



22-24 JUNE 2022

IURIS - UNIVERSITY OF LISBON, PORTUGAL



6TH BIENNIAL

Conference Of The
European Society
For Comparative
Legal History

Iuris Instituto de
Investigação
Interdisciplinar

U LISBOA | UNIVERSIDADE
DE LISBOA  **FACULDADE DE DIREITO**
UNIVERSIDADE DE LISBOA

Alameda da Universidade
Cidade Universitária
1649-014 Lisboa
<https://www.fd.ulisboa.pt/en/location/>



**ESCLH**
EUROPEAN SOCIETY for
COMPARATIVE LEGAL HISTORY

6TH BIENNIAL

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22nd June

23rd June

24th June

08:30 - 13:00	Registration		
08:45 - 08:55	Opening / Greetings		
09:00 - 10:45	Sessions 1 - 3	Sessions 15 - 18	Sessions 25 - 28
10:45 - 11:15	Coffee Break	Coffee Break	Coffee Break
11:15 - 13:00	Sessions 4 - 7	Sessions 19 - 21	Sessions 29 - 32
13:00 - 14:00	Lunch	Lunch	Lunch
14:00 - 15:45	Sessions 8 - 11	Keynote Speakers: Henrique Araújo <i>President of the Supreme Court of Justice</i> Luís Menezes Leitão <i>President of the Bar Association</i> Clara Calheiros <i>Public Prosecutors and Political Transformations</i>	Keynote Speakers: Michele Graziadei <i>Laws on the move. Legal transfers, policy transfers, and the stickiness of 'culture'</i> Georges Martyn <i>Iconography as a method of comparative legal history: a journey through Portugal</i>
15:45 - 16:15	Coffee Break	Coffee Break	Coffee Break
16:15 - 18:00	Sessions 12 - 14	Sessions 22 - 24	Sessions 33 - 35
19:00 - 21:00			Cocktail Dinner Fado Concert Palácio Galveias

ORGANIZAÇÃO:

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DAY 1 22ND June

SESSION 1

- 1.1** *A Spasm of Change: Profession and Professionalization of Law in China, Japan and Ottoman Empire in the 19th and 20th Century*
Murat Burak Aydin | Max Planck Institute for European Legal History
-
- 1.2** *From British Extra-territoriality to Local Legal Actors in China, Japan and the Ottoman Empire: A Pluriversal Comparative Legal History*
Zülâl Muslu | University of Vienna

SESSION 2

- 2.1** **PANEL:** *Women and legal professions in Finland, Sweden and Estonia*
Merike Ristikivi | University of Tartu / Mia Margareta Korpiola | University of Turku

SESSION 3

- 3.1** *A cosmopolitan 'judicial family'. European models and mixed courts in Egypt (1875-1949)*
Elisabetta Fusar Poli | Università degli Studi di Brescia
-
- 3.2** *The Emergence and the Evolution of the Justice of the Peace in France, Belgium and the Netherlands*
Emanuel van Dongen | Utrecht University
-
- 3.3** *Justice of the peace in countryside of the Duchy of Warsaw*
Piotr Pomianowski | University of Warsaw

SESSION 4

- 4.1** **PANEL:** *Legal professions and the use of foreign literature: a comparative approach*
Heikki Pihlajamäki | University of Helsinki / Georges Martyn | University of Gent / Laura Beck Varela | Autonomia University Madrid / Airton Ribeiro da Silva Jr. | University of Helsinki

SESSION 5

- 5.1** **PANEL:** *Diversi sed non adversi. Professional expectations and legal careers from Italy to Europe (XIII-XIX cent.)*
Maria Teresa Guerrini / Damigela Hoxha / Alessia Legnani | University of Bologna
-
- 5.2** *The Career Paths of Legally Qualified Hungarian Nobles during the 17th-18th-Centuries in a Comparative Perspective*
Zsuzsanna Peres | National University of Public Service – Budapest

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DAY 1 22ND JUNE

SESSION 6

- 6.1** *A Quest for Heritage and Comparative Law: The Role of the Louisiana Bar Association in the Frustrated 1908 Revision of the Civil Code*
Agustin Parise | Maastricht University
-
- 6.2** *Law Reforms through the use of Foreign Models. How Legal Comparison concerned the Creation of the Latin-American Civil Codes*
Filippo Rossi | Università degli Studi di Milano
-
- 6.3** *Quebec Jurists and the Civil Code of Louisiana: a Study of an Evolving Approach*
Asya Ostroukh | University of the West Indies, Barbados
-
- 6.4** *Putting the Old Laws in Order: Method of Consolidation as Instrument for Systematization of Laws of the Russian Empire and Local Laws of Baltic Governorates in 19th Century*
Valdis Bluzma | Turība University, Riga

SESSION 7

- 7.1** **PANEL:** *Facing Authoritarianism: Lawyers, Legal Method and the Demise of Democracy, 1918-1953*
Cosmin Sebastian Cercel | Lazarski University of Warsaw / Peter Curos | University of Oslo / David Fraser | University of Nottingham / Petra Gyöngyi / Simon Lavis Open University

SESSION 8

- 8.1** **PANEL:** *History and the Shaping of Legal Professions (South America and Europe, late nineteenth and early twentieth centuries)*
Jean-Louis Halpérin | École Normal Supérieur, Paris / Fatiha Cherfouh-Bäich | Université de Paris Descartes / Ricardo Sontag | Universidade Federal de Minas Gerais / Mariana de Moraes Silveira | Universidade Federal de Minas Gerais

SESSION 9

- 9.1** *What does it mean to be interpreted as interpreter? A Hermeneutical Analysis of a 17th Century German Jurisprudent's effect on 18th Century Criminal Case Law of a Hungarian Free Royal City*
András Biczó | University of Debrecen
-
- 9.2** *Legal Scholarship and Criminal Procedure in the Brazilian First Republic in a Comparative Perspective (1889-1930)*
Régis J. Nodari | Federal University of Minas Gerais

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DAY 1 22ND June

SESSION 9

9.3 *Law and the Birth of the Irish Free State in 1922*

Thomas Mohr | University College Dublin

9.4 *The punishment of poverty under the social defense discourse: A Comparative Study between the Law of Vagrants and Thugs (Ley Relativa a Vagos y Maleantes, 1933), in Spain, and the Law of Penal Contraventions (Lei de Contravenções Penais, 3688/41), in Brazil*

Jonatan de Jesus Oliveira Alves | University of Valencia

SESSION 10

10.1 *The Tramways Case of 1912 and the Birth of Constitutional Adjudication in Romania – between Legal Acculturation and Legal Cultural Autonomy*

Manuel Guțan | Lucian Blaga University of Sibiu

10.2 *Between Erudition and Safety: Writing Practices of Judges and Lawyers and International References in Brazilian Administrative Law Investigated Through Bibliometric Data (1873-1930)*

Arthur Barreto | Università degli Studi di Firenze

10.3 *Literary genres and legal practice: the accommodation of Portuguese literature in legal practice to the Brazilian courts in the 19th century*

Gregório Schroder Sliwka | Universidade Federal do Rio Grande do Sul (UFRGS) / Pontifícia Universidade Católica do Rio Grande do Sul (PUCRS)

SESSION 11

11.1 *Transformative constitutionalism –history in the making*

Andre Mukheibir / Joanna Botha | Nelson Mandela University

11.2 *Edmund Burke across the Atlantic: The reception and employment of his constitutional ideas by Joseph Story (1779-1845) and Bernardo Pereira de Vasconcelos (1795-1850)*

Rodrigo Couto Gondim Rocha

11.3

Constitutional Review in Estonia and Germany between the World Wars

Marelle Leppik | University of Tartu / Hesi Siimets-Gross | University of Tartu

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DAY 1 22ND June

SESSION 12

- 12.1** *The revision of Gaius' iuris divisio in Second Scholastics' legal thought and the methodological renovation of the definition of dominium and ius*
Ana Caldeira Fouto | University of Lisbon
-
- 12.2** *Early Eighteenth Century Jurists and the Challenge of Defining the Legal Status of the Sea in the Age of Mercantilism*
Stefano Cattelan | Vrije Universiteit Brussel
-
- 12.3** *Shaping a Mixed Jurisdiction: The Methods of Israeli Professors and Judges*
Nir Kedar | Sapir Academic College - Bar-Ilan University

SESSION 13

- 13.1** *The Art of Dispute Resolution in Civil Matters: Venetian Lawyers in the Age of Ius Commune*
Claudia Passarella | University of Padova
-
- 13.2** *The Office of Logothete in Medieval Serbia*
Andreja Katančević | University of Belgrade
-
- 13.3** *Profession of judge in People's Poland*
Marcin Łysko | University of Białystok

SESSION 14

- 14.1** **PANEL:** *Struggling with the Polish republican tradition and foreign impact: On judges in the protoliberal concepts of the Kingdom of Poland (1815-1830)*
Michał Gałędek | University of Gdańsk / Anna Tarnowska | Nicolaus Copernicus University
-
- 14.2** *Her Stepdaughter: portrait of family law*
Markéta Štěpáníková / Ondřej Glogar | Masaryk University, Brno

DAY 2 23RD June

SESSION 15

- 15.1** **PANEL:** *Ars advocandi or advocacy as a forensic art, a legal-historical analysis of the law in the Portuguese and Spanish legal systems (17th-20th centuries)*
Isabel Graes | University of Lisbon / Susana Garcia-León | Complutense University of Madrid / Pablo Abascal Monedero | Pablo de Olavide University / João Nunes | University of Lisbon

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DAY 2 23rd June

SESSION 16

- 16.1** **PANEL:** *Non-legal professions and legal discourse on trade and empire*
Frederik Dhondt | Vrije Universiteit Brussel / Inge Van Hulle | University of Tilburg / Florenz Volkaert | University of Gent

SESSION 17

- 17.1** **PANEL:** *Common law as the economic legal panacea? Comparatism and influence of the common law commercial doctrine on the nineteenth century civil codifications*
David Gilles | University of Sherbrooke / Peter Johnstone | UNT / Gwenaël Guyon / Stéphane Baudens

SESSION 18

- 18.1** *Law reporting in England and Continental Europe during the Early Modern Period: a Comparison reappraised*
Dolores Freda | Federico II University of Naples
- 18.2** *Judging according to evidence or according to personal knowledge? Conrad Hornejus (1590-1649) and Heinrich Hahn (1605-1668) on the duties of the judges*
Paolo Astorri | University of Copenhagen
- 18.3** *Attorneys of the High Court of Appeal: learning, living and litigating in 16th century Portugal*
Jorge Veiga Testos | University of Lisbon
- 18.4** *Professional Qualification of Judges in 16th-17th Century Poland-Lithuania, France, England, and Castile*
Przemysław Gawron | Cardinal Stefan Wyszyński University Warsaw/ Jan Jerzy Sowa | University of Warsaw

SESSION 19

- 19.1** **PANEL:** *The Role of Judiciary and Case Law in the Criminal Law Development (1870-1940)*
Aniceto Masferrer | University of Valencia / Ricardo Sontag | Federal University of Minas Gerais / Michele Pifferi | University of Ferrara / José Franco-Chasán | University of Valencia

SESSION 20

- 20.1** *Between Scylla and Charybdis – Lawyers of the High Judge Conference in Hungary in 1861*
Imre Képešy | Eötvös Loránd University Budapest - Széchenyi István University Győr

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DAY 2 23rd June

SESSION 20

20.2 *Struggling with the Polish republican tradition and foreign impact: On judges in the protoliberal concepts of the Kingdom of Poland (1815-1830)*

Michał Gałędek | University of Gdańsk / Anna Tarnowska | Nicolaus Copernicus University

20.3 *A historical-comparative study of legal education in Brazil, France and Germany in the 19th century*

Ariel Pessa | University of São Paulo

SESSION 21

21.1 *The legal education at the Ottoman medreses and the European universities - the comparative view- [1450-1600]*

Murat ÇELİK | Ankara Yıldırım Beyazıt University

21.2 *A law student in Southern Europe: a comparative study between learning in the faculties of Law of Salamanca and Coimbra in the second half of the 18th Century*

Carlos Alves | ICS-UL - FCT - CHSC-UC

21.3 *The localised nature of common law legal education: A tale of practical training for the professions*

Andra le Roux-Kemp | University of Lincoln

SESSION 22

22.1 **PANEL:** *Law Professors, Professionalization, Legitimization and Resistance. Methods and circulations across Europe, the British Empire and the United States*

Annamaria Monti | Bocconi University / A. Likhovski | Tel Aviv University / D. Rabban | Texas University

SESSION 23

23.1 **PANEL:** *Lawyers, judges and laymen: Oaths to the ruler and about professional ethics*

Martin Sunnqvist | University of Lund / Raffaella Bianchi Riva | University of Milan / Sari Nauman | University of Gothenburg

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DAY 2 23rd June

SESSION 24

- 24.1** *«Todo es diferentísimo»: comparative analysis of the commercial law for professional merchants in 1569*
Luisa Brunori | University of Lille
-
- 24.2** *Joannes van der Linden, Abraham de Pinto and Judah Benjamin: Commercial Lawyers Calling Forth Pothier in their 19th Century Law Manuals*
Pim Oosterhuis | University of Maastricht
-
- 24.3** *How to deal with the French Commercial Code? The methods of the legal professions in the nineteenth-century Polish territories*
Anna Klimaszewska | University of Gdańsk
-
- 24.4** *The centralization of early modern cross-border insolvency procedures in the German territories*
Remko Mooi | University of Tilburg

DAY 3 24th June

SESSION 25

- 25.1** *Civilisation in the age of legal technicians. Textual analysis of three colonial legal periodicals (1924-1960)*
Nathalie Tousignant | Saint-Louis University of Brussels
-
- 25.2** *Making good professionals: Legal periodicals as long-life learning tools on Belgian colonial law*
Sebastiaan Vandenbogaerde | Ghent Legal History Institute
-
- 25.3** *Trusteeship: Native Lands Trust legislation in Kenya and South Africa, 1936-38*
Paul Swanepoel | University of KwaZulu Natal

SESSION 26

- 26.1** *The life in the scroll: medieval notaries as mediators in the trial, in wills and in deeds*
Alessandra Bassani | Università degli Studi di Milano
- 26.2** *Three Concepts of Notaries in the Interwar Czechoslovakia*
Tomáš Gábriš | Trnava University Slovak Republic
- 26.3** *Transactions mortis causa in the documents of Thomasinus de Savere, notarius iuratus and scribe communis in Dubrovnik (Ragusa) 1277-1286*
Henrik-Riko Held | University of Zagreb

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DAY 3 24th June

SESSION 26

- 26.4** *Adaptation, flexibility and indispensability: Notaries and the Inquisition in Italy and France (13th – 14th c.)*
Luca Fois | University of Padova

SESSION 27

- 27.1** *Examining the legal hybridity in Ceylon; Weighing between Roman Dutch law and English common law tradition*
Punsara Amarasinghe | Scuola Superiore Universitaria Sant'Anna di Pisa
- 27.2** *Analysis of the legal system of the British West Indies/Caribbean, 1700s-1800s – legal transplantation or a creation?*
Justine Collins | Max Plank Institute for European Legal History - Frankfurt Goethe University
- 27.3** *Christian Japanese and the Jesuit sources: production and circulation of normativities in a global Empire, 1540's – 1630's*
Luisa Stella Coutinho | Max Planck Institute for Legal History and Legal Theory
- 27.4** *Alien structure and legal method: Possible approaches to ecclesiastical rules in secular courts*
Elena Silvestrova | Ss Cyril and Methodius Institute of Post-Graduate Studies

SESSION 28

- 28.1** *Prologues and preambles in medieval Europe – The comparative context of the Norwegian Code of the Realm from 1274*
Brage Thunestvedt Hatløy | University of Bergen
- 28.2** *Judicial Review Over Executive Power in Estonia and Latvia During the Interwar Period in 20th Century*
Karin Visnapuu / Marju Luts-Sootak | University of Tartu
- 28.3** *German, Russian and Estonian concepts of fundamental rights in the beginning of 20th century*
Hannes Vallikivi | University of Tartu / Marju Luts-Sootak | University of Tartu
- 28.4** *Land Law Adjudication in Pre-Petrine Russia and English Common Law*
Anna Taitslin | University of Canberra - Australian National University - University of New England

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DAY 3 24th June

SESSION 29

29.1 *Lawyers' "Fudge" as a tool of legal development*
Matthew Dyson | Oxford University

29.2 *Principles, general provisions, new forms of reasoning*
Francesco Gambino | University of Macerata

SESSION 30

30.1 *The Emerging Concept of Cross Border Legal Practice in the Light of Contemporary International Law*
Uche Nnawulezi | Alex Ekwueme Federal University

30.2 *The curious case of Swiss legal professionals and what can EU learn from them?*
Maria Lewandowicz | University of Gdańsk

30.3 *Transnational Networks of international Lawyers and The Birth of a legal profession in Europe (1830-1873)*
Raphaël Cahen | Vrije Universiteit Brussel

SESSION 31

31.1 *The method of civil law specialists across Europe in the XIXth century, notably in France, in Italy and in Belgium*
Elisabeth Bruyère | University of Ghent

31.2 *Did British Lawyers become American Statesmen in the Late 18th century?*
Judith Beke-Martos | Ruhr University Bochum

31.3 *"Follow us as the shark does the emigrant ship" - the relationship between the method of remuneration of lawyers and the frequency of medical malpractice cases. XIXth century genesis of the phenomenon in the USA and the European example in this regard*
Marcin Michalak | University of Gdansk

SESSION 32

32.1 *Substantial Differences on the Development of Marine, Life and Fire Insurance Law*
Sinem Ogis

32.2 *Recent regulation of the consular work in the Central European and in the Southern Pacific states (with special regards to Hungary, Australia and New Zealand)*
Endre Domaniczky | Madl Ferenc Institute for Comparative Law

32.3 *A Global Story: The Origins and Evolution of Legal Counsel*
Isaac Amon

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DAY 3 24th June

SESSION 33

- 33.1** *Is it necessary for the minister of justice to be a jurist?*
Gábor Bathó | Budapest Metropolitan University / National University of Public Service Budapest
-
- 33.2** *Reason and Fairness? Questioning court-related linchpins of law and justice. Certainties throughout centuries*
Ulrike Muessig | University of Passau
-
- 33.3** *Legal Interpretation in the Soviet Union and in the Germanic Legal System Countries after World War II: a common positivist heritage with separate development*
Sanita Osipova / Jānis Lazdiņš | University of Latvia

SESSION 34

- 34.1** *Teaching and legislation and the construction of public law in Portugal and Brazil in the nineteenth century: jurist-teachers, legislators and parallel dynamics in the context of luso-brazilian liberalism*
Sandro Alex de Souza Simões | University of Lisbon
-
- After Comparative Legal History. From case-law to info-law*
Adolfo Giuliani | Max Planck Institute for Legal History and Legal Theory, Frankfurt (Germany)
-
- What influence does the internal legal culture in Western Europe, the United States and China have on the development of artificial intelligence?*
Cecil Yongo Abungu | Harvard Law School

SESSION 35

- 35.1** **PANEL:** *Legal Professions and the 1926 Shareholders' Agreement of the Dermata Company*
- Emőd Veress / Zsolt Fegyveresi / Magdolna Márta Vallasek / János Székely
| Ferenc Mádl Institute of Comparative Law, Budapest - Sapientia University, Department of Law, Cluj-Napoca, Romania