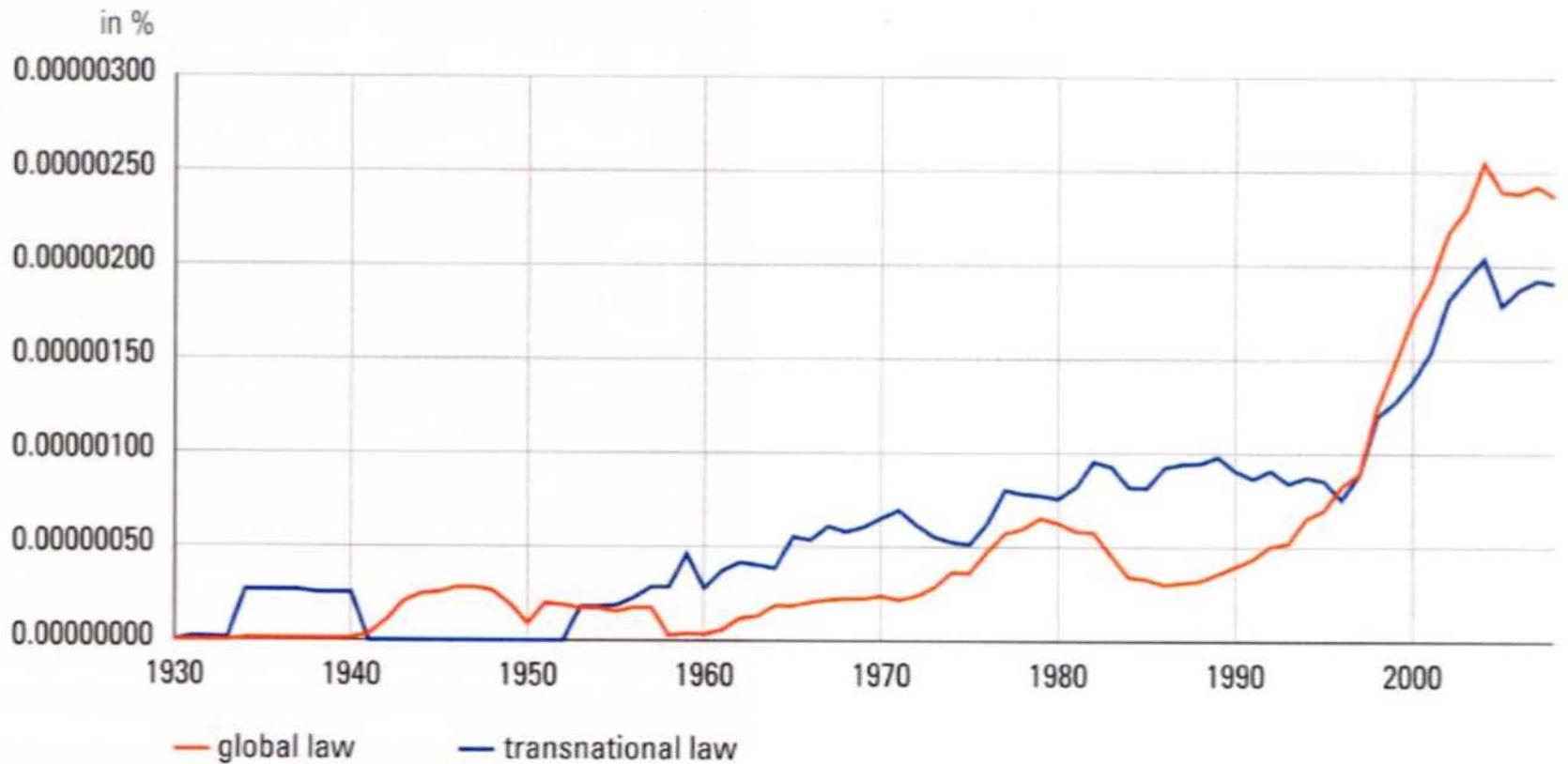


Global Legal History



Global Legal History

- Introduction: National Legal Histories – European Legal Histories – Global Legal History?
- **What is Global Legal History? What are the goals and main understandings?**



Global Legal History

- Global Legal History an 'emerging field' since approx. 15 years
- Two main orientations:
 - Legal History in a Global-historical Perspective
 - History of globalization of law/normativity
- Two main disciplinary assignments
 - GLH as a special area of historical research
 - GLH as Part of Legal Studies
- Some methodological problems (not special, but particularly important for GLH)
 - Glocalization
 - Multi-normativity
 - Typology
 - Translation

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Two main orientations:

- **Legal History in a Global-historical Perspective**

- opening of national/european legal histories for wider and historically or only 'conceptually' (-> others) interrelated spaces
- discovering the global interactions and its contribution to 'European' legal history (e.g. 'Sovereignty')
- De-nationalisation of historiography: different canons of knowledge; concepts; etc. (-> be that by 'illustrative comparison' or theory trading etc.)
- De-centralisation of transnational histories: invert the perspective of Europe being the original and other areas the 'unsuccessful applications'
- Emancipating effect on some regional historiographies (see for example Nishikawa on the use of German concepts to organize Japanese historiography; or Bourgon on concept of law etc.)
- Rewriting central parts of hegemonic narratives, like history of human rights as a European invention



Relaçion de las ceremonias y ritos y poblacion y gober-
nacion de losyndios dela provincia de mechoacan hecha
al yllustrisimo s.^r don antonio de mendoca. virrey y go-
bernador de esta nueva espana por su m.^r e g.^r . . .

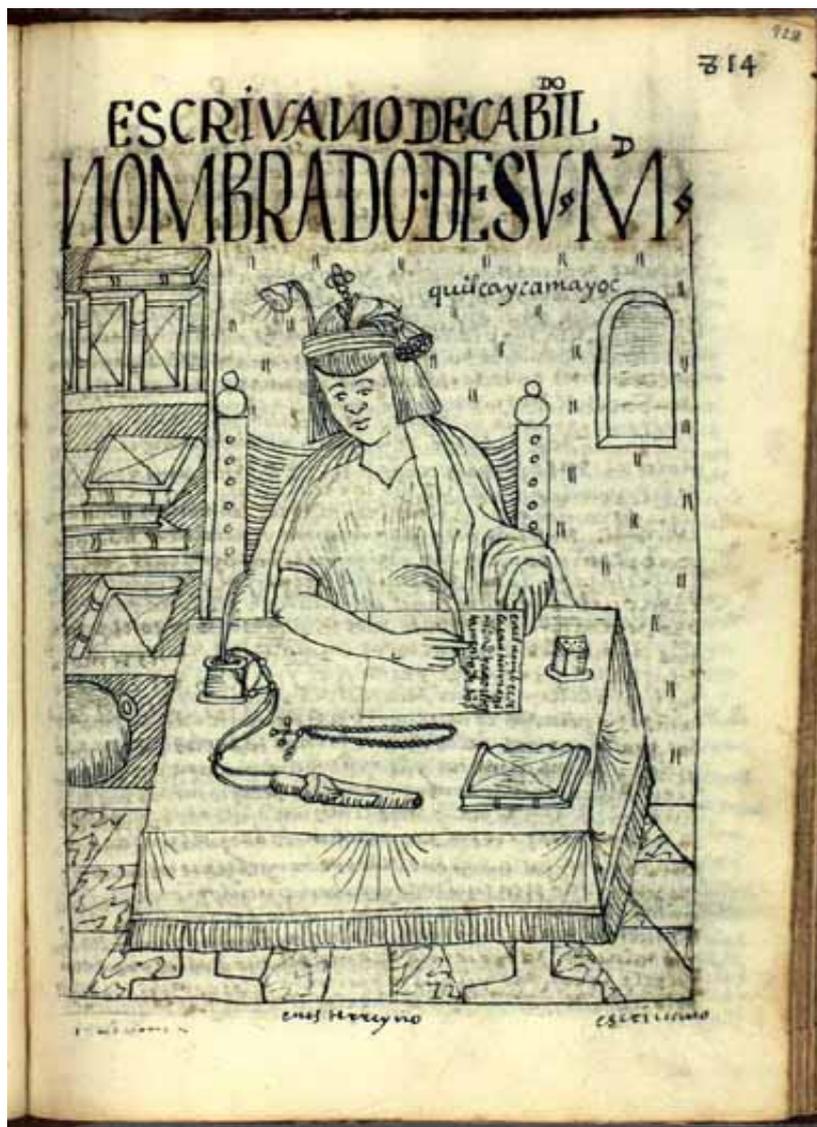
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Jerónimo de Alcalá, *Relación de Michoacán* (1540), ed. Franco Mendoza, Zamora (Mexico) 2000



Escrivano de Cabildo, nombrado de su M[agestad], *quilcay camayoc*, in: Guaman Poma, *Nueva Corónica y buen gobierno* (1615), GKS 22332 4° , dib. 307, Det Kongelige Bibliotek, Kopenhagen.

Two main orientations:

- **History of globalization of law/normativity**
 - Understand the historical process of 'reception', 'transplant', 'transfer', 'translation and 'hybridisation', 'mestizaje'
 - Understand the worldwide entanglements and their significance for today's world
 - Understand past legal systems characterized by legal, judicial, normative pluralism: coexistence and interaction

Models of (legal) knowledge production?

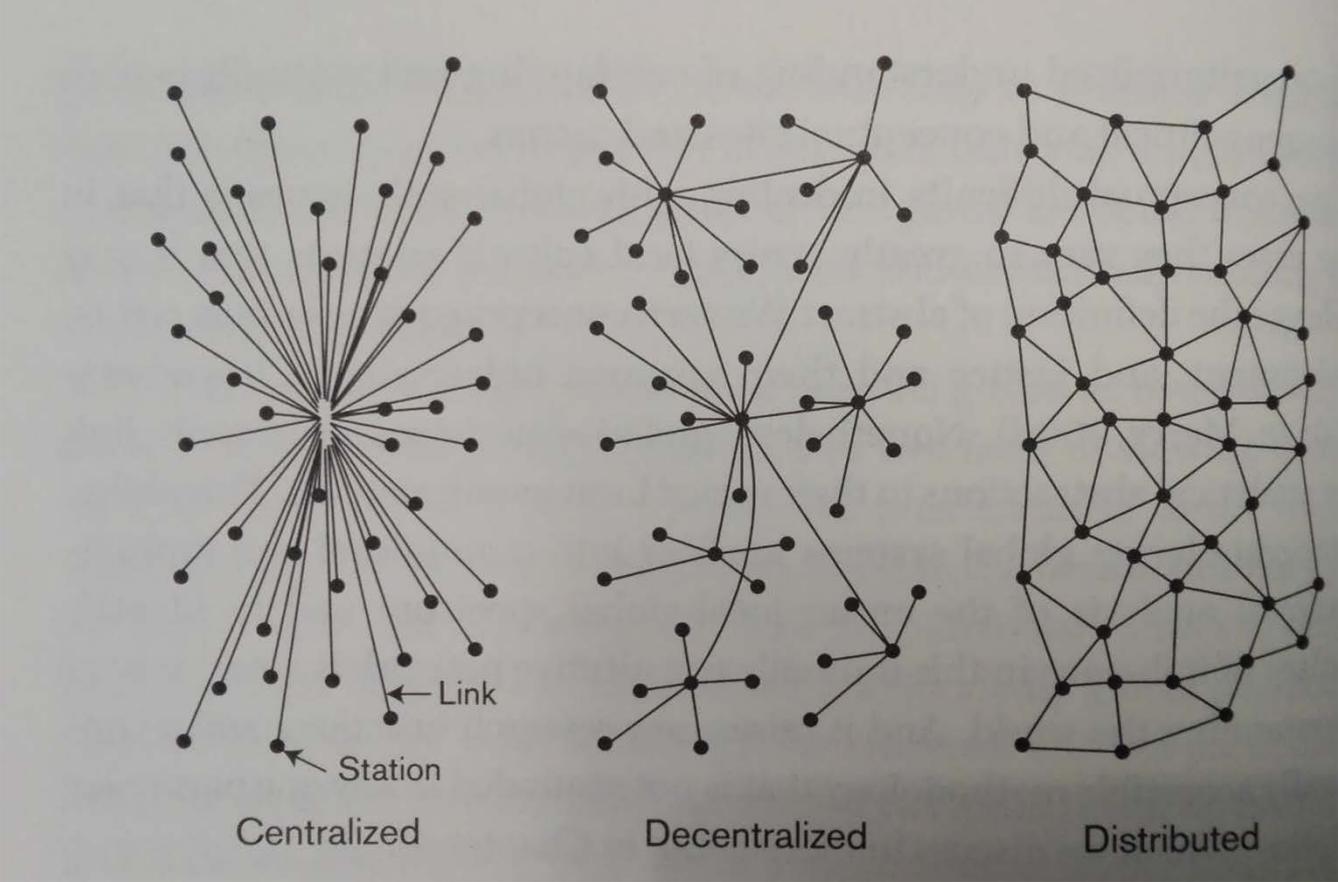
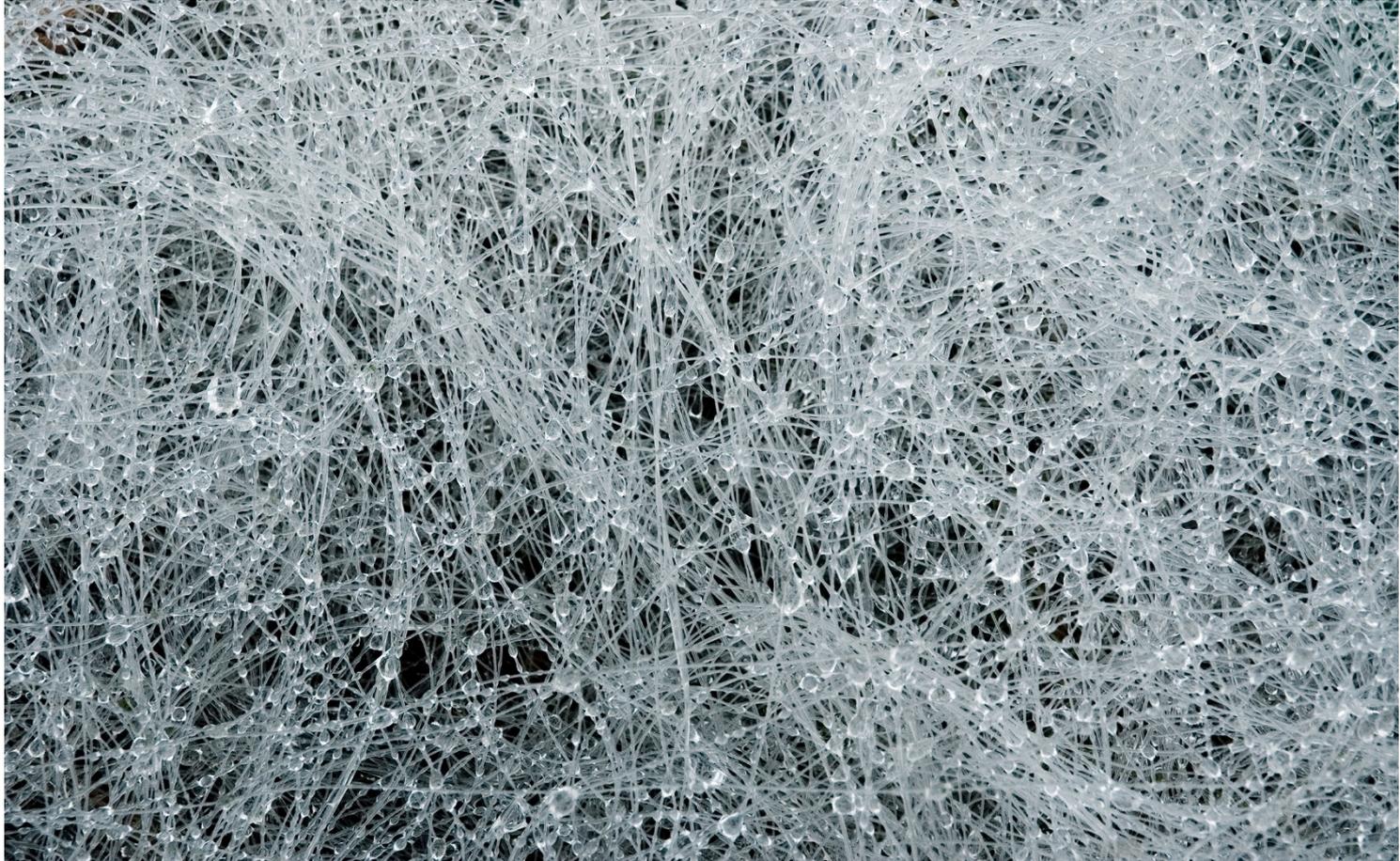


Figure taken from: Darian-Smith/McCarthy, The Global Turn, 2017

Models of (legal) knowledge production?



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Global Legal History

- **Two main disciplinary assignments**

- **GLH as a special area of historical research**
- **GLH as Part of Legal Studies**

⇒ Not meant to be exclusive

⇒ Sound historical research and the manifold goals and aims of this as a basis

⇒ Additionally: taking into account the specific interests of legal scholars

Global Legal History

- Two main disciplinary assignments
 - GLH as a special area of historical research
 - **GLH as Part of Legal Studies**
 - Critical Global Legal Histories
 - Identify existing structures which date from the age of imperialism, f.ex. History of international law
 - Identify erroneous self-perceptions of the West which resulted from 'orientalism'; f.ex.: Max Webers narrative which heavily impacted our self-perception with law and formalism etc. at the center of European spirit

Global Legal History

- Two main disciplinary assignments
 - GLH as a special area of historical research
 - **GLH as Part of Legal Studies**
- Critical Global Legal Histories
- 'General Jurisprudence'
 - *Epistemic challenge*: Work out a vocabulary of communicating about 'normativity' between different traditions and ask for the applicability of this vocabulary for law
 - *Theoretical challenge*: Understand the evolution of legal systems, drawing on a *non –culturally - biased* set of theories: social theory; theory of evolution; political economy etc.

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 - **Translation**

What is global history now?

Historians cheered globalism with work about cosmopolitans and border-crossing, but the power of place never went away



Has *Global History* come to an end?



- *GH a story that brought in the Rest to help explain the West?*
- *GH another Anglospheric invention to integrate the Other into a cosmopolitan narrative on our terms? Good business for economy-driven academia-entrepreneurs?*
- *New linguistic (conceptual; gate-keeper...) hierarchy?*
- *What about those who did not move? Non-elites? Non-travellers?*
- *What about disintegration?*
- *What about the ,power of place'?*
- *Underlying teleology towards ,cosmopolitan structures'?*
- ...

=> *Is this right? Does this apply to ,Global Legal History'?*

Adelman, Jeremy (2017). What is global history now?, Aeon, published online on 2 March 2017, in <https://aeon.co/essays/is-global-history-still-possible-or-has-it-had-its-moment>

Moreli, Alexandre. (2017). Life (And Death?) Of Global History. *Estudos Históricos (Rio de Janeiro)*, 30(60), 5-16.
<https://dx.doi.org/10.1590/s2178-14942017000100001>

Has *Global Legal History* come to an end?



- *GLH a story that brought in the Rest to help explain the West?*
- *GLH another Anglospheric (or in our case: European) invention to integrate the Other into a cosmopolitan narrative on our terms? Good business for economy-driven academia-entrepreneurs? And Legal Historians?*
- *New linguistic (conceptual; gate-keeper...) hierarchy?*
- *What about those who did not move? Non-elites? Non-travellers?*
- *What about disintegration?*
- *What about the 'power of place'?*
- *Underlying teleology towards 'cosmopolitan structures'? Justification narrative for Transnational Law?*
- ...
- *What is the place of law in a Global History?*