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Chronicle of Research in Legal and Constitutional History in Germany in 2013 (a Few Aspects)

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Słowa kluczowe: historia prawa w Niemczech, LOEWE, Leges Alamannorum, prawo kanoniczne, Alemanowie, „obcy w prawie”

1. Max-Planck-Institut für europäische Rechtsgeschichte [The Max-Planck Institute for European Legal History]

The activity of the Max-Planck Institute was dominated by events held in cooperation with the Landes Offensive zur Entwicklung Wissenschaftlich-ökonomischer Exzellenz (LOEWE) Focus Group *Non-judicial and Judicial Conflict Resolution*. Members of this research group, established in 2012 to function for three years, focus on interdisciplinary and international investigations into the nature and resolution of conflicts in various cultures throughout history, from the Ancient Middle East to the wars of the 20th century.

Between January 31st and February 2nd, a debate focusing on the *Jurisdictional Self-government in the 19th and 20th century* was held. Presentations were divided into three modules: *Self-government with, through, and within justice: A perspective; Pre-modern Forms, Continuities, and Innovations*; and *Jurisdictional Regulation and Self-regulation of Labour Relationships*. The presentations were focused on the development of non-state forms of legal relationships regulation and involvement of laymen in social self-governance; the main focus was the regulation of conflicts based on labour law and their resolution.

Between February 28th and March 2nd, the LOEWE Junior Research Group organised a workshop on *Canon Law, Moral Theology, and Conflict Resolution in the Early Modern Period*. The lecturers tackled problems, which are considered particularly interesting from a moral and legal historical point of view, such as the dialogue between

the Church and its faithful, as well as the problem of slavery. An important point of the workshop was the change from the scholastic philosophy of the Middle Ages to humanism. Another was the influence of the philosophy of the Modern Period on normative force and the authority of the superior power.

On November 25th and 26th, an international LOEWE workshop *Rights, Justice, and Cultural Diversity: Dynamics of Legal Protection in Times of Transition* was held. Lectures were divided into three sections. The first one, *Frames of Legal Protection, Cultural Translations, Hybridisation, and the Nature of Law*, was dedicated to the circulation of law, legal transfer, and the protection of human rights in Latin America. In the second one, *Changes Over Time, Legal Transfer, and the Time of Law*, the relationship between the passage of time and the understanding of terms such as “legal protection” and “justice” was discussed. The third section, *Diversity and Dynamics of Exclusion/Inclusion of the Legal Protection*, focused on the variety of interpretations of the term “legal protection” depending on the given time period and culture.

There were also several other activities not connected with the LOEWE Focus Group’s project. On January 25th and 26th, a workshop on the *Normative Plurality in Legal History and Limited Nationality* was held. The purpose of the workshop was to assess the current state of research into normative phenomena outside of state law. An effort was made to answer three questions: The problem of multiple normative orders in terms of a limited nationality, the role of state law as basis of legal relationships in these circumstances, and the results that a large number of nationalities can have on the way the term “law” is understood.

On September 3rd and 4th a colloquium on *European Normative Trends – Global Perspectives* took place. The participants discussed whether the legal values currently considered European were valued in non-European legal cultures as well. Focus was placed on the globalisation of legal and historical knowledge in both the historical and modern context, as well as the influences of European normative trends on non-European legal orders.

2. Other

During May 16th through 18th, the University of Erfurt organised a workshop for Ph.D. and post-doctoral students called *The Dynamics of Polemics in the Late Middle Ages and the Early Modern Period*. Next to the problem of the polemics between religions, of the polemic in the legal-historical context played a very special role. The nature of the polemic was discussed through facing some common legal questions of that period, such as the right to hunt on one’s own property; the status of extra-marital children; and the so-called “strangers in law.”

On July 4th and 5th, the Käte-Hamburger College of Bohum University organised a debate called *Religio Licita? Rome and Jews from Pompeius to Constantine*. The discussion focused on the legal status of Jews in the Eternal City, and especially on legal texts which described it, such as documentation of relationships between Roman and Jewish

administrations and changes in the legal status of Jews around the various provinces of Rome.

During July 11th through 13th, the *The law of the Alemanni and the Everyday Life – The Early Middle Ages in an International Discussion* debate took place in Freiburg. The discussion was focused on *Leges Alamannorum*, their range and historical contextualisation. One of the main problems discussed was the way the *Leges* were used as a tool to develop the identity of individuals and social groups, as well as their role in the development of the social organisation of the German tribes.

During September 27th through 29th, the *Federalism in a Historical Comparative Perspective: The Kaiserreich, the Monarchy of the Habsburgs, and the European Union* debate took place in Siegen. The main point of this in-depth discussion was the analysis of federalism in the imperial law and in the monarchy of the Habsburgs, as well as new research into the development of European integration. This research promoted a critical re-examination of federal organisms of the past, as well as an examination of them as models for the future structure of the European Union.

During December 11th through 13th, the 7th Innsbrucker Debate *Lebend(ig)e Rechtsgeschichte* [roughly translated as *Legal History Living (and Alive)*] was held. The subject was *Procedural Law and the Oath: Law and Legal Findings in Antique Cultures*. The main problems discussed were the different elements of a legal process, with a focus on the different ways of determining the truth in court and the role of oaths in the process.

