

No fear of the impossible: defining a global legal history

written by Glocalising Normativities Reading Group | April 8, 2022

Have you ever set yourself a task that was so vast, so incomprehensible, that you knew you might never actualize it? Did you take the project and break it down into bite size pieces, giving it your best shot anyway, or did you stare into the face of the impossible and give up? The researchers of the Glocalising Normativities project at the Max Planck Institute for Legal Theory and Legal History situated in Frankfurt am Main, Germany stare the impossible in the face every day and chuckle. They have set themselves the immense goal of creating a global legal history. Just pause for a moment and think about everything that that encompasses: space (the whole world), time (throughout all of legal history and periodizations) and culture (all of the various different legal systems). How can you create a comprehensive global legal history without getting completely overwhelmed by the sheer enormity of it? Where do you even begin? Well, with a reading group of course.

Once a month, the seven researchers sit down virtually together to plan out their agenda for the upcoming weeks, support one another through human connection and contact, to plan conferences, work out issues with their individual and group research projects, and finally to trace the strategy of the project. Ultimately, the reading group is a space designed to help the members of the project in creating a shared theoretical and methodological basis for their research, which ultimately seeks to build a global legal history. This space for discussion and group support is an integral part in the research process, particularly since the onset of the global corona virus pandemic has sent everyone into home office and the reading group can no longer take place as an in-person gathering.

The reading group has developed various analytical tools and frameworks that they use in their discussions to further their understanding of global legal history. On the one hand, they have decided on three axes to help them in developing new approaches: readings on global history literature and other methodologies in history – such as comparative history, connected history, intellectual history and so on; the historiographical traditions on the history of the Iberian Empires; and critical perspectives (such as post-colonial theories). During their meetings, they always look at one theoretical and one case study text and use both to develop their understanding of global legal history in action. On the other hand, they have identified three layers of discussion that they use to inform and think about the texts that they are looking at:

1. The content of the text that is being analyzed
2. The legal historiographical discussion behind the work – questions of methods within legal history
3. The hierarchy of the authors and generational updates – What is the context behind the person, place and time where the piece was written?

So what might this look like in practice? Well, for example, the reading group began by looking at the German theoretical tradition of global history through three texts: “Global History and Historical Sociology” by Jürgen Osterhammel, “‘Nothing is the way it should be’: global transformations of the time regime in the nineteenth century” (In: *Modern Intellectual History*, 15(3), 821-848) by Sebastian Conrad, and “Global History” (In: *The Oxford Handbook of Global Studies*) by Dominic Sachsenmaier. The ideas presented here were then used to interpret a real-world case study, in this instance, Christian Windler’s “Going Local, Becoming Global: The Connected Histories of Early Modern Missionary Economies in Persia and the Persian Gulf”. Windler’s piece looks at missions in the Early Modern period in Persia, and the connections that formed between the Propaganda Fide, the Padroado região in the Iberian Empires, and the Holy Sea. The topics that the researchers discussed include the role of Eurocentrism and Sinocentrism and how it connects global legal history, legal pluralism, and customary law. They also critically examined how the various authors use the terms “global” and “local”. A large portion of the reading group’s discussion time is used to think about how the authors use and define terminology differently (some examples include the terms connection/ interaction /integration/ exchange/ entanglement/ intertwined/ relations/ movement/ meetings/ encounter). In addition, the researchers also explored some of the following questions: How can we name/define what we are doing? When you talk about an “empire”, you are talking about many different places and people— what is it that ultimately brings the “empire” together?

The researchers also engage in a lot of self-critical reflection on the work that they are doing. Some of the following questions are used to think about the work that they are undertaking: When can we say that we are doing Global History? Is it only a comparison of case studies? Is it only avoiding Eurocentrism? How can we best avoid engaging with Eurocentrism? How many historiographical traditions need to be mentioned? How do we decide between local scholarship vs. mainstream scholars that are frequently mentioned? What are the local historiographical debates happening and how do they relate with global history debates? How many spaces/places should we mention in order for our studies to be considered global? Does it have to be connected to Europe? If we do this, aren't we putting Europe again in the center just with another facet? How can we provincialize European categories? Is it possible to deal with local social/economic/political/legal categories without subjecting them to European analytical categories? And finally: where does global history begin and where does it end? Ultimately, the reading group plans to analyze seven different topics within the framework of global (legal) history: global and local microhistory; historiographies of the Iberian Empires; colonialism, post-colonialism and critical theories; regimes, international relations and international law; comparisons; intellectual history; and the history of sciences. It is through this reading group that this band of researchers has been able to take a topic so grand, so vast that it is almost incomprehensible, and broken it down into manageable pieces. Working together in their reading group, from their respective places in Germany, Europe, and around the world, they seek to put together a comprehensive and critically examined global legal history by creating a collective theoretical and methodological base from which to conduct their research. Interested in learning more about their individual and group research results? Follow the Glocalising Normativities project on their website and social media accounts!

Cite as: Glocalising Normativities Reading Group: No fear of the impossible: defining a global legal history, legalhistoryinsights.com, 08.04.2022, <https://doi.org/10.17176/20220408-155319-0>