Welcome to our newsletter. This newsletter is addressed to legal historians, legal theorists and others interested in global history, social sciences, humanities and legal studies more broadly. We keep you updated about events, new publications by our researchers and other news from our Institute. Any feedback and suggestions are more than welcome.

We hope you enjoy this month’s edition.

**Opportunities**

Apply now to join our Visitors' programme and take advantage of research opportunities at our Institute!

Please ensure that your application reaches us at least four months before your intended research stay. Submit your complete application via our [online application](#) system.

**Events**

All events take place in-person at the MPIHL unless otherwise stated.

**22 May, 14:15 - 15:15, Common Law Research Seminar:** Sabarish Suresh (Cardozo School of Law), *Towards a theory of 'cartojuridism'*.  

**24 May, 16:15 - 17:45, Max Planck Lecture in Legal**
For more information on the documents required and the application procedure, click here.

History And Legal Theory: Doris Schweitzer (Goethe-Universität Frankfurt), Max Weber und der 'umgekehrte' Werturteilsstreit in den Rechtswissenschaften Anfang des 20. Jhd.


More information available here.

New Publications

Cristian Poczynok

Posesión y Propiedad

This article studies possession and property in Spanish America and the Philippines (16th–18th centuries) from the perspective of the history of (canon) law. Both elements constitute full ownership (dominium) and refer to the connections established between persons and things or, in other words, among people mediated by things. This constitutes a fundamental aspect in understanding power relations and modes of access to things, including appropriation, exploitation and distribution. The paper examines the theological significance of possession and property, the legal distinctions and the modes of acquisition and loss. It analyses the possessions and properties that individuals could hold, with an emphasis on the problem of land in the New World. The article also covers the forms of judicial process related to property and possession, the advantages of possession in litigation, and the issue of possessory injunctions, particularly those related to dispossession. It closes with a historiographical analysis of the literature published on the subject.

Featured Event

11 May 2023, 16:00-18:00, mpilhlt, Z01
The Rise of Mass Advertising in Britain

Talk and book presentation

The emergence of mass advertising disrupted the perceived foundations of modernity. The idea that modern culture was organised by identifiable fields of knowledge, experience, and authority came under strain as advertisers claimed to share values with the era’s most prominent fields, including news, art, science, and religiously inflected morality. While cultural boundaries grew blurry, the assumption that the world was becoming progressively disenchanted, and that the capitalist economy was a victory of reason, were undermined as enchanted experiences multiplied with the transformation of everyday environments by advertising.

Drawing on an extensive archive that bridges legal fields and disciplinary divides, Anat Rosenberg examines how contemporaries came to terms with the disruptive impact by mobilising legal processes, powers and concepts. Law served to perform the boundary work that maintained contemporaries’ sense of field distinctions. Concurrently, it also served to disavow the role of enchantment in commercial culture, thus preserving the view of modernity-as-disenchantment.


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Guests and Visiting Scholars

**Díaz Rico, Javier Carlos** (Universidad Carlos III de Madrid, Spain): *Albert Venn Dicey: an historico-sociologic approach*, March – May 2023

**Machona, Gwinyai** (Humboldt-Universität zu Berlin, Germany): *Kolonialismus, deutsches Verwaltungsrecht und seine Wissenschaft (ca.1850–1933)*, April – May 2023

**Suresh, Sabarish** (Yeshiva University, New York, USA): *Cartography and law: the use of mapping in the establishment of the English common law in the Indian subcontinent*, 15 March – May 2023

**Mellouki, Léa** (Université Paris-Panthéon-Assas, France): *The opening of the trial in medieval Romano-canonical procedure, from libel to litis contestatio from the 9th to the 14th century*, April – June 2023

Merlin de Andrade, Melanie (Universidade Federal do Paraná, Curitiba, Brazil): Theory of Law and 'theoretical transplants' in Brazil: the reception of Robert Alexy’s Theory and its ponderation method by the Brazilian Courts of Justice in rendering decisions to solve constitutionalised private law conflicts, April – June 2023

Sedano Onofri, Renato (Universidade de São Paulo, Brazil): Once again, on poetry and law: narrative and structure in 19th-century German and Brazilian legal sciences, January – June 2023

Rabanos, Julieta Agustina (Università di Genova, Italy): Theoretical challenges regarding public (non-comprehensive) authority in non-national contexts, May – June 2023

Nezhurbida, Serhiy (NGO Jewish Heritage of Bukovina, Chernivtsi, Ukraine): Eugen Ehrlich – a bio-biographical approach, February - July 2023

Inoque, Daniel (Universidade Pedagógica de Maputo, Mozambique): Direito Cultural Moçambicano: o acesso documentação arquivística do judiciário como património cultural, May – July 2023

Ramírez Restrepo, María del Pilar (University of California, Santa Barbara, USA): Untangling the ‘Orinoco’s Labyrinth of Tongues’: linguistic knowledge and Jesuit missions in the margins of the Spanish Empire, 1660–1784, May – July 2023

Reis, Maria Barreiros Almeida (University of California, Berkeley, USA): 'Capacities to work': slavery, skilled labour and racial arguments in the South Atlantic, 1440–1760, May – July 2023

Zhu, Yuxi (Tsinghua University, Beijing, P.R. China): Production of normativity in glocalisation: the late Qing opium suppression movement in the perspective institutional change, March – August 2023

Hoberg, Anna (Johannes Gutenberg-Universität, Mainz, Germany): Die Entstehung des vereinheitlichten europäischen internationalen Privatrechts, April – September 2023

Matsumoto, Naoko (Sophia University, Tokyo, Japan): Einwohner vor Friedensgerichten und Schiedsmännern. Deutsche Sühneverhandlungen im entstehenden modernen Rechtssystem, April – September 2023

Massuchetto, Vanessa (Universidade Federal do Paraná, Curitiba, Brazil): Women and social uses of criminal justice: colonial normativities in southern Iberian-American Worlds (17th–18th century), April 2023 – March 2024

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mpihlt out and about

Keeping you up-to-date on some of the activities and public engagements of the Institute’s researchers beyond our four walls. If you are in the area, feel free to stop by.
A critical look at German administrative and colonial law

The connection between German administrative law and historical colonial law has so far received little scholarly attention, despite the fact that both fields developed during the same period and many issues to be regulated differed only in geographical details. Indeed, in many cases, the conceptual solutions to the issues arising originated from the same pen. These parallels are now being explored by Gwinyai Machona, the current holder of the Helmut Coing Fellowship.

Despite the personal, conceptual and spatio-temporal similarities in the emergence of the administrative and colonial law, their goals differed, as do the scholarly narratives on them. While the emergence of administrative law is seen as a liberal project aimed at the formation

The rediscovered legacy of Luiz Gama (1830–1882)

Recently, the Brazilian government revoked a human rights medal instituted by the former far-right President Bolsonaro. The medal, named after the daughter of the country's last monarch, was replaced by a new human rights award, now in recognition of Luiz Gama (1830–1882), a former slave, self-taught lawyer, and leader of the abolitionist movement in 19th-century Brazil.

In 2022, the legal knowledge of Luiz Gama was for the first time the subject of a doctoral thesis prepared in the mphhlt's Department of Historical Regimes of Normativity by Bruno Rodrigues de Lima. His dissertation highlights Luiz Gama’s lawyering and the normative production of freedom in a slave society.
of a modern constitutional state, leading to
a strengthening of individual rights,
colonial law is interpreted as having served
to maintain a façade and legitimise
relations of exploitation and subjugation.
Gwinyai Machona's work questions the
assumption of the two fields' opposing
directions, but in order to differentiate, not
to deny, it.

Machona's project has occasionally met
with scepticism from researchers who
suspect that his work is based on
normative assumptions that undermine
the scholarly nature of his research
question. According to Machona, these
doubts can in most cases be dispelled in
discussions by pointing out historical
facts. At the same time, the objections
confirm his interest in reflecting on
connections whose examination is often
instinctively rejected by current exponents
of the discipline, either due to the current
lack of scholarship on the two fields’
shared history or out of a wish to protect
the discipline from associations with
Germany’s dark colonial past.

Using methodological approaches of legal
biography, microhistory and social history,
Lima analyses Gama's works and how he
acted in the courts in more than 120
cases, mostly dealing with issues of
freeing enslaved people. Based on a close
reading of judicial sources and on the
study of the legal doctrine used in the
lawsuits, in addition to the allegations and
proofs produced by the litigants, Lima
shows how Gama creatively attributed
different meanings to the multinormativity
surrounding Brazilian slavery, thereby
producing normative knowledge.

That Luiz Gama's achievements are now
being recognised beyond academia is
strongly related to the current debates on
the colonial legacy and race relations in
Brazil. Lima's work, which collects the full
range of Gama's writings, from journalism
and poetry to his legal and political works,
allows readers to appreciate the richness
and complexity of Gama's ideas. The
impact of Lima's research can be also
seen in more than 150 articles in the
Brazilian press. In November, his thesis will
be published as a book in two
simultaneous editions: in English by Brill-
Nijhoff and in Portuguese by
Contracorrente.

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