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** for our Visitors' programme and take advantage of research opportunities at our Institute!

Please ensure that your application reaches us at least six months before

Events

Unless otherwise stated, these are in-person events at the mpihl.

**12-13 September, Conference:**
Johanna Wolf, *Labour Law History from a Global Perspective: Collective
List your intended research stay. Submit your completed application via our online application system.

For more information on the documents required and the application procedure, click here.

The Institute is looking for a Clerk in the Administration (m/f/d) in part time up to 50%. Deadline 21 September 2023

Workplace Disputes and their Normative Contexts.

13 September, 17:00 - 19:00, Movie Time: Karla Luzmer Escobar Hernández, María del Pilar Mejía Quiroga, Raquel Rasende Sirotti present the documentary film Legal historical reflections from the 'Global South'.

21 September, 14:30 - 16:00, Forum talks: Andreas Martin Fleckner (Humboldt-Universität zu Berlin), Wozu juristische Max-Planck-Institute?

28-29 September, Symposium: Marietta Auer, Ralf Seinecke, Stefan Vogenauer, Jan Schröder: Recht als Wissenschaft, for further details please contact ruether@lhlt.mpg.de

Featured Event

07 September – 08 September, mpihl

Legal Infrastructures of Democracy

Recent decades have seen unprecedented levels of pressure on democracies in Europe and elsewhere from both state and market forces. In some countries, democratically elected governments have centralised executive power, stifled democratic dissent and weakened the independence of the judiciary. Simultaneously, the unmediated and largely market-driven development of digital technologies has enabled major disinformation campaigns, undermining the informed decision-making capacity of both politicians and citizens.

Historically, one of the ways in which democracies have withstood the challenges from state and market has been through the counter-power of law. And yet, despite this saliency of law and legal institutions, we know surprisingly little about the collective agency of legal fields and their complex relationship to the performance – or decay – of contemporary democracies. As
a result, we are left with no clear notion of the contemporary entanglements between law and democracy.

Against this backdrop, this workshop will explore the conditions and constellations through which law, legal institutions and lawyers in today’s Europe (and beyond) effectively provide a critical infrastructure for maintaining and defending an inclusive and equally open public sphere in between market and state pressures. The workshop aims to generate theoretical and comparative insights on this crucial question, and to provide a more detailed description of the changing capacity of ‘legal infrastructures’ to contribute to the defence of the democratic potential of the ‘public sphere’ over time and from comparative perspectives.

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**New Publications**

Chiara Mannoni

**Artistic Canons and Legal Protection. Developing Policies to Preserve, Administer and Trade Artworks in 19th-Century Rome and Athens**

The edicts on the antiquities and artworks issued in the Papal States and Greece in the early 19th century constitute the first comprehensive legislation for the protection of heritage in Europe. In this volume, such laws are analysed from a cultural, juridical and art-historical perspective in order to understand how both legal and artistic scholarship affected the guardianship of artefacts, fluctuations in the art market and the establishment of innovative systems for heritage administration in Rome and Athens. The analysis of the origins of these laws, discussed in comparison to earlier edicts (5th–18th century), and of their cultural consequences also sheds light on the development of new definitions of “art”, “artwork” or “monument”, which have become fundamental to contemporary approaches to heritage protection in Europe.

Mario G. Losano (ed.)

**Norberto Bobbio Filosofia e dogmatica del diritto (1931) e La fenomenologia di Husserl (1933)**

Norberto Bobbio (1909–2004) was one of the most influential 20th-
century legal philosophers of the Latin world, and he was considered the civil and secular conscience of Republican Italy. Early on in his intellectual development, he wrote and defended two dissertations while still in his early twenties. In 1931, he received a doctorate in legal philosophy for his thesis *Philosophy and Legal Doctrine* and another in 1933 in theoretical philosophy for *Husserl’s Phenomenology*, both from the University of Turin. This edition makes these previously unpublished texts available for the first time. His initial theoretical interest in Husserl quickly gave way to the pursuit of legal philosophy, which would remain the focus of his research: first in opposition to legal positivism and later, starting in 1949, his critical engagement with Hans Kelsen’s legal theory.

Marietta Auer, Thomas Duve, Stefan Vogenauer (Hg.)

**Michael Stolleis – zum Gedenken**

The essays presented in this volume were written on occasion of the commemoration ceremony for Michael Stolleis (1941–2021) and pay tribute to the many-faceted jurist, historian, researcher and university professor. Some contributions, picking up themes from Stolleis’ œuvre, shine a light on the history of science in the context of German public international law; others emphasise his influence on European colleagues. These essays all share one fundamental idea: there is an intrinsic link between legal history and stories about law, as Stolleis demonstrated so masterfully in his last book ‘recht erzählen’ (2021). Personal recollections by friends and companions round off a portrait of this extraordinary narrator of (hi)stories of law. Finally, this volume also contains a reprint of a conversation with Michael Stolleis about fathers, education and contemporaneity.

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**Guests and Visiting Scholars**

**Bachur, João Paul** (Instituto Brasiliense de Direito Público, Brasília, Brazil): *Die Praxis des Rechts: Zu einer multidisziplinären Rechtstheorie*, January 2022 –
Busch de Brito, Gabriel (Universidade de São Paulo, Brazil): Recht, Kapitalismus und Demokratie. Entstehung einer interdisziplinären Kritischen Theorie des Rechts in der Weimarer Republik, August 2023 – January 2024

Cerón, Elisa (Pontificia Universidad Católica de Chile): Un seminario de discordias. Buen gobierno, corrupción y escándalos en las fronteras del imperio español (Chile, 1664-1682), September 2023

Guijarro Santos, Victoria (Georg-August-Universität Göttingen, Germany): A relational perspective on the EU laws against the data-based discrimination, September – November 2023

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

Knapp, Jakob (Rheinische Friedrich-Wilhelms-Universität, Bonn, Germany): Systematic mapping of existing transfer interfaces of the legal system for non-legal knowledge of reality, September 2023 - February 2024

Lillo Castañ, Víctor (Universitat Autònoma de Barcelona, Spain): The bull Sublimis deus and the Spanish laws on slavery of Native Americans (1530-1537), January 2022 – December 2023

Likhovski, Assaf (Tel Aviv University, Israel): Legal thought in the Middle East and Asia, 1850-1950, August – September 2023

Londoño Alvarez, Marcelo (Universidade NOVA de Lisboa, Portugal): From the spaces of socialization to the construction of political thought in the working class, June – November 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

Nezhurbida, Serhiy (NGO Jewish Heritage of Bukovina, Chernivtsi, Ukraine): Eugen Ehrlich – a bio-biographical approach, February - January 2024

O'Leary, Jessica (Australian Catholic University, East Melbourne, Australia): Women in the global Portuguese Empire, 27.09.2023 - 15.10.2023

Plamondon, Jacinthe (Université Laval, Québec, Canada): Exploration of how some ideas, ideologies, perceptions and biases are reflected into representations of reality in a given social climate and also in the law, September 2023 - February 2024

Ray, Reeju (O.P. Jindal Global University, Sonipat, Haryana, Delhi, India): Intersection of indigeneity and ethnicity in colonial, national and international law, July – December 2023

Swaminathan, Shivprasad (O.P. Jindal Global University, Sonipat, Haryana, Delhi, India): *Theory, method and the common law mind*, August 2023 – July 2024

Weber-Steinhaus, Friedrich Otto (Humboldt Universität zu Berlin, Germany): „Sprachprozessordnungen“ – *Karl Kraus’s legal writings*, August - September 2023

Yashiki, Takanori (University of Tokyo, Japan): *The theoretical foundations of customary international law*, August 2023 – January 2024

Zatelli Correa, Gustavo (Universidade de Brasília, Brazil): *Police regulations on colonial ground: a legal comparative view of the British Empire in the 18th century (Jamaica, Virginia and Ireland)*, July – September 2023

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**Distinguished**

Melike Batigray Abboud is awarded the Chevening Oxford Centre for Islamic Studies Fellowship (OCIS)

Melike Batigray Abboud is awarded the *Chevening Oxford Centre for Islamic Studies Fellowship (OCIS)*. This fellowship is a cooperation between Chevening and Oxford University and is awarded to individuals who have demonstrated academic excellence and leadership potential. In her time at Oxford, Melike Batigray Abboud will work on some chapters of her thesis related to Islamic law in Sudan during the condominium period, as well as on the topic of sanctions for political criminals under British-made Sharia. Furthermore, she is planning to write an article titled ‘British Mohammedan Law and Courts in Sudan under the Joint British-Egyptian Rule: Applications and Limitations (1902-1914)’. The fellowship will start in October 2023 and end in March 2024. We offer our congratulations and wish her all the best for these projects!

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**Hansaallee 41**
Insights from our Summer Academy 2023

This year's mpilhlt Summer Academy brought together twenty participants with a broad range of personal and academic backgrounds for two weeks of intensive exchange at the beginning of July. As part of an overarching programme of introductory lectures on select research fields in legal history under the theme ‘Actors, groups and identities in legal history’, the early doctoral candidates had the opportunity to present their work to an audience of research colleagues. Lively discussions and fruitful questions emerged over the course of the two weeks between the participants, who were all at a similar point in their academic careers. Though the project presentations dealt with different geographical and historical contexts, ranging from 19th-century Brazil to German registry offices during the Second World War, a number of relevant points of connection became apparent.

'A Paradigm Shift in Common Law Theory'

The intersection of theory, practice, and history of law has always been a captivating subject. Few individuals embody this multifaceted approach as effectively as Professor Shivprasad Swaminathan, Dean-designate of the upcoming Shiv Nadar School of Law, Shiv Nadar University, Chennai, India.

Widely regarded as one of the foremost legal scholars of his generation in India, he has made significant contributions to the fields of legal theory and contract law. He is currently on a Humboldt Fellowship at our Institute, where he is studying the theory and method in the common law.

We sat down with Prof Swaminathan to explore his thoughts on the state of private law in India, the need for a new approach to common law theory, and the potential of historical perspectives in modern jurisprudence.