CONSTRUCTING THE PAST, MAKING THE FUTURE:
POLITICAL AGENTS AND LEGAL SYSTEMS IN THE 19th CENTURY

A “Research Project Europe: 1815-1914” workshop to be held at the University of Helsinki - Wednesday April 6, 2011

13: 45 - 14:00 Bo Strath and Liliana Obregón, University of Helsinki
Introductory remarks

14:00 – 14:30 Anthony Carty, University of Hong Kong – University of Aberdeen
“Historical consciousness in the project of international law and polity of the nineteenth century”
14:30 – 15:00 discussion opens with Martti Koskenniemi as respondent

15:00 – 15:30 Kaius Tuori, University of Helsinki
“Primitive law and legal history in the nineteenth century”
15:30 – 16:00 discussion opens with Liliana Obregón as respondent

16:00 – 16:15 Coffee Break

16:15 -16:45 Jorge Cañizares-Esguerra, University of Texas-Austin
“Historical consciousness and its role in the construction of political identities in the nineteenth century”
16:45 – 17:15 discussion opens with Francisco A. Ortega, University of Helsinki as respondent

17:15 – 17:45 Isabel DiVanna, University of Cambridge
"Reading Comte across the Atlantic: Positivism and the Question of Slavery in late 19th century Brazil"
17:45 – 18:15 discussion opens with Kelly Grotke, University of Helsinki as respondent

18:15 – 18:45 Martti Koskenniemi begins final roundtable discussion with concluding remarks

20:30 Dinner

On April 6, 2011 the Research Project Europe will host a workshop, led by four distinguished guest speakers, which will examine the emergence of a historical consciousness and the construction of the past as fundamental technologies in the making of new polities and legal systems in the nineteenth century. The workshop takes into account how the political, social, economic and legal agents that emerged throughout the nineteenth century were acting upon a new sense of expectation for the future, where progress was anticipated and the writing of the past was devoid of exemplary content.

Workshop participants will examine two avenues that are not necessarily exclusionary: 1) the emergence of legal history during the nineteenth century as important for the consolidation of our modern consciousness and 2) historical narrative as a tool for constituting, interpreting and differentiating national and international communities in the nineteenth century.
The workshop will explore the role of history and historical consciousness in the project of law and the construction of a polity in the nineteenth century with particular attention to a cartography of the utopias, fantasies, anxieties and desires of the time. We are also hoping to address the nature of nineteenth century historical writing by de-emphasising its “Europeaness” and thinking more about contexts of reception, the purposes that history serves and the effects it produces over and across traditional geographical boundaries.

Speaker bios:

**Anthony Carty** is the holder of the Sir Y K Pao Chair in Public Law at the Faculty of Law of the University of Hong Kong, presently on leave of absence as the Chair of Public Law from the University of Aberdeen. Professor Carty studied law at Queen's University Belfast, London, and Cambridge. He has a long and sustained interest in public international law, international legal history and the history of legal ideas. Known as a critical voice in the discipline, Professor Carty has approached the study of international law from a sociological, philosophical, historical, cultural and practical perspective. He has written on European, German, French, and British perspectives of international law as well as across autonomous regions inside states such as Scotland and the Basque country. Carty is also interested in the role of lawyers in foreign policy and is about to complete a study on the legal advisers to the British Foreign Office covering the period from 1945 to 1961.

Carty’s relevant publications include:


Articles or book chapters:
- “The Evolution of International Legal Scholarship in Germany during the Kaiserreich and the Weimarer Republic (1871-1933)”, German Yearbook of International Law, 2008;

**Kaius Tuori** is Senior Researcher at the Center of Excellence in Global Governance Research and adjunct professor of Legal history and Roman law at the University of Helsinki, Finland. He obtained his doctorate in law with honors from the University of Helsinki, Law School. As an interdisciplinary project, his research shows the interconnectness and common roots of the fields of jurisprudence, legal history, comparative law, development law, legal anthropology, and intellectual history. Tuori has studied the intellectual history of ‘primitive law’ from the nineteenth century to the 1960s. He looks at how the concept of ‘primitive law’ was constructed in the nineteenth century and how archaic Rome became the model for a forward looking western society. During the nineteenth century, professor Tuori claims, anthropological ideas about the East, Mesopotamia, India, and China and the concept of non-
Western civilisation were ‘discovered’ and used in legal theory and practice. Tuori has also worked on how American Legal Realism revolutionized the study of early law and society from the 1920s to the 1960s by shifting attention from the 19th century German preoccupation with written laws and legal systems to a social relations and culture based approach.


Jorge Cañizares-Esguerra is Alice Drysdale Sheffield Professor of History at the University of Texas-Austin. He graduated from medical school at the Universidad Central del Ecuador and went on to obtain his Ph.D. in History of Science from the University of Wisconsin-Madison. Cañizares prized publications have challenged disciplinary boundaries as well as traditional teleological and esssentialist historical narratives about peoples, nations and states. His work covers discussions about history, science, philosophy and politics from the colonial period of the sixteenth and seventeenth centuries to the rise of the nation state in the nineteenth century, including topics as specific as ecology, botany, cosmography and race. Cañizares sees the nineteenth century as the moment when complex global economies were created in which peoples and ideas circulated past national boundaries. He views the study of history through the nation-state as limited and insular. Rather, Cañizares suggests, the writing of history is a more clarifying enterprise when transnational circulation of ideas are understood as central to the nation-building process and the ways in which peoples in various places establish their own identities and borders.

Cañizares-Esguerra’s relevant publications include:


Isabel DiVanna teaches history at Clare College, University of Cambridge, UK. Isabel has two doctorates in history, one from the University of Manchester and one from the University of Cambridge. She is particularly interested in philosophy and theory of history, methodology and the history of historiography. She also studies French social and political thought (1750-1900), the intellectual exchanges between France and Brazil, and the history of education. Isabel is currently working on intellectual networks and exchanges in relation to the uses of positivism in Latin America and the formation of modern Latin American states for which she is preparing a book titled “Transatlantic Exchanges: Positivism and the Intellectual History of the Brazilian Empire”.

Divanna’s relevant publications include: