

Monday, 04.07.2022; 4:15 - 6:00 pm CEST

Thomas Pierson, University of Giessen, Germany.:

Legal Asymmetries and Dependencies in German Civil Service Relations since the Late Middle Ages

Abstract:

Public servants are not ordinary employees. Their relationship to the modern state is special. According to prevailing opinion, this special relation influences rights and duties in the public employment relationship. On an analytical level, it is interesting to see what answers the questions about legal asymmetries and interdependencies reveal about this problem, and conversely, whether the object of investigation can broaden and change the perspectives of the questions associated with the concept. For this purpose, we will attempt a stroll through the history of civil service in the context of state-building, which will examine the particular problems of different epochs more closely. In the state system, questions arose as to whether the civil servant has a wage entitlement at all and, if so, how it is to be substantiated? Is the civil service relationship a relationship that can only be established voluntarily or is the citizen obliged to enter the civil service? Can he get out again - legally and factually (lock-in effects)? How do the results differ for the pre-modern period? How are dependencies legally constructed in particular cases? The lecture will show that the narrative of a development from unfree labour to free wage labour can also be refuted in the European context, at least for the public service sector.

Bio:

Thomas Pierson studied law, medieval and modern history, political science, and ancient history at Goethe-University in Frankfurt am Main, where he also wrote his doctoral and his habilitation theses. He has held interim professorships at the universities of Gießen, Bern, Freiburg, Münster and Munich. His current research focuses on wage justice in European legal history. His publications include: *Das Gesinde und die Herausbildung moderner Privatrechtsprinzipien*, ("Servants and the formation of modern principles of private law"), Frankfurt 2016; *Vom Vertrag zum Status. Das Dienstvertragsrecht der Frankfurter Dienstbriefe im Alten Reich* ("From Contract to Status. The Service Contract Law of the Frankfurt Service Letters in the Holy Roman Empire", Frankfurt 2020; *Piraten – Skizze eines prekären Rechtslebens* ("Pirates – An outline of a precarious life"), in: ZRG (GA) 128 (2011), 169-211; *Die juristische Implementation und (De-)Regulierung des sogenannten Normalarbeitsverhältnisses nach 1949* ("The legal implementation and (de-)regulation of the so-called standard employment relationship after 1949"), in: ZRG (GA) 130 (2013), 305-325; *From late medieval city employees to early modern civil servants. Employment relationships as reflected in the Frankfurt contract documents*, in: Rg 28 (2020), 68-93; and *Kein gerechter Lohn, aber Schmerzensgeld. Zwangsarbeiterentschädigung als Zivilrechtsproblem am Beispiel Wollheim ./. IG Farben i.L.* (Not a fair salary, but compensation for pain and suffering. Compensation for forced laborers as a civil-law problem. The case of Wollheim v. IG Farben"), in: A. Jehn u.a. (Hgg.), *IG Farben zwischen Schuld und Profit. Abwicklung eines Weltkonzerns*, Marburg 2022, 227-262.