

December 5, 2022, 4:15 pm CET, (hybrid)

Thomas Duve, Max Planck Institute for Legal History and Legal Theory, Frankfurt
"Asymmetrical Dependency: A view from Global Legal History"

Abstract:

Legal historians have been researching different forms of asymmetric dependency since at least the 19th century. In most continental European research communities, they have concentrated on legal institutions and regulatory traditions. Since jurists have always been particularly interested in problematic cases, legal historical research has been able to describe a huge variety of forms of asymmetric dependencies beyond the binary vision of freedom and slavery. The focus of most legal historians' interest in the continental European tradition, however, has been in what could be called "jurists' law" (Juristenrecht). In addition to this, many legal histories have been embedded into national narratives of professionalization, modernization, and state building. Comparatively little attention has been paid to the production of norms by non-jurists, and even less to such processes in colonial settings, neither of which fit into these paradigms. This historiographic tradition has not only obscured entire areas of the production of normativity. It has also contributed to the widespread misunderstanding that "law in the books" and "law in action" were entirely unconnected. The lecture will discuss how the still emerging field of global legal history aims to overcome these and other shortcomings. It presents an approach to legal history that draws on the history of knowledge and summarizes some of the reflections on how to analyze asymmetrical dependencies from a legal historical perspective that have been published in German as [BCDSS Working Paper2022/5](#).

Bio:

Thomas Duve is director of the department "Historical Regimes of Normativity" at the Max Planck Institute for Legal History and Legal Theory, Frankfurt, and Professor of Comparative Legal History at Goethe University, Frankfurt. A jurist and legal historian, he writes about the legal history of the Iberian empires and modern Germany from a global perspective. His main research explores how knowledge of normativity was produced in the early modern period, taking into account the entanglement of the

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secular and religious normative spheres. He is also interested in colonial law and the formation of the international legal thought of jurists from the Global North, particularly the members of the School of Salamanca and early modern and modern German scholars of law.