



## Workshop

# Violent political conflicts and legal responses: a transatlantic perspective (18th to early 19th century)



October 21-23, 2015

Frankfurt am Main

## Tuesday, October 20

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19:00 Informal get-together

## Wednesday, October 21

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11:00 Welcome address  
**Thomas Duve**  
MPI for European Legal History, Frankfurt

11:15 Introductory notes  
by the organizers of the workshop  
**Otto Danwerth – Karl Härter**  
MPI for European Legal History, Frankfurt  
**Angela De Benedictis**  
Università di Bologna

11:30 Violent political conflicts and legal responses in  
Spanish America (1770-1830): Historiographical  
remarks and research perspectives  
**Otto Danwerth**  
MPI for European Legal History, Frankfurt

12:15 Keynote lecture: Answering to political unrest in a  
'country of gentle manners': Portugal, 1750-1850  
**António Manuel Hespanha**  
Universidade Nova de Lisboa

13:15 Lunch



## Wednesday, October 21

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**Panel 1:            Legal responses to social conflicts and political  
revolts in imperial contexts during the 18th century**

Chair: Otto Danwerth, MPI for European Legal History, Frankfurt

- 14:30            Reforms and revolts: Uprisings under Joseph II and  
their legal consequences in the Austrian hereditary  
lands, in the Austrian Netherlands and in Hungary  
**Martin Schennach**  
Universität Innsbruck
- 15:15            The Tupac Amaru Rebellion and changing legal  
practices and discourses: Lima, Cuzco, and Madrid,  
1770s-1780s  
**Charles Walker**  
University of California, Davis
- 16:00            Coffee break
- 16:30            Legal and extralegal conflicts over land tenure rights  
in the Andean communities. Northern Potosí in the  
18th century  
**Sergio Serulnikov**  
Universidad de San Andrés / CONICET
- 17:15            Juridification, prevention and political justice: The  
regulation of upheaval and revolt in the Holy Roman  
Empire of the German Nation (1789-1806)  
**Karl Härter**  
MPI for European Legal History, Frankfurt
- 19:30            Dinner



## Thursday, October 22

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### **Panel 2: Riots, upheaval and conspiracies: Legal discourses and criminal law in the Age of Revolution**

Chair: Karl Härter, MPI for European Legal History, Frankfurt

- 09:00 Riots and uprisings in the penal law reform and in criminal justice practice: Italy, late eighteenth century  
**Angela De Benedictis**  
Università di Bologna
- 09:45 Conspiracies in the Spanish world (1780-1790):  
Discourses, representations and judicial processes  
**Gabriel Torres Puga**  
El Colegio de México
- 10:30 Coffee Break
- 11:00 Social upheaval, emergency measures, constitutions and criminal law in Colombia and Mexico, 1790s-1830s  
**Victor M. Uribe-Uran**  
Florida International University, Miami
- 11:45 'A rising or tumult is or is not treasonable'.  
Ambivalences in making mass demonstrations a political crime in early 19th century Britain  
**André Krischer**  
Westfälische Wilhelms-Universität Münster
- 12:30 Lunch



## Thursday, October 22

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**Panel 3: From the *ius commune* world to the Independence Era:  
Conflicts, emancipation and constitutional arrangements**

Chair: Angela De Benedectis, Università di Bologna

- 14:30            The *Code Noir* as Black Atlantic Charter  
**Lorelle Semley**  
College of the Holy Cross, Worcester / Massachusetts
- 15:15            Conflict without violence: The case of Colombia,  
1826-1832  
**María Teresa Calderón**  
Universidad Externado de Colombia, Bogotá
- 16:00            Coffee Break
- 16:30            From *ius commune* to the constitution: Emancipation  
and the crisis of the Spanish Empire  
**José M. Portillo Valdés**  
Universidad del País Vasco, UPV-EHU
- 17:15            Constitution and political violence: Cádiz, 1810–1812  
**Paola Rudan**  
Università di Bologna
- 19:30            Dinner



## Friday, October 23

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### **Panel 4: Constitutional and political answers to crises and conflicts in Ibero-America in the early 19th century**

Chair: António Manuel Hespanha, Universidade Nova de Lisboa

- 09:00            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  
**Alejandro Agüero**  
Universidad Nacional de Córdoba – CONICET
- 09:45            Constitutional mechanisms responding to political conflicts: Chile, early 19th century  
**Javier Infante M.**  
Pontificia Universidad Católica de Chile, Santiago
- 10:30            Coffee break
- 11:00            The constitutional fabric of contingency: Political conflicts and indeterminacy of Luso-Brazilian constitutionalism between 1820-1822  
**Samuel Rodrigues Barbosa**  
Universidade de São Paulo (USP)
- 11:45            The Emperor leaves, the monarchy remains: Conflicts about the legal order at the beginning of the Regency, Empire of Brazil (1831-1834)  
**Andréa Slemian**  
Federal University of São Paulo (UNIFESP)
- 12:30            **Final discussion**



## Workshop Proposal

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Building on former research about revolts and resistance in medieval and early modern Europe, we would like to extend the scope of this topic to a transatlantic perspective focusing on Western Europe and Ibero-America from the 18<sup>th</sup> to the early 19<sup>th</sup> century. We are especially interested in this period because, in both areas, the *Ancien Régime* and the *ius commune* system came to a close, and the respective regimes were contested by social upheavals or political and independence movements. Hence, one can observe an increase in political conflicts ranging from protest to revolt and, at the same time, fundamental changes in the legal systems influenced by Enlightenment discourses and manifesting in administrative and legal reforms. In the context of this transatlantic transition period the workshop raises the question how legal responses, arguments, strategies and procedures in the regulation of violent political conflicts changed or if they prevailed. This includes, in particular, the role of different types of actors ranging from subjects and rebels to jurists and authorities.

In order to explore this topic, we would like to discuss the following aspects and questions with invited experts, addressing their respective research fields.

Although it seems to be difficult to compare the diverse manifestations and empirical phenomena of political conflicts in Europe and Ibero-America, the focus on legal responses, arguments, strategies and procedures might offer a feasible perspective for a transatlantic comparison.

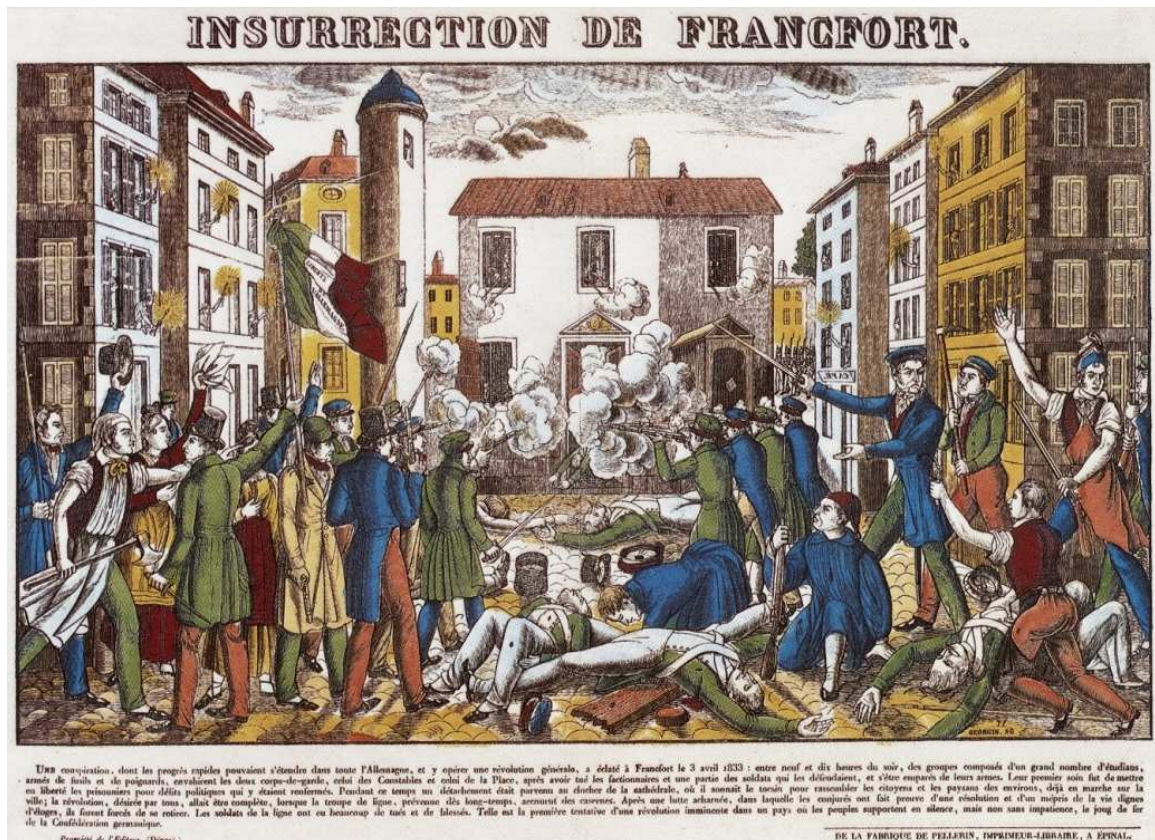
Our prime focus is not on the “great revolutions” (e.g., French or American Revolutions) but on various types of violent political conflicts between subjects and authorities in colonial and imperial contexts, ranging from protest and resistance to social upheaval, slave revolts and rebellion, rural and urban conflicts, as well as independence movements.

Usually, research has analyzed these types of conflict from a perspective of social or political history. In contrast, we solicit contributions which explicitly observe the legal responses to violent conflicts and the functions of legal systems, (criminal, public, canon) law and discourses. This includes legal argumentation used by different actors, as well as practices of negotiation, mediation and pacification, and, last but not least, measures of preventative policing, criminalization, punishment and repression.

A variety of actors should be considered, regarding their roles and functions in dealing with these conflicts and their regulation: jurists and legal experts, acting as mediators, prosecutors or even supporters of rebels; subjects and indigenous people, not only using violence but also the legal system/courts and alternative ways of conflict regulation.

Another promising issue for a transatlantic comparison is the mutual perception of conflicts and their regulation, as well as the respective political-judicial discourses, including the question of constitutionalism. We refer to the circulation and transfer of information, ideas, legal concepts and arguments: How and to what extent did actors on a local level have knowledge of political conflicts and modes of regulation in other (overseas) regions? Is it possible to detect impacts on concrete conflicts and their regulation? How and to what extent did pertinent legal concepts and argumentation circulate among jurists and legal experts? Is it even possible to discern a transatlantic perception of such discourses and practices?





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