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

The Institute is looking for a Head librarian (m/f/d). **Deadline 30 October 2023**

The Department of European and Comparative Legal History is looking

Events

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

**09 October, 17:00 – 19:00,**

**Lecture:** Isabelle Poutrin (Université de Reims Champagne-Ardenne), *The trials of the Bocompagni*
for two student assistants (m/f/d).

Deadline 15 October 2023


12 October, 15:00 – 17:00, Legal History meets Digital Humanities Seminar: Andrés Burbano, Sebastián Vargas, Luis Tumiñá, Digital Narratives and Plurivocity: Regarding Commemoration of October 12, 1492.


17 October, 13:00 – 14:00, Iberian Worlds Seminar: Marcelo Londoño: El Poder del Chamán y el Ritual del Yagé en la Construcción de Saberes Normativos en el Putumayo (Colombia siglos XIX - XX).


Featured Event

11 October 10:30 – 18:30, mpilhlt and online

Women and gender history in the Portuguese empire: global knowledge production

Focusing on the global production of knowledge, this workshop will bring together scholars and young neophytes before the Roman Rota (early 17th century).
researchers working on women and gender in the early modern Portuguese empire. It will discuss various aspects of women's knowledge production, such as normative, emotional, spiritual and healing practices.

The workshop is the first activity developed by the project Doing women's legal history in the Iberian empires from a global perspective, led by Luísa Coutinho, and the first event organised by a new international network designed to connect researchers involved in women’s and gender history in the Portuguese empire.

The workshop will be held on 11 October 2023 in hybrid mode, at the Max Planck Institute for Legal History and Legal Theory and online. Professor Sarah Owens (College of Charleston) will hold the opening keynote.

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**Guests and Visiting Scholars**

**Audemar, Alexis** (Université de Lille, France): *The legal treatment of labour by the School of Salamanca*, October – December 2023


**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

**Carvalho de Souza, Marjorie** (Università degli Studi di Napoli Federico II, Naples, Italy // Universidad de Huelva, Spain): *Freedom and contract on trial: the making of labour law in nineteenth-century Brazil*, October - December 2023

**Chen, Jidong** (Huazhong University of Science and Technology, China): *From insurance to welfare state: The transformation of the British social security system’s function (1900–1950)*, October – December 2023

**Ferreira Gomes Silva, Ana Luiza** (Katholieke Universiteit Leuven, Belgium): *Leuven amidst Catholic reformation: Petrus Peckius’ (1529–1589) works and lectures in canon law*, October 2023

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

**Jaime, Simão** (Universidade Eduardo Mondlane, Mozambique): *Igreja Metodista Unida e conhecimento normativo no processo da Libertação de Moçambique (1968 à 1975)*, October 2023
Khalili, Sayedeh Mones (University of Tehran, Iran): Examining the guarantee of breach of contractual obligations and claimable damages in the laws of Afghanistan, Iran, the Islamic jurisprudence and international instruments on law of contracts, October – December 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

Londoño Alvarez, Marcelo (Universidade NOVA de Lisboa, Portugal): From the spaces of socialisation to the construction of political thought in the working class, June – November 2023

Martins Spindola Diniz, Ricardo (Université du Luxembourg): The Book of Judges: reoccupation, religion, and constitutional adjudication at the origins of the US Supreme Court (1789-1936) and the German Federal Constitutional Court (1949-1969), October 2023 – March 2024

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


Mendes, João (Vrije Universiteit Brussel, Belgium): Legal sociability as the need for clarity, October 2023 – February 2024


O'Leary, Jessica (Australian Catholic University, East Melbourne, Australia): Women in the global Portuguese empire, September – October 2023

Omollo, Juma Noah (University of Dar es Salaam, Tanzania): From common law to common law. Analysis of the application of transferred common law to the resolution of bank insolvencies in British East Africa. A case of Uganda and Tanzania, October – December 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
Distinguished

Bruno Lima awarded the Walter-Kolb-Gedächtnispreis

We congratulate Dr Bruno Rodrigues de Lima, who has been awarded the Walter-Kolb-Gedächtnispreis 2022 for his dissertation 'We Have Laws and I Know What I Will' - Luis Gama and the Normative Production of Freedom in Nineteenth-Century Brazil. The prize, which has been in existence since 1957, is sponsored by the City of Frankfurt am Main and awarded every year for academically outstanding doctoral dissertations.

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Interview with Prof Jan Schröder

Law as a science

'Law as a science' is the topic of a conference taking place here at the mpilhlt dedicated to Jan Schröder's two-volume work of the same title. Before the event, we had the chance to speak to the author of the history of legal methodology from the late Middle Ages to the
Professor Schröder, what are, in your opinion, the prerequisites such that law becomes a science? Put in another way, what is law if not a science?

The question isn't so straightforward because there have been very different conceptions of science both past and present. If we look at the classical texts, then science requires at least a systematic examination of the objects (Kant) and, if we need to go beyond this, a knowledge tied to reasons (Aristotle). When it comes to legal doctrine, I think the Kantian minimal requirement has been met since the 16th century. Systematic – albeit greatly varying – representations were continuously being pursued over the course of time, always based on one's own conceptions, which in turn did not simply repeat what the law said. Aristotelian "reasons" complicates the situation. The fact that something is stated in the law cannot suffice as scientific justification. Such 'reasons' for legal propositions, however, are found in natural law and in the German Historical School. Justifications for the dogmatic insights are, of course, also provided by the expert interpretation of the legal sources.

With regards to legal theory (in particular, argumentation and interpretation theory), this standard has also been met throughout history. Justificatory attempts can be found above all in the German Historical School as well as in the general 'romantic' hermeneutics. Moreover, justifications can be found also for both statutory and customary law concepts, above all in constitutional law since the 19th century.

As an example of law that isn't a science, i.e. is not dealt with in a scientific fashion, I would cite the local laws of the early Middle Ages and law books of the high Middle Ages. It is in this respect that the legal historians also speak of 'unscholarly' law. Having said that, a scholarly treatment of these rights began in the 13th and 14th centuries.

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