left by the Code on the issue of common indigenous property. This issue demanded a reflection on land property politics on the

local plane, in which we highlighted the promulgation of the bills of 1881–1885, whose subject was both the dissolution of indigenous communal property as well as the building of private property. Once we had identified the normative ground designed to extinguish indigenous communal property, we then analysed their implementation and, at the same time, speculated upon the issue to what extent both the Civil Code's legal dispositions and the local legislation (on property materialisation and registry) impacted the aforementioned process of dismantling. That allowed us to understand what were the legal dispositions applied to the transformation of one model of property to another. We could then consider the manner in which the Civil Code was put into practice in the provincial plane in matters of property, particularly in what concerns the conflict between the new norm, those forms stated by the pre-codified traditional law and those norms produced by the provincial autonomy. As part of the study, we highlighted the typical characteristics of the local dispositions of 1881–1885 and dedicated ourselves to the analysis of practical testimonies in four topics: technical aspects, transmissibility of rights and the auction, controversy resolution and title imprint.

Even if it is true that the axioms pleaded by the codifying ideas implied by themselves a radical shift, we can say that a critical legal historical perspective allowed us to assert that, for the case of Córdoba at the end of the 19th century the promulgation and implementation of the Civil Code was a necessary but not sufficient condition to completely transform the preceding tradition and establish the new model of property. The case of the dismantling of the previous indigenous communal property shows the relevance of the role played by provincial politics and legislation, both at public and private levels (here including competence issues), to carry on the new civil regime of property.

Translating Solórzano

Natalie Cobo (Department II)

The main purpose of this project is to translate Juan de Solórzano y Pereira's 1639 legal treatise commonly known as *De gubernatione* from the original Latin into English and Spanish. This is the second volume of this Spanish jurist's two-volume *De Indiarum lure*, a highly important and influential work of jurisprudence from the early modern period, and concerns the practical administration of Spain's overseas territories. While a Spanish translation of the first volume of this work – devoted to questions surrounding the legality of the conquest and continued Spanish rule over the New World – was produced by the *Consejo Superior de Investigaciones Científicas* in 2001, the second volume has never been translated and a modern scholarly edition of the text is still lacking. Even though this text has been enormously influential since its publication, most scholars of Latin America and Ibero-American Law have instead focused their research on a later 1647 Spanish treatise produced by Solórzano himself that incorporated material from both Latin volumes, published as the *Política Indiana*. *Política Indiana* has long been a key source for scholars of colonial Latin America, *Derecho*

Indiano, and for researchers working on early-modern empires more generally, because of the breadth and scope of its subject matter. It was clear to scholars that in this new work the material of the first volume of *De Indiarum Iure* had been dramatically epitomised, making it essential to engage with the original material; however, materials from the second volume seemed – at least superficially – to have been incorporated largely intact. However, a closer reading of the two texts makes clear that there are substantial differences between *De gubernatione* and its corresponding sections of the *Política Indiana*, and that these differences have much to contribute to the understanding not just of the subject matter of this jurisprudential work, but also to the context and pressures under which these works were written. The publication of a modern edition of *De gubernatione* will make this critical source much more accessible and allow it to be more easily placed into dialogue with Solórzano's other works, not to mention contribute important material to scholars of colonial Latin America and those working on the legal and administrative frameworks of early modern empires in a broader sense.

This project is composed of three parts: the transcription of the text, the translation of the text into English and Spanish, and research on the text itself. Regarding the latter, we have proposed three main avenues of research: (i) a structural comparison of *De gubernatione* with the corresponding sections of *Política Indiana*, (ii) a linguistic analysis of the Latin original, and (iii) an analysis of the sources cited by Solórzano, with a particular focus on classical authors. We have also proposed to hold a conference at the Institute about the text at the end of the project, in the hope of producing a volume of essays designed to engender a renewal of interest in the text among a broad range of scholars as well as inaugurate new and valuable discussions.



Juan de Solarazono Pereira, *Emblemata*

From unitary legal system to multi-polar international organisation: the legal history of the Commonwealth of Nations in the inter-war years

Donal Coffey (Department I)

This project is based on primary archival work in London, Dublin, Ottawa, St. John's, Pretoria, Canberra, and Wellington. These cities were, during the 1920s and 1930s, forums for the development of constitutional law within the British Empire. At the turn of the 20th century, the Empire was a unitary legal system. By 1948, this legal system had collapsed. The key driver in the evolution of constitutional doctrine within the Empire during this period was that part of the Empire known as the British Commonwealth of Nations. This was composed of the 'Dominions' – those parts of the Empire which had achieved responsible self-government. The Dominions were a motley group; comprised of large federal nations such as Canada and Australia at one extreme, and small unitary nations such as Newfoundland and New Zealand at the other. Despite this difference in the characteristics of the Dominions, they enjoyed, at least after the Balfour Declaration in 1926, a co-equal status with the United Kingdom as part of the Commonwealth.

This gives rise to a methodological issue in relation to legal history: for any component of the legal doctrine underpinning the constitution of the British Empire, there is no reason for preferring any one legal view over another. That is, the views of the Dominions as to a legal doctrine were as equally valid as those of the United Kingdom. This meant at least the potential of a multiplicity of views on any single legal point. For example, the question of what exactly it meant to be a British subject varied between the United Kingdom, Canada, the Irish Free State, Australia, and South Africa. The potential for differentiation, of course, did not always materialize. Moreover, the greater administrative capacity and legal expertise in the United Kingdom meant that it had a view on far more of these legal elements than, for example, Newfoundland. Nonetheless, the inter-War period saw a great increase in autonomous views of constitutional doctrine. There were two broad trends which underpinned this development: the first was the introduction of nationalist polities in the form of South Africa and the Irish Free State; the second was the increasing professionalization of the administrative capacities of the 'kith and kin' Dominions.

There has been an increasing tendency in recent years to consider the development of the Dominions in a comparative context. Peter Oliver has done so with regard to the Dominions of Australia, Canada, and New Zealand, while Harshan Kumarasingham has done so with regard to the Asian Dominions formed after the Second World War. This project aims to provide a comprehensive account of all Dominions views of constitutional doctrine and development in the inter-War period.

This is to be achieved in two stages. The first stage is an internal history of elements of the constitutional development of each Dominion. In 2017, for example, I presented papers on Newfoundland's time as a Dominion and on Australian

constitutional theory in the 1920s. This will be extended to each of the Dominions individually. These papers will be submitted for publication in international journals; preferably in journals situated in the countries themselves. I have already published quite extensively on the Irish Free State, while some of my views on the British constitutional conception may be found in my paper on the 1936 abdication crisis in the 2009 *Irish Jurist* and on the oath of allegiance crisis in the 2016 *Journal of Imperial and Commonwealth History*.

The second stage is to then construct the transnational history of the Commonwealth itself during this time period. This builds on the internal understanding of doctrine in the first stage in order to understand more clearly what occurred in venues such as the Imperial Conferences and through diplomatic incidents. This will consider the various legal doctrines that were once the edifice of the unitary Empire constitution and their evolution over time. The British Constitution is characterized by the lack of an entrenched legal document which has supremacy over other legal rules. In the context of British constitutional law, therefore, it is important to understand that constitutional law and constitutional politics are frequently intertwined in any given legal issue. This means that a legal doctrine, such as secession for instance, can be seen simultaneously from seven different points of view (corresponding to the Dominions and United Kingdom), as a matter of constitutional law and/or politics, and also as a working out of the internal constitutional arrangements of those seven Dominions at a transnational level. Moreover, the rise of international law and international law doctrines in the inter-War years tended to provide alternative avenues for the Dominions to consider sources of conflict that would once have been constitutional. So, for example, in 1930 the proposal for a Commonwealth Tribunal might be seen as one where British common law should be primarily used (the British/Australian view) or where international law could be used (the Irish Free State view). This second stage will be written as a volume for publication, although individual elements might form part of other projects. The Commonwealth Tribunal paper, for example, will be a chapter in a Cambridge University Press volume on the history of international law, specifically in relation to international tribunals.

Within the context of legal history, this project engages with the legal histories of each of the seven nations concerned, the legal history of empires, the legal history of international law, and the legal history of decolonization.



Autograph manuscripts of medieval jurists and the authors' personal copies of their works

Vincenzo Colli (Department I)

Medieval jurists submitted legal opinions (*consilia*) in legal cases at the request of law courts or of litigating parties. The final, official text of the *consilium* was either the autograph of the jurist himself or of his secretary, but in all cases the jurist himself would add a clause at the end of the document (the so-called *subscriptio*) and append his personal wax seal to certify its authenticity.

These *subscriptiones* thus fortuitously furnish the modern scholar with samples of the original handwriting of the jurist himself. Their specific paleographical traits can then be compared to other handwritten texts to identify their authorship. This technique has permitted the discovery of famous jurists' original drafts or even final texts of their exegetical works, produced and retained by them for their own use. Even if the fair copy of such a text had been written by a secretary, the ubiquitous presence of annotations or additions by the author himself in the margins permit us to identify it as the author's own working copy. These personal copies provide hitherto unknown insights into the history of the text's composition and development. The author's copies of the works of such famous jurists as Johannes Andreae, Gulielmus Duranti, Bartolus de Saxoferrato and Baldus de Ubaldis have been identified in the course of the project.

The more closely one examines the actual compositional process of a work, the more important it becomes to discover which works by other jurists the authors had at hand and were using in their study. Research in this direction has previously led to many interesting findings about the personal libraries of Bartolus and Baldus, as well as another jurist who has been important in the transmission of legal texts, namely, Thomas Diplovatatus.

In the years 2015 and 2016, the focus of research has lain in the library of another pivotal figure in the editing of medieval legal texts, Felinus Sandeus (1444–1503). Felinus was a leading jurist among 'postclassical' canonists in the second half of the 15th century who personally lived through and responded to the new opportunities provided by the printing revolution. He taught canon law at Ferrara and Pisa, and thereafter became one of the auditors of the Rota Romana. Throughout his life he was an avid book collector, eventually amassing one of the largest and most important juridical libraries of his time, with about 400 manuscript volumes and as many contemporary printed editions.

Felinus was particularly interested in discovering not only legal texts which were hitherto unprinted, but also versions of famous jurists' works which were more complete or had been revised by the author himself. Among these were such important works as the *consilia* collections of Baldus de Ubaldis, Aegidius Bellamera, and Nicolaus de Tudeschis. Felinus also sought to obtain the personal copies of exegetical works (commentaries), and his library exhibits copies of such prominent 15th century jurists as Franciscus Zabarella and Petrus de Anchara-no. In addition, Felinus arranged for meticulous transcripts to be made from the

personal copies of other juridical authors, and was himself deeply involved in the editorial and printing process.

At his death, Felinus bequeathed his books to the Cathedral Library in Lucca, where most of his volumes have been preserved to this day. Among these are working copies of Felinus's own exegetical works, with a dense apparatus of additions on their margins which reveal the genesis of the work and the author's working method. It emerges that Felinus thoroughly revised all his exegetical works before he delivered them to the printers, for this purpose making ample use of the juridical texts emerging in such profusion from the contemporary printing presses. Thus the fortuitous survival of the book collection of this important jurist provides a unique opportunity to study the moment of transition from the dissemination of manuscript texts to printed editions in the juridical field.

Schiedsstaatlichkeit. Balancing of state and private interests by arbitral institutions in the Germany of the German Empire and the Weimar Republic

Peter Collin (Department II)

From the end of the 19th century, the organisation of societal interests intensified in non-state institutions, albeit often those closely linked to the state. Their roles were manifold: the creation of regulations and guidelines, social and financial self-help, ensuring education and quality standards, ensuring professional discipline, and sometimes implementing the sovereign authority of the state. To a large extent, however, self-regulation institutions also acted as venues where conflicts and disputes could be formally argued, that is, conflicts that were not sent to state jurisdiction or in which the state only acted as a secondary authority. Usually operating as resolution, arbitration or conciliation boards, these institutions took on a variety of forms: They could be located within an existing organisation (e.g. courts of arbitration within professional associations), created for conflicts between different organisations (e.g. arbitration boards for disputes resulting from deficiency contracts between the umbrella organisations of banks, building societies and credit unions), or be set up by the authorities yet staffed by representatives of societal groups (e.g. rental arbitration offices).

Although the existence of these forms of conflict resolution are well known, their appraisal from a legal historical point of view has been almost completely neglected, which until now has been focusing on the development of ordinary jurisdiction and other branches of state jurisdiction (labour jurisdiction, administrative jurisdiction). Although more current research is dealing with the phenomenon of 'popular justice' in the 19th and 20th centuries, there are only a few points of contact with the questions pursued here. Because the research examining lay participation is primarily focused on the participation of lay persons in state courts (jury courts, courts of lay assessors), the same observation more or less applies here as well.

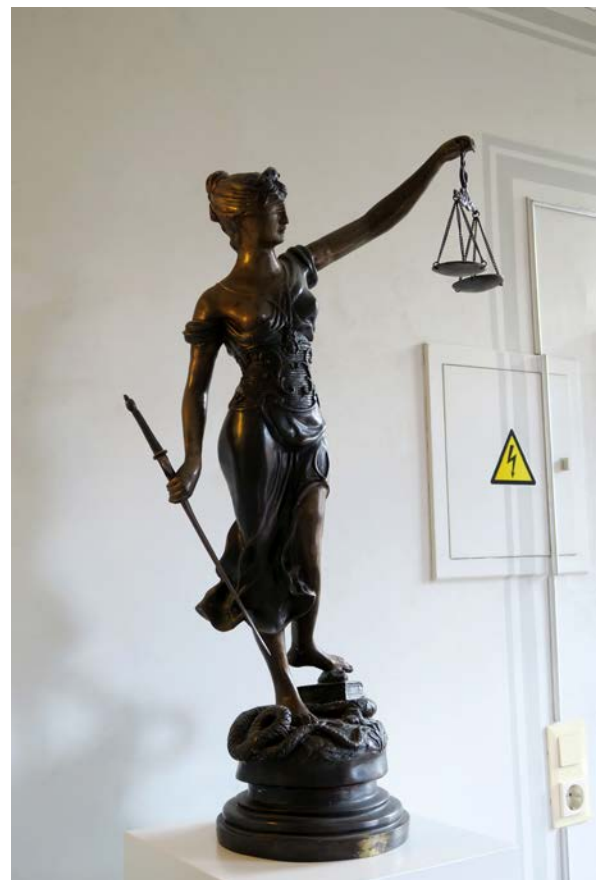
A main target of the project *Schiedsstaatlichkeit* is a comprehensive mapping of the normative foundations that arose from statutory law, non-legislative state standards and non-state norms, including things like statutes and inter-organisational settlements. On this basis it is possible to reconstruct the features of such institutions with regard to competences, personnel, procedure, and applicable substantive law. The primary sources are law gazettes of the *Reich* and the *Länder*, ministerial gazettes and official journals of the regional authorities (*Bezirksregierungen*, etc.), but also non-state sources, primarily association magazines.

Important questions that can be answered on the basis of this approach are for example: To what extent were the procedures similar to the procedures of state courts (in particular civil courts) and to what extent did they diverge? In what manner were these institutions connected to the state justice system or to the state administration (by stages of appeal or state supervision)? To what extent was state law the basis of decision-making, and to what extent was a space opened up for considerations based on equity or for non-state decision-making rationalities?

In-depth studies examine the practice of these bodies. Respective investigations are focusing on institutions whose jurisdiction is comprehensively documented in law reports or in the journals published by associations. Here, the primary issue is the extent to which these institutions can be seen as venues of multinormativity in the sense of an interplay between state law and non-state decision-making rationalities. The assumption – which has already been confirmed regarding specific areas – is that in legal order as well, which is at first glance mono-normative, the practise was often characterised by ‘normative interferences’ and that non-state and semi-state institutions of conflict resolution were important meeting points for state law and non-state law as well as for normative and pre-normative orientations.

Initial overviews and preliminary conceptual considerations have already been published as articles and presentations held at conferences and workshops (Collin, *Vom Richten*, 2016; Collin *Schwurgerichte*, 2016). The basic legitimation *topos* of (judicial) ‘autonomy’ was dealt with in detail in a comprehensive article in *Quaderni Fiorentini*. Analyses on the embedding of judicial bodies in self-regulatory structures and their practises were made, for example, for joint arbitration bodies of health insurance schemes, panel doctors and courts of honour (Collin, *Ehrengerichtliche Rechtsprechung*, 2017; Collin, *Nicht-staatliche Disziplinierung*, expected 2018)

An international perspective on the subject is provided by an anthology on ‘Non-State Justice’ (Collin [ed.], *Justice without the state*, 2016). Further foundations for comparative analyses have been developed and can be found in the handbook *Geschichte der Konfliktlösung in Europa*



(Vol. IV: 19th/ 20th c.), which will be published by Springer in autumn 2018. Part of this volume is comprised of regional survey articles on almost every European country, which includes a section on 'non-judicial conflict resolution'.

A further aspect of this project involves making the results available to a 'non-scientific' audience (including in the journal of the Federal Association of Lay Judges '*Richter ohne Robe*') (Collin, *Laiengerichtbarkeit*, 2016) and discuss them in courses offered at the Goethe University Frankfurt (Seminar 'Alternative Justice: Origins and Lines of Development'). The final outcome and assessment of the project will be published in a monograph.

A legal-historical analysis of the constitutional trajectory of the British West Indies between the 16th and 19th centuries

Justine Collins (Department I)

The peoples of the Commonwealth Caribbean (British West Indies) have inherited law and legal systems fashioned by the British in the political and economic context of empire, as is illustrated by the unequivocal identity of extant laws in those territories in the fields of constitutional and public law with English law. The British Westminster model is known for its many virtues, including relative stability and a lack of substantive controversy. Indeed, the numerous transplantations that occurred throughout the British Empire are evidence of this.

The majority of the territories of the West Indies have inherited English law, the most primary being common law and statutory laws, which are usually modelled on the English archetype. A simple glance at the West Indian Law Reports reveals this mirroring of English law's legal identity. English legal history, therefore, largely defines the legal history of most of the colonial inheritors and, furthermore, dictates the parameters within which these jurisdictions operate. Moreover, the proliferation of common law in the Caribbean is an aspect of both English legal history and Caribbean legal history because the rule of colonial constitutional law entitled the English to carry English laws wherever they colonised.

Against this backdrop, the present research project first endeavours to examine the legal history of common law's transplantation to the British West Indies through a comparative lens as well as the politico-economic conditions and legal environment that preceded and facilitated such legal transfers. Second, this project aims to determine how the genesis of legal transfer shaped the constitutional models and laws which were prejudicial to the black majority in the West Indian territories firstly in terms of slavery, then in the context of post-emancipation society, which schisms in race, class and colour complicated still further.

To achieve the preceding objectives, the project traces the European presence, colonisation and contestation in the British West Indies, introduces these pertinent islands to this branch of research and examines the origins of their colonial ties to Great Britain. It also examines the introduction of imperial laws and their transplantation among the relevant island colonies, the issue of mixed legal systems and the early forms of governance delegated by the Imperial Parliament.

As it is impossible to systematically include the entire British West Indies in a thesis-length discussion, the focus will be on specific colonies in the geographic region most relevant to my research. The Caribbean Basin can be delineated in numerous ways. Here the focus is on what I refer to as the British West Indian ‘little islands’ (Antigua, St. Christopher, Nevis, Dominica, St. Vincent, St. Lucia and Grenada) and the British West Indian ‘big islands’ (Barbados, Jamaica, Trinidad and Guyana).

To trace these legal transfers, the project scrutinises case laws and statutory laws to illustrate how the law was used not only to delineate the plantation societies, but also how they were affected by these transfers and the attendant complications. In this vein, such cases and legislation are being sourced in various archives and governmental reserves spanning the UK, the Caribbean and other parts of the commonwealth, such as Australia. To verify the intricacies of these laws, the research also relies on correspondence between individuals, such as the Letters Patent (between Charles II and the 1st Earl of Carlisle, granting him the authority over the Caribbean islands), and correspondence between public authorities, such as the Board of Trade and Plantation and the governors of the various islands, or between the governors and the imperial government and/or the sovereign.

In order to learn about the types of societies and how the laws operated as ‘working law’, the project also sources a range of contemporary literature as well as more recent documents to ensure that the research remains timely and vital. In keeping with one of the wider research themes of the Institute, legal transfer in the common law world, the project embraces the field of translation in the form of the legal transfer from the metropole to the British island colonies. Furthermore, the concept of mixed legal systems that the research also entails is based on multi-normative theories (another research field) in terms of comparing the colonies where common law was predated by another legal system.



Information as a resource for coping with religious pluralism

Cecilia Cristellon (Department II)

My project aims to understand how Roman congregations (and especially the Roman Inquisition) received, selected, censured, ignored and interpreted in different ways information about mixed marriages that the Roman curia received from the local churches in order to achieve multiple goals in a diverse, historical time. On the one hand, I analyse the production of the normative order of the religious plurality as established by the Church’s institutions. On the other hand, I focus on how ordinary people used different resources like faith, gender, age, body, etc. to create spaces of agency and achieve their goals. This analysis underscores how information was used as a flexible resource for the negotiation and administration

of religious plurality; it enabled the reconciliation of a dogmatic rigidity with a pastoral flexibility. Within the context of this project, I am working on my monograph *Mixed Marriages, Roman Congregations and Administering of Religious Plurality in an Entangled World (16th-18th centuries)*.

This work analyses the politics of the congregations of the Roman curia toward mixed marriages in early modern Europe. Chiefly based on materials located in the Vatican archives, my research takes mixed marriages as a symbol of inter-confessional and interreligious coexistence, not to mention as a means to study the construction and dynamisation of a normative order that shaped such forms of coexistence. The order imposed was not from the top down, but rather the result of a system produced by continual negotiation regarding actual cases. These negotiations involved mixed couples and their families, different local churches, local authorities, Roman congregations and their members. The decisions arrived at in these specific cases went on to serve as the basis for the decisions of future Roman congregations. This confrontational negotiation led to a continual process of revision and of overcoming differences between a normative ideal (of confessional uniformity) and a factual reality (religious plurality). My analysis, therefore, pertains to the theological and juridical controversies regarding mixed marriages and the legal foundation of coexistence, on the one side, and the social practices connected to it on the other.

Mixed marriages are a key to studying the coexistence, competition and collision of different norms: the dispositions given regarding bi-confessional unions by each church were binding in conscience, admitting or excluding individuals from sacraments or rites of passage that were tied to the sacred, and they could come into conflict with territorial norms or with more established imperatives of gender, such as respect for marital and paternal authority. On the other hand, the existence of different, competing authorities expanded the space within which individual actors could manoeuvre, supplied justifications for their actions and led the authorities themselves to reach compromises and to seek negotiated solutions.

In my analysis, I consider European evidence exclusively. It should nevertheless be remembered that the arrangements made in European cases were translated and implemented in contexts outside of Europe, just as the resolutions adopted in colonial contexts influenced European norms. Thus, my monograph also represents a contribution to entangled history and to the use of Vatican sources with an eye to global history.

The primary sources used in my work are the records related to mixed marriages conserved, in particular, in the Archive of the Congregation for the Doctrine of the Faith (Roman Inquisition), but also in the series of the Congregation of the Council, the Congregation for the Propagation of the Faith, and the Apostolic Penitentiary, which were also involved in the management of biconfessional unions.

Since 1 January 2017, I have been working at the MPlER within the context of the project *Information as a Resource for Juridical Decision-Making Processes. Early Modern Papacy and the Emergence of a Modern Information Regime*, coordinated by Benedetta Albani in the frame of the SFB 1095 *Discourses of weakness and resource regimes*.

Culinary normativity

Daniel Damler (Department II / Affiliate Researcher)

Recipes and cookbooks constitute a normative subculture with informal structures of participation and 'enforcement'. Along with other factors (religious norms, medical doctrines, natural resources etc.), they regulate a central aspect of human life that proved to be inaccessible to direct governmental intervention. In pre-modern societies recipes and cookbooks enabled persons excluded from the political and legal process to participate in the regulation of daily life. The project aims at a better understanding of this informal type of normativity.

My research project on *Culinary Normativity*, which I started as an affiliate researcher at the MPIeR in April, 2016, is developed as a part of my general dedication to examine the importance of largely invisible normativities for law. It draws on my previous work on aesthetics and law which was published in two monographs, which appeared in print in the summer of 2016. In *The Aesthetics of Law* (Duncker & Humblot, Berlin), I examine the importance of metaphors in jurisprudence from the perspective of legal history and cognitive science and offer new insights into the correlation between material culture, ideals of beauty and legal principles. In *Corporate Modernism. Corporate Groups in Visual Culture 1880–1980* (Klostermann, Frankfurt am Main 2016), I analyse images and metaphors that were in use to envision trusts and corporate groups. Because an institutional change – in contrast to a technological one – cannot be directly observed, its features and characteristics have to be visualised. This challenge triggered the ambition of entire groups of jurists, economists, journalists, graphic designers, cartoonists, painters, architects and directors. Among those engaged in the fight for the interpretational determination were publishing legends like Pulitzer and Hearst as well as such prominent figures as Rockefeller, Lenin and Le Corbusier.

Several other research activities in 2016 and 2017 were closely related to the research approach presented in these publications. In the article *Synaesthetic Normativity (Rechtsgeschichte – Legal History 25 (2017))*, I focus on values that regulate and determine normative orders. According to a widespread assumption, values arise for their parts solely within the borders of the specific normative order (aesthetics, science, ethics, law etc.) they are intended for. The article challenges this view, arguing that aesthetic, epistemic and moral (legal, political) values are correlated because of a common underlying mechanism. The 'synaesthesia of values' facilitates a constant exchange of principles and concepts between apparently distinct normative spheres.



The circulation of pragmatic normative texts in Spanish America (16th–17th Centuries)

Otto Danwerth (Department II)

After the ‘conquests’ of Mexico (1519–1521) and Peru (1532–1533), the Spanish monarchy was to extend its dominion over huge populations and across vast distances, but with limited resources. In light of the scarcity and the remoteness, great importance was accorded to implementing European normativity among European settlers, but also over the indigenous population.

In this context, my research project reconstructs the circulation of pragmatic normative texts in early modern Spanish America. Manuals written for the juridical work of lawyers and notaries, called *prácticas*, were quite common in Spain and in Spanish America and have received some attention in legal historiography. Pragmatic normative literature from the religious field, on the other hand, like compendia of moral theology and manuals of canon law as well as catechetic instructions and penitential literature, have rarely been treated by legal historians although about 70% of the books circulating in the New World during the 16th and 17th centuries were of a religious kind.

In order to assess the dissemination of this kind of literature in different regions of *las Indias*, a multidisciplinary bibliography on the production, possession and diffusion of books was compiled and evaluated. Starting from the classic 19th century studies up to recent scholarship, research provides pertinent case studies from various disciplines. This dispersed knowledge has been collected in a comprehensive bibliography to be published in the SSRN Series in 2018. Studies from legal history contain information on juridical books; church and mission history deal with pastoral and moral theological works; book studies concentrate on the local production of the early printing presses; cultural history provides insight into the estates of book owners. A systematic analysis of this literature and of the edited sources has provided an overview of the pragmatic normative literature present in early modern Spanish America.

A taking of stock – focusing on New Spain, Peru and New Granada – has been necessary in order to carry out a form of normative mapping. Which types of pragmatic literature can be detected in personal and institutional libraries? Whereas the research on the book possession of bishops, friars and priests, of colonial authorities and of wealthy settlers offers rich material, the investigation on book collections of institutions and corporations – such as cathedral chapters, monasteries, Jesuit colleges and universities, as well as parishes – is not that advanced.

In any case, the analysis of the trans-Atlantic book trade and the distribution of the books imported from Seville were of great importance. It is estimated that at least 85% of the books circulating in America were imported; they were printed not only in Spain but in other European cities as well. The rest of the books were supplied by the few printing presses that had received a royal license in Spanish America: in Mexico City (1539), Lima (1584), Puebla de los Angeles (1640) and Guatemala (1660).

Furthermore, a number of archives and libraries have been consulted. Relevant sources in Spanish and Mexican archives include notarial inventories about the possession or bequeathing of books. In the Archivo General de Indias (Seville, Oct. 2016), export documents and ship registers with respect to books were studied. In research stays at the Linga-Bibliothek (Hamburg, May 2016) and the John Carter Brown Library (Providence, Feb. 2017), selected pragmatic works could be examined closely. Thanks to co-operation with the LingaBibliothek, 35 rare books were scanned and integrated into the Institute's digital library *De Indiarum lure*. Of special importance, moreover, are institutional book collections owned by convent libraries or by secular clergymen. In this respect, case studies of New Spanish colonial libraries were conducted in Mexico City, Puebla and Guadalajara (Nov. 2017).

Post-Tridentine canon law created pertinent norms about the possession of books among the clergy: The Third Provincial Councils of Lima (1582–1583) and Mexico (1585) as well as South American synods stipulated that clerics had to own certain types of pragmatic texts. Based on the investigation of ecclesiastic inspections, the presence of books in parishes and in priests' houses can be examined. Apart from canon law decrees, priests were supposed to hold pastoral texts, catechetical works and some treatises on moral theology. Recent Peruvian studies about the Archbishopric of Lima identified in this latter category a diversity of works that even in frontier regions were present: compendia of moral theology, penitential *summae* and manuals, written by authors like Martín de Azpilcueta. The smaller the formats were (*octavo*, *duodecimo* and even smaller formats), the more portable the books. They were not only found in urban settings but reached rural users and mission zones as well. So all the way down to the local level, these books – as well as manuscripts – provided resources of pragmatic normativity in early modern Hispanic America.

Research results have been presented in various conferences, e.g. at the 'XIX Congreso del Instituto Internacional de Historia del Derecho Indiano', published in Madrid 2017. The '*pragmatici*' team' organised workshops, for instance on 'Practical and Pragmatic Literature in Legal and Science History', held at the Max Planck Institute for the History of Science in Berlin in November 2016. In the winter term 2016–2017, a Research Colloquium at the MPIeR discussed 'Knowledge and information regimes in early modern times'.

The project is part of the project group *Knowledge of the pragmatici* (see on this: Research field *Legal History of Ibero-America*). Some results of the project will be published in a collective volume in 2018.



New Christians, old Christians and others – cultural *Mestizaje* and the Christian Republic of Philip II

Max Deardorff (Department II)

I joined the Max Planck Institute for European Legal History as a postdoctoral researcher in the collaborative project, *Convivencias: Iberian to Global Dynamics (500–1750)*. This project takes as its point-of-departure Américo Castro's 1948 argument that Spanish identity and character was the product of syncretic relationships between Christians, Muslims and Jews living together in medieval Iberia. Subsequent study of *Convivencias* has interrogated how and why different religious, ethnic and cultural groups came to live peacefully together, and the extent to which tolerance might paradoxically have entailed structural violence and the political-economic domination of minorities. This interdisciplinary project brings together seventeen researchers from four Max Planck Institutes (Legal History, History of Science, Social Anthropology and Art History), as well as the American historian David Nirenberg (University of Chicago).

My own research focuses on a transitional moment in Spanish history during the sixteenth and seventeenth centuries, at a time when an avowedly Christian monarchy attempted to integrate millions of new non-Christian subjects into its kingdoms. In fewer than fifty years, Spanish monarchs conquered the Muslim kingdom of Granada in Iberia (1492), the Aztec empire in Mesoamerica (1521), the Inca Empire in the southern Andes (1533) and a number of other smaller polities. The near simultaneous incorporation of such large and far-flung population centres has led a number of scholars to argue that as a result the Spanish Empire was transformed into a 'polycentric monarchy' rather than a centralised kingdom. The creation of such an integrated political space depended on a rigid and limited set of core principles, accompanied by institutions to protect them. While Castilian *ius commune* culture (combining legal elements from Castilian law, Roman civil law, and ecclesiastical canon law) formed the basic framework for this political space, new situations demanded flexibility. Castilian legal traditions privileging customary law allowed local communities great leeway in their legal auto-determination.

New problems arose in the decades following the conquest of the Americas, when the first generation of inter-ethnic children (with one indigenous and one Spanish parent) were born. To what set of rights, obligations and legal protections should they be entitled? And how should indigenous individuals who relocated from indigenous spaces into Spanish ones, and adopted Spanish customs (religion, speech, diet, dress), be categorised? Genealogy, rights and obligations of former Muslims and their descendants in Granada were similarly contentious, as those individuals intermarried with Spanish so-called 'Old Christians'.

When dealing with such questions, legal historical scholarship in Latin America has traditionally focused predominantly on the seventeenth and eighteenth centuries. A new wave of scholarship, focused on the interplay between law, custom and practice, has detailed how new logics of inclusion and exclusion evolved in early colonial Spanish society. Yet even these most recent studies have large-

ly overlooked the feedback loop that emerged as Crown administrators simultaneously dealt with similar issues in Morisco (Christian descendants of Muslims) Spain and the colonial Americas. My research is an attempt to put these issues into an integrated Trans-Atlantic frame. I focus on how natives of the Americas experienced Castilian conquest and colonialism differently than did descendants of Iberian Muslims, and how patterns of acculturation were affected by new encounters (the Americas) and centuries of coexistence (southern Spain), respectively.

I approach these questions working from two dialectally-opposed points. First, I concentrate on institutional canon law, elaborated in religious synods and councils, which has largely been treated on a regional basis and has very rarely been treated holistically. My research highlights more than 200 such legislative bodies that met in Spain and Latin America within a short period (1550–1650), developing statutes to govern the integration of ‘New Christians’ that would later be copied or adapted for use in the regional context of other parts of the empire. Against this top-down, institutional view of the integration of a multi-ethnic empire, I contrast case studies from two particular regions on opposite sides of the Atlantic: southern Spain (Granada) and the northern Andes (New Kingdom of Granada). Examining residence applications and licenses to carry arms in Granada, my analysis about how the limited rights of Moriscos were elaborated, and how the legal category of Morisco was defined – pointing out that it was neither entirely genealogical nor entirely rooted in religion. Moving to the Americas, I respond to a historiography over-focused on a division between a ‘Republic of Spaniards’ and a ‘Republic of Indians’ by using last wills and testaments to track natives who abandoned their natal villages to become municipal citizens (*vecinos*) in Spanish towns. Finally, looking at a series of legal cases from the Americas, my research examines how Spanish jurists evaluated whether Mestizos (persons of mixed Spanish and indigenous heritage) should be considered members of Spanish or indigenous society, and what rights and privileges they enjoyed. The inputs of judges, jurists and other legal actors involved in the creation of these documents reflect the immense amount of power ascribed to local custom for casuistic decision-making in the Spanish Empire, and how such local flexibility was the key ingredient in multi-ethnic *Convivencias*.

This research has been, or will be, published in a variety of different venues. By examining recent advances in the study of late medieval and early modern Spain alongside those in colonial Latin America, this project seeks to understand how pacts of *Convivencias* grew out of certain historical contexts, how pre-existing legal frameworks for coexistence were amended or moulded to accommodate new peoples and new variables, and what political circumstances could lead to their eventual collapse. This work is also intended to highlight how context changed the central axes of cooperation within society and altered the permitted forms of difference, while leading to the emergence of new social and legal categories that would redefine the rules for ‘living together’ in an expanding empire.

The project is part of the project group *Convivencias: Legal Historical Perspectives*. Some results of the group project will be published in *Rechtsgeschichte – Legal History* 26 (2018).

The canon law of business

Wim Decock (Department II / Affiliate Researcher)

Within the context of the Research Field *Legal History of the Church*, this project has been investigating the interaction between civil law, canon law and moral theology in the writings of early modern scholastic authors and its relevance for the development of Western legal culture, especially in the field of business law and the law of obligations. Examples of publications that came out of this project are: W. Decock, *Trust Beyond Faith. Re-Thinking Contracts With Heretics and Excommunicates in Times of Religious War*, *Rivista Internazionale di Diritto Comune*, 27, (2016); W. Decock, *Spanish Scholastics on Money and Credit: Economic, Legal and Political Aspects*, in W. Ernst – D. Fox (eds.), *Money in the Western Legal Tradition: Middle Ages to Bretton Woods*, Oxford: OUP, 2016; W. Decock, *Collaborative Legal Pluralism. Confessors as Law Enforcers in Mercado's Advice on Economic Governance (1571)*, *Rechtsgeschichte – Legal History*, 25 (2017). Thanks to close collaboration with Christiane Birr, this project has also led to the publication of *Recht und Moral in der Scholastik der Frühen Neuzeit (ca. 1500–1650)*, a monograph providing a methodological introduction to the study of early modern scholastic writings on law and morality. It includes references to both major primary sources and a selection of secondary literature. The book was published as the first volume in the new *methodica* series of the Institute. It offers an introduction to the broader intellectual-historical context against which the multinormative universe typical of the School of Salamanca can be understood.



Courtyard of the Beurs in Amsterdam

Professionalisation of the judiciary and early modern common law transfers in India. A tenuous link?

Jean-Philippe Dequen (Department I)

When the East India Company (hereinafter EIC) was granted its first Charter in 1600, its aim was primarily to establish commercial outposts (i.e. factories) in India. Unlike its counterparts in North America, the EIC did not envision territorial expansion and thus had no mandate to transfer English laws within the small parcels of land it controlled at that time. Whilst loosely preserving personal jurisdiction over its servants, it then actively pursued treaties with local rulers and abided by the latter's territorial authority.

The question of English legal transfers first arose upon the acquisition of Bombay from the Portuguese by the English Crown in 1661 and the latter's lease to the EIC through its 1668 Charter. Courts of Judicatures were progressively set up on a territorial basis to administer laws that would be 'as near as may be agreeable to the Laws of England'. The subsequent 'Company laws' were, however, sometimes quite far removed from their original models; moreover, they were administered by non-professional lawyers (i.e. EIC servants) and under the appellate jurisdiction of the Governor in Council for each Presidency.

Due to the growing problem of interlopers, the Charter of 1683 allowed for the creation of Admiralty Courts, which were headed by a professional civil lawyer. Procedural questions as to their appellate jurisdiction over Court of Judicatures, as well as to the substantive law they were to apply (i.e. Company law or English law), led to growing tensions with the EIC Governors, which were only resolved to the latter's benefit with the establishment of Mayor Courts under the EIC's own seal through the Charters of 1686 and 1687, and the administration of justice left in the hands of carefully selected aldermen. The obligation of having a civil-trained lawyer heading the Admiralty Courts would scarcely be implemented beyond this date, until the latter's jurisdiction was eventually taken over by Supreme Courts of Judicature and subsequently the High Courts.

Nonetheless, the EIC's victory in postponing the English Crown's direct jurisdiction over its overseas Indian territories would be short-lived. The Company's somewhat forced reform by Parliament in 1708 progressively paved the way for the 1726 Charter, which brought the Mayor's Courts under the authority of the Crown and, for the first time, the possibility of appeal to the King in Council in England. Nevertheless, such appeals were rare, and the direct control of the Indian judiciary by Westminster through the appointment of British judges would only materialise with the establishment of Supreme Courts in each Presidency, the first of these being the one in Calcutta in 1774, following the enactment of the EIC Regulating Act of 1773.

Focusing on juridical praxis, our research centres on the early instances of the professionalisation of the colonial administration of justice and how it affected the transfer of common law within the Indian subcontinent, especially with respect to indigenous normative systems (mainly Islamic and Hindu laws).

In this regard, we first concentrate on the brief period within which Admiralty Courts were established and functioned under a civil lawyer. Concentrating on the conflicts between Admiralty Courts and Courts of Judicature, as well as the former's appellate jurisdiction over the latter, our aim is to establish the extent to which English law was applied within Admiralty Courts compared to 'Company law'. Through a study of the court records still in existence – which unlike other Admiralty records within the rest of the British Empire have not been centralised – and the broader exchange of communications between the judge-advocates and EIC officials, the project assesses whether this unsuccessful attempt at English legal transfer in India was due to the personalities of the judge advocates, the political setting of the time or the lack of a proper legal framework for these transfers to take place.

Slaves and land between possession and titles. The social construction of property law in Brazil (1835–1889)

Mariana Armond Dias Paes (Department II)

The main aim of this dissertation thesis is to identify the role of 'property titles' in the acquisition of slaves and land ownership in nineteenth-century Brazil. Under 'property titles' I understand all kinds of documents that specified, with judicial value, an object of property and its respective owner. Historically, 'property titles' were different from 'possessory acts', that is, the factual relationship between a person and a thing that, under certain conditions, generates legal recognition of property rights. The identification of the concrete multiplicity of document types embraced by the category 'property titles' and a better understanding of this expression constitutes one main research goals. In addition to this, the research projects seeks to distinguish the different documents used as property titles in nineteenth-century Brazil and to analyse its regulations; to expose the proposals and doctrinal arguments for the introduction of property titles in Brazilian law; to describe the different ways of proving ownership – by 'property titles' or by 'possessory acts' – in the course of legal proceedings; and to investigate the relationship between the introduction of property titles in Brazilian legal and seizure practices of land and slaves.

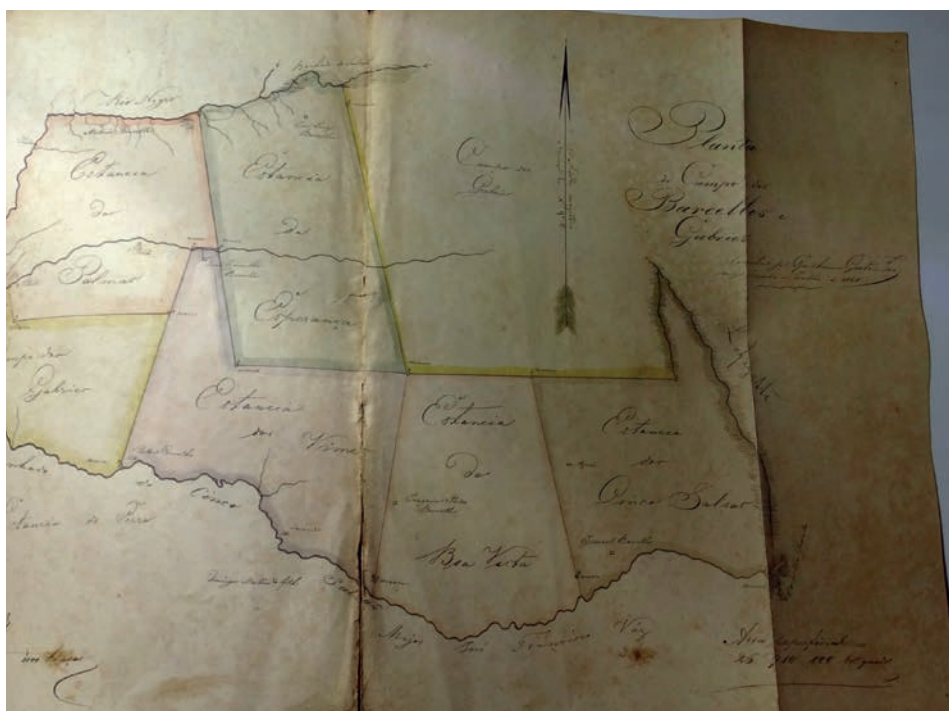
As the problem of latent illegality of property acquisition is closely tied to slave and land issues, this research adopts a unifying perspective of slave and land issues, and it seeks to deepen their academic understanding by investigating how property titles acted in a context of widespread practices of irregular acquisition of slaves and land.

In order to accomplish these goals, empirical research involves the analysis of the legislation in force at the time; parliamentary debates that preceded the promulgation of this legislation; *avisos* issued by the ministries, which solved concrete cases and oriented the resolution of similar conflicts; ministerial reports, which informed about legislation enforcement; legal books and periodicals, which de-

fended certain theories concerning property rights; and legal proceedings, which enabled a bottom-up approach to conflicts about slave and land property.

Preliminary results show that, in the first decades of the nineteenth-century, possession played a fundamental role in acquiring and proving slave and land property in Brazil. At this time, some doctrinal texts that defended the absolute character of titles in the acquisition and proof of ownership were already in circulation. However, these discourses were not yet hegemonic, and possession was still the main source of rights over slaves and land. Titles themselves often depended on the exercise of possessory acts in order to be judicially recognised.

This doctoral research is being carried out at the Max Planck Institute for European Legal History and in conjunction with the graduate law programme at the University of São Paulo (Brazil).



Map used in a lawsuit over land ownership

Connections between space, law and religion between late Antiquity and the High Middle Ages

Caspar Ehlers (Department I/II / Group Leader)

In the last two-and-a-half years, I have presented the methodological approach of the Research Focus Area *Legal Spaces* to an international audience, particularly by means of my book *Rechtsräume. Order patterns in early medieval Europe* (Volume 3 of the series *methodica – Introduction to Legal Historical Research*). The volume puts the current trends in the research on space and law in their historical context, explains their connotations in the history of science, takes stock and sketches the prospects of this legal-historical research approach for the future.

Because of this core competence in various methodological questions of legal-historical medieval spatial research, I have been appointed to several scientific advisory boards for notable exhibition projects and invited to numerous lectures both at home and abroad. Since many of these presentations have been or are currently being published, I have been able to sharpen and elaborate the profile of the Research Focus Area *Legal Spaces* on the basis of the stimulating discussions. These publications focus on the infrastructure of medieval Europe as well as the question about the patterns of order between late Antiquity and the medieval period and their references to Europe. For the second edition of the *Handwörterbuch zur deutschen Rechtsgeschichte*, I wrote the contribution *Ordo*.

Moreover, I wrote all of the relevant articles on the complex of issues related to the *Pfalz* for the above-mentioned reference work on German legal history. This also belongs to another field of activity of mine, namely the *Repertorium der deutschen Königspfalzen*. As the editor, I succeeded in moving forward the publication of the volumes on the *Freistaat Bayern* and in publishing the sub-volume *Bayerisch-Schwaben*. Other volumes are either in print or currently in preparation. Above all, with regards to the volume *Sachsen-Anhalt*, I was heavily involved via lectures and publications, and I was a permanent advisor for the volume *Westfalen*, which will appear shortly. As a result of this established competence within the framework of international research on royal palaces, I was also appointed to the steering committee of the Research Network of the Royal Society of Edinburgh 'The Castle and the Palace' at the School of Humanities (History) of the University of Glasgow.

As an associate professor at the Julius Maximilians University of Würzburg, I continued to hold courses that mostly dealt with research on the Teutonic Order, the subject of my Research Group to be established at the Institute. The cooperation with the University of Würzburg and its *Forschungsstelle Deutscher Orden* and the international research institutes of the Teutonic Order itself forms the solid basis for the establishment of the Research Group in the coming year 2019.

As part of my professorship in Würzburg, I am supervising three doctorates; two of them were successfully completed.

In the summer semester 2015, Simon Groth was awarded a doctorate with top marks for his work '*Karolinger' und 'Ottonen' oder das 'Ostfränkische Reich'?* Herrschaftsfolge und Herrschaftsraum in geschichtswissenschaftlichen Theorien

und historiographischen Perspektiven by the Faculty of Philosophy of the JMU Würzburg. Moreover, the dissertation was awarded the *Promotionspreis der Unterfränkischen Gedenkjahrstiftung für Wissenschaft und der Universität Würzburg*. The second doctorate, which was defended in the same semester, came from Dennis Majewski and was entitled *Zisterziensische Rechtslandschaften. Die Klöster Dobrilugk und Haina in Raum und Zeit* and also received the highest grade. The third doctoral project by Phillipp Gey, with the working title *Zitate in der Historiographie der Jahrtausendwende. Funktion, Strategie, Nutzung*, is still in progress. All three dissertations were part of the research work at the Institute and the IMPRS.

In addition, I was appointed by the Bielefeld Regional Court as an expert witness in the matter of a civil lawsuit involving 'scientific misconduct', which has now proceeded to the Higher Regional Court of Hamm, extending my role as expert witness to the case.

Rethinking Manuel Quintín Lame. An attempt to understand indigenous juridical culture in Cauca (Colombia) at the beginning of the 20th century

Karla Escobar (Department II)

Manuel Quintín Lame was an indigenous leader who started a movement in Tierradentro, Cauca, at the beginning of the 20th century to recover indigenous communal lands. His figure as an icon and leader of the Cauca's indigenous movement has been the object of a variety of studies which have focused on different aspects of Lame's life and actions. Many of these studies have focused on his manuscript *Los pensamientos del Indio que se educó en las selvas colombianas* (1939), which came to light in 1970, but also on the tradition of litigation behind the multiple petitions written by him and his secretaries to the Colombian authorities.

Within his own lifetime, Lame's words opened a space in the Mestizo society for indigenous matters. His claims and opinions were not taken note of by the Bogota press, but they resonated with many indigenous persons, who could identify with his views. Later his approaches were used to structure the political agenda of CRIC ('Consejo Regional Indígena del Cauca') – which is still in force – and his figure has redefined the struggle for land at different times and by various means (e.g. the 'Armed Movement Quintin Lame' (MAQL) or the movement 'The Grandsons of Quintin Lame without land'). However, this academic fascination with Lame (not without grounds) has obscured other possible indigenous positions concerning identity and territory that might have existed during those times. Although the voice of Lame became 'the' indigenous voice regarding collective ownership and identity since the 1970s, we are missing other indigenous voices on the topic that existed during Lame's times. I propose that it is only within the context of this polyphony that we can really understand the scope and limitations of the Colombian indigenous movement.

Thus my research attempts to understand Quintín Lame's legal culture, not only based on his writings and actions, but by giving voice to his detractors as well as his supporters. This exercise seeks to understand indigenous legal culture in Cauca at the beginning of the 20th century, as a space of conflict and negotiation between diverse actors (even non-indigenous), with diverse positions, interest and understandings about juridical notions and beliefs. Each one of these actors had different recourses to superimpose his ideas and trusts over others, with dissimilar chances of success. So, my research questions are the following: What voices accompanied Lame's political life as well as those of his supporters and/or detractors inside and outside the indigenous population in Cauca? How did his intellectual network develop? How did the discourse built around Lame's ideas and language become the dominant voice regarding indigenous land ownership? Which were Lame and his followers' argumentative resources, and how can we differentiate them from those of his detractors? What type of legal culture configures these tensions?



Manuel Quintín Lame with his companions, 1915

I have constructed a rich documentary corpus based on sources of different kinds. This corpus can be divided into five groups according to types of documentation. First, we have a big group of correspondence. In this section can be found official and private letters regarding indigenous land issues. A significant part of these primary sources are indigenous claims to public officers, and internal communications between public officers (most of them lawyers) in order to come up with a response to those claims. In the second group we have the press coverage. This documentation has been useful not only to reconstruct the political context of the region, but also to identify networks between the different parties participating in indigenous land conflicts and diverse indigenous political allies and foes. Third, there is legal documentation which includes not only the legal normativity regarding indigenous lands but also some of the legal debates related to them. In the fourth group, we have some audio and transcribed interviews of indigenous

leaders which participated in the configuration of the Indigenous Movement in the 70s but who also coexisted during Lame's life. Finally, we have a diverse group of documentation which can delineate the local and in some cases international intellectual atmosphere in which all these debates were immersed, for example, law and history manuals, syllabus, anthropological debates, and some others.

The narrative of the research starts with Manuel Quintín Lame's birth in 1880 and finishes with his death in 1967. During this period – and because of the diverse nature of the documentation collected – I have been able to identify many voices both in favour of and against Lame that have not yet been analysed in Colombian historiography. All this information has allowed me to understand this 'indigenous legal culture' as a rich and contextual space of confrontation and negotiation in which the idea of 'indigeneity' was created. This process has become the heart of this investigation.

So, in conclusion, my research project seeks to contribute to contemporary scholarship in three ways: first, by assessing the possibilities that cultural legal history might have for legal historical methodology and knowledge; second, by introducing a polyphonic element to the information about indigenous legal culture in the first half of the 20th century; and third, by adding to the knowledge about Colombian history at the beginning of the 20th century, a period that has been particularly neglected in Colombian historiography.

Special orders of Catholic welfare in Germany in the 19th and 20th centuries

Jeremias Fuchs (Department II)

Governmental control and the use of self-organised social groups are by no means recent phenomena, for they can also be understood as historical ones. Given this fact, this project attempts to focus on Catholics as a social group and to understand how this group developed specific normative orders and how these orders related to state law.

As never before, especially from the second half of the 19th century onwards, the changing self-understanding of the inwardly expanding modern state called into question the historically growing role of the Catholic Church and its organisations such as the Catholic associations, congregations or cooperatives in society and the state. The key developments, which made it necessary to redesign the group- and organisationspecific norm system, the formulation and the theoretical reflection of their own regulatory claims and their clashes with public norms, include not only the *Kulturkampf* (culture war) and secularisation but also the emerging development of the welfare state.

As the Catholic side declared the *caritas* idea to have been a central component of the self-understanding of 'Catholicism' from the very beginning of Christianity and as decisive for their role in society and within the state, the emergence of an institutionalised welfare state meant a decisive break with the previous distribution of tasks, especially in the field of poor relief and public welfare. Increasingly,

this field of activity, which until then had traditionally been shaped and dominated by denominational groups, independently from any governmental influence, was defined as a public and sovereign task field. Governmental standardisation and regulation – not only by the social legislation of the 1880s, but also by measures that paved the way for the future development of the German welfare state, such as the Supportive Residence Act – seemingly restricted the scope for action of the groups that had been active in this area up to then. However, if this changed self-conception of the state was realised in the sense that the state itself still retained the responsibility for guarantee, but delegated the responsibility for fulfilment to existing non-state actors, then in practice it did not lead to a state monopolisation of the care of the poor, but rather to a coexistence of free and public institutions, whereby the private institutions within the state standardised framework still had room for self-regulation.

For this reason, the leading questions of the work are, on the one hand, the relation between public and private-catholic welfare, the arrangement of this relationship, as well as how the organised Catholic representation of interests influenced the legislation and welfare policy and thus the structure of the legal framework. On the other hand, attention should also be focused on the development of normativity within Catholic groups, for example in the context of increasing professionalisation and centralisation – such as the first peak experienced by the Catholics when founding the German Caritas Association – or on the phenomenon of the training of ‘non-governmental social policy’, which took advantage of the framework provided by state regulation in order to take action in areas that are beyond the scope of state regulation.

The aim of the work is thus not only a consideration of (Catholic) welfare, especially in the German *Kaiserreich* (German Empire) using a legal historical approach, it should also contribute to the study of the German welfare state, which is also characterised by the strong position of church charities to this day.



Catholic Orphanage St. Barbara Koblenz

***in regnum successit.* ‘Carolingians’ and ‘Ottons’ or the ‘East Frankish Empire’?**

Simon Groth (Department II)

Simon Groth’s doctoral thesis was written while a stipend holder of the IM-PRS as well as a researcher at the MPleR between 2011 and 2015, and it was successfully defended at the Julius Maximilians University of Würzburg in the summer term. The dissertation deals with the dynastically-based periodisation of the Middle Ages into Carolingians and Ottonians (similar to the dynasties of the Salians and Staufer) as the fundamental and methodological principle for the creation of eras within the German Middle Ages. But questions were rarely raised by German medievalists regarding the usefulness, the purpose and, moreover, the implications of this common sub-distinction. Against this backdrop, the thesis explores the impact produced by this division on the subject matters of succession and sovereignty. This was shown by a kind of bifocal approach that gives equal weight to the empirical analysis of the contemporary sources as well as to the medievalist scholarship since the 19th century up to our times. The investigation joins the hitherto unacknowledged connection between the changeover of the person of the king and the process of spatial formation into a common object of investigation, considering them as two mutually dependent aspects of the political order. Groth’s doctoral thesis makes clear that in the 130 years between the Treaty of Verdun (843), in which the Frankish kingdom of Louis the Pious was divided amongst his three sons, and the death of Otto the Great (973), what had been a random spatial area turned into a coherent realm with an east Frankish (later on: German) identity, including a novel understanding of royal rule: the implementation of the individual succession of only one son in contrast to the idea of dividing the heritage between all heirs. In this way, the genesis of an empire (*Reich*) occurred in the East Frankish dominion in the period between the kingship of Louis the German and Otto the Great. The book has been published in 2017 as volume one of the series *Rechtsräume* of the Max Planck Institute for European Legal History.

History of criminal law and Police Ordinances

Karl Härter (Department II)

The project *Cultural Diversity and Deviance within the Legal System of the Early Modern Holy Roman Empire* investigates how the legal system of the early modern Holy Roman Empire of the German Nation dealt with cultural diversity, which manifested itself in the spread of various religions, increasing migration and the growth of social and ‘ethnic’ minorities. Particular attention is paid to the ambiguous functions of law that range from the maintenance of estate based cultural differences to the regulation of conflicts and the labelling / criminalisation of cultural deviance, in particular focussing on the interdependences between

cultural diversity, deviance and criminal law/justice. This is studied in detail for the exemplary topics of religious deviance related to culturally different minorities such as the Jews and the so called 'sects' as well as marginal groups such as 'vagrants' or the 'Gypsies'. Regarding the ambiguous functions of the legal system, the project covers the entire spectrum of norms and instruments, which ranged from criminalisation, prosecution and punishment to privileges and judicial autonomy, also taking into account the actors and their 'legal agency' to use the legal system as well as extrajudicial/infrajudicial modes to manage cultural diversity. Based on this approach, an article on cultural diversity, deviance and criminal justice was contributed to a collected volume on 'law addressing diversity' that compares pre-modern Europe and India. To further explore the topic the '5. Kolloquium zu Kriminalität und Strafjustiz in der Neuzeit. Schwerpunktthema: Kulturelle und ethnische Diversität in der Geschichte von Kriminalität und Strafjustiz' was co-organised (Munich, September 2017) in which various case studies on several European countries examined the above issues from the early modern to the modern period.

In addition to this, major efforts were made to continue the Institute's research on Early Modern Police Ordinances. In the early modern period virtually all European states, territories and cities enacted a growing number of so called police ordinances (*Policeyordnungen*) aiming at internal order and the 'well ordered police state'. This new type of administrative law covered a variety of subject matters in the wide area of public order and administration, regulated society and the economy and attempted to impose social control and discipline. The *Repertorium der Policeyordnungen* makes the multitude of these legal sources accessible by a detailed content description of the police ordinance of various towns, territories and countries. In 2016 and 2017, volumes 11 and 12 were published which cover the prince-bishoprics of Augsburg, Münster, Speyer and Würzburg as well as the Kingdom of Sweden and the duchies of Pommern and Mecklenburg. In 2017 a project was launched to transfer the data-bases to a newly developed OPAC that will make the bulk of more than 200,000 recorded ordinances accessible online. Related research projects have yielded a dissertation on police ordinances and games of chance/lottery in the 18th century (Ch. Kullick) and a collected volume on *L'économie du privilège* in Europe, both published in the series *Studien zu Policey, Kriminalitätsgeschichte und Konfliktregulierung*. Further research focussed on the history of consumer protection law, showing that already the early modern police ordinances established basic norms and instruments, and on the function of 'gute Policey' in developing social security as an element of everyday life. Moreover, general results of the *Policeyprojekt* were summarised in articles for the *Handwörterbuch zur deutschen Rechtsgeschichte* on *Policey*, *Policeywissenschaft* and *Policeyordnungen* (see K. Härter, publications).

The Mimicry of international law. Andrés Bello's *Principios de derecho internacional*

121

Nina Keller-Kemmerer (Department II)

The 19th century is considered to be of great importance for the development of the so-called modern international law. In fact, geopolitical, economic, industrial and social changes during this time had a great impact on international law and its scholarship. International law was not only refined and augmented but it also became a global standard as an increasing number of states became part of the 'civilized family of nations'. Diplomats, experts on international law and statesmen from all over the world met in European capitals to study European international law. Simultaneously, European textbooks, in particular Emer de Vattel's *Droit des gens* and Henry Wheaton's *Elements of international law*, were translated into different languages and circulated throughout the world.

Drawing upon these incidents, the history of international law is still dominated by a Eurocentric historiography in which non-European worlds play a passive role at best. Only during the so-called process of universalisation did they become part of that master narrative; not as actors, however, but as mere recipients.

This transdisciplinary PhD thesis questions this European master narrative and takes a closer look at the complex processes of cultural translation by analysing the first Hispano-American manual on international law, which was published in Chile in 1833. The author of this book entitled *Principios de derecho de jentes* was Andrés Bello; he is still regarded as one of the most important Hispano-American intellectuals of the 19th century and is referred to as an intellectual freedom fighter (*libertador intelectual*), founding father and *Maestro* of the Spanish-American world. As the handbook on international law was soon of great success in Hispanic America, Bello published two slightly revised editions under the title *Principios de derecho internacional* in 1844 and 1865. All three editions were reissued and distributed throughout the Hispano-American space and were not only used as textbooks but also as governmental handbooks. In contrast to this euphoria, European scholars criticised Bello's doctrine on international law as being eclectic and a mere copy of the European ideas. In 1855, the German jurist Robert von Mohl, for example, described Bello's *Principios* – contemptuously – as a 'successful compendium of the [European] customary notions and assumptions', which 'did not contribute to the science of international law'.

Indeed, Bello's textbook is, at first glance, an imitation and compilation of the main European principles of international law. Using postcolonial and poststructuralist approaches, however, the study reveals that this imitation of the European discourse of international law was not a purely passive and submissive act but a deeply ambivalent behaviour, which opens a space of resistance, implies changes and is reminiscent of Homi K. Bhabha's concept of mimicry. Furthermore, post-



colonial and poststructuralist concepts of identity and subjectivity expose the fact that non-European worlds formed an intrinsic part of European international law. They served and still serve as servants to construct European identity and therefore became what Edward Sampson describes as the 'serviceable other'. The PhD thesis was supervised by Miloš Vec and defended in July 2017.

A socio-legal analysis of community dispute resolution in India. Past, present and future

Vishnu Konoorayar (Department I)

India is a rare blend of complexly divergent value systems, where language, religion, caste, race, culture, regional differences, and philosophical and political ideologies interact. This diversity was even more intense and deep-rooted in pre-colonial India where the pluralist and fragmented cultural, religious, and political structures overshadowed the monolithic religious authorities. Much of the law of that period was customary, with dispute resolution forums in segregated communities. There is broad consensus among Indologists that, apart from customary laws, the *Dharmasastras* were also treated as sources of law. However, not much research has been conducted on the socio-legal systems of dispute resolution that existed at the grass-roots level of society. These grass-roots level tribunals were effective dispute resolution methods that existed in the pre-colonised India and functioned on the broad basis of natural justice. They were inexpensive, accessible, expeditious and suited to presiding over conciliatory hearings manned by people with knowledge of local customs and habits, perceptions and values, familiar with the modes of living and the convictions of the parties before them. However, these systems of decentralised justice administration were uprooted by British colonial rule in India, which was premised on an ideology of civilising the natives on English terms. Unfortunately, many of the Western concepts contradicted those of the non-Western societies, and no efforts were made to examine them on their own terms.

In contrast to my previous research in the area, the present study focuses primarily on identification and analysis of various traditional community- and tribal-level dispute resolution mechanisms that have survived the pressures of colonisation and are effectively functioning today in compliance with modern-day norms of human rights.

Several questions guide this research. First, what principles, procedures and mechanisms of resolving disputes existed in pre-colonial and colonial India and continue to be relevant? Second, what community-level dispute resolution mechanisms, principles, procedures, and mechanisms were destroyed during the process of colonisation? Third, what indigenous community-level dispute resolution mechanisms have survived colonisation and are effectively functioning today, and what qualities of these tribunals helped them to survive the pressures of time? Fourth, what factors led to post-independence attempts to revive community-level dispute resolution forums in India ending in failure? Finally, how can the princi-

ples, procedures, mechanisms and qualities identified in response to these questions be effectively used to revive the community-level dispute resolution mechanisms in India with the objective of strengthening the Indian judicial system?

Owing to the peculiar nature of the topic, the work profits from an interdisciplinary approach that integrates law, history and sociology. Apart from various primary legal sources, secondary sources are also evaluated from a critical perspective. Field work, interviews and consultations also serve as important sources of information.

Initial research has already been conducted on the ritualistic practice known as *Theyyam* from the South Indian state of Kerala, which apart from the religious, caste and tribal aspects, also serves judicial functions. Disputes relating to money, contracts and family matters – both *intra-caste* and *inter-caste* – are resolved by performing this ritual. One study conducted in Kasaragod District in Kerala State revealed that approximately 1,200–1,500 civil and matrimonial disputes are dissolved by *Theyyam* per year compared to 20,000 instances of dispute resolution through regular courts. This ritual is also fully compliant with norms of contemporary legal systems and human-rights standards. Experts have suggested that during colonisation this ritual was one of the main methods of dispute resolution among the local communities, and the outcome was recognised by courts too. However, the law was amended by the British in 1940, removing the power of the courts to recognise the decisions of such methods. This discouraged people to use *Theyyam* and similar forums for resolving disputes, since the outcome had no legal validity.

This finding has been presented at two conferences in India: ‘Dispute Resolution amongst Dravidian Communities: Past and Present’ at a workshop on ‘South Asian Legal History, Beyond Boundaries,’ jointly organised by NALSAR, Hyderabad and the Institute on 7 December 2016; and *Theyyam as a Dispute Resolution Practice: Lessons from History* at the ‘Local Governance’ seminar, organised by Kannur University, 2017.

The social and legal process of bankruptcy in Germany 1815–1877

Jasper Kunstreich (Department I)

My research interests focus on the history of economic and commercial institutions. In particular, I’m interested in debt collection and bankruptcy regimes. Coping with a debtor’s default poses a dilemma to lawmakers. That contracts should be fulfilled is a cornerstone of most legal systems; but what should happen to debtors unable to honour their obligations? Lawmakers need to address the dilemma from two perspectives simultaneously: One concerns the balance between conflicting interests of debtors and creditors. The other relates to the incentives and deterrents that the insolvency regulation exercises on society. How should a court judge whether or not someone deserves a second chance? Should the law threat defaulters with punishment or should it help them recover from

insolvency? These decisions will affect the willingness of creditors to lend money and of debtors to take risks. Different communities solve these issues differently, based on shared normative beliefs, which are in turn reflected in their bankruptcy regimes.

How different German law-makers dealt with the issue of bankruptcy during the 19th century was the topic of my doctoral thesis, completed and defended in 2017 at the University of Oxford. By drawing on court cases and records by business organisations I aimed to shed light on local practices and the infrastructure that underpinned certain regulatory regimes. Before 1871, German states adopted different legal approaches to bankruptcy with varying outcomes. In most cases, local market institutions and local elites operated bankruptcy regimes. These local institutions were not always compatible with each other. They came into conflict with other bankruptcy regimes as trade increasingly spanned all of Germany. Designing a national bankruptcy code became a task for jurists all over the country; yet the national codification of bankruptcy law eventually required the political union of the newly founded Empire.

Methodologically, my work is located at the intersection between economic and legal history. I combine quantitative approaches, such as statistical sampling of court cases or multivariate regressions, with qualitative methods of close reading and case studies. I created a database of some 16,000 bankruptcy cases, combining evidence from local archives of different corners of Germany. As regards a theoretical framework, this study relies on the insights of new institutional economics and theories about club goods and public goods.

I am currently revising the thesis for publication as a monograph and will take the project further to include the formation of the German Empire in the 1870s. On the side, I also submitted papers to the *Financial History Review* (currently under peer review). Fortunately, the project opened me opportunities for collaboration with scholars on an international level. Together with Jérôme Sgard Paolo Di Martino (University of Birmingham), Dave De ruysscher (Tilburg University), and Jaka Cepec (University of Ljubljana) we have formed a group that investigates bankruptcy regulation in the particular context of Europe's industrial revolution. The group met first in December 2016 at the University of Birmingham and recently presented a panel at the World Economic History Congress at MIT Boston in August 2018 that included Thomas Tefler (Western University Canada). We aim to proceed with publishing an edited volume of essays, to which end we will meet again in December 2018 at Tilburg University. I am also collaborating with Jérôme Sgard (SciencesPo), Eric Häusler (University of Bern) and Benoît Saint-Cast (University of Lyon) on a comparative approach to bankruptcy regimes in the 17th and 18th centuries in France and the Holy Roman Empire, including Switzerland. Other outcomes include a presentation at the Economic History Society's 29th 'Women's Committee Workshop' in November 2018 at the University of Southampton and at the 'Law and Legality' Forum at the University of Princeton in April 2019.

Social revolution of the constitution. The cultural translation of the Weimar Constitution in the Republic of China (1919–1949)

125

Li Fupeng (Department II)

The 'three globalisations of law and legal thought' starting in the 19th century (Kennedy) have also brought about a complex interaction of national and transnational normativities. Models of codifications and constitutions circulated between North and South, East and West. Particularly, the increasing transnationalisation of a language of constitutionalism since WWI brought a set of common political-legal grammars and vocabulary that until today are essential to the cross-border understanding or even misunderstanding between China and the world. In other words, while Chinese constitutions, understood as the connection between inside and outside normative orders, imported the concepts, categories, principles and even framework from the 'West', its constitution nevertheless expresses its distinct questions, anxiety and concerns. Drawing on the methodological framework of looking at legal transfers as processes of translation, my comparative study between the Weimar Constitution and the Constitution of the Republic of China (ROC), especially on Social Rights, intends to examine these processes more deeply. It aims to reveal how the concepts and categories were interpreted and translated.

Within other aspects, special attention will be paid to how foreign languages channelled knowledge production and circulation in a specific way, because different foreign languages represented particular fields of legal knowledge in modern China. For instance, English was seen to represent international law, French political philosophy, Japanese doctrinal history of law, German *Staatswissenschaft*. However, the encounter between the two Republics, China and Weimar, was not via a single line of translation, but rather in terms of a complex web of references and images which sometimes were expressed in terms of maps and legal cartographies.

As my research concentrates on the archives of the National Constituent Assembly, both of Weimar (1919–1920) and the ROC (1923, 1946), I will also pay special attention to how details of these debates, especially concerning the *Wirtschaftsleben*, analyse how China understood and transferred the concepts, categories and framework from the Weimar Constitution by its traditional resources, and formed a new system of meaning harbouring a strong tension within it. More specifically, this tension is expressed in things such as how they regarded labour as the basis of rights, on the one hand, thus reconstructed Chinese Four-Min Society (gentry scholars,



peasant farmers, artisans and craftsmen, as well as merchants and traders) from the class perspective. On the other hand, with regard to the economic-social dimension of constitutions, the ROC chose national policy over the *Grundrechte* of the Weimar Constitution as its guiding category. The difference between right and policy could lead to distinct mechanisms for deconstructing and reconstructing society. Law composed of rights and duties is the end point of the process of the normative production, but policy is the beginning of the journey that ends at law.

I will complement this analysis of the categories and concepts with some observations of legal practice. Some of the most valuable archives providing access to legal history in action include the Shanghai Archive of Social Affairs Bureau (1945–1948), the Shanghai Archive of the Labour Dispute Arbitration Committee (1946–1949), and the Shanghai Archive of Labourmanagement Conciliation Commission (1946–1949). A multiplicity of actors such as parties, government and society were involved in the judicial decision-making process – in a consultative way – to ease conflicts and resolve disputes. After the CPC (Communist Party of China) took over Shanghai in 1949, some new practices also need to be examined and contrasted with those of the KMT (Nationalist Party of China). The integrated analysis of the selection of European and American references, the translation of categories and concepts, and the implementation into local practice will provide a better understanding of the complex processes of building up the early 20th century Chinese legal system.

Pragmatic literature in Portuguese America (16th–18th centuries)

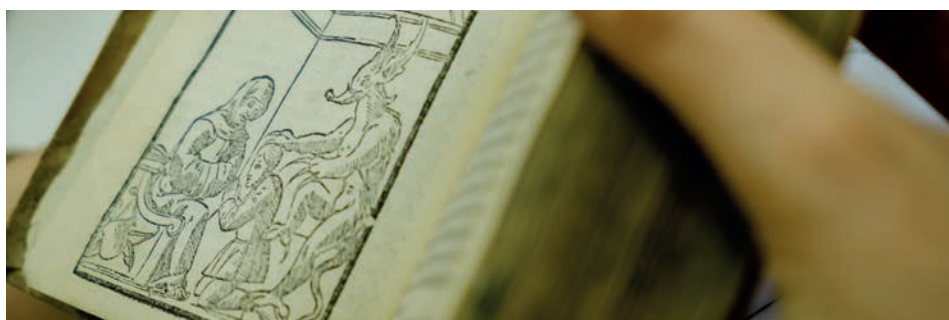
Gustavo César Machado Cabral (Department II / Affiliate Researcher)

The necessity of providing normative solutions to problems of ordinary life in the New World can be traced in Brazil to the first decades of Portuguese occupation. Moral problems of a new kind, particularly those related to facts nearly unknown in Europe, demanded new answers. In the case of the early modern Portuguese Empire, these answers had to be provided not least by the missionaries of the Society of Jesus (the most important religious order in Brazil since their arrival in 1549 and until their expulsion in 1760). They had to give their advice about slavery and its theological consequences, the administration of sacraments, particularly the marriage of indigenous people, and other important matters of daily religious life.

However, it is not easy to reconstruct the juridical and moral-theological sources which were used for establishing the new normative order in Brazil. Brazilian legal culture of the early modern period relied on oral procedure, a reduced sphere of institutionalised civil and ecclesiastical jurisdiction, the absence of a formal juridical education and the prohibition of printing presses. This situation imposes serious constraints on our historiographic work. However, since law during the early modern age was essentially casuistic and predominantly focused on resolving conflicts and doubts, not least so called ‘pragmatic literature’ can be considered an important key to understanding the way legal culture was con-

structed. It gives an insight into the normative framework, but also the practicalities of administration of justice not least by religious actors.

This project focuses on this kind of juridical as well as moral theological texts which were written in Brazil from the 16th to the middle of the 18th centuries. A preliminary overview of the sources, which include both printed (e.g. Simão Marques' *Brasília Pontificia*, published in 1747) and manuscript ones (e.g., the apocryphal *Apologia pro Paulistas*, dating from 1694), proves the strong influence of jurists and theologians in the pragmatic literature produced in Portuguese America. It aims to give a clearer insight into the importance of the pragmatic literature, its presence and use in early modern Brazil.



Cistercian legal landscapes. The monasteries of Dobrilugk and Haina in space and time

Dennis Majewski (Department II)

During the summer term 2015, Dennis Majewski successfully defended his dissertation at the Julius Maximilians University of Würzburg. Majewski carried out the research for the dissertation as a member of the IMPRs as well as a researcher at the Institute. His doctoral thesis discusses the term and concept of the *Rechtslandschaft* ('landscape of rights' or 'legal space') by scrutinising the possessions and privileges of the Cistercian monasteries at Dobrilugk (today the city of Doberlug-Kirchhain) and Haina; both were founded in the middle of the 12th century and disbanded in the mid-16th century. Haina is located in an area with a long history of Frankish settlement (*Altsiedelland*), while Dobrilugk was founded in the region east of the river Elbe (*Neusiedelland*). By means of an intensive and systematic comparison, the dissertation shows – supported by several maps – the ways in which the monasteries expanded their power and their portfolio of subjective rights. This comparison focuses on the perspectives of space, time and protagonists. The main result of the thesis is that the term *Rechtslandschaft* should replace other less apposite terms like *Territorium* ('territory'), *Staat* ('state') or *Herrschaftsraum* ('spheres of dominance') currently used when addressing such objects of investigation. The book will be published in the *Rechtsräume* series of the Max Planck Institute for European Legal History in the summer of 2018.

**‘Hardships there are, but the land is green and the sun shineth’.
The legal history of land ownership in post-emancipation
Jamaica**

Helen McKee (Department I)

On 1 August 1838, Jamaica’s slaves were granted full, legal emancipation. While the slaves would be legally free, the intention of the British law-makers was that they would remain on the plantations and work for a wage. What actually occurred, however, was that slaves left the plantation in their thousands. Many of the former slaves were willing to continue working on the estates but, by removing themselves physically from the plantations, often squatting on un-owned/abandoned lands, they improved their bargaining position for wages. My project investigates how the British attempted to force the former slaves back on to the plantations by restricting land ownership, preventing squatting and restricting movement around the island. Some of the methods used to this end included arbitrary taxation, anti-squatting legislation, high rental for land, low wages and increased powers under vagrancy legislation.

In order to investigate such legislation, I am undertaking an in-depth analysis of colonial policies implemented after the emancipation of the slaves (1838) until the end of the 19th century. Part of this analysis will assess how the legislation, which found its origins in legislation introduced in Britain, was peculiar to local conditions in Jamaica. Alongside this focus on colonial policies, I am uncovering the Afro-Caribbean voices and responses to these laws by analysing a wide-ranging body of sources, including oral history, folk songs, poems, newspaper reports, letters and diaries. Official sources produced by the British frequently hide the voices of the very people the laws were targeting, so it is necessary to widen the scope to assess the impact of these laws on the former enslaved population of Jamaica, and how they, in return, affected and shaped those laws. Combining official and unofficial colonial sources will contribute to our understanding of how English common law was being enacted in Jamaica to control the freed slaves, as well as how those freed slaves were developing their own understanding of the law and creating legal and extralegal methods to access land.

In order to tackle these questions, I have undertaken several research trips to archives in the United Kingdom and will undertake the same in the Caribbean. An example of some of the relevant archival collections include Colonial Office records; court proceedings; newspaper articles from the *Daily Gleaner*; personal papers of judges; and records of the stipendiary magistrates of Jamaica. The relevant archives include: The National Archives, Kew, England; The British Library; collections of the Institute of Commonwealth Studies; The National Archives of Scotland; Barnsley Archives; John Rylands Library Archive; the Public Record Office of Northern Ireland; The National Archives of Jamaica; The National Library of Jamaica; and the Special Collections of the University of the West Indies, Jamaica.

Thus far, the most significant results of this project concern the investigation into vagrancy legislation in post-emancipation Jamaica. The first vagrancy laws were introduced to colonial Jamaica soon after the conquest to control the Euro-

pean population. This was necessary because many of the first English people on the island had been convicted of vagrancy in Britain and sent to Jamaica to settle it. African slaves were subject to a separate slave code, and slaves who wandered the island were prosecuted under runaway laws, rather than vagrancy laws. However, with emancipation, vagrancy legislation took on a new shape and was now used as a method to control the freed population and enforce racial separation within the judicial system. My project has found that punishments for those convicted of vagrancy differed depending on the race of the person. African-descended people were far more likely to be imprisoned with hard labour, whereas East Asian indentured labourer, imported to replace the African labour force, were more often punished with a fine. Finally, I have found that the vagrancy legislation differed greatly to that implemented in Britain. For example, vagrancy laws in Jamaica granted far more powers to authorities to enter private buildings and arrest any person on suspicion of vagrancy. The powers were so extensive that even the British government objected to them. This investigation adds to the discussion of how common law legislation took on a new life when transferred to the colonies.

The outcomes of this project will contribute to the debate surrounding law as a means of control in the post-emancipation Caribbean. The general consensus has been that the colonial government, under pressure from the planters, implemented restrictive laws to prevent former slaves from owning land. My project shows how freed slaves used English legal methods to challenge these laws and how they developed their own methods to gain land. This proactiveness of Afro-Caribbean people, within the legal sphere, has been distinctly lacking in previous scholarship. The findings of this project will also contribute to debates surrounding contemporary issues in the Caribbean. For example, land registration continues to be a contentious issue. Currently, the Torrens system is popular as a tool of registration, but this is problematic when it comes to registering 'family land' – a Caribbean concept of joint ownership. Understanding the historical roots of Afro-Caribbean land ownership will add to our understanding of these issues. On a wider scale, investigating these issues will contribute to debates on the repercussions of colonialism. Exploring these contemporary issues, with their roots in historical developments, was the motivation behind the workshop 'Land Ownership and Conflict in a Global Context: Transfer, Adaptation and Translation of Normative Systems', which was held at the Institute in February 2017. The results of the project so far have been presented at the Association of Caribbean Historians annual meeting in Tobago, West Indies, and at the Law & Society annual meeting in Mexico City, Mexico.

Legal discourse and diversity. Forms and regimes of legal protection, 16th–20th Centuries

Massimo Meccarelli (Department II / Affiliate Researcher)

In this research project, the relationship between law and diversity is considered with a novel hermeneutical approach on forms and features of legal protection in European legal history, from the invention of individual rights in the early modern age, to the present stage of the discussion on rights in times of crises. Legal protection intended as protection of rights, (namely that kind of legal protection that a legal order aims to ensure by way of the attribution and recognition of individual rights in the various possible forms of subjective, social, fundamental and human rights) highlights some contemporary critical aspects. Applied to this issue, the heuristic couple 'law and diversity' stands as a critical key of particular interest for legal history and legal theory.

The history of legal protection seems to have been marked by the alternation of two main approaches. In recent times legal protection takes its shape from the idea of distinguishing the rights of the human being: it consists of formalising rights, generalising and unifying the subjective condition and appreciating (the programme for) equality, thus seeking to assure the complete provision of legal protection. The approach during the Middle Ages and the early modern period, which proceeds from the idea of distinguishing people, instead appreciates differences and builds and multiplies subjective conditions, seeking to assure the complete effectiveness of legal protection.

Considering law and diversity from a legal-historical perspective is therefore a way to observe dynamics and interactions between these two polarities on which the experience of legal protection was built and to understand what is in the middle. It is an attempt to historicise the idea of protection of rights and the related principle of equality, overcoming the approach of understanding legal protection merely as an issue of static abstract models.

The research project considers four analytical perspectives: social, cultural, gender, and methodological-hermeneutical. The topic implies connections with other relevant issues such as legal spaces, legal entanglements and the circulation of legal ideas, autonomy of the law, legal pluralism and the interdisciplinary challenge.

I organised the international workshop 'Discorso giuridico e diversità. Diritti e giustizia in tempo di crisi e di transizione' at the Department of Law of the Università di Macerata in cooperation with the Institute. My research has been conducted as part of the activities of a network of scholars from Italy, Germany and Latin America interested in the problem of rights, justice and cultural diversity. I am also associated with the Brazilian multidisciplinary research project 'Direitos, Justiça e Interculturalidade nas Fases de Transição' (Universidade Federal do Paraná, Universidade Federal do Rio de Janeiro and Universidade de Brasília).

The cooperation with the Institute was further facilitated through my nomination as Research Fellow at the Forschungskolleg Humanwissenschaften of the Goethe Universität Frankfurt from September to December 2017. During this

period, Thomas Duve and I co-organised the workshop ‘End of Empires? Legal Historical Perspectives on Latin America and Europe in the 19th and 20th Centuries’. The presentations given at this workshop will be published as a ‘Focus’ in *Rechtsgeschichte – Legal History* 26 (2018).

The historical dictionary of canon law in Hispanic America and the Philippines, 16th–18th centuries

Pilar Mejía / Osvaldo R. Moutin / José María Martín Humanes (Department II)

Although several dictionaries of canon law have been published in the past, *The historical dictionary of canon law in Hispanic America and the Philippines, 16th–18th centuries* (Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglo XVI–XVIII), a project led by Thomas Duve and coordinated by Pilar Mejía and Osvaldo R. Moutin, is the first specifically focused on the early modern period, with a clear spatial focus and a distinct legal historical method. Its 121 entries aim to reconstruct the system of canon law as it was reproduced and adapted in the Hispanic-American territories between the 16th to 18th centuries.



A series of fundamental considerations are underlying the project. First, the dictionary is structured according to the *Liber Extra* of 1234, which was the collection of canon law used in legal practice and teaching at the universities of the Old and New Worlds until 1918 and whose *lemmata* are divided into five subject-based sections. Second, fourteen key primary sources that circulated widely in Hispanic America and the Philippines during the period have been identified as main sources for the entries to the dictionary, in order to reveal the interaction between different normative orders, including royal and pontifical regulations;

provincial councils; juridical doctrines; customs; handbooks of moral theology; and pragmatic instructions for confessors, lawyers, parish priests and missionaries. Third, all articles follow a standard format, including the definition and functions of the entry, its articulations and particularities, and its historiography.

During the years 2015–2017, authors have been selected, entries distributed and a support structure was established. The authors for each entry receive considerable support in the form of guiding the research and writing processes, advice on bibliographic matters, periodic meetings to present preliminary drafts of each entry, and finally, evaluation and proof reading of the entries. A blog facilitates communication with the authors by providing online access to the principal sources, including the editions relevant to each entry in view of their future digital publication as well as other research tools from Spanish translations of the Latin sources, introductory articles to the main sources authored by the Institute's researchers, a database and stylesheet for Endnote, and other relevant reference works.

So far, the project has assembled a community of 90 scholars from 15 countries and working in 40 locations to compose the 121 articles. Many of the entries are already in their final version as well as others whose structure has been approved and of which the first draft has been submitted. Half the entries remain in the preliminary stages, and we are supervising the collation of primary and secondary sources for them. For the final revised versions a website was created for the purpose of dissemination: dch.hypotheses.org. Until the end of 2017, the four first articles have been published in the SSRN platform available in the website of the Institute. More will be published within the next months.

Throughout the project, we have noted the particular configurations of religious multinormativity as products of the interaction of legal orders with universalistic demands in historically specific local contexts. From a variety of normative authorities, the different sources have showed us the problems and solutions that local practices produced. At the same time, we have been able to show the doctrinal and theological frameworks used to interpret the new realities and its transformations. We are confident that the dictionary will provide valuable legal historical knowledge for many researchers from different disciplines which are showing an increasing interest in the normative substructures of social life in the Hispanic-American world.

In addition to her work on the Dictionary, Pilar Mejía finished and defended her doctoral thesis entitled '*Superstition' as Delict. Its Emergence and its Transformations at the Inquisitorial Tribunal of Cartagena de Indias, 17th and 18th centuries*'. The main aim of her investigation is to explore the procedural practices of this inquisitorial tribunal through the uses that its judges made of the different typologies concerning possible 'errors of faith' in the local Christian practices, as well as their falling out of use. Beyond the different traditional historiographic images about the Inquisition, this research intended to put into evidence the theological-juridical mode of thinking that was operative as theoretical background at that time, at two different levels. On the one hand, at the basis of the Tribunal's own procedures; on the other, at the basis of the forms of correction that were developed, corresponding to scientific advances in the areas of knowledge of

medicine and theology, and which were oriented towards curing 'superstitious' subjects from their maladies. Throughout the period studied, we find out how in the course of two centuries the use of public corporal punishment changed and became obsolescent, whereas new practices of 'repairing' (*arreglo*) and new modes of reconciliation with the Church were emerging. Particularly pertinent for this research is the analysis in those cases, whose 'false practices' fall under the figures of 'trickery' or 'deceiving' (*engaño*), 'ignorance', 'fraud' (*embuste*), cases of weakness by disease or madness, which formed criteria in order to consider these practices as 'minor causes'. Through a series of devotional tools (such as manuals, compendia and others considered to belong to the realm of 'minor literature'), these practices account for what can be considered, from a historical-ethnological perspective, as the birth of 'popular' forms of religiosity in the New World. This research will be published as a book in the series *Global Perspectives on Legal History* later this year. Other results of this research will be published in a collective volume in 2018/19.

Osvaldo Rodolfo Moutin has finished his doctoral dissertation at Goethe University of Frankfurt on February 2015, which was published a year later in the *Global Perspectives on Legal History* book-series, with the title *Legislar en la América hispánica en la temprana edad moderna. Procesos y características de la producción de los Decretos del Tercer Concilio Provincial Mexicano (1585)*. The author was invited to present the book at the University of Navarra (2016) and the International Bookfair of Guadalajara (2017). He has presented the project DCH, above mentioned, to authors and the academic community in Frankfurt am Main, Rome, Pamplona, Buenos Aires, Santiago de Chile, México City and Zamora de Michoacán, taking the opportunity to meet with authors and to scout for new possible candidates. Among the activities of the MPlER, he has contributed to the SFB 1095 subproject *Presence and significance of pragmatic normative literature in Ibero-America in the late 16th and early 17th centuries* with a paper entitled 'Producing pragmatic Literature in the Third Mexican Provincial Council, 1585'. In the 'XIX Congreso del Instituto Internacional de Historia del Derecho Indiano' in Berlin he has presented a paper with Christiane Birr on the treatise of Alonso Noreña about the Ecclesiastical Immunity sent to the Third Mexican Provincial Council. In cooperation with Sebastián Terráneo (UCA/Buenos Aires) he has organised four meetings under the name 'Jornadas de Estudio de Historia del Derecho Canónico Indiano'. The acts of the last three have been published, and the fourth is still in preparation. This has been a cooperation with the Instituto de Investigaciones de Historia del Derecho (INHIDE/Buenos Aires) and the Instituto de Historia del Derecho Canónico Indiano (UCA/Buenos Aires). He was invited in December 2017 to give a special course to PhD Candidates and Researchers of El Colegio de Michoacán (Zamora, México) on the History and Fundamental Concepts of Canon Law.

José María Martín Humanes has collaborated with the project group in some organisational issues and in 2017 concentrated on preparing entries for the Dictionary project on different subjects.

Non-Christians in the history of canon law

Christoph H. F. Meyer (Department II)

Since 2015 I have focused on the legal history of the Catholic Church, especially the Fourth Lateran Council (1215) and its legislation, the phenomenon of epitomising and its significance for the sources and literature of canon law, and the project *The Status of the 'Infidel' in Premodern Canon Law*. The latter also contributes to the larger inter-institutional project: *Convivencia: Iberian to Global Dynamics, 500–1750*, which investigates the history of interactions and exchanges between different cultural and religious communities under Iberian influence. Our particular contribution consists in highlighting legal historical aspects of medieval and early modern *Convivencias* in Europe and Latin America.

In the Middle Ages and early modern times canon law regulated not only the organisation of the Catholic Church and the lives of Catholic Christians but also the legal existence of non-Christians to a large extent. This becomes apparent when looking at pre-modern sources of canon law (e.g. the *Corpus Iuris Canonici*), which applied until the early 20th century, when the *Codex Iuris Canonici* of 1917 came into force. The respective legal texts contain many norms concerning Jews, Muslims and polytheists. While historical research has recently paid more attention to non-Christians in canon law, it is difficult to grasp the current state of research. Relevant publications are scattered over several disciplines (e.g. history, theology, jurisprudence) and various contexts of study.

The dispersal of research results inspired an effort to survey and analyse secondary literature dealing with the role of non-Christians in the pre-modern legal culture of the Catholic Church. The period under investigation extends from late antiquity to the early 20th century. However, the multiple forms of normativity in the Church preclude merely cataloguing canon-law literature in the strict sense. On the contrary, interdisciplinarity demands including other disciplines (e.g. moral and dogmatic theology). Specifically, the project has two objectives: producing a chronologically and systematically ordered bibliography as well as historically and methodically investigating the secondary literature therein. Some initial results of the project were presented at three *Convivencias* conferences (Barcelona, Halle and Lisbon) between 2015 and 2017.

Initially, it was necessary to survey the *status quaestionis*, and it soon became clear that there is no general state of research as such. Whereas some topics, like the regulations of the Fourth Lateran Council (1215) relating to Jews and Muslims, are treated often, others have rarely been discussed at all. One of the neglected topics is the canon law of marriage. Although this is a popular historical subject among canon lawyers, the legal coexistence of Christians and non-Christians has received little attention, perhaps because general historians with little interest in technical legal questions produce most publications on *Convivencias*.

Preliminary results suggested that historical studies on the status of the 'infidel' have proliferated substantially since the late 1960s. Since that time, the focus has been on canon law regulations concerning Jews, but in the last two decades interest has begun to shift towards the legal relations between Christians and

Muslims. Still, the number of investigations looking into the role of polytheists in pre-modern canon law has not kept pace. Later results, however, suggested the preliminary picture should be revised, especially with regards to the timeframe of interest. The 19th and early 20th centuries yielded important publications that have since been almost forgotten. Besides, older research literature tends to treat the legal history of the *infidelis* in conceptual, rather than historical, fashion.

Despite changes in the nature and presentation of research findings since the 19th century, other aspects have changed little over the last two centuries. A methodological problem many authors face when trying to analyse the status of non-Christians in the legal culture of pre-modern Christianity relates to the significance of modern concepts for the analysis of pre-modern sources and issues. Whereas older sources drew terms from the discipline in question, since the middle of the 20th century, terms like tolerance or freedom of religion and conscience have often been borrowed from political and legal theory. While the historical roots of many of these terms go back far beyond the 19th century, it is also clear that many of their precursors assumed a particular inflection over the course of the 18th century that did not apply before. How to use modern terms profitably without falling into the trap of anachronism remains a challenge.

In the course of 2018, the bibliography comprising approximately 1200 titles will be published in the *Subsidia et instrumenta* branch of the *Max Planck Institute for European Legal History Research Paper Series* on SSRN.

The project is part of the project group *Convivencias: Legal Historical Perspectives*. Some results of the group project will be published in *Rechtsgeschichte – Legal History* 26 (2018).



Constitutional fundamentals of the sources of law in the countries of Europe (16th to 18th centuries)

Heinz Mohnhaupt (Department I/II / Affiliate Researcher)

The cornerstone of my research at the Institute is the *Handbook of Sources and Literature of European Private Law*. My participation in this project goes back to the tenure of the Institute's first director (Helmut Coing). Once he left the Institute, work on this project was suspended and partly stopped. I later resumed my work because many parts were finished, which I have since updated, supplemented and rewritten. These sections concern the presentation of the constitutional institutions, especially legislation and jurisdiction, of all European states between the 16th and 18th centuries to the extent that they explain the emergence of the sources of private law listed in the handbook. I discuss each country according to a common structure: a) the form of government (monarchy and the estates); b) fundamental laws; c) legislation and the concept of law; d) jurisdiction and *iura iudicata* as a source of law; e) administrative structure; and f) bibliography, sources and literature. The common structure enables comparative analysis, which, in turn, shows similarities in the development of legal sources against the background of the European *ius commune*. This part of the project comprises 16 European countries, of which 13 are complete, and a general comparative introduction. Together, these elements now comprise 740 pages.

My second contribution to the handbook concerns the 'privileges' in the European judicial system. The *privilegium* is a very ambivalent legal institution with strong ideological colouring that permeates the entire history of law in Europe. In contrast to the modern constitutional principle of equality/*égalité*, it was a revolutionary concept of struggle in the modern state and society since the 18th century. Privilege and the principle of equality signify a tension between individualization and generality in a legal and social order. This work examines the function and legal nature of privilege throughout Europe. The three sections comprise a) scholarly analysis of *privilegium/privilegia* as a legal institution; b) classifying the printed sources of all European states according to common criteria; and c) classifying the literature from the Middle Ages to the present day according to the content of the privileges conferred. This section is complete and covers 930 pages.

My research also lends itself to cooperation with at least two of the Institute's research focus areas. Starting with *Multinormativity*, the diversity of legal sources in the *ancien régime* in terms of name, function and concept concerns not only currently fashionable non-legal norms, but above all the world of legal norms. These norms attracted substantial criticism during the Enlightenment and led to discussions on the need for comprehensive and uniform codification of the law. Collaboration with other research on *Multinormativity* at the Institute has led to an essay, which has just been published, that examines the forms and competition of legal normativities in the *ius commune* of the 17th and 18th centuries and in the literary genre of the *differentiae iuris*.

The second research focus area to which this research can fruitfully contribute is *Conflict Regulation*. The history of conflict regulation has legal and non-legal

variants, but they share the purpose of settling disputes. Legal dispute resolution relies on legal sources and a stable foundation on which to base legal decisions, which make the decision-making process calculable and transparent. The ideal of a *ius certum* was a much-discussed topic in the *ancien régime*, and the goal of 'legal certainty' continues to be sought in the modern constitutional state. Access to state adjudication and transparent and certain bases for all decisions are prerequisites for the order, recognisability and regularity of judicial decisions. I have elaborated on this topic in an essay for the handbook *Geschichte der Konfliktlösung in Europa*, whose publication is forthcoming.

The second contribution to this research focus area concerns the Media of conflict regulation. In addition to media and conflict theory, it deals with crucial legal media in the form of collections of legislation and judgments as well as the literary genre of commentaries. These represent the published basis for judicial practice and fulfil the requirement of publicising adjudication in the constitutional state. This essay is currently under review.

Turning to future projects, I will continue work on legal desuetude. Sources of law form the basis for judicial conflict regulation and for various forms of legal pacification, which have been repeatedly investigated in legal history from many different angles. These existing inquiries have focused on the emergence, production and application of law in theory and practice. The opposite process of the loss, expiration and destruction of law in all its multinormative forms is a complementary question, which I have been pursuing for several years under the term 'abduction'. Once I have completed collecting the requisite materials, which is nearly finished, I intend to prepare a study on this topic.

History of criminal law and the penitentiary system in Latin America

Jorge Núñez (Department II / Affiliate Researcher)

As an affiliate researcher at the MPLeR, I was engaged in co-organising various activities in the field of history of criminal law, institutions of security and the penitentiary system. In several smaller workshops, a balance of the history of historiography on criminal law and the penitentiary system were presented; some of the contributions which emerged from these activities have been published in the *Max Planck Institute for European Legal History Research Paper Series* (Jorge A. Núñez/Luis G. González Alvo, *El porvenir del pasado penitenciario. Sobre la construcción de una agenda de trabajo para la historia de la prisión en la Argentina (1860–1950)*; Alejandro Agüero, *El uso del pasado en la enseñanza del Derecho Penal en Argentina. La imagen del Antiguo Régimen como tradición latente*; José Daniel Cesano, *Criminalidad de menores y sistema penal (Latinoamérica, 1890–1950): Las agendas y los métodos en la historiografía regional reciente*; Osvaldo Barreneche, *Las instituciones de seguridad y del castigo en Argentina y América Latina. Recorrido historiográfico, desafíos y propuestas de diálogo con la Historia Del Derecho*; Agustín E. Casagrande, *'The Active Arm of the Government'*

The Police of Buenos Aires in the First Half of 19th Century). In a later workshop in Buenos Aires, attention was also paid to how 19th and 20th century Latin American States responded to diversity, not least in the context of the processes of re-indigenisation and an increasing social demand for the recognition of rights of other social groups (LGBT movements).

In addition to these activities, I was a member of the organisation committee of the 'XIX Congreso del Instituto Internacional de Historia del Derecho Indiano' celebrated in Berlin 2016 and assisted in the publication of the papers given at Berlin in a two- volume open access publication.

Census of legal imprints

Douglas Osler (Department I)

The *Census of Legal Imprints* is an attempt to construct a survey of major areas of European legal printing from its inception until the end of the 18th century.

The invention of printing around 1450 constituted a watershed in European history, resulting in a revolution in the means of production and dissemination of the printed word and a vast expansion in both the range and number of texts circulating among an increasing readership. The first decades of printing up to 1500 (the *incunable* period) have been studied in a scientific manner since the early 19th century. Today an online record of editions, with a register of nearly all known surviving copies, the *Incunable Short Title Catalogue* (ISTC), is available on the Internet.

Only in recent years has the period after 1500 begun to receive similar attention, and this unfortunately has proceeded along national rather than European lines. Thus the German VD16 (*Verzeichnis der im deutschen Sprachbereich erschienenen Drucke des XVI. Jahrhunderts*) records German imprints in German libraries; the Italian EDIT16 (*Le edizioni italiane del XVI secolo, Censimento nazionale*) records Italian imprints in Italian libraries; while the Dutch STCN (*Short Title Catalogue of the Netherlands*) has extended its search for Dutch imprints only across the Channel to Cambridge and London.

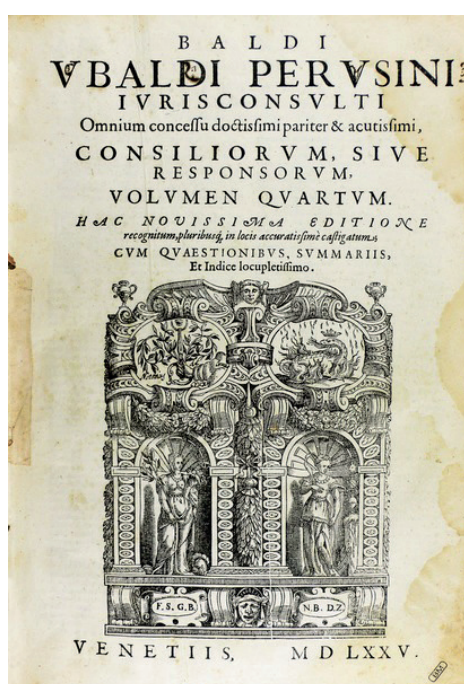
However, in the 16th century, legal culture was still a pan-European enterprise, in which printing centres, such as Venice, Lyon, Frankfurt and Antwerp, were geared to producing Latin texts of the *ius commune* for an international market. Even on its own terms a national approach must prove inadequate, since, for example, an estimated 25% of editions printed in Italy in the 16th century are no longer to be found in Italian libraries. Even in the 17th century we find that some of the first Dutch editions of the greatest jurists of the golden age, such as Bynkershoek, Vinnius or Noodt, are no longer to be found in libraries of the Netherlands and consequently are missing in the STCN.

The *Census of Legal Imprints* seeks to provide a panorama of legal printing in selected areas of European legal history in the period from 1600 to 1800 by recording all extant copies of juridical editions preserved in a range of research libraries. The *Jurisprudence of the Baroque* (3 vols., 2009) is intended to provide

a record of all legal works published in Italy in the 17th century, and extends to 7700 editions. The *Bibliography of Jurists of the Northern Netherlands active outside the Dutch Universities to the year 1811* (2017) is effectively an extract from the larger project (made to complete a series of the Dutch Academy of Sciences) and covers some of the most important of the Roman-Dutch jurists: Brenkman, Bynkershoek, van Leeuwen, van der Linden, Meerman.

Nowhere is a supra-national approach more imperative than in the first decades of the 16th century. Books of this period, particularly law books, have a very high rate of attrition, many editions surviving in only one or two copies. The year 1500 is one merely of convenience, for both the format of the books (short title, printing information in colophon, day-date) and the main printing centres continue unchanged after this date. The transition to the modern format of the printed book can be dated to around 1525, when the great centres of early Italian law-book production (Venice, Milan, Pavia, Bologna, Siena, Trino in Monferrato) fell victim to war and plague and altogether ceased to print, leaving the field of law-book production to the greatest of 16th century printing centres, Lyon.

The surviving copies of these *postincunables*, as they may be called, are often to be found in German libraries, and are thus at once unknown to the Italian *Censimento* and ignored by the *Verzeichnis* of German editions. Building on comprehensive descriptions of the important collections in England, concentrated in Oxford and Cambridge (inspected *in situ* many years ago), the new electronic medium of the online catalogue (OPAC) finally holds out the possibility of investigating the holdings of the great German research libraries. By patiently combing these catalogues, year by year, the entire postincunable legal holdings of such libraries as Berlin, Munich, Wolfenbüttel, Freiburg, Tübingen, Heidelberg, Rostock, Salzburg and Vienna (to name but the most famous), have been added to the *Census*. Now,



piece by piece, the picture of early 16th century legal printing is slowly beginning to emerge. For example, of the sixteen Italian editions of the important medieval jurist Angelus de Ubaldis currently registered in the postincunable Census, all but three are unknown to the *Censimento* of Italian libraries.

Recognising that books printed in this period continue to exhibit the characteristics of the incunable period, the *Census* has adopted the innovation of applying the incunable method of description to these books also. Descriptions of these editions thus exhibit the following pattern:

Ubaldis, Angelus de
Lectura Autenticorum ...
Milan: Ioannes Angelus Scinzenzeler for Ioannes Iacobus de Legnano &
brothers, 22 November 1502.
2° : unfol.
a⁸ b-g⁶ h-i⁴ : 52 leaves
D: Heidelberg UB [I 1226 Folio INC::[4]]
F: Paris Bibl. Nat. [Rés. F-481 (2)]
US: Harvard Law Lib. [T B178e 504]

Through the systematic survey of important library collections by means of their OPACs, and the inspection so far as possible of selected copies, the goal of achieving a panorama of this vital period of European law-book production, and thus at the same time completing the core work of the project, the *Census of 16th Century Legal Imprints*, is at hand.

Translating to evangelise. Discourses and translations of Christianity between the Holy See and the catholic brotherhoods in the Viceroyalty of Peru (16th–17th Centuries)

José Luis Paz Nomey (Department II)

In the New World, since the beginning of evangelisation many brotherhoods were created in local churches and these groups of believers were deeply interested in establishing contact with the Pope in Rome. Brotherhoods were Catholic groups who intended to live strictly by the gospel, taking solemn part in liturgical and Eucharistic acts, as well as engaging in practices of Christian piety. However, these practices were often limited by their incapacity to make decisions or by internal and external conflicts. Consultations concerning the consecration of churches, altars for particular saints, the scheduling of masses, the routes of processions, the veneration of relics were often presented to Rome. It was on these kinds of occasions that brotherhoods appealed individually or collectively to the Pope in order to ask for his mediation or for the expedition of a bull, a brief or other pontifical exhortation to solve the conflict.

This research has as its main goal to analyse, discuss and criticise the origins, evolution and changes in the relations between the Holy See and the brotherhoods in the Viceroyalty of Peru between the 16th and 17th centuries. I will achieve this

aim by analysing the Holy See's discourses concerning the laity in the Church of Peru during the period of implementation of the Council of Trent, as well as by studying the relations between the Holy See and the laity of the Viceroyalty of Peru through the establishment and approval of brotherhoods. In order to achieve this goal, I am consulting supplications sent by the confraternities to the Pope and also bulls, briefs and exhortations issued by the Popes to the brotherhoods as answers to their requests. During my research in the Vatican Secret Archives and other local institutions, I gathered information on 76 brotherhoods located in the geographical area of the Viceroyalty of Peru. It is worth stressing that I also found a trilingual Catechism (Spanish, Quechua and Aymara) produced to convert lay people, as well as books of brotherhoods, 'rules of life' and constitutions of the fraternities.

As a preliminary result, I can advance the hypothesis that the communication system between the Peruvian brotherhoods and the Holy See (16th–17th Centuries) allowed the brotherhoods to exercise the right to make decisions in order to solve conflicts caused by the extension, translation and appropriation of (European) practices and traditions of the Roman Church in the New World. These faculties received by the brotherhoods were obtained through privileges issued by the Popes in Rome. An example of this information exchange are the constitutions and the indulgences sent by Popes to the confraternities. At the same time, brotherhoods created a social network useful to protect and reinforce unity among its members by giving them more power than they could exercise as individuals, since the Popes' graces provided spiritual, social and material support to these institutions. They provided spiritual support for dead members according to their beliefs. In the social sphere, these entities protected their members against a harsh social environment, giving them a specific shared identity and a sense of belonging and recognition by the Church (and the State). Additionally, the organisations maintained and reframed social hierarchies by integrating natives and slaves in the Catholic i.e. 'Universal' Church, establishing social equality despite continuing socio-economic and status differences.

This project is part of the research project *Resource for Juridical Decision-Making Processes. Early Modern Papacy and the Emergence of a Modern Information Regime*, coordinated by Benedetta Albani in the frame of the SFB 1095 *Discourses of weakness and resource regimes*.



Felipe Guamán Poma de Ayala, *Nueva coronica y buen gobierno*, 1615/16

The originality requirement in U.S. copyright law after transferring the English Statute of Anne to America

Niels Pepels (Department I)

Current literature on U.S. copyright law history more often than not takes the Copyright Clause in the Constitution as the starting point of U.S. copyright law. There is very little in the way of research considering the origins, that is, how the Copyright Clause became a part of the Constitution, or why the first federal copyright Act of 1790 had the content that it had. Both must have come from somewhere, yet very little has been published on this topic to date. The aim of this research is to address this gap and study the transfer of copyright law from Great Britain to the U.S. through the lens of the originality requirement.

While a number of themes are worth pursuing in relation to the origins of U.S. copyright law, my research question centres around two main issues: 1) the transfer of copyright law from Great Britain to the U.S.; and 2) the development of the originality requirement in copyright law from early developments in the U.S., ranging from the 18th century up to the 20th century.

Given that it is generally accepted that the U.S. Copyright Act of 1790 draws inspiration from the first copyright law in history, the British Statute of Anne, if we want to assess and understand this transfer of law, it is important to analyse the events leading up to the drafting and enactment of this statute in 1710, examine the Statute itself, and to look for traces of the Statute in the Copyright Clause and the federal Copyright Acts, starting with the 1790 Act.

The second part of the research project deals with the other cornerstone of U.S. copyright law, namely the originality requirement. Despite the fact that the U.S. Supreme Court states that '[t]he sine qua non of copyright is originality', until the current Copyright Act of 1976, none of the previous Acts (1790, 1831, 1909) even mentions or legislates on the originality requirement in any way. In other



words, the originality requirement was introduced and consistently enforced by the federal courts – following the guidelines of the Supreme Court – without actually being a part of legislation.

Here, the development of the originality requirement (as a standard of review) for copyright protection in the U.S. will be mapped out in order to arrive at an objective standard for copyright protection. The enactment of the 1976 Copyright Act, the U.S.'s adherence to the 1886 Berne Convention in 1989, as well as (inter) national legislative and judicial developments on copyright will be taken into consideration. Moreover, the *travaux préparatoires* of the aforementioned statutes, the relevant case law, and the statutes themselves, not to mention secondary sources including law journals and monographs on copyright law, will be used.

First, the dissertation looks at the reasons for the British to abandon their rigorously controlled press to embrace a free press and, in so doing, to protect literary property via enacting the Statute of Anne in 1710. The Statute will then be analysed, and a select number of court cases examined in order to see how it was interpreted by courts. Second, I then proceed to examine the actual transfer of laws, the events leading up to the transfer, the main actors, the transfer of laws and the subsequent enactment of a Copyright Clause in the U.S. Constitution. After this, I will focus on the texts of the 1790, 1831, 1891, 1909 and 1976 Copyright Acts through the lens of the originality requirement to see how statute law developed with regard to originality. Having sufficiently treated the first part of the project, I then turn my attention to the second part: the development of the originality requirement in U.S. courts and the courts' reaction to changing statute law. This part of the analysis involves examining three cases for a comparative analysis in order to gauge the development of the originality requirement by looking at an 18th-century English case, a nineteenth-century U.S. case and a 21st-century U.S. case.

European Union legal history and competition law

Sigfrido Ramírez-Pérez (Department I)

My specific contributions to the new Research Field on the *History of European Union Law* consist in fleshing out the role played by the legal service and lawyers of the European Commission in the building of EU law, in particular their contribution to EU competition law. What is innovative about this approach is that it treats this common legal service of the European executives as a collective actor providing institutional continuity and coherence in the decisions taken by the European executive in this specific policy field. My main approach combines an enquiry on written sources with the development of an oral history programme in co-ordination with the Historical Archives of the EU in Florence. Such a collection of sources will permit a precise and documented analysis regarding the interaction of the European Commission with other legal services in other EU institutions. These lawyers are of central importance for explaining the creation of EU law as a new legal order with supremacy and direct effect. These principles originally emerged

in competition-related cases brought before the European Court of Justice (ECJ), which I am also investigating in my role of co-ordinator of the Institute's pilot oral history programme on the ECJ.

Coming to the specific theme of EU competition, I have dedicated a substantial part of my research to the analysis of this particular EU legal field. In this pioneering area of EU law, the central research question is to clarify the ways in which EU law evolved from the founding treaties through to the secondary legislation in order to support a particular economic model of mixed and managed capitalism common to all its member states. To that end, I am co-editing a book project on the role of European social-democracy in European competition law and policy from the 1920s until today. This enables us to reconstruct the genealogy of competing interpretations of competition law that had emerged with European integration via the treaties and the subsequent legislative action of European institutions. This allows us to situate EU law into a larger historical perspective, while at the same time introducing the questions of ideology, political parties and governments into the larger debate of the European economic constitution. Most scholarship in this area has stressed the influence of just one country, namely Germany, and just one ideological school, Ordoliberalism. My own hypothesis, however, contends that the evolution of EU competition policy respected the welfare state models common to the constitutions of its member states and was based on Keynesian conceptions, shared by European social-democrats and Christian-democrats for most of the 20th century.

However, this new focus of the political history of EU competition law cannot be artificially separated from the social and economic history of European integration. To this purpose, I have also developed research about the contribution of social actors (trade unions and businesses) to EU law. In particular, I am working on the automotive sector and have presented various papers at conferences related to this sector which has played a central role in defining the flexible application of EU competition law and policy based on Keynesian conceptions. Recently I collaborated with business economists on an article exploring the role played by multinationals in the origins of state aid designed to favour environmentally friendly cars. Moreover, I have developed a new research project focusing on the interaction between Euro-lawyers and national legal communities working for businesses. In particular, I am currently collecting documents and testimonies of private and public actors involved in the process of reception and responses to EU competition law in Italy.



Franciscan missionaries and ecclesiastical normativities on New Spain's northern frontiers, 1580–1630

David Rex Galindo (Department II)

My research at the Institute and the Collaborative Research Centre (SFB) 1095: *Discourses of weakness and resource regimes* examines the evangelisation of New Spain in the period between 1580 and 1630 from a legal historiographical perspective. In particular, I look at religious conversion as a process of creation, propagation and application of normativities that govern everyday lives in a remote, peripheral colonial context where the Spanish secular government had little presence. It was in the early stages of conquest that the Catholic religious orders, particularly the Franciscans, played a pivotal role in the establishment of normative systems that stemmed from a religious framework.

Broadly speaking, I concentrate on the normative practices that emanated from religious authorities, especially with regard to canon law and moral theology. Religious men and their moral teachings were arguably the two pillars of the Spanish legal system implemented among indigenous communities in the aftermath of conquest. By focusing on religious-normative knowledge in the century after the fall of Mexico-Tenochtitlán, this project contends that clerics, particularly mendicant missionaries such as the Franciscans, Dominicans and Augustinians, actively participated in creating and establishing a religious normative order that, by relying on moral theology, catechetical and pastoral literature, indigenous practices and orality, sought to convert native peoples to Christianity and Spanish culture, ultimately shaping Spanish domination over the Americas. I further argue that these ecclesiastical normativities were implemented through confession and especially through preaching.

Geographically speaking, I focus on central Mexico and, particularly, Michoacán and the so-called Chichimeca frontier. Throughout the early colonial period, these frontiers acquired a multi-ethnic and multicultural character, and Christians were a religious minority. Conflict between indigenous groups called *Chichimecas* and sedentary groups of Spaniards and indigenous peoples from central Mexico were further evidence of Spanish encroachment on New Spain's northern regions. In a context of prolonged, tenuous control by Spanish authorities and acute violence, I argue that responsibility for the establishment and implementation of normativities aimed at controlling indigenous communities fell upon the religious mendicant orders, who often were the only representatives of the colonial power in these spaces. I use those two case studies to answer more general questions: how were European normative discourses and religious authority implemented in multi-ethnic and multi-religious frontiers through violence? What kinds of sources comprised the normative literature in these regions? How did Catholic missionaries and indigenous communities respond to the daily exigencies of evangelisation and conquest?

I study the Franciscan pastoral opus produced by the Franciscans – confession manuals, catechisms, and moral treatises – which arguably contributed to the creation of a legal order in the frontier setting of 16th-century Mexico. Most of

my archival research was conducted in Franciscan and state archives in Mexico, Spain and Rome.

I have presented my research in various forums, including major conferences as well as symposia and invited lectures. I also co-organised a semester-long research colloquium on the project with my colleagues at the Institute, Thomas Duve, Manuela Bragagnolo and Otto Danwerth. Two major contributions in two edited volumes (see publications, work in progress) are the result.

The project is part of the project group *Knowledge of the pragmatici* (see on this: Research Field *Legal History of Ibero-America*). Some results of the project will be published in a collective volume in 2018.

The relation between Muslims and Dhimmis as a model for conceiving otherness in *Convivencia*? Re-reading histories of Islamic law

Raja Sakrani (Department II / Affiliate Researcher)

As a scholar of Islamic legal history, I have become an affiliated researcher at the Max Planck Institute for European Legal History in 2015, where I have been directing the project group *Convivencias: Legal Historical Perspectives* together with Thomas Duve. My contribution to the larger *Convivencia* project had been



manifold: On the one hand the normative centre of *Convivencia* had to be identified, namely the concept of *Dhimmi* (People of the Book) and its place in a larger vision of a 'constitution' of *Convivencia*. On the other hand the specific role of the theory of *dhimminess* in deconstructing the myth of *Convivencia* is bound to the history of Islamic thought: Whether *Convivencia* is a euphemistic formulation of domination or a real recognition of the 'Other' depends also on understanding the historicity of

that way of living together in Al-Andalus. Finally, those insights were fruitful for reading the current *Kulturbedeutung* of *Convivencia* in the struggle for new models of a peaceful living together. In that sense my research deals with the question of how distinct cultures can coexist in a societal relationship despite differences in language, ethnic origin as well as normative and religious foundations.

Some of my research has already been published in a working paper in the *Max Planck Institute for European Legal History Research Paper Series*. Conferences in New York (Cardozo Law School), Abu Dhabi, Frankfurt, Mexico City, Lisbon, Barcelona etc. allowed me to exchange these insights with jurists, legal historians and researchers in the social sciences.

The project is part of the project group *Convivencias: Legal Historical Perspectives*. Some results of the group project will be published in *Rechtsgeschichte – Legal History* 26 (2018).

The regulation of French and German marital conflicts in the revolutionary and Napoleonic eras (1792–1814)

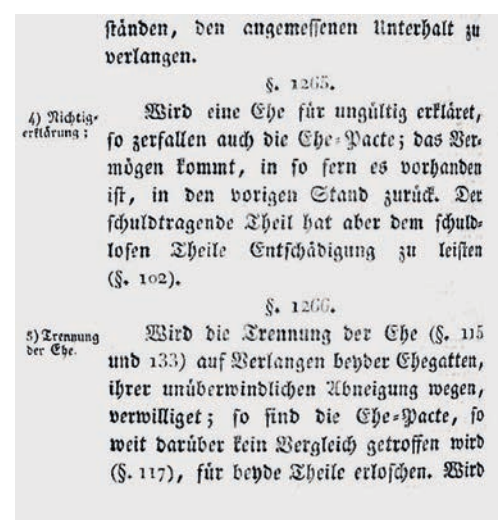
Laila Scheuch (Department II)

In Western European societies, intra-familial dispute resolution evokes great interest and emotion due to the interplay of religious and secular norms. Issues such as women's rights, the applicability of different national and religious laws and the question of alternative dispute resolution vs. court proceedings are at stake. Examining marital conflict regulation in the revolutionary and Napoleonic eras might provide new insights into the origins and development of such conflicts.

In September 1792, the French revolutionary legislature introduced a fully secularised divorce law for all French citizens. This was a radical step in a society whose marriage norms had strongly relied on Catholic tenets, and it had far-reaching personal implications for every husband and wife. Indeed, the specific regulations of the law were extremely liberal and applied to men and women alike, seeking to provide each individual with the greatest possible personal liberty. Many grounds for divorce, relying both on the no-fault principle, like 'incompatibility of humour and character', and its opposite, the fault principle, could be invoked. They were each linked to a specific procedure: either a mediatory one in the framework of an *assemblée de famille*, an arbitrational one in the framework of a *tribunal de famille*, or a judicial one in the framework of a civil court. The divorce law of the *Code civil*, which was promulgated at the end of March 1803, ended these liberal rules and restricted divorce law in a conservative and patriarchal manner. Admissible grounds were massively curtailed, and all of the cases had to be dealt with by a civil court in a deliberately complex procedure. It also discriminated severely against women. The new goal was to maintain families at nearly any price.

Both laws entered into force not only in France proper, but also in the western Rhineland, which the French had occupied in the course of the Revolutionary Wars. When the new Rhenish region, which had previously belonged to German principalities of the Holy Roman Empire, began to be integrated into France from the end of 1797, it also partook of the French legal and judicial system. The study focusses on the four new Rhenish departments as a French borderland and Champagne as the heartland, as they are considered in historical research to have largely professed a traditional baroque piety and to have been comparatively dechristianised, respectively. This setting illuminates the practice of two different versions of a secularised marriage law and their diverse modes of conflict regulation in a more and a less traditionally religious society.

The differences between the two laws reveal that contemporaries considered marital conflict regulation as a fundamental means of creating social order and offer a starting point for the project's general interest in the perception, establishment, and maintenance of social order in the family during a time of fundamen-



Civil Code of Austria / Allgemeines bürgerliches Gesetzbuch, 1811

tal change. This change concerned not only norms of the family, but also political, economic, and sociocultural developments. The study also considers effects on the everyday life of wedlock in this formative phase of the bourgeois family concept, changes in the role of gender as a structuring category of society, the character of the (civil) justice system during its transition to classical modernity, and how the cultural background shaped a 'native' and a 'foreign' law in a time of emerging national states. Three research questions guide the project toward these aims:

- 1) What private, infrajudicial (i.e. dispute resolution that combines state and private elements), and judicial practices were used and how by actors on various social levels to regulate marital conflicts?
- 2) How did gender affect notions and practices of dispute resolution in marriage?
- 3) How did Champagne and the Rhineland differ in their reception of the marriage laws, understood as perception and usage?

This project satisfies a number of desiderata, from studying the interplay of private, infrajudicial, and judicial forms of dispute resolution and the phenomenon of mediation to the negotiation of marital conflicts in smaller and middle-sized French towns and the Rhineland.

Sources include yet-unstudied archival documents in combination with print documents, such as the family law and civil procedure of the revolutionary and the Napoleonic eras as well as legal literature. Archival sources have been collected in the Landesarchiv Speyer, Landeshauptarchiv Koblenz, Landesarchiv Nordrhein-Westfalen (Abt. Rheinland), the Archives départementales de la Marne and de l'Aube and in the municipal archives of Aachen, Koblenz, Mainz and Trier, including the following categories: 1) civil court records, 2) registry office documents, 3) family archives, and 4) ecclesiastical sources.

These sources allow quantitative and qualitative comparison of six case studies informed by the REMEP-program (e.g. infrajustice, mediation), gender studies (e.g. intersectionality) and transcultural history (e.g. translation). The cases consist of marital conflict regulation in two towns and their districts in the Champagne (Troyes, Châlons-sur-Marne) and four towns and their districts in the Rhineland (Aachen, Koblenz, Mainz, Trier).

Initial results show that husbands and wives in both contexts experienced the marriage law similarly, when they decided to make use of it, as the administrators and judges usually conformed to the rules. However, there were important differences in how spouses used the law according to their cultural background.

State liability during the state of emergency. Legal doctrine and practice in Germany and France, 1914–1919

Philipp Siegert (Department II)

This work explores the state's legal responsibility for the expropriation or destruction of property in wartime. This responsibility is analysed on two levels. The first relates to its evolution at the national level (government liability, *Staatshaftung*), and the second to its evolution in international law (state responsibility, *Staatenverantwortlichkeit*). In order to assess the former, wartime laws and judgments are taken into account (1914–1918), while the treaties of Bucharest, Berlin and Brest-Litovsk (1918) and Versailles (1919) are analysed to assess the latter.

The project aims to establish whether there is a provable link between the evolutionary trajectories of national and international law, and to what extent national-level liability 'spilled over' into international law. The primary research question is to what extent the German and French governments were bound by the legal principles instituted domestically in wartime when they later turned to devising international legal principles for peacetime. In other words, to what extent did the government liability of Germany and France before 1918 shape these states' concept of state responsibility after 1918?

When complete, this research will improve our understanding of the relationship between the state and the individual in modern society in terms of domestic and international law. Legal norms in these two realms existed before, during and after the war. However, 'before' and 'after' can also be understood in reference to the major shifts that occurred in state representatives' legal convictions, not just temporally. The war led to both securitisation and juridification, depending on the issue, and certain wartime decisions – especially relating to juridification – continue to shape our (international) legal order today.

1) The most momentous transformation that government liability underwent was caused by the organisational necessities of the war economy and by the advent of economic warfare on an entirely new scale. The former led to an ever deepening entanglement of the government, the military and the general population, while the latter evidenced ever closer (legal) identification of individuals with their state of origin. These two processes were aspects of the totalisation of the war, and they had long-term consequences for both the national and international legal orders. A number of norms devised in (and for) wartime continued to exist after its end: numerous laws allowing nearly unrestricted governmental grasp on private property were largely upheld in post-war economic governance. This was especially true in Germany, which had to pay reparations (and which became one of the most concentrated and syndicated economies in Europe, where government and industry were highly intertwined).

2) The legal doctrines – especially of public law – in Germany and France were already distinct prior to 1914, but they grew even farther apart during the war years. French legal scholars were strongly in favour of and actively lobbying for comprehensive state liability that would ensure the compensation of all war damages, which were later to be reimbursed by the vanquished enemies. Indeed, they

were generally the group advocating for juridification most actively. The majority of French courts, however, were intent on minimising juridification and worked instead to augment the freedoms of the government and the military, especially when it came to the suspension of property rights of 'enemy aliens'. Legal doctrine and practice were more homogeneous in Germany, but overall they tended more towards securitisation, not juridification. The demise of the theory of 'state self-commitment' (*Selbstbindungslehre*) that was brought about by the end of the German Empire opened a path for legal and constitutional concepts that subjected the state to the citizens far more comprehensively than before 1918. In consequence, government liability was thought of in a new, more 'democratic' way.

3) While the short-lived peace treaties of Berlin, Bucharest and Brest-Litovsk (concluded between the Central Powers and Russia, Ukraine, Finland, and Romania respectively) closely followed the treaty practices of the 19th century, the Paris treaties of 1919/20 introduced a number of new norms and principles into international law. Many of these have extensively been analysed, namely the concept of national self-determination and the League of Nations, though the long-term normative implications of the provisions devised for economic warfare have been analysed far less. Perhaps the two most notable legal revolutions of 1919 due to experience with economic warfare were a) the legal mechanism of sanctions, now pursuant to international law and especially the Treaty of Versailles, and b) the endowment – although to a very limited extent – of individuals with a legal status in international law.



Criminalising politics? Legal responses to political conflicts in Brazil (1890–1921)

Raquel Sirotti (Department II)

In Brazil, the so-called ‘First Republic’ (1889–1930) is commonly identified by historians as one of the most turbulent periods in the country’s national history. In addition to the implementation of a new model of government by a military coup (Presidential Constitutional Republic, replacing the previous Parliamentary Constitutional Monarchy, active from 1822 to late 1889), the country went through an ambitious and violent process of institutional and social modernisation, aiming to ‘raise’ Brazil to the same level as European ‘civilized nations’, which resulted in a massive wave of social segregation. Adding the abolition of slavery in 1888, and the incentive to host immigration flows coming from all over the world, Brazil also faced an intense transformation in its social standards and population. With that, the perfect ingredients for several types of social upheaval were on the table. A new government, managed by new institutions, intended to control a new population: one can deduce that this multiplicity of structural changes brought plenty of elements for the emergence of multiple political conflicts that would shake the harmonious image forged by the official discourses.

In such a context, albeit emergency laws did not master the criminalisation of political conflicts (meaning that special laws enacted with the clear purpose to control political deviance did not prevail), the handling of ‘alternative’ legal measures to criminal law is widely attested to by the national historiography. Several historians and lawyers conducting researches on this argument paid close attention to administrative and police measures, like extradition, deportation, arrest warrants and investigations in a broad sense. However, very little is said about how judges were applying existing criminal law to condemn or to absolve people being formally prosecuted by acts related to those conflicts.

My PhD thesis explores precisely this gap. I interpret the notion of ‘criminalisation’ in a more strict sense and investigate under what circumstances ordinary criminal law – and not police or administrative law – was triggered as a legal response to certain political conflicts. Moreover, I am interested in distinguishing which of these conflicts came to the attention of the judiciary, and how the parties involved appropriated and disputed the interpretation of legal devices, doctrinal concepts, procedural resources and moral arguments in search of the satisfaction of their interests.

My hypothesis is that, in practice, ordinary criminal law and its ‘due process’ did not remain isolated from the repression of political conflicts nor were they exclusively applied to a specific group of individuals. They were, on the contrary, useful tools for the preservation of an exclusionary and exceptional legal order such as the one structured in the First Republic.

The Bible as a source of law. Analysis of the polemics of the Investiture Controversy

Philipp N. Spahn (Department II)

The significance of the Bible to European legal culture is frequently cited in studies of legal history, but mostly when commenting on a dearth of adequate research on the connection. The object of this particular research project is the reception of biblical texts in the polemics of the so-called Investiture Controversy, because this controversy provided decisive impulses to the development of a scholarly European legal culture, which the literature treats as part of the Twelfth-Century Renaissance. The polemics – including tracts, mostly letters, (theological) discourses and debate poems – are products of the dispute between secular and spiritual power. These texts testify to the intellectual and normative range of Western debate culture at the time and are highly suitable as a research object. The period of interest extends from the second half of the eleventh century up to the *Decretum Gratiani* (around 1140).

A special characteristic of the polemics is the argumentation with authoritative texts, where the Bible is accorded a central role due to its status as the principal source of divine law and the predominant contemporary authority. No other text in European history was nearly so broadly received in the Middle Ages, touching as it did all literary genres and permeating intellectual life almost entirely. Still, how the polemics treat biblical authorities is under-researched. In reference to the key point of contention that drove the Investiture Controversy – the proper relationship between secular and spiritual power – the project examines how polemical authors of both sides engaged with the text of the Bible. Therefore a quantitative analysis of received biblical texts is of less interest than the biblical *topoi* invoked in the controversy. In this context, the canonicity of scripture, that is the authority of individual biblical books whose place in the canon was challenged, is a vital question. Likewise, the possibility of stratifying the books of the Bible from the Old and New Testaments hierarchically is also an important facet. It is reasonable to suppose that competing interpretations of and mediations on the most commonly cited biblical texts can be reconstructed, yielding greater understanding of the exegetical treatment of *ius divinum*. Such inquiry would also include how the form of the conflict shaped the development of law on the one hand and how competing interpretations of the Bible affected the increasingly professional textual analysis in the paradigm shift of early scholasticism on the other.

Recent research has examined many facets of the profound cultural changes since the mid-eleventh century. However, the relevance of the controversy's polemics to the emergence of canon law as one aspect of this development has gone almost unnoticed in favour of pre-Gratian canonical collections. This study promises new insights about the importance of biblical ideas in the conflict between secular and spiritual power as well as about the beginnings of canon law studies.

Political crime and transnational criminal law regimes in the 19th century. The case of the German Federation

Conrad Tyrichter (Department II)

Using the example of cross-border prosecution of political crime in the German Federation, this dissertation examines the formation of transnational criminal law regimes in Europe during the 19th century. It deals with norms, discourses and practices that constituted the central elements of those regimes: extradition, asylum, mutual legal assistance, criminal policy and police cooperation. Empirically, the German Federation is an apt case to investigate cross-border prosecution. Between 1815 and 1866 it comprised the European powerhouses Austria and Prussia as well as a heterogeneous group of small and medium-sized German states in an amorphous, multilevel association. Therefore it is possible to examine the negotiation and practice of transnational criminal-law regimes on different levels of international relations with various types of cross-border actors. The main focus is on cross-border political crime that was perceived and constructed as a transnational security threat and is a suitable lens to examine perspectives, processes and conflicts that are linked with the formation and practices of transnational criminal law regimes.

Besides printed sources like newspapers, law journals and published minutes, the dissertation uses archival research in more than 20 German, Austrian and French archives, including the Bundesarchiv, the Geheimes Staatsarchiv Preussischer Kulturbesitz, the Hauptstaatsarchiv in Munich and the Haus-, Hof- und Staatsarchiv in Vienna. Such a wide net is necessary because the federal structure of the German Federation had no central archive, but also because of the



regime's approach that transcended national and administrative borders. Besides governmental records from various chancelleries, state ministries, foreign offices and ministries of justice, criminal and police records are also objects of analysis. More specifically, research is directed at the structures of cross-border prosecution within the federation and the interactions of German actors of criminal prosecution with non-German actors, especially Russia, the Italian states, Switzerland, France, Belgium, England and the U.S.A.

One key result of the project is that the formation of transnational criminal law regimes in the first half of the 19th century was not a stringent and coherent process but rather dynamic, ambivalent and fluid. The formation of regime structures were often reactions to extraordinary events, characterised by the interplay of 'securitisation' and 'desecuritisation' and had a strong symbolic-performative character. These effects were not a sign of inefficiency, but instead were characteristic of transnational security cooperation and indicate that the discursive character of 'security' is not objective and static, but emotional and dynamic. Nevertheless, especially transnational cooperation against political crime led to harmonisation and integration that contributed to the formation of a normative order of transnational criminal law.

The dissertation project is part of the Research Field *History of Criminal Law, Crime and Criminal Justice: the Formation of Transnational Criminal Law and Security Regimes in the 18th and 19th Century*. Jean Conrad Tyrichter received his doctorate in 2017 from the TU Darmstadt and the dissertation will be published in the Institute's series *Studien zu Policey, Kriminalitätsgeschichte und Konfliktregulierung*.

Miscegenation in German Samoa and German identity, 1900–1914

Julia Vinson (Department II)

This research examines the ordinances against interethnic unions and so-called 'half-castes' in light of contemporary German identity, or *Deutschtum*. The policies and ordinances against interethnic unions under the German colonial government in Samoa helped to define and reinforce an idealistic vision of German citizens, German enterprise, and German families. The establishment of colonial power depended on defining the dominant culture and differentiating that dominant culture from the 'subordinate' culture of the native or colonised people, and laws prohibiting interracial unions were direct manifestations of this segregation and definition of power. The more inferior the colonisers considered the native people and culture relative to their own, the easier it was to define and differentiate their own culture in opposition to the native culture. However, Samoa presented a unique challenge to the colonising Germans because of its culture, people, and history of European contact.

In its attempts to limit legal marriage between Samoans and Europeans, the German colonial administration was challenged by the existing perception of Sa-

moans and by the role of marriage in Samoan society. In a country like Samoa, where the native people had often lived as equals both in public and in the home with Europeans, where the literacy rate was high among both men and women, where Christianity was the major religion, and where Samoan women were considered both racially similar to Europeans and exotically beautiful, the lines between the cultures were more blurred and additional effort was necessary to delineate *Deutschtum* in order to enforce colonising control. Colonial governments controlled both their native and settling populations by differentiating the colonising people from the colonised, thereby sealing Europeans off from the native communities. Because of the general European perception of Samoans, interethnic unions potentially posed a greater long-term problem in German Samoa than in other German colonies. The significance of marriage and forms of marriage in traditional Samoa also laid a precarious foundation for the introduction of anti-miscegenation laws. In Samoa, marriage was often a means to increase social status, solidify political bonds between chiefs, and to bring new skills, knowledge, and attributes to a family. Early Europeans in Samoa often also gained political and social benefits in the Samoan community from the bonds that marriage into a Samoan family yielded.

In my research, I trace the progress toward the anti-miscegenation ordinance (*Mischehenverbot*) from the German protectorate's establishment in 1900 to the ultimate issuing of the ordinance in 1912, which delegitimised many children born from interethnic unions that had previously been considered legal. This was an attempt to eliminate the 'middle' class of 'half-castes', which had been proliferating since the mid-19th century. The ordinance against interethnic marriage between Samoans and Europeans was first issued by Wilhelm Solf, former Governor of Samoa, in his position as Imperial Foreign Minister on 17 January 1912. It was the last of the three miscegenation ordinances in the German colonies; German Southwest Africa and German East Africa had already issued similar ordinances in 1905 and 1906, respectively. I examine why, in light of the fact that Germans had had an active political interest in Samoa since the late 1800s and had established a colonial government by 1900, the ban on interethnic marriage came to Samoa much later than in other colonies. I explore how *Deutschtum* manifested itself in the practice of divorce and in how German marriage and divorce law was interpreted in Samoa.

How ethnicity and culture were used to lay the groundwork for the German Empire and the implementation of the family and citizenship law, and how these contributed to ideas of national identity, requires continual re-examination in legal history. Archival materials, such as administrative files, correspondence, and divorce and other family law-related decisions, which I gathered during research trips supported by the Institute's IMPRS, were the principal primary sources. The archives include the National Archives in Wellington, New Zealand, the National Archives of Samoa, the archives of the High Court in American Samoa, and the German Federal Archives. I apply an interdisci-



Flag raising on Samoa 1900 /
photomontage

plinary approach, using anthropological sources on Samoan law and contemporary German socio-political sources to analyse the formation of policies regarding interethnic unions and the application of German law in its protectorate of Samoa.

The British Empire and the ‘problem’ of fugitives. Extradition practices in Hong Kong, Trinidad and Gibraltar during the late nineteenth and early twentieth centuries

Emily Whewell (Department I)

The mid to late 19th century was an important era for the creation, reformation and application of extradition laws and regulations across the globe. It was during this era that many bilateral treaties and local regulations were created to govern extradition practices between Britain and its various overseas jurisdictions as well as with other empires and states in Latin America, the Caribbean, Africa, Asia and the Pacific. These laws and regulations attempted to regulate how states could bring their national fugitives to justice from across borders. Borders have nearly always been porous, allowing people and goods to flow across political and legal boundaries. However, with the development of technology and transport, the volume of people travelling across borders dramatically increased in the 19th and early 20th centuries. States and colonies also became preoccupied with consolidating territorial sovereignty and responding to the challenges posed by the limits of this jurisdiction by being able to punish their suspects who crossed these borders. International cooperation and regulation of practices against transnational crime were, therefore, vital for both national and transnational security at the height of the British Empire. But international fugitives also raised important issues of civil liberties, nationality, diplomatic relations, and the right of states to shield political fugitives or to expel ‘unwanted’ fugitives. Amongst all these issues, states began to think more deeply about whether and how to incorporate the developing norms and practices of international law.

The project seeks to understand extradition practices comparing three case studies, from three different regions of the globe, comparing the interaction of the British Empire with a neighbouring empire. The project examines practices between Hong Kong and the Chinese Empire, Trinidad and French Guiana, and Gibraltar and Spain. In all three cases, the issue of fugitives crossing land and sea borders to a neighbouring empire was the subject of much concern in the late 19th and early 20th centuries.

In Hong Kong, a British colony established in 1842 was intimately connected to China over land and waterways. Movement to and from the settlement and China was easy, with criminals and suspects able to evade capture by navigating the natural geography of the region. The issue of political offenders was more prominent as a diplomatic issue between Britain and China. What were British authorities to do with anti-dynastic ideologists before 1912, and thereafter with left-wing ideologists and communists who fled the Nationalist Chinese regime until 1949? In principle, political offenders could not be extradited to requesting states;

however, the political exigencies of war and the need to remove potentially problematic revolutionaries tested the fundamental principles of British extradition.

In Trinidad, half-way across the world from Hong Kong, British authorities also considered whether political revolutionaries from Venezuela should be able to seek refuge on their shores. However, a further problem faced the Trinidadian authorities – French Guianese fugitive convicts. The question posed here was about the existence and nature of a right to remove unwanted criminals from their shores, which is the opposite of the question of the right of political asylum. Given the apparent difficulties of effecting extradition – as outlined by historians and contemporary legal scholars – what kind of problems were attached to extradition practices between Trinidad and French Guiana? Did these problems pertain to broader Anglo-French legal relations or more localized Trinidad-French Guiana ones? When rendition failed, what happened to those of ambiguous legal status? The problem of refugees without legal status remains relevant in many geographical and political contexts around the world.

Since 1713, Britain has claimed sovereignty over Gibraltar, a small rocky outpost on the southern tip of Spain. Over the course of three centuries, convicts were sent to Gibraltar – both common and political criminals. When they escaped, they often fled to neighbouring Spain. But what happened when Spanish authorities found them? Did British authorities request them back and if so, how? What similarities can we detect about the way the rendition or protection of such fugitives was carried out between the Spanish Empire, the French Empire, and China with Britain? What were the difficulties of implementing bilateral treaties and intra-imperial legislation? What were the sources of contestation? How were metropolitan ideas, as enshrined in law, shaped by local contexts and negotiations and why? Can we detect any commonalities in the development of extradition practices? These questions will be at the centre of this research project.

The project uncovers the complex layering of legislation and regulations in place during the late 19th and early 20th centuries. These included local regulations specific to states, intra-imperial regulations governing extradition practices within and across the British Empire, bilateral treaties between empires, and local agreements and treaties between British colonies and other empires. With the layering of laws, a key concern between states was how to interpret and apply these various principles and regulations. Examining these texts and their interpretation can tell us much about how extradition practices were shaped within the context of the locality and its immediate social, legal and political concerns, as well as broader legal questions about how extradition was understood between empires. Further, there is an opportunity to consider whether such questions were part of broader Anglo-French, Anglo-Spanish or Sino-British imperial relations or whether they were particular to the locality. In sum, the development of extradition practices can be traced to underscore how current principles of extradition were moulded in particular imperial contexts and why they remain. This project provides an extra-European perspective to the development of these extradition practices.

As well as analysing legislation, the project draws upon case studies to understand such practices. As fugitives involved a wide range of people – escaped

convicts, pirates, army and navy deserters, political suspects and those suspected of more 'ordinary' crimes – the project uses a variety of cases to illuminate how extradition practices developed. Examining the cases of these different fugitives reveals which fugitives caused the authorities the most concern and why. The project draws upon the resources in archives in Hong Kong, Trinidad, Gibraltar and London for a global comparison of extradition practices between Britain and France, Spain and China. So far, archive research in Hong Kong and Trinidad has provided fruitful insights into the development of principles of political asylum and humanitarianism.

This global comparison between empires is a research field that is rapidly growing in historical studies. Historians and legal historians are now seeking to understand legal practices that have been formed from transnational contexts, have been influenced by the circulation of people, goods or ideas, and comparing practices between regions. This perspective can provide new and important insights into how we understand the development of legal practices in a wider context, reflecting a world that was intimately connected already by the 19th century. The project draws together research from area studies – of East Asia, the Caribbean and Europe – to bridge the conceptual frameworks for understanding extradition practices. This global comparison may also improve our understanding of today's bilateral extradition treaties.

Law and autonomy in German-language scholarship of public law in the late nineteenth and twentieth centuries

Leonard Wolckenhaar (Department II)

At the beginning of his inauguration speech as the new rector of the Friedrich Wilhelm University in Berlin in 1902, Otto von Gierke stated that 'Jurisprudence cannot [...] even discuss the creation of law without going back to the community that created it; it has to answer the immediately pressing question of whether the state alone legislates or perhaps an unorganised community might also produce law in the form of legal custom or autonomous legislation'. He considered this problem to be crucial and fundamental for his discipline, one of the highest legal questions of interest to other fields and a broad audience. The question of who is able to produce law is properly a question of legal theory. But it is also, as he suggests, a question closely related to conceptions of the structure of society and its component parts or (sub)systems, their competences and the sources of these competences. Gierke made his remark shortly after the turn of the twentieth century – this project's temporal focus. It thus directly indicates the core of this project's interest and illustrates its background.

Very often German legal scholarship of the two preceding centuries is presented as an exclusively state-focussed, 'etatistic' discipline, both presupposing and supporting the idea of an entirely sovereign state. According to this line, the state has eliminated all other autonomous legal bodies and forces, giving it a legislative monopoly. Within this narrative, a factual – or at least presumed – plu-

rality of possible legislators can only be found in ‘pre-’ and ‘postmodern’ times, which in practice means the Middle Ages and today’s transnational, globalised world. For large parts of the nineteenth and twentieth centuries, though, some argue that alternative and pluralistic ideas about possible sources of law were absent from academic debate. As demonstrated by Gierke’s quotation above, this is an oversimplification. The project centres on the idea of autonomy as a diverse phenomenon that is understood as the competence of certain groups and actors to self-legislate. It is a crucial requirement for this concept of autonomy that the self-imposed rules are acknowledged as ‘law’ and not merely as another kind of norm.

By investigating academic debates on autonomy, the project aims to question the view of pure ‘etatism’ and to develop a more nuanced image. The project follows historical traces of German-speaking scholars who dealt with concepts of ‘legal pluralism’ in the broadest sense before the term itself emerged. Therefore, the project identifies areas of possible regulation whose potential autonomy was discussed. Examples are religion (e.g. *Staatskirchenrecht*), labour (e.g. corporatist concepts like *Berufsstände*), economy, social welfare and local community life. Thematically, autonomy comes into play in a variety of different fields and debates. These debates were often carried out in a closed circle and without a common theoretical framework. Besides these narrow debates, legal theorists also discussed, of course, the question of who serves as a potential creator of law. This fragmentation of discourses invites their reconstruction and comparison. The arguments used to legitimise, limit and deny autonomy are especially important objects of comparison. I investigate how they differed and resembled each other, not only from field to field but also across the change of constitutional systems. Connections between theoretical positions and certain political movements and situations might appear. Another question is how legal scholars dealt with programmatic designs that originated in other disciplines or in the political sphere.

By examining the discussions among public law scholars about autonomy – as well as their assessments about who is actually able to create law – across time and with regard to different social sectors, the project contributes to a better understanding of the fundamental underlying problem: What exactly did and do legal scholars mean when speaking of ‘the state’ and ‘the law’?



The emergence of European Union procedural law

Sarah Zimmermann (Department I)

Although the decisions of the Court of Justice of the European Union are of great importance, the procedural rules governing the Court have attracted little attention in legal research. One of the first questions when dealing with the procedural law of the European Union is to what extent the procedural rules of the Court can be compared with the national procedural rules of the Member States. Do they simply replicate the procedural rules of one or another Member State, do they draw upon the procedural rules of other international courts, or has a completely novel and peculiar set of rules been created?

I apply a historical perspective to these legal and, more particularly, comparative questions – which are already worthy of further investigation in their own right. Using sources from the archives of the European institutions and the ministries of the founding states, I examine the emergence of the procedural rules of the Court.

The project seeks to answer the question of how the rules of procedure for this novel organisation, with its unique structure, have evolved. What were the first rules concerning the procedure of the Court of Justice of the European Community of Steel and Coal, where were they laid down, by whom and how did they evolve during the first years of the European project?

The first rules of procedure were established in 1953 by the judges of the Court themselves, thus by a Frenchman, two Dutchmen, an Italian, a Luxembourger, a Belgian and a German. Because the judges had a very limited timeframe to complete their task, it is likely that they drew on content they knew from other national or international rules of procedure instead of creating a completely new set of rules. In order to identify which national rules influenced these men in drafting the rules, it is necessary to look comparatively at the national rules of procedure in the early 1950s. On certain aspects of procedural law that were very similar in the six founding countries it was probably easy to achieve agreement at the European level, whereas rules on which the national systems diverged widely might have required deeper discussion.

The main aim of the project is therefore to shed light on the question of how the decision-making process for the rules in question worked. However, given that these procedural rules were, apart from the Founding Treaties, the very first legal provisions to be adopted by the Community, the project also seeks to provide an insight into the early Community decision-making processes more generally.

**Max Planck Research Group (MPRG):
Governance of the Universal Church after the Council of Trent.
Papal administrative concepts and practices as exemplified by
the Congregation of the Council from the early modern period
to the present day**

Benedetta Albani

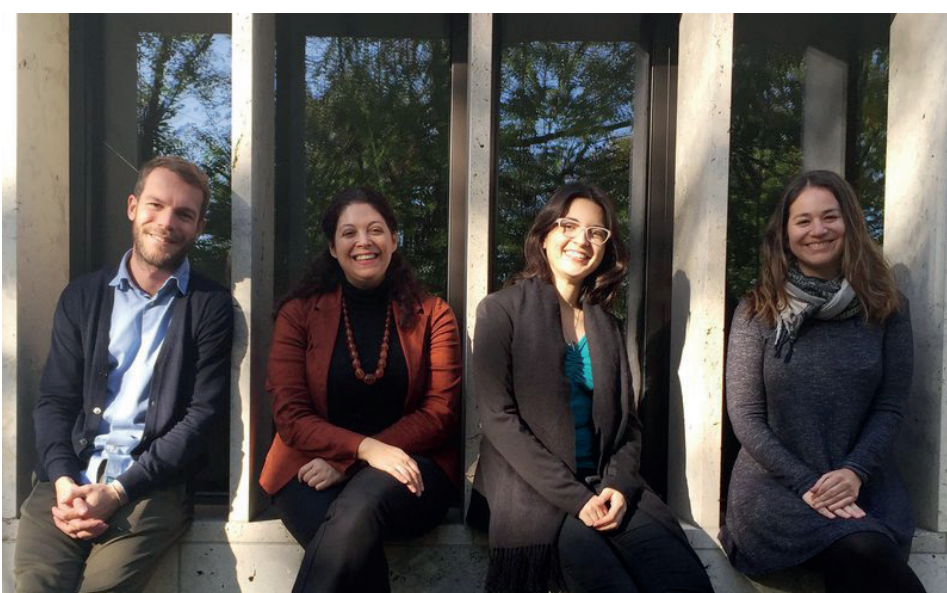
The Max Planck Research Group *Governance of the Universal Church after the Council of Trent*, active at the MPLeR since 2014, investigates the emergence and long-term development of the Catholic Church's post-Tridentine global governance from an interdisciplinary perspective. In particular, it analyses the development and activities of the Congregation of the Council, the dicastery founded by Pius IV in 1564. Responsible for the proper implementation of the Tridentine decisions throughout the Catholic world, the Pope delegated to this Congregation the authority to authentically interpret the disciplinary decrees of the Council. The research focuses on various aspects, including the role of the Congregation of the Council in the complex processes of translating the Tridentine normative order throughout the Catholic world; the internal decision-making processes and operational procedures of the Congregation as well as the authority and validity of its decisions for local churches; the significance of the Roman Curia as a global interpretative and judicial authority; the coexistence of post-Tridentine canon law with different and pre-existing normative orders in Europe and beyond; and the development of the concept of *interpretatio authentica* from the Council of Trent until today. These, and other aspects, are modulated and overlapped in different ways in the research activities of the group, which are structured into individual research projects, such as PhD dissertations and team research projects. All of these activities are characterised by a tight interdisciplinary cooperation given that the group is composed of historians, legal historians, archivists, and most recently, experts on digital humanities and computer science.

The research group intends to be a laboratory for the production of innovative and original research through PhD dissertations. Currently, there are five ongoing PhD dissertations that started and developed within the framework of the research group. Alfonso Alibrandi is writing his dissertation at the University of Paris V Descartes on the concept of *authentica interpretatio* and the comparison between Canon Law and French Law in the early modern period. Constanza López Lamerain is preparing her thesis at the University of the Basque Country (Vitoria, Spain) on the relations between the Holy See and Chilean bishops during the XVI and XVII centuries, with special attention to the intervention of the Congregation of the Council. Anna Clara Lehmann Martins is writing her dissertation at the Federal University of Minas Gerais on the process of secularisation in Brazil and the interaction between the Holy See, Brazilian bishops and jurists between the 19th and 20th centuries. Claudia Curcuruto, PhD candidate at the Johannes Gutenberg University Mainz, is writing on the Congregation of the Council and the apostolic nuncios in Vienna during the pontificate of Pope Innocent XI. Brendan Röder, PhD

candidate at the Ludwig Maximilians University of Munich, started his dissertation in the group. He is writing on disability in the clergy in the Early Modern Period. A common trait in all the dissertations is the use of unpublished archival documents from the archive of the Congregation of the Council, preserved today in the Vatican Secret Archives (ASV). This fact allows the group to approach important methodological issues and to consider the archive as a privileged crossroads for analysing and researching different aspects of the history of an institution in order to achieve a more complete comprehension of complex phenomena. From this perspective, all members of the group participate and contribute to the team research projects operative in the research group. These common projects focus on, among other subjects, the actors playing crucial roles in the Congregation of the Council (the prefect, the member cardinals, the secretary, the appellants), the *modus procedendi* of the Congregation of the Council, the setting of normativity, and internal procedures (*formulae* and *regolamenti*).

Due to their complexity, two of them warrant further detail. The crucial importance of unpublished archival sources that the project works with has motivated the research group to lead and finance a fundamental intervention in the archives (organisation thereof and preparation of inventories) of the Congregation of the Council in order to ensure full usability of the sources for researchers. This part of the project is a cooperation with the Vatican Archive and takes advantage of the employment of a postdoctoral external collaborator, Dr. Francesco Russo, expert in modern history and archive management. Together with Dr. Benedetta Albani, he is in charge of a variety of tasks related to the reorganisation and description of the archive of the Congregation of the Council, divided into three phases. Firstly, a general survey of the ancient part of the archive of the Congregation of the Council (1564–1922), which was incorporated into the ASV at different periods. Secondly, the realisation of an analytical inventory of the series of *Positiones* by the Congregation of the Council, in which the decisions taken by the Congregation about specific issues of interpretation regarding Tridentine canon law are preserved. These *Positiones* were requested by the faithful, by local ecclesiastical institutions or by other Roman congregations. Finally, the inspection and accurate description of the abundant materials not yet inventoried, among which different archival subseries stand out; these documents will allow for an improved understanding of how the dicastery operated during its long history. The first and second phases are already completed, and the last step is ongoing. During the winter of 2017, the team concluded the analysis, inventory and analytic description of more than 33,000 *Positiones* of the period between 1564 and 1681, proceeding from all over the world. Each case is described within the database composed of circa 150 fields and divided into several sections. They illustrate the actors involved, the juridical matters and references, the decision-making process inside the Congregation and the Roman Curia, all of the archival and diplomatic details of the documents, etc. In the near future, all the information will be available to scholars via a graph-database software that the group is currently writing and that will make possible the comparison and connection of this archival material in a broader perspective, in large part thanks to digital humanities techniques. In fact, in 2017 the research group started a systematic methodological reflection

on digital humanities focusing on three main aspects: description and visualisation of spatial data; visualisation and indexing of digitised archival sources; data modelling for the elaboration of graph- and relational databases; and technical modelling and processing of uncertain information. Meetings and activities, often in cooperation with the digital humanities expert at the Institute, Andreas Wagner, were organised over the course of the last two years and will be intensified in the upcoming phase. Also, in the summer of 2017, the research group started a scientific collaboration with the Faculties of History and Engineering at Roma Tre University in order to develop two graph-databases that will be used in two different yet interrelated projects. The first concerns the *Positiones* and other sources of the Congregation of the Council; the second, related to the Albani-Pizzorusso



project on Royal Patronage, will collect information on petitioners, missionaries, solicitors and proctors of Ibero-American regions active in the Papal court during the early modern period. One last ongoing project is taking advantage of this methodological reflection on digital humanities: the realisation of a *Digital Library of the Congregation of the Council* that will include printed and manuscript media related to the decisions of the Congregation of the Council (*decreta* and *rescripta*). This project, developed in cooperation with our Institute's library and the ASV, plays a crucial role in the digitation of the *Libri Decretorum* of the Congregation, an archival series currently available only at the ASV, meaning that legal historians are rarely able to consult these materials.

Due to the particularity of the Vatican Archives and the difficulties associated with the interpretation and exegesis of papal documents, a great deal of attention was paid to methodological issues. This included offering its members the opportunity to receive a specialised education both in the history of the Papacy and the Roman Curia as well as in diplomatics and paleography of papal documents. In 2014 and 2017, the research group, in cooperation with Department II of the MPIeR, organised two Study Sessions at the Institute (Frankfurt). The purpose

of these sessions was to offer young researchers from different countries and with different disciplinary backgrounds insights into the fundamental tools for undertaking research in the archives of the Roman Curia dicasteries and at other Roman ecclesiastical institutions. Moreover, the seminars presented the elements for a critical interpretation of the sources and their contextualisation through the most current literature. Both workshops were organised in collaboration with distinguished scholars in the field of papal history and involved an international group of experts in different disciplines, such as history, history of law, canon law, archival management, and paleography. All of the doctoral students in the group participated in one of the Study Sessions as an educational activity; moreover, the first cohort of PhD candidates helped in the organisation of the 2017 Study Sessions by offering seminars on a specific typology of papal documents that play a significant role in their dissertations. Additionally, in 2014 and 2015, Dr. Albani offered two courses for the group's doctoral students as well as other researchers and guests at the Institute on *Diplomatics, Chronology and Paleography of Papal Documents during the Early Modern Period*.

The members of the group work very closely with each other and actively participate in seminars and reading groups. In Frankfurt, the group organises the seminar of the MPFG, which offers its participants a series of activities closely related to the research focus of the group in the fields of history, legal history and other neighbouring disciplines. Particular emphasis lies on the nature and interpretation of sources connected to the Congregation of the Council and the Roman dicasteries more broadly. Each meeting is devoted to a specific topic, and the group either invites a guest or prepares a close textual reading. Among the guests we have had over the years, we should mention M.R.E. mons. Juan Ignacio Arrieta Ochoa de Chinchetru (Secretary of the Pontifical Council for Legislative Texts), Prof. Dr. Giovanni Pizzorusso (Università G. d'Annunzio, Chieti-Pescara), Prof. Dr. Bruno Feitler (Universidade Federal de São Paulo, Brazil), Prof. Dr. David d'Avray (University College, London), Prof. Dr. Simon Ditchfield (York University), Prof. Dr. Aurora López Medina (Universidad de Huelva), and Prof. Dr. Gunnar Folke Schuppert (WZB, Berlin). At the conclusion of each seminar, a short report is later published on the website. When the members of the group are in Rome for archival research, scientific activities are occasionally organised in co-operation with other institutions like the Deutsches Historisches Institut in Rom (Workshop: 'Verwaltung des Glaubens – Verwaltung der Welt / Governo della fede – Governo del mondo. Interdisziplinärer Doktorandenworkshop / Workshop internazionale per dottorandi,' 01.06.2015) or the Faculty of Law of the Roma Tre University (Workshop: 'Il governo universale della Chiesa dopo il Concilio di Trento,' 21.06.2017).

Lastly, within the framework of the MPleR Guest Programme, several guest researchers came to Frankfurt with the express purpose of working closely with the research group. For example, in 2015 Dr. Gian Luca D'Errico (University of Bologna) received a six months postdoctoral fellowship in order to develop a research project focusing on the jurist and Cardinal Giovanni Battista de Luca (1614–1683) and his relations with the Roman Inquisition. As secretary of the Congregation of the Council, this figure played a very important role in the history of the dicastery

and, more generally, in the history of the Roman Curia. Moreover, between 2015 and 2016, Dr. Francesco Russo, postdoctoral external collaborator of the research group, spent six months in Frankfurt in order to work on the initial phases of the *Positiones*' database.



A new look at the *Patronato Regio*. The Roman Curia and the government of the Ibero-American church in the early modern period

Benedetta Albani (MPRG Governance of the Universal Church)

The role of the papacy in the history of the Church in Hispanic America can be best understood by reconsidering the importance of the *Patronato Regio* in the vast array of Church-State relationships. Historiography has tended to confine Roman influence to the narrow limits of the *Patronato Regio*, attributing to the

Crown almost complete control over religious matters due to the papal bulls dating from the beginning of the sixteenth century. These bulls tasked the Monarchy with organising the Church and overseeing missionary initiatives in the New World. It has typically been assumed that, although the development of the Church and religious life in the vast expanses of Spanish America might resemble the contemporaneous processes of confessionalization in Europe, these processes were effectively removed from papal jurisdiction, perhaps occurring even without its knowledge. Further, this topic has received only a partial historiographical examination due to the rigidity of existing interpretative frameworks, which have failed to search for new sources and new interpretations.

Benedetta Albani and Giovanni Pizzorusso, together with a small group of researchers, have recently begun to examine the relationships between the Holy See and the Americas, focusing on the fundamental question of whether the system of government depicted in the *Patronato Regio* covered the entire spectrum of relations between the Holy See and the Ibero-American Church, or whether some jurisdictional areas existed in which the papacy could intervene beyond the bounds of the

Patronato. Reconsidering this issue provides the opportunity to question certain assumptions in historiography that, in light of a more devoted analysis of papal sources, now seem partial at best. The project pays particular attention to three problematic issues. First, moments when the papacy attempted to initiate discussion about the *status quo* – as in the controversy over the creation of a *nunziatura indiana* in the Indies (16th century) and the foundation of the congregation *De Propaganda Fide* (early 17th century) – have always been considered exceptional, rather than intensifications of a permanent, ongoing relationship characterised by elements of conflict as well as a division of labour and responsibility. Second, the royal prerogative to review and withhold papal documents sent to the Americas has only been seen as an affirmation of royal power through the prism of anti-Roman sentiment. The content of the pontifical dispositions and their juridical consequences for the American church have been neglected at the expense of the



political meaning of the monarchy's bureaucratic acts. Finally, the Holy See, much like the Spanish Crown, referred rhetorically to the *Patronato* as an impenetrable barrier between two worlds, an argumentative device meant to affirm its right to intervene in the Americas. This preponderance of rhetorical argumentation long led to a static, out-of-date and anti-Spanish image of the Spanish Americas in the Roman Curia.

Research on the *Patronato Regio* has traditionally focused on a very limited number of general documents, such as the collections of papal documents for the Indies, seldom consulting their original versions. It is, therefore, valuable to consider all documents that might speak to Roman jurisdictional praxis vis-à-vis the Ibero-American Church and the Holy See's information-gathering efforts in the Indies. After the Council of Trent and the Sistine Reform of 1588, the papal system of government was reorganised into stable congregations of cardinals and permanent nunciatures. The archives of these entities hold numerous documents relative to the Americas, which until now have only been marginally considered. Some of these sources are already known, but they have always been presented as unique instances, without noting the systemic exchange of information between Rome and the Indies or Roman intervention in American matters, especially concerning questions of canon law. These issues stemmed from petitions sent by laymen, friars, missionaries, and bishops in the Americas to Roman dicasteries in order to obtain dispensations, licenses, authorisations, and pardons. Such petitions testify to the lively and indissoluble relationship between the Catholic faithful and the Holy See.

The project proposes a revised theoretical and historiographical framework as well as new tools to grasp the complex relationship between the apostolic see and the Spanish crown, especially as concerns the development of the Church in the Americas. This re-evaluation of the *Patronato Regio* is the product of many years of collaboration between Benedetta Albani and Giovanni Pizzorusso, and it is founded on extensive research in numerous papal archives. The objective is not to undo the well-established historiographical tradition, but rather to offer a complementary perspective that enriches our understanding of the complex relationships between the Holy See and the Americas in the early modern period, the effects of which remain visible to this day.

Between 2015 and 2017 the research project has yielded a number of papers and presentations in Europe and Latin America as well as activities in Rome and Frankfurt. For example, on 23 June 2016 Giovanni Pizzorusso coordinated an international seminar at the Escuela Española de Historia y Arqueología in Rome entitled 'La Congregazione de Propaganda Fide e la Spagna nel secolo XVII' to discuss competition between the papacy and the Spanish crown in missionary matters in the Americas. Moreover, Benedetta Albani and Giovanni Pizzorusso presented a joint paper entitled *Una nueva mirada sobre el Patronato Regio: la Curia Romana y el gobierno de la Iglesia Ibero-Americana en la Edad Moderna* at the 'XIX Congreso del Instituto Internacional de Historia del Derecho Indiano' organised by the MPIeR in Berlin (Harnack Haus, 29 August–2 September 2016). During Giovanni Pizzorusso's stay at the MPIeR between October and December 2016, the project matured through several seminars, continuous discussions and

the engagement of some PhD students of the Max-Planck Research Group *Governance of the Universal Church*, whose research also deals with the relations between church and state. His stay culminated in an international conference at the Institute entitled 'Una nueva mirada sobre el Patronato Regio: la Curia Romana y el gobierno de la Iglesia Ibero-Americana en la edad moderna' (15–16 December 2016), where scholars of the Spanish and Portuguese monarchies compared the situation of both empires in relation to royal patronage from the 15th to the 20th centuries. The conference papers are to be edited by Benedetta Albani and Giovanni Pizzorusso and published in the Institute's own *Global Perspectives on Legal History* series. Future tasks include, first, a historiographic analysis of secondary literature on Spanish and Portuguese patronage as well an annotated bibliography of books and journals relating to three domains that are not usually combined in the study of the *Patronato Regio*: legal history, ecclesiastical history and papal history. The second task is to systematically collect primary sources of the Vatican Archives referring to the presence in Rome of petitioners, missionaries, bishops, proctors and solicitors of Ibero-America and their activities in the papal court during the early modern period. In cooperation with the faculties of history and engineering at the University of Rome, a graph database is in preparation which is intended to offer a more concrete and fruitful image of the relations between the Holy See and the New World.

External collaborators: Giovanni Pizzorusso (Università 'G. d'Annunzio', Chieti-Pescara)

Dominion over the interpretation of law in the early modern period: analysing the concept of 'authentic' interpretation in canon law and French law in the 16th and 17th Centuries

Alfonso Alibrandi (MPRG Governance of the Universal Church)

The aim of this research project is to study the Congregation of the Council and its competence to interpret the Council of Trent in the sixteenth and seventeenth centuries. The idea is to examine how this congregation served as an exemplar for other juridical processes during the early modern period. In particular, the project seeks to trace the influence of the Congregation of the Council on French legislation in the draft of the *Ordonnance civile pour la réformation de la justice* of 1667.

The Congregation of the Council was created after the Council of Trent in 1564 in order to monitor the application of the decrees of the council throughout the Catholic world. After a few months, the congregation was also charged with interpreting those decrees. This competence was initially reserved for the pope, but it was later transferred to the congregation, which was composed of cardinals, due to the high number of requests sent to the Holy See for explanation of the reform canons that were included in the text of the Council of Trent.

This interpretive competence resulted directly from the interdiction on interpreting the text of the Council of Trent that Pope Pius IV decreed in the bull

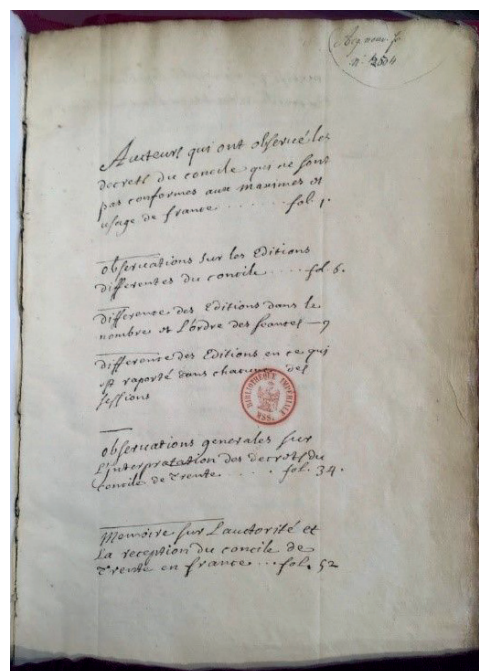
Benedictus Deus (1563). This interdiction was not an innovation in the Roman canon-law tradition. Indeed, this clause was included whenever a Roman emperor (i.e. Justinian) or pope had tried to reform a specific branch of the law throughout the Middle Ages.

The reason for the interdiction was to maintain control over the application of the legislative text after its promulgation. The interdiction aimed to preclude any interpretive activity on the part of the judges in their courts. According to the theory that the king was the sole legislator in his kingdom, the judges had to refer any instance of doubt about the application of royal legislation to him.

In this sense, the Congregation of the Council was perhaps one of the most important episodes in legal history concerning the authentic interpretation of the law as a concept. Researching this organ of the Roman Curia requires meticulous study of the sources produced by this congregation and how it made use of its interpretive competence. Attention is mainly devoted to the archival series of the *Libri decretorum* and the *Positiones* preserved in the Vatican Secret Archives. These documents contain the solutions the Congregation of the Council offered to doubts coming from around the world.

Beside the archival research, those jurists who studied the Congregation of the Council in the sixteenth and seventeenth centuries also deserve attention. In particular, the focus is on contemporary French authors who were writing about the congregation. Their books reveal how some authors decided to recommend the king follow the example of the Roman Curia in order to maintain jurisdiction over his kingdom.

As a perspective on the activity of this organism in the Roman Curia, the influence of these books is so innovative because of the relations between the Holy See and France concerning the application of the Council of Trent in the early modern period. It is interesting to discover that, despite resistance against the implementation of the Catholic reforms in France due to the special status of the Gallican Church, the Congregation of the Council and their edicts were widely studied by jurists and used as exemplars in drafting the *Ordonnance Civile* of 1667, which, in article 7 of the 1st title, reproduced the same interdiction on the interpretation of the law that was already present in the bull *Benedictus Deus*.



Tridentine ideals and ecclesiastical realities: the Council of the Congregation and the apostolic nuncios under Pope Innocent XI, 1676–1689

Claudia Curcuruto (MPRG Governance of the Universal Church)

The aim of the investigation is to uncover the relationship of the nuncios with the Roman Curia, in particular with the Sacred Congregation of the Council. Focusing especially on the Viennese nunciature in the second half of the 17th century, which was held by Cardinal Francesco Buonvisi (1626–1700), one of the great papal diplomats in that century, I explore papal representations as an instrument of administration, government and a means to maintain a recognisable presence of the Catholic Church.

The research focusses on three areas. First, how did the nunciatures, dicasteries and the State Secretary work together? Why and when did the papal diplomat turn (directly) to the Congregation of the Council, and when was he called on by the Secretary of State to resolve specific problems? With regard to the Council of Trent and its reforms, the second set of questions includes the contents of Cardinal Francesco Buonvisi's report about the rejection or acceptance of the reform decrees of Trent in the different dioceses. Further, to what extent and by what means did he contribute to the implementation of the Tridentine reform programme? How were the decisions of the Congregation of the Council transferred to the local level, and how much force did the decisions from Rome exert in the local dioceses? Which cases and which dioceses produced the appeals to the court of the nuncios? Finally, how did the competing juridical decision-making systems of nuncios and (arch)bishops influence the juridical process within the Congregation of the Council and what were the consequences of this competition for the administration of justice?

Recent research has focused on the diplomatic and political significance of the nunciature, especially the promotion of the anti-Ottoman alliance by Pope Innocent XI Odescalchi, by examining the imperial court archive of correspondence between the nuncios and the Secretary of State. The sources of the Congregation of the Council in connection with the still-unpublished files of the Nunciature Tribunal of Vienna in the Vatican Secret Archives are an invaluable tool to analyse the relationship between the nunciature and the Congregation of the Council and reveal any discrepancy between the Tridentine ideals and the ecclesiastical realities at the local level.

A key aspect of the project is to find out more about the different and diverse processes of 'diplomacy'; that is, the role of the papal nuncio at the imperial court mediating between two (diverging) realities; as an indispensable partner for the Congregation of the Council, the Roman Curia and the pope for the administration of justice; as well as his role as an important mediator for the promotion and enforcement of the reform decrees of the Council of Trent in the territories and dioceses of the Catholic world.

The Catholic Church and the process of secularisation in Brazil between the 19th and 20th centuries: networks of legal reaction between the Holy See, Brazilian bishops and jurists

Anna Clara Lehmann Martins (MPRG Governance of the Universal Church)

In the transition from the 19th to the 20th century, Brazil experienced a period of intense change in the relations among the Church, the State and their legal expressions. From its independence in 1822 until 1889, the Empire of Brazil deemed Catholicism its official religion, and Church–State relations were ruled by a logic of patronage (*padroado*) largely inspired by the regalism of previous Portuguese rulers. This meant that the State had several powers of administration and organisation over the Catholic Church in Brazil. For its part, the Church played a major role in the Brazilian public sphere, responsible for the rituals and records of birth, marriage and death of citizens, and actively supporting the presence of Catholicism at all educational levels. This scenario changed dramatically with the Proclamation of the Brazilian Republic (1889), when the Brazilian provisional government extinguished the patronage regime and erected a strict separation between Church and State affairs. The Constitution of the United States of Brazil (1891) confirmed these measures, affirming, moreover, freedom of religion, the exclusivity of civil marriage in producing legal effects, the lay character of public education, and the recognition of all cemeteries as secular ground. Though suddenly liberated from State interference in internal matters, the Catholic Church, stripped of many of its competences in the public sphere, faced from then on the challenge of re-articulating its political and legal expression in the constitutional framework of the new republic in pursuit of its goal of evangelisation.

This project focuses on the reaction of the Catholic Church to the secularising measures put into effect in Brazil from 1889 to 1934, with particular emphasis on the legal expression of this reaction. This project starts from the hypothesis that the Catholic response was the product of a complex and adaptive network involving three levels: the Holy See – comprising the Pope, the Secretariat of State, the Apostolic Nunciature, and the Roman Congregations, especially the Sacred Congregation of the Council and the Sacred Congregation for the Propagation of Faith; the Brazilian episcopate; and Brazilian jurists and intellectuals.

This research involves comparing sources from the three levels, observing patterns of coherence and even efforts to articulate between levels, as well as moments of dissonance and gaps. The main research questions are: what information on the secularising process in Brazil reached each level and how was it interpreted?; what was the reaction to it at each level?; how did the reactions interact between levels?; and to what extent did these efforts subsequently influence Brazil's constitutional framework (1934)? Among the sources, there are decisions and correspondence from the papacy, the Apostolic Nunciature in Brazil, and Roman Congregations; correspondence from Brazilian bishops; and legal books, articles and correspondence from Brazilian jurists.

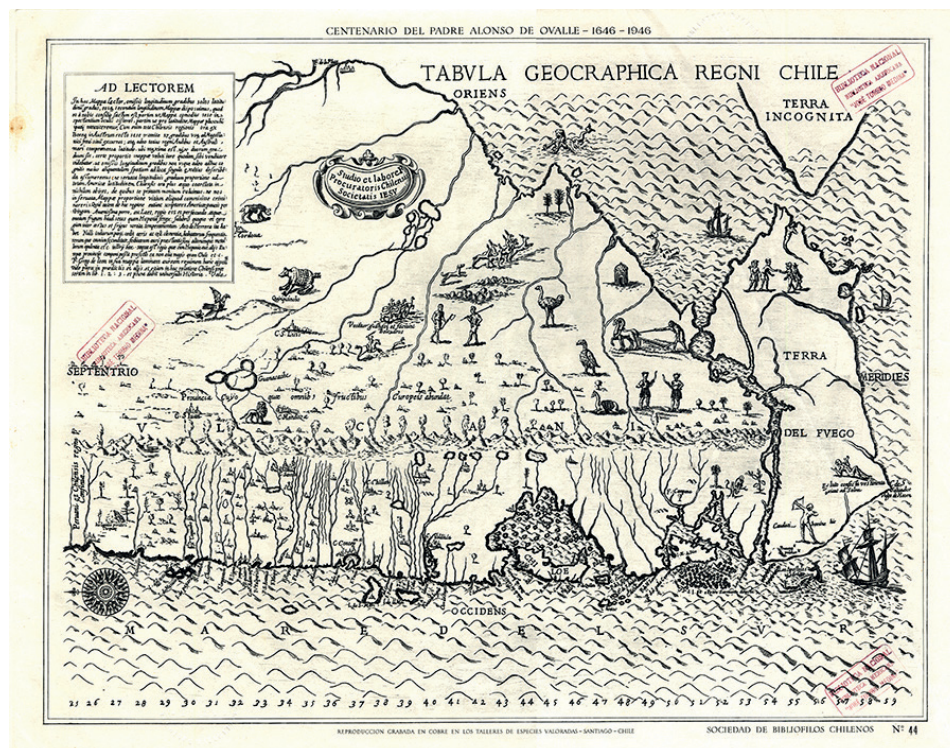
This kind of study is particularly relevant because, in contrast to many existing studies, it seeks to demonstrate that secularisation cannot be understood as a

one-way process in which unilateral acts to restrict the Church's public presence are carried out by the State, with no margin for discussion or readjustment. Rather, the aim of this project is to show that the process of secularisation, as it takes shape and forms part of the legal history of national States and is part of the legal history of the Church, is also permeated by the Church's interventions through the parallel efforts of clerics, canonists and lay jurists, from universal and local perspectives.

From universal to local governance: the Chilean bishops before the Holy See in the 16th and 17th centuries

Constanza López Lamerain (MPRG Governance of the Universal Church)

The project addresses the governance of the Universal Church after the Council of Trent, which was concentrated in the pontiff's authority and directed from the Holy See, and the observance of canon law by local churches in the Catholic world. The purpose is to analyse the relation and means of communication between the Holy See and the Chilean dioceses – Santiago de Chile and La Imperial-Concepción – and their bishops during the 16th and 17th centuries in the context of Spanish colonialism.



The questions guiding the research focus on how governance of the Universal Church, emanating from Rome, could reach such remote locales as Chile, and how it managed to influence the local churches in the context of the royal patronage. Could the Chilean dioceses reach out to the Pope to resolve conflicts and doubts?

Historiography on this topic holds that the transfers, communication, and guidelines coming to the local churches of Spanish America from Rome were scarce, because of how the royal patronage system was implemented. The concession of a series of privileges by the Pope to the Spanish Crown in the initial period of settlement in the Americas ostensibly resulted in the secular institutions and authorities directing ecclesiastical matters there, leading to a lack of communication with the Holy See. The aim of this project is to reevaluate this last statement by studying contacts between the bishops and the structures of the Roman Curia.

Access to and study of Vatican sources has been essential to the process of correlating them with local documents. Papal documents have generally been understudied on this topic, and they have opened new research perspectives.

Overall, preliminary research on the specific case of the Chilean dioceses shows that bishops pursued and succeeded in presenting doubts, petitions and complaints about their government, communicating directly with various institutions of the Roman Curia. Despite the papal concessions that shaped the royal patronage, the Holy See always maintained exclusive competence over certain matters, and these formed the basis for communication with the local churches of the New World. In this sense, bishops played a key role in a large-scale mediation system. Their dual position as pontifical and crown agents fostered fluent dialogue with both powers.

**Max Planck Research Group (MPRG):
Translations and Transitions. Legal practice in 19th-century
Japan, China, and the Ottoman Empire**

Lena Foljanty

Japan, China and the Ottoman Empire all underwent significant legal reforms in the 19th and early 20th centuries. Even though not colonised, they were pressed by the Western nations as well as by internal needs for reform to rebuild their entire legal order in a way that it would fit to Western standards. They reconsidered every single aspect of the legal order, translating European codifications and legal textbooks, creating new institutions and new professions and reorganising legal education. The changes that took place were fundamental and affected the legal language as well as the structures of legal reasoning. The whole epistemology of law was under scrutiny.

This Max Planck Research Group examines these fundamental changes with a specific focus on legal practice. While the translation of European codifications to Japan, China and the Ottoman Empire have been studied intensely, its effect on the transformation of legal practice is still to be revealed. Even though the reforms were enacted by the elites, local judges gave shape to them in their daily practice. By concentrating on private law, which became an autonomous field in the course of the reforms in all three countries, the research group examines the following questions: How did local judges adopt the new norms and the new legal knowledge? What role did the persistence of pre-existing habits and practices play in this process? How was their understanding of law transformed in the course of the reforms? Can we observe resistances?

In order to make sure that these questions are examined in their full complexity, all members of the group are conducting case studies. Murat Burak Aydin works on the Ottoman Empire, Yu Wang on China and Lena Foljanty, who is also the research group leader, on Japan. Zeynep Yazici Caglar contributes to the group with a study on England and Germany, showing that the question of how to create a 'modern' legal order was still under negotiation when Ottoman, Japanese and Chinese legal reformers started to study them as a possible model. Working together on a daily basis allows for a constant exchange in which we are conducting selected comparisons and analysing interactions and entanglements between Europe and the non-European countries as well as those existing between the non-European countries.

The aim of this project is not a large-scale comparison; instead, the primary goal is to gain new perspectives on the transformation processes that took place in each of the three countries. The case studies offer a basis for examining the specifics of legal cultures that were shaped by 'translating the West' (D. Howland). Conducting selected comparisons and examining differences and similarities as well as interconnections provides the opportunity to gain insights into common legal experiences. This will provide a basis to re-evaluate the interplay between European and non-European pathways to legal modernity.

The group started its work in August 2017. The first step was to conduct comparisons on the level of events and dates. What happened in the three countries? What steps did they take in their reform processes? The next step will extend this basic comparison on the analytical level: How did the transformations take place in the three countries? And why did a certain legal culture emerge in the respective countries?

As the four case studies offer a limited basis for such an endeavour, we started to build up a network with scholars from Japanese, Chinese and Ottoman legal



history in order to organise a broader comparative exchange. An initial exploratory workshop took place at the Max Planck Institute for European Legal History in March 2018. The aim was to discuss both the potential and limits of comparison between the three legal histories. During the workshop, it soon became clear that the three legal histories not only share elements that can be compared, but also a certain historiographic baggage that can only be questioned fruitfully when overcoming the boundaries of the respective national legal histories. The final discussion of the workshop thus concentrated on approaches, methods and narratives for a nuanced historiography that reflects the autonomous experiences of non-European countries, while positioning them at the same time within the global framework of European expansion in the age of modernity. The next workshop is planned for the spring of 2019.

Cultures of Judgement: Entangled legal practice in 19th-century France, Germany and Japan

Lena Foljanty (MPRG Translation and Transition)

With the Meiji Restoration in 1868, Japan set out to rebuild its legal system on the basis of Western models. The subsequent reform process has been studied by European as well as by Japanese legal historians as an example of a successful legal transplant. In my project, my aim is to rewrite this history by reflecting the complex dynamics of change that took place. In order to do so, I am concentrating on the early period of the reform process, which is the period before the enactment of a codification, asking how judges reacted to the requirement to establish a new style of legal practice. As I am concentrating on private law, I am dealing with a period in which the standards for court practice were still floating in the air and anything but clear to the actors. Only step by step were new procedural norms and a new court infrastructure established, and the new legal language was not yet stable. Concepts that were shaped in translation processes were contested and their meaning negotiated. The range of possible interpretations and practices was as broad as the variety of backgrounds that the personnel of the courts had, and creating homogeneity was, indeed, one of the main aims of the Ministry of Justice, which had been founded in 1872.

On the basis of methods drawn from translation theory and *histoire croisée*, I am examining this process, asking how a stable and homogeneous legal practice was created in a process that took close to three decades. I am taking into account that French, German and Anglo-American influences came into the country, studying how they were perceived and reformulated by the Japanese elites as well as by local judges. At the same time, I am tracing how the pre-existing understandings of law persisted in the courts' practice, asking how the new *mélange* should be characterised. My focus is on the methods that judges used in the process of decision-making: How did they deal with the cases, which role did they take vis-à-vis the parties, how did they structure their arguments, on what standards did they rely in their final decision?

I started this project, which is at the same time my Habilitationsprojekt, in 2012. In order to trace what the delegation of the Japanese Ministry of Justice could have observed during their ten-months stay in France in 1872, I conducted research in France as a visiting scholar at the Centre d'Études des Normes Juridiques Yan Thomas at the École des Hautes Études en Sciences Sociales in Paris. In research stays at the Graduate School of Law and Politics at the University of Tokyo in 2013, 2014 and 2016, I studied the introduction of Western legal knowledge by the Japanese Ministry of Justice and its transmission to the local courts. I could trace how the Ministry of Justice circulated its opinions regarding possible interpretations and how it distributed translations of European legal textbooks to the local courts. Even before the codifications, based on European models, were enacted, European law became the ideal standard for decision-making. However, the analysis of court records shows that this ideal, mainly formulated by the Ministry of Justice, only partially influenced the practice of the local courts. Even

though European law was not formally in effect in Japan, some judgements were nevertheless based on French or English law; however, most judgements argued on a more pragmatic basis, compensating for the lack of statutory law by relying on the norms that were formulated in the contracts that the parties agreed upon.

I argue that even in Japan, where Western law was implemented by the central government in a comparatively systematic way, the process of creating a new legal order cannot be described as linear. It was a process of trial and error in which old and new understandings and norms were coexisting. Looking at the different actors, their perspectives and motivations is crucial for understanding how a new understanding of law came into being. The legal practice that emerged from the reform process was not only a *mélange* between different European influences and persistent pre-existing practices; more accurately, I show that the emerging legal practice was also shaped by the fact that law was to be practiced *in translation*. The process of cultural translation carried its own necessities and left its own traces in the Japanese legal order that came into being.

Between normativity and reflexivity. Cultural dimensions of legal practice of divorce cases in early 20th-century China

Yu Wang (MPRG Translation and Transition)

In the late years of the last monarchy of China (since 1902), the Imperial Court of the Qing Dynasty initiated a series of projects to translate and implement codifications from foreign countries as an integral part of the New Reform Movement to save the dynasty from collapse. Compared to many other countries, when it came to learning, translating and transplanting European legal traditions, however, the codification process in China faltered and was compromised when it was challenged by the longstanding social and legal customs as well as entrenched political inertia. The transformation of the Civil Code, in particular, met with even more pressure throughout the process of codification and its implementation.

In 1912, the monarchy of the Qing dynasty drew to an end. Instead of a total acceptance of the Western-derived codes in the late Qing, the newly established Republic of China surprisingly employed a 'dual' code, which continued using the civil parts of the revised Qing Code to deal with civil matters and the new Criminal Code for criminal cases. Not only does this dual nature of using these codes in the Late Qing and early Republic of China demonstrate the highly complicated political climate during the transitional years, but it also reveals the conflict between the imported ideals of codification and the endogenous tensions between code and custom.

Mainly drawing on the appellate court's 253 reviewed decisions on marriage-related cases, the project will explore the transforming legal practice in ruling on marriage-related disputes in Beijing, China (1913–1927). I first went to Stanford University in March 2018 and collected the marriage-related case decisions by the Beijing Superior Court from its East Asia Library. I also went to the archives in Beijing and Shanghai and collected data on the operation of law schools and

appellate courts at that time, with the intention to explore more holistically legal practice during the transitional years in China from the career and education trajectory of legal professionals. To discover how the Beijing Superior Court reviewed the decisions from the lower courts, the project will also look at the cases from the basic courts in the same jurisdiction at that time preserved in the Beijing Archive and Stanford University. I am currently undertaking the data analysis work, combining both quantitative and qualitative textual analysis methods.

Up to now, data analysis suggests that during the transitional years, professionalism played a vital role in preparing Chinese legal and social cultures to integrate the Western-derived laws, which even preceded the full promulgation of the written laws. In the absence of a consistent civil code, besides referring to the 'effective civil parts' of the Great Qing Code, Chinese judges also applied the legal knowledge they acquired from their education and the principles and judgements of higher courts in reviewing decisions on marriage-related cases. In addition, judges were also intended to reconcile the differences between multiple dimensions of normativity in each judgement they made, which is equally important in transforming the legal system in a society with a strong hold on and respect for its existing culture of normativity and social order.

In the near future, by examining archival sources I have collected, the project will be mapping out: (a) how the Beijing Superior Court operated based on the newly introduced Regulation of Court Infrastructure; (b) how the guiding judgements by the Dali Supreme Court influenced the decision of the appellate court on marriage-related cases; (c) how the appellate court, acting as a connecting node between both different levels of courts and changing legal institutions and society in general, reconciled differences, promoted newly introduced values and reinterpreted the imperial Chinese law on marriage-related matters; (d) how both legal education and the career trajectory of judges were conditioning the decision making process in applying law, albeit a weak direct connection between the two.

Local court practice in late 19th-century Ottoman Nizamiye courts. Procedure and legitimacy

Murat Burak Aydin (MPRG Translation and Transition)

The transformation of Ottoman law through codification and legal borrowings from the West in the 19th century was a turning point in Turkish and Ottoman legal history. The introduction of *Nizamiye* courts changed the landscape of the Ottoman judiciary. Civil, commercial and criminal cases were to be tried in *Nizamiye* courts rather than in Sharia courts from the second half of the 19th century onwards. *Kadis'* jurisdiction, which had been exclusive for centuries, was limited to the law of persons and to family matters in the early 20th century.

Although we know a lot about the normative structure and legal background of *Nizamiye* courts, we know very little about the actual practice of these local courts. In a similar manner, we know about legal borrowings from European countries but very little about their translation into local court practice. This dis-

sertation project primarily deals with these two main issues. There are significant studies in Ottoman legal history; however, they usually deal with the pre-19th century period or focus on access to justice, criminal law, public order, family law and gender. In contrast, this study aims to shed light on practices of civil procedure law and civil law.

My initial research on Ottoman *Nizamiye* court records (January 2018) in Turkey revealed that the court records in Ankara seems to be most consistent and, therefore, most appropriate for analysing the court practice in *Nizamiye* courts. For the first time, record books of judgements (*ilâm defteri*) and other record books produced by the post Code of Civil Procedure (1879) period *Nizamiye* courts are being utilised in a systematic manner for legal historical research.

The primary research question is how did the *Mecelle*, a codification based on Sharia law and created between 1869 and 1876, and the Code of Civil Procedure (1879), a French-sharia law amalgam, impact the actual local court practices. What role did the new legal professions and new legal education play in the translation of legal reforms into local court practice? Judges of sub-district *Nizamiye* courts were also the judges of Sharia courts, and they were asked to apply the *Mecelle* and the French-influenced Code of Civil Procedure in *Nizamiye* courts. How did this dual role of judges affect local *Nizamiye* court practices? Did legal reforms and new legal education bring about a new judge and a new model of judgement? To what extent was the new legal practice different to the Sharia model?

In order to understand these transformations, I research specifically into changes of evidentiary practices in *Nizamiye* courts. The use of evidence and argumentations in relation to presented evidence is one of the core elements in judicial practice. Thus changes in evidentiary rules might have triggered changes in other areas as well, such as the role and power of judges and parties, argumentation and even decision-making styles. The generally accepted view regarding the Hanafi school of Islamic law and 18th century Ottoman court practice holds that oral evidence was favoured. According to Metin Coşgel and Boğaç Ergene's study *The Economics of Ottoman Justice*, Cambridge 2016, dealing with late 17th and early 18th century court practice in an Anatolian town, although they were occasionally presented to the court, 'in almost no case did written documents play any evidentiary role'. The *Mecelle*, however, affirms the evidentiary value of written evidence without further substantiation, provided it is free from forgery. Art. 80 of the Code of Civil Procedure articulated that claims in regards to debt and company exceeding 5000 piasters shall be proven only via written evidence, and a witness cannot be introduced against a claim based on written evidence. How did this rule work in practice? Did people rely on witnesses even though their actual claim was based on a written bill? Such a change is significant because it implies a change concerning the basis of the judgement. How did legal practitioners and bureaucrats deal with such differences between Sharia and *Nizamiye* courts? These are some of the main questions my research is addressing.



Court Journal published by Ottoman Ministry of Justice, 1879

Professionalising legal professions in England and Germany (1850–1900). The judge as the upper branch or as a separate profession?

Zeynep Yazici Caglar (MPRG Translation and Transition)

When considering the state of the world during the 19th century, we see constant change that also brought along legal reforms. In most non-European countries, the legal reforms were the result of colonisation or unequal treaties, and the goal was to belong to/participate in this Western idea. Regardless of the reason, in this new world, Europe had a new meaning for the non-Europeans: a symbol of modernity. However, Europe was unstable and was busy engaging in its own discussions about modernity, although they did not refer to it as such. In Europe, too, legal reforms were underway and legal professions were taking on a new form in this process. In order to understand the details of such a process, this project works with the analytical concept of 'professionalisation'.

The project focuses on two of the leading actors of Europe, namely England and Germany, by considering their way of dealing with the idea of professionalisation regarding the legal field. In England, legal education was clearly under debate during the mid-19th century when the House of Commons ordered a committee to examine the status of legal education in England. The committee sought to find a method of avoiding uncertain ways of teaching in the Inns of Court and establish a systemised education in the universities. On the other hand, in Germany, an established system of legal education at the universities in the major federal states was already in place, Prussia leading the way. Law was considered a science, but everything was strictly regulated by the state. This dependence on the state caused the legal professions to question their identity.

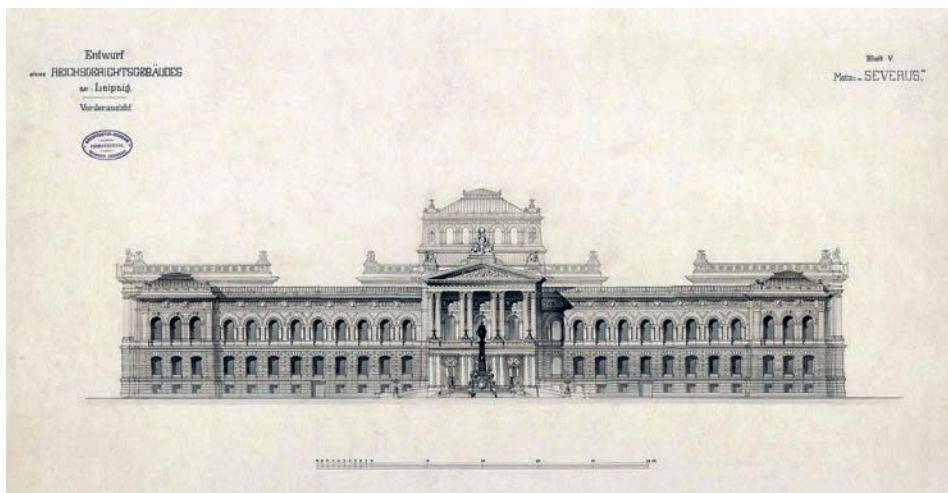
As Max Weber explains, the legal training of a jurist is in fact a tool to build a rational legal system. Considering England and Germany, the diverse rationalities were based on different legal education systems and different ideals for the legal profession. In order to analyse the developments of legal education in each country, the project explores several different avenues. First, it examines changes in educational institutions: new universities, new institutions, survival of old institutions by readjusting their status in legal education. Second, it investigates changes in the approaches to teaching law: textbooks, curricula, the status of the teachers, moot courts, etc. Third, it looks at the examination system: the way to be 'called to the Bar' in England, voluntary and/or compulsory examinations, crammers, etc. As these all belong to the professionalisation process, analysing them will enable us to respond to the main research question: How did England and Germany restructure the legal professions during the 19th century legal reforms? Contrasting the two countries will enable us to understand what was not included in the ideas about professionalisation in the other country.

In the second part of the project, further aspects of professionalisation will be analysed in order to examine, on this basis, the changes in the meaning of the identity of judges during the last quarter of the 19th century. In pursuance of the transformative 'ideal judge', the career paths of selected judges sitting in

the Superior Courts in each country will be examined. This will provide a better perception of the legal actor at the final step of all legal practice and his place within the evolving legal profession. The project investigates the qualification of the judges, their dependency on the state, the level of self-organisation and their status in the society and the legal system in general in order to discuss their professional identity.

The research questions are explored through parliamentary papers, library catalogues, treatises, textbooks, records of the associations, private papers, biographies and legal periodicals. Part of these sources have already been digitised and are available to the public. To access the other sources, archival trips will be conducted. During January 2018, a preliminary archival visit was carried out in London, the result of which was a very clear overview of the relevant archives in England. A further archival trip to England is planned for November 2018. Regarding the case study of Germany, many of the sources are already available in the extensive library holdings of the Max Planck Institute for European Legal History.

Other than the comparative aspect of the project, which has not been applied to these two countries on this subject, it is important to make such analysis keeping in mind that these two countries were under close examination by other non-Europeans. Since the project is part of the Max Planck Research Group *Translations and Transitions: Legal Practice in 19th Century Japan, China, and the Ottoman Empire*, comparative exchange with the other members of the group – who are analysing transformation processes that took place during the same period in the Ottoman Empire, Japan and China – will broaden the perspective of research focusing on England and Germany.



V. EARLY CAREER RESEARCHERS



The promotion and qualification of Early Career Researchers in legal history and related disciplines is one of the Institute's most important tasks. The Institute aims to offer an inspiring and challenging research environment that encourages career advancement at all levels. PhD students as well as postdocs are closely involved in the overall research context. While the doctoral training programme is more structured, postdocs conduct their research with mentoring and advice offered by the Directors and the more senior scholars.

Doctoral training programme

PhD students at the Institute benefit from a wide range of training activities and support mechanisms. They are fully integrated in the academic life of the Institute, as members of one of its Research Fields, one of the two Max Planck Research Groups or the International Max Planck Research School REMEP (on which below). As a result, they are fully immersed in the respective research context: they benefit from access to the current state of research in the field, while at the same time contributing to its further development. Apart from regular meetings with their supervisor, doctoral students periodically present the progress of their research projects in the research colloquia organised by the two departments. These meetings also leave room for discussion of methodology and academic writing. Moreover, all PhD students are – together with the more senior scholars at the Institute – assigned to one of the four Research Focus Areas. This enables them to familiarise themselves with broader theoretical and methodological discourses in the humanities and social sciences, for example via reading groups. More generally, PhD students are encouraged to put together, in consultation with their respective supervisor, an individual programme of study and research that meets their scholarly needs and interests, selecting from the wide range of available lectures, seminars and workshops. Finally, PhD students are given the opportunity to participate in the organisation of conferences and workshops as well as contribute to the Institute's own publications.



PhD students are encouraged to engage with the scholarly world outside the Institute and attend international conferences if it benefits their research. There is generous support available for such activities, as there is for other research-related travel, such as archival and library visits both nationally and internationally.

In addition to the scholarly guidance and support provided by individual supervisors and through the broader research infrastructure at the Institute, the Research Coordinator is available to address questions related to work and

self-organisation as well as individual career planning. This offer is supplemented with the opportunity to participate in training courses provided by the Max Planck Society and the training programme offered by the Goethe Research Academy for Early Career Researchers which is open to all doctoral students at Goethe University Frankfurt. From the summer of 2018 onwards, the training programme of the Institute will be further formalised and expanded with the establishment of an individual 'Thesis Advisory Committee' for each new PhD student and the conclusion of specific supervision agreements.

The working conditions of German PhD students have been widely discussed in recent years. Here, the Institute is in the fortunate position to offer an attractive package. PhD students are employed on the basis of a so-called 'support contract' that ensures full academic freedom, combined with the security of an employment contract. They draw a monthly salary of more than 2,500 Euros before tax and other deductions and benefit from the generous statutory social security regime that is available to all German employees. Support contracts are for a period of three years, with the option of a one-year extension in exceptional circumstances. Having financial independence allows PhD students to focus on their research projects without outside distraction.

International Max Planck Research School on Retaliation, Mediation and Punishment (IMPRS-REMEP)

Some of the Institute's PhD students are members of the International Max Planck Research School on Retaliation, Mediation and Punishment (REMEP). REMEP is a research and teaching network operated by the Max Planck Institute for Social Anthropology (Halle), the Max Planck Institute for Foreign and International Criminal Law (Freiburg) and the Max Planck Institute for European Legal History (Frankfurt). It also co-operates with various University Faculties in the fields of sociology, social anthropology, jurisprudence and history. The programme co-ordinator in Frankfurt is Karl Härter.

As a unique and interdisciplinary research and teaching network for doctoral studies, REMEP observes retaliation, mediation and punishment as interrelated and complementary concepts to establish, negotiate, maintain and regain social order, peace and human security. In this regard, REMEP is closely related to several Research Fields and Focus Areas of the Institute, namely *Conflict Regulation*, *History of Criminal Law*, *Crime and Criminal Justice*, *Legal History of the Church* and *Law and Diversity*. The scholarly agenda of the research school seeks to understand retaliation, mediation and punishment as a resource for social actors that has developed three fundamental options for action. Consequently, retaliation, mediation and punishment are understood broadly as normative elements of social ordering, rather than pertaining to a specific body of state law, although they may be shaped by state law and its institutions. Thus, the scientific research agenda starts from the assumption of the plurality of forms in establishing and maintaining social order and of its corresponding social agents, which range from international organisations, the state and the church to non-governmental organisations, local communities, families and neighbourhoods.

The various research projects aim to examine how these agents make strategic use of retaliation, mediation and punishment and analyse their functions and varying forms of interactions to establish and maintain social order, in terms of intensity and scope, time and space. Based on this research agenda, REMEP offers unique multi- and interdisciplinary training and research opportunities for doctoral students attached to the three Max Planck Institutes involved. During the period covered by this Report, the Institute hosted three PhD students: Karla Luzmer Escobar Hernández, with a research project on *Law, violence and the uses of history by Nasa people in Cauca-Colombia in the early 20th century*; Laila Scheuch who studied *The regulation of marital conflicts on the left bank of the Rhine and in France between 1798 and 1814*; and Raquel Razente Sirotti who was attached to the MPI in Freiburg and conducted the project *Criminalising politics: Legal responses to political conflicts in Brazil (1889–1930)*. The REMEP teaching activities included two summer- and winter-universities (2015, 2017), in which the above mentioned students presented their research, held an introductory course on legal history at the Institute in April 2017 and organised a number of workshops.

Within the scope of REMEP, a series of international conferences have been organised to present and discuss recent research on the fundamental concepts of retaliation, mediation and punishment in a transdisciplinary setting – combining anthropological, historical, international, legal and criminological perspectives with an eye toward comparison. The results of the first conference were published in 2017 in the book *On Retaliation*; a further collected volume *On Mediation* (edited by Karl Härter, Carolin Hillemanns and Günther Schlee) is in preparation for publication in 2018. Following the basic design of REMEP, its leading approach is to explore the variety of concepts, modes and manifestations of mediation, arbitration and related modes of extrajudicial conflict regulation in current as well as in historical settings. The case studies and the interdisciplinary approach prove that mediation is only one important opportunity in a setting of different modes – ranging from arbitration to legal procedure – to regulate conflicts and establish order.

Postdocs

Postdocs pursue their individual research projects within the framework of one of the Research Fields at the Institute. Like PhD students, they participate in one of the four Research Focus Areas and the variety of events offered at the Institute. They benefit from similar support for research-related travel, conference attendance and access to career advice and training programmes. Postdoc positions come without teaching obligations, but outside teaching engagements are encouraged, as is the organisation of conferences and workshops and the mentoring of PhD students. They are normally awarded as three-year employment contracts with the possibility of extension for up to three further years, with civil service salaries equivalent to those of a secondary school teacher.



Family & Co. – A French-German dialogue on work and family in a society of orders

In June 2017 the Institute hosted a French-German workshop on ‘Work and family in a society of orders’. It focused on the relationships, mutual influences and contradictory trends between work and family from the High Middle Ages to the end of the Early Modern Period (ca. 1100–1815). The aim was to initiate an interdisciplinary dialogue between French and German scholars. The three core topics were the negotiation of norms, the question of integration or marginalisation, and the professional possibilities of women. These allowed for an investigation of the relationships between work and family from the innovative perspective of social and cultural diversity.

The event was organised by Laila Scheuch in co-operation with Audrey Dauchy from the Institut Franco-Allemand/Sciences Historiques et Sociales (IFRA/SHS) and was supported by the Deutsch-Französische Hochschule (DFH). It was attended by around 25 participants from legal history and social history, both established scholars and more junior ones, such as PhD candidates and postdocs at the beginning of a new project. They came from France, Germany and Switzerland.

Taking up the organisers’ suggestion to provide research perspectives from French- and German-speaking academia, Heide Wunder (Bad Nauheim) and Fabrice Boudjaaba (Paris) introduced two of the main topics: the married couple as a working couple (Wunder) and the significance of a society of orders for work and family (Boudjaaba).

The following three panels focused on the negotiation of norms, integration and marginality, and on female possibilities of acquisition. Each of the panels began with a bilingual poster session that turned out to be a springboard for fruitful discussion of terminology, such as *métier* or *huissier* in French, or *Arbeitspaar* in German.

The lively interdisciplinary debates that emerged centred, among other, on the role and the perspectives of women in medieval and early modern work, including questions of matrimonial property law, the status of wife and/or businesswoman (*marchande*), the economic possibilities of widows as well as the gap between legal ideals and actual female work in the emerging bourgeois society of the 19th century; the mechanisms of professional and/or familial reproduction; the distinctions and entanglements between marriage, family and household; and finally the issue of how work was organised institutionally, for instance in guilds.

Overall, the workshop was successful in that it provided a forum for young researchers to discuss their studies in an expert environment and enabled interdisciplinary exchange and dialogue between French- and German-speaking researchers.

Max Planck Summer Academy for Legal History

189

Since 2014, the Institute has organised the annual Max Planck Summer Academy for Legal History. Its aim is to provide roughly 20 early-stage researchers, usually PhD students, from all over the world with a two-week, in-depth introduction to basic approaches and methods of research in legal history.

The Academy is intended to develop the ability of its participants to transfer legal terminologies and theories across linguistic and cultural contexts, thus providing a basis to build and consolidate international research networks.

The Summer Academies of 2015, 2016 and 2017 each consisted of three parts. The first part introduced the international group of PhD students to sources, methodological approaches as well as theoretical models and controversial research debates on fundamental research fields of legal history, such as Roman law, the *ius commune* and canon law, the history of the common law, the history of international law and constitutional history. The introductory courses were given by members of the Institute and invited guest speakers. In the second part, the invited participants presented their own projects within the context of the respective year's special topic. In 2015, the Academy was dedicated to questions of *Cultural Translation of Law*, the course in 2016 focused on *Multinormativity*, and in 2017 the special topic was *Conflict Regulation*. The third part of the Academy offered the opportunity to all participants to further develop their research by making use of the library and by discussing their projects with the Institute's experts in the different fields of legal history.



The international calls for the Summer Academy addressed highly motivated early-career researchers with an interest in the basic research of historical formation and transformations of law and other normative orders. Apart from PhD students in legal studies and legal history, the Summer Academy attracted graduates from history, sociology and anthropology. Applications were made from all over the world, particularly from Latin America, the United States, East Asia and Europe. The main criterion in the strict selection process was that the applicants were working on a research project (Master's or PhD-thesis) with a significant legal historical approach or perspective. A substantial working knowledge of English was required, whereas German language skills were not a prerequisite.

In order to open up the Summer Academy to a broad spectrum of PhD students, the Institute provided the accommodation for the participants and a limited number of travel grants.

The courses ended with an examination and the award of certificates. In their evaluation forms, participants consistently emphasised how much they gained from the variety and breadth of the introductory courses as well as the comments about their PhD projects offered by the Institute's researchers.

We are still in contact with most of the Summer Academy alumni, and a significant number of them have come back to Frankfurt on a fellowship to further their research projects.

**Max Planck Summer Academy for Legal History 2015,
27 July – 7 August 2015**

Special Theme: Cultural Translation of Law

Throughout history, law and legal knowledge were circulating between cultures, countries and continents. Sometimes willingly adopted, sometimes forcefully imposed by powers from outside, the process of dealing with foreign law often changed not only the sources of law, but also a whole structure of normative thinking. What happens when law is taken up by a different culture, having to operate in another language? How does its meaning shift during this process, how do its function and even its normativity change?



Programme

Lectures

Thomas Duve, Legal History: Traditions and Perspectives

Christiane Birr, *Ius Commune*

Wim Decock, History of Private Law in the Modern Period

Lena Foljanty, Constitutional History

Anna Seelentag, Antiquity

Christoph Meyer, *Ius Commune II*

Karl Härter, History of Criminal Law

Alexandra Kemmerer, History of International Law

Evening Lecture: Matthias C. Kettemann, The Language of Law on the Internet: Lost in Translation?

Presentations of participants

Nora Bertram (Zurich), Publication of reasoned judicial opinions in the *Ancien Régime*

Debjani Bhattacharyya (Drexel), Fictions of Possession: Property, Law and Authority in the Bengal Delta

Federica Boldrini (Lateranense), Law, custom and morals in 16th Century: a comparative analysis between the canon law and the Lutheran theory of law

Tristan G. Brown (Columbia), The Veins of the Earth: Family and Land in an Age of Chinese Revolution (1856–1935)

Samuel Childs Daly (Columbia), Sworn on the Gun: Law, Crime, and Citizenship in the Nigerian Civil War

Laurent Corbeil (Mc Gill/North Carolina), Indigenous Peoples and the Law in San Luis Potosí, Mexico, 1720–1836

Luisa Stella Coutinho (Lisboa), European, African and Indian Legal Systems in the Documentation of Paraíba: Cultural Approaches on Women and Gender Relation in Family

Wouter Druwé (Leuven), Transnational Normativity in an Age of Estrangement. Loans and Credit in the Northern and Southern Low Countries

Victor Kam-ping Fong (Hong Kong Baptist), The Qing Nationality Law and Formation of Chinese National Identity

Jessica Fowler (California, Davis), Illuminating the Empire: The Dissemination of the Spanish Inquisition and the Heresy of Alumbradismo in the 16th Century

Kellen Funk (Princeton), The Lawyers' Code: The Transformation of Legal Practice in the Nineteenth-Century Atlantic World



James Gerien-Chen (Columbia), Between the Empire and Nation: Taiwanese Settlers and the Making of Japanese Empire in South China and Southeast Asia, 1895–1945

Mahmood Kooria (Leiden), Ocean of Law: Movement of Islamic legal texts across the Indian Ocean and Eastern Mediterranean Worlds

Caroline Laske (Ghent), Legal cultures and language – a historical comparative perspective; A study of the linguistic-discursive aspects of the common law of contract in comparison with French and German Law

Julia Leikin (University College London), Prize Law, Maritime Neutrality and the Law of Nations in Imperial Russia, 1768–1856

Julie Rocheton (Pantheon-Assis), The codification of the civil law in the United States during the 19th century

Adriane Sanctis de Brito (Sao Paulo), Slavery in Latin American Nineteenth Century Legal Culture: adaptation and resistance to international legal standards

Katharina Isabel Schmidt (Princeton), Unmasking 'American Legal Exceptionalism': German Free Lawyers, American Legal Realists and the Transatlantic Turn of Life, 1903–1933

Raquel Razente Sirotti (Santa Catarina), The transnational dimension of the repressive discourses against the anarchists between print media and Criminal Law doctrine in Brazil (1893–1928)



**Max Planck Summer Academy for Legal History 2016,
18 July – 29 July 2016**

Special Theme: Multinormativity

The fundamental question when addressing the topic of 'law' concerns the relationship between what we call 'law' and other rules, which serve behavioural control and the stabilisation of expectations, but are not treated as 'law', such as moral and religious codes, but also technology and pragmatics.

Research on multinormativity looks at the coexistence of juridical and non-juridical variants of normativity including the related dimension of norm implementation, conflicts and synergies in the ensemble of normative layers and the relevance of multinormative constellations for the structuring of law over the course of history and contributes to an outstanding challenge posed by the diverse and complex societies of today.

Programme

Lectures

Christiane Birr, *Ius Commune* and Canon Law II

Thomas Duve, Multinormativity: a fruitful approach for Global Legal History?

Wim Decock, Multinormativity and History of Private Law: The Example of Early Modern Theological Sources

Phillip Hellwege, Private Law II

Karl Härter, History of Criminal Law, Crime and Criminal Justice

Michael Stolleis, Constitutional Law

Thomas Duve, Legal History of Latin America

Thorsten Keiser, Contemporary Legal History

Stefan Vogenauer, Common Law

Alexandra Kemmerer, International Law

Christian Penner, EU Law and the history of the European Parliament's Legal Service

Evening Lecture: Gregori Garzón Clariana, International Law and the Law of the European Union



Presentations of participants

Yang Bai (Fudan), The Judicial Responsibility for Misjudged Cases in Qing Dynasty

Francisco Beltrán (Autónoma México), The administration of civil and criminal justice among popular groups, Mexico City: legal culture, social order and institutional legitimacy, 1812–1847

Peter Candy (Glasgow), Roman maritime law during the height of the Empire: a socio-legal and economic perspective

Monique Falcão (Rio de Janeiro), Land ownership rights in Brasil

Aléxia Faria (Minas Gerais), Corruption as a crime after Brazilian independence – a case study research on the controlling of corruption in the state Minas Gerais (1830–1940)

Rachel Furst (Hebrew University), Striving for Justice: A History of Women and Litigation in the Jewish Courts of Medieval Ashkenaz

Geraldine Gudefin (Brandeis), Navigating the Civil and Religious Worlds: Jewish Immigrants & Marital Laws in France and the United States (1881–1939)

Caitlin Harvey (Princeton), No child in all this careless world / Is ever out of sight: A Comparative Study of British 'Imperial' and American 'Internal' Child Migration Schemes, 1880 to 1950

Xinyu Huang (Fudan), The Role and Achievement of Censors in the Late Imperial China

Anna Lehmann Martins (Santa Catarina), The normative orders of state, church and religion: Multinormativity under ultramontane perspectives

Antoni Lohandés (Montréal), Integration of the new British and Catholic subjects in the government and institutions of the four colonies organized by the Royal Proclamation of 1763

Jane Manners (Princeton), 'Infinitely Dangerous to the Revenue of the United States': The Great New York Fire of 1835 and the Law of Disaster Relief in Jacksonian America

Tamar Menashe (Columbia), Betrayal and Conversion: Jews, Christians and Cross-Confessional Legal Culture in Reformation Germany

Luize Navarro (Paraná), Municipal Councils: councilmen, schepen and Indians in Dutch Brazil (1630–1654)

Josef Nothmann (Pennsylvania), Futures' Pasts: Central European Commodity Markets, 1870–1945

Lucas Rebagliati (Buenos Aires), The miserables and their justice: The poor, prisoners and slaves in Buenos Aires (1776–1810)

Ana Beatriz Robalinho (Yale), Constitutional Narrative: The Use of History in Constitutional Law

Nadeera Rupesinghe (Leiden), Navigating Pluralities: Colonial Lawmaking in the Galle Landraad (1740–1796)

Zhiqiang Shi (Tokyo), Law, Empire and Governance of the Border Area in Late Imperial China

Hernán Valenzuela Gascón (Adolfo Ibáñez), Social constitutionalisation processes in the financial system. Multinormativity in the transnational realm

Laura Vejselji (Hamburg), The doctrine of restitution of John Duns Scotus



**Max Planck Summer Academy for Legal History 2017,
25 July – 4 August 2017**

Special Theme 2017: Conflict Regulation

Conflict is not just a constant challenge for the law but also a key means of access to its history. Each society develops its own set of means of conflict regulation. The diversity ranges from different forms of dispute resolution and mediation to traditional juridical procedures at the local and global level. The way conflicts are regulated reveals the normative options chosen by the parties involved in the conflict. Thus, conflicts and their regulation can provide an insight into local contingencies and traditions as well as the pragmatic contexts and leading authorities of the law, the living law. The research projects presented at this Summer Academy concentrated on the historical mechanisms of conflict regulation and offered a critical reflection about the methods used for analysing the conflicts and the way they are dealt with.

Programme

Lectures

Stephan Wagner, *Ius Commune* – Legists

Christoph Meyer, *Ius Commune* – Canonists

Stefan Vogenauer, *Common Law*

Wim Decock, *Private Law I*

Michael Stolleis, *Constitutional Law*

Phillip Hellwege, *Private Law II*

Sigfrido Ramírez Pérez, *EU Law*

Elisabetta Fiocchi, *International Law*

Thomas Duve, *Global Legal History*

Donal Coffey, *Legal Transfer in the Common Law World*

Evening Lecture: James Gordley, *Revolutionary Principles: From the Late Scholastics to the Declaration of Independence*

Presentations of participants

James Almeida (Harvard), *Minting Sovereignty: Potosí's Seventeenth Century Silver Mint as a Legal Forum*

Camilla De Freitas Macedo (Basque Country), *From citizenship to ethnic status – A historical reading of indigenous rights through Brazilian constitutionalism*



Gabriel Faustino Santos (Uberlandia), The construction of the 'mandado de segurança': For a history of the legal dimensions of justice in republican Brazil (1891–1937)

Damian Gonzales Escudero (Pontificia Peru), The notion of dominium in the resettlements of Indians in the Corregimientos of Lima (1560–1650)

Marcella Hayes (Harvard), The Color of Political Authority in Seventeenth-Century Lima

Virginia López Tovilla (Michoacán), The relationship between the diocesan ecclesiastical court of the bishopric of Chiapas and Soconusco and the court of appeal of the archbishopric of Guatemala (1743–1821). Institutions, actors and processes

Vanessa Caroline Massuchetto (Paraná), Criminal legal culture and women's status in 18th century Curitiba (1750–1800)

Kathleen McCrudden (Yale), Lawyers, Constitutions and the Irish Enlightenment Revolution

Alberto Neidhardt (EUI Florence), Transnational Family Disputes. Private International Law and the Management of Legal Diversity in the EU

Kessler Perumalsamy (Michigan), Roman law influence of spoliation orders (mandament van spolie) on the English equivalent, the novel disseisin

Philipp Pesendorfer (Graz), The reception of Roman slave law in the Early Modern European slave holding Societies

Táisa Regina Rodrigues (Rio de Janeiro), The regulation of working conflicts in the Constitution of the United States of Brazil from 1937

Michael Samuel (Emory), Controlling Palestine: Britain, Israel, and the Legacies of Arab Suppression, 1936–1994

Takanori Shibata (Tokyo), Legal Culture in the Ottonian Germany and Northern Italy

Ray Thornton (Princeton), Developing children, developing law: NGOs, child development and international children rights law in Kenya, 1952–1989

Jenny Wienert (Tübingen), Conflict of legal sources in the 16th century. The legislative solution of the Reichspoliceyordnungen

Isabella Zambotto (Verona), Procedural aspects in matter of nexum. A re-interpretation of the debt problem in the frame of the conflict between patricians and plebeians



Max Planck Study Sessions

197

The Institute occasionally invites PhD students and early-career researchers from other institutions to participate in its Study Sessions, or *Studientage*. In recent years, most of these have focused on providing participants with the basic tools for taking up research in the archives of the Holy See and other Roman ecclesiastical institutions, as well as enabling them to engage in a critical interpretation of the sources and their contextualization through the current literature.

**Max Planck Study Sessions – Governing the World:
The Papacy and the Roman Curia throughout the centuries.
Research Tools for History and the History of Law
27–29 September 2017
Organisation: Benedetta Albani (MPlER) and Massimiliano
Valente (Europa di Roma)**

The Secretariat of State and Papal Diplomacy

Birgit Emich (Frankfurt), The Secretary of State and the Early Modern Roman Curia: Archives and Approaches

Massimiliano Valente (Europa di Roma), The Secretariat of State in the the Modern Age

Gianfranco Armando (Archivio Segreto Vaticano), La diplomazia pontificia in età moderna e contemporanea

Congregations and Tribunals

Cecilia Cristellon (MPlER), Roman Inquisition and Religious Plurality in Early Modern Times

Thomas Brechenmacher (Potsdam), The Holy See and the Jews: How to Identify Relevant Documents in the Vatican Archives?

Bruno Boute (Frankfurt), Pro captu lectoris habent sua fata libelli. Censorship Procedures in the Roman Congregations of the Holy Office and the Index in the Early Modern Period

Luca Codignola (Notre Dame, Saint Mary's Halifax), The Congregation De Propaganda Fide

Athanasius McVay (Toronto), The Archive of the Congregation for the Eastern Churches

Reforms and Codification

François Jankowiak (Paris Sud), General Evolutions of the Roman Curia: Sources and Historiographical Issues (19th–20th Centuries)

Enrique de León Rey (Tribunal de la Rota de la Nunciatura Apostólica de Madrid), La Codificazione del diritto canonico del 1917; la sua riforma del 1983 e il Codice dei Canonici delle Chiese Orientali

Massimo Faggioli (Villanova), Doing Historical Research on the Second Vatican Council: Vatican Sources and Local Sources

Some sources under observation

Constanza López Lamerain (MPIeR), The Relationes dioecesium sent by Chilean bishops in the 17th century

Claudia Curcuruto (MPIeR), The Correspondence between the Nuncios and the Secretary of State

Alfonso Alibrandi (MPIeR), The decrees of the Congregation of the Council

Jessika Nowak (MPIeR), A special kind of Correspondence. Enciphered Letters between the Middle Ages and the Modern Era

Doing Historical Research on the Roman Curia without its Archives

Massimiliano Valente (Europea di Roma), The Ostpolitik of the Holy See and Yugoslavia

Matteo Luigi Napolitano (Molise), The Westpolitik of the Holy See and the United Nations

The Holy See in the 21st Century

Enrique de León Rey (Tribunal de la Rota de la Nunciatura Apostólica de Madrid) and Aurora López Medina (Huelva), Gli organi di governo e i tribunali di giustizia della Chiesa Universale

Round table with Massimo Faggioli, Matteo Luigi Napolitano and Massimiliano Valente, The Holy See in the 21st Century: International relations and historical research

Simon Ditchfield (York), How Roman was Roman Catholicism as a world religion?

VI. GUEST PROGRAMME



The Guest Programme of the Max Planck Institute for European Legal History enables scholars from Germany and abroad to use the resources of the Institute. Over the past three years, the visitors and their projects were an important part of the academic discourse at the Institute. They contributed to the Institute's Research Fields and Research Focus Areas and contributed to embedding the results of its work firmly in the scholarly discourse both nationally and internationally.

The Guest Programme offers various forms of grants and other financial support, depending on the level of qualification and the current project phase of the respective visitor as well as the reason for and duration of the research visit. There are offers for graduate students, postdocs and established researchers.

Graduate student scholarships are designed to integrate highly qualified scholars in an international research environment early on in their career. There are two types of scholarship available. Personalised Orientation Scholarships enable PhD students to enrich their research project by acquainting themselves with the Institute's Research Fields and to situate it in ongoing scholarly debates. These scholarships are open to PhD students at the beginning of their dissertation phase, affording them the opportunity to plan and conceptualise a PhD project at the Institute over a period of two to six months. Dialogue Scholarships run for one to three months and are intended for advanced PhD students seeking a close collaboration with a researcher from the Institute in order to profit from his or her expertise with respect to sources, debates, methodology and theoretical approaches.

The overriding goal of the postdoc support programme is to foster transnational networks of scholars and thereby contribute to a more transnational jurisprudence. The Institute awards several Postdoctoral Fellowships each year for a period of three or six months. These enable highly qualified international scholars holding a doctoral degree to pursue budding research projects in a stimulating environment. As a general rule, these projects should be compatible with the Institute's current research programme and its topics of interest. However, other topics may also be selected as being especially worthy of support.

Research Fellowships at the Institute are designed to enrich the research projects and Research Focus Areas at the Institute with diverse perspectives by facilitating close co-operation with established international scholars. The goal is foremost to expand ongoing co-operative projects with international research institutions by developing new joint research projects.

Finally, the Institute supports visiting fellows who have third-party funding, provided there is sufficient capacity for hosting them.

All guests actively participate in the Institute's activities. Depending on the duration of the stay, this includes attending academic events at the Institute and presenting their own project at one of the Guest Workshops, departmental research colloquiums or at the Institute's monthly *jour fixe*.



Guest Workshops

The Institute's Guest Workshops were introduced in 2017 and held once per quarter. They provided an important opportunity for visiting researchers who were spending only a limited period of time at the Institute to get involved with the various areas of legal history pursued at the Institute, to network with other scholars and to receive feedback on their current work. The invited scholars addressed questions and issues of their own research projects that have a particular connection to the Institute's research agenda.

Property law and legal history in Latin America

21.02.2017

Organisers: Pamela Cacciavillani and Mariana Armond Dias Paes

In Latin America, the issue of landed property has been at the centre of juridical debates since the colonial period and it is still the basis of many social and juridical conflicts. At the core of these debates, negotiations and disputes, there is a centuries-old history of land appropriation that is often irregular and violent. This context is characterised by the agency of different actors (state agents, Europeans, indigenous populations, farmers, land owners, etc.) who tried to interpret and apply, for their own benefit, different kinds of regulations: state, religious, indigenous, colonial, national and local.

Moreover, in Latin America – albeit this scenario is common to other regions worldwide – the issues concerning land ownership must be analysed taking into consideration a social context characterised by the existence of various indigenous populations and by the insertion, in the continent, of a considerable number of enslaved Africans.

From the perspective of legal history, this workshop aims, on the one hand, to debate aspects of property law, such as acquisition, transfer and the exercise of property rights, and on the other, to discuss the implications of this peculiar social context in Latin America land issues.

Manuel Bastias Saavedra, – ¿Un paradigma posesorio? Notas sobre posesión y dominio en la América hispana, XVI–XVIII; Monique Falcão – Commentary

Carmen Alveal, As vexações e opressões dos senhores coloniais no Brasil e a constituição da carta régia de 1753; Pamela Cacciavillani – Commentary

Mariana Dias Paes, Ser 'senhor e possuidor' de terras ou escravos (Brasil, 1835–1839); Carmen Alveal – Commentary

Pamela Cacciavillani, La codificación civil y sus condicionamientos provinciales en materia de derechos reales en Argentina a finales del siglo XIX; Manuel Bastias Saavedra – Commentary

Monique Falcão, Identidade étnica como fundamento de direito de propriedade: a delimitação física da propriedade, no Brasil do século XXI, a partir de uma matriz antropológica; Mariana Dias Paes – Commentary

Law and diversity: Legal categories and identity**05.05.2017****Organisation: Lorena Ossio**

Stefan Cristian Ionescu talked about 'Economic Justice after Genocide: Restitution of Jewish Property in Post-Holocaust Bucharest, 1944–1950'. His research project explores the reversal of the Romanianisation (local equivalent of Nazi Aryanisation) of Jewish property in Bucharest during the initial post-Holocaust years (1944–1950), including the responses of bureaucrats, gentile beneficiaries, as well as the Jewish community and individual Jews. Overall, restitution proved to be a difficult and problematic process involving Jewish survivors, individual profiteers, and political and social groups. Although the new regime formally repealed previous racial legislation rather rapidly, mainly due to foreign policy considerations, reversing its effect did not go smoothly.

Ekaterina Yahyaoui Krivenko talked about 'Space, Law and Spatial Justice in Leibniz'. In her presentation she addressed only one – albeit central – aspect of her research undertaken while at the Institute. She argued that the conceptualisation of law is influenced by the conceptualisation of space using the example of Leibniz. Additionally, it will look more specifically at the ability of law to accommodate diversity as being predetermined by the underlying conceptualisation of space. In this regard, it is argued that Leibniz's conceptualisation of space allows him to conceptualise law in a way that places diversity as the foundation of its unity. In order to prove this thesis, Leibniz's conceptualisation of law and space are tested against the idea of spatial justice as articulated by Andreas Philippopoulos-Mihalopoulos.

Ana Díaz Serrano gave a presentation on the 'Political intermediaries in the Iberian Worlds: Indigenous Communities and Religious Orders in the Americas, 16th and 17th centuries'. Her research project is situated within the reflection on the functioning of the multi-territorial political entities in the Early Modern Period based on the understanding of the interactions between the imperial frameworks and the local contexts. She propounds a comparative study about the formulation and development of the 'republics of Indians' to analyse the incorporation of the indigenous communities into the political body of the Hispanic monarchy.

Legal historiography**21.07.2017****Organisation: Victoria Barnes and Stefan Vogenauer**

The workshop discussed the guests' projects and reflected on the Research Field *Legal Historiography*. Questions of sources, methodology and objectives are central to all legal and historical research. The event tackled some of these theoretical issues by relating them to new case studies and other practical examples. These questions were also open to the audience to share experiences or expertise and offer advice on strategies in archival research. The workshop offered a selection of presentations on a wide range of projects and speakers with expertise in several different areas.

In the first session, Álvaro Caso Bello joined us from Johns Hopkins University where he is researching political representation and the people empowered by Spanish American City Councils in Madrid in the 18th and 19th centuries.

Michele McArdle Stephens discussed her new book exploring women and criminality in Yucatán between 1910 and 1960.

The second session began with a paper by Maciej Mikula. Maciej is investigating the invention of printing as a turning point in legal history.

A presentation by Jānis Lazdiņš followed. Jānis examined restitution in Latvia after the Soviet occupation. This is part of his larger project on the experience, lessons and international importance of the restoration of Latvia's independent statehood.

The final session was opened by Omer Aloni. Omer is writing a revisionist legal history of international law and the League of Nations.

Jonathan Rose closed the workshop with a discussion about sources in medieval legal history, linked to his new book on champerty and maintenance.

Historia del derecho en América Latina

24.10.2017

Organisation: Thomas Duve

This workshop, related to the Research Field *The Legal History of Ibero-America*, covered legal historical topics in different regions and periods. The first two presentations dealt with different ways of how slaves could achieve their liberation: thanks to the 'religious sanctuary policy' in the Spanish Caribbean during the late 17th and 18th centuries, or by way of *ações de liberdade* in Portugal and Brazil from the 17th to the 19th century. The third presentation examines how penal law and social practice faced the problem of infanticide in Argentina around 1900.

Fernanda Bretones Lane (Vanderbilt University), The baptism of slaves in the early modern Spanish Caribbean; Christiane Birr – Commentary

Sven Korzilius (Leopold-Wenger-Institut für Rechtsgeschichte, München), Demandas de libertad y derecho de la esclavitud en Portugal y Brasil, siglos XVII–XIX; Mariana Armond Dias Paes – Commentary

María Sol Calandria (CONICET/Universidad Nacional de la Plata), Infanticidios y filicidios: Legislación penal y prácticas sociales en Argentina (1886–1921); Thomas Duve – Commentary

Guests at the Institute

205

Argentina

Alejandro Agüero, CONICET / Univ. Córdoba – (10/15) (02/17) – Scholarship holder

- Political violence and criminal law
- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

Nicolas Beraldi, Univ. de Córdoba – (01–02/17) – Scholarship holder

- Legal transplants in Rio de la Plata? The case of Justice of the Peace in the province of Buenos Aires (1821–1824)

Pedro Alberto Berardi, Univ. de San Andrés – (08/15–02/16) – Scholarship holder

- The police administration in the Province of Buenos Aires (1880–1906)

María Sol Calandria, CONICET/Univ. Nacional de La Plata – (10–12/17) – Scholarship holder

- Infanticide and Filicide: Legilación penal y practices sociales en Argentina (1886–1921)

Agustín Casagrande, Instituto de Investigaciones de Historia del Derecho – (10/4–09/15; 04/16) – Scholarship holder

- Representación y Teoría del Estado en la Literatura de Derecho Administrativo Argentino (s. XIX–XX)

Gisela Ferrari, Univ. Católica Argentina – (01–03/17) – Scholarship holder

- The Influence of the European Court of Human Rights on the Argentine Supreme Court: A complex case of migration of constitutional ideas

María Laura Mazzoni, CONICET / El Instituto de Historia Argentina y Americana 'Dr. Emilio Ravignani' – (08/14–03/15) (01–03/16) – Scholarship holder

- The history of the Ancien Régime societies
- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)



Fernanda Molina, CONICET / Univ. de Buenos Aires – (01/15–01/16) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

Jorge A. Núñez, Instituto de Investigaciones de Historia del Derecho – (01/15–03/15) (07/15) – Guest at the Institute

- El porvenir del pasado penitenciario. La historia de la prisión en la Argentina (1860–1950)

Leticia Vita, Univ. de Buenos Aires – (11/14–01/16) – Guest at the Institute / Scholarship holder

- The Conception of the State and the Constitutional Discourse under the light of the Weimar Constitution

Austria

Nicole Zilberszac, Univ. Wien – (11–12/17) – Scholarship holder

- Leiblichkeit in der rechtswissenschaftlichen Methodologie und der juristischen Ausbildung

Belgium

Dirk Heirbaut, Ghent Univ. – (05/17) – Scholarship holder

- Convivencia

Sabine Rudischhauser, Univ. Libre de Bruxelles – (10/14–01/15) – Guest at the Institute

- Die Geschichte des Tarifvertragsrechts in Frankreich und Deutschland

Brazil

Samuel Barbosa, Univ. São Paulo – (12/16–3/17) – Scholarship holder

- Comparison from the South: contrasting the debates of the First International Congress of Comparative Law (1900) with the research of the first Brazilian Professor of Private Comparative Law, Clovis Bevilacqua (1891)

Gustavo Machado Cabral, Univ. Federal do Ceará, Fortaleza – (11/16–01/17) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)



Mariana Armond Dias Paes, Univ. São Paulo – (02/15–07/15) – Scholarship holder

- Freedom, possession and prescription in Brazilian slavery (1860–1888)

Monique Falcão Lima, Univ. Rio de Janeiro – (10/16–03/17) – Scholarship holder

- The right of property between constitutional recognition and cultural identity

Jaime Gouveia, Univ. Federal do Amazonas – (05–10/17) – Scholarship holder

- The diocesan courts in Portuguese-American space, 1676–1822

Sven Korzilius, Univ. de São Paulo – (04–09/17) – Guest at the Institute

- Sklavenrecht und Statusprozesse in Portugal und Brasilien, 16.–18. Jahrhundert

Marcelo Neves, Univ. de Brasília – (01–02/17) – Scholarship holder

- Transdemokratie

Carmen Oliveira Alveal, Univ. Rio Grande do Norte – (01–06/17) – Scholarship holder

- Legal understandings of Land issues (Colonial Brazil and the Portuguese empire)

Eliane Proatti, Univ. São Paulo – (07–12/15) – Scholarship holder

- From legality to morality: moral theology and right in Spanish America

Luiz Carlos Ramiro Junior, Univ. Rio de Janeiro – (08–12/15) – Guest at the Institute

- The separation of church and state in Brazil – antagonisms and permanences

Rafael Ruiz González, Univ. São Paulo – (04–05/15) – Scholarship holder

- Law, Moral Theology and Probabilism: The foundations of justice in the Amercian world of the early modernity

Gustavo Silveira Siqueira, Univ. Rio de Janeiro (07/16) (10–11/17) – Guest at the Institute

- The right to strike in the dictatorships of the decade of 1930–40
- Strikes in dictatorships in the first half of the twentieth century: Communications, translations and conflicts – Portugal, Italy and Brazil

Mariana de Moraes Silveira, Univ. São Paulo – (04–06/16) – Scholarship holder

- Legal debate beyond borders: exchanges between Brazilian and Argentine jurists and their relation to European legal thought (1917–1943)

Raquel Sirotti, Univ. Santa Catarina, Florianópolis/IMPRS REMEP – (07/16–06/17) – Guest at the Institute

- Mass Media, Political Repression and legal responses in Brazil

Chile

Anastasia Isabel Assimakópulos Figueroa, Univ. de los Andes – (07/17) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

Ignacio Javier Chuecas Saldías, Univ. Adolfo Ibáñez – (12/16–02/17) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

Maria Macarena Cordero Fernández, Univ. Adolfo Ibáñez – (07/16) – Scholarship holder

- Practices and representations of the native judicial and legal actions before the justice forums: XVII–XIX Centuries, Chile

Rafael Gaune, Univ. Andrés Bello – (02/15) – Scholarship holder

- The Transatlantic Dialogue. Rome and the 'Defensive War' in Colonial Latin America: Jesuits, Good Government and Reproduction of Legal Knowledge (1593–1625)

Joaquín García-Huidobro and José Poblete, Univ. de los Andes – (07/16) (07/17) – Guests at the Institute

- El modelo indiano de racionalidad jurídica y política

Javier Infante, Pontificia Univ. Católica de Chile – (07/15–02/16) – Scholarship holder

- Shaping new concepts: pre-liberalism as a political reform during the reign of Charles IV in Chile and America

Jacob Stagl, Univ. de Chile – (02/17) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

Verónica Undurraga Schüller, Univ. Católica de Chile – (01/16–02/16) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

China (People's Republic)

Pengsheng Chiu, Chinese Univ. of Hong Kong – (04–06/16) – Scholarship holder

- Commercial Custom and Lawsuits in Suzhou and Chongqing in the Middle Eighteenth and Early Nineteenth Century

Tong Fu, China Univ. of Political Science and Law – (09/14–09/15) – Guest at the Institute

- The influences of Western prison theory on the modernization of the Chinese prison system

Fupeng Li, China Univ. of Political Science and Law – (09/14–09/15) – Guest at the Institute

- The historical legacy of the constitution of the Weimar Republic and its influence on China

Zhiqiang Wang, Fudan Univ. Law School, Shanghai – (04/16–06/16) – Scholarship holder

- A comparative historical study of Chinese and European law, particularly in the field of political governance in the antiquity period

Renshan Zhang, Nanjing Univ. – (10–12/15) – Scholarship holder

- Nationalism and Legal Modernization in China

Colombia

José-Manuel Barreto, Univ. de los Andes – (10–12/15) – Scholarship holder

- Bartolomé de las Casas and the Colonial Origins of International Law and Human Rights

Andrés Botero Bernal, Univ. de Medellín – (07/16) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

Juana María Marín Leoz, Pontificia Univ. Javeriana, Bogotá – (06–07/16) – Guest at the Institute

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

Francisco A. Ortega, Univ. Nacional de Colombia – (08–10/16) – Scholarship holder

- European Virtues, American Republics. An Intellectual History of Social Difference and the Making of Colombia, 1770–1870

Czech Republic

Petra Skřejpková, Univ. Karlova – (11/16) (06/17) – Guest at the Institute

- Das AHGB von 1861 als gemeinsames Obligationsrecht in Mitteleuropa
- Emigration/migration from/to Czechoslovakia during the last century

Denmark

Morten Rasmussen, Univ. Copenhagen – (01–02/17) – Scholarship holder

- European Community from 1950 to 1993

Ecuador

Fabio Giovanni Locatelli, FLASCO Ecuador / Univ. of Milan – (03–08/2016) – Scholarship holder

- The sacrament of Penance in the synods of the diocese of Quito (1570, 1594 and 1596)

Santiago M. Zarria, Univ. Católica del Ecuador – (06–11/15) – Scholarship holder (ICALA)

- ¿Híbrido, autoritario o democrático? Estudio sobre la tipificación, estabilidad y evolución del régimen ecuatoriano durante el 2008–2014

France

Hai Nga Bellis-Phan, Univ. Panthéon-Assas Paris II – (03–04/17) – Scholarship holder

- Legal History of Pawn, from the 16th century to the 1804 French Civil Code

Raphaël Cahen, Univ. Orléans – (06–08/16) – Scholarship holder

- Political Emigration in Europe (1789–1856): Legal Aspects in global and transnational perspectives

Audrey Dauchy, Univ. Panthéon-Assas Paris 2 – (10/14–07/15) – Guest at the Institute

- Die Locatio-conductio im Gemeinen Recht und in der Praxis, 12.–16. Jahrhundert

Clotilde Fontaine, Univ. Lille – (10–12/16) – Scholarship holder

- Public Prosecution at the ‘Parlement’ of Flanders in the late 17th and early 18th century

Samuel Klebaner, Univ. Bordeaux – (07–09/17) – Scholarship holder

- The Incorporation of Industrial Policy Measures into Firms’ Behaviors. The Industrial Policy in France for the 21st Century

Payman Ahmadi Rouzbahani, Univ. Panthéon-Assas Paris II – (07–09/17) – Scholarship holder

- Searching for a Pattern in Roman-Muslim Interactions in the Law of Obligations: The Role of the Intermediates in Indirect Contact Points

Germany

Manuel Bastias Saavedra, Univ. Bremen – (10/16–09/17) – Scholarship holder
(Alexander von Humboldt)

- The laws of the land. Property, legal system, and state-building in the Chilean frontier, 1818–1890

Joël Graf, LMU München – (04–08/15) – Scholarship holder

- Die Inquisition und ausländische Protestanten in Spanisch-Amerika (1604–1739): Rechtsräume und Rechtspraktiken

Matthias Meinhardt, Univ. Halle-Wittenberg – (04/15) – Guest at the Institute

- Die Macht des Hofpredigers. Karriere und Politik des Hoftheologen Basilius Sattler im Fürstentum Braunschweig-Wolfenbüttel, 1569–1624

Raja Sakrani, Käthe Hamburger Kolleg Bonn – (03/15, 09/15, 04/16, 10/16, 05/17, 10/17) – Guest at the Institute / Affiliate Researcher

- Convivencias – Legal Historical Perspectives

Gunnar Folke Schuppert, Wissenschaftszentrum Berlin – (02–04/15) – Guest at the Institute

- Governance and Religion

Sarah Zimmermann, Johannes Gutenberg Univ. Mainz – (11/16–04/17) – Scholarship holder

- Grundlagen der EU-Rechtsgeschichte

Alexandra Tellez Mora, Univ. Central de Venezuela/Ruprecht Karls Univ. Heidelberg – (10/16–12/16) – Scholarship holder

- Estudio de los juicios seguidos a Francisco de Miranda por la Corona Española desde 1778 hasta 1816

Stefan Wagner, Univ. Regensburg – (10/17) – Scholarship holder

- Der französisch-italienische Entwurf eines gemeinsamen Obligationenrechts von 1927 und die Entwicklung des Kaufrechts in Deutschland

Georgia

Beka Kantaria, Academy of the Ministry of Internal Affairs of Georgia – (07–08/17) – Scholarship holder

- Die Rolle und der Einfluss des europäischen Konstitutionalismus auf die erste Verfassung Georgiens von 1921

Lasha Bregvadze, Academy of Sciences Tbilisi – (01–02/15) – Guest at the Institute

- History and current tendencies of the evolutionary theory of law

Hungary

Zoltán Megyeri-Pálffi, Univ. Debrecen – (09/14–03/15) – Guest at the Institute

- Der Zusammenhang zwischen Recht und Architektur

Ireland

Coleman Dennehy, Univ. College Dublin – (07–09/17) – Scholarship holder

- Contested jurisdiction: Appellate justice in the Dublin and Westminster parliaments, 1603 – 1730

Ekaterina Yahyaoui (Krivenko), National Univ. of Ireland – (03–05/17) – Scholarship holder

- Leibniz, Wolff and spatio-temporality of law in 17th – early 18th centuries Europe

Israel

Omer Aloni, Tel-Aviv Univ. – (05–07/17) – Scholarship holder

- The League of Nations, The Birth of Institutionalized International Law, and non-State Actors During the Interwar Period: 1919–1939

Italy

Ludovica Bosica, Univ. Macerata – (05/15–06/15) (04–12/16) – Scholarship holder

- Mably and the idea of *ius publicum europaeum*
- Diversity and Law through egalitarian debates in the XVIII century: the French Experience

Jacopo Caruso, Univ. Napoli Federico II – (07–08/16) – Scholarship holder (Erasmus+)

- Regolazione dei Conflitti, Diritto del Lavoro (XIX–XX)

Francesca Cengarle, State Univ. of Milan – (10/14–02/15; 03/16) – Guest at the Institute

- Electi und provisi: die Bischöfe in der Lombardei der Visconti (1378–1417)

Cristina Ciano, Univ. Sannio – (01–03/15) (01–03/16) – Scholarship holder

- The law and the market enforcement in practices and doctrines on commercial courts during the 19th century. The English case and others.
- Honor and Criminal Law in the 19th and 20th Century Nation States. The Legal Protections of Dead Bodies in the Kingdom of Italy's Criminal Cases

Francesco Cirillo, Univ. Napoli Federico II – (03–07/16) – Guest at the Institute

- Savigny's Treatise on Possession Outside Germany: Receivers and Texts

Angela De Benedictis, Univ. di Bologna – (10/16) (11/17) – Guest at the Institute

- Nicht-juristische Literatur in der Jurisprudenz des Jus Commune (16.–18. Jahrhundert)
- Ideen für eine Revision des Begriffes ‚Revolution, Rebellion, Aufruhr, Bürgerkrieg‘ (Geschichtliche Grundbegriffe, Bd.5)

Gian Luca D’Errico, Univ. Bologna – (04–09/15) – Scholarship holder

- The ‘heresies’ of Giovanni Battista De Luca and Archival Sources of Roman Inquisition

Alessia Maria Di Stefano, Univ. of Catania – (10/16–03/17) – Scholarship holder

- Italian judges and judicial practice in Libya: a legal experiment of multinormativity

Simona Fazio, Univ. of Messina – (01–09/16) – Scholarship holder

- Methodological notes for a history of prison system in a global perspective (1830 – 1900)



Antonia Fiori, Univ. di Roma ‘La Sapienza’ (03/16) – Guest at the Institute

- Contracts confirmed by oath in Early Modern Europe

Elisabetta Fiocchi Malaspina, Univ. Milano – (01–03/15) (05,07,11/16) – Scholarship holder

- Translation and International Law, Pattern of Translation in the 19th Century
- Natural Law and Law of Nations across the Ocean: Domingo Muriel and his Rudimenta Iuris Naturae et Gentium (1791)

Dolores Freda, Univ. degli Studi di Napoli ‘Federico II’ – (11/15) – Scholarship holder

- Migration laws in Italy and Europe between the 19th and 20th centuries

Federica Furfaro, Univ. Genova – (08–09/15) – Scholarship holder

- Die italienische Anmerkungen zur Übersetzung von Windscheid’s Lehrbuch des Pandektenrechts: Zwischen pandektischem Paradigma und vergleichender Rechtswissenschaft

Massimo Meccarelli, Univ. di Macerata – (08–09/12) (11/14–01/15) – Guest at the Institute

- Rechtsautonomie in Mittelalter und Neuzeit; Politische Kriminalität und Auslieferung im XIX. Jahrhundert

Federica Meloni, Univ. di Modena e Reggio Emilia – (10–12/15) – Scholarship holder

- The Sacred Congregation of the Council (1564–1650). The action of the Tridentine Prism during the first Century and beyond

Annamaria Monti, Bocconi Univ. – (07/15) (08/16) – Scholarship holder/Guest at the Institute

- Networks of European jurists during a “golden era” (19th and 20th Century)

Anna Novitskaya, Univ. Roma II, Tor Vergata – (10–12/17) – Scholarship holder

- Zwei Ansätze zur Forschung in der Rechtsgeschichte – applikativer und kontemplativer Ansatz – Methoden der Rechtsgeschichte in Russland

Giovanni Pizzorusso, Univ. ‘G. d’Annunzio’ – (10–12/16) – Scholarship holder

- The Patronato Real and pontifical jurisdiction in Spanish America (16th–18th centuries)

Francesca Russo, Univ. degli Studi ‘Suor Orsola Benincasa’ – (09/16) – Guest at the Institute

- Beitrag zu der Geschichte der Ideen von Europa: Hieronymus Megiser. Historiker, Sprachforscher, politischer Schriftsteller

Francesco Russo – (09–12/15) (02–03/16) – Scholarship holder

- The description of ecclesiastical jurisprudence through the invention of the Holy Congregation of the Council’s Archives

Japan

Masanori Okada, Wasada Univ. – (02/16) – Scholarship holder

- Historical processes of ‘reception’ of German law in Japan in the 19th century

Shô Kawashima, Japan Society for the Promotion of Science – (10/14–06/15) – Guest at the Institute

- Die Dogmengeschichte der ordo iudiciorum und ordo iudiciarius

Chikako Nagumo, Univ. of Tokyo – (06/16) – Scholarship holder

- The methods of translating legal terms around the time of Meiji Restoration from the perspective of Japanese Linguistics and the value of the Japanese way of translation from the viewpoint of comparative studies

Lithuania

Dovilė Sagatienė, The Supreme Court of Lithuania – (01–06/16) – Scholarship holder

- Interpretations of Soviet Law: The Case of Lithuania

Mexico

Raphael Diego-Fernández, Raphael, El Colegio de Michoacán – (03–04/17) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

José Luis Egío, UNAM México – (07–08/15) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

Leopoldo López Valencia, El Colegio de Michoacán – (03–04/17) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

Alejandra Vázquez Mendoza, El Colegio de Michoacán – (03–04/17) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

Julian Velasco Pedraza, El Colegio de Michoacán – (04/17) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)



The Netherlands

Hylke de Jong, VU Univ. Amsterdam – (08–11/15) – Scholarship holder (Alexander von Humboldt)

- Societas im byzantinischen Recht

Jan Hallebeek, VU Univ. Amsterdam – (03/15; 08/16) – Guest at the Institute

- Appel Comme d'Abus, Konziliarismus

Brian Shaev, Leiden Univ. – (07–09/17) – Scholarship holder

- The Economy is our Destiny: Socialists and the Birth of European Competition Law, 1952–1962

Dimitri Zustrassen, Leiden Univ. – (12/17–02/18) – Scholarship holder

- ECSC Competition Law and Policy during the steel crisis of the 1970s and 1980s

Peru

Carlos Ramos Nuñez, Centro de Estudios Constitucionales Tribunal Constitucional – (02/17) – Guest at the Institute

- From the bourgeois order to the social ideal: Transformations of Peruvian Law of the XX Century

Poland

Maciej Mikuła, Jagiellonian Univ. – (04–09/17) – Scholarship holder

- Law and the Invention of Printing. Towards a Modern Legal Culture

Slovenia

Vladimir Simič, Univ. Ljubljana – (07–09/15) – Guest at the Institute

- Wirtschaftsrecht im Alpenraum bis Ende des 18. Jahrhunderts

Katja Škrubej, Univ. Ljubljana – (04–06/15) – Guest at the Institute

- Rechtsräume des Alpen-Adria Gebietes um 1800: Umwandlung, Herausbildung, Verschwindung und Resistenz

South Korea

Sang Yong Kim, National Academy of Sciences of the Republic of Korea – (08–10/17) – Guest at the Institute

- Naturrechtslehre bei Helmut Coing

Spain

Francisco Andrés Santos, (Univ. de Valladolid) – (11/16; 11/17) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

Alfons Aragoneses, Univ. Pompeu Fabra – (11–12/15) (11–12/16) (10–12/17) – Guest at the Institute/Affiliate Researcher

- Convivencias – Legal Historical Perspectives

Laura Beck Varela, UNAM Madrid – (05–06/15) – Scholarship holder

- Institutional Literature between Europe and America in the 19th Century: An unknown 'Mexican' Vinnius in 1850

Tamara El Khoury Akiki, Univ. Carlos III – (06–08/16) – Scholarship holder

- England and the Tradition of Francogallia: A Legacy of 'Gothic Constitutionalism'?

Jesús Jimeno Borrero, Univ. Carlos III – (07–08/15) (09–12/16) – Guest at the Institute

- Trading companies in Seville between 1747 and 1848

Pilar Latasa, Univ. de Navara – (05/16) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

Aurora López-Medina, Univ. de Huelva – (09/16) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

Antonio Manuel Luque Reina, Univ. Autónoma de Madrid – (05–06/17) – Scholarship holder

- Reassessing the Emergence of Spanish Administrative Law: Jurisprudence of the Consejo de Estado (Spanish Council of State), 1834–1888

Alonso Manuel Macías Domínguez, Univ. de Huelva – (10/16) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

Rafael Ramis Barceló, Univ. Illes Balears – (03–06/15) – Scholarship holder

- Ramism and Legal Methodology in the 16th Century

Ana Díaz Serrano, Univ. de Murcia – (04–09/17) – Scholarship holder

- Political intermediaries in the Iberian worlds: indigenous communities and religious orders in the Americas, 16th and 17th centuries



Julia Solla Sastre, Univ. Autónoma de Madrid – (12/15) – Scholarship holder

- Building Public Law: State, State Law, Administrative Law in History

Ana de Zaballa, Univ. del País Vasco – (02–03/16) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

Sweden

Laura Ervo, Univ. of Örebro – (11/15–01/16) – Guest at the Institute

- Civil procedural reforms in societal context

Switzerland

Miroslav Barukčić, Univ. Zürich – (10–12/17) – Guest at the Institute

- Die Rechtsstellung der Juden in der Schweiz von 1612–1798

Taiwan

Hwei-syin Chen, National Chengchi Univ. Taiwan – (07/16) – Guest at the Institute

- Die Entwicklung des Familienrechts seit dem 19. Jahrhundert

Turkey

Cihan Osmanagaoglu-Karahasanoglu, Istanbul Univ. – (09/17–01/18) – Guest at the Institute

- Von der Mecelle zum neuen Türkischen Zivilgesetzbuch: Der Rezeptionsprozess des
- westlichen Rechts von der Ära des Tanzimat im Osmanischen Reich bis zur Türkischen Republik

Burcu Erbayraktar, Istanbul Univ. – (11–12/17) – Scholarship holder

- Pactum de non cedendo (agreement on Non-Assignment)

United Kingdom

Christos Aliprantis, Univ. of Cambridge – (09/17) – Scholarship holder

- Silent War: The Austrian and Prussian international secret police operations and the struggle against revolutionary movements after the revolutions of 1848

Eddie Bruce-Jones, Birkbeck College – (04/17) – Scholarship holder

- Kaala Paani and the Archive: Ancestral Memory and Colonial Administration

Aude Cefaliello, Univ. of Glasgow – (11/15–07/16) – Scholarship holder

- The Historical Evolution of the concept of Health and Security at work in the European Union. Case study: French and British systems.

Juan Cobo Betancourt, Univ. of Cambridge – (01–07/16) – Scholarship holder

- The production of the legislation of the Archdiocese of Santafé (New Kingdom of Granada) in early modern Spanish American legal history

Natalie Cobo, Univ. of Oxford – (05–07/16) (01–02/17) (04–06/17) – Scholarship holder

- Translating Solórzano

Justine K. Collins, Univ. of Doshisha, Kyoto/Univ. of Sheffield – (10/15–03/16) – Scholarship holder

- How English Common Law has influenced Caribbean Society: from colonization to emerging economies and developing states

Christoph Haar, Univ. of Cambridge – (07–12/15) – Scholarship holder

- The methods employed by Martín de Azpilcueta in his manual for confessors in comparison with his work as a canon lawyer

Oliver Fritz Rudolf Haardt, Univ. of Cambridge – (10/16–02/17) – Scholarship holder

- The Federal Evolution of Imperial Germany (1871–1918) in International Context

Saskia Limbach, Univ. of St Andrews – (01/16) (10–12/16) – Scholarship holder

- Government use of Print in the Holy Roman Empire

Guido Rossi, Edinburgh Law School – (01/17) – Guest at the Institute

- The validity of acts in medieval legal thought: genesis and development of the concept of toleration

Chris Thornhill, Univ. of Manchester – (11/16) – Guest at the Institute

- Rechtssoziologie und Demokratie

United States of America

Fernanda Bretones Lane, Vanderbilt Univ. – (07–12/17) – Scholarship holder

- Spanish Religious Sanctuary: legal and historical dimensions

Álvaro Caso Bello, John Hopkins Univ. – (02–07/17) – Scholarship holder

- Agents of Politics: The Representatives of Spanish American City Councils in Madrid, c. 1700–1824

Faisal Chaudhry, Harvard Univ. – (06–07/17) – Scholarship holder

- Globalizing Classical Legal Thought: India in the Age of Colonialism, 1757–c.1914

Bill Davies, American Univ. – (01/17) – Scholarship holder

- A History of the Frankfurt Administrative Court: 'Germany's European Court'
- The Remarkable Life of a European Jurist: Walter Much

Maura Dykstra, California Institute of Technology Division of Humanities and Social Sciences – (04–06/16) – Scholarship holder

- Formation and impact of Qing guidelines for litigation between subjects in the eighteenth and nineteenth centuries

James Gordley, Tulane Univ. – (07/17) – Scholarship holder

- Late scholastics and law in northern Europe

Renzo Honores, High Point Univ. – (01–02/17) – Scholarship holder

- Los abogados y la argumentación legal en los Andes del siglo XVI

Stefan Cristian Ionescu, Duke Univ. – (04–09/17) – Scholarship holder

- Courts Reversing Robbery: Restitution of Jewish Property in post-Holocaust Romania, 1944–1950

Michele McArdle Stephens, West Virginia Univ. – (07–09/17) – Scholarship holder

- Criminal Women in Yucatan (1910–1960)

Jonathan Rose, Arizona Univ. – (07/17) – Scholarship holder

- Maintenance and Champerty: From Medieval England to the UK and the US Today?



Christoph Rosenmüller, Middle Tennessee State Univ. – (07/16–06/17) – Scholarship holder

- From the Innate to the Performative. Corruption and Buena Policía in Imperial New Spain and Spain, (1650–1755)

Timothy Schroer, Univ. of West Georgia – (01–03/17) – Scholarship holder

- Prospects for the Study of Law and Violence in the Boxer Conflict

Javier Villa Flores, Univ. of Illinois, Chicago – (06/16) (05–06/17) – Scholarship holder / Guest at the Institute

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)
- Perjurers, Impersonators, and Liars: Public Faith and The Dark Side of Trust in Eighteenth-Century Mexico

Venezuela

Dora T. Dávila Mendoza, Univ. Católica Andrés Bello – (09–11/16) – Scholarship holder

- Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII (DCH)

VII. EQUAL OPPORTUNITIES



The Institute relies on outstanding scientific talent and supports its employees regardless of gender, nationality, religion, disabilities, age, cultural background or sexual identity. Our goal is to create an environment in which staff and guests can use and develop their individual abilities. To do so, the Institute has implemented various measures to foster the compatibility of family life and work, while simultaneously promoting career advancement.

In the context of equal opportunities at the Max Planck Society, the Directors of the Institute are committed to promoting awareness of issues relating to equal opportunities and to reinforce such awareness across all levels. We understand contemporary gender equality policy as a firm implementation of mechanisms that allow for career perspectives to be developed and successfully realised at our Institute.

In 2017 a number of operational objectives were drawn up in cooperation with the Gender Equality Officer of the Institute. These were set out in more detail in our first Gender Equality Plan which will take effect in 2018.

The goal of the Gender Equality Plan is to achieve three operational objectives: reconciliation of career and family life, promotion of career advancement and raising gender awareness. The respective measures are described in more detail below. They are tied to the Institute's current and past work in the area of gender equality. The local Gender Equality Officer and the central Gender Equality Officer of the Max Planck Society provide support for all these measures.

Reconciliation of career and family life

The company *pme familienservice GmbH* has provided support to the Max Planck Society and its staff members in matters of childcare and care for dependants since 1 July 2015. This service was extended from 1 January 2017 onwards, so as to include supervision of school-age children up to 14 years of age.

On 15 June 2015, a nursery opened near the Max Planck Institutes for Brain Research and Biophysics on the Riedberg Campus of Goethe University Frankfurt. Children of staff members of our Institute are able to attend this facility. Furthermore, in July 2017 the Max Planck Society initiated a pilot project which provides financial support for childcare for young researchers with children younger than 36 months.

The Institute has also committed itself to fit out a baby changing and nursing room. The room will be made available in 2018 and will not only be open to our staff, but also to conference participants and academic visitors.

Together with four universities and ten non-university research facilities, the Institute has founded a Dual Career network for the Rhine-Main area. The network has 31 members in total, two corporations and 29 institutions from the research sector, both inside and outside higher education. Partners of qualified professionals, who are employed by one of the institutions involved, are offered assistance to find a suitable position that matches their career goals within the network.

Mentoring and career advancement

Minerva FemmeNet is a network for female scientists within the Max Planck Society. The goal of the network is to pass on the experience of competent female researchers – including former Institute members – to female junior scientists, in the form of a mentoring scheme. The overall co-ordination of the national network is located at the Institute, so our Gender Equality Officer is able to quickly contact competent mentors.

The Max Planck Society offers training measures as a further form of support, some of which are specifically available to female staff members: senior staff members are encouraged to draw the attention of female staff members to measures available to promote professional advancement and to facilitate participation in training measures, including those intended to prepare staff members for more senior positions. A sufficient number of training measures must be offered, in particular those that are addressed to women in lower pay groups to promote professional advancement, and those intended to facilitate a return to work for employees after a leave of absence. In this context, the Institute adopts the measures recommended by the Max Planck Society: each staff member of the Institute may select the training measures that are necessary for them, both from the Society's inhouse training programme and from external providers. Furthermore, the local Gender Equality Officer is given the opportunity to regularly participate in training events, such as the annual meeting of Gender Equality Officers of the Max Planck Society, so as to ensure that she is able to provide the best possible support to the staff members of the Institute.

Raising gender awareness

According to the General Gender Equality Agreement of the Max Planck Society, advertisements for jobs where women are still under-represented must contain the following text: 'The Max Planck Society is dedicated to increasing the proportion of women in areas in which they are under-represented. Women are therefore expressly encouraged to apply.' The Institute has used this formula for many years.

Moreover, the Institute makes an effort to use gender-inclusive language in all advertisements and official texts. In job advertisements, for example, we are seeking 'a student assistant (m/f)' and in the welcoming remarks on our website it says that '...we maintain contact with male and female peers from all over the world.' In internal communication we also always make a point of using gender-inclusive language, for example by addressing colleagues of all genders in lectures or emails. Furthermore, a handbook for 'Using gender-inclusive language' is available to all staff members via the intranet of the Max Planck Society.

A further measure recommended by the Society for promoting and increasing the proportion of women in academia is to strive for equal representation in governing bodies. All facilities of the Max Planck Society must aim to achieve an appropriate participation of women when filling such positions. The Institute is dedicated to implementing this measure. The local Gender Equality Officer is granted

the opportunity to attend all job interviews, and when a new Works Council is elected, it is ensured that at least one female staff member stands for election.

Further measures

To promote visibility of the issue of 'Equal Opportunities', both internally and externally, each institute of the Max Planck Society was required to create a sub-page regarding 'Equal Opportunities' on their website by 1 April 2017. The Institute successfully completed and posted the page before the deadline, so as to centrally inform all interested individuals about offerings related to 'Equal Opportunities' that are available at the Institute.

The central Gender Equality Officer of the Max Planck Society offered a workshop on 'Basic knowledge about gender equality' at the Institute in July 2017. Its goal was to provide an introduction to the function of a Gender Equality Officer, in particular for recently appointed staff members. This event strengthened the visibility of the role of a Gender Equality Officer. Another seminar on a topic related to gender equality is intended to hold at the Institute in 2019.



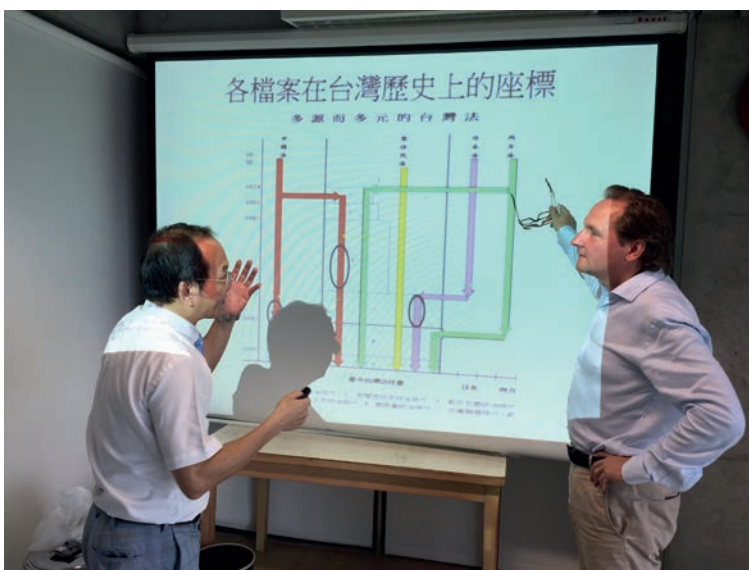
VIII. CO-OPERATION



The Institute and its scholars are involved in a wide variety of national and international collaborations. Most of these are informal and related to individual research projects. They range from participation in joint conferences, seminars and workshops to co-authorships and co-editorships. These co-operations are too numerous to be listed individually. However, some of the project and Research Field descriptions in Parts III and IV of this Report mention selected collaborative research projects that individual members of the Institute engage in.

The Institute also maintains a number of more formal, institutional co-operations. At a local level, it has a close working relationship with the Faculty of Law, the History Department and the Cluster of Excellence 'Normative Orders' at Goethe University Frankfurt. Other partners in the Rhein/Main area include the Academy of Sciences and Letters in Mainz and the Forschungskolleg Humanwissenschaften in Bad Homburg which is the Institute for Advanced Studies of Goethe University. At the national level, the Institute co-operates with the other ten Max Planck Institutes that engage in legal studies. The two Directors have acted as chairs of the network since 2010, with Thomas Duve handing over to Stefan Vogenauer in 2015.

Internationally, the Institute cultivates substantial relationships with universities and research institutes in Argentina, Austria, Australia, Belgium, Brazil, China, Columbia, Denmark, Finland, France, Germany, India, Italy, Japan, Luxembourg, the Netherlands, Peru, Portugal, Spain, Taiwan and the USA. Apart from collaborative events and publications, some of these co-operations involve the joint mentoring and supervision of doctoral students. With the recent shift of the Institute's research agenda to selected world regions outside Europe, collaboration with these regions has gained particular importance. At present, therefore, many of the co-operations are with partners in Latin America, East Asia and countries formerly belonging to the British Empire. Research on the history of European Union law is conducted with the support of European institutions, such as the Historical Archives of the European Union, the Court of Justice and the European Commission with its European Union Liaison Committee of Historians.



Professor Wang, Tay-Sheng (王泰升教授), National Taiwan University, and Thomas Duve discuss the interlocking of indigenous laws with Japanese, Dutch and Chinese laws during the 19th and 20th centuries.

Research Project 'The History of Legal Studies in the Max Planck Society'

When the Max Planck Society was founded in 1948 it took over many of the institutes of the *Kaiser-Wilhelm-Gesellschaft*, including two that were engaged in legal studies; one on private international law and foreign private law, the other on public international law and foreign public law. These two institutes formed the nucleus of what would become a 'legal cluster' within the Max Planck Society. Escaping from allied bombardment in Berlin, they had moved out of their common home in the Berlin *Stadtschloss* and split up between Heidelberg and Tübingen. Arguably, this initial cell division propelled the legal cluster to grow ever since. Today there are nine institutes dedicated to law in the narrower sense.

The research project on the history of legal studies within the Max Planck Society focuses on this growth and investigates the period between 1948 and 2000 (for the research on the history of the Kaiser Wilhelm Society: <https://www.mpg.de/history/kws-under-national-socialism>). The six institutes that existed during this period are the object of an ongoing enquiry of a group of legal historians that is co-ordinated by Jasper Kunstreich under the supervision of Thomas Duve, Michael Stolleis and Stefan Vogenauer.

MPI for Comparative Public Law and International Law	1924 in Berlin, moved to Heidelberg in 1949
MPI for Comparative and International Private Law	1926 in Berlin, moved to Hamburg in 1954
MPI for European Legal History	1964 in Frankfurt
MPI for Foreign and International Criminal Law	1966 in Freiburg
MPI for Intellectual Property and Patent Law	1967 in Munich. Since 2011 'MPI for Innovation and Competition'
MPI for Social Law and Social Policy	1980 in Munich

Papers on the histories of individual institutes have already been submitted, and we look forward to presenting an edited volume on the history of legal studies within the Max Planck Society in due course.

While our project proceeds from detailed case studies of the six law-related institutes that were established before 2002, we do not stop there. We attempt to frame those case studies in a way that makes them speak to each other. Taken together, they provide the vantage point for an overarching enquiry that addresses two questions in particular: what could the law-related Max Planck Institutes do for Germany's post-war legal system that the law faculties could not; and what was the role of the legal cluster in shaping the Max Planck Society?

First and foremost, these institutes provided German legal scholarship with an international perspective that had hitherto been absent from the law faculties. Originally, a major concern was to learn from solutions employed in other legal systems (past and present) for contemporary societal problems. This

proved increasingly useful in a world that became ever more interconnected. The international outlook was not limited to scholarly writing. The institutes launched generous guest programmes to build international networks and establish links with foreign institutions. We can trace those links over time and detect influences on the institutes' own outputs being channelled through those links. It also allowed those institutes to build up special expertise on foreign legal systems relatively quickly.

It is thus not surprising that the law-related institutes could claim practical relevance. They co-operated with German state institutions. The Federal Ministry of Justice regularly consulted the Max Planck Institutes for Private International Law and International Criminal Law; the Ministry of Economic Affairs in turn sought advice from the institutes on social law and patent law; while the Max Planck Institute for Public International Law maintained a close relationship with Germany's Foreign Secretary. Even more relevant for legal practice was the relationship between some of the Max Planck Institutes and the courts. The Institutes' expertise became important for courts all over Germany when deciding cases with a connection to a foreign legal system or with an international dimension. Some of the institutes produce expert opinions in such cases. This activity in turn helped institutes detect current as well as looming problems in the law in action, which frequently triggered new and innovative research questions.

Within the Max Planck Society, the law-related institutes grew into a group that dominated the Society's Humanities Section as late as the 1960s. The jurists came to occupy important positions within the Section and often served as Vice-Presidents and legal advisors to the presidents of the Society. Hans Dölle, Konrad Zweigert, Hemut Coing and Hans Zacher were the most prominent of these directors, who turned into veritable research managers and Max Planck Society politicians. Nonetheless, there were important differences between individual institutes, at times verging on animosity. Yet in times of crisis and scarce resources, the cluster would always cling together and defend its territory.

The research project on the history of legal studies within the Max Planck Society is closely linked to a bigger project on the entire history of the Society, co-ordinated at the Max Planck Institute for the History of Science in Berlin. We maintain a close co-operation with our colleagues there. In particular, the Berlin-based project launched an impressive digitisation project in order to be able to apply digital humanities tools on the sources preserved in the Max Planck Archive in Berlin-Dahlem. Arguably, without the possibility to apply digital tools the amount of material (ca. 10 kilometres of documents) would be overwhelming. In this respect, the project can also be described as an important undertaking to test, evaluate and develop the tools for historians of the 20th and 21st centuries to master the data-overload that is characteristic for contemporary history. Our project on law and legal studies within the Max Planck Society is a key contribution to the overarching project, as both the nature of the discipline as well as the individual institutes themselves differed significantly from the natural sciences and their institutes within the Society.

IX. INFRASTRUCTURE & SERVICE FACILITIES



The Library is the first point of contact for questions relating to literature and information. With its services and collections, it is a vital part of the excellent research infrastructure at the Institute.

The media collection

From 2015 to 2017 the library acquired 22,384 units of printed matter, bringing its total collection to 473,273 media as of 31 December 2017. The subscriptions to nearly 400 journals (print and print + online) and 260 series are slated to be continued. Local licences of the Library itself as well as centralised licences of the Max Planck Society and national licences provide access to around 63,000 copyrighted e-journals and 780,000 eBooks. An acquisition profile guides the process of selecting literature such that the collection can be built systematically and in light of the Institute's current research focuses. The Library possesses an extensive collection of primary sources of legal history from the 15th to the 20th century. Moreover, it contains a vast number of legal dissertations from the 16th to the 20th century and over 3,000 photographed or digitised medieval manuscripts from several hundred European and American libraries and archives.

The Doucet Collection

The Institute was able to substantially expand the collection of its library in the area of the history of *derecho indiano*, thanks to the integration in 2015 of approximately 4,800 titles belonging to the collection of the legal historians Lourdes Lascurain de Doucet and Gaston Doucet. The collection contains editions of both historical and fundamental legal-historical sources, as well as scientific research on the history of early modern law, covering the entire Hispanic-American sphere (including the Philippine Islands) up to the time of independence. The Doucet Library has more than 600 works on history in general, over 1,700 titles on New Spain, more than 800 works on the River Plate and another 600 on Peru and Alto Peru, as well as many other books on the Antilles, Florida, Yucatan, Chile, the Philippines, Venezuela, New Granada and Paraguay.

In order to facilitate access to the collection for young researchers, especially from Latin America, who are interested in using this important collection, the Institute provides an annual scholarship for a three-month research stay in Frankfurt. The first call for applications was so successful that the award for the first year of the scholarship was shared between two young scholars from the Universidad de Buenos Aires: Marcela Saenz Castro will work on indigenous claims through trips to the Royal Audience of Buenos Aires at the end of colonial times, while Miguel Poczynok will examine land rights in Latin America during the 18th and 19th centuries.

Electronic media

The library catalogue (OPAC) and the *Electronic Journal Library* (EZB) provide a record of e-journals and eBooks that the Library has acquired. E-journals licensed through the Max Planck Society and under national licences are also available in the EZB. The Max Planck Digital Library also serves as a catalogue of the Max Planck Society's own eBooks. Databases are registered in a distributed catalogue: the *Database Information System* (dbis).

The records of electronic resources are, thus, deeply fragmented. Various measures were undertaken in 2015-2017 in order to improve the visibility and accessibility of electronic resources. EZProxy was introduced in 2015 to allow the Institute's scholars to access virtually all digitised, copyrighted resources remotely.



The data of eBooks from the Duncker & Humblot publishing house – data the Max Planck Society acquired centrally – were integrated into the Institute's catalogue in 2015. The data of the eBook bundles relating to *History & Geography* and the *Social Sciences* from Oxford Scholarly Online followed in 2016. That year also saw the weekly information service about newly acquired journals supplemented with the journals' web links. Since 2017, BrowZine has offered a personalised, virtual journal shelf for smartphones, tablets and PCs, informing users about new articles and allowing them to peruse tables of contents and articles online and offline. MPI-specific collections arranged according to the Institute's research interests were also added to dbis in 2017.

PuRe: the publication repository

All publications by scholars in the Max Planck Society are collected in a central repository called PuRe. The library has been responsible for professionally recording the publications of all the Institute's staff. In the case of open access

publications, the data are supplemented with a link to the file location. The data from PuRe are included in the Annual Report of the Max Planck Society as well as the Institute's Activity Reports, like this one. Together with the Editorial Department, we have developed a plan to republish those publications from the Institute that have so far only been available in print or as commercially available eBooks.

Digitisation and the digital library

Digital resources are among the indispensable research tools in legal history. The library also attempts, through its digitisation projects, to collect materials that are highly relevant to the Institute's research but that are also difficult to access in the analogue world. The digital library of the Institute bundles the results of several digitisation projects. Responding to the needs of our research community and strictly following the principles of open access are two valuable priorities. The following collections were added or expanded in the period from 2015 to 2017:

– *Legal journals 1703–1830*: The project entitled *The complete digitisation of all legal journals of German-speaking areas appearing between 1703 and 1830* was completed in 2016. It is based on Joachim Kirchner's *Bibliographie der Zeitschriften des deutschen Sprachgebietes bis 1900. Bd. 1: Die Zeitschriften des deutschen Sprachgebietes von den Anfängen bis 1830* (Stuttgart 1969). Sponsored by the German Research Council (DFG), the project included the co-operation of the State Library of Berlin together with the Prussian Cultural Foundation. Using the collections of these two institutions with the further support of 26 other libraries, we managed to assemble a gapless collection of 213 journals, counting 1,615 bibliographic units and 563,714 pages. Searchable tables of contents provide access to the journals' texts. The collection is freely available on the Digital Libraries Connected (DLC) platform.



– *Legal journals of the 19th century*: Thanks to the support of the DFG, the collection of 19th century law journals with 75 journals and 1,320 volumes was completed in four years by 2006. The 635,752 pages were scanned into an OCR programme in 2016. We began supplementing the existing, manually compiled metadata with full-text content in 2017, and we have begun importing them onto the DLC platform. The result is a massive corpus of fully searchable full-text articles, all of which are available for download.

– *De Indiarum lure*: *De Indiarum lure* is a collection of texts with particular relevance for the legal history of Ibero-America. The first step in compiling it was to select and scan 33 works from the Linga Library for Latin American Studies in Hamburg. The next step was to integrate these into the Institute library with complete, searchable tables of contents (some of which were bilingual – Spanish and Nahuatl) and to publish them on the DLC platform. We plan to include further texts, with our scholars' close cooperation in their selection.

– *Dissertations on Jurisprudence = Tesis Doctorales en Derecho – Buenos Aires (1866-1903) – INHIDE*: On the initiative of the Instituto de Investigaciones de Historia del Derecho in Buenos Aires, we began building a collection of law dissertations from the period between 1866 and 1903. The 284 works are bound in 55 volumes and comprise around 20,000 pages. They were scanned in Buenos Aires, and the Institute imported them into the DLC and supplemented them with bibliographical and other metadata. The collection covers legal thought at the University of Buenos Aires at a time of great dynamism due to the contemporary processes of codification.

– *The virtual reading room for imperial law*: The longstanding virtual reading room for imperial law was also migrated onto the DLC platform and supplemented with searchable tables of contents.

Digital Humanities

The Institute has benefitted from a position dedicated to the field of digital humanities, which is attached to the library, since 2017. As a result, our existing skills in digitisation, acquisition and data management can profit from additional theoretical, methodological and technical insights, which is a boon to a wide variety of research projects at the Institute. The developments in this area are covered in a separate report.

With the addition of another journal, new titles and expanded series, as well as the discontinuation of other series, the changes within and expansion of the work areas here at the Institute have definitely left their mark on the structure of the publications. Starting in 2015, Stefan Vogenauer joined Thomas Duve as editor-in-chief of *Rechtsgeschichte – Legal History* (Rg); moreover, Stefan Vogenauer brought the *American Journal of Legal History* (AJLH) to Frankfurt and relaunched the journal at the beginning of 2016. Also new to the Institute is the handbook series *methodica – Einführungen in die rechtshistorische Forschung*. This series is edited by researchers at our Institute, and the first five volumes have already been published by De Gruyter Oldenbourg. Reaching far beyond the borders of Europe, the series *Global Perspectives on Legal History* has grown to include quite a number of edited volumes and monographs, and the series *Studien zur europäischen Rechtsgeschichte* exceeded the 300 mark with Daniel Damler's critically acclaimed work *Konzern und Moderne*. While the series *Die deutschen Königspfalzen. Repertorium der Pfalzen, Königshöfe und übrigen Aufenthaltsorte der Könige im deutschen Reich des Mittelalters* has found a new home at our Institute, the existing yet recently renamed *Studien zu Policey, Kriminalitätsgeschichte und Konfliktregulierung* now better expresses the expansion of this research stream. Despite the significant growth experienced over the past few years, several series either have been stopped or have switched hands. In 2016, the series *Rechtssprechung. Materialien und Studien*, established in connection with a former project here at the Institute, was discontinued after 33 volumes. Furthermore, while the *Studien zur Geschichte des Völkerrechts* continue to be published (Nomos-Verlag), the Institute is no longer involved in the series. And due to a change of hands, the editorial and technical supervision of the online journal *forum historiae iuris* was given over to the University of Zurich at the turn of the year 2017/18.



In addition to the more traditional print media, the Institute's recent digital offerings have experienced a very positive development. *Rechtsgeschichte – Legal History* (Rg) and *Global Perspectives on Legal History* are both available online via Open Access and more recently in the digital library *Internet Archive*. Here one can use the eLibrary Social Science Research Network (SSRN) to access the *Max Planck Institute for European Legal History Research Paper Series*, which can now be found in the new subseries specifically created for the publication of scientific findings, *subsidia et instrumenta*. Moreover, so that the titles that have already appeared in the series *Studien zur europäischen Rechtsgeschichte* and *Rechtsprechung* can be accessed online (three years after their date of publication), a plan has been developed together with the Institute's Library (see above), and the first volume has already been made available both via the Repository of the Max Planck Society and our Institute's homepage.

Given the technical and editorial challenges connected with these tasks, the Editorial Department has expanded to include a computer specialist and two (part-time) English language editors/translators.

Of course, keeping on top of what is being published outside the Institute is important as well. To this end, and so that we can inform one another about new publications in legal history and related fields, the Editorial Department organises the Book Day *for* and *with* the researchers twice a year. In addition to the recently published books on display at the sessions, most of which are lent to us by our Library, the especially relevant works are discussed amongst the participants, thus are publicised within the Institute. The Editorial Department also uses the Book Day as an opportunity to identify suitable titles and reviewers for the upcoming issues of the journal *Rechtsgeschichte – Legal History*.

As in past years, individual titles within the Institute's series received special commendation and acclaim. The above-mentioned monograph by Daniel Damler was selected by the *Neue Juristische Wochenschrift* as one of its books of the year, Fabian Schroth's dissertation on the *Praxistest für das ALR* received the *Justizpreis Berlin-Brandenburg – Carl Gottlieb Svarez*, and the *Preis des 41. Deutschen Rechtshistorikertages* was awarded to Christoph Luther for his work *Aufgeklärt strafen. Menschengerechtigkeit im 18. Jahrhundert*. Such accolades and honours are always gratifying and certainly to be seen as the reward for the demanding work and intensive effort that the editorial staff invests in each title. Above all, however, it is the work of the authors that is rightfully the focus of praise and which has significantly contributed to the positive development of the publication series here at the Institute.



Conference 'Publishing Legal History'

How best to publish research in the area of legal history in the digital age? The question is not as novel as it sounds. The first European electronic journal for legal history, the *forum historiae iuris* was established as early as 1996, with Thomas Duve joining the editorial team soon thereafter. On the occasion of the twentieth anniversary of the journal, he and the other editors of the journal organised a conference at the Harnack House in Berlin in order to re-assess the opportunities and the challenges of publishing legal history in the 21st century.

The invited participants included experts in the field of digital humanities, seasoned observers of the higher education landscape, representatives of leading legal publishers and legal historians from Europe and the United States, some of whom are editors of other legal history journals. They analysed the dramatic changes in academic culture and scholarly publishing that went far beyond what had been expected two decades earlier. Today, almost all major academic journals offer electronic issues, new forms of publication continue to emerge, and electronic reference works with millions of entries have changed the conditions of every-day work. Innovative tools for publishing sources, such as digital workbenches, are being developed, and digital humanities promise huge opportunities, not least for disciplines like legal history which are constantly occupied with texts and their transmission over time. At the same time, scholars are facing a process of increasing transnationalisation of higher education which contributes to a globalization of academic practices stemming from the Anglo-American world and, ultimately, a growing anglicization of academic communication.

The participants attempted to assess the current situation and develop new perspectives for the use of digital tools in order to communicate research results to a broader audience, such as blogs and other forms of social media. They discussed the continuing vital function of journals and other traditional means of communication, including how to organise bibliographies and book review sections, so that they respond to the needs of legal historians, with their different areas of specialisation.

Publications

The Max Planck Institute for European Legal History publishes in-house research as well as research from institutional affiliates. Much of this research is still published in print, but it is increasingly available online as well.

RECHTSGESCHICHTE – LEGAL HISTORY

The Institute's journal *Rechtsgeschichte – Legal History (Rg)* was launched in 2001. Starting with issue 20 (2012), the publishing concept was reshaped and now one issue per year is published, available both in print (Klostermann Verlag) and online via open access with concordant text and page-numbering. Each issue assembles international contributions for its thematic *focus*, *debate* or *forum* sections, with respective contributions concentrating on specific themes and selected high-profile contributions on questions of broad interest to legal historians. Last but not least, each issue is complemented by a *critique* section where monographs and edited volumes published within the past two years are reviewed. The international and multilingual orientation was enhanced and now better reflects the multiplicity of global legal and research cultures.

Rechtsgeschichte – Legal History (Rg).

Zeitschrift des Max-Planck-Instituts für europäische Rechtsgeschichte

Editors Thomas Duve und Stefan Vogenauer, Frankfurt am Main

(Vittorio Klostermann):

vol. 23, 2015, 376 pp.

vol. 24, 2016, 526 pp.

vol. 25, 2017, 424 pp.

AMERICAN JOURNAL OF LEGAL HISTORY

The *American Journal of Legal History* (AJLH) was originally founded in 1957 and was the first English-language periodical in the field. Under the leadership of its new editors, Professors Al Brophy (University of Alabama) and Stefan Vogenauer (Max Planck Institute for European Legal History, Frankfurt), the journal is now published by Oxford University Press.

The new AJLH aims to publish outstanding scholarship on all facets and periods of legal history. While retaining its focus on American legal history, it accommodates the enormous broadening of the intellectual horizon of the discipline over the past decade and is particularly interested in contributions of a comparative, international or transnational nature. Book reviews are a regular feature.

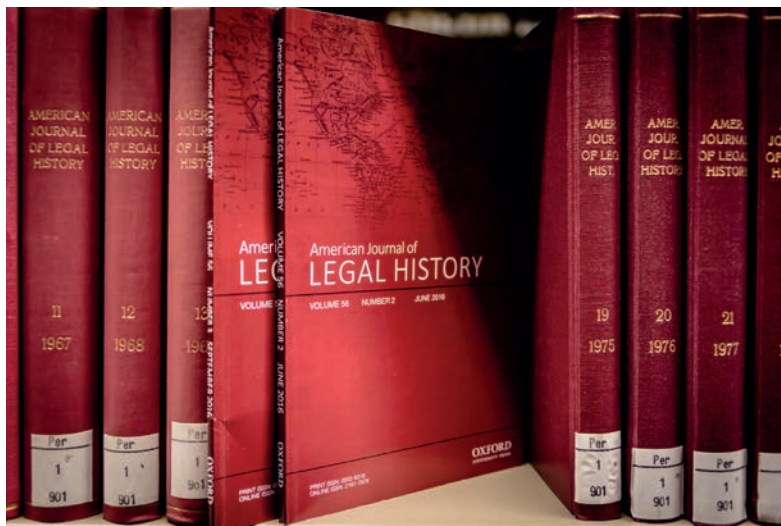
The new AJLH is a quarterly, peer-reviewed journal, made available in printed and electronic form. Manuscript submissions are handled quickly and efficiently. Manuscripts concurrently submitted for publication elsewhere will not be considered. Accepted papers that have been copyedited and typeset are made available online immediately through the 'Advance Access' function on the OUP website.

American Journal of Legal History (AJLH)

Editors in chief Stefan Vogenauer and Alfred L. Brophy, Oxford
(Oxford University Press):

vol. 56, 2016, Issues 1-4, 494 pp.

vol. 57, 2017, Issues 1-4, 591 pp.



STUDIEN ZUR EUROPÄISCHEN RECHTSGESCHICHTE

The *Studien zur europäischen Rechtsgeschichte* series has deeply influenced legal historiography over the last few decades – and will continue to do so with ongoing publications. More than 300 volumes have been published as of the end of 2017. Its current sub-series consist of: *Savignyana*, *Moderne Regulierungsregime*, *Lebensalter und Recht*, *Recht im ersten Jahrtausend*, *Rechtsräume*, *Repertorium der Policyordnungen der Frühen Neuzeit*, *Juristische Briefwechsel des 19. Jahrhunderts*, *Bibliographica Juridica*.

Studien zur europäischen Rechtsgeschichte**Veröffentlichungen des Max-Planck-Instituts für europäische Rechtsgeschichte**

Editors Thomas Duve und Stefan Vogenauer, Frankfurt am Main (Vittorio Klostermann):

vol. 280, 2016:

Yvonne Kleinmann/Stephan Stach/Tracie L. Wilson (eds.), *Religion in the Mirror of Law. Eastern European Perspectives from the Early Modern Period to 1939*, XXVII, 350 pp.

vol. 287, 2015:

Viktoria Draganova, *Recht durch Transfer: Der Anfang des bulgarischen Rechtssystems 1878–1920*, VII, 222 pp.

vol. 291, 2015:

Savignyana, vol. 13:

Joachim Rückert/Thomas Duve (eds.), *Savigny international? VII*, 481 pp.



vol. 292, 2015:

Konflikt und Koexistenz. Die Rechtsordnungen Südosteuropas im 19. und 20. Jahrhundert. vol. 1: Rumänien, Bulgarien, Griechenland, hg. von Michael Stolleis unter Mitarbeit von Gerd Bender und Jani Kirov, X, 935 pp.

vol. 293, 2016:

Repertorium der Polizeyordnungen der Frühen Neuzeit, vol. 11: Karl Härter (ed.), Fürstbistümer Augsburg, Münster, Speyer, Würzburg, 2 Halbb., XIV, X, 1031 pp.

vol. 294, 2016:

Christoph Luther, Aufgeklärt strafen. Menschengerechtigkeit im 18. Jahrhundert, XIX, 599 pp.

vol. 295, 2016:

Moderne Regulierungsregime, vol. 5: Peter Collin (ed.), Justice without the State within the State. Judicial Self-Regulation in the Past and Present, XII, 374 pp.

vol. 296, 2016:

Savignyana, vol. 14: Joachim Rückert/Frank L. Schäfer, Repertorium der Vorlesungsquellen zu Friedrich Carl von Savigny, XIII, 291 pp.

vol. 297, 2016:

Thomas Pierson, Das Gesinde und die Herausbildung moderner Privatrechtsprinzipien, X, 176 pp.

vol. 298, 2016:

Lebensalter und Recht, vol. 8: Riccardo Marinello, Von der Arbeit zur Erziehung. Die Bedeutung der englischen Fabrikgesetze für die Herausbildung der Jugend im 19. Jahrhundert, XI, 307 pp.

vol. 299, 2016:

Luigi Lacchè, History & Constitution. Developments in European Constitutionalism: the comparative experience of Italy, France, Switzerland and Belgium (19th–20th centuries), IX, 722 pp.

vol. 300, 2016:

Daniel Damler, Konzern und Moderne. Die verbundene juristische Person in der visuellen Kultur 1880–1980, XI, 371 pp.

vol. 301, 2017:

Gerhard Dilcher, Die Germanisten und die Historische Rechtsschule. Bürgerliche Wissenschaft zwischen Romantik, Realismus und Rationalisierung, XVI, 528 pp.

vol. 302, 2016:

Johannes Liebrecht, Fritz Kern und das *gute alte Recht*. Geistesgeschichte als neuer Zugang für die Mediävistik, VIII, 161 pp.

vol. 303, 2017:

Andrea Padovani, Dall'alba al crepuscolo del commento. Giovanni da Imola (1375 ca. – 1436) e la giurisprudenza del suo tempo, XIV, 311 pp.

vol. 304, 2017:

Rechtsräume, vol. 1:

Simon Groth, *in regnum successit*. »Karolinger« und »Ottonen« oder das »Ostfränkische Reich«, XIII, 696 pp.

vol. 305, 2017:

Konflikt und Koexistenz. Die Rechtsordnungen Südosteuropas im 19. und 20. Jahrhundert. vol. 2: Serbien, Bosnien-Herzegowina, Albanien, hg. von Thomas Simon, IX, 629 pp.

vol. 306, 2017:

Repertorium der Policeyordnungen der Frühen Neuzeit, vol. 12:

Karl Härter/Jörg Zapnik/Pär Frohnert (Hg), Kungariket Sverige och hertigdömena Pommern och Mecklenburg/Königreich Schweden und Herzogtümer Pommern und Mecklenburg, XVII, IX, 1019 pp.

vol. 307, 2017:

Horst Heinrich Jakobs, Hugolinusglossen im accursischen Apparat zum Digestum vetus, XIV, 460 pp.

vol. 310, 2018 (erschienen 2017):

Hans-Peter Haferkamp, Die Historische Rechtsschule, IX, 396 pp.

GLOBAL PERSPECTIVES ON LEGAL HISTORY

As its title suggests, *Global Perspectives on Legal History* is designed to advance the scholarly research of legal historians worldwide who seek to transcend the established boundaries of national legal scholarship that typically sets the focus on a single, dominant modus of normativity and law. The series aims to privilege studies dedicated to reconstructing the historical evolution of normativity from a global perspective. It includes monographs, source editions and collaborative works in a variety of languages. All titles in the series are available both as premium print-on-demand and in the open access format.

Global Perspectives on Legal History

A Max Planck Institute for European Legal History Open Access

Publication, Series Editor Thomas Duve, Frankfurt am Main:

vol. 2, 2015:

María Rosario Polotto/ Thorsten Keiser/ Thomas Duve (eds.), Derecho privado y modernización. América Latina y Europa en la primera mitad del siglo XX, VI, 315 pp.

vol. 3, 2015:

Thomas Duve, Heikki Pihlajamäki (eds.), *New Horizons in Spanish Colonial Law. Contributions to Transnational Early Modern Legal History*, VI, 262 pp.

Vol. 4, 2016:

Oswaldo Rodolfo Moutin, *Legislar en la América hispánica en la temprana edad moderna Procesos y características de la producción de los Decretos del Tercer Concilio Provincial Mexicano (1585)*, X, 204 pp.

vol. 6, 2016:

Massimo Meccarelli/María Julia Solla Sastre (eds.), *Spatial and Temporal Dimensions for Legal History Research Experiences and Itineraries*, VI, 294 pp.

vol. 7, 2016:

Víctor Tau Anzoátegui, *El Jurista en el Nuevo Mundo. Pensamiento. Doctrina. Mentalidad*, X, 270 pp.

vol. 8, 2017:

Elisabetta Fiocchi Malaspina, *L'eterno ritorno del *Droit des gens* di Emer de Vattel (secc. XVIII-XIX). L'impatto sulla cultura giuridica in prospettiva globale*, XIII, 352 pp.

vol. 9, 2017:

Guido Pfeifer, Nadine Grotkamp (eds.), *Außergerichtliche Konfliktlösung in der Antike. Beispiele aus drei Jahrtausenden*, VI, 176 pp.

vol. 10, 2017:

Gunnar Folke Schuppert, *The World of Rules. A Somewhat Different Measurement of the World*, XIV, 359 pp.

METHODICA – Einführungen in die rechtshistorische Forschung

The series *methodica – Einführungen in die rechtshistorische Forschung* offers introductions to research in legal history focusing on sources and methods. The volumes, each of which covers a different topic, provide basic information in a standard format, without claiming the completeness of a handbook, and cover topics from the history of research and sources to methods, the art of legal history and basic literature on the respective topic.

methodica – Einführungen in die rechtshistorische Forschung

**Editors Thomas Duve, Caspar Ehlers und Christoph HF Meyer,
Berlin/Boston (De Gruyter Oldenbourg):**

vol. 1, 2016:

Wim Decock, Christiane Birr, *Recht und Moral in der Scholastik der Frühen Neuzeit 1500–1750*, XII, 135 pp.

vol. 2, 2016:

Peter Collin, Privat-staatliche Regelungsstrukturen im frühen Industrie- und Sozialstaat, XIV, 209 pp.

vol. 3, 2016:

Caspar Ehlers, Rechtsräume. Ordnungsmuster im Europa des frühen Mittelalters, X, 181 pp.

vol. 4, 2017:

Michael Stolleis, Verfassungs- und Verwaltungsgeschichte. Materialien, Methodik, Fragestellungen, X, 134 pp.

vol. 5, 2018 (published in 2017):

Karl Härter, Strafrechts- und Kriminalitätsgeschichte der Frühen Neuzeit, X, 204pp.



STUDIEN ZU POLICEY, KRIMINALITÄTSGESCHICHTE UND KONFLIKTREGULIERUNG

The series *Studien zu Policy, Kriminalitätsgeschichte und Konfliktregulierung*, edited by Michael Stolleis and Karl Härter, publishes studies related to the Research Fields *Repertory of early modern police ordinances/Policy-research* and *The history of criminal law, crime and criminal justice in Europe*. The monographs, dissertations and edited volumes cover a broad variety of research topics: *gute Policy* in early modern territories and cities, legal discourses and Policywissenschaft, the regulation of economy or the representation of crime in popular media.

Studien zu Policy, Kriminalitätsgeschichte und Konfliktregulierung
Editors Michael Stolleis und Karl Härter, Frankfurt am Main (Vittorio Klostermann):

2015:

Klara Deecke, ‚Staatswirtschaft vom Himmel herabgeholt‘. Konzeptionen liberaler Wirtschaftspolitik in Universität und Verwaltung 1785–1845. Ausprägungen und Brechungen am Beispiel Ostpreußens und Vorpommerns, 683 pp.

2016:

Guillaume Garner (ed.), Die Ökonomie des Privilegs, Westeuropa 16.–19. Jahrhundert. L'économie du privilège, Europe occidentale XVIe–XIXe siècles, IX, 523 pp.

DIE DEUTSCHEN KÖNIGSPFALZEN

The systematic research on the royal palaces (*palatia*), originally a project of the *Max Planck Institute for History* at Göttingen, is now characterised by the Institute's cooperation with local scientific institutions within the German federal states and local editorial departments. As head of the editorial board, Caspar Ehlers is supported by the founding editor of the series, Thomas Zotz (Freiburg).

Die deutschen Königspfalzen – Repertorium der Pfalzen, Königshöfe und übrigen Aufenthaltsorte der Könige im deutschen Reich des Mittelalters. Veröffentlichung des Max-Planck-Instituts für europäische Rechtsgeschichte Frankfurt am Main, Göttingen (Vandenhoeck & Ruprecht):

vol. 5,3, 2016:

Caspar Ehlers/Helmut Flachenecker/Bernd Päffgen/Rudolf Schieffer (eds.), Die deutschen Königspfalzen, Band 5: Bayern; Teilband 3: Bayerisch-Schwaben, XXXVIII, 286 pp.

RECHTSPRECHUNG. MATERIALIEN UND STUDIEN

Connected with a long-concluded project at the Institute, the series *Rechtsprechung. Materialien und Studien* was discontinued upon completion of the following two volumes.

Rechtsprechung. Materialien und Studien
Veröffentlichungen des Max-Planck-Instituts für europäische
Rechtsgeschichte Frankfurt am Main, Frankfurt am Main
(Vittorio Klostermann):

vol. 32, 2016:

Matthias Alles, Haftung des Konkursverwalters bei der Fortführung insolventer Unternehmen. Wege und Irrwege der Rechtsprechung des 20. Jahrhunderts, XI, 281 pp.

vol. 33, 2016:

Fabian Schroth, Praxistest für das ALR. Das Nichteheleichenrecht des Preußischen Allgemeinen Landrechts in der Rechtsprechung des Kammergerichts 1794–1803, XV, 337 pp.

STUDIEN ZUR GESCHICHTE DES VÖLKERRECHTS

The history and theory of international law belong to the most fundamental disciplines. The responsibility for the series, which includes excellent dissertations as well as conference proceedings and edited volumes about the history of international law from Antiquity until today, was transferred to the editorial board, which has been expanded to include Anne Peters (Max Planck Institute for Comparative Public Law and International Law, Heidelberg). The volumes continue to be published by the Nomos Verlag.

Studien zur Geschichte des Völkerrechts
Established by Michael Stolleis, edited by Wolfgang Graf Vitzthum,
Bardo Fassbender und Miloš Vec, Baden-Baden (Nomos):

vol. 33, 2015:

Heinhard Steiger, Universalität und Partikularität des Völkerrechts in geschichtlicher Perspektive. Aufsätze zur Völkerrechtsgeschichte 2008–2015, XVI, 519 pp.

**MAX PLANCK INSTITUTE FOR EUROPEAN LEGAL HISTORY
RESEARCH PAPER SERIES**

253

The research paper series, edited by the directors Thomas Duve and Stefan Vogenauer, aims to enhance the international profile of the Institute. Since 2012, the series has been available online in the Social Science Research Network (SSRN) eLibrary. Working papers (WPS), pre-prints and post-prints (APS) are published in Open Access under a CC-BY-NC-ND license.

**Max Planck Institute for European Legal History Research Paper Series.
Social Science Research Network (SSRN) eLibrary:**

No. 2015-01

Gunnar Folke Schuppert, Selbstverwaltung und Selbstregulierung aus rechtshistorischer und governancetheoretischer Perspektive

No. 2015-02

Matthias Kötter, Better Access to Justice by Public Recognition of Non-State Justice Systems?

No. 2015-03

Agustín Elias Casagrande, 'The Active Arm of the Government' The Police of Buenos Aires in the First Half of 19th Century

No. 2015-04

Oswaldo Barreneche, Las Instituciones De Seguridad Y Del Castigo En Argentina Y América Latina. Recorrido Historiográfico, Desafíos Y Propuestas De Diálogo Con La Historia Del Derecho

No. 2015-05

José Daniel Cesano, Criminalidad De Menores Y Sistema Penal (Latinoamérica, 1890-1950): Las Agendas Y Los Métodos En La Historiografía Regional Reciente

No. 2015-06

Jorge Alberto Nuñez and Luis Gabriel Gonzalez Alvo, El Porvenir Del Pasado Penitenciario. Sobre La Construcción De Una Agenda De Trabajo Para La Historia De La Prisión En La Argentina (1860-1950)

No. 2015-07

Alejandro Agüero, El Uso Del Pasado En La Enseñanza Del Derecho Penal En Argentina. La Imagen Del Antiguo Régimen Como Tradición Latente

No. 2015-08

Julian Krüper, Die Verfassung der Berliner Republik

No. 2015-09

Lena Foljanty, Legal Transfers as Processes of Cultural Translation: On the Consequences of a Metaphor

No. 2015-10

Ana De Zaballa Beascochea, *El Matrimonio Indígena Antes Y Después De Trento: Del Matrimonio Prehispánico Al Matrimonio Cristiano En La Nueva España*

No. 2015-11

Thomas Duve and Heikki Pihlajamäki, *Introduction: New Horizons of Derecho Indiano*

No. 2016-01

Gunnar Folke Schuppert, *The World of Rules: Eine etwas andere Vermessung der Welt*

No. 2016-02

Raja Sakrani, *Convivencia: Reflections About its 'Kulturbedeutung' and Rereading the Normative Histories of Living Together*

No. 2016-03

David L d'Avray and Werner Menski, *Authenticating Marriage: The Decree Tametsi in a Comparative Global Perspective*

No. 2016-04

Thomas Duve, *Global Legal History – A Methodological Approach*

No. 2016-05

Alfons Aragoneses, *Convivencia and Filosefardismo in Spanish Nation-building*

No. 2016-06

Maurizio Cau, *Das Erbe des Korporativismus in der politisch-rechtlichen Kultur der italienischen Nachkriegszeit*

No. 2016-07

Dovile Sagatiene, *Framing Legal History: Competing Western Interpretations of Soviet Law*

No. 2016-08

Wouter Druwé, *Dignity and Cessio Bonorum in Early-Modern Dutch Learned Legal Literature*

No. 2016-09

Gian Luca D'Errico Sr., *Truth and Justice in a 'Forest of Thieves': The Heresies of Giovanni Battista De Luca and the Documents of the Roman Inquisition*

No. 2016-10

Alejandro Aguero, *Ancient Constitution or Paternal Government? Extraordinary Powers as Legal Response to Political Violence*

No. 2016-11

Luis Lloredo Alix Sr., *From Europe but beyond Europe: The Circulation of Rudolf von Jhering's Ideas in East Asia and Latin America*

No. 2016-12

David von Mayenburg, Streitschlichtung auf dem Lande – Untersuchungen zur südwestdeutschen Schiedsordnung zwischen Spätmittelalter und Bauernkrieg

No. 2016-13

Rebeca Fernandes Dias Sr., Brazilian Criminological Thinking During the First Republic (1889-1930)

No. 2017-01

Anna Lukina, Soviet Union and the Universal Declaration of Human Rights

No. 2017-02

Thomas Duve, Indigenous Rights in Latin America: A Legal Historical Perspective

No. 2017-03

Thomas Duve, Bibliographie zur Rechtsgeschichtswissenschaft in der Berliner Republik

No. 2017-04

Katariina Simonen, Authorized Interpreters of Islamic Law – The Shī'a View

No. 2017-05

Oswaldo Rodolfo Moutin III, Sagrada Unción (DCH)

No. 2017-06

Alejandro Aguero, Acusaciones e Inquisiciones (DCH)

No. 2017-07

Sebastián Terráneo, Penas (DCH)

No. 2017-08

Caroline Cunill, Testigos (DCH)

No. 2017-09

Rainer Silbernagl, Die Entwicklung der Systematik der Amtsdelikte und Gedanken zur Korruption im 18. und 19. Jahrhundert in der habsburgischen Gesetzgebung (A Classification of Malpractice and Thoughts on Corruption in the 18th and 19th Centuries in Habsburg Legislation)



Administration

‘Excellent research requires an excellent administration’

Only in this manner can research be relieved of the administrative duties and promoted by means of optimal personnel support and the appropriate allocation of available funds in compliance with the numerous regulations. Our goal as a service facility is always to operate as unbureaucratically, effectively and professionally as possible – something that many employees have confirmed they hugely appreciate.

Stefan Vogenauer’s appointment as Director designate on 1 December 2014 and as full Director on 1 October 2015 presaged that the Administration would be principally concerned with the human-resource aspects of establishing the second department in 2015 and 2016. The resources to equip the Department I with personnel, scholars in training and material were provided in an amended budget, as were the agreed funds for major equipment. Further, the Administration conceived, standardised and optimised processes and procedures in consultation with both directors.

In the process of the appointment of the second Director a small number of further new positions were created and filled in 2015. These range from the position of Research Coordinator to the position of Editor in the Editorial Department, a position in the field of digital humanities to maintenance manager and other service positions in the areas of Administration, the Library and IT. In 2017 another position of Editorial Assistant (open access, webpage management) was also added.

In 2017 a new open-themed Max Planck Research Group began at our Institute under the leadership of Lena Foljanty. This brought commensurate resources in the form of an ‘MPS project’ (*MPG-Vorhaben*).

The purchase of the ‘Doucet’ private library – a collection of invaluable works relating especially to the colonial history of Latin America – from Argentina presented a particular challenge. The Administration was occupied with preparing the purchase contract, logistical planning

(shipping etc.) and arranging payment.

Moreover, the Administration introduced new programmes to manage applicants and to deal with travel-expense reports. Both programmes have proven themselves effective and efficient. Thanks to the introduction of the online application system for new positions, we can even reach a broader, more international audience of potential candidates.

In the context of the Institute’s hospitality services, the Research Coordinator set up a Sharepoint module for the Institute, which allows all issues and data relating to our guests to be maintained and viewed by all employees concerned.

Third-party funding was obtained in this reporting period from the following institutions: the German Research Council (*Deutsche Forschungsgemeinschaft*); the Cluster of Excellence: *Formation of Normative Orders*; the Collaborative Research



Centre no. 1095: *Discourses of Weakness and Resource Regimes*; the Academy of Sciences and Literature in Mainz; the International Labour Organisation; and the Franco-German University (*Deutsch-Französische Hochschule*).

The Max Planck Society also provided us with project/private funding for the following projects: IMPRS-REMEP, *Convivencias*, initiation workshops in India, Israel and the United Kingdom, as well as the 2015 Summer Academy.

Finally, the Head of Administration was occupied along with the Facility Services Manager throughout the reporting period with organising repairs of the facility's defects and dealing with other instances of damage. Fortunately, the sidewalk bordering Hansaallee was completed in 2017, after four years of intense lobbying. Negotiating consensus, determining responsibility, and achieving agreement among municipal offices, and architects as well the tendering process caused substantial delays. But now it is complete, and the Institute finally has the entrance it deserves.

The Institute has been engaged in vocational training for several years in its Administration, the Library, and the IT Department, along three different occupational profiles. Up to eight trainee positions are available. The Institute has received several awards from the Chamber of Commerce and the Max Planck Society for its excellent vocational training.

When possible, the Institute trains support staff to fill its own demand, which has proved very advantageous for the Administration as well as the Library. The Administration managed once again in 2016 to add an excellent former trainee to its permanent staff.

Internships abroad were also secured for two library trainees in the course of their training during this reporting period. For the first time in 2017 the Administration instituted a part-time trainee position to provide a young mother with access to vocational training.

This reporting period also witnessed changes to the selection process. The Institute had participated in the local vocational training federation (*Frankfurter Ausbildungsring*) until it was dissolved in 2017. To compensate the loss of their centralised aptitude tests, the Institute began implementing its own online aptitude tests in 2017. Doing so required purchasing appropriate programmes and laptops.

Research Coordination

To support the Directors in coordinating, further developing and promoting the Institute's research profile, the position of a Research Coordinator was established in 2015. It was filled with Stefanie Rüther, a historian with a doctorate and experience in scientific management. The scope of activities of the Research Coordinator is diverse and includes the coordination of the academic activities of both Departments, the organisation of cross-departmental events as well as the support of guests within the context of the guest programme. Other tasks include supporting doctoral students, advising researchers about acquiring third-party funding and the external presentation of the Institute's research profile.

In order to sharpen the research profile and strengthen the networking of the two Departments, there are a number of regular events, the organisation and coordination of which falls under the responsibility of the Research Coordinator. This includes a monthly plenary session in which individual researchers from the Institute, project groups as well as the service facilities have the opportunity to inform members of the Institute about new developments in their work. The *jour fixe* is also held once a month and allows guests and external researchers to report on their current research projects with reference to one of the Institute's four main Research Focus Areas. Twice a semester an evening lecture on legal history (*Rechtshistorisches Abendgespräch*) is held; these events are jointly organised and serve to foster the regular exchange between the legal historians of Goethe University Frankfurt and the members of the Institute.

The Research Coordinator is also responsible for the Institute's annual retreat. This two-day event was established in 2016 and affords all researchers at the Institute the opportunity to interact with one another on a more informal basis. The programme varies each year depending on changing priorities.

Another focus of the research coordination work is to support the Directors in promoting early career researchers. First and foremost, the preparation and organisation of the Summer Academy for Legal History should be mentioned. For the PhD students of the Institute, the Research Coordinator is available regarding any and all questions related to work organisation and career planning, which includes issues such as registering as a doctoral student to applying for a call for papers. In order to optimise the supervision of doctoral students at the Institute, a supervision agreement was drawn up in 2017 together with the Directors and Heads of the Research Groups, which must now be concluded by the respective supervisors with all new doctoral students at the Institute. The implementation and evaluation of this new instrument also falls within the remit of the Research Coordinator.

The new regulations issued by the Max Planck Society for the support of early career researchers in 2015 also meant that the award of scholarships had to be reorganised. The Guest Programme, which was designed by the Research Coordinator in close cooperation with the Directors and the Administration offers various funding formats for guest researchers from Germany and abroad (see the separate Part dealing with the Guest Programme further above in this Report). The award of the scholarships follows a strict and transparent selection process, and

this process is both prepared and supported by the Research Coordinator. In 2016, the Research Coordinator developed and implemented a tool using Sharepoint to coordinate the joint supervision of guest researchers by the two Departments and the Administration. Before, during and after their stay at the Institute, both the Research Coordinator and the International Office (attached to the Administration) are available for the guests in all academic and organisational matters.

In order to inform those interested in legal history about the diversity of events and research results of the Institute, the activities in the field of science communication were further expanded in the years 2015–17. In addition to the homepage, which is maintained by an editorial team and kept up to date with the support of all employees of the Institute, we have been offering a monthly newsletter since the beginning of 2017. The *Max Planck Newsletter for European Legal History* serves to keep people up-to-date, announcing forthcoming events, presenting recent publications and reporting on past events. The newsletter complements the long-standing offer of the *Max Planck Newsletter for Ibero-American Legal History*, which was established to inform interested parties about the activities of the research unit for Ibero-American legal history and to reach a broader community.

Complementing the Institute's digital presence, we have been on Twitter and Facebook since 2016. We use this platform to quickly and easily inform followers about current events and new developments, as well as to stay in contact with former and future guests and colleagues.



IT Management

For the period of 2015-2017, the Institute's IT Department concentrated on consolidating and improving the technical systems of the new building.

In order to enable remote access to the building's master control system for the Institute's maintenance services in cases of emergency, we set up a VPN with two-factor authentication. Electrical feed lines were optimised in the server room to ensure an uninterrupted power supply for the server racks. The Fast-Ethernet connections to the German Research Network (*Deutsches Forschungsnetz*) were converted to Type 1000Base-SX multi-mode ports to enable planned fibre-optic connections. As Deutsche Telekom announced the discontinuation of its ISDM technology in 2018, we prepared to upgrade the voice-over IP gateway, which the Institute uses to communicate through central telephone system of the MPS. A session border controller will replace the gateway in due time. We have also switched to a different provider on the advice of administrative headquarters (DFN Association, from September 2016).

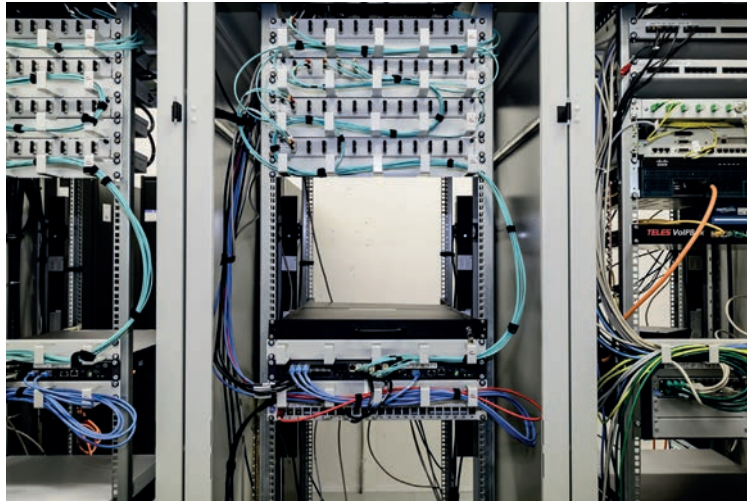
Users at the Institute take advantage of local services (e.g. server-based file storage) as well as those provided by the GWDG (e.g. cloud storage). To simplify the process of authenticating users, the Institute's own user-administration system was connected with the identity-management system of the GWDG in late 2016.

A conference system with twelve microphones was acquired and installed to complement the existing multimedia technology in the lecture hall and seminar rooms. To accommodate the new system, the public-address system was recalibrated, and the control panel was reprogrammed to accommodate new functionality. In order to meet the growing demand for video communication between 'real' video-conferencing systems (based on the H.323 protocol) and 'light-weight' end-user devices (e.g. web browsers via RTC), we began renting two transmission channels from an external provider in early 2016 to serve as a sort of 'hub'. Since the administrative headquarters have also taken note of this rising demand, its staff began work on a central platform for the Max Planck Society in summer 2017, which, if successful, is to be made available to all Max Planck Institutes. The Institute will participate in this pilot project as a test case.

We have initiated and developed a number of web-based projects in conjunction with the Library and the Editorial Department. These include: relaunching the *forum historiae iuris* website, setting up a proxy server with which members of the Institute can remotely access licensed content from the Library's catalogue, and integrating the *Sammlung Frölich* collection in the Institute's Content Management System (CMS) holdings. Upon the Institute's departure from the local vocational training federation (*Frankfurter Ausbildungsring*), the IT Department evaluated and implemented an online testing system for vocational-training candidates, which entered operation in early 2017.

The focus for the second half of 2017 was updating hardware. The lease on the multi-functional printers on nine floors expired, and replacements were acquired in the context of a Max Planck Society framework contract. Connecting the ID card-management system to the new devices presented a particular challenge.

The workstations acquired upon the move to the new building reached their fifth year of operation, and they and the attendant software portfolio were scheduled for an upgrade in early 2018. Therefore, 170 PCs were acquired in late 2017 and prepared for the migration of the operating systems and application software.



Digital Humanities

In late 2016 the Institute established a position to facilitate its diverse digital humanities (DH) developments and activities. The position is based in the library and was filled by Andreas Wagner. The activities in this area comprise counsel and support for individual projects aiming to use digital tools and methods, as well as information about such tools and methods on a more general level as an offer for all of the Institute's researchers. Furthermore, they comprise the adaptation and further development of existing resources to enhance their usability and scholarly value, and finally they comprise the strategic development of methods, tools and services for future projects.



In the first year of co-ordinated DH activities, stock was taken of all the different fields and directions of research at the Institute. On multiple occasions, scholars were invited to describe their projects; moreover, discussions were held between the new DH Coordinator, the Institute's Directors, the Head of Library as well as the Institute's Research Coordinator. In a second step, a list of criteria was developed, and on this basis a prioritisation of projects was agreed upon. The result of this process was a list of specific projects and developments of strategic relevance. This strategy is revisited on a regular basis.

On the one hand, this systematic development of digital humanities efforts has consolidated the role of the DH Coordinator as being independent of any single project in particular – which on the other hand means that DH assistance is of equal proximity to all the Institute's researchers. Establishing the DH Coordinator as a position in the library affirms this position: it prevents being absorbed by a single Department, a particular research trend or other IT support demands; at the same time, it puts DH at the crossroads between current research developments and the library's expertise in the sustainable provision of scholarly resources, cen-

trally accessible to individual researchers as well as to research groups and strategic initiatives. This is a considerable benefit and we place a great deal of emphasis on re-iterating the respective offer to all researchers on a regular basis.

Besides supporting and enhancing individual research and infrastructural projects, the researchers' awareness of digital tools and methods has been promoted by activities like presentations, workshops and the establishment of an Interest Group 'Digital Humanities'. The present report sketches these activities and then describes in more detail some examples of individual projects and strategic developments. The research activities here at the Institute have become collaborative endeavours and the DH Coordinator has a continuous and evolving role within them. In order to further illustrate the scholarly character of the DH activities, the report also points to a few research endeavours in which, equally collaborative though they are, the DH activities constitute the leading aspect.

Finally, we have identified an area where more knowledge about the needs and opportunities in the Institute's research practices has yet to be systematically collected, and where close consultation with the Research Coordinator is necessary in order to transition the present piecemeal approach to a more explicit strategy or to general guidelines. This area is the digital publication of intermediate project results in various forms that go beyond traditional scholarly articles and monographs, and in particular the management and publication of research data. In this field, digital humanities can provide significant contributions, ranging from visualisation methods and user interface design to treating databases or digital editions as data publications, from wiki or blog infrastructure and 'lab notebook' publications to linking repositories with larger scholarly networks and platforms.

The new position of DH Coordinator has been introduced and presented to all of the Institute's scholars on several occasions. This presentation included an account of scholarly practice as a research data lifecycle, describing modelling steps, examples for data analysis in the humanities and explaining the so-called FAIR principles for data publication (Findable, Accessible, Interoperable, Re-Usable). In this way, scholars were invited to think about their practices and about their resources in a way that suggests connections to digital tools and methods. All of the Institute's scholars are regularly invited to join the Interest Group 'Digital Humanities' (IG DH, see below). Besides these internal presentations, the Institute's approach to, and its developments in DH were presented at several external workshops as well.

Interest Group

A focal point of debates about digital tools and methods at the Institute is the Interest Group DH which is open to all interested parties. Its purpose is to provide both a general orientation about various areas and developments within the digital humanities and in-depth discussions of details that are of relevance for individual projects. The discussions and presentations are usually documented on the group's wiki, which also serves as a later point of reference and as a starting point for scholars who could not attend the sessions. Several workshops as well as *jour fixe* events, organised in collaboration with individual researchers, have

grown out of this Interest Group, where external guests have presented methodological but also technical aspects of their respective work. One such event was a *jour fixe* together with an ensuing workshop on translation, text comparison and alignment (organised by Manuela Bragagnolo and Andreas Wagner); another one resulted in a series of workshops on 'Legal spaces and geographical information systems' (organised by Caspar Ehlers and Andreas Wagner). Beyond text analyses and geoinformation systems, scholars have articulated interest also in other DH fields such as, e.g. archival information management, network analysis and OCR possibilities.

Individual Projects

In terms of individual projects, text analysis has been the focus of two projects: Manuela Bragagnolo's research about Martín de Azpilcueta's *Manual for Confessors* compares several editions of the work (in several languages) which vary greatly from one another, resulting from extensive revisions by the original author and from a change from scholarly to more pragmatic literature. Angela Ballone's studies on the Process of adaptation of Juan de Solórzano Pereira's *Disputationes de Indiarum lre* into the *Política Indiana* investigate not only the changes related to the translation into Spanish but also those connected to the Papal Censure of the earlier work. In both contexts, advice concerning the acquisition of digital text material has been provided, fully equipped environments for collating and aligning texts have been evaluated, and several approaches to algorithmic analysis of texts have been discussed and put to use. Individual approaches and solutions have been developed in collaboration with the respective researcher. This implied an introduction into a 'lab notebook' framework and into text analysis with the python programming language in one case (Ballone on Solórzano), and in the other case (Bragagnolo on Azpilcueta) the establishment of a collaboration with external developers from Lyon and Halle to enhance available tools so that they can work with multilingual *corpora*. At the same time, handling texts across languages and assessing aspects of their semantic content has been identified as a common need which we expect even more projects to be interested in, so that these challenges form part of the strategic agenda for further contributions.

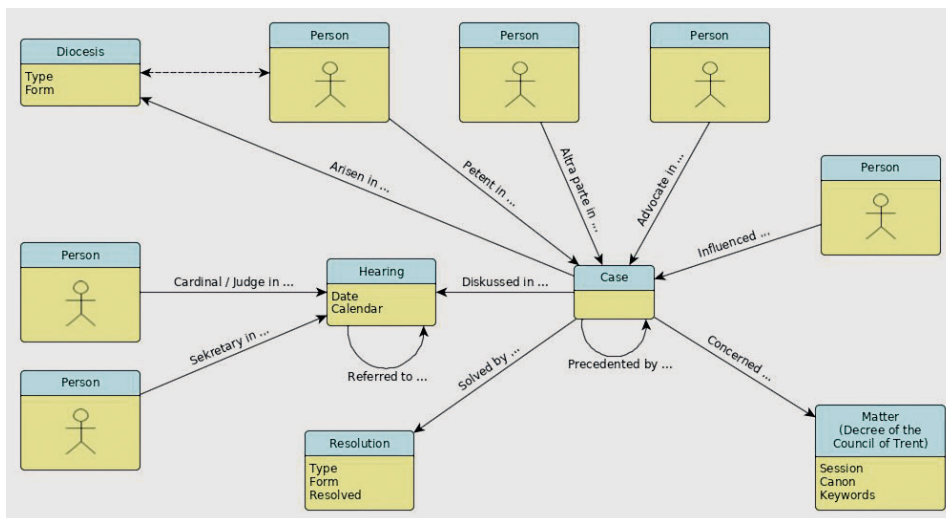
Publications of two projects, the data of which has been among the Institute's assets for a long time already, are presently being re-launched: For more than 20 years, the research project *Repertory of Police Ordinances* has been publishing a book series which is internationally acknowledged as a central resource in research on premodern governance. The book series has been based on a database of ordinances, legislators and regulatory contents that, as such, has not been accessible to the general public up to now. Presently, this database is being migrated to a freestanding, openly accessible online publication, allowing researchers to query the data in more flexible ways, directly applicable to their own research questions. However, due to the database having grown over such a long time period, cleaning and normalizing the data is a necessary and labour-intensive task before it can be imported, uploaded and published. Second, the collection *Legal journals of the 19th century* has been available in the Institute's digital library for a

decade, but only recently the opportunity to get fulltext data from an external OCR project has arisen. Thus, the dataset has been updated and the combined data is re-published on the more modern platform *Digital Libraries Connected*, making for a considerable corpus of historical German legal terminology.

Strategic Development of Competencies, Tools and Services

Diverse activities have shown that some digital methods are of a more generic nature and useful for a variety of projects, most certainly also for future projects. We have decided to invest some effort into developing competencies and resources that make such methods more accessible for scholars. In some cases, this means offering concrete tools and online services: in this vein, we have established some data cleaning, data exploration and data analysis tools. In other cases, the tasks are coupled to longer term developments: with interoperable image services and digital edition environment projects, we take up and extend the Library's competency in the sustainable management and publication of research data, and we investigate the repercussions of research data management principles throughout the research practices at the institute. Linked Open Data / Semantic Web as well as Corpus Analysis are two other fields where we have decided to build know-how proactively.

The Institute's activities are thus regularly balanced also against general DH developments, by participating in trans-institutional Working Groups the subject of which is of strategic relevance for the institute, as in the DHd's Working Groups on digital publishing or on graph databases, or in an informal Working Group for Linked Data in the Humanities in the Rhein-Main region.



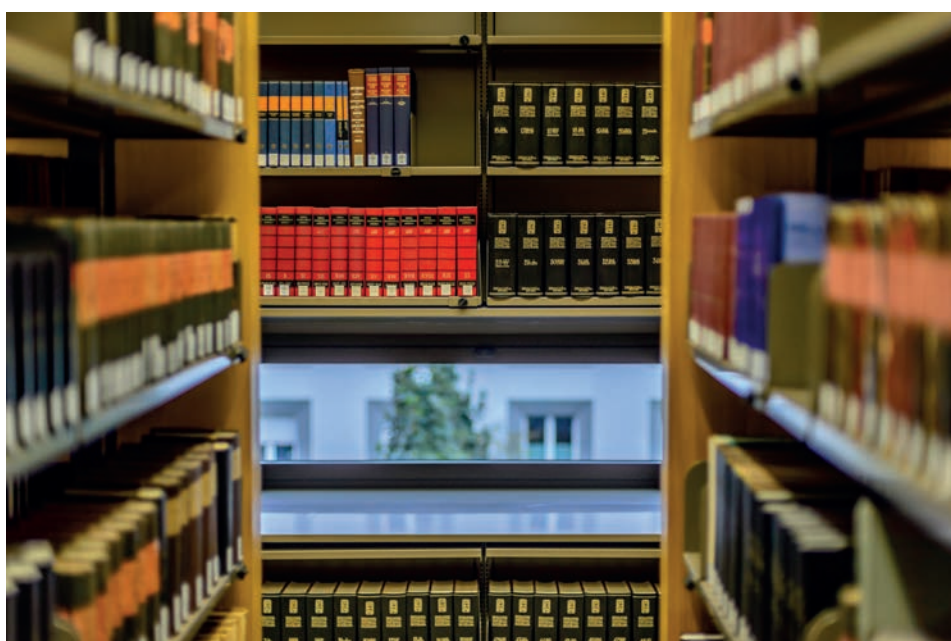
Preparing a Linked Data Ontology for Legal Cases

DH research

In several of the projects discussed above, applications for further project funding have been developed, and assistance with regard to the planning and presentation of the DH aspects in the respective scheme could be provided. However, there are also areas where the Institute participates in DH research developments directly: One such area concerns the modelling of uncertainties (taken on in the context of the Max Planck Research Group *Governance of the Universal Church after the Council of Trent*), another one concerns various benefits and difficulties of the principle of interoperability (taken on in collaboration with the project *The School of Salamanca*). Details on contributions to scientific conferences in these areas can be found in the appendix.

DH activities and the use of DH methods and tools by the Institute's researchers have intensified noticeably and we are confident that we have found good ways of regularly approaching and involving scholars. Of course, the assistance needed by projects during their whole lifetime has to be reconciled with the response to new needs of new research projects and with the observation and presentation of new DH developments, a task the required effort of which cannot yet be seen plainly. Yet, the approach taken – systematic and regularly revised prioritisation of contributions, development of generic tools and services, building of competencies both in the new position and in the researchers themselves – leaves us confident that we are well-equipped and that our DH activities are both productive and sustainable.

X. ANNEX



Institute Events

269

Jour Fixe

At the Jour Fixe, held on a monthly basis since October 2015, members and visitors of the Institute give short presentations of their research and connect them to one of the Institute's Research Focus Areas.

Steffen Buendel (Frankfurt), Das Forschungszentrum Historische Geisteswissenschaften (09.02.2015)

Olaf Berg (MPIeR), Richtig Publizieren im Netz (16.02.2015)

Lena Foljanty (MPIeR), Die Ringvorlesung 'Translating Normativity' – Eine Nachlese (23.02.2015)

Cristina Ciano (Sannio), Continental Models of Commercial Jurisdiction in the Mirror of British Parliamentary Inquiries in the Second Half of the 19th Century (09.03.2015)

Gunnar Folke Schuppert (WZB Berlin), Von der Pluralität der Normenordnungen zur Pluralität der Normproduzenten (16.03.2015)

Sascha Foerster/Gesche Schifferdecker (Max Weber Stiftung), Die Blogs der Max Weber Stiftung (23.06.2015)

Matthias Meinhard (Wittenberg), Die Macht des Hofpredigers. Zum Einfluss des Hoftheologen Basilius Sattler auf Politik, Verwaltung und Justiz im Fürstentum Braunschweig-Wolfenbüttel um 1600 (20.04.2015)

Audrey Dauchy (Panthéon-Assas Paris II), The Legal Doctrine of *locatio conductio* and its Practice (12th–16th Century) (27.04.2015)

Katja Skrubelj (Ljubljana), In the Quest for 'Legal Space' (11.05.2015)

Mathias Dewey (MPIfG Köln), The Politics of Enforcement: State and Informal Regulation of the Market for Counterfeit Garment in Argentina (18.05.2015)

Simon Groth (MPIeR), Karolinger und Ottonen oder das Ostfränkische Reich/ Dennis Majewski (MPIeR), Zisterziensische Rechtslandschaften. Die Klöster Dobrilugk und Haina in Raum und Zeit (08.06.2015)

Sophia Gluth (Berlin), Der apokryphe Nietzsche. Auf den Spuren der Rezeption von Friedrich Nietzsche in Rechtsphilosophie und -theorie (15.06.2015)

Laura Beck Varela (Autónoma Madrid), What's in a Name? Authorship in Early Modern Jurisprudence/Joël Graf: Normengeschichte versus Praxisgeschichte? Überlegungen anhand eines Forschungsprojekts zur Inquisition in Spanisch-Amerika (22.06.2015)

Stephan Wendehorst (Wien), Die Geschichte des Hl. Röm. Reichs als Völkerrechtsgeschichte. Die Frage religiöser Völkerrechtssubjektivität als Fallbeispiel (29.06.2015)

Max Deardorff (MPIeR), Moriscos and Indios in the Christian Kingdoms of Spain: Autonomy, Assimilation, and Law in the Sixteenth Century (20.07.2015)

Federica Furfaro (Genova), Die italienischen Anmerkungen zur Übersetzung von Windscheids Lehrbuch des Pandektenrechts: zwischen pandektistischem Paradigma und vergleichender Rechtswissenschaft (07.09.2015)

Benedetta Albani/Alfonso Alibrandi/Claudia Curcuruto/Constanza López Lamerain/Brendan Röder (MPIeR), Die Regierung der Universalkirche nach dem Konzil von Trient (Max Planck Research Group) (14.09.2015)

Manuel Herrero Sánchez (Pablo da Olavide), The Vitality of the Polycentric Model of Shared Sovereignty in Early Modern Europe (21.09.2015)

Gian Luca D'Errico (Bologna), The Roman Inquisition in the Early Modern Age. The *Decreta Sancti Officii* as a 'New' Source (28.09.2015)

Philip Bajon, Jean-Philippe Dequen, Helen McKee (MPIeR), Presenting the Research Projects (12.10.2015)

Jasper Kunstreich (MPIeR), Bankruptcy in Hamburg, Bremen, and Lubeck 1815–1870: A Club Good (in Disarray) (09.11.2015)

Sigrid Amedick/Thomas Duve (MPIeR), Akademisches Publizieren in der Rechtsgeschichte (14.12.2015)

Gerd Bender/Caspar Ehlers/Helen McKee/Lena Foljanty (MPIeR), Vorstellung der Forschungsschwerpunkte (18.01.2016)

Lena Foljanty (MPIeR), Translations and Transitions: Legal Practice in 19th Century Japan, China & the Ottoman Empire (08.02.2016)

Carola Dietze/Iwan Iwanov (Gießen)/Karl Härter (MPIeR), Die Sicherheit des Staates und die Sicherheit vor dem Staat in Europa, Russland und den USA im 19. Jahrhundert (14.03.2016)

Vera Steller (Frankfurt), Empire's Law? The 'Rule of Law' in British India, 1858–1950 (11.04.2016)

Gerardo Caffera (Montevideo), Anglo American Influence on the Formation of South American Private Law (1820–1870) (25.04.2016)

Baudouin Dupret (Paris), Is Law an Analytical Concept? Some Thoughts on the Basis of Language Games (09.05.2016)

Markus Dubber (Toronto), New Historical Jurisprudence: Legal History as Critical Analysis of Law (06.06.2016)

Gauri Parasher (Heidelberg), Notes on the Administration of Justice to the Indians by the French (ca. 1765–1827) (13.06.2016)

Felix Lange (Berlin), Between Foreign Policy Advice and Systematization – Hermann Mosler and Western German International Legal Scholarship after 1945 (11.07.2016)

Tatiana Borisova (St. Petersburg), Power Politics and the Problem of the Originality of Russian Law in Late Imperial Russia (17.10.2016)

Jean-Louis Halpérin (ENS Paris), History of the 'Juristenstand' in Germany during the 19th and 20th Centuries (31.10.2016)

Christopher Thornhill (Manchester), The Sociology of Law and the Global Transformation of Democracy (14.11.2016)

Saskia Limbach (St. Andrews), 'Obstructive Collaboration' – Rulers, Printers, and the Publication of Ordinances in the 16th Century (12.12.2016)

Oliver F.R. Haardt (Cambridge), The Federal Evolution of Imperial Germany and the Creation of the German Civil Code (16.01.2017)

Timothy L. Schroer (West Georgia), Multinormativity in Western Arguments Regarding Punishment of the Boxers and Their Patrons, 1900–1901 (13.02.2017)

Alessia di Stefano (Catania), Italian Judges and Judicial Practice in Libya: A Legal Experiment of Multinormativity (13.03.2017)

Eddie Bruce-Jones (Birkbeck College), Kaala Paani and the Archive: South Asian Indenture to Jamaica (10.04.2017)

Séverine Gedzelman (CNRS, UMR Triangle) / Jean-Claude Zancarini (ENS de Lyon, UMR Triangle), HyperMachiavel. First Results of a Comparison Tool between the First Edition of The Prince and Its French Translations of the 16th Century (15.05.2017)

Johannes W. Flume (Tübingen), Constructing Legal Spaces – *byrsa*, *bourse*, *Börse*, or *exchange* (19.06.2017)

Jonathan Rose (Arizona), Judicial Development of the Law of Maintenance (1377–1485) (10.07.2017)

Manuel Bastias Saavedra (Bremen), The Lived Space: Land Sales, Local Knowledge, and Interethnic Relations on the Chilean Frontier, 1790–1830 (11.09.2017)

Gustavo Silveira Siqueira (Rio de Janeiro), Strikes, Dictatorships and the Circulation of Ideas: Investigating Dialogues between Brazil, Portugal and Italy (1930–1945) (16.10.2017)

Oliver Unger (Hamburg), *Actio Funeraria*: On what it took to get buried in Ancient Rome (13.11.2017)

Agustín Casagrande (Buenos Aires), The Concept of 'Estado de Derecho' in the History of Argentinean Constitutionalism (1930–2015) (11.12.2017)



Frankfurter Rechtshistorische Abendgespräche (Frankfurt Legal History Evening Lectures)

In co-operation with the Institute for Legal History at Goethe University Frankfurt, the Institute continues a Frankfurt tradition and hosts the Frankfurt Legal History Evening Lectures, which take place at the beginning and end of each semester.

Hubert Kaufhold (München), 'Wir zwölf Apostel befehlen euch ...' Zur Bedeutung pseudoapostolischer Vorschriften bei den orientalischen Christen (14.01.2015)

Hanna Sonkajärvi (Rio de Janeiro – UFRJ), Konventionen, Koordination und Konflikt: Handelsjustiz in Brasilien in der Mitte des 19. Jahrhunderts (15.04.2015)

Ulrich Berges (Bonn), 'Der Richter der ganzen Welt, sollte der nicht Recht üben?' (Gen 18, 25). Zur Einhegung der göttlichen Gewalt durch das Recht (15.07.2015)

Zhang Renshan (Nanjing University / Hopkins-Nanjing Center for Chinese and American Studies), Nationalism and Legal Modernization in China (14.10.2015)

Gerd Althoff (Münster), Streitschlichtung in der Krise: Der Fall König Heinrichs IV. (10.02.2016)

John Cairns (Edinburgh), Regulating Slavery in Europe: A Global Problem of the Eighteenth Century (13.04.2016)

Hannes Siegrist (Leipzig), Verleger und Komponisten (06.07.2016)

Catharine MacMillan (King's College London), The Judicial Committee of the Privy Council: Law and the British Empire (02.11.2016)

Simon Teuscher (Zürich), Schwächediskurse in der Schweizer Eidgenossenschaft (14.12.2016)

Jan Schröder (Tübingen), Gibt es zeitlose Theorien in der Rechtswissenschaft? (26.04.2017)

Stephan Dusil (Leuven), Kanonistische Marginalien? (05.07.2017)

David Ibbetson (Cambridge), Unjust(ified) Enrichment (01.11.2017)

Meet the Author

Tamar Herzog (Harvard), *Frontiers of Possession. Spain and Portugal in Europe and the Americas*, Cambridge: Harvard University Press, 2015 (31.05.2017)

Karen Graubart (Notre Dame), *Containing Law within the Walls: The Protection of Customary Law in Santiago del Cercado, Peru* (23.06.2017)

Kenneth Stow (Haifa), *Anna and Tranquillo. Catholic Anxiety and Jewish Protest in the Age of Revolutions*, New Haven – London: Yale University Press, 2016 (23.10.2017)

End of Empires – Lectures

The Historisches Kolleg at the Forschungskolleg Humanwissenschaften of Goethe University Frankfurt devoted its 2017 academic programme to studying the complex history of the 'end of empires', taking a perspective that integrated early modern and modern developments and put its findings into a global perspective. The programme was organised by Christoph Cornelißen (Frankfurt) and Thomas Duve.

End of Empires – and their Afterlives: The Case of Late Pre-Hispanic and Early Colonial Peru (11.12.2017):

Jeremy Ravi Mumford (Brown University), Incas, Habsburgs, and Close-Kin Marriage, 1558–1570

Parker VanValckenburgh (Brown University), Building Indios: a Genealogy of Landscape and Political Subjectivity in the Zaña Valley, Peru, 12th–18th centuries CE

Public Lectures at the Institute

Scarlett O'Phelon Godoy (Lima), Los peninsulares exiliados en Río de Janeiro durante el proceso de Independencia del Perú (1821–1824) (25.06.2015)

Emmanuel Berger (Namur), Between Penal Revolution and the Democratic Ideal: The Expansion of Criminal Jury in France, Belgium and Germany (1770–1848) (26.10.2015)

John F. Schwaller (Albany, State University of New York), Mexico in 1585: The Backdrop of the Tercer Concilio Provincial (01.06.2017)

Marie Seong-Hak Kim (St. Cloud State/Freiburg Institute for Advanced Studies), Custom as a Source of Law (in cooperation with *Interdisziplinäres Zentrum für Ostasienstudien*, Goethe University Frankfurt) (05.07.2017)

Jacqueline Ross (Illinois), Undercover Under Scrutiny: A Comparative Look at Covert Policing in the United States, Germany, Italy, and France (07.11.2017)



Conferences, Seminars, and Workshops

2015

Seminar**Seminario Permanente de Historia del Derecho Ibero-Americano****12.01.2015 – 07.12.2015****Organisation: Pilar Mejía**

The monthly seminar on the legal history of Ibero-America is a forum for debating these research projects and for integrating guest researchers and their interests.

Agustin Casagrande (INHIDE, Buenos Aires), Las prácticas criminales como corredores del lenguaje (12.01.15)

Alexandra Tellez Mora (Univ. Heidelberg), Los proyectos constitucionales de Francisco de Miranda (02.02.15)

Ulrike Bock (Univ. Münster), Establecer un nuevo orden. Comunicación simbólica y transformaciones políticas en Yucatán, 1786–1829 (02.03.2015)

Martina Schrader-Kniffki (Univ. Mainz), Pecados y Crímenes: Zapotec-Spanish translation in Catholic evangelization and colonial law in Oaxaca, New Spain (13.04.2015)

Mariana Armond Dias Paes (Univ. São Paulo), Liberdade, posse e prescrição na escravidão brasileira (1860–1888) (11.05.2015)

Joël Graf (Univ. München), La inquisición y los protestantes extranjeros en las Indias. Prácticas y espacios jurídicos (01.06.2015)

Santiago Zarria (Univ. Católica Ecuador), Representación, Soberanía y Estado de Excepción. Lectura filosófico-política del gobierno de Rafael Correa 2007–12 (06.07.2015)

Javier Infante Martin (Univ. Católica de Chile), Dando forma a nuevos conceptos: el pre-liberalismo como una reforma política durante el reinado de Carlos IV en Chile y América (07.09.2015)

Alejandro Agüero (Univ. Nacional de Córdoba), Historia del Derecho en Iberoamérica ¿un pasado presente? (05.10.2015)

Elaine Godoy Proatti (Univ. São Paulo), De la legalidad a la moralidad: teología moral y derecho en América española (02.11.2015)

Luiz Carlos Ramiro Jr. (Univ. Rio de Janeiro), La separación Iglesia – Estado en Brasil. Antagonismos y Permanencias (07.12.2015)

Workshop**Peter Burke – Translating norms: strengths and weaknesses of a concept****06.02.2015****Organisation: Lena Foljanty**

This workshop was a follow up to the presentation that Peter Burke gave on February 5, 2015 at Goethe University as part of the lecture series 'Translating Normativity: New Perspectives on Law and Legal Transfers' that Thomas Duve and Lena Foljanty organized together with the Cluster of Excellence.



Seminar**Diversidad Cultural y Justicia en América Latina: perspectivas histórico-jurídicas****Instituto de Investigaciones de Historia del Derecho (Buenos Aires)****08.–09.04.2015****Organisation: Thomas Duve**

Víctor Tau Anzoátegui (INHIDE), Palabras de bienvenida

Thomas Duve (MPIER), Presentación institucional y de proyectos de investigación del Instituto

José Bengoa (Academia de Humanismo Cristiano de Santiago de Chile), Historia y derecho indígena en América Latina: de Patzcuaro al reconocimiento

Morita Carrasco (Buenos Aires), Comentarios

Claudia Briones (CONICET-UBA), Derecho Indígena, Justicia y Antropología en Argentina: historiando sus puntos de (des) encuentro

Luciana Álvarez (Nacional de Cuyo-CONICET), Comentarios

Lorena Ossio Bustillos (MPI Social Law and Social Policy), Igualdad normativa entre jurisdicción indígena y derecho estatal en Bolivia ¿Utopía o futuro de sistemas normativos híbridos?

Laura Mombello (Buenos Aires), Comentarios

José Daniel Cesano (Córdoba), Perspectivas jurídicas de la diversidad cultural y el Derecho Penal

Silvina Zimmerman (Buenos Aires), Comentarios

Juan Manuel Salgado (Comahue), El proceso judicial y los derechos de los pueblos indígenas

Paula Andrea Bravo (Buenos Aires), Comentarios

Pamela Cacciavillani (Córdoba – MPIER), La permeabilidad de la praxis judicial a prácticas y saberes indígenas

Silvina Ramírez (Buenos Aires), Comentarios

Jorge Núñez (INHIDE – MPIER), Una aproximación a la realidad social argentina (1989–2013)

Elizabeth Jelin (Buenos Aires), Comentarios

Debate, balance y cierre del evento a cargo de Thomas Duve

Seminar**Circulación, traslación y adaptación de saberes jurídicos en Europa y América (siglos XIX–XX). Aproximaciones conceptuales****Instituto de Investigaciones de Historia del Derecho (Buenos Aires)****30.–31.05.2015****Organisation: Thomas Duve**

Víctor Tau Anzoátegui y Thomas Duve, Palabras inaugurales

Thomas Duve presentación del libro *Entanglements in Legal History: Conceptual Approaches*

Ezequiel Abásolo (Católica Argentina), Presentación del libro *La cultura jurídica latinoamericana y la circulación de ideas durante la primera mitad del siglo XX. Aproximaciones teóricas y análisis de experiencias*

Alejandro Agüero (Córdoba / CONICET), Observaciones críticas sobre las propuestas metodológicas contenidas en ambos trabajos

José Daniel Cesano (Córdoba), Observaciones críticas sobre las propuestas metodológicas contenidas en ambos trabajos

Carlos Petit (Huelva), Exposición sobre la metodología utilizada en ambos trabajos

Carlos Miguel Herrera (Cergy-Pontoise), Exposición sobre la metodología utilizada en ambos trabajos

Apertura del debate y cierre con conclusiones metodológicas a cargo de Eduardo Zimmermann (San Andrés)

Carlos Petit exposición sobre la metodología utilizada en ambos trabajos

Carlos Miguel Herrera exposición sobre la metodología utilizada en ambos trabajos

Apertura del debate y cierre con conclusiones metodológicas a cargo de Eduardo Zimmermann

Workshop

Verwaltung des Glaubens – Verwaltung der Welt / Governo delle fede – Governo del mondo

Rome, 01.06.2015

Organisation: Benedetta Albani (MPIeR) and Andreea Badea (DHI Rom)

Benedetta Albani (MPIeR) and Andreea Badea (DHI Rom), Verwaltung des Glaubens – Verwaltung der Welt. Einführung

Claudia Curcuruto (MPIeR / Mainz), Governo della Chiesa e realtà ecclesiastiche dopo il Concilio di Trento: La Congregazione del Concilio e la nunziatura apostolica di Vienna durante il pontificato di Innocenzo XI (1676–1689)

Constanze Beringer (DHI Rom / Heidelberg), Italiener in Nürnberg nach der Reformation

Constanza López Lamerain (MPIeR / País Vasco), The Roman Curia and the dioceses of Spanish América: research perspectives from papal archives

Sonia Isidori (Napoli L'Orientale), Federica Meloni di Modena e Reggio Emilia), Memorie ebraiche tra i banchi della Congregazione del Concilio

Alfonso Alibrandi (MPIeR / Paris Descartes), Il divieto d'interpretazione della legge tra diritto canonico e diritto francese d'Ancien Régime. Le esperienze della Congregazione del Concilio e dell'Ordonnance Civile del 1667

Flavia Gattiglia (Genova), Scrivere lo scandalo: il clero criminale tra fonti pontificie e fonti locali. Suppliche, memoriali e lettere orbe (Repubblica di Genova sec. XVII)

Brendan Röder (MPIeR / München), The Body of the Priest. Clergymen and Physical Dis/ability at the Early Modern Congregation of the Council

Seminar**Historia del Ordenamiento Jurídico-Penal en América Latina.****Aproximaciones históricas y conceptuales****13.–14.07.2015****Organisation: Thomas Duve and Jorge Núñez**

Thomas Duve, Palabras inaugurales. Presentación de las líneas de investigación del MPIeR y vinculación con la temática del Seminario

José Daniel Cesano-Jorge Núñez, Objetivo y modalidad del Seminario

Parte I: Análisis historiográfico sobre las instituciones de seguridad

Osvaldo Barreneche, Las instituciones de seguridad y del castigo en Argentina y América Latina. Recorrido historiográfico, desafíos y propuestas de diálogo con la Historia del Derecho

José Daniel Cesano, Criminalidad de menores y sistema penal (Latinoamérica, 1890–1950): las agendas y los métodos en la historiografía regional reciente

Parte II: La enseñanza de la Historia del Derecho Penal en las universidades argentinas

Raúl Eugenio Zaffaroni, La importancia de la mirada histórica para la investigación y la enseñanza del derecho penal en la Argentina

Alejandro Agüero, El uso del pasado en la enseñanza del derecho penal en Argentina. La imagen del Antiguo Régimen como tradición latente

Parte III: Posibles perspectivas de investigación colectiva a futuro

Luis González Alvo-Jorge Núñez, El porvenir del pasado penitenciario Sobre la construcción de una agenda de trabajo para la historia de la prisión en la Argentina (1860–1950)

Alejandro Agüero-Jorge Núñez, Apertura del debate. Balance del Seminario

Max Planck Summer Academy for Legal History**Special Theme: Cultural Translation of Law****27.07. – 07.08.2015****Organisation: Osvaldo Moutin and Lena Foljanty**

For more details see page 190

Conference**Seminario de Historia judicial y de la justicia en la Hispanoamérica virreinal**

**Organisation: Benedetta Albani (MPIeR), Ana de Zaballa (País Vasco),
Jorge E. Trasleros (UNAM México)**

Instituto de Investigaciones Históricas de la UNAM, 20.–21.08.2015*Mesa 1. Entre tribunales y jurisdicciones*

María del Pilar Martínez López-Cano (Instituto de Investigaciones Históricas, UNAM), La jurisdicción y el fuero de cruzada: algunos apuntes e hipótesis para su estudio

Belinda Rodríguez Arrocha (Instituto de Investigaciones Históricas, UNAM), La conflictividad jurisdiccional y su resolución en el Antiguo Régimen: Documentos de la Biblioteca Palafoxiana

Teresa Lozano (Instituto de Investigaciones Históricas, UNAM), La jurisdicción de los alcaldes de barrio en la Ciudad de México

Mesa 2. Un orden judicial para los indios

Macarena Cordero Fernández (Adolfo Ibáñez), Reproducción y traducción del sistema judicial a los indígenas. Chile, siglo XVIII

Pilar Latasa Vassallo (Navarra), Justicia eclesiástica, indígenas y matrimonio clandestino en el mundo andino

Ana de Zaballa Beascochea (País Vasco), Licencias matrimoniales para indios durante la visita episcopal de Aguiar y Seijas al arzobispado de México: una ventana al mestizaje

Mesa 3. La práctica judicial eclesiástica: entre cuitas y debates

Nora Ricalde Alarcón (Anáhuac), En busca de la identidad femenina a través de la historia judicial eclesiástica. Nueva España, siglo XVI

Jorge E. Traslosheros (Instituto de Investigaciones Históricas, UNAM), Entre la superstición, la justicia y la misericordia: una exploración de los procesos judiciales eclesiásticos contra insectos nocivos

Mesa 4. Sobre la cultura jurídica y sus portavoces

Renzo Honores (High Point), Historia de la profesión legal en los Andes coloniales

Ana Carolina Ibarra (UNAM), El discurso sobre las penas de Manuel de Lardizábal y otros libros de época

Leopoldo López Valencia (El Colegio de Michoacán), La cultura jurídica del Michoacán decimonónico.

Mesa 5. El Derecho y la justicia: entre escribanos y confesores

Ivonne Mijares Ramírez (UNAM), Apuntes sobre un estudio de la sociedad novohispana del siglo XVI a partir de fuentes notariales

Caroline Cunill (Main, Le Mans), Reflexiones en torno al valor jurídico del testimonio en los documentos notariales de la América virreinal

Sebastián Terráneo (Católica Argentina), La administración de justicia en el sacramento de la penitencia. Una aproximación a través del Directorio para Confesores del III Concilio Provincial de México

Mesa 6. Una milenaria tradición nos contempla

Martha Patricia Irigoyen Troconis (UNAM), La Ley de las XII Tablas: origen de todo el derecho público y privado – (Roma, 452/449 a.C.)

Benedetta Albani (MPléR), Gobernar la Iglesia después del Concilio de Trento: la Sede Apostólica, la Congregación del Concilio e Hispanoamérica. Nuevas perspectivas de investigación desde los archivos vaticanos

Meeting**Diversidad cultural y protección jurídica: Primer encuentro peruano-alemán****Berlin, Halle and Frankfurt, 31.08.–04.09.2015****Organisation: Otto Danwerth**

A Peruvian delegation from the Instituto Riva-Agüero (Lima) and colleagues from the Institute participated in the First Peruvian-German Exchange on 'Cultural Diversity and the Law' in Berlin, Halle (Saale) and Frankfurt am Main

Discussion: Protección jurídica de la diversidad cultural en el Perú: Perspectivas interdisciplinarias

Instituto Ibero-Americano / Ibero-Amerikanisches Institut Preußischer Kulturbesitz Simon-Bolívar-Saal

Panel con los integrantes del Grupo 'Protección jurídica de la diversidad cultural' del Instituto Riva-Agüero (Lima): Armando Guevara Gil, José de la Puente, Jean Marie Ansion Mallet Fidel Tubino

Aarón Verona, Ana María Villacorta Pino

Moderación a cargo de Sérgio Costa

Se discutirán desde una visión académica plural los marcos y conflictos jurídicos de la diversidad cultural. Apelando a criterios ético-filosóficos y antropológicos se analizará la construcción de un derecho indígena por tribunales peruanos. La antropología enfatiza la percepción que pobladores indígenas en el Perú tienen sobre la justicia y el derecho, además estudia el rol que ha desempeñado la percepción del tiempo en la constitución de las distintas nociones de justicia que existen como consecuencia de la diversidad cultural. Así mismo, desde la filosofía se explora la posibilidad de llegar a consensos partiendo de esa pluralidad de nociones

Workshop en la Casa de proyecto desiguALdades.net, Berlín:

Protección jurídica y diversidad cultural: Actualidad y problemas conceptuales

Sérgio Costa/Thomas Duve, Palabras de bienvenida

Derecho y diversidad en el Perú actual Presentaciones de proyectos peruanos sobre problemas actuales:

Jean Marie Ansion Mallet/Ana María Villacorta Pino, El sentido de justicia y el bienestar emocional en la sociedad andina

Fidel Tubino, ¿Es la justicia como equidad una exigencia moral universalizable?

Aarón Verona, La diversidad cultural en la jurisprudencia del Tribunal Constitucional peruano

Comentario de Lorena Ossio (MPIeR)

Conviviality y diferencia en América Latina

Thomas Duve/Sérgio Costa, 'Conviviality' como concepto analítico

Belén Olmos, Convención sobre la protección de la diversidad cultural y la protección del patrimonio intangible

Visit of the Max Planck Institute for Social Anthropology, Dept. Law and Anthropology

Marie-Claire Foblets, Welcome and introduction

Cultural diversity and legal protection: Perspectives from Legal Anthropology in Europe and Latin America

Marie-Claire Foblets, Focus on Europe

Mark Goodale, Focus on Bolivia

René Kuppe, Focus on Venezuela

Workshop 'Cultural diversity and legal protection: Peruvian research projects'

Presentation of selected projects of the group 'Protección jurídica de la diversidad cultural' del Instituto

Workshop 'Protección jurídica y diversidad cultural: Perspectivas histórico-jurídicas', MPIeR

Thomas Duve, Welcome

Derecho y diversidad en la historia del Perú

José de la Puente, Los magistrados de la Audiencia y la protección de los naturales (siglos XVI y XVII)

Armando Guevara Gil, El tiempo, el derecho consuetudinario y la legitimación de los derechos indígenas

Derecho y diversidad en Argentina, Bolivia y Colombia

Thomas Duve, Introducción

Pamela Cacciavillani / Leticia Vita: El uso de la historia como argumento en procesos judiciales en Argentina. Presentación de casos y discusión

Karla Escobar, Derecho y violencia en la sociedad del desprecio: una aproximación al problema del reconocimiento de los pueblos indígenas en el Cauca (Colombia) en los inicios del siglo XX

Lorena Ossio, La construcción conceptual de la jurisdicción indígena originaria campesina en Bolivia

Conference

Rechtsräume

17.–19.09.2015

Organisation: Caspar Ehlers

Thomas Duve (MPIeR), Holger Grewe (Arbeitskreis Pfalzenforschung), Caspar Ehlers (MPIeR), Einleitung

Raum in der Geschichtswissenschaft (Moderation: Caspar Ehlers (MPIeR))

Jen Schneider (Paris Est), Produziert, generiert, angeeignet oder verdichtet? Die Räume des Historikers

Jessica Nowak (MPIeR), Prekäre Macht, changierender Raum – Überlegungen zum Königreich Burgund (888–1032)

Dennis Majewski (MPIeR), Durchdringen, erfassen und erschließen. Mittelalterliche Klöster als raumstrukturierende Kräfte

Simon Groth (MPIeR), Raum und Herrschaft. Das Kaisertum Ottos des Großen

Neue Ansätze der Archäologie (Moderation: Sebastian Ristow (Köln))

Peter Haupt (Mainz), Archäologische Methoden zur (Re-)Konstruktion von Raum und Landschaft

Johannes Krause (MPI für Menschheitsgeschichte, Jena), Die genetische Herkunft der Europäer: Genomweite Analysen prähistorischer Skelette aus Westurasien

Jan Cemper-Kiesslich (Salzburg), Molekulare Migration. Zur DNA-Analyse der hochmittelalterlichen Sepultur in Ingelheim

Holger Grewe (Forschungsstelle Ingelheim), Kommentar zum Grabungsbefund der Ingelheimer Remigius-Kirche

Stadt und Palastbauten (Moderation: Hartmut Leppin (Frankfurt))

Ulrike Wulf-Rheidt (Deutsches Archäologisches Institut, Berlin) und Jens Pflug (Deutsches Archäologisches Institut, Berlin), Tradition und Innovation – Raumkonzepte im flavischen Palast. Gebauter Raum als Spiegel sozialer Herrschaftspraxis am Beispiel des Palatin

Roland Färber (Frankfurt), Imperiale Gleichschaltung? Das Jahr, der Kalender und der römische Herrschaftsraum

Bauhandwerk und Umland (Moderation: Holger Grewe (Forschungsstelle Ingelheim))

Judith Ley (RWTH Aachen) und Katarina Papajanni (Forschungsstelle Lorsch der TU München)

Konstruierte Räume (Moderation: Wolfram Brandes (MPIeR, Frankfurt/AdW, Göttingen))

Jürgen Strothmann (Siegen), Das 'unsichtbare' Römische Reich. Zum Fortbestehen eines Raumes über seine Todesanzeige hinaus

Laury Sarti (FU Berlin), Orbis Romanus im frühen Mittelalter? Konkurrierende Konzeptionen in Byzanz und dem Frankenreich

Raum in der Archäologie des nördlichen Europas (Moderation: Wojciech Fałkowski (Universität Warschau))

Alexandra Sanmark (Highlands and Islands, Kirkwall), Scandinavian thing sites and the concept of thing peace

Frode Iversen (Oslo), The development of legal landscapes, Scandinavia, first millennium

Markus C. Blaich (Roemer- und Pelizaeus-Museum, Hildesheim), Central places and peripheral spaces in northwestern Germany from the eight century to the twelfth

Öffentlicher Abendvortrag

Patrick J. Geary (Institute for Advanced Study, Princeton), Archäologie und Genetik. Die Erforschung der langobardischen Wanderungen mit Hilfe der Paläogenetik

Orte und Raum in Zentraleuropa (Moderation: Frank Pohle (RWTH Aachen))

Holger Grewe (Forschungsstelle Ingelheim), Ingelheim

Andreas Schaub (Stadtarchäologie Aachen), Die frühmittelalterliche Topografie des Pfalzortes Aachen aus archäologischer Sicht

Egon Wamers (Archäologisches Museum, Frankfurt), Frankfurt als frühmittelalterlicher Zentralort. Archäologische Befunde

Workshop**Argumentación jurídica en el Derecho Constitucional. Diálogos metodológicos con la Historia del Derecho****16.10.2015****Organisation: Pamela Cacciavallani (MPIeR) and Leticia Vita (Buenos Aires)**

Laura Clérico (Erlangen–Nürnberg, CONICET, Buenos Aires) ‘La argumentación constitucional en perspectiva histórica’, Comentarios: Alejandro Agüero (CONICET, Universidad Nacional de Córdoba)

Workshop**Violent political conflicts and legal responses: a transatlantic perspective (18th to early 19th century)****21.–23.10.2015****Organisation: Otto Danwerth (MPIeR), Karl Härter (MPIeR) and Angela De Benedictis (Bologna)**

Thomas Duve, Welcome address

Otto Danwerth, Karl Härter, Angela De Benedictis (Bologna), Introductory notes by the organisers of the workshop

Otto Danwerth, Violent political conflicts and legal responses in Spanish America (1770–1830): Historiographical remarks and research perspectives

Keynote lecture:

António Manuel Hespanha (Lisbon), Answering to political unrest in a ‘country of gentle manners’: Portugal, 1750–1850

Panel 1: Legal responses to social conflicts and political revolts in imperial contexts during the 18th century

Chair: Otto Danwerth (MPIeR)

Martin Schennach (Innsbruck), Reforms and revolts: Uprisings under Joseph II and their legal consequences in the Austrian hereditary lands, in the Austrian Netherlands and in Hungary

Charles Walker (California, Davis), The Tupac Amaru Rebellion and changing legal practices and discourses: Lima, Cuzco, and Madrid, 1770s–1780s

Sergio Serulnikov (San Andrés/CONICET), Legal and extra-legal conflicts over land tenure rights in the Andean communities. Northern Potosí in the 18th century

Karl Härter (MPIeR), Juridification, prevention and political justice: The regulation of upheaval and revolt in the Holy Roman Empire of the German Nation (1789–1806)

Panel 2: Riots, upheaval and conspiracies: Legal discourses and criminal law in the Age of Revolution

Chair: Karl Härter (MPIeR)

Angela De Benedictis (Bologna), Riots and uprisings in the penal law reform and in criminal justice practice: Italy, late eighteenth century

Gabriel Torres Puga (Colegio de México), Conspiracies in the Spanish world (1780–1790): Discourses, representations and judicial processes

Victor M. Uribe-Uran (Florida International), Social upheaval, emergency measures, constitutions and criminal law in Colombia and Mexico, 1790s–1830s

André Krischer (Münster), 'A rising or tumult is or is not treasonable'. Ambivalences in making mass demonstrations a political crime in early 19th century Britain

Panel 3: From the ius commune world to the Independence Era: Conflicts, emancipation and constitutional arrangements

Chair: Angela De Benedectis (Bologna)

Lorelle Semley (College of the Holy Cross, Worcester MA), The Code Noir as Black Atlantic Charter

María Teresa Calderón (Universidad Externado de Colombia), Conflict without violence: The case of Colombia, 1826–1832

José M. Portillo Valdés (País Vasco), From ius commune to the constitution: Emancipation and the crisis of the Spanish Empire

Paola Rudan (Bologna), Constitution and political violence: Cádiz, 1810–1812 Università di Bologna

Panel 4: Constitutional and political answers to crises and conflicts in Ibero-America in the early 19th century

Chair: António Manuel Hespanha (Lisboa)

Alejandro Agüero (Córdoba – CONICET), Extraordinary domestic powers: Cultural grounds of the legal responses to political conflicts in Río de la Plata during the first half of the 19th century



Javier Infante M. (Católica de Chile), Constitutional mechanisms responding to political conflicts: Chile, early 19th century

Samuel Rodrigues Barbosa (São Paulo (USP), The constitutional fabric of contingency: Political conflicts and indeterminacy of Luso-Brazilian constitutionalism between 1820–1822

Andréa Slemian (São Paulo (UNIFESP), The Emperor leaves, the monarchy remains: Conflicts about the legal order at the beginning of the Regency, Empire of Brazil (1831–1834)

Seminar

Novos campos de pesquisa da história das instituições eclesiásticas e suas normatividades no Brasil (séculos XVI–XIX)

Goethe-Institut, São Paulo, 10.–12.11.2015

Organisation: Benedetta Albani, Otto Danwerth and Pilar Mejía

The fourth seminar of the cycle 'Normatividades e instituciones eclesiásticas en Ibero-América. Siglos XVI–XIX' took place in São Paulo. The same topic, but with different regional emphasis was discussed in seminars held in Mexico City (2011), Lima (2012) and Bogotá (2013).

Symposium

Nationale Sozialpartnervereinbarungen zur Arbeitsverfassung

11.12.2015

Organisation: Gerd Bender

Thomas Duve, Greetings

Michael Kittner (Hugo Sinzheimer Institut), Introduction

Gerd Bender (MPlER), Verbände machen Rechtsgeschichte. Das Stinnes-Legien-Abkommen

Achim Seifert (Jena), Das Hattenheimer Abkommen und seine Bedeutung für das Arbeitsrecht der frühen Bundesrepublik

Kjell Å Modéer (Lund), Der Saltsjöbad-Vertrag. Selbstregulierung im schwedischen Volksheim zwischen Konsensus und Vertragsautonomie

Thorsten Keiser (Frankfurt), Dynamik durch Harmonie? Der Schweizer Arbeitsfrieden von 1937 im ideengeschichtlichen Kontext der Zwischenkriegszeit

Manfred Weiss (Hugo Sinzheimer Institut/Frankfurt), Summary and closing remarks

2016

285

Seminar**Seminario Permanente de Historia del Derecho Ibero-Americano****11.01.2016 – 5.12.2016****Organisation: Pilar Mejía**

The monthly seminar on the legal history of Ibero-America is a forum for debating these research projects and for integrating guest researchers and their interests.

Pedro Alberto Berardi (Univ. San Andrés), Para subsanar las deficiencias y enmendar los errores. Saberes y prácticas en el proceso de profesionalización de la policía bonaerense (1880–1916 (11.01.2016)

Bruno Feitler (Univ. São Paulo), La praxis inquisitorial portuguesa en los delitos de herejía (01.02.2016)

Thomas Duve (MPIeR), De Tordecillas a Zaragoza: acerca de la historial del derecho internacional público (07.03.2016)

Jonas Wolff (Leibniz-Institut Hessische Stiftung Friedens- und Konfliktforschung (HSFK) Peace Research Institute Frankfurt (PRIF), Presentación del Instituto de Investigación de la Paz de Frankfurt (HSFK / PRIF) / La economía política de los estados plurinacionales en Bolivia y Ecuador (04.04.2016)

Fabio Locatelli (Flacso Ecuador), El Sacramento de la penitencia en los sínodos de la diócesis de Quito (1570, 1594, 1596) (02.05.2016)

Mariana de Moraes Silveira (Univ. Federal Minas Gerais), Entre la 'realidad nacional' y la mirada hacia afuera: juristas brasileños y argentinos en diálogo con Europa (1917–1943) (06.06.2016)

Gustavo Silveira Siqueira (Univ. Rio de Janeiro), História do Direito de greve no Brasil: 1890–1946. (04.07.2016)

Christoph Rosenmüller (Middle Tennessee State Univ.), 'El execrable delito del cohecho': corrupción y multi-normatividad en la Nueva España imperial (ca. 1650–1750) (05.09.2016)

Francisco Ortega (Univ. Nacional de Colombia), Lenguaje político-moral de la diferencia en la primera mitad del siglo XIX colombiano. (10.10.2016)

Jesús Jimeno (Univ. Sevilla), Socios y sociedades mercantiles en Sevilla (1747–1848) (07.11.2016)

Manuel Bastías Saavedra (Univ. Austral de Chile), Tradición, poder y consentimiento: creación de propiedad privada en la frontera chilena, 1790–1850 (05.12.2016)





Initiation Workshop

Legal Transfer within the Common Law World

School of Law, Birkbeck, London, 18.02.2016

Organisation: Stefan Vogenauer and Jean-Philippe Dequen

Michelle Everson (Birkbeck College, University of London) and Stefan Vogenauer (MPIeR): Introductory Panel

Jean-Philippe Dequen (MPIeR), An Attempt at a Legal Chronology and Typology of Common Law Transfer in India

Harshan Kumarasingham (MPIeR), Eastminster - Decolonisation and State-Building in British Asia

Emily Whewell (MPIeR), Law without Borders: Hong Kong, China and British Jurisdiction in the Late Nineteenth and Early Twentieth Century

Helen McKee (MPIeR), Hardships There are but the Land is Green and the Sun Shineth: The Legal History of Land Ownership in Post-Emancipation Jamaica

Stephen B. Aranha (MPIeR), Status and Suffrage in the Bahamas during the Past Century

Justine Collins (MPIeR), A Legal Historical Analysis of the Constitutional Trajectory of the British West Indies

Niels Pepels (MPIeR), The Originality Principle in US Copyright Law after Transferring the English Statute of Anne to America

Donal Coffey (MPIeR), From Unitary Legal System to Multipolar International

Organization: The Legal History of the Commonwealth of Nations in the Inter-War Years

Workshop

The Use of Comparative Arguments by Latin American Courts

21.-22.04.2016

Organisation: Stefan Vogenauer

A small group of legal scholars from Latin America met for a closed workshop with Stefan Vogenauer. They continued their work on an empirical project that assesses the use of comparative arguments by Supreme Courts in Argentina, Brazil, Chile and Uruguay: Rodrigo Momberg Uribe (Pontificia Univ. Valparaíso), Gerardo Caffera (Oxford Law Faculty), Pedro Fortes (Oxford Law Faculty), Alexander Wulf (SRH Hochschule Berlin).

Workshop

Introduction to Research on Chinese Legal History

28.04.2016

Organisation: Thomas Duve (MPIeR) and Maura Dykstra (Caltech)

This introductory workshop on the research of Chinese Legal History was organized in cooperation with the Institute's guests Maura Dykstra (Caltech), Wang Zhiqiang (Fudan, Shanghai) and Chiu Pengsheng (Chinese University of Hong Kong).

In addition to some introductory talks about the newest developments in the field of Chinese Legal History, the workshop wanted to initiate a dialogue about the perspectives of the pursuit of Chinese Legal History for the research on European Legal History.

Opening words (Thomas Duve/Maura Dykstra)

The notion of tradition in understanding legal history – Chinese perspective (Maura Dykstra)

The notion of tradition in understanding legal history – European perspective (Thomas Duve)

Research, Resources, and Issues in Chinese Legal History

Research, Resources, and Issues in Chinese Legal History in China (Wang Zhiqiang)

Research, Resources, and Issues in Chinese Legal History in Taiwan, Hong Kong, and Japan (Chiu Pengsheng)

Research, Resources, and Issues in Chinese Legal History in English (Maura Dykstra)

Book Discussion and Workshop
Governance Theory and Legal History
12.–13.05.2016
Organisation: Thomas Duve

Thomas Duve / Gunnar Folke Schuppert (WZB), Welcome and Introductory remarks

Thomas Duve, Governance Theory and Legal History

Perspectives from history

Christoph Lundgreen (Dresden), Governance Theory and the Roman Empire

Stefan Esders (FU Berlin), Governance Theory and Medieval History

Benedetta Albani / Karl Härter (MPIeR), Governance Theory and Early Modern History

Maura Dykstra (Caltech) / Bin Wong (UCLA), Governance Theory and Chinese Legal History

Peter Collin, Governance Theory and History of 19th Century Regulation

Seminar
Diplomatics, Chronology and Paleography of Papal Documents
during the Early Modern Period
13.04.–18.05.2016
Organisation: Benedetta Albani

The seminar offered its participants the first theoretical and practical tools necessary to deal with the reading of papal documents of the Early Modern Period in order to promote a correct comprehension and contextualization of those sources. Among other things participants learned how to recognize different documents' genres despatched by various roman dicasteries; how to read handwritings of the 15th to 18th centuries; how to resolve abbreviations; how to properly attribute the date to a document. The seminar was conceived as a practical activity. For that reason a consistent part of the lessons were dedicated to practice exercises with reproductions of original documents.

- Diplomatics, chronology and paleography as fundamental tools for the exegesis of historical sources; Practice Exercises in Paleograph (13.04.2016)
- Papal Diplomatics: History of the Discipline; Papal Diplomatics from the origins until the Middle Ages; Practice Exercises in Papal Diplomatics and Paleography (20.04.2016)
- Papal Diplomatics in the Early Modern Period: Documents' genre; Despatch of papal documents; Practice Exercises in Papal Diplomatics and Paleography (27.04.2016)

- Chronology and documents' dating: Practice Exercises in Chronology and Paleography (04.05.2016)
- Paleography of papal documents during the Early Modern Period: Practice Exercises in Paleography (11.05.2016)
- Documents of the Cardinals Congregations during the Early Modern Period: the Congregations of the Council; Practice Exercises in Paleography (18.05.2016)

Workshop

Cartography and the use of sources: When the historian's work does not involve writing and is not limited to illustrations

25.05.2016

Organisation: Benedetta Albani and Constanza López Lamerain

Presenter: Micol Ferrara

The seminar brought to light the potentiality of cartography in historical enquiry. In some cases, one cannot limit research to the mere transcription of documents or summarise them in a written text. In these circumstances, one must resort to an interdisciplinary approach. Spatial categories are useful for reconstructing the material and symbolic practices of a particular population in a given historical period.

Conference

Publishing in Legal History

Berlin, Harnack-Haus, 26.–27.05.2016

Organisation: Thomas Duve and Stefanie Rütter

Thomas Duve (MPIeR) / Stefanie Rütter (MPIeR), Welcome and Introduction

Publishing Legal History: Observations and Perspectives

Stefanie Rütter (MPIeR), Keywords and Emotive Terms of the Digital Change

Niels Taubert (Berlin), Results of the Interdisciplinary Working Group 'Future of Scholarly Communication' at the Berlin-Brandenburg Academy of Sciences

New Media for Academic Communication

Michael Kaiser (Bonn), Presenting perspectivia.net – the Publication Platform of the Max Weber Stiftung

Matthew Mirow (Miami), Experiences with Scientific Blogging

Discussion – Do We Need an International Digital Platform for Book Reviews in Legal History?

Moderation: Andreas Thier (Zürich)

Main Players and Gatekeepers in the Field of Academic Publishing

Stefan Vogenauer (MPIeR), Peer Reviewing, Rating und Bibliometrics? The Anglo-American System

Finola O'Sullivan (Cambridge University Press), The Role of Publishing Houses in Selecting, Controlling and Presenting the Results of Academic Research

Conference**Organizing Justice: China and Europe from the 15th to the early 20th century****01.–03.06.2016****Organisation: Annika Büsching (Passau) and Emily Whewell (MPIeR)**

Thomas Duve, Opening words

R. Bin Wong (UCLA), China and Global History

Thomas Duve, Methodological approaches to global legal history from a German perspective

Juan Cobo Betancourt (Santa Barbara), Introductory words and review of June 1

Jérôme Bourgon (CNRS), What's legal in Chinese law?; Commentator: Christoph Meyer

Maura Dykstra (Caltech), Mediation and Courts in China; Commentator: Massimo Meccarelli

Chiu Pengsheng (Chinese University, Hong Kong), Constructing 'Commercial Law' in 18th century China; Commentators: Wim Decock and Jasper Kunstreich

Wang Zhiqiang (Fudan), Eighteenth century Criminal Justice in China; Commentator: Aniceto Masferrer

Working Groups discussion and Report of working groups

Annika Büsching/Emily Whewell, Introductory words and review of June 2

Fédéric Constant (Paris X Nanterre), Compensation for Civil Damages in Criminal Cases; Commentator: Annika Büsching

Kentaro Matsubara (Tokyo), Land, Credit, and Possession in China; Commentators: Pamela Cacciavillani and Mariana Armond Dias Paes

Ian Miller (St. John's N.Y.), Claims and Orthodoxy; Commentators: Otto Danwerth and Osvaldo Moutin



Conference**Mit den Augen der Rechtsgeschichte****Zürich 9.–11.06.2016****Organisation: Thomas Duve and Andreas Thier (Zürich)**

Participants:

Michele Luminati (Luzern), Peter Oestmann (Münster), Tilman Repgen (Hamburg), Milos Vec (Wien), Ulrike Babusiaux (Zürich), Martha Kaiser (Freiburg), Franz Stefan Meissel (Wien), Guido Pfeifer (Frankfurt), Niels Jansen (Münster), Massimo Meccarelli (Macerata), Thorsten Keiser (Gießen), Susanne Lepsius (München), Matthias Schmoeckl (Bonn), Bernd Kannowski (Bayreuth), Thomas Duve (Frankfurt), Andreas Thier (Zürich)

Workshop**The Use of Comparative Arguments by Latin American Courts (cont.)****22.06.2016 / 14.07.2016****Organisation: Stefan Vogenauer**

A small group of legal scholars from Latin America met for two closed workshops with Stefan Vogenauer. They continued their work on an empirical project that assesses the use of comparative arguments by Supreme Courts in Argentina, Brazil, Chile and Uruguay: Rodrigo Momberg Uribe (Pontificia Univ. Valparaíso), Gerardo Caffera (Oxford Law Faculty), Pedro Fortes (Oxford Law Faculty), Alexander Wulf (SRH Hochschule Berlin)

Summer Academy**Special Theme: Multinormativity****18.–29.07.2016**

For further details see page 192

Congress**XIX Congress of the Instituto Internacional de Historia del Derecho Indiano****Berlin, 29.08.–02.09.2016****Organisation: Thomas Duve**

The Congress, which takes place every four years since 1966, was organised in 2016 by the Max Planck Institute for European Legal History and coordinated by Thomas Duve. It brought together the main specialists of Derecho Indiano (around 130 participants) who discussed the new trends of research in this discipline in different panels.

For further details see page 57

Conference**Segundo encuentro peruano-alemán – Derecho y diversidad cultural****Lima, 13.–14.10.2016****Organisation: Lorena Ossio**

Analizar y comparar el tratamiento jurídico de la diversidad en Europa y América Latina desde una perspectiva interdisciplinaria. Para ello, se reflexionará sobre las políticas de reconocimiento de la diferencia cultural con atención especial en la construcción y el uso de categorías para nombrar sujetos y colectivos diferenciados en el Derecho por razón de su etnicidad, cultura y género.

Conferencia 1: El reconocimiento de la diversidad en Europa y América Latina

Thomas Duve, Derecho y diversidad: una mirada a la actualidad desde la historia del Derecho Europeo

Fidel Tubino Arias-Schreiber (Departamento de Humanidades de la PUCP), Las posibilidades y límites del interculturalismo en América Latina

Pepi Patrón Costa (Investigación de la PUCP) (Por confirmar)

Armando Guevara Gil (Instituto Riva-Agüero de la PUCP)

Conferencia 2: La diferencia cultural en la justicia y el Derecho

Lorena Ossio (MPIeR), Pluralismo jurisdiccional y Diversidad: Consideraciones a partir de 'Instituciones no estatales de justicia y derecho'

Carlos Ramos Núñez (Magistrado del Tribunal Constitucional del Perú), El Indio en los Códigos y Constituciones del Perú

Juan Ansion (Departamento de Ciencias Sociales de la PUCP), Comentario

Conferencia 3: La participación de los colectivos diferenciados en las políticas públicas

Lorena Ossio (MPIeR), Autorregulación y Diversidad: Consideraciones a partir de 'Justicia no estatal dentro del Estado' y 'Reguliert Selbstregulierung'

Gladis Vila (Organización Nacional de Mujeres Indígenas, Andinas y Amazónicas del Perú – ONAMIAP), Experiencia de las organizaciones indígenas en los procesos de consulta previa

Daniel Sánchez (Pueblos Indígenas de la Defensoría del Pueblo del Perú), De objeto de protección a sujeto de derecho: la participación indígena en la construcción de políticas públicas

Óscar Espinosa (Departamento de Ciencias Sociales de la PUCP), Comentarios

Thomas Duve / Armando Guevara Gil (Instituto Riva-Agüero de la PUCP), Reflexiones finales

Exposición magistral en la sede del Tribunal Constitucional

Thomas Duve, Las ciencias jurídicas en Alemania y la transnacionalización del Derecho

Sesión temática 1: El periodo colonial

Thomas Duve, Categorías e historiografía jurídica: reflexiones conceptuales

José de La Puente, La 'República de Indios': consideraciones sobre la población andina en el virreinato del Perú (siglos XVI–XVII)

Max Deardorff, Costumbre, religión, y privilegio en la comunidad morisca de Granada (siglo XVI)

Sesión temática 2: El periodo republicano

Lorena Ossio, Las categorías jurídicas y la construcción de la identidad indígena en América Latina – desde la experiencia histórico – jurídica boliviana (1825–1953)

Hans Cuadros, De indios a campesinos: la construcción de categorías jurídicas en contextos de cambio político e ideológico en el Perú

Pamela Cacciavillani, De comuneros a propietarios: reflexiones sobre los éxitos y fracasos del proyecto liberal cordobés a finales del siglo XIX

Sesión temática 3: La época contemporánea

Óscar Espinoza, Etnónimos e identidades étnicas: el rol de los expertos y las categorías del Estado

Armando Guevara, El ocaso de la consulta previa

Aarón Verona, La disputa por el sujeto jurídico 'indígena' sin participación indígena

Juan Ansion, El uso de la violencia por los sujetos colectivos diferenciados: su impacto en la justicia comunal

Roxana Vergara, Las mujeres imaginadas de la justicia intercultural: 'víctimas' y 'vulnerables'

Conference**Una nueva mirada sobre el Patronato Regio****La Curia Romana y el gobierno de la Iglesia Ibero-Americana en la edad moderna****15.–16.10.2016****Organisation: Benedetta Albani (MPIeR) and Giovanni Pizzorusso ('G. d'Annunzio', Chieti-Pescara)**

Thomas Duve, Saludos iniciales

Benedetta Albani y Giovanni Pizzorusso, La Curia Romana y la Iglesia Ibero-Americana frente al Regio Patronato. Introducción a los trabajos

El Patronato Regio en las fuentes de las instituciones pontificias

Silvano Giordano (Gregoriana, Roma), La Nunciatura de España y América

Giovanni Pizzorusso ('G. d'Annunzio', Chieti-Pescara), La Congregazione de Propaganda Fide e l'America spagnola: le missioni come interstizio per una penetrazione nel Patronato?

Benedetta Albani (MPIeR, Frankfurt), Las congregaciones cardenalicias y el gobierno de la Iglesia Ibero-Americana

Luis Martínez Ferrer (Santa Croce), La recognitio de la Sagrada Congregación del Concilio a los concilios provinciales americanos (siglo XVI)

Los patronatos en las Monarquías Ibéricas

Ignasi Fernández Terricabras (Autónoma de Barcelona), El Patronato Real sobre los obispados de las Coronas de Castilla y Aragón en el siglo XVI: la conformación regia de un episcopado

Fabrizio D'Avenia (Palermo), Cesaropapismo y competencia jurisdiccional: la Iglesia siciliana bajo los Austrias (Siglos XVI–XVII)

Giuseppina de Giudici (Cagliari), Il patronato regio nella dialettica dei poteri: l'esperienza della Sardegna nel Settecento

Evergton Sales Souza (Bahia), Considerações sobre o padroado na América portuguesa na época moderna

Constanza López Lamerain (MPIeR), Instaurando la Iglesia al fin del mundo: Los obispos de Chile y el real patronato (1561–1630)

Desarrollos del Patronato Regio frente a nuevos regímenes de gobierno

Boris Jeanne (EHESS), Los misioneros franciscanos de la América colonial: granos de arena de un patronato 'perfecto'

Rafael García Perez (Navarra), El regalismo borbónico y el gobierno de América desde la Corte: una aproximación institucional

Pablo Mijangos González (Centro de Investigación y Docencia Económicas, México), La romanización como respuesta a la crisis del patronato: una lectura de 'Los intereses católicos en América' de Mons. José Ignacio Víctor Eyzaguirre (1859)

Luca Carboni (Archivio Segreto Vaticano), Le rappresentanze pontificie in America Latina dopo l'indipendenza e i loro archivi

Conclusiones y discusión final coordinada por Ana de Zaballa Beascochea (Universidad del País Vasco, Vitoria)

Workshop**Geschichte der juristischen Max-Planck-Institute seit 1945****11.11.2016****Organisation: Thomas Duve, Jasper Kunstreich and Stefan Vogenauer**

What was the role of legal scholarship within the Max-Planck-Society? How did the law-related Max Planck Institutes contribute to Germany's legal development since 1945? These questions were addressed in a workshop, attended by legal historians from all over Germany. The workshop was the kick-off event for an edited collection on legal scholarship within the Max Planck Society from its new foundation after World War II until today. The book contributes to a broader reappraisal of the Max Planck Society's history since 1945.

Stefan Vogenauer (MPIeR), Begrüßung und Einleitung

Input und Fragestellungen des Forschungsprojekts GMPG (Jürgen Kocka, Birgit Kolboske, Carsten Reinhardt, Florian Schmaltz)

Felix Lange (Berlin), MPI für ausländisches öffentliches Recht und Völkerrecht Heidelberg

Ulrich Magnus (Hamburg), MPI für ausländisches und internationales Privatrecht Hamburg

Jan Thiessen (Tübingen), MPI für europäische Rechtsgeschichte

Diethelm Klippel (Bayreuth), MPI für Innovation und Wettbewerb München

Sascha Ziemann (Frankfurt), MPI für ausländisches und internationales Strafrecht Freiburg

Eberhard Eichenhofer (Jena), MPI für Sozialrecht und Sozialpolitik München

Margrit Seckelmann (Speyer), MPI zur Erforschung von Gemeinschaftsgütern Bonn

Reaktion und Kommentare der Mitglieder des Forschungsprojekts GMPG (Jürgen Kocka, Birgit Kolboske, Carsten Reinhardt, Florian Schmaltz)

Stefan Vogenauer (MPIeR), Schlussbemerkungen und Fahrplan für das Teilprojekt

Workshop**Practical and Pragmatic Literature in Legal and Science History****Berlin, 30.11.2016****Organisation: Thomas Duve (MPIeR) and Jürgen Renn (MPI History of Science (MPIWG))**

Introduction: Using Practical and Pragmatical Literature in the Frame of the Historiography of History of Science and Legal History

Jürgen Renn (MPIWG), The Role of Pragmatic Knowledge in the process of Evolution of Knowledge

Thomas Duve (MPIeR), The Role of Pragmatic Knowledge in Early Modern Legal History of Ibero-America

What is Practical and Pragmatic Literature? Examples from the Research Activity

Jochen Büttner (MPIWG), From the Praxis of the Artillerist to the Emergence of a Theory of Ballistics in the 16th Century

Otto Danwerth (MPIeR), Pragmatic Normative Literature and its Circulation in Spanish America, 16th and early 17th Centuries

What is the epistemic value of our research for the understanding of the process of evolution of knowledge? Examples and reflections concerning our approach to historical sources (diffusion and emergence of new knowledge, stability and mutability)

Matteo Valleriani (MPIWG), Diffusion of Innovations in the Late Middle Ages and Early Modern Period

Manuela Bragagnolo (MPIeR), Traveling Texts. Condensing and Translating Legal Knowledge in the 16th Century: Martín de Azpilcueta's Manual for Confessors

What is the Practical and Pragmatical Character in our Historical Sources? The Relation between Theory and Practice. Theoretical Practice and Pragmatical Theories.

Christoph Lehner (MPIWG), The Role of Practical Knowledge in the Quantum Revolution

David Rex Gallindo (MPIeR), Franciscan Missionaries and Ecclesiastical Normativities in New Spain's Northern Frontiers, 1524–1630

Practical and Pragmatic Literature and 'convivencia': The Genre and its Peculiar Use Especially in 'Areas of Contacts'

Monica Colominas (MPIWG), Literature of Religious Polemics and conversion in contexts of convivencia: its Practical Functions for a Social Order

Max Deardorff (MPIeR), 'Contact Zones': A Useful Frame for the Study of Multinormativity in the Iberian World?

Seminar**Common Law Research Seminar, Fall Semester 2016/17****31.10.2016–30.01.2017****Organisation: Stefan Vogenauer and Emily Whewell**

Marina Martin (Goethe University), Guest Presentation: Legitimate, Formal, Infamous, Unlawful: the South Asian Indigenous Financial system Hundi and the Law since the 1850s (31.10.2016)

Stephen Aranha, Article Discussion: John W. Cairns, 'History of Legal Transplants' (07.11.2016)

Niels Pepels, Presentation of PhD chapter: The Emergence of Copyright Law in England (21.11.2016)

Jean-Philippe Dequen, Book Presentation: Difficulty in Translating Muslim Personal Law within English Legal categories: The case of the Guardian and Wards Act, 1890 and its aftermath (28.11.2016)

Article discussion: Sally Merry Engle, 'Law and Colonialism' (16.01.2017)

Chen Li (National University of Singapore), Guest Presentation: The Making of the Early Chinese and Japanese Barristers at the English Bar and Their Impacts at Home (30.01.2017)

Research Colloquium

Knowledge and information regimes in early modern times

18.10.2016–07.02.2017

Organisation: Manuela Bragagnolo, Otto Danwerth, David Rex Galindo

Thomas Duve, Manuela Bragagnolo, Otto Danwerth, David Rex Galindo and Christian A. Müller (Goethe University), Introduction: Discourses of weakness and resource regimes (18.10.2016)

Christoph H. F. Meyer, Simple knowledge about complex norms. Some observations on literary genres and methods; Opponent: Caspar Ehlers (25.10.2016)

Manuela Bragagnolo, Processes of epitomization; Opponent: José Luis Egío

Otto Danwerth, Circulation of pragmatic books in Hispano-America (16th–17th centuries); Opponent: Max Deardorff (08.11.2016)

Rex Galindo, Implementation of religious normative knowledge in mission regions of New Spain; Opponent: Christoph Rosenmüller (15.11.2016)

Oswaldo Moutin, Producing normativity: Juridical and pastoral literature of the Third Mexican Provincial Council, 1585; Opponent: Christiane Birr (22.11.2016)

Benedetta Albani / Giovanni Pizzorusso, Regimes of knowledge and the Roman Curia; Opponent: Jessika Nowak (29.11.2016)

Gustavo Machado Cabral, Presence of books on canon law and of pragmatic literature in colonial Brazil (16th–18th centuries; Opponent: Mariana Dias Paes (06.12.2017)

Peter Collin, Regimes of knowledge and information – theoretical approaches; Opponent: Daniel Damler (13.12.2016)

Renzo Honores, Presence and use of pragmatic literature in Peru (16th–17th centuries); Opponent: Pilar Mejía (24.01.2017)

Samuel Barbosa, Media and legal books in Portugal / Brazil (18th–19th centuries) / Mario Losano, Circulation of knowledge between Italy, Portugal and Brazil: Piemontese officers in lusophone regions: Carlo Antonio Napione / Carlos Antônio Napion, Carlo Juliano / Carlos Julião, Giacomo Durando (31.01.2017)

Karl Härter, Cultures of communication and knowledge in early modern criminal procedure; Opponent: David von Mayenburg (07.02.2017)

Initiation Workshop**South Asian Legal History, beyond boundaries****Hyderabad, 07.–08.12.2016****Organisation: Stefan Vogenauer and Jean-Philippe Dequen,
together with NALSAR University of Law, Hyderabad, India**

Welcoming remarks by Dr. Faizan Mustafa (NALSAR, Hyderabad)

Overview of the workshop by Stefan Vogenauer (MPI-ELH, Frankfurt).

Address by Dr. N.L. Mitra, Former Vice-Chancellor (NLSIU Bangalore and NLU Jodhpur,
Presently Chancellor of KIIT University, Bhubaneswar).*History of legal transfers to and from India – A prelude to legal globalisation?**Chair: Rajat Datta*Jean-Phillipe Dequen, Prerequisites to English Legal Transfers in India: the tricky question
of sovereignty between the 17th and 19th centuries.Abhinav Chandrachud, Summaries of Voluminous Documents as Secondary Evidence:
An Odd, Colonial Legal Transplant. (THROUGH SKYPE)

Rohit De, The Kenyatta trial as an Indian legal event.

*From Local to Colonial conflict regulation, metaphors for defining the legal subject**Chair: Stefan Vogenauer*Farhat Hasan, The Qazi's Court and the local systems of conflict-resolution in early
modern South Asia.Vishnu Konoorayar, Dispute Resolution amongst Dravidian Communities: Past and
Present.Shrimoy Roy Choudhary, Laboratory Lives: The Pakur murder case of 1933 and medico-
legal search for the pathogen.Mayur Suresh, Types of Terror: A brief history of the Criminal law (Amendment) Act of
1908.*Legal History of 'Minorities': Defining the 'Other'**Chair: Najaf Haider*Mohsin Alam, Being Minority, Being Backward: Representation and Equality in the
Muslim Quota Debate.Rasak Khan, The Entangled History of the concepts of 'Minority' and 'National Culture' in
Germany and India.Rajarshi Ghose, Two mosques and the Imam al-Hind: Mawlana Abul Kalam Azad, the
practice of Islamic jurisprudence, and politics of decolonization.*Legal and Economic Administration During the Mughal Period, Towards Early Modernity**Chair: Farhat Hasan*

Najaf Haider, The domain of the Shariah in the Mughal Empire

Rajat Datta, Early Modernity and the Political Economy of Governance in India, 16th to
18th Centuries

Colonial Governance in a Comparative Perspective, from Local Beginnings to International Endings

Aparna Balachandran, Law and the City: Colonialism and Urban rule in Company Madras.

Gauri Parasher, The Administration of Justice in French India in the 18th Century.

Donal Coffey, Crown and Commonwealth: Legal and Constitutional Questions arising in the Commonwealth of Nations as a result of India's decision to declare a Republic.

Jean-Phillipe Dequen, Summing Up and Discussion on Follow-Up Activities

Conference

Initiative Arbeitsrechtsgeschichte – 2. Jahrestagung 2016

Arbeitsverfassungen im Ersten Weltkrieg

02.12.2016

Organisation: Gerd Bender

Because an essential resource of the war-economy was at risk, the normative order focused on labour proved to be a cardinal problem in all of the countries involved the world war. The national systems of industrial relations, especially from a normative point of view, were just entering into a phase of institutionalising. The conference observed how these fragile structures behaved in the war-context. In doing so, it also questioned the historical prerequisites that were essential for the work- and socio-political institutional framework during the interwar period.

Michael Kittner (Hugo Sinzheimer Institut für Arbeitsrecht), Einführung

Werner Plumpe (Frankfurt), Kriegswirtschaftliche Koordinationsprobleme in Deutschland 1914–1918

Sabine Rudischhauser (Centre Marc Bloch, Berlin), Integration ohne Institutionalisierung. Gewerkschaften, Staat und Arbeitgeberschaft in Frankreich 1914–1919

Maurizio Cau (Trento), Der Erste Weltkrieg und die neuen Grenzen des Privatrechts

Andrej Wroblewski (IG Metall Vorstand), Gewerkschaften im Ersten Weltkrieg – Das Hilfsdienstgesetz von 1916

Gerd Bender (MPIeR), Summary

Seminar**Seminario Permanente de Historia del Derecho Ibero-Americano****09.01.2017–04.12.2017****Organisation: Pilar Mejía**

The monthly seminar on the legal history of Ibero-America is a forum for debating these research projects and for integrating guest researchers and their interests.

Nicolás Beraldi (Univ. Córdoba), ¿Trasplantes Legales en el Río de la Plata? El caso de la justicia de paz en la provincia de Buenos Aires (1821–1824) (09.01.2017)

Carlos Ramos Núñez (Tribunal Constitucional del Perú), Del orden burgués a la idea social: la situación de la ciencia jurídica peruana durante la mitad del siglo XX (06.02.2017)

Pedro Henrique Ribeiro (Univ. Frankfurt), Escándalos mundiales como fundamentación de validez de los derechos humanos. Preguntas para la teoría e historiografía de los derechos humanos (03.04.2017)

Jose María Martín Humanes (MPIeR), Tras la Frontera de Granada: una sociedad en movimiento a través de los fondos de la Real Chancillería de Granada (ss. XV–XVI) / Antonio Manuel Luque Reina (Universidad Autónoma de Madrid), Entre gobierno jurisdiccional y jurisdicción gubernativa: algunas reflexiones en torno a esta transición en España (1834–1845) (12.06.2017)

Jaime Gouveia (CHAM, Manaos, Coimbra), Justicia episcopal en las Américas portuguesa e hispánica: algunas comparaciones (03.07.2017)

Fernanda Bretones (Vanderbilt Univ.), El bautismo y la concesión de la libertad: El asilo religioso en el Caribe español del siglo XVIII (25.09.2017)

Mons. Juan Ignacio Arrieta de Chinchetru (Secretario del Pontificio Consejo para los Textos Legislativos), Práctica judicial de la Curia romana antes y después de la codificación (09.10.2017)

Raquel Sirotti (MPIeR), ¿Criminalizando la política? Conflictos políticos en acciones de habeas-corpus juzgadas por el Supremo Tribunal Federal brasileño durante la Primera República (1890–1921) (04.12.2017)

Alfons Aragoneses (Pompeu Fabra), Actualizando el pasado: ‘Convivencia’ en los discursos jurídicos (XIX–XXI) (04.12.2017)

Workshop**The History of EU Law in Transnational and National Perspective****26.–27.01.2017****Organisation: Stefan Vogenauer, Philip Bajon and Sigfrido Ramírez Pérez**

This two-day workshop initiated the co-operation between the Institute and the Copenhagen-based Network ‘Towards a New History of European Public Law’. The collaboration contributes to the Institute’s Research Field *Legal History of the European Union*.

The workshop focused on the different national receptions of European law in the different member states and on the central actors in the process of (legal) integration, i.e. the Court of Justice, the Parliament, the Council and the Commission.

Participants: Stefan Vogenauer, Morten Rasmussen (Copenhagen), Bill Davies (Washington Univ.), Rebecca Byberg (Copenhagen), Jan-Henrik Meyer (HU Berlin),

Alexandre Bernier (Copenhagen), Vera Fritz (Aix-Marseille), Giorgio Martinico (Sant'Anna, Pisa), Karin van Leeuwen (Amsterdam), Brigitte Leucht (Copenhagen), Philipp Schmitt (MPIeR), Sarah Zimmermann (MPIeR)

Workshop

Convivencias Today: Reflections on a Historiographical Concept

03.02.2017

Organisation: Raja Sakrani

The objective of this workshop was to explore both the historical meaning of the concept of *Convivencia* and how it is being employed in current usage. One specific interest was whether the model has created an enduring 'genius loci' still evident in Andalusia. Looking at the situation of the *Roma* minority in Spain offered an opportunity to consider the *Convivencia* idea of mutual recognition beyond the frame of Christian, Jewish and Muslim communities (Alejandro Martínez Dhier). Whether and how the concept has travelled back from Spain to the Maghreb, the origin of the Muslim conquerors, was discussed in a comparative analysis considering the situation of Sephardic Jews in Spain and in North Africa (Maite Ojeda). Studies of Ceuta and Melilla in Morocco complement this view (Brian Campbell). A final contribution made the link between historical experience and a surprising 'survival' of the concept by examining ways in which the normative model of *Convivencia* is alternately adopted semantically, embraced in substance, or denied (Raja Sakrani). A concluding comment from the historiographic perspective was formulated by a specialist of the Mediterranean area, Nikolas Jaspert.

Thomas Duve (MPIeR), Introduction

Raja Sakrani (MPIeR, KHK 'Law as Culture'), Rituals and cults in the dynamic of Convivencias: some theoretical reflections with empirical examples

Maite Ojeda Maita (Pompeu Fabra Barcelona), The cult of Jewish tzadiks as an example of practical and symbolical coexistence in colonial Morocco

Alejandro Martínez Dhier (Granada), La relación de gitanos y moriscos en España durante la Monarquía Absoluta

Brian Campbell (MPI for Social Anthropology, Halle), Lord Ganesha's Flamenco: Rituals of/for Convivencia in Ceuta, a multicultural Spanish enclave in Morocco

Nicolas Jaspert (Heidelberg), Commentary: Convivencias from the perspective of an Ibero-Medievalist

Workshop

Land Ownership and Conflict in a Global Context: Transfer, Adaptation and Translation of Normative Systems

20.–22.02.2017

Organisation: Pamela Cacciavillani, Mariana Armond Dias Paes and Helen McKee

Stefan Vogenauer, Welcome and Opening Remarks

Panel One (Chair: Jean-Philippe Dequen, MPIeR)

Guma Komey (Bahri, Sudan), State Land Laws, Policies, and Rights: An Analysis of their Impact on the Livelihoods of Rural Communities in Sudan

Jean-Claude Misenga (United Nations), Reconciling the irreconcilable? Land 'ownership', large-scale land investments and conflict in the DR Congo

Mariana Candido (Notre Dame), Land rights in Angola: How did African women exercise ownership rights?

Panel Two (Chair: Stephen K. Aranha, MPIeR)

Elisabetta Fiocchi (Zurich), Grundbuch, Transcription or Torrens System? Land Registration as a Technique of Empire for the Italian Colonies

Christina Gabbert (Göttingen), Managing common land: Customary land use in Southern Ethiopia in a globalizing world

Panel Three (Chair: Emily Whewell, MPIeR)

Non Arkaraprasertkul (Sydney), Gentrifying Uncertainty: An Anthropological Reflection on Opaque Land and Housing Rights in Urban Shanghai

Jobien Monster (Tilburg), The role of modern land law and local norms in the construction and resolution of land conflicts in Cambodia and Rwanda: two case studies

Panel One (Chair: Manuel Bastias (Alexander von Humboldt Stiftung))

Sarah Keenan (Birkbeck, University of London), Smoke, Curtains and Mirrors: The Production of Race Through Time and Title Registration

Rosa Congost (Girona), Eppur si muove. For a realist (and relational) approach to property rights in land

Anita Jowitt (South Pacific), Explaining customary land ownership and the resolution of customary land disputes in Vanuatu

Panel Two (Chair: Justine Collins, MPIeR)

Carmen Alveal (Rio Grande do Norte), Land property rights: an overview and challenges of the sesmaria system in Colonial Brazil (1550–1750)

Jonathan deVore (Yale), Property and the Forensics of Personhood in a Post-Slave Society

Monique Falcão (Rio de Janeiro), Ethnic Identity as Constitutional Foundation of Title of Property to Remaining Communities of Quilombos, Brazil, XXI Century

Guest Workshop

Property Law and Legal History in Latin America

21.02.2017

Organisers: Pamela Cacciavillani and Mariana Armond Dias Paes

For further details see page 202

Workshops**Derecho y Diversidad: Los derechos especiales (emergencia indígena), diversidad legal y la formulación de sus fundamentos histórico – jurídicos en América Latina****Sucre y Potosí, 19.–22.03.2017****Organisation: Lorena Ossio***Mesa Redonda: Acerca de Historia del Derecho en Bolivia*

Thomas Duve (MPIeR) / Lorena Ossio (MPIeR), Bienvenida e Introducción al Taller de trabajo

Presentación de los participantes, Discusión de Textos preparados (Dossier), Preguntas y comentarios de los asistentes

Simposio de Historia del Derecho (Universidad Andina Simón Bolívar)

Los derechos especiales (emergencia indígena), diversidad legal y la formulación de sus fundamentos histórico – jurídicos en América Latina

José Bengoa (Profesor de Escuela de Antropología de la Universidad Academia Humanismo Cristiano. Santiago), Los derechos especiales (emergencia indígena), en América Latina

Comentarios: Ximena Medinaceli (Directora del Archivo de La Paz), Maria Luisa Soux (Directora de la Carrera de Historia La Paz)

Clara Lopez Beltrán, Reducciones de Toledo

La investigación jurídica en materia indígena en Bolivia

Karina Medinaceli, Derecho de las Naciones Originarias

Fatima Luna Pizarro, Mediación en el Derecho Indígena

José Luis Gutierrez Sardán (Rector de la Universidad Andina Simón Bolívar) / Thomas Duve, Palabras de Bienvenida

Lorena Ossio, Miguel Bonifaz y la cátedra del Derecho Indiano

José Bengoa, Sociedad Mapuche: Transformaciones y Resistencias

Visita a la Villa imperial: Potosí

Daniel Oropeza Alba, Explicación Histórica de la explotación del mineral La Plata del Cerro Rico Sumaj orcko para el Imperio Español

Clausura: Ronda de comentarios de los participantes y debate y palabras de clausura de los organizadores

Reading Course

‘Der Papst ist nicht Herr des Erdkreises’: Lektürekurs zu Francisco de Vitorias ‘Ersten Relectio über die kirchliche Gewalt’
27.03.–30.03.2017

Organisation: Christiane Birr, José Luis Egío and Andreas Wagner

The course allowed young researchers and advanced students to become familiar with Francisco de Vitoria, who figures prominently in the so-called School of Salamanca and as an important theorist of a modern political philosophy, and with his position in the highly controversial debate about the relation between ecclesiastical and secular power. Central

passage of his relectio were read together during the course, so that the participants gathered practical experience in handling a complex text following the rules of Early Modern scholasticism.

José Luis Egío, Historischer Hintergrund und Einführung in die Fragestellung 'Was ist potestas?'

Andreas Wagner, Die Textgattung der relectio und das scholastische Argumentiere

Christiane Birr, Projektvorstellung: *Die Schule von Salamanca. Eine digitale Quellensammlung und ein Wörterbuch ihrer juristisch-politischen Sprache*

Research Seminar

Legal Transfer in the Common Law World: Summer Semester 2017

24.04.–17.07.2017

Organisation: Stefan Vogenauer and Emily Whewell

Helen McKee (MPIeR), 'Treat as a vagrant every man who acts as a vagrant': Vagrancy and the Courts in Jamaica, 1865–1900 (24.04.2017)

Rohit De (Yale), The Kenyatta Trial as an Indian Legal Event: Decolonization, Diasporas and a Global History of Rebellious Lawyering (22.05.2017)

Stephen Aranha (MPIeR), Status and Suffrage in the Bahamas in the last 100 Years (29.05.2017)

Donal Coffey (MPIeR), How to Exit the British Empire: Lessons from History (12.06.2017)

Faisal Chaudhry (Arizona), The Personal Law of Indian Muslims and the Law of Family in Classical Legal Thought: A Genealogical Reading of Conjugal Restitution in Late Colonial South Asia (26.06.2017)

Justine Collins (MPIeR), The Origins of Legal Transplantation in the British Caribbean (03.07.2017)

Nandini Chatterjee (Exeter), Persian Documents in English Courts: Some Reflections on Legal Translation (10.07.2017)

Jonathan Rose (Arizona State), Maintenance and Champerty: From Medieval England to the UK and the US today (17.07.2017)

Workshop

PhD maxlaw

03.–05.05.2017

Organisation: Justine Collins, Niels Pepels and Philipp Schmitt

The workshop was an opportunity to make contact, share experiences, ideas and network with other PhD students of other MPIs.

Guest Workshops

Law and Diversity: Legal Categories and Identity

05.05.2017

Organisation: Lorena Ossio

For further details see page 203

Workshop**Philology and Digital Humanities: Old Questions and New Approaches for Working with Texts****15.05.2017****Organisation: Manuela Bragagnolo and Andreas Wagner**

Séverine Gedzelman (CNRS, UMR Triangle)/ Jean-Claude Zancarini (ENS de Lyon, UMR Triangle), Textual exploration and analysis with Hypermachiavel, and Macchiato

Jörg Ritter (Halle-Wittenberg)/ Marcus Pöckelmann (Halle-Wittenberg), LERA – Locate, Explore, Retrace and Apprehend complex text variants

Round Table: Christiane Birr (MPlER), Manuela Bragagnolo (MPlER), Gerrit Brüning (Goethe-Universität), Mario Losano (Accademia delle Scienze di Torino; Università del Piemonte Orientale), Andreas Wagner (MPlER)

Internal Workshop**Knowledge of the Pragmatici: Presence and significance of pragmatic normative literature in Ibero-America in the late 16th and early 17th centuries****01.–02.06.2017****Organisation: Thomas Duve**

Thomas Duve (MPlER), General introduction

Manuela Bragagnolo (MPlER), Martín de Azpilcueta's Manual for Confessors and the phenomenon of epitomisation

Otto Danwerth (MPlER), The circulation of pragmatic normative literature in Spanish America (16th–17th centuries)

Evening lecture: John F. Schwaller (Univ. at Albany – SUNY), Mexico in 1585: The backdrop to the Tercer Concilio Provincial

David Rex Galindo (MPlER), Franciscan missionaries and ecclesiastical normativities in New Spain's northern frontier regions (Michoacán, 1580–1630)

Gustavo C. Machado Cabral, Pragmatic literature in Portuguese America (16th–18th centuries)

Discussants: Orazio Condorelli (Catania), Carlos Alberto González Sánchez (Sevilla), Tamar Herzog (Harvard), António Manuel Hespanha (Nova de Lisboa), Pedro Rueda Ramírez (Barcelona), John F. Schwaller (Univ. at Albany – SUNY)



Workshop**Arbeit und Familie in der ständischen Gesellschaft****08.–09.06.2017****Organisation: Audrey Dauchy (Panthéon-Assas Paris II/Frankfurt) and
Laila Scheuch (MPIeR)**

The workshop offered a forum for young researchers with backgrounds in history or legal history to present their research about the relationships, mutual influences and contradictory trends between work and family from the High Middle Ages to the end of the Early Modern Period (ca. 1100–1815), and to discuss it in German or French in an interdisciplinary dialogue. The three core topics – the negotiation of norms, the question of integration or marginalisation, and the professional possibilities of women – allowed an investigation of the relationships between work and family from the innovative perspective of social and cultural diversity.

Thomas Duve (MPIeR) & Pierre Monnet (Institut Franco-Allemand de Sciences Historiques et Sociales IFRA/SHS, Frankfurt/Main, Directeur d'études à l'EHESS, Begrüßung/Ouverture

Heide Wunder (Bad Nauheim) & Fabrice Boudjaaba (EHESS), Einführung/Conférence inaugurale

Panel 1/Session 1: Normaushandlung: Konformität, Umgehung und Instrumentalisierung/Négociation des normes : conformité, contournement et instrumentalisation

Moderation/Modération: Thorsten Keiser (Gießen) & Franck Roumy (Panthéon-Assas (Paris II))

François Rivière (EHESS), Autonomie professionnelle et relations familiales dans les organisations de métiers féminisées à Rouen (XIIIe–XVe siècles)

Danica Brenner (Trier), Arbeit und Familie im städtischen Handwerk des 16. Jahrhunderts. Zur Umgehung zünftischer Normen mithilfe familiärer Beziehungen am Beispiel der Augsburger Malerzunft

Jean-Dominique Delle Luche (Paris 1 Panthéon Sorbonne), De père en fils? Les stratégies familiales autour des métiers 'rares' dans le Saint-Empire (XVIe siècle) l'exemple des fabricants d'arbalètes et de poudre

Panel 2/Session 2: Integration und Randständigkeit/Intégration et marginalité

Moderation/Modération: Stefan Brakensiek (Duisburg-Essen) & Nicolas Laurent-Bonne (Clement Auvergne)

Zina Hajila (Panthéon-Assas (Paris II)), Étude de l'interdépendance entre la sphère familiale et la sphère professionnelle de l'huissier (XVIe–XVIIIe siècle)

Isabel Schnieder (Oldenburg), Nichteeliche Lebensgemeinschaften – Partnerschaften im Spannungsfeld von obrigkeitlichen Ansprüchen und dörflichem Alltagsleben

Jules Admant (Bourgogne), Le 'métier de Bohémien' dans la société lorraine de la fin d'Ancien Régime

Lucas Rappo (Lausanne), Liens matrimoniaux, famille et appartenance professionnelle dans une société rurale (Suisse)

Panel 3/Session 3: Weibliche Erwerbsspielräume/Femmes et possibilités professionnelles

Moderation/Modération: Bettina Braun (Mainz) & Emmanuelle Charpentier (Toulouse Jean Jaurès)

Katharina Tugend (Duisburg-Essen), Ein erfolgreiches kleines Familienunternehmen – Margherita Datinis Bedeutung für den ökonomischen Erfolg ihres Ehemannes

Sandra Schnall (München), 'dar sey breyfe off pande vor hebbben' – Jüdische Geschäftsfrauen im mittelalterlichen Aschkenas

Maud Girard (Poitiers), La femme et le travail: ordre et normes au début du XIXe siècle (1800–1815)

Kommentar zu Panel 1/Commentaire sur la session 1: Thorsten Keiser & Franck Roumy

Kommentar zu Panel 2/Commentaire sur la session 2: Stefan Brakensiek & Nicolas Laurent-Bonne

Kommentar zu Panel 3/Commentaire sur la session 3: Bettina Braun & Emmanuelle Charpentier

Workshop

Geschichte der Rechtswissenschaft in der Max-Planck-Gesellschaft

09.06.2017

Organisation: Jasper Kunstreich and Stefan Vogenauer

Participants: Felix Lange, Sascha Ziemann, Eberhard Eichenhofer, Birgit Kolboske, Jürgen Kocka, Florian Schmaltz, Ulrich Magnus, Carsten Reinhardt, Thomas Duve

Conference

Treaties as *travaux préparatoires*: Conference on the 60th Anniversary of the Treaties of Rome

22.–23.06.2017

Organisation: Stefan Vogenauer, Philip Bajon and Sigfrido Ramírez Pérez

Though currently manoeuvring through troubled waters, the European Union celebrated the 60th anniversary of the Treaties of Rome of 1957. On this occasion, a conference with great potential for future cross-disciplinary and international research cooperation took place at the Institute. Organized by the MPI's newly established Research Field *Legal History of the European Union* and entitled 'Treaties as *travaux préparatoires*', the event convened in an unprecedented fashion practitioners and scholars such as EU and international lawyers, constitutional and European judges as well as professors of Law, History and Political Sciences from across Europe, North America and Asia.

Traditional legal-historical accounts of the treaties' preparatory works either claim that the *travaux* should not matter in the interpretation of the treaties, or they hold that the *travaux* are key to a clear understanding of the contracting parties' intentions. The conference aimed at refining the traditional positions by taking a fresh look at the treaties' negotiations and their historical postwar context as well as the *longue durée* dimension of legal and integration history. Conference panels in particular dealt with key areas of law and policy (e.g. Social Policy and CAP), and with the *longue durée* legal history as a source of inspiration for key actors such as Walter Hallstein and Pierre Pescatore. In a second step, the conference intended to situate the negotiations of the Rome Treaties in the wider context of international law and the history of federalism. Against this background, the conference challenged in a third step established doctrines and orthodox positions of EU law. In the concluding section, speakers discussed the current state and future possibilities of interpreting EU law, taking into account the perspectives of the European Court of Justice and member-state constitutional courts.

*A. Towards a New History of the Treaties of Rome**Panel I: Key Areas of Law and Policy*

Chair: Antonio Varsori (Padova Chairman of the European Union Liaison Committee of Historians)

Stefan Vogenauer (MPIeR), Introduction and Welcome

Michael Gehler (Hildesheim), The Treaties of Rome. Background, results and consequences: An overview; Commentator: Monica Claes (M.L.H.K.) (Maastricht)

Morten Rasmussen (Copenhagen) and Anne Boerger-De Smedt (Alberta), Legal-institutional aspects; Commentator: Wilfried Loth (Duisburg-Essen)

Sigfrido Ramírez Pérez (MPIeR), External Relations (Trade and Overseas); Commentator: Jan van der Harst (Groningen)

Giorgio Maganza (former Director at the Legal Service of the Council of the EU, Brussels), General Comments

Panel II: Key Areas of Law and Policy

Chair: Anne Deighton (Oxford)

Lorenzo Mechi (Padova), Free Movement of Persons; Commentator: Professor Robert Schütze, Durham University

Lise Rye (Norwegian University of Science and Technology), Social Policy; Commentator: Antonio Varsori (Padova / Chairman of the European Union Liaison Committee of Historians)

Carine Germond (Norwegian University of Science and Technology), Common Agricultural Policy; Commentator: Francis Snyder (Peking)

Laurent Warlouzet (Littoral Côte d'Opale (UCLO), Common Market and Competition; Commentator: Heike Schweitzer (FU Berlin)

Guido Thiemeyer (Düsseldorf), General Comments

Dieter Schlenker (HAEU, Florence), *Cooperation with the Historical Archives of the European Union*

*B. The Treaties of Rome in the longue durée of Legal History**Panel III: Key Actors and Their Inspirations from History*

Chair: Jean-Marie Palayret (President of the Friends of the Historical Archives of the European Union (HAEU), Florence)

Philip Bajon (MPIeR), A vision of Europe based on legal history: Walter Hallstein, 19th century constitutionalism and a Europe built on law; Commentator: Wolfgang Wessels (Köln)

Vera Fritz (Aix-Marseille), A vision of Europe based on legal history: Pierre Pescatore, from internationalist to supranationalist; Commentator: Antonio Grilli (European Commission, Brussels)

Alexandra Kemmerer (MPI Comparative Public Law and International Law), General Comments

*Panel IV: Key Developments in Historical Perspective**Chair: Monica Claes (M.L.H.K.) (Maastricht)*

Matthias Goldmann (Frankfurt), The Treaties of Rome in the history of international law;
 Commentator: Professor Gregori Garzón Clariana, Universitat Autònoma de Barcelona

Daniel Halberstam (Michigan, Ann Arbor), The Treaties of Rome in the history
 of federalism, compared to the experiences of the United States and Germany;
 Commentator: Bill Davies (American University)

Fernanda Nicola (American University), General Comments

*C. The Treaties of Rome and the Future of EU Law: Lessons from the travaux préparatoires and Their History?**Panel V: Lessons from the travaux préparatoires**Chair: Daniel Halberstam (Michigan, Ann Arbor)*

Stefan Vogenauer (MPlER), The role of legal history in the interpretation of EU law: status
 quo and future possibilities

Siniša Rodin (Judge at the Court of Justice of the European Union), A view from
 Luxembourg

Christoph Grabenwarter (Judge at the Constitutional Court of Austria), A view from a
 Member State Constitutional court

Mattias Kumm (NYU/WZB), The Treaties and the travaux préparatoires from the
 perspective of European constitutionalism

Commentator: Peter L Lindseth (Connecticut)

Stefan Vogenauer (MPlER) / Morten Rasmussen (Copenhagen), Concluding Observations

**Guest Workshop: Legal historiography****21.07.2017****Organisation: Victoria Barnes**

For further details see page 203

Summer Academy
Special Theme: Conflict Regulation
24.07.–04.08.2017
Organisation: Stefanie Rüter

For further details see page 195

Workshop
Ius Commune Casebook: Contract Law – Third Edition
19.–20.09.2017
Organisation: Stefan Vogenauer

The Institute hosted a small workshop for the four co-authors of the third edition of the *Ius Commune Casebook: Contract Law*. These are (from left to right) Professors Jacobien Rutgers (Vrije Universiteit Amsterdam), Hugh Beale (University of Warwick), Bénédicte Fauvarque-Cosson (Université Paris 2, Panthéon-Assas) and Stefan Vogenauer (MPIeR), Sarah Zimmermann (MPIeR) took the minutes.



The book is part of the series *Ius Commune Casebooks for a Common Law of Europe* (Hart Publishing). The contract law volume covers the entire general law of contract, including formation, validity, interpretation, remedies, supervening events and third parties. It contains leading cases, legislation and other materials from the legal traditions within Europe, with a focus on English, French and German law as the main representatives of those traditions. It also analyses how international restatements, such as the Principles of European Contract Law, deal with these issues. Materials are chosen and ordered so as to foster comparative study, and complemented with annotations and comparative overviews prepared by the multinational team of authors. The whole Casebook is in English.

The new edition will not only update the book in the light of more recent developments, most notably the major reform of French contract law in 2016. It will also restructure the material with a view to making it more accessible to students. The workshop in Frankfurt was dedicated to the discussion of first and second drafts, and it is hoped that the third edition will be published in the course of 2018.

Conference**Konziliare Entscheidungsfindung in Spätantike und frühem Mittelalter
(6. – Mitte 9. Jh.)****05.–07.10.2017****Organisation: Wolfram Brandes (MPIeR), Panagiotis Agapitos (Cyprus)
and Hartmut Leppin (Frankfurt)**

This conference compared the procedures that led to conciliar decisions and their formulations (canons, definitions, etc.) and ultimately to address the formation of canon law. It addressed diverse factors, including, the influence of the state, confessional and political conflicts, personal altercations, among others. As a whole, the conference sought a perspective that encompasses the entire Euro-Mediterranean region as well as the Middle East. One could of course exclude the Latin-speaking region (which would be shame). But, at any rate, the Christianities of the Christian East – including Byzantium – remained in the foreground. The recently completed monumental edition of the Greek acts of the Seventh Ecumenical Council (along with the Latin translation of Anastasius Bibliothecarius) was especially emphasized, as it has set new standards. Important in this regard was the question regarding the claim to ecumenicity.

The frequently discussed relationship between church and state is undoubtedly represented in the eastern churches differently than in Byzantium. The absence of a ruler or of a state and state church with the same faith opened different possibilities for these churches and Christianities than in the Latin West, the Caucasus, or Byzantium.

The conference was organized by the Leibniz Project 'Polyphony of Late Antique Christianity' of the Historical Seminar of the Goethe University Frankfurt and by the Max Planck Institute for the History of European Law

Research Colloquium**Some Fundamental Concepts of the School of Salamanca's
Juridical-Political Language****Working Towards a Dictionary in the Salamanca Project****11.10.2017–28.02.2018****Organisation: Christiane Birr and José Luis Egío**Christiane Birr/José Luis Egío (MPIeR), *Infideles, dominium, possessio* (11.10.2017)Massimo Meccarelli (Macerata/Affiliate Researcher), *Lex* (15.11.2017)Marco Toste (Frankfurt), *Ignorantia, infideles* (06.12.2017)**Research Colloquium****Legal Transfer in the Common Law World, Fall Semester 2017/18****16.10.2017–22.01.2018****Organisation: Stefan Vogenauer and Emily Whewell**Alastair McClure (Cambridge), *Making and Unmaking Legal Subjects: Age, Gender, Class and Caste in Colonial India* (30.10.2017)Coleman Dennehy (University College Dublin), *Return to sender: Early Modern Irish Appellate Law and the Use of Westminster as a Final Court of Appeal* (13.11.2017)Coel Kirkby (Cambridge), *Decolonizing Constitutional Law: the Common Law Mind of Yash Ghai* (11.12.2017)Niels Pepels (MPIeR), *The Transfer of the Statute of Anne: from England to a New Republic* (11.12.2017)

Guest Workshop**Historia del derecho en América Latina****24.10.2017****Organisation: Thomas Duve**

For further details see page 204

Workshop**Joint Workshop on Transnational Commercial Contract Law****25.10.2017****Organisation: Stefan Vogenauer**

The Institute hosted the first workshop of the joint panel of experts preparing a Legal Guide to International Commercial Contracts, with a Focus on Sales. Once finalized, this explanatory text will set out the relationship of various international uniform private law texts, such as the United Nations Convention on Contracts for the International Sale of Goods (CISG) and the UNIDROIT Principles of International Commercial Contracts (PICC). It is meant to be jointly published by the three leading 'formulating agencies' in the field, the Hague Conference on Private International Law, the International Institute for the Unification of Private Law (UNIDROIT) and the United Nations Commission on International Trade Law (UNCITRAL).

Participants: Luca Castellani (UNCITRAL), Lauro Gama (Sao Paulo), Pilar Perales (Carlos III), Hiroo Sono (Hokkaido), Anna Veneziano (UNIDROIT), Ning Zhao (Hague Conference), Insa Jarass (MPIER)

Initiation Workshop**Legal Transfer in the Common Law World****Tel Aviv University, 27.11.2017****Organisation: Victoria Barnes and Stefan Vogenauer**

Members of the Institute participated in a joint conference with the David Berg Foundation Institute for Law and History at the Buchmann Faculty of Law, Tel Aviv University. The workshop, part of the bilateral 'Initiation Workshops' scheme promoted by the Max Planck Society, was an opportunity for the Frankfurt-based researchers to exchange views on the legal history of the common law world with leading legal historians from various Israeli universities

Participants from the Institute: Helen McKee, Donal Coffey, Jean-Philippe Dequen, Justine Collins, Stephen Aranha, Niels Pepels, Emily Whewell, and Stefan Vogenauer.

Session I: Introductory lectures

Stefan Vogenauer (MPIER), Legal transfer in the common law world – Overview of a research field

Yoram Shachar (Interdisciplinary Center, Herzliya), Colonial sources of Israel's criminal law

Session II: Protection of rights

David Schorr (Tel Aviv University), Inter-imperial transplants of riparian law

Niels Pepels (MPIER), Fine arts in (post)revolutionary America: Shaping copyright law and policy

Victoria Barnes (MPIER), Nathaniel Lindley and the literature of Anglo-American corporate law

Nadia Tzimmerman (Tel Aviv University), Texas-style legislation in the Holy Land: On the drafting of the Israeli Petroleum Act of 1952

Orly Sela (Tel Aviv University), Transplants of water rights

Session III: Religion and the law

Levi Cooper (Ben Gurion University), Privy Council of the Rabbis: Jewish Law in the British colonies

Session IV: Law, indigenous communities, and the movement of people

Emily Whewell (MPIeR), Extradition between the British and French Empires: French Guiana fugitive convicts and the Kossekechatko case (1930–31) in Trinidad

Guy Lurie (Israel Democracy Institute), 'Police for the Natives': The history of the establishment of the police prosecution in Israel

Alexandre (Sandy) Kedar (Haifa University), The geographies of legal mobilities

Helen McKee (MPIeR), "Treat as a vagrant every man who acts as a vagrant:" Vagrancy and the courts in Jamaica, 1865–1900

Session V: Public law

Stephen B. Aranha (MPIeR), Electoral reform in the 20th-century Bahamas: The secret ballot

Justine Collins (MPIeR), Legal transplantation in the British West Indies and the reverberations thereof, 1600–1800s

Donal Coffey (MPIeR), The Melbourne School of Jurisprudence

Omer Aloni (Tel Aviv University & Rachel Carson Center for Environment and Society), The League of Nations' campaign for rural hygiene during the interwar period, 1919–1939



Conference**'End of Empires?' Legal Historical Perspectives on Latin America and Europe in the 19th and 20th Centuries****Bad Homburg, 28.–29.11.2017****Organisation: Thomas Duve and Massimo Meccarelli, in co-operation with the Forschungskolleg Humanwissenschaften, Bad Homburg**

The years 1917 and 1918 are considered a key period in the history of modern empires. The Bolshevik Revolution and the course of World War I led to the disintegration of major multiethnic empires. New nation states and political orders emerged. Among the previous European colonial powers, only the British and the French colonial empires were able to persist, and the former even to expand. In other world areas, such as Asia, new powers gained strength, such as the Japanese Empire until 1945. However, the collapse of the Austro-Hungarian, the Russian and, to a certain extent, the German colonial empires seems to have been part of a larger process of fragmentation and decolonization that began with the demise of the Spanish, Portuguese and Ottoman Empires and finally seems to have ended with the postwar decolonization process. Since at least the late 1990s, however, the intuition has grown that empires might not have disappeared, but merely changed their appearance. In this context, several observers emphasize the resilience of law. Political systems might change, but legal institutions and practices do not usually keep pace. On the contrary, they might even have contributed to the emergence of informal empires in 'post-imperial' times.

The Historisches Kolleg at the Forschungskolleg Humanwissenschaften of the Goethe University, Frankfurt devoted its 2017 academic programme to studying the complex history of the 'end of empires', taking a perspective that integrates early modern and modern developments and tries to put its findings into a global perspective. The programme was organised by Christoph Cornelißen and Thomas Duve.

In this workshop, organised by Thomas Duve and Massimo Meccarelli, research fellow at the Historisches Kolleg at the Forschungskolleg Humanwissenschaften from September to December 2017, examined the legal consequences of the end of empires, concentrating on 19th-century Latin America. A group of select experts from Europe and Latin America discussed the historical legacy of 19th century imperial regimes.

Thomas Duve and Massimo Meccarelli, Introduction

Arno Wehling (Instituto Histórico e Geográfico Brasileiro), One Empire is born from another. Social practices and avatars of the Luso-Brazilian legal order

Eliana Augusti (Salento), What kind of end for the Ottoman Empire? A critical reading

Manuel Bastias Saavedra (Bremen), Jurisdictional Autonomy and the Autonomy of Law: End of Empire and the Functional Differentiation of Law in 19th-Century Latin America

José M. Portillo Valdés (País Vasco), Empire, Monarchy and Nation: Peculiarities of the Spanish Crisis

Conference**Initiative Arbeitsrechtsgeschichte – 3. Jahrestagung 2017****08.12.2017****Organisation: Gerd Bender**

On 17 November 2017, the *European Social Summit* of Gothenburg proclaimed the *European Pillar of Social Rights*. The Commission is hoping for significant impulses for the strengthening of the social dimension, but also emphasises respect for the normative traditions of the member states. This allows for the articulation of the structure of the European multi-level governance and its specific sociopolitical manifestation. The third annual conference of the Initiative History of Labour Law (*Initiative Arbeitsrechtsgeschichte*) was dedicated to the history of this regulatory regime.

Gerd Bender (MPlER), Einführung

Manfred Weiss (Frankfurt/Hugo Sinzheimer Institut für Arbeitsrecht), Europäisches Arbeitsrecht. Eine Erfolgsgeschichte?

Philip Bajon (MPlER), Positionen und Perspektiven der neuen EU-Rechtsgeschichte – Tendenzen der Forschung

Achim Seifert (Jena), Die Entstehung des europäischen Arbeitsrechts aus dem Geist des internationalen Arbeitsrechts – Beispiel Entgeltgleichheit

Florian Rödl (FU Berlin), Visionäre Geschichte: Europäisierung der Arbeitsbeziehungen durch 'sozialen Dialog'

Michael Kittner (Hugo Sinzheimer Institut Frankfurt), Schlussbemerkung



Publications by members of the Institute

315

Benedetta Albani

Journal Article:

Duve T, Albani B and Barbosa S, 'Introducción' (2015) 52 *Jahrbuch für Geschichte Latein-amerikas* = *Anuario de historia de América Latina* 9–13 <https://www.degruyter.com/view/j/jbla.2015.52.issue-1/jbla-2015-0102/jbla-2015-0102.xml?format=INT>

Contribution to Collection:

Albani B and Pizzorusso G, 'Problematizando el patronato regio. Nuevos acercamientos al gobierno de la Iglesia ibero-americana desde la perspectiva de la Santa Sede = Problematizing Royal Patronage: New Approaches to the Governance of the Ibero-American Church from the Perspective of the Holy See' in Thomas Duve (ed), *Actas del XIX Congreso del Instituto Internacional de Historia del Derecho Indiano: Berlin 2016. Vol. 1* (Madrid: Dykinson 2017) 519–544 <https://e-archivo.uc3m.es/handle/10016/25729>

Entry to Encyclopedia:

Albani B, 'Nuntius' in Albrecht Cordes, Hans-Peter Haferkamp, Heiner Lück and Dieter Werkmüller (eds), *Handwörterbuch zur deutschen Rechtsgeschichte* = *HRG* (2nd, fully revised edn, Berlin: E Schmidt 2017) 4, Lfg. 25, cols 14–18

Alfons Aragoneses (Affiliate Researcher)

Journal Articles:

Aragoneses A, 'Polishing the past? The Memories of Deportation and the Holocaust in Spanish Law and Society' (2015) 18 *Ius fugit. Journal of legal Culture* 125–140 www.iusfugit.com

Aragoneses A, 'Nacionalització de sefardites a Espanya. Entre l'oportunisme polític i el filosefardisme' (2015) *Mozaika* 384–398

Aragoneses A, 'Die plurale Nation im Spiegel des Rechts. Territoriale Staatsorganisation und historische Dimension der spanischen Verfassungsordnung', (2015) 72 *Europa Ethnica. Zeitschrift für Minderheitenfragen* 2–11

Aragoneses A, 'Cadáveres silenciados. El derecho español y las fosas de la represión franquista' (2016) 10 *Historia et Ius* 10 http://www.historiaetius.eu/uploads/5/9/4/8/5948821/aragoneses_bn_10_1.pdf

Aragoneses A, 'Filosefardismo and convivencia in Spanish Nation-building' (2016) 05 *Max Planck Institute Research Paper Series* <http://ssrn.com/abstract=2798054>

Contributions to Collections:

Aragoneses A, 'Crisis del derecho privado y legislación especial en Francia y en Argentina' in Maria Rosario Polotto, Thorsten Keiser and Thomas Duve (eds), *Derecho privado y modernización América Latina y Europa en la primera mitad del siglo XX* (Frankfurt am Main: Max Planck Institute for European Legal History 2015) 119–152

Aragoneses A, 'Mejoras en el sistema electoral' in Gonzalo Boye et al. (eds), *Contrapoder. Desmontando el régimen* (Barcelona 2015) 87–92

Aragoneses A, 'Democratizar la justicia' in Gonzalo Boye et al. (eds), *Contrapoder. Desmontando el régimen* (Barcelona 2015) 114–117

Aragoneses A, 'Legal silences and the Memory of Francoism in Spain' in Uladzislau Belavusau and Aleksandra Gliszczynska-Grabias (eds), *Law and Memory. Towards Legal Governance of History* (Cambridge: Cambridge University Press 2017) 175–194

Aragoneses A, 'Constitución y derecho civil en la segunda República', in Sebastián Martín et al. (eds), *Constitución de 1931. Estudios jurídicos sobre el momento republicano español* (Madrid 2017) 269–294

Aragoneses A, 'Un proyecto jurídico del Franquismo: La Compilación de derecho civil de Cataluña y sus juristas' in José María Pérez Collados (ed), *Los juristas catalanes y el Estado* (Madrid 2017) 321–350.

Stephen Aranha

Journal Articles:

Aranha SB, 'Citizenship as a Fundamental Right: How the Bahamian Constitution Misimagines the Nation' (2015) 27 *The International Journal of Bahamian Studies* 7–21 <http://dx.doi.org/10.15362/ijbs.v21i1.212>

Aranha SB, 'Bahamian-ness as an Exclusive Good: Attempting to Change the Constitution, 2002' (2016) 22 *The International Journal of Bahamian Studies* 1–18 http://journals.sfu.ca/cob/index.php/files/article/view/258/pdf_35

Contribution to Collection:

Aranha SB, 'Sexual Abuse: The Secret Needing to be Told' in William J Fielding, Virginia CF Balance and Ian G Strachan (eds), *Violence in the Bahamas: A Monograph on Research Undertaken by the College of the Bahamas on Violence in the Bahamas* (Nassau: College of the Bahamas 2016) 87–92

Philip Bajon

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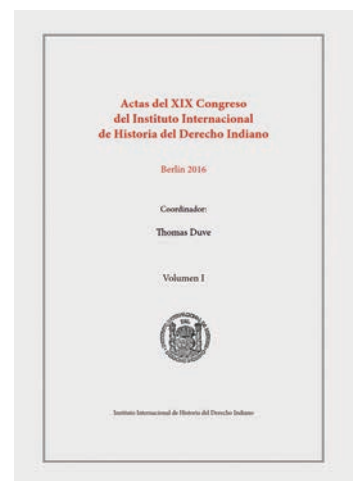
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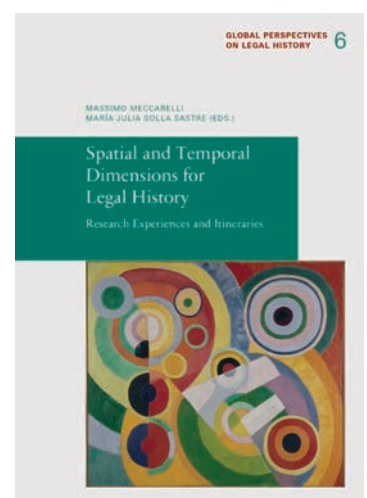
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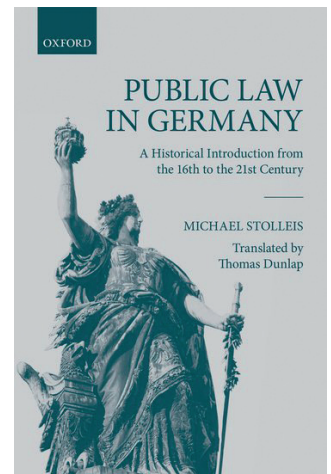
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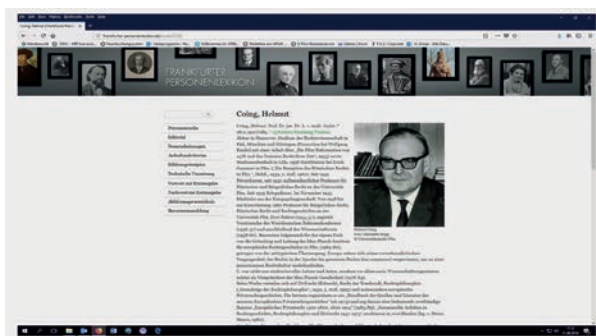
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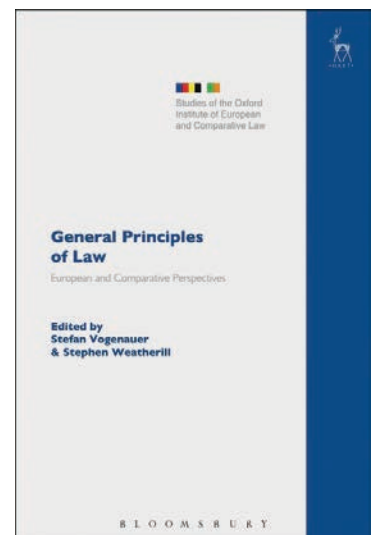
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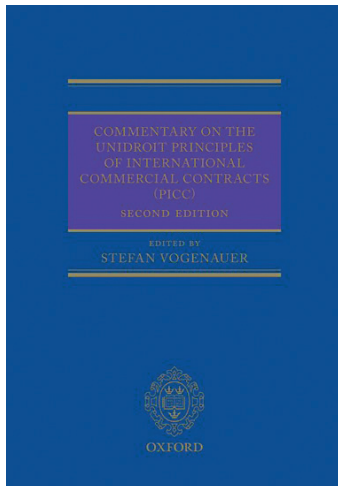
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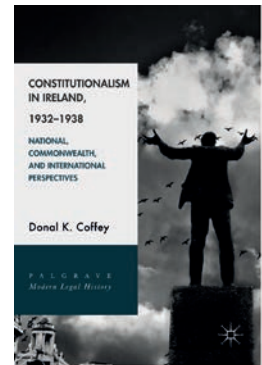
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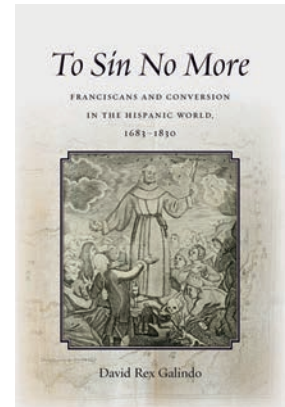
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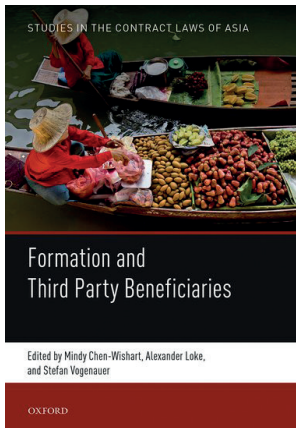
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371

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Processes of Epitomization, (01.11.2016, Research Colloquium, MPIeR)

Traveling Texts. Condensing and Translating Legal Knowledge in the 16th Century: Martín de Azpilcueta's Manual for Confessors, (30.11.2016, 'Practical and Pragmatic Literature in Legal and Science History', Max Planck Institute for the History of Science, Berlin)

Comment on Saskia Limbach's paper: 'Obstructive Collaboration' – Rulers, Printers and the Publication of Ordinances in the Sixteenth Century, (12.12.2016, Jour Fixe, MPIeR)

Condensare la conoscenza tra Europa e Nuovo Mondo. Il 'Manual de confessores' di Martín de Azpilcueta (1492–1586), (27.01.2017, Tavola Ovale di Storia Moderna, Istituto Storico Italo-Germanico, Trento)

Traveling Knowledge. Martín de Azpilcueta's Manual for Confessors between the Old and the New World, (10.–11.02.2017, Conference: Mapping Entanglements: Dynamics of Missionary Knowledge and 'Materialities' across Space and Time (16th – 20th centuries), Washington D.C.)

Les sources d'Azpilcueta et la question de ses traductions, (20.03.2017, Journée d'études 'Humanités Numériques' – philologie et méthodes informatiques d'analyse de texte, ENS de Lyon)

Condensing knowledge. Martín de Azpilcueta's Manual for Confessors and the phenomenon of epitomisation, (01.04.2017, RSA, Chicago)

Martín de Azpilcueta's Manual for Confessors and the Phenomenon of 'Epitomisation', (01.–02.06.2017, Internal Workshop, MPIeR)

Les voyages du droit du Portugal à Rome. Le Manual de confessores de Martín de Azpilcueta (1492–1586) et ses traductions, (24.–26.10.2017, International Conference 'Traduire à la Renaissance / Tradurre nel Rinascimento / Translating in the Renaissance', Université Paris 8)

Una scienza superiore a quella del fisionomo. Medicina e anatomia nella Fisionomia Naturale di Giovanni Ingegneri (1606), (12.12.2017, International Conference 'Des mots et des gestes aux XVI^e–XVII^e siècles en Italie et en Espagne', Université Sorbonne Nouvelle, Paris)

Knowledge of the 'Pragmatici'. Presence and Significance of Pragmatic Normative Literature in Ibero-America in the late 16th and early 17th Centuries (together with Otto Danwerth, Thomas Duve, David Rex Galindo), (13.12.2017, Goethe-Universität Frankfurt)

Wolfram Brandes

Die Verschwörung des Jahres 562 gegen Justinian, (21.–27.08.2016, Leiter der table ronde zum Thema 'Verbrechen gegen Staat und Kirche', 23. Internationale Byzantinistenkongreß, Belgrad)

Justinian II. – Erfolge und Scheitern, (10.05.2017, Conference 'Der Herrscher als Versager?', Akademie der Wissenschaften und der Literatur, Mainz)

Die byzantinische eschatologische Literatur – ein Überblick, (30.05.2017, Leibniz-Projekt 'Polyphonie in der Spätantike', Goethe Universität Frankfurt)

Überlegungen zum sog. Constans-Vaticinium, (16.–17.06.2017, Conference 'The Battle of Yarmuk, 636 CE: Rethinking 'Conquest' in the Late Antique Near East from Byzantium to Islam', Tübingen)

Byzantine Prophecies, (13.–15.07.2017, Workshop 'Prophecy and Prognostication in Medieval European and Mediterranean Societies. Concepts and Approaches to a Handbook on Prognostication in the Middle Ages', Internationales Kolleg für Geisteswissenschaftliche Forschung, Erlangen)

Die Relevanz der neuen Ausgabe des Nicaenum II für die historische Forschung, (05.–07.10.2017, Conference 'Konziliare Entscheidungsfindung in Spätantike und frühem Mittelalter (6.–Mitte 9. Jh.)', in cooperation with Goethe University Frankfurt, MPIeR)

Byzantine Calculations of the End of Time, (11.–13.12.2017, Conference 'End(s) of Time(s)', Internationales Kolleg für Geisteswissenschaftliche Forschung, Erlangen)

Pamela Cacciavillani

El ocaso de la propiedad comunal indígena en el territorio cordobés (1871–1885): Un análisis histórico jurídico, (31.02.2015, Seminario Permanente 'Nuevos Horizontes en la Historia del Derecho 2014–2015', Universidad Autónoma de Madrid)

La permeabilidad de la praxis judicial a saberes y prácticas indígenas, (09.04.2015, Seminario Diversidad Cultural y Justicia en América Latina: perspectivas histórico-jurídicas. MPIeR – INHIDE Buenos Aires)

Los reclamos indígenas ante jueces permeables: algunas aproximaciones a la praxis judicial argentina, (24.06.2015, Diritti, giustizia, diversità: percorsi di ricerca dal laboratorio latino-americano, Università di Macerata)

Diversity in Latin America from a legal historical perspective, (08.09.2015, Prior Consultation and Ethnic Inequalities: A Latin American Comparative Perspective, desiguAldades.net, Berlin)

Amicus curiae? Zum Gebrauch von Geschichte im Recht in Lateinamerika, (28.09.2015, Sense of Doubt. Wider des Vergessen, Exzellenzcluster 'Normative Orders', Frankfurt)

The Circulation of Ideas and Legal Knowledge in the Excelentísima Cámara de Justicia de Córdoba (1857), (20.10.2015, MPIeR)

The Circulation of Ideas and Legal Knowledge in the Excelentísima Cámara de Justicia de Córdoba (1857), (31.10.2015, American Society for Legal History, Washington, D.C.)

Tierras de indios y conflictos de propiedad en Córdoba a finales del siglo XIX, (21.06.2016, Research Colloquium, MPIeR)

Tierras de indios y conflictos de propiedad en Córdoba a finales del siglo XIX, (01.09.2016, XIX. Congreso del Instituto Internacional de Historia del Derecho Indiano, Berlin)

Reflexiones en torno a la concepción jurídica del propietario en el Código de Vélez Sarsfield, (23.09.2016, University of Buenos Aires)

La dimensión técnico-legal de los conflictos por tierras de indios en el espacio cordobés a finales del siglo XIX, (28.09.2016, 'VIII Jornadas de Jóvenes Investigadores en Historia del Derecho', National University of La Plata)

De comuneros a propietarios: reflexiones sobre los éxitos y fracasos del proyecto liberal cordobés a finales del siglo XIX, (14.10.2016, Second Peruvian-German Workshop 'Derecho y Diversidad Cultural', Pontifical Catholic University of Peru)

De la propiedad comunal a la propiedad liberal. El sistema legal de la propiedad en Córdoba, Argentina (1871–1885), (18.10.2016, Course of Anthropology and Law, Pontifical Catholic University of Peru)

Concepciones de propiedad en Córdoba durante la segunda mitad del siglo XIX, (01.12.2016, Workshop 'Construyendo el territorio y concepciones jurídicas de propiedad', National University of Córdoba)

Conflictos de propiedad en Córdoba a finales del siglo XIX, (12.12.2016, Workshop 'Configuración de territorios y uso y apropiación de la tierra', Institute of Economic and Social Development, Buenos Aires)

La codificación y sus condicionamientos provinciales en material de derechos reales en Argentina a finales del siglo XIX, (21.02.2017, Guest Workshop 'Derecho de propiedad e historia del derecho en América Latina', MPIeR)

La influencia de la agrimensura alemana en la construcción de la propiedad moderna en Córdoba a finales del siglo XIX, (06.09.2017, AHILA, Valencia)

¿Una propiedad multifacética? Algunas reflexiones en torno a las facetas registral y técnica de la propiedad en Córdoba a finales del siglo XIX, (12.09.2017, Seminario Derechos colectivos e individuales en torno a los recursos naturales, siglos XVIII–XIX, Universidad Nacional de Quilmes)

Donal Coffey

A reconsideration of the Imperial Conference 1926 and Conference on the Operation of Dominion Legislation 1929, (10.07.2015, British Legal History Conference, University of Reading)

Towards a 'Unified Field' Theory of Constitutional Law, (02.09.2015, Society of Legal Scholars Annual Conference, University of York)

Norm permeability and the national human rights system in the common law world: A comparison between Ireland and the United Kingdom, (10.12.2015, International Conference: The Global Challenge of Human Rights Integration-Towards a Users' Perspective, University of Ghent)

Stepping Stone: The 1922 Constitution, (09.04.2016, 'Law, Revolution and Sovereignty', National University of Ireland, Galway)

The Legal History of British Penological Theory and the Right to Vote, (20.05.2016, 'Challenges to implementing the Judgments of the European Court of human Rights', University of Liverpool, London Campus)

A Constitutional Court for the United Kingdom? Comparative and Historical Reflections, (08.09.2016, Society of Legal Scholars Annual Conference, University of Oxford)

Australia, New Zealand and the development of Commonwealth law and politics 1926–1929, (05.12.2016, Australia and New Zealand Law and History Society Annual Conference, Curtin Law School, Perth)

Crown and Commonwealth: Legal and Constitutional Questions Arising in the Commonwealth of Nations as a Result of India's Decision to Declare a Republic, (08.12.2016, 'South Asian Legal History, Beyond Boundaries', Max Planck Society Initiation Workshop, NALSAR University of Law; Hyderabad)

Multinormativity and Transnational Structures, (06.02.2017, Research Focus Area Workshop, MPIeR)

Legal Transfer in the Common Law World, (27.04.2017, IMPRS Workshop: 'Retaliation, Mediation, Punishment', MPIeR)

Newfoundland Charts a Different Course, (16.05.2017, 'The Canadian Confederation: Past, Present, and Future', Université de Montréal/Ottawa University)

How to exit the British Empire: Lessons from History, (12.06.2017, Common Law Research Seminar, MPIeR)

The Failure of the Tribunal of the British Commonwealth of Nations: Sovereignty and the Conflict between International and Constitutional law, (20.06.2017, Law & Society Association, Annual Conference, Mexico City)

The Failure of a Plan for a Commonwealth Tribunal, (06.07.2017, British Legal History Conference, University of London)

Legal Transfer in the Common Law World, (03.08.2017, Max Planck Summer Academy: 'Conflict Regulation', MPIeR)

The Drafting of the Irish Constitution 1937: Influences and Insights, (05.09.17, ICON UK Branch Conference, Trinity College Dublin)

The Melbourne School of Jurisprudence, (08.09.2017, Society of Legal Scholars Annual Conference, University College Dublin)

The Failure of the 1930 Tribunal of the British Commonwealth of Nations, (15.09.2017, Workshop: 'Experiments in International Adjudication – Historical Accounts', University of Cambridge)

Die Rechtsgeschichte des Commonwealth in der Zeit zwischen den Weltkriegen, (02.10.2017, Bibliotheca Hertziana, Max Planck Institute for Art History, Rome)

The Legal History of the Commonwealth of Nations in the inter-War years, (04.10.2017, German Historical Institute, Rome)

The Drafting of the Irish Constitution 1937: Influences and Legal Insights, (11.11.2017, Workshop: The Constitution at '80, University of Limerick)

The Melbourne School of Jurisprudence, (28.11.17, Workshop: Legal Transfer in the Common Law World, Tel Aviv University)

Vincenzo Colli

Felino Sandei collezionista di opere giuridiche autografe e rare, (17.12.2015, Tagung: 'Leggendo il Catalogo dei Manoscritti Medievali della Biblioteca Capitolare di Lucca'. Giornata di studi, SISMEI, Florence)

I consilia dei giuristi medievali tra prassi documentarie e diffusione in forma libraria (sec. XIV–XV). Note preliminari, (25.02.2016, 'Circulations juridiques et pratiques artistiques,

intellectuelles et culturelles en Europe au Moyen Âge (XIIIe–XVe siècle) – Medieval Europe in Motion 3', Universidade Nova de Lisboa)

Le canoniste Felinus Sandei, évêque de Lucca, doyen et auditeur de Rote, comme collectionneur de livres juridiques rares et autographes à la fin du quinzième siècle, (22.07.2016, XV International Congress of Medieval Canon Law, Université Paris II Panthéon-Assas)

La *subscriptio sub sigillo* nei *consilia* dei giuristi medievali (secoli XIII–XV), (26.01.2017, 'Die Namen der Künstler. Auktoriale Präsenz zwischen Schrift und Bild', Berlin)

Giuristi Toscani tra Due e Trecento: prassi scritte e composizione delle opere, (13.12.2017, Tagung: 'Codex per Dante – Seconda giornata di studi', S.I.S.M.E.L., Florence)

Peter Collin

Wissen und Nichtwissen in der deutschen Krankenversicherungsgesetzgebung des 19. Jahrhunderts, (05.03.2015, Workshop 'Wissensgenerierung und -verarbeitung im Gesundheits- und Sozialrecht', Universität Bremen)

Alternativen zur Justiz und Alternativen in der Justiz im 19. und 20. Jahrhundert, (Schwerpunkt-Kolloquium Rechtsgeschichte, Goethe-Universität Frankfurt)

Vom Richten zum Schlichten – juristische Entscheidungssysteme im Umbruch? Außergerichtliche Konfliktlösung in Deutschland im späten 19. und frühen 20. Jahrhundert, (09.–11.09.2015, Dritter Kongress der deutschsprachigen Rechtssoziologie-Vereinigungen)

Selbstregulierung des Wettbewerbs. Konkurrenz und Kooperation von Sparkassen, Banken und Kreditgenossenschaften im frühen 20. Jahrhundert, (08.–09.10.2015, Workshop 'Computing all their cost and trouble' – Finanzmärkte, Spekulation und Regulierung in der Frühen Neuzeit und in der Moderne, Universität Zürich)

Recht am Rande des Rechts. Die Entstehung neuer normativer Ordnungen zu Beginn des vorigen Jahrhunderts, (18.11.2015, Antrittsvorlesung, Goethe Universität Frankfurt)

Reflexionspotenzial der Rechtswissenschaft des 19. und 20. Jahrhunderts, (16.03.2016, Workshop 'Recht und Diversität', MPIeR)

The Legitimation of Societal Self-Regulation in Corporatist Concepts of Legal Scholars in the Weimar Republic, (07.–08.04.2016, Workshop 'The Legitimation of Private and Public Private Regulation. Past and Present', MPIeR)

Rechtliche und nichtrechtliche Entscheidungsrationalitäten in juristischen Verfahren. Konkurrenz und gegenseitige Vereinnahmung im 19. und 20. Jahrhundert, (11.05.2016, Ringvorlesung, SFB 1150 'Kulturen des Entscheidens', Universität Münster)

Governance Theory and History of 19th Century Regulation, (12.–13.05.2016, Workshop 'Governance Theory and Legal History', MPIeR)

Überlegungen zur Geschichte außergerichtlicher und nichtstaatlicher Justiz im 19. und 20. Jahrhundert, (17.05.2016, Universität Zürich)

Wirtschaftsschiedsgerichtsbarkeit im frühen 20. Jahrhundert, (15.06.2016, Ringvorlesung 'Die Freiheit des Handels und die Ordnung des Rechts', Goethe Universität Frankfurt)

Regulierung und Selbstkontrolle: Zur Geschichte der Compliance an der Börse, (08.–10.09.2016, Conference 'Das Wirtschaftsstrafrecht, seine Grundlagen und seine Geschichte', Zentrum für Interdisziplinäre Forschung, Bielefeld)

Verwaltungsgeschichte und Rechtswissenschaft, Verwaltungsgeschichte und Rechtsgeschichte – Bestandsaufnahmen, Wechselwirkungen und Perspektiven, (30.09.2016, Launch der Zeitschrift 'Administory', Haus-, Hof- und Staatsarchiv, Wien)

Staatlichkeit und Nichtstaatlichkeit in der rechtsstaatlichen Normallage und in der Diktatur – rechtsdogmatische, verwaltungswissenschaftliche und rechtshistorische Sichtweisen, (13.–14.10.2016, Workshop 'Die Geschichte der Ministerialverwaltungen im Nationalsozialismus und in der frühen Nachkriegszeit', Berlin)

Die Geschichte der Staatsanwaltschaft in Deutschland im 19. und frühen 20. Jh. (bis 1933), (16.–19.11.2016, Conference 'Staatsanwälte – Anwälte des Staates. Geschichte, Gegenwart und Zukunft der Vertretung öffentlicher Interessen', Universität Wien)

Regimes of knowledge and information – theoretical approaches, (13.12.2016, Research Colloquium 'Knowledge and information regimes in early modern times', MPlER)

Multinormativität in einer mononormativen Ordnung, (06.03.2017, MPlER)

Kommentarvortrag zu Allesia Stefano 'Italian Judges and Judicial Practice in Libya: A Legal Experiment of Multinormativity', (10.03.2017, Jour Fixe, MPlER)

Die Rolle der Aufsicht in der GKV – eine rechtshistorische Bilanz, (23.03.17, Symposium 'Das Selbstverwaltungsstärkungsgesetz. Rechtliche Auswirkungen auf Selbstverwaltung und Aufsicht in der GKV', Berlin)

From Supervising Financial Markets to Protecting Speculators: Stock Market Courts of Honor in Germany, 1896 – 1928, (20.–23.06.2017, Annual Conference Law and Society Association, Mexico City)

Emergence and Differentiation of Control Regimes in Germany since the Beginning of the Nineteenth Century, (10.–11.07.2017, WG Hart Legal Workshop 2017 'Law, Society and Administration in a Changing World', Institute of Advanced Legal Studies, London)

Bürokratie und Emotionen – eine Einführung, (29.–30.09.2017, Autorenworkshop Zeitschrift 'Administory' Bd. 3, Bundesarchiv Bern)

Diversity, Social Differentiation, and Luhmann, (16.10.2017, Meeting Research Area 'Law and Diversity', MPlER)

Law and Diversity, (06.11.2017, Plenum, MPlER)

Interessenvertreter oder Sachverständige? Laienbesitzer im späten 19. Jahrhundert, (08.–10.11.2017, Conference 'Laien in der Gerichtsbarkeit. Geschichte und aktuelle Perspektiven', Wien)

Justine Collins

The Transplantation of the common law within the British West Indies and the reverberations thereof 1700–1900, (09.02.2017, The 12th Biennial Conference of the Australian Association for Caribbean Studies, Australian National University, Canberra)

The Transplantation of the common law within the British West Indies and the reverberations thereof 1700–1900, (17.04.2017, Cave Hill Philosophy Symposium (CHiPS) 2017, The University of the West Indies)

Legal Transplantation in the British West Indian Plantation Societies 1700–1900, (04.05.2017, PhD@maxlaw Workshop, MPlER)

The Origins of Legal Transplantation in the British West Indies (British Caribbean) 1500s–1700s, (03.07.2017, Common Law Research Seminar, MPlER)

Legal Transplantation in the British West Indies and the reverberations thereof, 1600–1800s, (27.11.2017, Workshop: Legal Transfer in the Common Law World, Tel Aviv University)

The Transplantation of Common Law in the British West Indies 1800–1900, (06.–09.12.2017, The Law and Society Association of Australia and New Zealand Conference, University of Otago, Dunedin)

Legal Transplantation in the British West Indies and the reverberations thereof, 1600–1800s, (14.–16.12.2017, The Australia and New Zealand Law and Society Conference, University of Canterbury, Christchurch)

Claudia Curcuruto

Governo della Chiesa e realtà ecclesiastiche dopo il Concilio di Trento: La Congregazione del Concilio e la nunziatura apostolica di Vienna durante il pontificato di Innocenzo XI (1676-1689), (01.06.2015, Rom: Verwaltung des Glaubens – Verwaltung der Welt | Governo della fede – Governo del mondo. Interdisziplinärer Doktorandenworkshop - Workshop internazionale per dottorandi, German Historical Institute, Rome)

Tridentinischer Anspruch und kirchliche Realitäten: Die Konzilskongregation und die Apostolische Nuntiatur am Kaiserhof während des Pontifikats von Innozenz XI. (1676-1689), (04.12.2015, Oberseminar der Abteilung für Geschichte der Frühen Neuzeit, Universität Bonn)

Governance of the Church and Ecclesiastical Realities. The Congregation of the Council and the Apostolic Nunciature of Vienna under Pope Innocent XI (1676–1689), (19.01.2016, Research Colloquium, MPIeR)

Die Kunst des Berichtens durch Wissen und Information: Die Korrespondenzen des päpstlichen Diplomaten Francesco Buonvisi am kaiserlichen Hof zu Wien während des Pontifikats Innozenz' XI. (1676–1689), (08.04.16, Conference 'Wissen und Berichten. Europäische Gesandtenberichte der Frühen Neuzeit in praxeologischer Perspektive', RWTH Aachen)

Kuriale Diplomatie am Kaiserhof während des Pontifikats Innozenz' XI., (1676–1689), (03.11.2016, Oberseminar, Universität Marburg)

Tridentinischer Anspruch und kirchliche Realitäten: Die Konzilskongregation und die Apostolische Nuntiatur am Kaiserhof während des Pontifikats von Innozenz XI., (1676-1689), (13.01.2017, Forschungskolloquium der Abteilung für Geschichte der Frühen Neuzeit, Universität Mainz)

Daniel Damler

Asientonomik. Asymmetrische Kooperation unter Unsicherheit in der (frühen) spanischen Expansion, (15.06.2017, Historisches Kolleg, München)

Piercing the veil. Mediatization of Responsibility and Visibility Discourses in the 20. Jahrhundert, (09.11.2017, Junges Kolleg, Bayerische Akademie der Wissenschaften, München)

Otto Danwerth

Erasmus in Spain and in Spanish America, 16th Century, (05.05.2015, Festvortrag an der Universidad de Huelva/Spanien)

Das Wissen der Pragmatici. Bericht aus dem SFB 1095 'Schwächediskurse und Ressourcenregime', (01.07.2015, Goethe Universität Frankfurt)

Auf Büchersuche für das MPleR in Lateinamerika: Erfahrungen aus Mexiko, Peru und Kolumbien, (01.08.2015, Mitgliederversammlung des Vereins der Freunde und Förderer des MPleR)

Violent political conflicts and legal responses in Spanish America (1770–1830): Historiographical remarks and research perspectives, (21.–23.10.2015, Workshop 'Violent political conflicts and legal responses: a transatlantic perspective, 18th to early 19th century', MPleR)

Knowledge of the Pragmatici. A new research project, (10.–12.11.2015, Conference Novos Campos de pesquisa da história das instituições eclesiásticas e suas normatividades no Brasil, séculos XVI–XIX', Goethe-Institut, São Paulo)

Todeskulturen und Religiosität in Spanien und Peru (16.–17. Jh.): Dissertation, Disputation, (21.03. 2016, Universität Hamburg)

An Introduction to Ibero-American history in early modern times, (12.04. 2016, Research Colloquium, MPleR)

Tod und Jenseits in Europa. Ein kulturhistorischer Abriss von der Antike bis in die Gegenwart, (13.04. 2016, Katholische Hochschulgemeinde Hamburg)

Commentary on Ian Miller's paper 'Claims and orthodoxy in early modern China', (03.06.2016, Conference 'Organizing Justice: China and Europe from the 15th to the 20th century', MPleR)

Crimen laesae maiestatis en el Perú temprano-colonial: Rebeliones y reacciones político-jurídicas, (11.07.2016, Coloquio Peruanaista, Universität Hamburg)

El saber de los pragmatici y la circulación de literatura normativa en Hispanoamérica, siglos XVI–XVII, (31.08.2016, XIX Congreso del Instituto Internacional de Historia del Derecho Indiano, Berlin)

Circulation of pragmatic books in Spanish America, 16th–17th centuries, (08.11.2016, Research Colloquium 'Knowledge and information regimes in early modern times')

Pragmatic normative literature and its circulation in Spanish America, 16th and early 17th centuries, (30.11.2016, 'Practical and Pragmatic Literature in Legal and Science History' Max Planck Institute for the History of Science, Berlin)

Lemma 'Testamentos', (12.12.2016, Working Session of the Historical Dictionary of Canon Law in Hispanic America and the Philippines, MPleR)

Knowledge of the Pragmatici: Presence and Significance of Pragmatic Normative Literature in Ibero-America in the Late 16th and Early 17th Centuries, (11.02.2017, Workshop 'Mapping Entanglements: Dynamics of Missionary Knowledge and 'Materialities' across Space and Time (16th – 20th centuries)', German Historical Institute, Washington D.C.)

Commentary on Eddy Bruce-Jones' paper 'South East Asian Indenture to Jamaica: Between Literature and Law', (10.04.2017, Jour Fixe, MPleR)

Die John Carter Brown Library Providence/Rhode Island) und ihre lateinamerikanischen Bestände, (23.05.17, Bibliotheksversammlung, MPleR)

Erasmus von Rotterdam in Spanien und der Humanismus in der Neuen Welt, (30.06.2017, Conference 'Die Zeit der Reformation aus anderem Blickwinkel. Eine lateinamerikanisch-ökumenische Perspektive', Roncalli-Haus, Magdeburg)

Zirkulation pragmatischer normativer Literatur in Spanisch-Amerika, 16.–17. Jh., (13.12.2017, Plenum Sonderforschungsbereich 1095 'Schwächediskurse und Ressourcenregime', Goethe Universität Frankfurt)

Jean-Philippe Dequen

The application of Muslim personal law vis-à-vis the notion of 'best interest of the child' in the fields of guardianship and custody in India, (03.–05.04.2015, International working group on child law – research group on faculty and succession laws in Islamic countries workshop, Rabat)

Lessons from abroad: the nature of Muslim marriages in India, from contractual diversity to religious uniformity, (09.05.2015, Islamic Marriage Conundrum, Conflicts of Recognition Symposium, London)

A failed attempt of English legal transfer in India: Admiralty Courts in Bombay and Madras, 1684–1704, (05.02.2016, Humboldt India Project Workshop, Humboldt-Universität Berlin)

Anglicization of Law and through Law: Early Modern British North America, India and Ireland compared, (08.04.2016, The 2015–16 Symposium on Comparative Early Modern Legal History, The Newberry, Chicago)

The shifting place of Islamic law within the Indian colonial legal order, from territorial to personal law, (03.06.2016, Law and Society Association Annual Meeting, New Orleans)

Who is Sovereign? Evolution of the concept of sovereignty in India, 17th–19th Century, (28.10.2016, American Society for Legal History, Toronto)

Prerequisites to English legal transfer in India: the tricky question of sovereignty between the 17th and 18th centuries, (07.12.2016, South Asian Legal History beyond Boundaries workshop, NALSAR University of Law, Hyderabad)

Le droit musulman au sein de l'ordre juridique indien: une histoire de chaises musicales, (12.01.2017, Séminaire Introduction au droit musulman: les transformations de la normativité islamique depuis l'expédition d'Égypte, EHESS, Paris)

Exploring Law through Language and Economics in Glocalized History (ELLEGY), (05.04.2017, Focus Area Translation, MPIeR)

Establishing *Nasab* by law: Presumption of paternity (incl. *firas* and *subha*) in contemporary Muslim jurisdictions, (09.11.2017, Orient-Institut, Beirut)

Encompassing the Contrary: the hits and mostly misses of English legal classification of Islamic law in India, (27.11.2017, Workshop: Legal Transfer in the Common Law World, Tel Aviv University)

Encompassing the Contrary: Genealogy of English Legal Classifications of Islamic Law in India, (29.11.2017, Law Faculty, Goethe Universität Frankfurt)

Max Deardorff

Race, Religion, and Rights: Africans, Indians, and Spaniards in the Construction of Colonial Latin America, (15.01.2016, Faculté des sciences historiques, Université de Strasbourg)

The Tightening Vise of Christian Citizenship: Converts from Islam and the Law in Sixteenth-Century Granada, (19.01.2016, Käte Hamburger Kolleg Bonn)

'Las personas...se conocen por las señales que tienen': Converts from Islam and Christian Citizenship in Sixteenth Century Granada, (16.02.2016, MPleR)

Conversión, genealogía, e hijos legítimos: decisiones de la Audiencia de Santa Fe sobre autoridad indígena, 1570–1600, (03.05.2016, Research Colloquium, MPleR)

The Entangled History of Cacical Eligibility in the Sixteenth-Century Andes: Intermarriage, Conversion, and Authority within Subject Communities under Iberian Christian Rule, (23.05.2016, Workshop 'Convivencia,' Max Planck Institute for Social Anthropology, Halle)

Moriscos and Indios in the Christian Kingdoms of Spain: Autonomy, Assimilation, and Law in the Sixteenth Century, (20.07.2015, Jour Fixe, MPleR)

The First Age of Atlantic Constitutionalism: Post-Tridentine Canon Law in the Iberian World, (18.08.2016, Sixteenth Century Society and Conference, Bruges)

Conversión, genealogía, e hijos legítimos: decisiones de la Audiencia de Santa Fe sobre autoridad indígena, 1570–1600, (31.08.2016, XIX Congreso del Instituto Internacional de Historia del Derecho Indiano, Berlin)



Costumbre, religión, y privilegio en la comunidad morisca de Granada (siglo XVI), (14.10.2016, Conference 'Derecho y Diversidad Cultural,' Instituto Riva Agüero, Lima)

'Contact Zones:' A Useful Frame for the Study of Multinormativity in the Iberian World?, (30.11.2016, 'Practical and Pragmatic Literature in Legal and Science History', Max Planck Institute for the History of Science, Berlin)

Calumnia, (12.12.2016, Workshop Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglo XVI-XVIII, MPleR)

Citizens of the Republic of Tunja: African, Mulatto, and Indian Vecinos in Early New Kingdom of Granada, (06.01.2017, Conference on Latin American History, Denver)

Moriscos, Indios and the Question of 'Custom' in Sixteenth-Century Castilian Legislation', (26.–27.06.2017, Workshop 'Convivencia: Iberian to Global Dynamics (500–1750)', Lisbon)

The Emergence of Mestizo and Morisco as Legal Categories: Law, Custom, and the Spanish 'Christian Republic,' 1526–1614, (10.07.2017, Research Seminar on Early Modern History, Universität München)

La devoción a la Virgen de Chiquinquirá dentro del marco de la política indígena en el Nuevo Reino de Granada, s. XVI–XVII, 'El siglo de la Inmaculada (1550–1650): Los mundos ibéricos en su edad de Oro, (13–15.11.2017, Mazarrón)

Wim Decock

An Inquiry Into the Real Advocates of Libertas Mercatoria, (30.–31.03.2015, Conference 'The Merchant and the Law: Mind the Gap?', Maastricht)

Recht und Finanzen in der Spätscholastik, (10.–12.9.2015, Gesellschaft für Rechtsvergleichung: Religion, Werte und Recht, Bayreuth)

Law, Religion and Debt Crisis: A Catholic Natural Law Perspective (16th–17th Centuries), (29.–31.10.2015, American Society for Legal History Annual Meeting, Washington D.C.)

Insolvenz und Naturrecht in der frühneuzeitlichen Scholastik, (21.–23.10.2015, 'Natur im Rechtsdenken des Spätmittelalters und der Frühen Neuzeit', München)

Fides haereticis servanda? Crimes against Faith and Contractual Confidence, (04.–08.11.2015, International School of Ius Commune: The Emergence of 'ius criminale' from 'ius civile' and 'ius canonicum': Pathways and Perspectives in Medieval and Early Modern Europe Erice, Sizilien)

Éthique et investissement selon les théologiens-juristes aux XVIe–XVIIe siècles (02.12.2015, 'Histoire de l'Économie sans travail. Finances, investissements, spéculation de l'Antiquité à nos jours', Université Panthéon-Assas, Paris)

–/ S. Bulambo, Towards a Positive Understanding of Business Activities by Clerics (can. 286), (08.–09.01.2016, 'Consultation on the Revision/Reform/Inculturation of the Code of Canon Law', Asian Centre for Cross-Cultural Studies, Chennai)

Die Bedeutung der frühneuzeitlichen, katholischen Scholastik für die Rechtentwicklung. (26.–27.02.2016, 'Reformation und Recht. Zur Kontroverse um die Kulturwirkungen der Reformation', Humboldt-Universität Berlin)

Law and Morals in the Early Modern Period, (25.08.2016, Legal Culture Research Group Seminar, University of Bergen)

Scholastik und Vertragsrecht. Religion und Vertrag, (07.10.2016, Workshop der Projektgruppe 'Religion and QE 400 Years Ago. Juan de Mariana on the Alteration of Money', Harvard Law School, Boston)

Zwischen Protektionismus und Liberalismus: Preisregulierung im scholastischen Wirtschaftsdenken, (23.06.2017, 'Religion und Naturrecht als Faktoren modernen Vertragsdenkens', Rudolf-von-Jhering-Institut für rechtswissenschaftliche Grundlagenforschung, Giessen)

Theologische Impulse für ein konfessionsübergreifendes Vertragsrecht, (07.–11.08.2017, 'Kulturelle Wirkungen der Reformation', Wittenberg)

Law and Religion in the Early Modern Period: A Catholic Perspective, (24.–26.08.2017, 'Protestant Legacies in Nordic Law', Rosendal)

Knowing before Judging: Law and Economic Analysis in Early Modern Jesuit Ethics, (29.11.2017, Globalization, Justice and the Economy: The Jesuit Contribution, Rome)



Mariana Armond Dias Paes

Os juristas brasileiros e a classificação binária das pessoas no século XIX, (04.05.2015, Contar, descrever e administrar populações coloniais Império português – sécs. XVIII–XIX, Faculdade de Ciências Sociais e Humanas, Universidade Nova de Lisboa)

Esclavitud contemporânea em Brasil, (20.04.2015, Lateinamerika-Institut, Freie Universität Berlin)

Liberdade, posse e prescrição na escravidão brasileira (1860–1888), (11.05.2015, Seminario Permanente de Historia del Derecho Ibero-Americano, MPIeR)

Defining and prosecuting impermissible enslavement in 19th century Brazil, (02.06.2015, Slaving Zones: Cultural Identities, Ideologies, and Institutions in the Evolution of Global Slavery, Universiteit Leiden)

Escravos em condomínio e precarização da liberdade no Brasil, (26.06.2015, Université d'été STARACO – Libertés et esclavages dans le monde atlantique (XIVe–XXe siècle), Université de Nantes)

‘Eu vos acompanharei em vosso vôo, contanto que não subais muito alto’: as escolhas de Teixeira de Freitas sobre o direito da escravidão, (28.07.2015, XXVIII Simpósio Nacional de História, Universidade Federal de Santa Catarina)

Workshop História do Direito e História Social: fontes, temas, metodologias, (29.07.2015, XXVIII Simpósio Nacional de História, Universidade Federal de Santa Catarina)

História do direito e escravidão contemporânea: diálogos inevitáveis, (02.09.2015, VIII Congresso Brasileiro de História do Direito, Universidade Federal do Paraná)

Comentários ao livro ‘Provas de liberdade’, (14.09.2015, Debate com Rebecca Scott, Universidade de São Paulo)

Amicus curiae? Zum Gebrauch von Geschichte im Recht in Lateinamerika, together with Thomas Duve, Pamela Cacciavillani, and Karla Escobar-Hernandez, (28.09.2015, ‘Sense of Doubt – Wider das Vergessen’, Excellenzcluster ‘Normative Orders’, Frankfurt)

United States and Cuba in Brazilian Legal Doctrine on Slavery, (31.10.2015, American Society for Legal History, Washington DC)

Research project presentation, (26.01.2016, Research Colloquium, MPIeR)

Esclavitud en Brasil, (09.05.2016, Hauptseminar Afrodescendencia y desigualdad en las Américas: Interdependencias transregionales, categorías sociales y activismo político, Freie Universität Berlin)

Slaves and land between possession and titles: the social construction of property law in Brazil (1843–1883), (12.05.2016, PhD@maxlaw-Workshop, Max Planck Institute for Comparative and International Private Law, Hamburg)

Comments on Escobar Hernandez ‘Sentir para obedecer. El papel de los sentidos y sentimientos para la legitimación del Derecho en Indias’, (31.05.2016, Research Colloquium, MPIeR)

Comments on Matsubara ‘Land, Credit, and Possession in China’, (03.06.2016, ‘Organizing Justice: China and Europe from the 15th to the early 20th century’, MPIeR)

Derecho colonial y Derecho civil en Brasil en el siglo XIX, (14.06.2016, Research Colloquium, MPIeR)

Posesión de la libertad en el Brasil del siglo XIX ¿Continuidades, rupturas o novedades en relación al derecho colonial?, (31.08.2016, XIX Congreso del Instituto Internacional de Historia del Derecho Indiano, Berlin)

Esclavitud, teorías jurídicas y prácticas judiciales en torno a la 'posesión de la libertad' en Brasil (siglo XIX), (28.09.2016, Instituto de Historia Argentina y Americana Dr. Emilio Ravignani, Buenos Aires)

Presentacion del proyecto de investigación 'Escravos e terras entre posses e títulos: a construção social do direito de propriedade no Brasil (1835–1889)', (29.09.2016, Jornadas de Jóvenes Investigadores en Historia del Derecho', National University of La Plata)

Argumentación jurídica e historia del derecho: los casos de esclavitud contemporánea en los tribunales de Brasil, (30.09.2016, Instituto Gioja, Universidad de Buenos Aires)

Das Landrecht und die indigene Bevölkerung in Brasilien: historische und juristische Perspektiven und die aktuellen Herausforderungen, (12.10.2016, Siebte Lateinamerikanische Woche, Goethe Universität Frankfurt)

Comments on Cabral 'Presence of books on canon law and of pragmatic literature in colonial Brazil (16th – 18th centuries)', (06.12.2016, Research Colloquium, MPIeR)

Ser 'senhor e possuidor' de terras ou escravos (Brasil, 1835–1839), (21.02.2017, Guest Workshop Derecho de Propiedad e Historia del Derecho en América Latina, MPIeR)

'Legitimate Owners' in the Brazilian Empire, 1835–1850, (31.03.2017, Association for the Study of Law, Culture and the Humanities Annual Meeting, Stanford University)

História do direito e escravidão: trabalhando com processos judiciais no Brasil, (30.04.2017, LASA2017 Congress: Dialogos de Saberes, Pontificia Universidad Católica del Perú)

Propriedade escrava e fundiária em processos judiciais, (04.09.2017, IX Congresso Brasileiro de História do Direito, Rio de Janeiro)

Commentary on Manuel Bastías Saavedra, The Lived Space: Land Sales, Local Knowledge, and Interethnic Relations on the Chilean Frontier, 1790–1830, (11.09.2017, Jour-Fixe, MPIeR)

Slavery and Abolition in Brazil and Angola: a comparative research agenda in Legal History, (22.09.2017, Comparative Abolition in the Atlantic and Indian Oceans, University of Leeds)

El problema de la titularidad de esclavos y tierras en Brasil (1835–1850), (10.10.2017, Coloquios de Historia del Derecho, Universidad Autónoma de Madrid)

Commentary on Sven Korzilius, Demandas de libertad y derecho de la esclavitud en Portugal y Brasil, siglos XVII–XIX, (24.10.2017, Guest Workshop, MPIeR)

Propriedade em Angola e Brasil: novos objetos e perspectivas para a história do direito, (14.11.2017, Angola: os legados do passado, os desafios do presente, Universidade de Lisboa)

Das cadeias dominiais impossíveis: posse e título no Brasil (1835–1839), (18.12.2017, Properties in Transformation, CEBRAP – Centro Brasileiro de Análise e Planejamento, São Paulo)

Thomas Duve

Welche Formen Forschung und Lehre sind zukunftssträftig?, (29.01.2015, Zwischen Humboldt und Humanressourcen, Wissenschaftliche Gesellschaft, Goethe Universität Frankfurt)

Multinormativität in der Frühen Neuzeit, (06.2.2015, Neujahrsempfang, Exzellenzcluster 'Normative Orders', Frankfurt)

Die Schule von Salamanca: Rechtshistorische Perspektiven, (28.02.2015, Akademie der Wissenschaften und der Literatur, Mainz)

Ungleichheit im Recht der Frühen Neuzeit, (06.03.2015, Basler Renaissance Kolloquium, Universität Basel)

Überlegungen zum Erkenntnisinteresse der Rechtsgeschichte an der frühneuzeitlichen Moralthologie, (23.03.2015, Arbeitsgemeinschaft Deutscher Moralthologen, Frankfurt)

What was Spanish about Religious Normativity?, (24.04.2015, Workshop 'De-Nationalizing Colonial History: How Spanish was the 'Spanish Empire?' Exploratory Seminar at the Ratcliffe Institute for Advanced Study, Harvard University, Boston (MA))

Transnationale Rechtswissenschaft und die Rolle der Grundlagenfächer, (21.05. Heidelberger Kreis, Universität Heidelberg)

Gesprächsführung des Panels: Recht im internationalen Kontext, (8.06.2015, Reimers Konferenzen Revisited, Forschungskolleg Humanwissenschaften, Bad Homburg)

Transnational Legal Scholarship and Legal History, (23.06.2015, School of Law, University of Milano-Bicocca)

Legal History: Facing the Transnationalization of Law and of Legal Scholarship, (24.06.2015, Istituto Storico Italo-Germanico, Trento)

La construcción cultural de categorías jurídicas de la diversidad, (25.-27.06.2015, Workshop: Prospettive su discorso giuridico e diversità: diritti e giustizia in tempi di transizione, Università di Macerata)

Investigación histórico-jurídica hoy: desafíos e oportunidades, (08.07.2015, I Encuentro Hispano-Lusa de Historiadores del Derecho, Universidad Autónoma de Madrid)

Multinormativität und frühneuzeitliche Rechtsgeschichte Hispanoamerikas, (17.-19.9. 2015, Arbeitstagung 'Globale Verflechtungen – Europa neu denken' der Arbeitsgemeinschaft 'Frühe Neuzeit' im Verband der Historiker und Historikerinnen, Universität Heidelberg)

Transnationalization of Law and Legal Scholarship: Intellectual and Institutional Challenges, (20.09.2015, Jahreskonferenz International Association of Law Libraries, Berlin)

Derecho Penal Alemán y América Latina: trasplantes, (23.09. 2015, Tercera Escuela de Verano en Ciencias Criminales y Dogmática Penal Aleman (CEDPAL), Universität Göttingen)

Amicus curiae? Zum Gebrauch von Geschichte im Recht in Lateinamerika, (28.09.2015, 'Sense of Doubt. Wider des Vergessen', Exzellenzcluster 'Normative Orders', Frankfurt)

Introduction and comments to the panel 'The circulation of ideas in Ibero-American legal cultures (17th–19th centuries)', (28.10.–31.10.2015, American Society for Legal History, Washington D.C.)

- Veränderungen in den Bedingungen der Wissensproduktion und die Rechtsgeschichtswissenschaft, (12.11.2015, Herbsttagung der Bibliotheken der Geistes-, Sozial- und Humanwissenschaftlichen Sektion der Max Planck Gesellschaft, MPleR)
- Introduction to the panel 'Transnational Legal Scholarship', (13.–14.11.2015, Conference 'The Transnationalization of Law – Perspectives and Developments', Forschungskolleg Humanwissenschaften, Bad Homburg)
- Einführung, (11.12.2015, 1. Jahrestagung der Initiative Arbeitsrechtsgeschichte, MPleR)
- Transnationalization of law and legal scholarship: a challenge for basic research, (22.–23.01.2016, ICM-Max Planck Conference, Valparaíso, Chile)
- Europäische Rechtsgeschichte in globalhistorischer Perspektive, (11.05.2016, Lunchpaper Forschungszentrum Historische Geisteswissenschaften, Goethe Universität Frankfurt)
- Methodological approaches to global legal history from a German perspective, (1.6.2016, Organizing Justice: China and Europe from 15th to the early 20th century, MPleR)
- Methodological Approaches to global legal history from a German perspective, (22.06.2016, Centre de philosophie juridique et politique, Université de Cergy-Pontoise)
- Wie analysieren wir die Veränderungen von Recht und Zeit?, (24.06.2016, Frankfurt Institute for Advanced Studies / Forschungskolleg Humanwissenschaften, Bad Homburg)
- Discurso de bienvenida al XIX Congreso del Instituto Internacional de Historia del Derecho, (29.08.2016, XIX Congreso del Instituto Internacional de Historia del Derecho, Berlin)
- Global Legal History, Comparative Legal History: Some remarks on methodological problems' (o en castellano: Historia Global del Derecho y Historia Comparada del Derecho: Comentarios acerca de problemas metodológicos), (7.10.2016, Seminar Verhältnis von Rechtsvergleichung und Rechtsgeschichte, Ferrara)
- Historia Global del Derecho y Historia Comparada del Derecho: Comentarios acerca de problemas metodológicos, (7.–8.10.2016, Diritto: storia e comparazione. Nuovi propositi per un binomio antico, Università degli Studi di Ferrara)
- Derecho y diversidad: una mirada a la actualidad desde la historia del Derecho Europeo, (13.10.2016, Segundo Encuentro Peruano – Alemán: Derecho y Diversidad Cultural, Lima)
- Las ciencias jurídicas en Alemania y la transnacionalización del Derecho (13.10.2016, Tribunal Constitucional, Centro de Estudios Constitucionales, Lima)
- Categorías e historiografía jurídica: reflexiones conceptuales (14.10.2016, Segundo Encuentro Peruano – Alemán: Derecho y Diversidad Cultural, Lima)
- The Role of Practical Knowledge in Early Modern Legal History of Ibero-America, (30.11.2016, 'Practical and Pragmatic Literature in Legal and Science History', Max Planck Institute for the History of Science, Berlin)
- La investigación histórico-jurídica en el Instituto Max Planck de Historia del Derecho Europeo en Frankfurt. Balance y perspectivas, (20.12.2016, Universidad de Navarra, School of Canon Law)
- 'convivencias und das Recht. Die normativen Grundlagen des Zusammenlebens verschiedener Kulturen in Geschichte und Gegenwart', (20.02.2017, Themenkonzert Hamburger Staatsorchester, Elbphilharmonie Hamburg, Reihe: Musik und Wissenschaft)
- La investigación histórico-jurídica en el Instituto Max-Planck de Historia del Derecho Europeo – balance y perspectivas, (23.02.2017, Universidad de Sevilla)

Entre la historia del derecho Europeo y la historiografía jurídica en perspectiva global – una discusión, (24.02.2017, Universidad de Huelva)

Derecho y Diversidad. Los derechos especiales (emergencia indígena), diversidad legal y la formulación de sus fundamentos histórico-jurídicos en América Latina, (19.–22.03.2017, Sucre y Potosí)

Tordesillas no dividió el mundo. Reflexiones metodológicas acerca de la historiografía del derecho internacional público, (19.04.2017, Instituto de Investigaciones de Historia del Derecho, Buenos Aires)

Conferência de Abertura: Legal Traditions and Legal History, (04.09.2017, IX Congresso Brasileiro de História do Direito, Rio de Janeiro)

German Legal History: National Traditions and Transnational Perspectives, (17.10.2017, National Taiwan University, Taipei)

Transnationalization of Law and Legal Scholarship: Intellectual and Institutional Challenges, (19.10.2017, National Chengchi University Taiwan, Taipei)

On Canon Law, (19.10.2017, National Chung Cheng University, Minxiong)

Rechtswissenschaft in der Berliner Republik, (19.12.2017, Ringvorlesung im WS 17/18 Von Bonn nach Berlin. Kontinuität und Transformation der Bundesrepublik, Universität Bonn)



José-Luis Egío

Santa María La Antigua del Darién (1510–24). El choque entre el Darién hidalgo y la ciudad mestiza, (02.–04.02.2015, II International Congress Teoría y práctica de la ciudad. Ideas que cruzan el Atlántico. Departamento de Historia de la Filosofía, Universidad Complutense, Madrid)

Estereotipos negativos sobre indios y negros en la crónica de Fernández de Oviedo y naturalización de su servidumbre, (18.–20.03.2015, XI Historiography Seminar Repensar la Conquista, Instituto Nacional de Antropología e Historia (INAH), Xalapa)

Ilustración francesa y conciencia de crisis en el relato histórico hispanoamericano de la época de las independencias, (25.–27.03.2015, XI International Congress Literatura Hispanoamericana y sus valores, Universidad Nacional Autónoma de México, Mexico City)

Paleocristianismo resucitado. Vida y andanzas del apóstol Pablo en el Nuevo Mundo', (25.–26.05.2015, III Research Colloquium, Universidad Nacional Autónoma de México, Mexico City)

Les idées politiques du juriste huguenot Innocent Gentillet (1532–88). Un dialogue ouvert avec Machiavel, les monarchomaques et les écrivains politiques français de la Première Modernité, (05.12.2015, Journée doctorale 2015 Groupe de Recherche en Histoire des Protestantismes, Faculté libre de théologie protestante, Paris)

Restaurar el reino de Francia en su antiguo esplendor. Perspectiva y fundamentación históricas en la revuelta de los malcontents (1574–76), (10.–12.12.2015, International Congress Formes et usages de la mémoire des révoltes et révolutions en Europe, Madrid)

Populismo y Republicanismo como Conceptos Historiográficos. La perspectiva de Giménez Fernández (1946) sobre las independencias y el Derecho Indiano (20–23.09.2016, International Congress, Populismo Versus Republicanismo: Genealogía, Historia, Crítica, Facultad de Filosofía, Universidad Complutense de Madrid)

Cedulario de Encinas (1596) y Recopilación de las leyes de los reynos de las Indias (1681), (12.09.2016, Work meeting Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, S. XVI–XVIII, MPIeR)

Traducción e interpretación en la propuesta de rescate del derecho consuetudinario prehispánico de Alonso de Zorita, (29.08–02.09.2016, International Congress, XIX Congreso del Instituto Internacional de Historia del Derecho Indiano, Berlin)

El oidor novohispano Alonso de Zorita. Rescate e interpretación apologética del derecho consuetudinario prehispánico, (7.06.2016, Research Colloquium, MPIeR)

Lecturas, publicaciones y proyectos erasmistas del cronista Fernández de Oviedo. Las 'Reglas de la vida espiritual y secreta teología' y otros escritos, (10–11.03.2016, Seminario Internacional sobre Edición y Traducción de Fuentes 'Revolución en el humanismo cristiano. La edición de Erasmo del Nuevo Testamento. 1516, Universidad Pontificia de Salamanca)

Un fantasma recorre América. López de Gómara y el espectro comunero en la Historia general de las Indias (1552), (13–15.03.2017, VI Simposio de Historia Comunera: Don Carlos, 500 años de la llegada del rey a Castilla y León (1517), Universidad de Valladolid)

Voz 'Infieles', (20.03.2017, Work meeting Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, S. XVI–XVIII, MPIeR)

Innocent Gentillet: humanismo jurídico y Reforma protestante en la Francia del s. XVI, (27.–28.04.2017, VI Seminario Internacional sobre Edición y Traducción de Fuentes, 'Humanismo cristiano y reforma protestante, (1517–2017)'. Instituto de Historia y Ciencias Eclesiásticas, Universidad Pontificia de Salamanca)

Skandal und Menschenrechte: Reflexionen über mögliche Zusammenhänge Ibero-Amerikanischer Früher Neuzeit Mit Den Zeitgenössischen Debatten über Menschenrechte, with Pedro Henrique Ribeiro, (29.–30.06.17, Conference 'Wie kommen die Rechte des Menschen in die Welt. Praktiken des Aushandelns und Vermittels der Menschenrechte aus interdisziplinärer Perspektive', Siegen)

Infidelity and Right to Dominion. Continuities and Discontinuities between the Salamanca Theologians (Late 15th Century, First Half of 16th Century), (24.–28.07.2017, XIV International Congress of the Société Internationale pour l'Étude de la Philosophie Médiévale (SIEPM), Pontificia Universidade Catolica Rio Grande do Sul)

Some Criteria of Organization for the Sources on Derecho Indiano Digital Library (DIDL), (2.08.2017, Work meeting DIDL, MPIeR)

El 'amancebado' Diego del Corral. Mediación, políticas de poblamiento y regulación de uniones maritales y herencia en el Darién (1510–1532). (05.–9.09.2017, XVIII Congreso de la Asociación de Historiadores Latinoamericanistas Europeos (AHILA). En los márgenes de la historia tradicional. Nuevas miradas de América Latina desde el siglo XXI. Universidad de Valencia)

Infideles, dominium, possessio, with Christiane Birr, (11.10.2017, Research Colloquium: Some Fundamental Concepts of the School of Salamanca's Juridical-Political Language, MPIeR)

Skandal und Normativität: Von Las Casas zu Luhmann, with Pedro Ribeiro, (13.11.2017, Forschungskolloquium, Goethe Universität Frankfurt)

Caspar Ehlers**393**

Franken und Sachsen im 8. und 9. Jahrhundert, (19.03.2015, Bad Vilbel)

Civitas und Metropolis. Mainz und sein Umland als Zentrallandschaft im Frühen Mittelalter (09.04.2015, Mainz)

Rechtsräume: Eine Einführung, (17.09.2015, Conference 'Rechtsräume', MPIeR)

Appellationen von ‚hibdebach und dribdebach‘. Ludwig der Bayer und Johannes XXII. im Konflikt, (26.09.2016, Thementag: 'Frankfurts Blütezeit im Spätmittelalter', Frankfurt)

‘um des Verweilens willen’. Otto II., Magdeburg und das Reich, (12.10.2016, Magdeburg)

Kirchlicher Landesausbau im nördlichen Sachsen, (20.10.2016, Conference: 'Eine königsferne Landschaft? Der Norden des heutigen Sachsen-Anhalt vom 9. bis ins 12. Jahrhundert', Stendal)

Der Forschungsschwerpunkt 'Rechtsräume' am Frankfurter Max-Planck-Institut für europäische Rechtsgeschichte, (11.02.2016, Conference 'Zwischen Geschichte und Geographie, zwischen Raum und Zeit II', Bamberg)

Neue Vorhaben des 'Repertoriums der deutschen Königspfalzen'. Neuanfang und Fortsetzung des Projektes, (12.03.2016, Annual Conference der Deutschen Burgenvereinigung, Marksburg)

Rechtsräume. Ein Kommentar, (10.06.2016, 'Vierte Schweizerische Geschichtstage / Journées suisses d'histoire', Lausanne)

Identities of Early Medieval Ethnicities – Areas described by Roman and National Laws in the Carolingian Period, (4.07.2016, Conference 'Regional History as Cultural Identity. An International Conference on the Application of Regional or Local history to National Narratives', Kent State University, Florenz)

Rechtsräume in der Stadt, (19.09.2016, Conference 'Zwischen Sacrum und Profanum. Sakrale Topografie der Stadt in Mitteleuropa' der Polnischen Historischen Mission an der Julius-Maximilians-Universität, Würzburg)

Spes Imperii. Die Rolle des Reisekönigtums für das frühe salische Kaisertum, (28.10.2016, Conference anlässlich des 1000. Geburtstages Heinrichs III., Bochum)

Königliche Aufenthalte ohne Pfalz? Zur Diskussion um die Magdeburger Königspfalz, (02.12.2016 Conference des Pfalzenarbeitskreises Sachsen-Anhalt, Magdeburg)

Die Funktion von frühen Adelsburgen und deren Umwandlung in Klöster am Beispiel Sachsens, ein interdisziplinärer Ansatz am Beispiel Norddeutschlands bis in die Rhein-Main-Region, (30.03.2017, Conference: 'Adelskulturen auf Burgen – Kulturen des Adeligen?' Deutsche Burgenvereinigung, Brixen)

Partes infidelium oder Aula Paradisi? Zur Genese Sachsens und seiner Eliten im Früh- und Hochmittelalter, (19.05.2017, Conference: BMBF-Forschungsprojekt 'Hildesheim – Objekte und Eliten 1130–1250', München)

Zur Räumlichkeit des Magdeburger Rechts, (28.06.2017, Conference: 'Lublin 1317: Die Geburt einer europäischen Stadt / Lublin 1317: The Origin of an European City / Lublin 1317: Narodziny miasta europejskiego', Lublin)

Ludwig der Bayer und das Rhein-Main-Gebiet. Bedeutung einer Zentrallandschaft im hohen Mittelalter, (25.08.2017, Eppstein)

Legal Spaces, (30.10.2017, Research Network 'The Castle and the Palace', Glasgow)

Siegel des Deutschen Ordens. Forschungsstand und Raumbezüge, (15.10.2017, Workshop 'Siegel des Deutschen Ordens', Würzburg)

Das salische Reich und Europa zur Zeit Kaiser Heinrich III., (09.11.2017, Goslar)

Neuer König – alte Orte? Verborgene und offene Königsumritte im Reich bis zum Interregnum, (10.11.2017, Workshop: Pfalzenarbeitskreis Sachsen-Anhalt, Kloster Helfta)

Karla Escobar

Derecho y violencia en la sociedad del desprecio: una aproximación al problema del reconocimiento de los pueblos indígenas en el Cauca (Colombia) en los inicios del siglo XX, (31.08.–04.09.2015, Diversidad cultural y protección jurídica: primer encuentro peruano – alemán, Max Planck Institutes Berlin, Halle, Frankfurt)

Project presentation 'Understanding Manuel Quintín Lame: law, violence and the uses of history by Nasa people at the beginning of the 20th century', (11.–16.09.2015, Summer University, Bad Hersfeld, REMEP)

Sentir para obedecer: el papel de los sentidos y sentimientos para la legitimación del Derecho en Indias, (28.06.2016, Research Colloquium, MPIeR)

Sentir para obedecer: el papel de los sentidos y sentimientos para la legitimación del Derecho en Indias, (02.09.2016, XIX Congreso del Instituto Internacional de Historia del Derecho Indiano, Berlin)

Repensando a Quintín Lame. Movimientos Indígenas y Cultura Jurídica a los inicios del siglo XX, Cauca – Colombia, (01.12.2016, CLAS Outside the Classroom, Georgetown University, Washington, DC)

Lena Foljanty

Cultural Translation of Law: On the Consequences of a Metaphor, with Osvaldo Moutin, (28.07.2015, Max Planck Summer Academy for Legal History, MPIeR)

Juristische Methode und westliche Moderne: Zum Umbau der zivilgerichtlichen Praxis in Japan nach 1868, (12.02.2015, Max Planck Institut for comparative and international Private Law, Hamburg)

Ehe, Sittlichkeit und Staat: Verhältnisbestimmungen um 1900, (17.03.2015, 3rd Annual Symposium of the Asia-Europe Legal History Forum, Chengchi University, Taipei)

Translating Judicial Practice: Building up a Western Style Judiciary in Meiji Japan, (21.03.2015, NTU International Forum for Fundamental Legal Studies: Reception and Transfer of Law, National Taiwan University, Taipei)

Normativität und Wirklichkeit: Zum Methodendenken Josef Essers, (12.06.2015, Vorlesungsreihe 'Die Methodendiskussion im 20. Jahrhundert', Universität Giessen)

Die Naturrechtsbesinnung nach 1945, Drittes Babelsberger Gespräch zu Nationalsozialismus und Recht, (10.10.2015, Universität Rostock)

Rechtstransfer als kulturelle Übersetzung, (18.02.2016, Workshop 'Recht als Kommunikation', Wissenschaftszentrum Berlin)

Kommentar zu Andrea Maihofer 'Freiheit – Selbstbestimmung – Autonomie', (03.03.2016, Conference 'Autonomie im Recht – geschlechtertheoretisch vermessen', Goethe Universität Frankfurt)

Translations and the State: Providing Western Legal Knowledge in 19th Century Japan, (19.07.2016, Annual Conference of the Society for the History of Authorship, Reading and Publishing, Bibliothèque National de France, Paris)

Hon'yaku to keiken: Meijiki no hō jitsumu to seiyōhō keiju o megutte [Übersetzung und Erfahrung: Überlegungen zur Rechtspraxis im Zuge der Aufnahme westlichen Rechts in der Meiji-Zeit], (29.10.2016, 3. Conference zur Zivilrechtsgeschichte, Nagoya University)

World View and Judicial Methods: The Unwritten Rules of Legal Practice in 19th Century Japan, (30.5.2017, Conference 'Before Judgment: Critiquing Imaginary and Style of Good and Evil', Kunsthistorisches Institut in Florenz)

Conclusion remarks, (17.11.2017, Conference 'Legal History: Reflecting the Past and the Present', Lund University)

Simon Groth

Raum und Herrschaft. Das Kaisertum Ottos des Großen, (17.09.2015, Conference 'Rechtsräume' MPlER)

Karl Härter

Gute Policey und Landessicherheit: Verrechtlichung, Versicherheitlichung und Konflikte im ländlichen Bereich, (23.01.2015, 'Land, Policey, Verfassung', Symposium für Thomas Simon zum 60. Geburtstag, Universität Wien)

Karl Otmar von Aretin als akademischer Lehrer im Kontext der geschichtswissenschaftlichen Lehre in der Bundesrepublik Deutschland 1960–2000, (27.03.2015, Conference: Von Aretin weiterdenken, TU Darmstadt)

Recht und Sicherheit in der Frühen Neuzeit zwischen Konfliktregulierung, sozialer Kontrolle und Verrechtlichung, (21.05.2015, Universität Gießen)

Order, crime and security: the influence of 'Policey' on the development of criminal law and justice in early modern central Europa, (13.–14.08.2015, Seminar: The Creation of Social Order? Early Modern Policing and Criminal Law, Aarhus University)

Landessicherheit und Sicherheitspolicey: Normen und Maßnahmen gegen Räuber, Diebe und Bettler als grenzübergreifende Kriminalitätsphänomene, (14.–16.10.2015, Conference: Historische Kriminalitätsforschung in landesgeschichtlicher Perspektive – Fallstudien in Bayern (Franken, Schwaben, Altbayern) und seinen Nachbarländern in Spätmittelalter und Früher Neuzeit, Wildbad Kreuth)

Juridification, prevention and political justice: The regulation of upheaval and revolt in the Holy Roman Empire of the German Nation (1789–1806), (21.10.–23.10.2015, Workshop: Violent political conflicts and legal responses: a transatlantic perspective (18th to early 19th century), MPlER)

Politische Attentate in Europa: rechtliche Reaktionen, populäre Medien und Sicherheitsdiskurse (1750–1850), (03.–05.12.2015, Conference: 'Höllische Ingenieure. Attentate und Verschwörungen, ca. 1300–1850', Universität Münster)

Cultural Diversity, Deviance and Public/Criminal Law in Early Modern (Central) Europe, (16.03.2016, Workshop Recht und Diversität, MPlER)

Gewalt, Landfriedensbruch und Revolte: Das Reichskammergericht und die öffentliche Sicherheit, (14.04.2016, Gesellschaft für Reichskammergerichtsforschung, Wetzlar)

70 Jahre Verfassungsstaat Hessen und die deutsche Einheit, (03.10.2016, Festveranstaltung des Kreises Bergstraße zu 70 Jahre Hessen am Tag der Deutschen Einheit, Heppenheim)

Chair und Kommentar des Panels 'Extradition and the Formation of Transnational Criminal Law Regimes in the 19th Century (1789–1914)', (27.10.–1.11. 2016, American Society for Legal History, Toronto)

Die dunkle Seite der Reformation: Disziplinierung, Ausgrenzung und Kriminalisierung von Andersgläubigen, Andersdenkenden und Abweichenden', (07.11.2016, 15. Evenari-Ringvorlesung 'Die Welt jenseits von Luther. Fundamentalismen und Transformationen vor und nach 1517', Technische Universität Darmstadt)

The Influence of the Napoleonic Penal Code of 1810 on the Development of Criminal Law in Central Europe, (10.–11.11.2016, International Conference 'The Influence of the Code pénal (1810) over the Codification in Europe and Latin America Tradition and Foreign Influences in the Codification Movement', University Valencia)

Political assassination, conspiracy and transnational security regimes in the German Confederation (1815–1848), (22.11.2016, Symposium: 'Conspiracy and Politics in Early Nineteenth-Century Europe' King's College, University of Cambridge)

Cultures of communication and knowledge in early modern criminal procedure, (07.02.2017, Research Colloquium, MPlER)

Carl Theodor von Dalberg und die Reform des Strafrechts im Primatstaat und im Großherzogtum Frankfurt (10.–12.02.2017, Carl Theodor von Dalberg. Konferenz anlässlich seines 200. Todestages, Aschaffenburg)

Die Kommunikationskultur des Strafverfahrens in der Frühen Neuzeit. Einüben des Verfassens eines Schriftsatzes: Adjudizieren: Relation und Relationstechnik, (07.06.2017, Workshop: Ius Commune Moot Court – Kaiserlicher Reichshofrat/Ius Commune Moot Court – Imperial Aulic Council, MPlER)

Kulturelle und ethnische Diversität in der Geschichte von Kriminalität und Strafjustiz – eine Einführung, (14.–16.09.2017, 5. Kolloquium für Kriminalität und Strafjustiz, München-Gauting, Institut für Jugendarbeit, München-Gauting)

Die 'unwiderstehliche Allmacht des Geschlechtstriebes': Policygesetzgebung und sexuelle Devianz zwischen Kriminalisierung, Disziplinierung und Liberalisierung, (21.–23.09.2017, Internationale Conference an der Juristischen Fakultät Brunn: 'Sexualität vor Gericht. Deviante geschlechtliche Praktiken und deren Verfolgung vom 14. bis zum 19. Jahrhundert, Brunn)

Vishnu Konoorayar

Dispute Resolution amongst Dravidian Communities: Past and Present (Through Skype), (07.12.2016, South Asian Legal History, Beyond Boundaries workshop, NALSAR University of Law, Hyderabad)

Harshan Kumarasingham

Eastminster – Decolonisation and State-Building in British Asia, (18.02.2016, Birkbeck College, London)

The Road to Temple Trees – Sir Ivor Jennings and the Constitutional Development of Ceylon, (19.12.2015, Conference Colombo, Sri Lanka)

Frederic Jasper Kunstreich

Internationalizing German Law: The History of Legal Studies within the Max-Planck-Society, (16.05.2017, Academic Advisory Board Meeting, Max Planck Institute for the History of Science, Berlin)

Law among the Max-Planck-Institutes, (02.10.2017, joint workshop of the MPleR and the Biblioteca Hertziana in Rome)

The Law Related Max Planck Institutes: A Typology, (11.12.2017, jour fixe of the GMPG project, Max Planck Institute for the History of Science, Berlin)

Fupeng Li

The Cultural Translation of the Weimar Constitution in the Republic of China, (04.05.2017, PhD@Maxlaw Workshop, MPleR)

Imaged Constitutional World in the Collections of Constitutions, (18.10.2017, Workshop: The Reception of German Legal System, National Chengchi University, Taipei)

Constanza López Lamerain

The translation of the Tridentine cannon law into a local reality: the diocesan synods of Santiago de Chile during the colonial period, (12.03.2015, Seminar: 'Les traductions du discours juridique. Perspectives historiques', Université de Rennes 1)

The Roman Curia and the dioceses of Spanish America: research perspectives from papal archives, (01.06.2015, Seminar 'Governo della fede-Governo del mondo', German Historical Institute, Rome)

The Council of Trent and Spanish America: Translating Canon Law into local Ecclesiastical Reality, (29.07.2015, Ecclesiastical History Society, University of York)

The Holy See and Spanish America: Transferences, Influences and Translations between the Congregation of the Council and the Diocese of Santiago de Chile during the 16th and 17th Centuries, (14.09.2015, Jour Fixe, MPleR)

La Santa Sede e Hispanoamérica: Aproximaciones metodológicas y perspectivas de investigación (20.11.2015, Seminar 'Problemas y retos de la investigación en Historia de América', Universidad del País Vasco)

La Santa Sede e Hispanoamérica: Aproximaciones metodológicas y perspectivas de investigación, (08.04.2016, Seminar 'Archivos y Registros: Perspectivas de Investigación Histórica', Universidad Adolfo Ibáñez, Santiago de Chile)

La Curia Romana y las iglesias hispanoamericanas: nuevas perspectivas de investigación sobre la reforma tridentina en el Nuevo Mundo, (17.04.2016, Grupo de Estudios de Historia de la Iglesia Religio, Universidad de Buenos Aires)

Las Relaciones dioecesium de los obispos chilenos en el siglo XVII: presentando los desafíos del gobierno diocesano ante la Santa Sede, (13.12.2016, Seminar 'La visita episcopal en la América hispánica: Gobierno de la Diócesis y ejercicio de la justicia entre Roma y Madrid', Universidad del País Vasco)

Instaurando la Iglesia al fin del mundo: Los obispos de Chile y el real patronato (1561–1630), (16.12.2016, Seminar 'Una nueva mirada sobre el Patronato Regio: La Curia Romana y el gobierno de la Iglesia Ibero-Americana en la edad moderna', MPleR)



Religious Governance and Influence Making: Bidirectional Communications between the Holy See and the Local Churches of Spanish America, (05.01.2017, Conference on Latin American History at American Historical Association, Denver)

Mario Losano

Zirkulation von Wissen zwischen Italien, Portugal und Brasilien: Piemontesische Offiziere im lusophonen Bereich: Carlo Antonio Napione/Carlos Antônio Napion, Carlo Juliano/Carlos Julião, und Giacomo Durando, (30.–31.01.17, Research Kolloquium: Knowledge and Information Regimes in Early Modern Times, MPlER)

Conferenza di chiusura: IV Congreso Seguridad, Justicia y Sistema Penal: prevención e intervención frente al terrorismo yihadista en el ciberespacio, (09.–10.02.2017, Universitat de València)

Conferenza: La Red, el Estado Islámico y las Mujeres, (14.02.2017, Universitat de València)

Un piemontese risorgimentale nel mondo: Carlo Antonio Napione tra Piemonte, Germania, Portogallo e Brasile, (20.03.2017, Conference Rotary Club, Casale Monferrato)

Lezione: Lo Stato Islamico e le donne (presentazione del volume: La rete e lo Stato Islamico), (24.03.2017, Corso di sociologia della famiglia, Università di Milano-Bicocca)

Presentazione del volume: Nitsch, Renato Treves esule in Argentina, (31.03.2017, Università di Torino)

Philology and Digital Humanities: Old Questions and New Approaches for Working with Texts, (16.03.2017, Workshop, MPlER)

Giappone 1868, la nascita di una potenza mondiale. Presentazione dei volumi Alle origini della filosofia del diritto in Giappone, Il portoghese Wenceslau de Moraes e il Giappone ottocentesco e Lo spagnolo Enrique Dupuy e il Giappone ottocentesco, (27.05.2017, Salone del Libro, Torino)

Lezione conclusiva: Il 'Manifesto delle donne' e la cultura islamica (e presentazione del volume: La rete e lo Stato Islamico,) (23.05.2017, Università di Milano-Bicocca)

Das öffentliche Recht vor den Herausforderungen der Informations- und Kommunikationstechnologien jenseits des Datenschutzes, (26.–27.05.2017, Relazione di apertura, 12° Congresso SIPE, Università degli Studi di Milano)

Diritti, iniuria e servitù. Presentazione del libro: Luca Baccelli, Bartolomé de Las Casas, (08.06.2017, Seminario, Università degli Studi di Milano)

Dopo le Primavere Arabe: verso lo Stato-Convento? (e presentazione del volume: La rete e lo Stato Islamico), (23.07.2017, Università degli Studi di Milano)

Presentazione della Collana 'Quaderni di teoria critica della società' (Mimesis), (27.09.2017, Casa della Cultura, Milano)

Itália, a União Europeia e o problema da imigração nos últimos 20 anos, (12.10.2017, Conferencia, Sociedade de Geografia de Lisboa)

Yamato, Presentazione dei volumi sul Giappone: Paternostro, (15.10.2017, Casale Monferrato)

Carlo Antonio Napione: un Piemontese a Rio de Janeiro, (23.10.2017, Rotary Torino Castello, Torino)

Yamato, Apresentação dei volumi sul Giappone: Dupuy e Moraes, (12.11.2017, Casale Monferrato)

Kelsen 'criptocomunista' negli USA, (14.11.2017, Conferenza, Università degli Studi di Ferrara)

Trasparenza e segreto: una convivenza difficile nello Stato democratico, (15.11.2017, Conferenza, Università degli Studi di Ferrara)

Presentazione di due volumi: L'autorità islamica fra tradizione e nuove tecnologie, (21.11.2017, Casa della Cultura, Milano)

Gustavo Machado Cabral

Los comentarios a las leyes patrias en la literatura jurídica del Antíguo Régimen: el caso de Manuel Álvares Pegas, (28.01.2015, Seminario Permanente: Nuevos Horizontes de la Historia del Derecho, Universidad Autónoma de Madrid)

O pensamento conservador no constitucionalismo brasileiro, (20.08.2015, University of Fortaleza)

Pegas' Allegationes and Foreign Law on maioratus, (30.10.2015, American Society for Legal History, Washington, D.C.)

Metamorfoses: Franz Kafka e o Direito, (09.06.2016, Interdisciplinary Seminar on Law and Literature, Federal University of Ceará)

Aspectos do federalismo na Primeira República: a experiência dos Senados Estaduais, (09.08.2016, Federal University of Rio Grande do Sul)

Jurisdição senhorial, coronelismo e mandonismo: aproximações possíveis?, (10.08.2016, Federal University of Rio Grande do Sul)

Impeachment: aspectos históricos [A history of the impeachment process], (18.08.2016, Estácio University)

Presence of books on canon law and of pragmatic literature in colonial Brazil (16th–18th centuries), (06.12.2016, Research Colloquium 'Knowledge and information regimes in early modern times', MPIeR)

Canon Law, Moral Theology and Pragmatic Literature in Colonial Brazil (16th–18th centuries), (19.01.2017, Leuven Legal History Talks, University of Leuven)

Pragmatic literature in Portuguese America (16th–18th centuries), (02.06.2017, Workshop 'Knowledge of the Pragmatici: Presence and significance of pragmatic normative literature in Ibero-America in the late 16th and early 17th centuries', MPIeR)

A recepção de Maquiavel nos países católicos, (29.08.2017, Faculdade 7 de Setembro, Fortaleza)

Os decisionistas portugueses entre o direito comum e o direito pátrio, (29.11.2017, lus et iustitia: Direito e Justiça na América Portuguesa, Federal University of Rio Grande do Norte)

Fontes do Direito no Brasil Colonial: história e panorama, (08.12.2017, I Congresso Interamericano de Direito Público, Universidade Regional do Cariri)

Dennis Majewski

Cum inter cetera virtutum opera elemosina sic premineat. Die Beziehungen des Klosters Dobrilugk zu den Bischöfen von Meißen bis in die Mitte des 13. Jahrhunderts, (02.02.2015, Lichtmess-Symposium, Bad Liebenwerda)

Durchdringen, erfassen und erschließen. Mittelalterliche Klöster als raumstrukturierende Kräfte, (17.09.2015, Conference 'Rechtsräume', MPlER)

Die 'Rechtslandschaft' – Raumgliederung durch (Herrschafts)Rechte am Beispiel des Klosters Dobrilugk, Niederlausitz, (22.09.2015, Editions wissenschaftliches Kolloquium des deutsch-polnischen Gesprächskreises für Quellenedition 'Die Geschichte im Bild', Toruń)

Aus dem (digitalen) Werkzeugkasten des Historikers: Möglichkeiten und Grenzen der Abbildbarkeit von mittelalterlichen Raumstrukturen, (17.11.2015, Kolloquium 'Ausgewählte Themen der eHumanities', Passau)

Helen McKee

'Hardships there are but the land is green and the sun shineth': The Legal History of Land Ownership in Post-Emancipation Jamaica, (18.02.2016, Birkbeck College, London)

Resistance and Runaways: The Jamaican Maroons in the Eighteenth Century, (28.06.2016 Resistance & Empire: New Approaches and Comparison Conference, Lisbon)

Land and Conflict in Jamaica, (06.03.2017, Taller exploratorio – 'Conflict Regulation, Law and Diversity from a Legal Historian Perspective / Regulación de conflictos, derecho y la diversidad desde una perspectiva histórico-jurídica', University of Panama)

Vagrancy and the Courts in Post-Emancipation Jamaica, (24.04.2017, Common Law Research Seminar, MPlER)

Treat Every Man as a Vagrant who Acts as a Vagrant: Vagrancy in Jamaica, (15.05.2017, Association of Caribbean Historians Annual Conference, Tobago)

Conflict Regulation in Jamaican Maroon communities, (16.06.2017, Konrad Adenauer Stiftung Workshop: 'especializado en Humanismo y Líderes Indígenas', Oaxaca, Mexico)

The Development of Vagrancy Law in Jamaica, (22.06.2017, Law & Society Annual Conference, Mexico City)

Introduction to Conflict Regulation, (25.07.2017, Max Planck Summer Academy for Legal History, MPlER)

Vagrancy in Post-Emancipation Jamaica, (27.11.2017, Workshop: Legal Transfer in the Common Law World, Tel Aviv University)

Massimo Meccarelli

Spazio ibridazioni e diritti tra storia e postmodernità, (13.02.2015, Centro di studi per la storia del pensiero giuridico moderno, Università di Firenze)

'Diritti e poteri in transizione (secc. XVIII–XIX). Penisola iberica e italiana, america iberica': nuovi approcci analitici per la storia del diritto. Prime note, (21–22.05.2015 Workshop Droits et pouvoirs en transition (XVIII–XIXe) Péninsules ibérique et italienne, Amériques ibériques, Université Bordeaux Montaigne)

Justice and Ordering Factors in Criminal Law: a Perspective from Legal History, (06.05.2015, University of Split, Croatia)

Discorso giuridico e diversità: orizzonti di possibilità per la tutela giuridica, (25.–26.06.2015, Workshop Discorso giuridico e diversità. Diritti e giustizia in tempo di crisi e di transizione, Università degli studi di Macerata)

Discurso jurídico e diversidade: temas e problemas atuais para a história do direito, (31.08.–05.09.2015, VIII Congresso brasileiro de Historia do direito, Universidade Federal do Paraná, Curitiba)

Lo spazio dei diritti: orizzonti territoriali della tutela giuridica tra crisi e transizione. Una prospettiva storico-giuridica, (05.–06.10.2015, International Conference Rights and Social Cohesion, Università di Genova)

Diritti e coesione sociale: una questione di spazio giuridico, (03.–04.12.2015, Workshop: 'História, Memória e Justiça', Universidade de Brasília)

Per un dialogo interdisciplinare sulla crisi e sui diritti, (10.–11.12.2015, Workshop Letture della crisi: diritto, filosofia, teatro, Università degli studi di Macerata)

Rechtsdiskurs und Diversität: Fragestellungen und aktuelle Herausforderungen für eine Geschichte der Rechtsschutzes, (16.03.2016, Work Meeting 'Recht und Diversität als Herausforderung der Rechtswissenschaft', MPIeR)

Diritti e coesione sociale: una prospettiva storico-giuridica in tema di legal spaces, (21.–22.03.2016, Colloque international « Raison administrative et logiques d'Empires: l'évolution du sens « d'administration » (XIIIe–XXe siècle) Université de Toulouse Jean Jaurais)

I diritti in tempo di crisi: una problema interdisciplinare per la scienza giuridica, (28.–29.04.2016, Workshop 'Diversidade, culturas, direitos', Universidade Federal do Paraná, Curitiba)

Legal System and Autonomy of the Law: an Outlook from Legal History, (19.–20.05.2016, Conference 'La contrainte en droit / La coercizione nel diritto', Università di Macerata)

Rights in times of crisis: An interdisciplinary issue for legal sciences, (01.06.2016, Fourth Biennial ESCLH Conference Culture, Identity and Legal Instrumentalism, University of Gdansk)

El espacio de los derechos en el pensamiento de la segunda escolástica. Una perspectiva iushistorica, (28.–02.09.2016, XIX Congreso del Instituto internacional de historia del derecho indiano, Berlin)

Pensare la legge nel tempo dell'autonomia del diritto. Esperienze medievali e moderne, (26.09.2016, Seminario permanente 'Coloquios de Historia del Derecho (2016–2017)', Universidad Autonoma de Madrid, Spain)

Adscriptive times in legal experience: Transition, Crisis, Emergency, (28.–29.11.2016, Workshop 'Os tempos do direito: diacronias, crise, historicidade', Universidade de Brasília)

Book Presentation 'Diversità e discorso giuridico. Temi per un dialogo interdisciplinare su diritti e giustizia in tempo di transizione', edited by Massimo Meccarelli 2016, (30.11.2016, Universidade de Brasília)

Spatial and temporal categories for a joint history: issues and perspectives, (15.–16.12.2016, Conference 'Tradições jurídicas católicas na europa e américa (séculos XVIII–XIX)', Universidade Nova de Lisboa)

I regimi dell'eccezione nella crisi della democrazia, (27.–28.01.2017, Conference La solitudine della democrazia, Università del Salento, Lecce)

Presentation of the book: Paul Garfinkel, *Criminal Law in Liberal and Fascist Italy*, Cambridge University Press, 2016, (10.07.2017, Università di Macerata)

Spazio giuridico, diritti, coesione sociale: Una prospettiva dalla storia del diritto, (08.–10.05.2017, Conference 'Democrazie in movimento: Cittadinanze, linguaggi e migrazioni tra Italia, Europa e Americhe', Università degli studi di Macerata)

Law, history and adscriptive times: topics and issues of the transition in the Italian legal debate after the end of fascism, (27.–28.06.2017, Workshop Comparing Transitions to Democracy. Law and Justice in South America and Europe, Universidade de Brasilia)

Diritti e coesione sociale: una questione di spazio giuridico, (19.10.2017, Conference Dinamiche del diritto, migrazioni e uguaglianza relazionale Università degli Studi di Macerata)

Lex and autonomy of law in the Early Modern Age: the School of Salamanca, (15.11.2017, Research Colloquium 'Some Fundamental Concepts of the School of Salamanca's Juridical-Political Language', MPLeR)

Prospettive globali e storia del diritto: per un rinnovato dialogo storiografico tra Germania ed Italia, (22.–24.11.2017, Conference Italia e Germania Storiografie in dialogo incrociato, Istituto storico italo-germanico, Trento)

Pilar Mejía

Aberglaube als historischer Feind, (30.04.2015, Goethe Universität Frankfurt)

¿Cómo se construye un Diccionario? Herramientas metodológicas para el DCH, (31.08.–01.09.2015, Workshop Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglo XVI-XVIII, Bogotá)

El antropólogo como inquisidor y la superstición como objeto de estudio: diálogos entre la historia social y la historia del derecho, (07.09.2015, 'Colombia Colonial: Archivos y Documentos', Universidad del Rosario, Bogotá)

Presentación de los proyectos de diccionarios histórico-jurídicos en el MPLeR, (10.11.2015, International Seminar: Novos campos de pesquisa da historia das Instituições eclesiásticas e suas normatividades no Brasil, siglo XVI–XIX, Goethe Institute São Paulo)

Quellen und Methodologie des Wörterbuchs DCH, with Osvaldo Moutin, (10.–11.03.2016, Workshop 'Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglo XVI-XVIII, MPLeR)

Methodologie und Lemmata des Wörterbuchs DCH, (27.–29.07.2016 and 09.–11.08.2016, Workshop 'Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglo XVI-XVIII', Bogotá)

Encuentros entre la historia del derecho y la historia social: perspectivas de investigación, (03.08.2016, Pontificia Universidad Javeriana, Bogotá)

Conocimientos teológico-jurídicos sobre la superstición, (16.08.2016, Universidad del Rosario, Bogotá)

Historia de la historiografía sobre los tribunales inquisitoriales americanos. Balance crítico y nuevas perspectivas histórico-jurídicas, (29.08.2016, XIX Congreso del Instituto Internacional de Derecho Indiano, Berlin)

Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglos XVI–XVIII, with Osvaldo Moutin, (30.08.2016, XIX Congreso del Instituto Internacional de Derecho Indiano, Berlin)

Methodologie und Lemmata des Wörterbuchs DCH, with Osvaldo Moutin and José María Humanes, (02.09.2016, Workshop 'Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglo XVI–XVIII', Berlin)

Christoph Meyer

Convivencia – Some Observations from a Canon Law Point of View, (06.–07.09.2015, 'Convivencia. Iberian to Global Dynamics', Barcelona)

Das Vierte Lateranum als Einschnitt der kirchlichen Rechtsgeschichte, (01.–04.07.2015, 'Europa 1215 – normativer Wandel, Institutionen und kulturhistorische Zusammenhänge zur Zeit des IV. Laterankonzils', Erlangen)

The Infidel in Medieval and Early Modern Canon Law. A brief overview of the history of research, (23.05.2016, Convivencia (Internal Workshop): From Iberian Peninsula to Global Dynamics (500–1700), Max Planck Institute for Social Anthropology, Halle)

Some Comments on Jérôme Bourgon's Lecture 'Taking Chinese Law seriously. What is legal – or juridical – in Chinese Law?' (02.06.2016, 'Organizing Justice: China and Europe from the 15th of the early 20th century', MPIeR)

Simple Knowledge about Complex Norms. Some observations on literary genres and methods, (25.10.2016, Research Colloquium 'Knowledge and information regimes in early modern times', MPIeR)

An Infidel's Marriage Dissolved by the Church. Some Observations on the So-Called Pauline Privilege, (26.06.2017, 'Convivencia. Iberian to Global Dynamics (500–1750)', Lisbon)

Heinz Mohnhaupt

Schuldnerschutz durch Moratorien bei David Mevius und anderen Autoren seiner Zeit mit einem Ausblick bis in das 19. Jahrhundert, (05.09.2015, 8. Rechtshistorikerkonferenz im Ostseeraum: 'Justiz und Gesellschaft zwischen Privatsphäre und Öffentlichkeit', University Torun)

Die Diskussionen im 18./19. Jahrhundert über Freiheiten und Gleichheit im Privilegien- und Rechtssystem zwischen Gerechtigkeitsfrage und Ideologie, (16.09.2015, Symposium zum 70. Geburtstag von Joachim Rückert, Goethe Universität Frankfurt)

Beobachtungen zur Verfassungsgeschichte in Deutschland während der letzten 15 Jahre, (19.09.2016, Constitutional History 2000–2015; University Kraków)

Osvaldo Moutin

Workshop for Authors of Historical Dictionary of Canon Law in Spanish America and the Philippines. 16th–18th Centuries, (25.02.2015, MPIeR)

Workshop for Authors of Historical Dictionary of Canon Law in Spanish America and the Philippines. 16th–18th Centuries, (11.08.2015, INHIDE, Buenos Aires)

'...procediendo breve y sumariamente, como en causa de indios...'. Procedimiento sumario en el derecho canónico, (18.08.2015, III Jornadas de Estudio del Derecho Canónico Indiano, INHID, Buenos Aires)

Workshop for Authors of the Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglo XVI–XVIII, (25.08.2015, Universidad Andrés Bello, Santiago de Chile)

Workshop for Authors of the Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglo XVI–XVIII, (04.12.2015, Universidad Nacional Autónoma de México, Mexico City)

Workshop for Authors of the Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglo XVI–XVIII, (07.12.2015, El Colegio de Michoacán, Zamora de Hidalgo)

Workshop for Authors of the Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglo XVI–XVIII, (10.–11.03.2016, MPIeR)

Emergencia de la Ley como modo de resolución de conflictos en el Derecho Canónico en Hispanoamérica, (20.05.2016, Universidad de Girona)

El tratado sobre la inmunidad eclesiástica de Alonso de Noreña al III Concilio Provincial Mexicano. Análisis histórico-jurídico (with Christiane Birr), (05.07.2016, Research Kolloquium, MPIeR)

Presentación del Proyecto 'Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglos XVI–XVIII', with Pilar Mejía, (30.08.2016, XIX Congreso del Instituto Internacional de Historia del Derecho Indiano)

El tratado sobre la inmunidad eclesiástica de Alonso de Noreña al III Concilio Provincial Mexicano. Análisis histórico-jurídico, (01.9.2016, XIX Congreso del Instituto Internacional de Historia del Derecho Indiano)

Workshop for Authors of the Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglo XVI–XVIII, (02.09.2016, Berlin)

Producing normativity: Juridical and pastoral literature of the Third Mexican Provincial Council, 1585, (22.11.2016, Research Colloquium 'Knowledge and information regimes in early modern times', MPIeR)

Workshop for Authors of the Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglo XVI–XVIII, (20.12.2016, Universidad de Navarra, Pamplona)

'Mudar leyes antiguas y ordenar nuevos decretos'. La redacción de los Decretos del Tercer Concilio Provincial Mexicano, (21.12.2016, Universidad de Navarra, Pamplona)

Sagrada Unción, (17.7.2017, Monthly Meeting of the Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas, siglo XVI–XVIII, MPIeR)

Project Presentation 'Historical Dictionary of Canon Law in Spanish-America and the Philippines. 16th–17th Century (DCH)', (1.8.2017, Summer Academy for Legal History, MPIeR)

Book Presentation 'Legislar en la América Hispánica', (2.12.2017, Feria Internacional del Libro de Guadalajara, Guadalajara de Jalisco)

Seminar 'Introduction to Canon Law ', (4.–8.12.2017, El Colegio de Michoacán, Zamora de Hidalgo)

Jessika Nowak

Kardinalsbriefe des Giovanni di Castiglione (1457/1458), (10.4.2015, Universität München)

‘Ich habe mir überlegt, von meiner Seite aus nichts unversucht zu lassen – Aufstieg und Aufstiegspläne des Giovanni di Castiglione (ca. 1413–1460)’, (22.4.2015, Universität Kassel)

Je veux bien que chacun sçache que sy j’eusse vollen je feusse roy – Königsein in Burgund, (6.5.2015, Universität Basel)

Nuy ve scrivemo questa littera alligata cum le parte cifrate. Chiffrierungen in der kurialen Korrespondenz Francesco Sforzas, (19.5.2015, Berlin)

Le royaume de Bourgogne. Nouvelles perspectives allemandes, (18.6.2015, Université Lyon III)

Raum ohne Macht? Die Eingliederung der Provence in das Königreich Burgund, (24.6.2015, Universität des Saarlandes, Saarbrücken)

Deum regnantem, regem espitantem ... Herrschaftskonstellationen in Niederburgund, (21.7.2015, Universität Freiburg)

Prekäre Macht, changierender Raum – Überlegungen zum Königreich Burgund (888–1032), (17.9.2015, MPIeR)

Deutsch-französisches Networking – Junge Mediävistik 2.0, (29.10.2015, ‘Smart Teaching – Better Learning. Digitales Lehren und Lernen an Hochschulen’, Berlin)

... usi la cifra quando te pare cosa importante et periculosa. Chiffrierung und Verhandlungsführung an der Kurie des 15. Jahrhunderts, (7.11.2015, Universität München)

„Prekäre Macht“? Das burgundische Königtum (888–1032), (02.02.2016, Universität Köln)

Einführung, (04.03.2016, DFG Netzwerk ‘Stilus curiae. Spielregeln der Konflikt- und Verhandlungsführung am Papstthof des Mittelalters [12.–15. Jahrhundert]’, München)

Changieren zwischen Norm, Tradition und Neuansatz. Die burgundischen Rudolfinger und ihre Siegel, (09.06.2016, ‘Journées suisses d’histoire’, Lausanne)

Banquets and Conflict Resolution at the Time of Pius II, (06.07.2016, International Medieval Congress, Leeds)

‘parendome cossa che pertene alla illustrissima signoria vostra a concedere’. Handlungsräume der Mailänder Herzogin Bianca Maria Visconti, (14.07.2016, ‘Gewalt, Krieg und Gender im Mittelalter’, Hannover)

El Duca de Bergogna, ut dico, se lassia tutto reger da altri. La prise des décisions en Bourgogne du point de vue milanais, (23.09.2016, ‘Les cultures de la décision dans l’espace bourguignon : acteurs, conflits, représentations’, Münster)

Nuy ve scrivemo questa littera alligata cum le parte cifrate. Konflikt- und Verhandlungsführung an der Kurie um 1450, (28.09.2016, MPIeR)

Gli ha facto venire voglia de farli cum reverentia cagare il sangue. Emotionen an der Kurie und im Verkehr mit der Kurie im Spiegel der Gesandtschaftsberichte (03.12.2016, DFG Netzwerk ‘Stilus curiae. Spielregeln der Konflikt- und Verhandlungsführung am Papstthof des Mittelalters [12.–15. Jahrhundert]’, München)

Zwischen Sobo und Theobaldus – das Erzbistum Vienne 949–957, (5.12.2016, Colloque international ‘Diocèse en intérim. Le temps de la vacance épiscopale [France et Allemagne, Xe–XIIIe siècle]’, German Historical Institute Paris)

Lorena Ossio

Moderation und Kommentar der Arbeitsgruppe 'Protección jurídica y diversidad cultural: Actualidad y problemas conceptuales', (01.09.2015, Berlin)

La construcción conceptual de la jurisdicción indígena originaria campesina en Bolivia, (03.09.2015, Workshop: 'Protección Jurídica y diversidad cultural: Perspectivas histórico-jurídicas', MPIeR)

The principle of Solidarity and Social Inclusion in Developing Countries: An Innovative Approach for Social Security, (17.09.2015, 21st World Congress International Society for Labour and Social Security Law, Cape Town)

Rechts- und Justizvorstellungen der indigenen interpersonellen Konfliktfälle und Konfliktlösungen – Faktoren des Wandels der Rechtskulturen in Bolivien, Peru und Ecuador, (16.01.2016, Universität Speyer)

La enseñanza del Derecho Indiano en Bolivia, (19.04.2016, Research Colloquium, MPIeR)

Tensiones normativas frente a la diversidad y a la implementación de los derechos sociales en América Latina, (20.05.2016, Universitat de Girona)

Miguel Bonifaz y la enseñanza del Derecho Indiano en Bolivia, (29.08.2016, XIX Congreso del Instituto Internacional de Historia del Derecho Indiano, Berlin)

Learning from the Past? Facts and Fictions from Historical Societies with Greater Diversity (24.11.2016, WeberWorldCafé-Transregionale Dialoge zwischen Wissenschaft, Gesellschaft und Kultur, Göttingen)

Pluralismo jurisdiccional y Diversidad: Consideraciones a partir de 'Instituciones no estatales de justicia y derecho', (14.10.2016, Segundo encuentro Peruano – Alemán: Derecho y Diversidad Cultural, Instituto Riva-Agüero, Pontifical Catholic University of Peru)

Autorregulación y Diversidad: Consideraciones a partir de 'Justicia no estatal dentro del Estado' y 'Regulierte Selbstregulierung', (14.10.2016, Segundo encuentro Peruano – Alemán: Derecho y Diversidad Cultural, Instituto Riva-Agüero, Pontifical Catholic University of Peru)

Las categorías jurídicas y la construcción de la identidad indígena en América Latina – desde la experiencia histórico-jurídica boliviana (1825–1953), (14.10.2016, Segundo encuentro Peruano – Alemán: Derecho y Diversidad Cultural, Pontifical Catholic University of Peru)

Mesa Redonda Encuentro de investigadores de estudios histórico-jurídicos en el Estado Plurinacional de Bolivia, (21.10.2016, Salón de Videoconferencias de la Vicepresidencia del Estado de Bolivia)

Comentario: Historia Constitucional de la Asamblea Constituyente en Bolivia, (07.12.2016, Max Planck Institute for Comparative Public Law and International Law, Heidelberg)

José Luis Paz Nomey

Holy See and the Catholic laity associates in brotherhoods in the Viceroyalty of Peru (XVI–XVII), (11.07.2016, Coloquio de Peruanistas, Universität Hamburg)

Holy See and the Catholic laity associates in brotherhoods in the Viceroyalty of Peru (XVI–XVII)', (23.11.2016, SFB 1095, Goethe Universität Frankfurt)

Lenguas and translation in the Viceroyalty of Peru, (16th–17th Centuries), (18.10.2017, MPIeR)

The Holy See, the laymen and particular devotional expressions in the Peruvian Church, (16th–17th Centuries), (4.10.2017, German Historical Institute, Rome)

La Santa Sede e le confraternite cattoliche nel Vicereame del Perù, (Sec. XVI–XVII), (21.06.2017, Tre University, Rome)

Niels Pepels

The Transfer of the Statute of Anne: From England to a New Republic, (11.12.2017, Common Law Research Seminar, MPIeR)

Piracy of Laws: U.S. Copies British Copyright Law, (27.11.2017, Workshop: Legal Transfer in the Common Law World, Tel Aviv University)

Copyright in England and Abroad: Statutes and Case Law Developed, (04.05.2017, PhD@Maxlaw Workshop, MPIeR)

Sigfrido Ramirez Perez

History of EU Law-competition law and policy, (10.04.2016, Jour Fixe, MPIeR)

Estrategias de innovación y competitividad en la industria automóvil Española desde 2008, (30.05.2016, Curso de Master Ejecutivo, Clase Profesora Lourdes Medina, Facultad de Contaduría y Administración de empresas, Universidad Nacional Autónoma de México, Mexico City)

Crises and transformations of European business circles during the long 1970s: European integration or globalization?, (26.–28.05.2016, 1st HEIRS-RICHIE Conference 'Capitalism, Crises and European Integration since 1945', European University Institute, Florence)

La Ligue Européenne de Coopération Economique et le Comité Européen pour le progrès économique et social des deux reseaux patronaux européens en perspective comparée, (07.–09.06.2016, Panel 'L'Organisation transnationale du Patronat', 4ème Journées Suisses d'histoire, Lausanne)

L'Évolution du Droit européen d'après les archives, (30.06.2016, 'Sources et itinéraires de recherche croisés de l'histoire de la Construction Européenne (1957–2015)', Paris/La Courneuve)

Discussant of the paper by Tommaso Pardi (Director of GERPISA) Quelles conséquences du Brexit pour le secteur automobile en Grande-Bretagne et en Europe?, (04.11.2016, Journée-séminaire professionnels GERPISA, Comité des Constructeurs Français de l'Automobile (CCFA), Paris)

The competition policy of the European Communities: Between politics and law, (17.–18.11.2016, 'The Economy is our destiny: social democracy and one hundred years of cartels, monopolies and competition policy and law (1914–2014)', University of Gothenburg)

External Relations (Trade and Overseas), (22.06.2017, 'Treaties as travaux préparatoires', Conference on the 60th Anniversary of the Treaties of Rome, MPIeR)

The Treaty of Rome of 1957 and the French Automobile Industry: an institutional innovation?, (15.09.2017, 25th International Colloquium GERPISA, Ecole Normale Supérieure-Cachan, Paris)

Tratados Comerciales, sindicatos y futuro del Trabajo, (11.10.2017, Keynote Speech, 10th Congress of the Mexican Association of Labor Studies (AMET), University of Sonora, Hermosillo)



Les fédérations de la métallurgie espagnoles dans le conflit Renault-Vilvoorde de 1997, (04.11.2017, Miniconference on the International Relations of European Metal Industry Federations since the 1970s, 2nd European Labour History Conference, Paris)

David Rex Galindo

A Weakening Church? Franciscan Internal Conflict and the Implementation of Ecclesiastical Normativity on the Michoacán Frontier, 1585–1600, (31.03.2016, Rocky Mountain Council for Latin American Studies, Santa Fe)

Para evitar escándalos: Conflictos internos y acusaciones públicas en la Provincia Franciscana de Michoacán, siglo XVII, (30.08.2016, XIX Congreso del Instituto Internacional de Historia del Derecho Indiano, Berlin)

Implementation of Religious Normative Knowledge in New Spain's Mission Regions, (15.11.2016, Research Colloquium, MPIeR)

Implementation of Ecclesiastical Normative Knowledge in the 16th-Century Michoacán Frontier, (30.11.2016, Workshop 'Practical and Pragmatic Literature in Legal and Science History' Max Planck Institute for the History of Science, Berlin)

Creating a Legal State in Early Colonial Mexico: Franciscans and the Implementation of Catholic Normativities in 16th-Century Michoacán, (05.01.2017, Conference on Latin American History, Denver)

Misioneros franciscanos y la aplicación de normatividades en zonas de frontera: Michoacán, siglo XVI, (06.09.2017, AHILA International Congress, Valencia)

Raja Sakrani

The Three Cultures. Living together in Al-Andalus, (24.11.2015, Käte Hamburger Kolleg 'Recht als Kultur', Bonn)

Cultures de droit judaïques et islamiques: un regard durkheimien, (28.10.2015, 'The Sacred and the Law. The Durkheimian Legacy', Käte Hamburger Kolleg 'Recht als Kultur', Bonn)

Eröffnung (28.2.2015, Conference 'Droit et culture en transition', Beit al-Heikma / Akademie der Wissenschaften und Künste, Tunis)

'Convivencia' as a Historical Legal Programm, (22.01.2017, 'South of Everything: a Workshop on Global Legal Education', NYU Abu Dhabi)

Rituals and cults in the dynamic of Convivencias: some theoretical reflections with empirical examples', (03.02.2017, 'Convivencias Today: Reflections on a Historiographical Concept', MPIeR)

Some elements of visualising myth and realities of Convivencia. From Al-Andalus until today, (20.–23.07.2017, International Meeting on Law and Society 'Walls, Borders, and Bridges: Law and Society in an Inter-Connected World', Mexico City)

Varieties of Dhimminess? Constructions of the 'Other' in Islamic Thought, (25.–29.07.2017, 'Convivencia. Iberian to global dynamics (500–1750)', Lisbon)

Laila Scheuch

Sources for the Study of Marital Conflict Regulation on the Left Bank of the Rhine and in Franc, (19.03.2015, Kolloquium, MPlER)

The Regulation of Marital Conflicts on the Left Bank of the Rhine and in France, 1798–1814, (28.05.2015, MPlER)

Die Regulierung ehelicher Konflikte im linken Rheinland und in Frankreich: das Fallbeispiel Mainz, (22.06.2015, Universität Giessen)

Die Regulierung ehelicher Konflikte im linken Rheinland und in Frankreich: das Fallbeispiel Koblenz, (03.07.2015, Universität Mainz)

Social Order in the Family Re-Established? Marital Conflict Regulation in the Franco-German Borderlands in the Time of the French Revolution, (14.09.2015, REMEP Summer University, Bad Hersfeld)

Beziehungen und Beziehungsgeflechte von französischen und deutschen StadteinwohnerInnen während der Französischen Revolution am Beispiel von Scheidungsverfahren, (29.10.2016, 'Beziehungsgeschichte(n). 22. Fachtagung des AK Geschlechtergeschichte der Frühen Neuzeit', Stuttgart)

Marital Conflict Regulation Across Boundaries – France and the Rhineland in the Revolutionary and Napoleonic Era, (14.10.2016, Graduate Workshop European History Across Boundaries, Leibniz-Institut für europäische Geschichte, Mainz)

Die Regulierung ehelicher Konflikte im linken Rheinland und in Frankreich in der revolutionären und napoleonischen Zeit, (29.05.2016, Universität Bonn)

Philipp Schmitt

Minimum Harmonization – The Development of a Legislative Technique in EU Law, (26.01.2017, 'The History of EU Law in Transnational and National Perspective', MPlER)

Minimum Harmonization: The Development of a Legislative Technique in EU Law, (05.05.2017, PhD@maxlaw Workshop, MPlER)

Minimum Harmonization – The Development of a Legislative Technique in EU Law, (16.05.2017, Workshop: '6th Max Planck Masterclass in International Law, How to Read Decisions of the European Court of Justice', Max Planck Institute for Comparative Public Law and International Law, Heidelberg)

Raquel Sirotti

In-between monument and instrument: the 1890's penal code and the built of legal identities among criminal law doctrine in Brazil, (29.06.2016, 4th European Society for Comparative Legal History Conference, University of Gdansk)

Criminalizing politics: newspapers' political juridical discourses and legal responses from the criminal justice system to political conflicts in Brazilian First Republic (1889–1930), (20.02.2017, REMEP Winter University, Max-Planck Institute for Social Anthropology)

Us and them: discourses on political protests and demonstrations in the journals of Brazilian National Congress (2013–2016), (21.06.2017, Law and Society Association Annual Meeting, Mexico City)

Criminalizando a política? Conflitos políticos em ações de Habeas-Corpus julgadas pelo Supremo Tribunal Federal (1890–1921), (05.09.2017, Conferência anual do Instituto Brasileiro de História do Direito, Instituto Histórico e Geográfico Brasileiro, Rio de Janeiro)

Michael Stolleis

Weimarer Staatsrechtslehre in der Bundesrepublik, (11.03.2015, Universität Freiburg)

Méthode de l'histoire du droit, Colloque pour la présentation de la traduction du livre 'Rechtsgeschichte schreiben', (26.03.2015, Université de Reims)

Die Benennung der Welt, (16.04.2015, Abschlussvortrag der Conference der Gesellschaft für Namensforschung und des Arbeitskreises Namensrecht, Universität Regensburg sowie am 13.11.2015 in Augsburg, Verein der Freunde von St. Anna)

Juristenlatein, (20.05.2015, Vortrag im Rahmen der Reihe 'Lebendiges Latein' der Volkshochschule Ludwigshafen)

Was ist der Kanon der europäischen Bildung?, (03.06.2015, Stiftung Polytechnische Gesellschaft, Frankfurt)

Das Richterbild in der europäischen Tradition, (08.06.2015, Bremische Bürgerschaft)

Entwicklungslinien des Verwaltungsrechts im Zeitalter der Europäisierung und Globalisierung, (27.06.2015, University of Tokyo)

Wissenschaftsgeschichte des öffentlichen Rechts in Japan und Deutschland 1930 – ca. 1960, (28.06.2015, Kolloquium Sophia-University, Tokyo)

Das europäische Erbe des Verfassungsstaats in der Epoche der Globalisierung, (04.07.2015, Japanisch-Deutsche Gesellschaft für Rechtswissenschaft, Kyoto)



Kolloquium zur Neueren Rechtsgeschichte, (06.07.2015, Kansai-University, Osaka)

50 Jahre Juristische Gesellschaft, (16.07.2015, Juristische Gesellschaft Frankfurt)

Der inszenierte Volkszorn. Zum Pogrom von 1938, (11.11.2015, Universität Tübingen)

Lorenz von Stein – Visionär und Realist des 19. Jahrhunderts, (17.11.2015, Landeshaus Kiel)

Sur la place de l'histoire contemporaine du droit en Allemagne, (20.11.2015, Université de Bordeaux)

Courts and persecution of minorities 1930–1950, (03.12.2015, University of Oslo)

Ein Staat ohne Staatsrecht, eine Verwaltung ohne Verwaltungsrecht? Zum öffentlichen Recht in der Rechtswissenschaft der DDR, (22.04.2016, Universität Giessen)

Histoire de l'état des juristes. Allemagne, XIX_XX siècles, (09.05.2016, Université Sorbonne, Paris)

- Unsere Rechtsgemeinschaft, Ceremonial lecture, (29.05.2016, Pour le mérite, Berlin)
- Verfassungs(ge)schichten, (05.10.2016, Working group 'Grundlagen', Vereinigung der Deutschen Staatsrechtslehrer, Linz)
- Verwaltungsgerichtsbarkeit Nationalsozialismus und DDR, (11.10.2016, Richterakademie Trier)
- Verfassungsgeschichte, (21.10.2016, Colloquium for Dietmar Willoweit, Würzburg)
- Rechtsgeschichte und Literatur, (26.10.2016, Universität Göttingen)
- Europa – woher, wohin? Bemerkungen zu Geschichte und naher Zukunft, (27.10.2016, Humboldt European Law School, Humboldt-Universität Berlin)
- Temporalität und Periodizität in den Geistes- und Sozialwissenschaften, (31.10.2016, Goethe Universität Frankfurt)
- Vortrag zur Restituierung von Doktorgraden im Nationalsozialismus, (09.11.2015, Universität Jena)
- L'État interventionniste en Allemagne 19. et 20. Siècles, (November–December, four lectures at the Collège de France, Paris)
- Zur Rechtsgeschichte des NS-Rechts, (18.01.2017, Working group 'Kritische Juristen', Universität Freiburg)
- Le Droit à l'ombre de la croix gammée (ENS Lyon), (23.3.2017, Université Bordeaux)
- Politische Justiz in Westdeutschland nach 1945, (04.04.2017, Universität Madrid)
- Muss so viel Recht sein? Reformation und Verrechtlichung, (02.05.2017, Universität Erfurt)
- Les enjeux de la traduction juridique, (11.05.2017, Université Toulouse I)
- Der Wasunger Krieg, (18.05.2017, Cronstetten-Haus Frankfurt)
- Verfassung historisch, (29.06.2017, Bielefelder Colloquium on the occasion of the 80th Birthday of Dieter Grimm)
- The German 'Sonderweg', controlling the administration, (10.07.2017, London Institute of Advanced Legal Studies)
- Europa und seine rechtlichen Fundamente, (16.09.2017, Volkshochschule Weinheim)
- Social Law, Contemporary Legal History, History of Public Law, (15.11.2017, Lund University)
- Öffentliches Recht in der Weimarer Republik und im Nationalsozialismus, (07.12.2017, German Historical Institute Moskau)
- Lessons from the past? Rule of Law, institutional arrangements, constitutional review, (14.12.2017, Università Milano-Bicocca)

Julia Vinson (Hütten)

- Miscegenation in German Samoa and German identity 1900–1914, (03.02.2016, University of Bayreuth)

Stefan Vogenauer

Focusing on the 'Legal' in the 'New History of EU Law', (18.01.2015, Workshop of the Copenhagen Project on the History of EU Law, Copenhagen University)

Violence économique – clauses abusives – révision pour imprévision – exécution en nature remèdes unilatéraux: l'expérience allemande, (08.04.2015, Colloquium 'Le projet de réforme du droit des contrats: premières reactions de la pratique des affaires, Chambre de commerce et d'industrie de Paris)

The Role of the Judge after the Reform of French Contract Law, (27.04.2015, Seminar 'The Balance between Contracts and Codifications', Christ Church College, Oxford)

History of European Law 1950–1993: Reception by the Member States, (12.06.2015, 'Towards a New History of European Law', Collège d'Europe, Bruges)

Judge-made Law, Judicial Legitimacy and General Principles of Law in Europe: A Brief History, (26.09.2015, Institute of European and Comparative Law, Oxford)

English Language Contracts Governed by German Law: Selected Legal Issues, (26.11.2015, Max Planck Institute for Comparative and International Private Law, Hamburg)

Is there Competition between Legal Systems? The Case of Contract Law, (04.12.2015, Atelier de Droit Comparé, Institut de Droit Comparé, Paris)

The Making of European Constitutionalism – A Supranational Strategy (chair), (11.12.2015, EUI, Florence)

The Max Planck Institute for European Legal History and its Research Field 'Legal Transfer in the Common Law World', (18.02.2016, Birkbeck College, London)

The UNIDROIT Principles on Contract Interpretation, (23.02.2016, Stockholm Center for Commercial Law, Stockholm University)

Regulatory Competition in Europe, (28.04.2016, Università degli Studi di Roma 'Tor Vergata', Rome)

German-English Contract Language, (28.04.2016, Università degli Studi di Roma 'Tor Vergata', Rome)

Privity of Contract and the Rights of Third Parties, (29.04.2016, Università degli Studi di Roma 'Tor Vergata', Rome)

The EU Insolvency Regulation, (14.05.2016, National Law University, New Delhi)

Publishing Legal History, Peer Reviewing, Ranking and Bibliometrics: A view from the English speaking world, (27.05.2016, Berlin)

Uniform Rules on the Interpretation of Contracts to bridge the Gap between the Civil and the Common Law, (24.06.2016, IE University, Segovia)

Der internationale Wettbewerb von Gerichten: Rechtswahl und Gerichtsstandsvereinbarungen in Theorie und Praxis, (05.07.2016, Wissenschaftskolleg Berlin)

Brexit and its Prospective Impact on US-European Relations, (13.10.2016, Harvard University, Cambridge)

Towards a Legal Biography of FA Mann, (16.11.2016, University of Cambridge)

Legal Transfer in the Common Law World, (09.12.2016, German Embassy, New Delhi)

Transnational Law Institute Featured Roundtable: Voice – Intervention – Connection: The Scholar’s Role in Editing Journals, Blogs, and Paper Series, (12.12.2016, LASSnet Conference, New Delhi)

Brexit and Private Law in England and Europe, (16.12.2016, Institut de Droit Comparé, Paris)

Is there competition between legal systems?, (17.04.2017, ‘XX Seminario de Juan Miquel’, Universidad de La Laguna, Tenerife)

Written Constitutions: Experiments and Challenges – Germany, (04.05.2017, The Honourable Society of the Middle Temple, London)

The role of legal history in the interpretation of EU law: status quo and future possibilities, (23.06.2017, ‘Treaties as travaux préparatoires: Conference on the 60th Anniversary of the Treaties of Rome’, MPIeR)

UNIDROIT Principles as a Model for Law Reform in Taiwan?, (06.10.2017, National Taiwan University Taipei)

Legal Transfer in the Common Law World – Overview of a Research Field, (27.11.2017, Workshop: Legal Transfer in the Common Law World, Tel Aviv University)

Brexit: Winners and Losers in the Higher Education Sector, (08.12.2017, Akademie der Wissenschaften und der Literatur, Mainz Academy of Sciences, Mainz)

Emily Whewell

Extradition in the British Empire: Colonial Hong Kong and China, (18.02.2016, Birkbeck College, London)

Sino-British Criminal Court Cases in Shanghai, (31.03.2016, Association for Asian Studies Annual Conference, Seattle)

Imperial Law without Borders: Borderland jurisdiction and transnational legal connections across western China, Burma and India, (02.04.2016, Socio-Legal Studies Association Annual Conference 2016, Lancaster University)

‘Violence’ and ‘Insubordination’: British Indian subjects in the international Settlement of Shanghai, 1905–1920, (01.07.2016, ‘Police, Public order and the City: Comparative Perspectives from China, India and Britain, 1840–1940’, Shanghai Academy of Social Sciences)

Extradition between the British and French Empires: French Guiana Fugitives Convicts and the Kossekechatko Case (1930–1) in Trinidad, (27.11.2017, Workshop: Legal Transfer in the Common Law World, Tel Aviv University)

Leonhard Wolckenhaar

The ‘Khmer-Rouge-Tribunal’ – a Hybrid Court as a Means of Transitional Justice in Cambodia, (12.10.2017, Meeting of Research Focus Area ‘Conflict Regulation’, MPIeR)

Law, Autonomy and Diversity in German Scholarship of Public Law (19th/20th Century): Preliminary Approaches and Examples of First Observations, (20.11.2017, Meeting of Research Field ‘Law and Diversity – Perspectives from Legal History’, MPIeR)

Konzeptionelle Überlegungen und erste Befunde zu Recht und Autonomie in der deutschsprachigen Wissenschaft vom Öffentlichen Recht im 19. und 20. Jahrhundert, (27.11.2017, Doktorandenseminar der Professur für Öffentliches Recht und Grundlagen des Rechts, Humboldt-Universität Berlin)

Teaching

Benedetta Albani

Teaching assignment at Goethe-Universität Frankfurt

Seminar 'Historical aspects of Governance, Master Programme 2014–2015, LL.M. Legal Theory, SS 2015/SS 2016

Teaching Assignment at University of Cagliari

Seminar 'Il patronato regio spagnolo e la concessione dell'*exequatur* ai documenti pontifici. Tra interpretazione storiografica e nuove evidenze documentali', SS 2017

Alfons Aragoneses

Associate Profesor at University Pompeu Fabra (Barcelona)

Historia del derecho (2015–2016, 2016–2017), Comparative Law (2015–2016, 2016–2017), History of Global Law (2016–2017)

Visiting Professor at the University of Cagliari

Contemporary Spanish Law (2016–2017)

Philipp Bajon

Teaching assignment at Universität Köln

Seminar 'Die Geschichte des Kalten Krieges 1917–1991. Kulturgeschichtliche Perspektiven', WS 2014/15

Seminar 'Die Geschichte des Kalten Krieges 1917–1991. Forschungsfelder und methodologische Zugänge, MA/Hauptseminar', SS 2015

Victoria Barnes

Associate Lecturer at Henley Business School, University of Reading

Module on 'Business Ethics', January-June 2017

Christiane Birr

Private lecturer at Goethe-Universität Frankfurt

Seminar 'Rechtsprobleme der Spanischen Spätscholastik', zusammen mit David von Mayenburg, WS 2015/16

Colloquium 'Der Papst ist nicht Herr des Erdkreises': Lektürekurs zu Francisco de Vitorias 'Ersten Relectio über die kirchliche Gewalt', SS 2017

Colloquium 'Einführung in den Schwerpunktbereich Rechtsgeschichte', WS 2017/18

Wolfram Brandes

Auxiliary Professor at Goethe-Universität Frankfurt

Lecture 'Byzantinische Geschichte im 8. und 9. Jahrhundert (der Bilderstreit), I–II',
SS 2015 – WS 2017/18

Peter Collin

Private lecturer at Goethe-Universität Frankfurt

Seminar 'Konzeptionen von Staat und Verwaltung im öffentlichen Recht des 19. und 20. Jahrhunderts', WS 2016/2017

Seminar 'Konzeptionen von Staat und Verwaltung im öffentlichen Recht des 19. und 20. Jahrhunderts', WS 2016/17

Lecture 'Die Entstehung des modernen Sozialrechts – das Beispiel der Krankenversicherung', (Einführungskolloquiums Rechtsgeschichte), WS 2017/18

Blockseminar 'Alternative Justiz. Ursprünge und Entwicklungslinien', WS 2017/18

Claudia Curcuruto

Teaching assignment at Universität Mainz

Tutorial Neuere Geschichte 'Das frühneuzeitliche päpstliche Gesandtschaftswesen: Quellen, Forschungsansätze und Methodik' (Johannes Gutenberg-Universität Mainz, WS 2015/16

Tutorial Neuere Geschichte 'Geschichte von Mainz in der Frühen Neuzeit' (together with Leila Scheuch, WS 2016/17

Daniel Damler

Private lecturer at Goethe-Universität Frankfurt

Seminar 'Die außereuropäische Welt in der Staats- und Rechtsphilosophie der Neuzeit',
SS 2016 Seminar 'Rechts- und Verfassungssikonographie', WS 2016/17

Seminar 'Über die Demokratie in Amerika', SS 2017

Seminar 'Die Inszenierung von Recht im deutschen und amerikanischen Film',
WS 2017/18

Wim Decock

Visiting Professor (directeur d'études invité), École des Hautes Études en Sciences Sociales (EHESS), Paris, May–June 2017

Thomas Duve

Professor for Comparative Legal History at Goethe-Universität Frankfurt

Seminar 'Geschichte des frühneuzeitlichen Rechts in Lateinamerika, Seminar: Einführung in die Rechtsgeschichte', LL.M. WS 2014/15

Colloquium 'Einführung in die Rechtsgeschichte', SS 2015

Seminar 'Introduction to Chinese Legal History', SS 2016



Seminar 'Theorien und Methoden der Rechtsgeschichtswissenschaft', WS 2016/17

Seminar 'Rechtsgeschichte', Pflichtveranstaltung 'Einführung in das deutsche Recht für ausländische Studierende', LL.M., WS 2016/17

Lecture 'Rechtsgeschichte in globaler Perspektive', Kolloquium 'Einführung in den Schwerpunktbereich Rechtsgeschichte', WS 2017/18

Seminar 'Methoden der Rechtsgeschichtswissenschaft', WS 2017/18

Caspar Ehlers

Auxiliary Professor at Universität Würzburg

Seminar 'Die Entstehung von Klosterlandschaften im Frühmittelalter', SS 2015

Seminar 'Der Deutsche Orden als raumbildender Faktor im Mittelalter', SS 2016

Seminar 'Eine Kartographie der Balleien des Deutschen Ordens und ihrer Amtsträger bis zur frühen Neuzeit', SS 2017

José Luis Egío

Teaching assignment at Goethe-Universität Frankfurt

Colloquium 'Der Papst ist nicht Herr des Erdkreises': Lektürekurs zu Francisco de Vitorias 'Ersten Relectio über die kirchliche Gewalt', SS 2017

Seminar 'Conquest, War and Conversion in the Legal and Political Thinking of the School of Salamanca', WS 2017/18

Research Colloquium 'Some Fundamental Concepts of the School of Salamanca's Juridical-Political Language. Working towards a Dictionary in the Salamanca Project', WS 2017/18

Karla Escobar

Teaching assignment at the Universidad de los Andes, Bogotá

Seminar 'Historia de las Instituciones', January to June, 2015

Lena Foljanty

Teaching assignments at various universities

Lecture 'Verfassungsgeschichte' (Universität Marburg), SS 2015

Seminar 'Recht und Erinnerung. Zur Rolle des Rechts im Umgang mit der nationalsozialistischen Vergangenheit' (Summer School 2017 des Evangelischen Studienwerks Villigst), SS 2017

Seminar 'Zivilrechtlicher Rechtstransfer in Geschichte und Gegenwart' (Goethe-Universität Frankfurt), SS 2017

Lecture 'Crossing Borders: Foreign Law as a Source for Legal Transformations', (Universität Bocconi, Mailand), WS 2017/18

Karl Härter

Auxiliary Professor at Universität Darmstadt

Seminar 'Ehe, Sexualität und Familie im vormodernen Europa: Konflikte und Konfliktregulierung', WS 2014/15

Seminar 'Geschichte der Juden im mittelalterlichen und frühneuzeitlichen Alten Reich', WS 2015/16

Seminar 'Hexen, Räuber, Ehebrecher: Kriminalität und Strafjustiz im mittelalterlichen und frühneuzeitlichen Europa', SS 2016

Seminar 'Die ambivalenten Wirkungen der Reformation: Religiöser und gesellschaftlicher Aufbruch – Konfessionalisierung, Staatsbildung und soziale Disziplinierung', WS 2016/17

Seminar 'Verschwörungen und Verschwörungstheorien in Europa zwischen Mittelalter und Moderne', WS 2017/18

Teaching Faculty of the International Max Planck Research School on Retaliation, Mediation and Punishment (REMEP)

Gustavo Machado Cabral

Temporary Professor at the Universidade Federal do Ceará

Lectures 'Strafrecht (Besonderer Teil)', 2015–2016; 'Rechtsmedizin', 2015–2017; 'Staatslehre', 2016–2016

Graduate Seminars 'Einführung in das politischen Denken Brasiliens, 20. Jahrhundert', WS 2017; 'Rechtsgeschichte', SS 2017; 'Methodologie und Rechtsgeschichte', WS 2016; 'Staatslehre in das politischen Denken Brasiliens', SS 2016; 'Autoritarismus in Rechtsgeschichte Brasiliens, 20. Jahrhundert', WS 2015

Dennis Majewski

Teaching assignment at Universität Würzburg

Seminar 'Kloster Fulda – Die Lieblingsgründung des Hl. Bonifatius', SS 2015

Seminar 'Die Salier. Von Konrad II. zu Heinrich V.', WS 2015/16

Massimo Meccarelli

Professore ordinario, Dipartimento di giurisprudenza, Università di Macerata

Lectures 'Storia del diritto 1, Storia del diritto 2, Storia del diritto penale, Storia delle costituzioni moderne'

Seminar 'Corso di dottorato in Scienze giuridiche, curriculum in Storia e teoria del diritto'

Teaching assignments at various universities

Seminar 'Laboratório de História Constitucional Moderna e Contemporânea', Programa de Pós-Graduação em Direito, Estado e Constituição (Universidade de Brasília), WS 2014/15

Seminar 'Para una fenomenología del derecho jurisprudencial: Una perspectiva histórico-jurídica', (Programa de Postgrado en Derecho, Facultad de Derecho – Universidad Autónoma de Madrid), SS 2015

Seminar 'El Estado-nación y la construcción de una ley nacional en Italia en el siglo XIX', (Universidad Autónoma de Madrid), SS 2016

Seminar 'I diritti nella crisi: prospettive storico-giuridiche', (Università della Tuscia, Viterbo), SS 2016

Seminar 'El campo de acción de la Historia constitucional', (Universidad Autónoma de Madrid), WS 2016/17

Seminar 'El espacio presupuesto: Horizontes espaciales y configuraciones doctrinales en la experiencia jurídica', (Universidad Autónoma de Madrid), WS 2016/17

Seminar 'Direitos e coesão social: uma perspectiva histórico jurídica, Programa de Pós-Graduação em Direito, (Universidade do Estado Do Rio de Janeiro), WS 2016/17

Seminar 'The legal system and the autonomy of the law: a perspective from legal history' (Universidade Federal do Rio de Janeiro), SS 2017

Jessika Nowak

Teaching assignment at Albert-Ludwigs-Universität Freiburg

Seminar 'Die Provence', WS 2014/15

Tutorial 'Deutsch-französisches Forschungsatelier "Junge Mediävistik III" (Besançon), WS 2014/2015

Seminar 'Einhard', SS 2015

Tutorial 'Deutsch-französisches Forschungsatelier „Junge Mediävistik IV" (Provence), SS 2015

Teaching assignment at the Technischen Universität Darmstadt

Seminar 'Jeanne d'Arc', WS 2016/17

Lorena Ossio

Teaching assignment at Deutsche Universität für Verwaltungswissenschaften Speyer

Colloquium 'Rechtskultur und Sozialsysteme in Lateinamerika', WS 2016

Sigfrido Ramirez Perez

Teaching assignment at the Université d'Evry-Val d'Essonne

Lectures 'L'Histoire de l'intégration européenne'

Raja Sakrani

Teaching assignment at the NYU Abu Dhabi Madrid

Seminar 'Convivencia – A model for Living Together?', January Term 2018

Laila Scheuch

Teaching assignment at Johannes-Gutenberg Universität Mainz

Course 'Reading Sources: Britain and the French Revolution (1789–1815) – Reactions and Entanglements', WS 2015/16

Tutorial 'Mainz in der Frühen Neuzeit' (together with Claudia Curcuruto), WS 2016/17

Stefan Vogenauer

Honorary Professor at Goethe-Universität Frankfurt

Seminar 'Legal Transfer in the Common Law World', WS 2016/17, SS 2017, WS 2017/18

Lecture 'Legal Transfer in the Common Law World', Kolloquium 'Einführung in den
Schwerpunktbereich Rechtsgeschichte', WS 2016/17, SS 2017, WS 2017/18

Round Table 'Legal Theory and Comparative Law', LL.M. Legal Theory, WS 2017

Professeur invité, Université Paris-Assas (Paris II)

Course 'Comparative Contract Law', Master 2 – Droit européen comparé, WS 2014/15,
WS 2015/16, WS 2016/17, WS 2017/18

Senior Research Fellow, University of Melbourne

Course 'Global Commercial Contract Law', Melbourne Law Masters, May 2015, March
2016, March 2017

Global Professor of Law, New York University (NYU)

Course 'Introduction to Comparative Law', Fall 2016

Seminar 'Comparative Contract Law', Fall 2016

GIAN Visiting Professor, National Law University Delhi

Course 'Comparative Contract Law', May 2016

*Tsui Wan-Tsai Chair Professor of Law, National Taiwan University
(NTU), Taipei*

Course 'Global Commercial Contract Law', October 2017



Emily Whewell

Teaching assignment at the Goethe-Universität, Frankfurt am Main

Seminar 'Legal Transfer in the Common Law World', WS 2016/17, SS 2017, WS 2017/18



Awards, prizes and distinctions

421

Michael Stolleis was awarded the Great Federal Cross of Merit with Star by Germany's Federal President Joachim Gauck on October 1st, 2015.

Daniel Damler (Affiliate Researcher) received the Sibylle Kalkhof-Rose Academy-Award for Humanities of the Akademie der Wissenschaften und der Literatur, Mainz, in 2015.

Stefan Vogenauer was elected as a Member of the Akademie der Wissenschaften und der Literatur, Mainz, in June 2016.

Daniel Damler's book 'Konzern und Moderne' was chosen as one of the 'Juridical Books of the Year 2017' by the *Juristenzeitung* (issue 23/2017, p. 1159)

In August 2017, Thomas Duve was elected a corresponding member of the National Academy of the History of Argentina.

Lena Foljanty received the Sibylle Kalkhof-Rose Academy-Award for Humanities of the Akademie der Wissenschaften und der Literatur, Mainz, in 2017.





Activities and memberships**423****Benedetta Albani**

Activities: Editor of the website 'Storia Moderna. Risorse online per la storia moderna'; Società Italiana per la Storia dell'Età Moderna SISEM (<http://www.stmoderna.it/>); Founder and editor of the website of the international academic network of the Vatican Secret Archives and other papal archives RicercatoriASV

Alfonso Alibrandi

Memberships: Société d'Histoire du Droit (SHD)

Stephen Aranha

Memberships: Bahamas Historical Society

Philip Bajon

Memberships: Alumni Association of the European University Institute (EUI), Florence, Italy

Victoria Barnes

Memberships: Society of Legal Scholars; Business History Conference; Association of Business Historians

Gerd Bender

Activities: Coordinator of the Initiative Arbeitsrechtsgeschichte, together with Michael Kittner (Hugo Sinzheimer Institut, Frankfurt a. M.)

Christiane Birr

Activities: Private lecturer at Goethe-Universität Frankfurt

Memberships: Gesellschaft für bayerische Rechtsgeschichte; Zentrum für rechtswissenschaftliche Grundlagenforschung an der Universität Würzburg; Society of Malawi

Manuela Bragagnolo

Activities: 'Laboratoire Italien' editorial staff

Memberships: Renaissance Society of America; EMODiR (Research Group in Early Modern Religious Dissents and Radicalism)

Wolfram Brandes

Memberships: Advisory Board des *Jahrbuchs der österreichischen Byzantinistik*; Comité scientifique der 'Travaux et Mémoires' (Collège de France/Institut d'études byzantines); Kommission der Heidelberger Akademie der Wissenschaften zum Projekt 'Historischer Kommentar zur Chronik des Johannes Malalas'; Deutsche Arbeitsgemeinschaft zur Förderung byzantinistischer Studien; Mediävistenverband; Verband der Historikerinnen und Historiker Deutschlands

Donal Coffey

Activities: Managing Editor of the American Journal of Legal History

Memberships: Society of Legal Scholars; Irish Legal History Society; Irish Jurisprudence Society; Association of Young Legal Historians

Vicenzo Colli

Memberships: Scientific Council of the online journal 'CODEX Studies' (S.I.S.M.E.L.)

Peter Collin

Activities: Private lecturer at Goethe-Universität Frankfurt; Editor of the journal 'Administory'

Memberships: Vereinigung der Deutschen Staatsrechtslehrer; Vereinigung für Verfassungsgeschichte

Justine Collins

Memberships: Inner Temple, Inns of Court London; Doshisha Law School Research Centre for International Transactions and Law (RECITAL), Doshisha University, Kyoto; Law Society Association (LSA), Association of Caribbean Historians (ACH); ANZLHS Advisory Committee – Australia and New Zealand; Law and Society Association of Australia and New Zealand

Claudia Curcuruto

Activities: Editorial team of the website of the international academic network of the Vatican Secret Archives and other papal archives 'Riceratori ASV'

Memberships: Interdisciplinary group of young researchers: *Forum Junge Kulturwissenschaften* of the research focus 'Historische Kulturwissenschaften (HKW)' at the Johannes Gutenberg-Universität Mainz; Verband der Historikerinnen und Historiker Deutschlands

Daniel Damler

Activities: Associate Researcher, MPIeR; Privatdozent an der Eberhard-Karls-Universität Tübingen

Memberships: Gesellschaft für Überseegeschichte; Gesellschaftsrechtliche Vereinigung

Otto Danwerth

Memberships: Gesellschaft für Überseegeschichte (GÜSG); Verband der Historiker und Historikerinnen Deutschlands (VHD); Conference on Latin American History (CLAH)

Max Deardorff

Memberships: Sixteenth Century Society & Conference

Wim Decock

Activities: Associate Researcher, MPIeR; Research Professor (full-time), Dept. Roman Law and Legal History, Faculty of Law, KU Leuven; Associate Professor (part-time), Faculté de droit, science politique et criminologie, Université de Liège; Associate Researcher, Centre for the Study of Law and Religion, Emory University, USA

Mariana Armond Dias Paes

Memberships: The Law in Slavery and Freedom Project (École des Hautes Études en Sciences Sociales; Universität zu Köln; Universidade Estadual de Campinas; University of Windsor; Centro Juan Marinello); American Society for Legal History; Latin American Studies Association, Law in Slavery and Freedom Project; Rede de História do Direito (Forschungsgruppe CNPq)

Thomas Duve

Activities: Professor for Comparative Legal History at Goethe-Universität Frankfurt; Editor of the Journal 'Rechtsgeschichte – Legal History'; Editor of the journal 'Kritische Vierteljahresschrift für Gesetzgebung und Rechtswissenschaft (KritV)'; International Advisory Board: European Society for Comparative Legal History (ESCLH); International Editorial Board: Revista de Historia del Derecho; Instituto de Investigaciones de Historia del Derecho/Buenos Aires; International Advisory Board: Comparative Law Review; Italienischen Gesellschaft für Rechtsvergleichung (AIDC); Advisory Board of the Quaderini (Beihefte) der Modelli teorici e metodologici nella storia del diritto privato, Ed. Jovene; International Advisory Board: Beiträge zur Rechtsgeschichte Österreichs – BRGÖ; Scientific Committee: Quaderni Fiorentini per la Storia del Pensiero Giuridico Moderno; International Editorial Board: Comparative Legal History, Scientific Committee: Historia Constitucional; Advisory Board: Historia. Instituciones. Documentos', Universidad de Sevilla; Member of the International Advisory Board: Journal of Law and Religion (JLR), Cambridge University Press; Comisión de Redacción del Anuario de Historia del Derecho; Member of the Advisory Board: American Journal for Legal History'; Member of the Advisory Board of the book series 'Natural Law 1625–1850', Publisher Brill; Member of the Editorial Board: The Cambridge History of International Law; Member of the Editorial Board: Journal of Constitutional History/Giornale di Storia Costituzionale; Member of the Advisory Board: Jahrbuch für Geschichte Lateinamerika; Member of the Advisory Board: Anuario de Historia de la Iglesia; Co-editor of forum historiae iuris (until 2017); Co-editor of Beiträge zur Rechtsgeschichte des 20. Jahrhunderts, Tübingen (Mohr-Siebeck); Co-editor of the book series 'Politische Philosophie und Rechtstheorie des Mittelalters und der Neuzeit' (PPR)

Memberships: Board of Directors and Principal Investigator of the Cluster of Excellence 'The Formation of Normative Orders', Goethe University Frankfurt; Akademie der Wissenschaften und der Literatur – Mainz; Stiftungsrat der Max Weber Stiftung – Deutsche Geisteswissenschaftliche Institute im Ausland; Board of the Trustees of the Stipendienwerk Lateinamerika-Deutschland e.V. (ICALA); Academia Europaea (Section A1-History & Archaeology); Academia Nacional de la Historia de Argentina (corrs. M.); Scientific Advisory Board of Forum Transregionale Studien e.V. ; Standing Committee of the Deutscher Rechtshistorikertag; Instituto Internacional de Historia del Derecho Indiano, Instituto de Investigaciones de Historia del Derecho, Buenos Aires; Verband der Historiker und Historikerinnen Deutschlands e.V.; Consejo Científico des Centro de Estudios de Derecho Penal y Procesal

Penal Latinoamericano (CEDPAL) der Georg-August-Universität Göttingen; Advisory Board of the Werner Reimers Stiftung

Caspar Ehlers

Activities: Auxiliary Professor at the Julius-Maximilians-Universität Würzburg; Representative of the scientific members of the MPIeR (2012–2018); Ombudsman for the MPIeR (since 2012); Selection committee for an external scientific member at the MPI for Social Anthropology, Halle/Saale (2017); GSHS representative in the presidential committee of the Max Planck Society for the promotion of young researchers (2012–2017)

Memberships: Member of the inter-section committee of the Max Planck Society (since 2016); Dual Career Committee 'Max Planck Institute for the Science of Human History' (2015); Historische Kommission für Niedersachsen und Bremen; Frankfurter Historische Kommission; Wissenschaftlicher Beirat für die Polnische Historische Mission an der Julius-Maximilians-Universität Würzburg (2017–2020); Beirat für 'Espaces ecclésiastiques et seigneuries laïques. Définitions, modèles et conflits en zones d'interface (IXe–XIIIe siècle). Atelier international de jeunes chercheurs' des Institut Historique Allemand (Paris) und des Laboratoire ACP (Université Paris-Est Marne-la-Vallée) am DHI Paris (5. bis 6. April 2018); Wissenschaftlicher Fachbeirates für die Ausstellung 'Ingelheim – Charismatischer Ort' in Ingelheim und Koordinator für die Ausstellung im Jahre 2019; Wissenschaftlicher Fachbeirat der Ausstellung zum 1100 Jubiläum der Königswahl Heinrichs I. im Jahr 2019 in Quedlinburg; Wissenschaftlicher Beirat für das zu gründende Dommuseum in Magdeburg, ein Kooperationsprojekt der Landeshauptstadt Magdeburg, des Landesamtes für Denkmalpflege und Archäologie Sachsen-Anhalt und der Stiftung Dome und Schlösser in Sachsen-Anhalt; Wissenschaftlicher Beirat des 'Historischen Museums der Pfalz' in Speyer zur Konzeption der Ausstellung 'Richard Löwenherz' (2014–2017); Wissenschaftlicher Beirat des 'Zentrum für Mittelalterausstellungen (ZMA)' am Kulturhistorischen Museum in Magdeburg; Wissenschaftlicher Beirat der Deutschen Burgenvereinigung (DBV); Board of the 'Arbeitskreis Pfalzenforschung' der archäologischen Arbeitsgruppen der Städte Aachen und Ingelheim

Karla Escobar

Memberships: Historia Colonial – Uniandes – ICANH; Grupo de Investigación en Derecho y Acción Social (IDEAS) – Uniandes; Latin American Studies Association (LASA)

Karl Härter

Activities: Auxiliary Professor at the Technische Universität Darmstadt; Advisory Board of the 'Turku Medieval and Early Modern Studies publication series', ed. by the Turku Centre for Medieval and Early Modern Studies (TUCEMEMS), University of Turku, Finland; International Advisory Board der Zeitschrift 'Beiträge zur Rechtsgeschichte Österreichs – BRGÖ'

Memberships: Vereinigung für Verfassungsgeschichte; Hessische Historische Kommission Darmstadt; Kommission für die Geschichte der Juden in Hessen

Vishnu Konoorayar

Memberships: Global Alliance for Justice Education (GAJE); Trustee in the Centre for Legislative Research and Advocacy (CLRA)

Frederic Jasper Kunstreich

Memberships: Economic History Society; History Graduate Network Oxford; Netzwerk Europa e.V.; Polytechnische Gesellschaft Frankfurt am Main

Fupeng Li

Memberships: International Society of Chinese Law and History

Constanza López Lamerain

Memberships: Conference on Latin American History (CLAH); Ecclesiastical Historical Association (EHS), Sociedad de Historia de la Iglesia en Chile; Research Group 'País Vasco, Europa y América: Vínculos y relaciones atlánticas' of the Basque Government (Leader: Ana de Zaballa Beascochea)

Massimo Meccarelli

Activities: Professore ordinario, Dipartimento di giurisprudenza, Università di Macerata, Italia

Membership: Società italiana di storia del diritto

Helen McKee

Memberships: Association of Caribbean Historians, Law & Society

Christoph Meyer

Membership: Research Group 'Nomen et Gens'

Heinz Mohnhaupt

Memberships: Deutsche Gesellschaft für die Erforschung des 18. Jahrhunderts; Vereinigung für Verfassungsgeschichte; Gesellschaft für Reichskammergerichtsforschung; David Mevius-Gesellschaft; Verein der Freunde des Frankfurter Max-Planck-Instituts für europäische Rechtsgeschichte; Freundeskreis der Forschungsbibliothek Gotha e.V.; Redaktionskomitee der polnischen rechtshistorischen Zeitschrift 'Krakowskie Studia z Historii Państwa i Prawa', Universität Krakau; Comitato scientifico della collana 'Storia del diritto e delle istituzioni' (Direttore: Mario Ascheri); Arcana Editrice (Arricia, Italia); International Board of the 'Giornale di Storia costituzionale' (Chief Editor: Luigi Lacché), Università di Macerata

Osvaldo Moutin

Memberships: Consultor of the Episcopal Delegation for the Canonization of Saints of the Episcopal Argentinian Conference (CEA) (2015–2017); Instituto de Historia del Derecho Canónico Indiano (UCA/Buenos Aires); Grupo Internacional e interdisciplinar 'Concilios Provinciales Mexicanos' in El Colegio de Michoacán (México); Instituto de Investigaciones de Historia del Derecho (Buenos Aires)

Jessika Nowak

Activities: Teaching assignment at the Albert-Ludwigs-Universität Freiburg; editor of the journal 'Sehepunkte'

Memberships: Studienstiftung des deutschen Volkes (Abiturientenauswahl und Vorexamensauswahl); Willibald-Pirckheimer-Gesellschaft zur Erforschung von Renaissance und Humanismus e.V.; *historiae faveo* (Förder- und Alumniverein der Geschichtswissenschaften an der J. W. Goethe-Universität Frankfurt am Main); Mediävistenverband; Centre Européen d'Études Bourguignonnes; Frankreich Zentrum, Freiburg (assoc. M.)

Lorena Ossio

Memberships: International Association of Legislation; Deutsche Sektion der Internationalen Gesellschaft für das Recht der Arbeit und der Sozialen Sicherheit (IGRASS)

Raja Sakrani

Activities: Associated researcher, MPIeR (Co-coordinator of the project group 'Convivencia: Iberian to Global Dynamics, 500–1750'); Scientific Coordinator at the Käte Hamburger Center for Advanced Study in the Humanities 'Law as Culture', Bonn

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194, 195, 196, 199, 201, 205, 206, 213, 215, 217, 220, 223, 227, 235, 239, 241, 242, 245,
246, 255, 256, 259, 261, 262, 267, 271, 273, 285, 289, 303, 307, 308, 314, 370, 371, 376,
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