

FORUM



FORUM

The integration of the research on different eras and regions carried out in the Departments and Research Groups is of great importance to the Institute. Different formats as well as interdepartmental research projects and co-operations enable intensive exchange among researchers and visiting scholars.

EVENTS

Various joint events provide the opportunity for interdisciplinary exchange between all researchers across departmental boundaries on a regular basis. After the corona-related break in spring and summer 2021, we have been able to resume most of the joint events using online formats and continue the interdepartmental debate on fundamental research questions in legal history and legal theory.

Within the context of the monthly *Plenum*, all of the researchers have the opportunity to discuss their research projects, common issues and findings. The mpilhl's monthly *Colloquium* is intended as a forum for all researchers at the Institute to discuss conceptual questions, methods and current debates in legal history. It provides a space for mutual exchange and the cross-fertilisation of ideas across departmental boundaries, but also serves as an opportunity for researchers to identify their own position within disciplinary and wider scholarly trends and debates. Finally, one of its key purposes is the development of a common frame of reference for discussions among the researchers of the Institute.



Twice per semester, the Institute hosts, together with colleagues from the Institut für Rechtsgeschichte at the Goethe-Universität, the *Frankfurter Rechtshistorische Abendgespräche*. Since the winter semester of 2014/15, we have taken turns hosting the event, at which a public talk by an external speaker is followed by the opportunity for conversation and exchange between researchers from the two institutes.

In May 2018 and 2019 all researchers took the time to go together on a retreat. The two-day stays in a conference hotel in the Spessart offered a particularly comfortable and intensive working atmosphere in which previous work was reflected on and the further development of the Institute's research agenda discussed.

SUMMER ACADEMY FOR LEGAL HISTORY

A highlight each year in the Institute's academic life is the Summer Academy for Legal History. Its aim is to provide roughly 20 early-stage researchers from all over the world, usually PhD students, with an in-depth introduction to basic approaches and methods of research in legal history. Unfortunately, the Summer Academy had to be cancelled due to the pandemic in 2020 and 2021.

The Summer Academy aims to develop and enhance 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 14-day course consists of three parts. The first part introduces the international group of PhD students to sources and methodological approaches as well as theoretical models and controversial research debates on fundamental research fields of legal history. The introductory courses are led by members of the Institute and invited guest speakers.

In the second part, the invited participants present their own projects within the context of the respective year's special topic. The third part of the Academy offers all participants the opportunity to further develop their own research by making use of the library and by discussing their projects with the Institute's experts in the different fields of legal history.

Since longer events like the Academy always consist of more than just academic activities, a variety of extra-curricular activities are offered, such as visits to nearby historical sites and several get-togethers in the evenings. The Academy concludes with an examination and the award of certificates.

Summer Academy for Legal History 2018: The World and the Village. The Global and the Local in Legal History

16.07.–27.07.2018

As an academic discipline, legal history emerged both in Europe and several other regions in the 19th and early 20th centuries: the age of the nation-state. Research in legal history that focuses on local and regional contexts – Europe, for example – is largely a product of this heritage. Global history, historiographic reflection and new methods in the humanities have helped to bring the complexity of local, national, regional and global relationships into the purview of legal history. Moreover, the increasing importance of supranational and transnational law make it all the more urgent from the perspective of legal studies to consider the relation between world and village.



Programme

Lectures

Stefan Vogenauer, The Max Planck Society and the Max Planck Institute for European Legal History

Thomas Duve, The global and the local in legal history

Christian Baldus, Roman law / antiquity

Christiane Birr, Ius commune – legists

Thomas Duve, Legal history between law, history and theory

Christoph Meyer, Ius Commune – canonists

Stefan Vogenauer, Common law

Christiane Birr, Private law I

Phillip Hellwege, Private law II

Andreas Thier, Time, law, and legal history – some observations and considerations (evening lecture)

Thorsten Keiser, Contemporary legal history

Otto Danwerth, Legal history of Ibero-America

Karl Härter, History of criminal law

Donal Coffey, Legal transfer in the common law world

Alexandra Kemmerer, International law

Sigfrido Ramirez Perez, EU law and oral history

Andreas Wagner, Digital humanities in legal history

Presentations of participants

Alex Corona Encinas, The concept of *municipium* in the *Corpus iuris civilis* and its relationship with Roman classical law

Orit Malka, The role of witnesses in antiquity: Tannaitic law as a test case

Ana Luiza Ferreira, The sources of colonial law and the Portuguese Inquisition in the Captaincy of Ceará (Brazil)

Alexis Alvarez-Nakagawa, Cannibal laws: the origins of international law and the juridical forms of the conquest (16th–18th centuries)

Konstanze von Schütz, Universal(ist) conceptions of property and diverging sets of property rights: German law, French law and the common law tradition

Manon Moerman, What's in a name? Challenging early modern ideal-types of private partnerships in the Low Countries (17th–18th century)

Geneva Smith, The illegality of blackness: Pennsylvania's 'Special court for the tryal of Negroes' and the Early Modern Atlantic World (1661–1780)

Roraima Estaba Amaiz, Legal spaces, judicial processes and legal strategies for the equality of free colored people in Spanish Royal Audiences of the Circum-Caribbean (1790–1821)

Emily Irland, An examination of the law, lives and litigation of married women. Suing without their husbands, by a 'next friend', in the English Court of Chancery (1689–1760)

Adrian Alzate, Traitors, dissenters, and citizens: making and unmaking political crimes and criminals in Colombia and Mexico (1870–1910)

Arthur Barrêto de Almeida Costa, The history of expropriation in Brazil: legal thought, public debate and the construction of Belo Horizonte (1823–1930)

Gloria Lopera, We have the land titles! Indigenous litigants and the privatization of communal lands in Colombia (1873–1950)

Rajesh Kumar, Evolution of fiscal federalism in India with special reference to finance commission

Parvathi Menon, The authoritarian-humanitarian dialectic of protection measures in the British Empire

Timur Mitrofanov, Law and custom in villages of the Kazan Province of the Russian Empire after the emancipation reform

Francesca Martello, New legal trends in the municipalities: local dynamics and global discourse in the early 20th century in Europe

Melody Shum, The Police Mixte and the policing of the Sino-Indochinese borderlands (1896–1918)

Hyoung-Jin Nho, The Treaty of Shimonoseki: the transition to European international law in late 19th century East Asia (1876–1895)

Georgia Whitaker, Transnational ties: human rights and neoliberalism in the Chilean Cold War

Howard Rechavia-Taylor, Post-colonial Germany? Law, justice, and memory between Windhoek, New York City, and Berlin

Summer Academy for Legal History 2019: Law in Texts and Contexts

05.08.–16.08.2019

Written texts represent the largest part of the sources of legal history. Obviously, they cannot be understood without their respective historical contexts. In recent decades, however, there has been a growing awareness that they must also be read with specific attention to their mediality and their interrelation with visual and oral sources, as well as objects and artefacts. Historians, but also legal theorists, are reflecting more intensively about textuality and normativity, and digital humanities seems to hold great opportunities for legal historical research. What do these developments mean for legal historical research, and its specific task?

Programme

Lectures

Thomas Duve, The Max Planck Society and the Max Planck Institute for European Legal History

Constantin Willems, Roman law / antiquity

Manuela Bragagnolo, Introduction law in text and context

Christiane Birr, Ius commune – legists

Christoph Meyer, Ius commune – canonists

Thomas Duve, Legal history between law, history and theory

Thomas Duve, Global legal history

Victoria Barnes, Common law

Peter Collin, Special orders and normative diversity

Alexandra Kemmerer, International law

Thomas Duve, Mariana Dias Paes, Manuel Bastias Saavedra, Li Fupeng, Glocalising normativities

Donal Coffey, Legal transfer in the common law world

Johannes Liebrecht, Private law and constitutional law in the 20th century: the German example

Thorsten Keiser, Contemporary legal history

Jan-Henrik Meyer, History of European Union law

Andreas Wagner, Anselm Küsters, Digital humanities in legal history

Marietta Auer, Legal theory



Presentations of participants

Brage Thunestvedt Hatløy, Developments in the field of commercial law and law of obligations in the Norwegian Middle Ages

Gijs Drijer, Maritime averages and normative practice in the Southern Low Countries (15th–16th centuries)

Mayer Juni, 'Tell us the story of your life': inquisition, biography, and power in the Spanish Empire
Rômulo da Silva Ehalt, Casuistry in the tropics: moral theology and missionary pragmatics in Portuguese Asia (16th–17th centuries)

David De Concilio, The development of legal texts in late twelfth-century England and Italy

Kate Falconer, The common law right to possession of the body of the deceased: a proposed history

Zheng Chi, The development of judicial independence in the Late Qing dynasty and the Republic of China (1906–1949)

Thinley Wangmo Chinaiwengmu, History of Tibetan Buddhist religious property

Ninja Bumann, Marriages before Sharia courts: marriage and gender in legal culture and practice in Habsburg Bosnia-Herzegovina (1878–1918)

Nechama Juni, Laws, norms, and subjects: twentieth century Jewish Responsa and the worlds they create

Marjorie Carvalho de Souza, Free and freed labourers 'in witness whereof': the service rental contracts as employment arrangements in 19th-century Rio de Janeiro (1830–1888)

Lia Brazil, International law and the rule of law: white colonies in the British Empire (1899–1919)

Elena Kempf, Humanitarian calculus: the making and meaning of weapons prohibitions in International law (1868–1925)

Matthew Birchall, Law, empire, and the future of global history

Tashi Palzor Lepcha, Implementation crisis of pre-merger laws of Sikkim protected under article 371 F of the Indian Constitution: a critical analysis

Ana Lena Werner, Justice and the National Socialist past: democracy and the aftermath of dictatorship in the Bavarian Ministry of Justice (1945–1974)

Balaban Shlomi, The rise of the professional member of the Knesset

Rolando Víctor Guerrero, Scholastics and classicists: circulation of the legal thought in the south of Colombia between 1900 and 1930

Jingzhao Fan, Foreign direct investment: a comparative legal study in the UK, Russia and China

LEGAL HISTORIOGRAPHY

Shared Research Field

Every academic discipline profits from reflection on its own doings. This entails keeping up with the development of the academic system and, in the case of jurisprudence, of the legal system of which it is a part. Jurists must reflect on the history of their discipline and on the history of their research objects to build on existing analytical traditions, to identify and, if necessary, to overcome path dependencies. If a reflection on legal history is an essential component of each sub-discipline of jurisprudence, then legal history must also continuously and critically re-evaluate the foundations of its own work. The dynamic changes associated with the transnationalisation of law and academic research serve only to reinforce this imperative. The Max Planck Institute for Legal History and Legal Theory has taken on the task of encouraging such reflection on the goals and methods of legal history through academic events and publications on these questions. Among other efforts, the Max Planck Summer Academy for Legal History as well as the book series *methodica – Einführungen in die rechtshistorische Forschung* (Introductions to the Methods of Legal History), which is managed by the Institute's own researchers, serve this purpose. Another important shared interest is the reflection on legal historical methods and the history of the field. The Institute is also taking part in the research project *History of the Max Planck Society post 1945* (see Kunstreich) and sees it as its task to shape the international discussion on the past and future of legal history.

Heinz Mohnhaupt

Affiliate Researcher

Legal Historiography

Comparative law as a method of knowledge

Territorial sovereignty and legal sources of all European countries

Comparative law as a method of knowledge

The abolition and dissolution of law

Within the reporting period, several ongoing publication projects were successfully brought to a conclusion. One of the more noteworthy achievements is the completion of the volume *Territorialhoheit und Rechtsquellen aller europäischen Territorien im 16. – 18. Jahrhundert* (Territorial sovereignty and legal sources of all European countries in the 16th to 18th centuries), which is ready for printing. Originally intended for Coing's *Handbuch*, this presentation of the 'constitutional' conditions for the production and development of statutory and judicial legal sources has far extended the originally envisioned framework.

The conceptual specification of the various legal sources possessing the status of law includes all normative acts from the *lex generalis* to the *privilegium* and the received Roman legal forms (decree, edict, mandate etc) to the comprehensive codification as well as the normatively operative *res iudicata* and the *opinio communis*. This legal pluralism gives rise to the question of how to determine the rank and relationship between the various legal sources. With the editorial process for the texts on Sweden, Scotland and Italy recently concluded, all 16 European contributions are now complete and will be published as a monograph (930 pages) in the Institute's publication series.

Another important contribution is the completion of the work on the volume *Privilegien als Sonderrecht in der europäischen Rechtsgeschichte* (The system of privileges in all European countries). Legislation, both in form and content, follows the ideal of equality as *lex generalis*. The *privilegium*, on the other hand, individualises law for specific persons (*privilegium speciale*) and for definable groups of persons (*privilegium generale*); or particularises law for local and regional areas (*privilegium particulare*). Following the Roman legal model, privileges are counted under the genus of *iura singularia*. According to this provision, the individualisation of law via privilege is seen as an ideal of justice, one which in the Age of Enlightenment collides with the just demand for equality. The excessive granting of privilege in lawless spaces can take over the function of laws (copyright, commercial law, inventor's law). The text is now finished and covers theory and practice of all European countries. The sources referenced are arranged by territory, and the literature is arranged according to subject matter. This volume (950 pages) will also appear in the Institute's series of publications.

Rounding out the publication projects is the *Rechtsvergleichung als Erkenntnismethode. Historische Perspektiven des Vergleichens vom Spätmittelalter bis ins 19. Jahrhundert* (Comparative law as a method of knowledge concerning historical perspectives from the Middle Ages to the 19th century). This volume brings together ten essays by the author on the history of comparison as a method in philosophy, *ius privatum* and *ius publicum*. *Rechtsvergleichung*, used in examining different states and legal systems in order to determine the best legal solutions, benefited from earlier comparative approaches in non-legal disciplines (such as medicine, theology, linguistics as well as art history and cultural history), which are also examined in this book. The volume is due to appear in one of the mpilhl publication series.

Finally, the collection of materials for the research project on *Abschaffung und Untergang von Recht* (The abolition and dissolution of law) is finished. In contrast to the numerous studies examining the emergence or production of new law, this research focuses on law that has lost its legal force, that is, has lapsed out of use (*desuetudo*), become outdated or has been abolished by legislators and judges. By examining the reversal of the production of law, this project addresses an often overlooked dimension of legal history.

VISITORS' PROGRAMME

In 2018 and 2019 we invited a number of PhD students, postdoctoral and senior scholars to visit the Institute in order to use our library resources, take part in our events, and above all to discuss current questions of legal history with us. The mpilht awards a number of scholarships each year in order to enable researchers from institutions outside Germany to benefit from a longer stay at the Institute. Due to the measures necessary to prevent the spread of the coronavirus, we were forced to postpone or cancel the planned research stays from March 2020 on and could not accept any further applications for scholarships in 2021. However, we are confident to resume the Visitors' Programme in 2022.

The overriding goal of the Visitors' Programme is to foster transnational networks of scholars and thereby contribute to a more transnational jurisprudence. The visiting scholars form a crucial part in Institute's interdisciplinary exchange and contribute significantly to the internationalisation of the research agenda. All visitors – from PhD students to senior scholars – are invited to actively take part in the Institute's activities. Depending on the duration of the stay, this includes presenting their research projects in the Institute's 'Current research in legal history' workshop series.



Visitors at the Institute

Argentina

2018

Oswaldo Barreneche (Universidad Nacional de La Plata), The Legal and Political History of Buenos Aires Police Province, Argentina, during the 20th century

Melisa Andrea Fernández Marrón (Universidad Nacional de La Pampa, Santa Rosa / Universidad Nacional de Río Negro, Viedma), Discipline the police force. Police justice in the National Territories during Peronism (Peronismo) in Argentina

Pol René Moutin (Universidad Nacional de Rosario), Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII

Jorge Núñez (Consejo Nacional de Investigaciones Científicas y Técnicas (CONICET – INHIDE), Buenos Aires), Penitentiary Law in Argentina, 1890–1955

Gaston Pintos Iacono (Universidad Nacional de Córdoba), Foreign legal solutions and local legal culture: Legal translation and the case of the labour accidents law in Argentina (1880–1943)

Cristian Miguel Poczynok (Universidad de Buenos Aires), Los derechos de propiedad de la tierra en Hispanoamérica entre los siglos XVIII y XIX: un balance desde los aportes de la historia cultural y crítica del derecho

Marcela Sáenz Castro (Universidad de Buenos Aires), Cambio y continuidad en la sociedad indígena e hispanacriolla

Valeria Vegh Weis (Universidad de Buenos Aires), Criminal selectivity in Ibero-American modern legal history

Laura Volkind (Instituto de Investigaciones de Historia del Derecho (INHIDE), Buenos Aires), Publicaciones y repositorios digitales

Romina Zamora (Consejo Nacional de Investigaciones Científicas y Técnicas (CONICET), Buenos Aires), Derecho local y localización del derecho en las ciudades españolas en América. La servidumbre indígena en perspectiva comparada

2019

Pol René Moutin (Pontificia Universidad Católica Argentina, Rosario), Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII

2020

Juan Bubello (Universidad de Buenos Aires), Resistance Project RISE

Cristian Miguel Poczynok (Universidad de Buenos Aires), Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII

Jacqueline Sarmiento (Universidad Nacional de La Plata), Resistencias cotidianas y género a través de fuentes criminales

Austria

2019

Sebastian Spitra (Universität Wien), Semantical order and unequal encounters: the formation of private international law in the 19th century

Nicole Zilberszac (Universität Wien), Reconceptualising legal objectivity according to the concept of embodied, embedded, enacted, and extended cognition

2020

Ninja Bumann (Universität Wien), Marriage and divorce before sharia courts. Law and Gender in Habsburg Bosnia-Herzegovina (1878–1918)

Belgium

2018

Vincent Genin (Université de Liège), A biographical approach to the history of community law: Fernand Dehousse's 'strategic' and pioneering stance (1945–1976)

2019

Joost Possemiers (Katholieke Universiteit Leuven), Systematische Analyse von den juristischen Werken des Theologen Konrad Summenhart (c. 1485–1502); Situierung, Quellen und Einfluss auf die Schule von Salamanca

2020

Wouter De Rycke (Vrije Universiteit Brussel), The legal construction of peace networks and arguments (1840–1870)

Brazil

2018

Samuel Barbosa (Universidade de São Paulo), Dicionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas

Leonardo Carrilho (Universidade de São Paulo), The similar and different conditions between the federal intervention and the state of exception that occurred in the Weimar Republic, and in some moments in the Brazilian Republic (in the constitutions of 1937 and 1988)

Elisa Garcia (Universidade Federal Fluminense, Rio de Janeiro), The categories of conquest: slavery, Indians, and *Mestizaje* in the River Plate Basin in the 16th century

Gilberto Guerra Pedrosa (Universidade de Brasília), Precocious globalization and entangled statehoods formations in early modernity: the case study of the 'Dutch Brazil'

Vitor Izecksohn (Universidade Federal de Rio de Janeiro), Insolvent republics: risk and ruin for American confederates and Argentinean federalists in the age of state-building, 1848–1870

Bruno Lima (Universidade de Brasília), Between the *Ancien Régime* and Modernity Natural Law and Constitution in the legal thinking of Fr Joaquim do Amor Divino Caneca (1779–1825)

Mariana de Moraes Silveira (Universidade de São Paulo), Towards a collective understanding of the legal past: law conferences, historiography and public uses of history (Brazil, 1900–1943). Introduction and statement of the problem

Luize (Stoeterau) Navarro (Universidade Federal do Paraná, Curitiba / Universiteit Leiden), Municipal councils: councilmen, Schepenen and Indians in Dutch Brazil (1630–1654)

2019

Samuel Barbosa (Universidade de São Paulo), Practical legal books and practical legal reading in 19th century Brazilian law

Clara Borges (Universidade Federal do Paraná, Curitiba), A genealogy of the discourses on authoritarianism in the Code of Criminal Procedure of 1941

Bruno Castelo Branco (Universidade Federal Fluminense, Niterói), Fronteiras sobrepostas: entre o trabalho e a escravidão guarani na conquista e colonização da América meridional (1541–1641)

Maria Pia Guerra (Universidade de Brasília), Brazilian reforms and American ideas: the translation of the concept of public utility (1930–1964)

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

2020

Douglas Corrêa Santos (Universidade Federal Fluminense, Niterói), Homicidio y justicia criminal en Vila Rica de Ouro Preto y Buenos Aires en el ocaso del Antiguo Régimen

Marcelo Neves (Universidade de Brasília), Transdemocracy

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

Marcelo da Rocha Wanderley (Universidade Federal Fluminense, Niterói), Vocations in the Court: Secular Clergy and Ecclesiastical Justice in the Archbishopric of Mexico and Puebla in the 17th century

Canada

2018

Anne Boerger (University of Alberta, Edmonton), Institutional and legal history of the Treaties of Rome

Antoni Lahondès (Université de Montréal), The participation of the new Catholic subjects of British Empire to the public world, in the institutions and colonies concerned by the Treaty of Paris and the Royal Proclamation of 1763

2019

Ryan Alford (Lakehead University, Thunder Bay), The transmission of the concept of parliamentary sovereignty from the United Kingdom to Canada in the early 19th century

2020

Antoni Lahondès (Université de Montréal), Integration of conquered peoples and introduction of British legal system in Canada, Florida, and Grenada (1759–1783)

Cape Verde

2019

Ivone de Fátima Brito Monteiro (Universidade de Cabo Verde, Cidade da Praia), Os fundamentos da luta pela adjacência de Cabo Verde (Séc. XIX)

Elter Manuel Carlos (Universidade de Cabo Verde, Cidade da Praia), Corpo Submisso e Resistência na Dança do Batuku

Lourenço Conceição Gomes (Universidade de Cabo Verde, Cidade da Praia), Discursos e narrativas sobre resistência camponesa em Cabo Verde no Século XIX

José Silva Évora (Universidade de Cabo Verde, Cidade da Praia), A Resistência Camponesa em Cabo Verde no Seculo XIX com enfoque na estrutura

Chile

2018

Sandra Cristina Montoya Muñoz (Pontificia Universidad Católica de Chile, Santiago de Chile), Integración y Resistencia de los negros esclavos en el Nuevo Reino de Granada, siglo XVII

Fernando Pérez Godoy (Pontificia Universidad Católica de Chile, Santiago de Chile), Estado, evolucion y funcion del derecho internacional en Chile decimononico

2019

Nicolás Giron Zúñiga (Pontificia Universidad Católica de Chile, Santiago de Chile), Prácticas y representaciones de corrupción en el marco del proceso de construcción estatal de Chile decimonónico (1830–1891)

Rafael Sagredo (Pontificia Universidad Católica de Chile, Santiago de Chile), Rebellion and resistance in the Iberian empires, 16th–19th centuries

Catalina Saldaña Lagos (Pontificia Universidad Católica de Chile, Santiago de Chile), Resistance

Colombia

2019

Rolando Victor Guerrero (Universidad de los Andes, Bogotá), Legal Impure theories: an analysis of legal-theoretical circulation processes between regional legal forums and legal global forums. Legal thinking in Colombia between 1900 and 1930

Cuba

2019

Julio César Guanche Zaldivar (Unión Nacional de Escritores y Artistas de Cuba, La Habana), La ciudadanía republican en Cuba (1902–2002). Un studio integral

The Czech Republic

2019

Petra Skrejkova (Univerzita Karlova, Praha), The role of the Law Faculty of the German University in Czechoslovak society in the interwar period

Estonia

2018

Merike Ristikivi (Tartu Ülikool), Professionalization of the first woman lawyers in Estonia

Finland

2018

Mia Margareta Korpiola (Turun Yliopisto), Popular Legal Learning in Pre-Modern Europe: Legal Literacy in Finland ca. 1800–1920

2019

Katja Tikka (Helsingin Yliopisto), Administration and Legal Development of the Swedish Chartered Companies in the 16th century

2020

Adolfo Giuliani (Helsingin Yliopisto), Three paradigms of legal historiography: Savigny, Kantorowicz and Glenn

France

2018

Sean Bottomley (Université Toulouse 1 Capitole), The English Court of Wards and Liveries, 1540–1660

Audrey Dauchy (Université Paris II Panthéon-Assas / Goethe-Universität Frankfurt), Historical Dictionary of Canon Law in Hispanic America and the Philippines (DCH)

2019

Samuel Klebaner (Université de Bordeaux), The determinants of the sectoral deregulation in Europe during the 80s

Germany

2018

Thorben Klünder (Georg-August-Universität Göttingen), Geschichte als Argument im Unionsrecht

Joachim Kummer (Universität Passau), Die Integrität des Staatsgebietes im 19. Jahrhundert. Staats- und strafrechtliche Perspektiven

Nina-Louisa Lorenz (N/A), Oral history of the court of justice

Franziska Meyer (Universität Passau), Verfassung und Rezeption: der Widerhall der alten Welt in Brasilien. Einfluss der europäischen Liberalitätsbewegung auf Verfassungsdebatten und -entwürfe Brasiliens 1823–1824

Jian Qu (Ruprecht-Karls-Universität Heidelberg), Social order through contracts: a study of Qingshui River manuscripts

2019

Nicola Camilleri (Freie Universität Berlin), Citizenship policy in the German and Italian colonial empires: ideologies, practices, comparisons

Winner Ijeoma (Goethe-Universität Frankfurt), Contracts, trade and British legal transplants in 19th century Nigeria and Ghana

Mechthild Roos (Universität Augsburg), The evolution of EU legislation on atypical work

2020

José Franco Chasán (Universität Augsburg), The reception of positivism in Spain: Pedro Dorado Montero

Kevin Kulp (Goethe-Universität Frankfurt), Child abuse in the church of the premodern age and canon law responses – a legal history study

India

2018

Aparna Balachandran (University of Delhi, New Delhi), The many pasts of Mamul: law and custom in early colonial Madras

Rahela Khorakiwala (Jawaharlal Nehru University, New Delhi), Research on comparative constitutional law between Germany and India, with a focus on the functioning of the court systems in these jurisdictions

Ireland

2019

Lynsey Black (University College Dublin), The mandatory death sentence in Ireland, Trinidad and Tobago, and Barbados: colonial legacies and sovereign symbols



Italy**2018**

Andrew Cecchinato (Università degli Studi di Trento), Reading law in revolutionary times: Thomas Jefferson's reception of the western legal tradition

Angela De Benedictis (Alma mater studiorum – Università di Bologna), Rebellion, Widerstand, Notwehr – Juristisch-theologische Debatten im 16./17. Jahrhundert

Alessia Maria Di Stefano (Università degli Studi di Catania), Justice and emigration: the judgments of the Arbitral Commissions for emigration in Italy between the 19th and 20th centuries

Claudio Ferlan (Istituto Storico Italo-Germanico (Fondazione Bruno Kessler), Trento), Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII

Dolores Freda (Università degli Studi di Napoli Federico II), Across boundaries: the English justice of the peace on the continent

Stefano Manganaro (Università degli Studi di Pavia), Shaping legal spaces through personal bonds. The privilege of royal protection in a comparative study of different geopolitical areas within the Ottonian Empire (936–1024)

Ferruccio Maradei (Università degli Studi 'Magna Graecia' di Catanzaro), The juridical culture in the Kingdom of Naples before the enlightenment and its contribution to the development of European criminal doctrine between 17th and 18th centuries

Ferdinando Mazzarella (Università degli Studi di Palermo), Working for a social private law. The cooperation of German and Italian lawyers in the age of totalitarianism

Annamaria Monti (Università Commerciale Luigi Bocconi, Milano), Transfers and reception of legal knowledge: 19th–20th century commercial law

Maria Sole Testuzza (Università degli Studi di Catania), Comparing narratives of right over one's own body (17th–18th centuries)

Flavia Tudini (Università degli Studi di Trento), *Monarquía Hispánica* and the governance of the Lima diocese (1580–1606)

Stefano Vinci (Università degli Studi di Bari Aldo Moro), Criminal codification of Kingdom of Two Sicilies

2019

Damiano Censi (Università degli Studi di Ferrara), A reconstruction of the European economic governance through the legislative and jurisprudential route of the role of European parliament

Alice Cherchi (Università degli Studi di Cagliari), New reflections on the *Theophili Paraphrasis*

Dolores Freda (Università degli Studi di Napoli Federico II), Across boundaries: the English justice of the peace on the Continent

Simona Langella (Università degli Studi di Genova), Studio, edizione critica e traduzione spagnola del commentario inedito di Francisco de Vitoria alla I–II^{ae} de la Summa theologiae di san Tommaso d'Aquino

Claudia Passarella (Università degli Studi di Padova), Lay participation in the administration of criminal justice: the procedure of jury selection in Europe in the late 19th century

Pietro Schirò (Università degli Studi di Verona), The social school of criminal law

Simona Tarozzi (Alma mater studiorum – Università di Bologna), Rezeption der Grundlage des römischen Verfahrensrechts in römisch-germanischen Quellen und im *common law*

Umberto Tulli (Università degli Studi di Trento), The EEC, human rights and the right to development. From negative conditionality to the promotion of the human right to development

2020

Matilde Cazzola (Alma mater studiorum – Università di Bologna), Lord Elgin and colonial constitutional orders in the common law world

Giulia Di Giacomo (Università degli Studi di Milano-Bicocca), The regulation of migration in the early XX century: between governmentality and pluralism

Mariusz Kaczka (Istituto Universitario Europeo, Fiesole, FI), A cross-border Islamic-Christian court of justice: Ottoman-Polish example

Japan

2018

Masanori Okada (Waseda University, Tokyo), Die Transformationsprozesse des Rechts in Japan

2019

Natsuko Matsumori (University of Shizuoka), Conquest, empire, and sovereignty: the natural right of communication in the 'New World'

Masanori Okada (Waseda University, Tokyo), Legal transformations in 19th and early 20th century Japan, China and Ottoman Empire

Mexico

2018

Enrique González González (Universidad Nacional Autónoma de México), Historical Dictionary of Canon Law in Hispanic America and the Philippines (DCH)

2020

Óscar Javier Barrera Aguilera (Universidad de Ciencias y Artes de Chiapas, Tuxtla Gutiérrez), Territories in dispute: laws, intermediaries and Indian peoples in the political chiefdom of Comitán, Chiapas, Mexico, 1790–1875

Maria Idalia García Aguilar (Universidad Nacional Autónoma de México), Order and agreement in a new space: circulation of legal literature in New Spain, 1585–1640

Yolanda Guzmán Guzmán (El Colegio de Michoacan, Michoacan), Diccionario Histórico de Derecho Canónico en Hispanoamérica y Filipinas. Siglos XVI–XVIII

The Netherlands

2018

Hylkje de Jong (Vrije Universiteit Amsterdam), Byzantinisches Recht

Jan Hallebeek (Vrije Universiteit Amsterdam), Seenrecht, iniuria

2019

Jan Hallebeek (Vrije Universiteit Amsterdam), Ausgabe und Übersetzung der Glossen zur *Jurisprudentia Frisica (Codex Roorda)***Norway**

2019

Mala Loth (Universitetet i Oslo), The European court of justice and the shaping of European social policy, 1964–1992

People's Republic of China

2018

Xiaojun Shen (Shanghai University of International Business and Economics), Modernisierung des chinesischen Vertragsrechts vor dem Hintergrund der Kodifikation eines chinesischen Zivilgesetzbuches: Eine historische und rechtsvergleichende Betrachtung

2019

Ningxin Fu (Tsinghua University, Beijing), Modernization of Chinese Fiscal and Tax Law (1912–1949)

Xin Nie (Tsinghua University, Beijing), Between Weimar Republic and traditional China: legal translation of social rights through Chinese tradition



Peru

2018

Carlos Ramos Núñez (Centro de Estudios Constitucionales del Tribunal Constitucional del Perú, Lima), Prophetic justice: the fight for the criminal jury in Peru

2019

Jorge Aramando Guevara Gil (N/A), Transgression, abjection and unfruitful pain. The case of Sister Dominga Gutierrez de Cossio (Arequipa, Peru, 1831)

Carlos Ramos Núñez (Centro de Estudios Constitucionales del Tribunal Constitucional del Perú, Lima), Prophetic justice: the fight for the criminal jury in Peru

The Philippines

2018

Marya Svetlana Camacho (University of Asia and the Pacific, Manila), Marriage in lowland Philippines in the early modern period: codes of law and behavior in intercultural encounter

Poland

2018

Przemysław Nowak (Instytut Historii im. Tadeusza Manteuffla Polskiej Akademii Nauk, Warszawa), The *Constitutum Constantini*. A critical study

Portugal

2018

Jesus Bohorquez (Universidade de Lisboa), Dispute resolution and contract enforcement: commercial law in the Spanish and Portuguese empires during the 18th century

Luisa Stella Coutinho Silva (Universidade de Lisboa), Women in colonial Paraíba: a feminist postcolonial study of Brazilian legal history, 1580s–1822 / Legal encounters between empires: Japanese and Portuguese normativities, 1540s–1630s

Antonio Muñoz-Sánchez (Universidade de Lisboa), Rotspanier vs FRG: An improbable legal fight of former forced workers for recognition as victims of the Nazi regime (1958–1972)

2019

Anabela Brízido (Universidade Nova de Lisboa), The armed conflict in Angola and Mozambique in the post-colonial period under the approach of IHL and IL. Is the Martens Clause a myth or reality for the ruling of private military companies' activities

Jaime Gouveia (Universidade de Coimbra), Historical Dictionary of Canon Law in Hispanic America and the Philippines (DCH)

Republic of China (Taiwan)

2020

Sheng-Yen Lu (Academia Sinica, Taipei), Women's rights under the small house policy in Hong Kong

Romania

2019

Loredana Gogoșe (Universitatea 'Lucian Blaga' din Sibiu), Der Codex Altenberger – das erste Gesetzbuch der Siebenbürger Sachsen

Russia

2020

Anastasiia Savina (Lomonosov Moscow State University), Legal practice and public life in Pisa in the second half of the 14th century

Spain

2018

Manuel Angel Bermejo Castrillo (Universidad Carlos III de Madrid), European non-contractual civil liability in a historical and comparative perspective

Rosa Congost (Universitat de Girona), The role of agrarian contracts in (empirical and theoretical) historical research on land ownership: the example of *Emphiteusis*

Pilar Latasa (Universidad de Navarra, Pamplona), Clandestine marriage in Spanish America

Fernando Liendo Tagle (Universidad Carlos III de Madrid / Universidad de Huelva), The legal press in the formation and teaching of legal disciplines and university studies in 19th century Spain

2019

Juan Belda Plans (Universidad de Navarra, Pamplona), Relecciones teológicas de Melchor Cano

Héctor Domínguez Benito (Universidad Autónoma de Madrid), The end of an empire – titles over territories in Spanish and Ibero-American international law, 1810–1928

Antonio Manuel Luque Reina (Universidad Autónoma de Madrid), Dissolving the *Polisinodia*: the royal council of Spain and the Indies (1834–1836)

Fabricio Mulet Martínez (Universidad de Huelva), The Royal Council and the commercial companies by shares in Cuba and Spain (1848–1868). Itinerary between private law and state interventionism in colonial 19th century

Rafael Ramis-Barceló (Universitat de les Illes Balears, Palma de Mallorca), The relevance of the encyclopaedical texts in the development of modern jurisprudence

Enrique Roldán Cañizares (Universidad de Sevilla), The reception of Jiménez de Asúa's penal doctrines and acts in Spanish America

Victor Saucedo (Universidad Autónoma de Madrid), Mapping Legal Change: Conspiracy in the 18th and 19th centuries

Joaquín Sedano Rueda (Universidad de Navarra, Pamplona), Modernization of Chinese fiscal and tax law (1912–1949)

Switzerland

2019

Andrei Mamolea (Institut de Hautes Études Internationales et du Développement (IHEID), Genève), Saving Face: The political work of the Permanent Court of Arbitration, 1902–1914

Turkey

2019

İpek Sevda Söğüt (Kadir Has Üniversitesi, İstanbul), *Exceptio Doli Generalis* in Roman law

Ukraine

2020

Alina Cherviatsova (V.N. Karazin Kharkiv National University, Kharkiv), At the origins of Soviet international law: the rise and decline of the first-generation Soviet legal scholars

United Kingdom

2018

Daniel Allemann (University of Cambridge), Slavery in Spanish scholastic thought, c. 1539–1682

Alexis Alvarez-Nakagawa (Birkbeck, University of London), Cannibal laws. The origins of international and the juridical forms of the conquest

Eddie Bruce-Jones (Birkbeck, University of London), *Kaala Paani* and the archive: ancestral memory and colonial administration

Thomas Clausen (Trinity College, University of Cambridge), Roland Freisler (1893–1945): an intellectual biography

Natalie Cobo (Brasenose College, University of Oxford), Translating Solórzano

Tom Hamilton (Trinity College, University of Cambridge), Criminal justice in early modern France: multinormativity and entanglements in practice

Victoria Hooton (University of Manchester), A history of EU citizenship and the welfare state

Anselm Küsters (University of Oxford), Der Einfluss des Ordoliberalismus auf die Entwicklung des europäischen Wettbewerbsrechts im Spiegel der Publikationen der Europäischen Kommission (1952–2018)

Brigitte Leucht (University of Portsmouth), Citizens or consumers? The origins of consumer protection in the European Union

Vanessa Mongey (Newcastle University), Suspicious citizens: border control, diplomacy, and travel regulations, 1790–1870

Guido Rossi (University of Edinburgh), Insurance, markets and the law: a comparative analysis on the development of barratry (XVI to XVIII centuries)

2019

Natalie Cobo (Brasenose College, University of Oxford), Translating Solórzano

Silvia Espelt Bombin (University of Exeter), Peace and treaty-making: different legal systems in action in early modern Amazonia and the Guianas

2020

Jonathan McGovern (University of York), Sheriffs' courts and the execution of legal writs in England and Wales, 1485–1600

Erica Kim Ollikainen-Read (N/A), Role of public information campaigns in common law transfer in South / Southeast Asian Colonies of the British Empire

United States of America**2018**

Marie Seong-Hak Kim (St. Cloud State University), Custom and legal change in European and East Asian history

Andrés Pletch (University of Michigan, Ann Arbor), Isle of exceptions: race, law, and governance in Cuba, 1825–1856

Priyasha Saksena (Harvard Law School, Cambridge), Contestations over the idea of sovereignty in colonial South Asia / Attempted transfer of jurisdictional bases from Britain to colonial South Asia

2019

Juan Cobo Betancourt (University of California, Santa Barbara), Historical Dictionary of Canon Law in Hispanic America and the Philippines (DCH)

Hunter Harris (University of Michigan, Ann Arbor), When trust fails: merchants, law and the British Empire in the 18th century

Colin Jones (Columbia University, New York), Searching for social order: capitalism, empire, and the making of Japanese law

Adam Lebovitz (Harvard University, Cambridge), Cosmopolitan constitutionalism: French and American Constitutional Court, 1774–1800

Erik Peinert (Brown University, Providence), Post-war French competition rules in comparative perspective

Andrew Walker (Wesleyan University, Middletown), Strains of unity: property and emancipation in Haitian Santo Domingo, 1822–1844

2020

Katherine Godfrey (Pennsylvania State University), Negotiating law, justice, and ethnic identities in the New Kingdom of Granada, 1538–1680

Abisai Pérez Zamarripa (University of Texas at Austin), Tracing the origins of the Republic of Indians in the Philippines



DIGITAL HUMANITIES

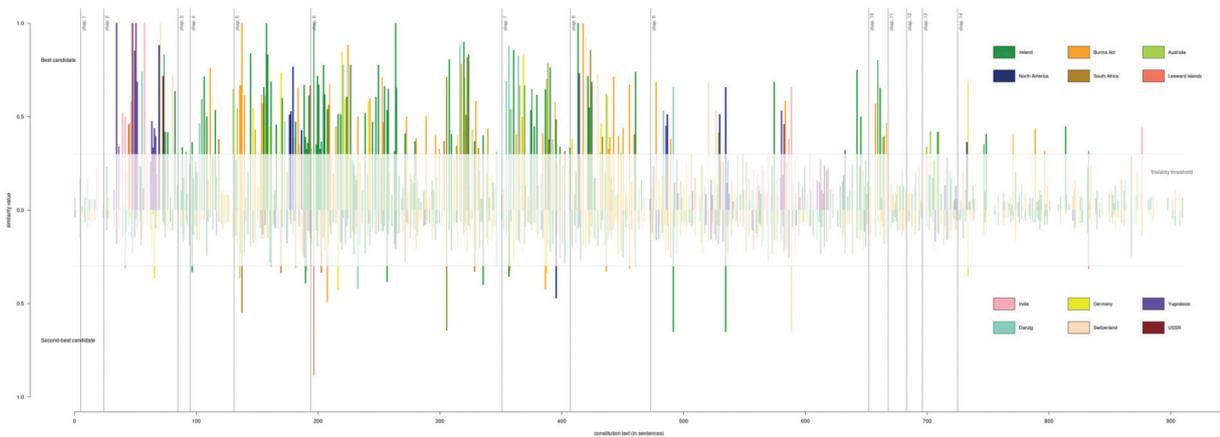
Since 2018, researchers' digital efforts have become more self-aware, more explicit and better organised, and there has been a noticeable increase in the public discussion and use of Digital Humanities methods and resources. Various venues for promoting digital resources, computational methods and workflows, and data literacy principles have been established; this has clearly encouraged researchers to seek guidance and support with regard to their research questions and methodological ideas. While researchers have thus acquired specialised as well as basic 'digital competencies' (like using the command line, data cleaning, version control systems, citing data and software), their concrete needs had in many cases not been anticipated and the process has involved a broadening of the competencies available in-house as well. On the other hand, longer-standing projects and the need for legacy data migration have induced a deepening of methods in the sense of a permanent effort to reconcile bespoke solutions with generic approaches and sustainability requirements (for example developing microservices and an infrastructure-as-code approach). In the following, the Digital Humanities activities at the Institute are described by focusing on some approaches that are driven by, and affect, a number of individual research projects. Some of these areas have been a constant in Digital Humanities activities from the outset, whereas others have just started to evolve.

Digital editing

Various projects are preparing their textual material in a way that will result in a digital scholarly edition of the source text(s). This involves discussion and decision of different methods of text acquisition, editorial markup, correction and enhancement, and publication. Whereas the *School of Salamanca* project, for instance, uses a mix of manual transcription and automatic text recognition from images (OCR), the more recent *Non-state law of the economy* project uses OCR exclusively. We have evaluated various software solutions for this task and have presented a viable approach to the Institute's researchers in a workshop. The results in the *Non-state law* project are encouraging and we plan to make this method of text acquisition available to more researchers. In addition, different strategies in the editorial process must be pursued: the *Non-state law* project can easily forego some of the layout information from its original sources in favour of a more explicit tagging of norms and regulatory matters, which will be made accessible in a database-like interface. The *Hyperazpilcueta* project puts more emphasis on the preparation of comparable texts and the establishment (and presentation) of alignment information; it is thus most interested in expanding abbreviations to identical forms and in making the names of the authors comparable. In such ways, the scholarly aim of the final publication both determines the functionality the digital edition should offer and directs the focus of the editorial efforts. At the same time, we can make sure that no information is lost by preserving digital images and explicitly recording editorial interventions. For an insight into such considerations, the editorial guidelines of the *Salamanca* project (at <https://www.salamanca.school/en/guidelines.html>) may serve as an example.

Text analysis

One of the obvious advantages of having historical legal text available in digital form is the possibility to perform algorithmic analyses on it, independently of the amount of text. In fact, some ways of looking at texts make sense only if there is a larger basis of text to look at. Simple approaches use statistical methods to make assertions about a collection of texts, about single words, or possibly concepts, occurring in such collections. An example of this can be seen in the review of the two Oxford Handbooks on Legal History that has developed out of discussions in the Institute's Interest Group for Digital Humanities [Küsters, Volkind, Wagner, Digital Humanities and the State of Legal History, 2019]. For legal history in general, the analysis of the relation between specific texts is often of particular interest, as evidenced by projects undertaken by Manuela Bragagnolo, Donal Coffey, or Anselm Küsters. Küsters, for instance, investigates the adherence of a journal to distinct strands of thought in a given time period. Bragagnolo assesses the similarity of text passages across languages (in different reworked editions of a 16th-century text) in order to identify correspondences and divergences. The study of Donal Coffey, examining the influence that a series of contemporary and earlier constitutions had on the drafting of the Burmese Constitution of 1948, has been published, along with the digital materials and software that were used to perform the analyses. In the projects mentioned, we have used various Text Reuse Detection and Topic Modelling approaches, and are looking forward to applying Semantic Shift Detection and Citation Network Extraction methods.



The two sources most similar to the Burmese constitution, per sentence

Graph data modelling, network analysis and visualisation

For the study of relations in particular, graph data models have become important facilitators. In the *Governance of the Universal Church after the Council of Trent* project, data gathered from session protocols of the Congregation of the Council of Trent is recorded in a graph database that allows finding unsuspected and indirect relations, eg between subject matters of the cases, regions where they originated, and advocates involved in their formal initiation. It also allows us to record information about the various uncertainties coming into play in the scribal, archival and contemporary scholarly contexts [Wagner, *Ambiguität und Unsicherheit: drei Ebenen eines Datenmodells*, 2019]. As the project proceeds, we expect to apply network analysis methods to identify cliques and gather information about the density of relations and the centrality / marginality of certain persons. However, such graphs frequently come with a complexity issue: while a network seems to suggest an intuitive visualisation, if you present all the information that is available in such a graph database, the result is so dense that you cannot anything make out (the technical term is a 'hairball'). Thus, researchers also have to think about abstracting and extracting just one aspect or component of the whole network (a 'projection'), or about how best to organise the layout of the network visualisation. For instance, in his dissertation Fupeng Li has used a 'hierarchical edge bundling' approach to visualising the network of citations in the two drafts of the Chinese constitution from 1923 and 1936. Again, the relevant materials and code have been published under an open licence [Wagner, Li, *Citation Network Visualisation of two Drafts (1923 and 1936) of the Chinese Constitution*, 2020].

Outlook and conclusion

Two tendencies may consolidate in the next years from activities that have recently been initiated. On the one hand, the semantic dimension of texts, in particular the aspects that play or define legal roles, may come more into focus. From the recognition of persons' names and their networks, both by now well-established approaches in general digital historical research, our interest is likely to also move on to the recognition of legal roles, facts and arguments, requiring innovations in the areas of both language processing and data modelling. On the other hand, projects by Sigfrido Ramírez and Karla Escobar are extending the digital methods and resources in use at the Institute beyond written text to cover oral history. We are going to acquire competencies of datafication, storage and publication of audio or video recordings, and to develop new approaches to confront them with legal historical questions. We are very confident that the innovative use of digital methods in the Institute's research will continue to provide original and ground-breaking results in the years to come.

