

The Robbins
Collection
and Research
Center in
Religious and
Civil Law

DIGEST
2022



Letter from the Director

This issue of the Digest highlights the breadth of the intellectual community fostered at the Robbins Collection. It is illustrated by the amazing accomplishments of the numerous Robbins Research Fellows, past and present, whose works we are proud to foster and share. Their work uniquely reflects Lloyd Robbins' prescient beliefs in the significance of comparative and legal historical scholarship for solving present and future legal challenges. Years of litigation on behalf of his parents for recognition of the community property system in California that culminated in the Supreme Court case *United States v. Robbins* (269 U.S. 315 (1926)) had taught him the practical value of comparative and historical understanding of legal issues.

The resumption of the full spectrum of our scholarly work at the Robbins Collection has been energizing and refreshing for our scholars and our staff after years of uncertainty. This vitality is apparent in the breadth and quality of events we have hosted this year. Our comparative law symposium, "Courts and Social Changes: Comparative Perspectives from Ibero-American and Asian Legal Systems," brought together an impressive group of jurists from diverse continents and legal traditions.

Our publication series are on schedule for this spring. They include the next volume of David Daube's collected works on Roman Law that comprises essays on contracts and family law. Following books published on Japanese law and Korean legal issues in previous years, a new volume of contributions on current legal issues in Taiwan and in the United States will be released as a part of our comparative legal studies series. These essays were presented at a series of workshops that took place over a period of four years at National Taiwan University College of Law and at Berkeley Law under the auspices of the Robbins Collection.

The Robbins Lecture in Jewish law, organized in close collaboration with the Helen Diller Institute for Jewish Law and Israel Studies, once again attracted a large audience and generated lively discussions. Faculty members and students also benefited from a conference on gendered islamophobia co-sponsored with the Henderson Center for Social Justice.

The decline of the COVID-19 threat and loosened restrictions on domestic and international travel allowed for the resumption of our Robbins Fellowship program. A new class of J.S.D. students from China, Korea, and Serbia joined the group of Robbins J.S.D. scholars who are enrolled in the Law School's graduate program. Their comparative and historical research projects illustrate the form and the substance of the interest and methodology that Lloyd Robbins developed in his work on community property laws in California.

Laurent Mayali

Distinguished Lloyd M. Robbins Professor of Law

Director, The Robbins Collection

University of California, Berkeley

School of Law

THE ROBBINS COLLECTION
AND RESEARCH CENTER IN
RELIGIOUS & CIVIL LAW

DIGEST 2022



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is published by the Robbins
Collection at the University of
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Berkeley Law

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COURTS AND SOCIAL CHANGES:

Comparative Perspectives in Ibero-American and Asian legal Systems

Comparative law studies between countries within Asia or Latin America, or between Asia and Europe and Latin America and Europe are not uncommon. “Comparisons between Latin America and Asia are far more uncommon,” said Professor Laurent Mayali, in his opening remarks. This gap was the impetus behind the organization of the recent conference, “Courts and Social Changes: Comparative Perspectives in Ibero-American and Asian Legal Systems.” Organized by Professor Mayali and Professor Julio Gaitan Bohorquez, the conference brought together a group of distinguished scholars, attorneys, and judges to discuss key aspects of their courts and their role in social changes. Over the course of the two-day conference, participants explored connections across legal systems, finding unexpected commonalities in the challenges and changes their countries’ judiciary have faced. The conference participants explored themes of the growing authority and power of constitutional courts; how these courts have used their power, or refrained from using their power, to shape society in profound ways; and how courts have responded to social pressures on issues regarding family, health, and LGBTQ rights.

In the two morning sessions, chaired by Professors Kuan-Ling Shen and Julio Gaitan Bohorquez, speakers grappled with how constitutional courts enact social changes and the concept of judicial activism. Professor Jibong Lim’s presentation, “Judicial Activism Led by the Constitutional Court in Korea,” addressed the active role of the judiciary of the Korean Constitutional Court. He described the Korean Constitutional Court as an active court, having heard around 45,000 cases since it was founded in 1988. In addition to determining whether a law is constitutional or unconstitutional, the Korean Constitutional Court has adopted a variational-type decision process, which allows the judiciary to declare a law incompatible with the



Ramiro Ávila Santamaría and Julio Gaitan Bohorquez

constitution, urging the National Assembly to revise the law in question. Professor Kim argued that using this variational-type decision has allowed the Constitutional Court to transform society in meaningful and important ways, from decriminalizing abortion to the reformation and liberalization of marriage laws. Constitutional Courts in Latin America have faced the same dilemmas, as Professor Gaitan Bohorquez demonstrated with his presentation, “From the Constitutionalism of Powers to the Constitutionalism of Rights.” His central question was “Do the courts exist to protect the most vulnerable in society, or do they operate under the imperative to protect state institutions? The courts have had to resolve the conflict between neoclassical economic framework and the rights of the people on the most unequal continent (Latin America). This has led to conversations about judicial activism, or a political judiciary.”

In his presentation, “The Systemic Theory of Law in the Case of the Constitutional Court of Ecuador,” Professor Ramiro Ávila Santamaría directly addressed the idea of a political judiciary, saying, “The idea that judges must be impartial, is



this idea that they must exist outside of nature.” Drawing from his experience as a former Justice of the Constitutional Court of Ecuador, he spoke about the critical role the courts must play in protecting the environment, and the steps his country has made towards that effort. “Constitutional law without environmental consciousness doesn’t mean much,” he said. The Ecuadorian Constitution enshrined the Rights of Nature, embodying indigenous principles that give nature legal standing. It was this principle that allowed the Constitutional Court to protect the world’s tallest mangrove forest from development and destruction. Youngmi Cindy Kim closed out the morning sessions with her presentation on guiding cases and judicial interpretation in China’s Supreme People’s Court. While both guiding cases and judicial interpretation have the goal of unifying the application of law, only judicial interpretation has a legal effect in the People’s Court, and is a major source of some law in China, whereas a guiding case “can never be referred to as a source of law,” Kim explained.

The presenters for the two afternoon sessions, chaired by Professors Eric Rakowski, from Berkeley Law, and Jibong Lim,

from Sogang University in Korea, looked more closely at laws regarding family life, health, and LGBTQ rights, and the ways courts have interpreted and applied these laws. Distinguished Professor Kuan-Ling Shen, who has advised the Taiwanese Courts on guardianship issues, demonstrated how Taiwanese Family Court proceedings have increasingly listened to children’s wishes in custody disputes. Until 2012, children did not have a legal right to express their views. As the Court has listened more to children’s wishes, “joint custody has increased since the passage of the new law in 2012,” said Professor Shen. Professor Yuichiro Tsuji gave a sweeping history of Japanese family law in his presentation, “The Constitution’s Definition of Family and the Role of Courts in Japan.” The drafting of the Japanese constitution was led by the occupying American military after the Second World War, with little regard for family issues. Since then, decisions of the judiciary have been influential as a remedy for the relative unequal treatment in family law in the constitution. Professor Augustín Barroilhet Diez’s presentation, “Anti-discrimination Case Law in Chile,” also explored how the courts have handled the expansion of anti-discrimination laws, especially in the case of *Ley Zamudio*, an anti-discrimination law created for LGBTQ Chileans. Professor Barroilhet Diez found that in the 10 years since the law was passed, only 128 judgements were settled under the law. He also found that the majority of cases, nearly 28%, are disabilities-related judgements.

Professor Bok-Gi Kim shared how the Korean Constitutional Court has protected Korea’s National Health Insurance program from challengers. In 2000, Korea consolidated the National Health Insurance to a single insurer, which covers every Korean. Challengers have argued that



L to R: Kuan-Ling Shen, Julio Gaitan Bohorquez, Fernando Armando Ribeiro, and The Honorable William Fletcher.

compulsory subscription to insurance violates their freedom, but the Korean Constitutional Court held that the principle of social solidarity is too important. “National Health Insurance is based on a social perception that health should not be left to the individual, but society should take responsibility. The right to social security is a constitutional right derived from the right to a humane livelihood,” said Professor Kim.

The Saturday sessions, both chaired by the Honorable William Fletcher, Judge for the U.S. Court of Appeals for the 9th Circuit, continued the rich exchanges which began the day before. Professor Fernando Armando Ribeiro’s presentation, “Judicial Activism in Brazil,” recounted how the Brazilian Supreme Court transformed from a relatively unknown entity to one whose every move is closely watched. “The Justices are public personalities, whose inclinations and attitudes are widely debated by the public,” he said. “The court has been deciding highly controversial and central issues for the life of the nation, and all of their decisions are widely broadcast.” Professor Ribeiro suggests the increased public scrutiny may weaken the collegiately of the court as Justices develop public identities, but that media broadcasting of their decisions may have helped the Court achieve greater autonomy and perhaps provided strength against external pressures.

In-Chin Chen explained the unique legalization process of same-sex marriage in Taiwan in his presentation, “Same-Sex Marriage Between the Constitutional Court and the Referendum in Taiwan.” In 2017 the Constitutional Court ruled that excluding same-sex couples from marriage violated the Constitution’s equal protection of the right to marry. Opponents challenged the ruling through referendums, hoping to overturn the decision. “The referendums supported by the anti-gay-marriage groups were overwhelmingly passed, delivering a defeat for the ruling party,” said Chen. However, the government enacted a special law, taking effect in May 2019, that allowed same-sex marriage. Shao-Man Lee and Cristián Villalonga Torrijo’s lively presentations closed out the conference. Lee’s presentation compared the use of social media by Korea’s Constitutional Court and Taiwan’s Court, while Torrijo’s presentation returned to the themes that opened the conference—the role of the judiciary in the expansion of social policies in Latin America.

One of the primary aims of the Robbins Collection and Research Center is to promote comparative research and study in the field of civil law. By fostering comparison between two regions of the world rarely juxtaposed, the Robbins Collection is fulfilling the vision set forth in its establishment.

New Staff at the Robbins Collection

The Robbins Collection and Research Center recently welcomed two new staff members, Patricia Castaneda and Peter Lassalle-Klein. Patricia joined the Collection in the summer as our new administrative assistant and is responsible for onboarding our visiting Research Fellows and carrying out administrative tasks for the Collection. Patricia previously worked at Marin Humane Society in Novato. Peter was hired in the fall for a new position at the Collection, the reading room Library Assistant. Peter staffs the reading room desk and is responsible for checking out our materials to researchers. Peter previously worked at Joseph Wardlaw Elementary and graduated from the University of San Francisco with a degree in history. We are delighted they have joined the Robbins Collection.

Annual Lecture in Jewish Law

Reimagining Diversity and Jewish Belonging: A Journey Through Genesis



Amanda Beckenstein Mbuvi

Amanda Beckenstein Mbuvi, the Vice President for Academic Affairs at the Reconstructionist Rabbinical College, presented the 2022 Robbins Collection Lecture in Jewish Law, Thought, and Identity, co-hosted with the Helen Diller Institute for Jewish Law and Israel Studies. Her lecture, “Reimagining Diversity and Jewish Belonging: A Journey Through Genesis,” explored how, in the U.S. context, the dominant conception of Jewish identity does not fully reckon with the diversity of Jewish people.

Dr. Mbuvi opened her lecture by sharing stories from both Rabbi Sandra Lawson, a Black Jewish woman, and Jared Jackson, executive director of Jews in ALL Hues, an advocacy organization that supports Jews of Color. “Rabbi Lawson said she has often been asked if she is Jewish while in synagogue even while she is wearing a *tallit* (prayer shawl). Jackson hears stories every year about Black Jews being questioned by synagogue security personnel about their presence at High Holy Day services,” Mbuvi said. The history of religion in the U.S. is inextricably connected with race, and particularly the legacy of slavery. She described letters from clergy reflecting a challenge they were facing: they had an impulse to convert slaves to Christianity, but if enslaved people became Christian, they would be brothers and sisters in Christ. “The way they resolved this tension was to say that religion had nothing to do with social identity. This idea that race is unchangeable, and that religion operates on top of race, but does not change race...that is part of thinking through religion in this country, and something that has influenced American Judaism even though it didn’t arise in the Jewish community. It has become part of the way that Americans think about religion,” she said.

“How can Genesis help us move beyond this gap of thinking about race and religion?” Mbuvi asked. She believes the book of Genesis confounds common sense when it comes to ideas and conceptions of identity, and that it even suggests an idea of Jewish diversity. Mbuvi argued that even by the end of Genesis, there isn’t a fully fledged sense of a united Jewish identity. In Genesis identity is formed through family lineages instead of a unified nation of people, and focuses on migration instead of the story of a stable, settled community. The diversity of the Jewish people is written into the story of Genesis, with the seventy descendants of Noah “spread[ing] abroad on earth after the flood,” and later in Genesis, with the seventy descendants of Jacob moving to Egypt. “Genealogy gives Genesis its structure,” said Mbuvi. “[It] presents a way of conceptualizing belonging that does not assume uniformity and that acknowledges diversity even within a household.”

A recording of the event can be found [here](#).

Gendered Islamophobia: Exploring and Uprooting an Imperial Narrative

The Robbins Collection and Research Center and the Henderson Center for Social Justice co-hosted “Gendered Islamophobia: Exploring and Uprooting an Imperial Narrative” organized by the Berkeley Law Muslim Student Association (BLMSA) on Tuesday, March 8, 2022. The symposium featured Professor Khaled Beydoun of Wayne State University Law School and Professor Nura Sedique of Princeton University’s School of Public and International Affairs and was moderated by Iqra Razzaq, research assistant under Beydoun and Sedique and the 1L representative for BLMSA. Beydoun and Sedique’s forthcoming article “Unveiling” was the basis for the discussion. The article will be published by the [California Law Review](#) in April 2023 and will describe a gendered view of Islamophobia. Beydoun and Sedique then plan to pursue a second related project to delve into the global aspects of this concept.



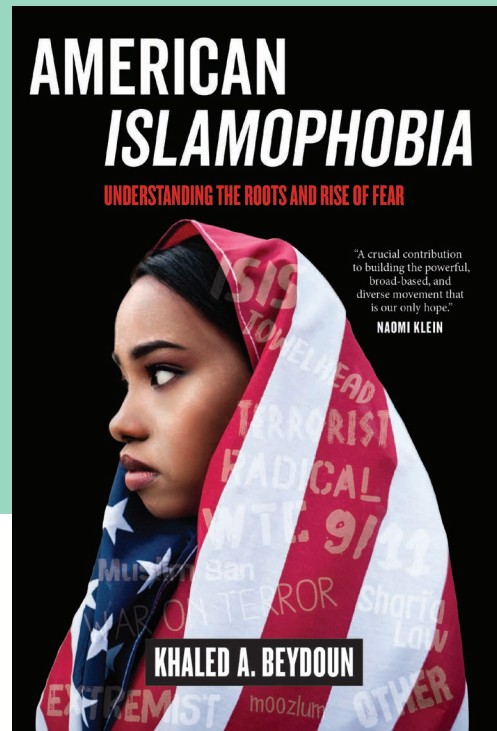
Iqra Razzaq (1L), Professor Nura Sedique, and Professor Khaled Beydoun

Beydoun and Sediqe's scholarly backgrounds inform their contributions to the project. Beydoun is a legal scholar and author of [American Islamophobia: Understanding the Roots and Rise of Fear](#) and co-editor of [Islamophobia and the Law](#). Sediqe is a political scientist who studies how identity influences policy preferences and political behavior. As a part of her research she has conducted surveys on Americans' views regarding Muslims.

What does gendered Islamophobia mean and how is it different from our notions of Islamophobia? Beydoun noted that a gendered view is at the very heart of Islamophobia. People see Muslim men and Muslim women very differently, to the extent that "there's an impulse to want to save Muslim women and children from their husbands and fathers," said Beydoun. Sediqe referred to a survey she conducted on the various ways identity influences people's political behaviors. The survey, which asked about the views of 1230 Americans about Muslims, found that while the respondents had negative views of Muslims in general, they saw Muslim men and Muslim women differently. Respondents tended to view Muslim men as more violent than non-Muslim men, and Muslim women as more submissive. "These views have consequences in the legal field, and how policy is made," Sediqe asserted.

As an example, she pointed to the 2009 case *Webb v. City of Philadelphia*. Webb, a practicing Muslim, was employed as a police officer with the Philadelphia Police Department for eight years before requesting permission to wear her hijab while on duty. The Philadelphia Police Department denied her request, and Webb filed a complaint of religious discrimination. While the complaint was pending, Webb wore the hijab to work, and when she refused to remove it, was sent home, disciplined for insubordination, and suspended. It was then that she brought suit against the City and Police Department. Her claims were eventually rejected by the U.S. Court of Appeals. Beydoun discussed the case of Noor Salman, the wife of the perpetrator of the Pulse nightclub shooting in Orlando in 2016. Salman was assumed to be just as responsible for the shooting as her husband, based on the discourse that she was his Muslim wife and therefore subordinate, Beydoun explained. She was charged with aiding her former husband and obstruction of justice. She was eventually acquitted, but [perception of her guilt persists](#).

While gendered Islamophobia is increasingly influencing public policy and law, advocates are fighting back. "What role do we play? What can we do? How can we be allies in fighting gendered Islamophobia?" asked Razzaq. Sediqe suggested that advocates and advocacy organizations center the voices and perspectives of Muslim women, and to question assumptions we make about the community. "I went to law school when it was still pretty taboo to talk about Islamophobia in such a public way. It's heartening to see more Muslim law students," said Beydoun, gesturing to the large audience. "Everyone who cares about racial justice and social justice at least knows what's going on, and Muslim advocates and non-Muslim allies have been championing the case in recent years."



Robbins Fellow Spotlight

Dimitris Stamatopoulos

Senior Robbins Research Fellow Dimitris Stamatopoulos arrived at Berkeley Law in April 2022 to begin his fellowship. Stamatopoulos is a Professor of Balkan and Late Ottoman History at the University of Macedonia in Thessaloniki, Greece. He focused his time at the Robbins Collection on his monograph elucidating the powerful position of national Orthodox Churches in the Balkans in the 18th through 20th centuries. Professor Stamatopoulos's research suggests that these national churches remained powerful after the collapse of the Byzantine Empire and the fragmentation of the Patriarch of Constantinople's flock due to the legacy of the Byzantine Empire of church attachment to the state. This tradition continued into the Ottoman Empire period, as early sultans gave religious authorities the right to control the private life of their flock through the administration of justice in ecclesiastical courts. This meant that the Patriarchate of the Orthodox Church remained involved in issues of marriage and divorce, among other personal aspects of people's lives, long into the modern era.



Professor Dimitris Stamatopoulos

The Robbins Collection's *Hexabiblos* was largely responsible for bringing Professor Stamatopoulos to Berkeley. It is an important example of how the Orthodox Church retained control over the private domain of its followers. Compiled in 1345 by Konstantinos Armenopoulos, a Byzantine jurist, the *Hexabiblos* served as the substitute for a civil code in Greece beginning in the 1830s, when the country gained its independence from the Ottoman Empire. It wasn't until 1945 when the *Hexabiblos* was replaced by a new civil code. What explains the use of a 600-year-old legal compilation in a 20th-century modern state? The Orthodox Church resisted attempts to introduce modern civil codes since they feared losing the political and social power they had been granted. Much like in Greece, the Orthodox clergy fought many successful battles elsewhere in the Balkans to maintain spheres of private life and education under their control, "because they had a particular means of attaching themselves to each state," explains Professor Stamatopoulos.

In addition to our unique holdings, it was the breadth of the Robbins Collections library and our support for comparative law research which drew Professor Stamatopoulos to Berkeley. "The Robbins Collection Research Fellowship offers me the opportunity to take a comparative approach on the history of *Hexabiblos* in relation to the evolution of Latin-Catholic Canon and Islamic law, especially the evolution of the latter in the Ottoman Empire since the beginning of the 18th century," he said. "My research project will trace possible influences between the way the Shari'a courts distributed justice regarding family law and the flexibility of the ecclesiastical courts to manage similar issues. Sometimes we can observe direct influences of Islamic law, like the cases of temporal marriage (*kepinion*, in Greek), or temporal separation of a couple before a judge decides to finally grant a divorce."

Professor Stamatopoulos is the author of *Imagined Empires: Tracing Imperial Nationalism in Eastern and Southeastern Europe* (2021) and *Byzantium after the Nation: The Problem of Continuity in Balkan Historiographies* (2022), both published by Central European University Press.

Robbins Fellow Spotlight

David De Concilio



David De Concilio

century canonical collections of brocards, a legal literary genre used to concisely express a wider legal concept or rule. More specifically, he is looking into how this genre was developed in Northern France, and what it can tell us about the legal culture of schools during this period. “I am looking at Northern France and England because I believe the first collections of brocards originate from that milieu, in the context of cathedral schools, and from there they spread to the specialized schools in Provence and Italy.” His research challenges conventional understandings of how legal learning worked in Western Europe. “Legal innovations are usually believed to have come from Bologna and Northern Italy. To me, the reality seems much more complex, with a wide web of schools, masters, ideas, and books in constant circulation around the Latin world,” he said.

De Concilio also used his time to finish a draft of an article on the 12th-century scholastic literature on subjectiveness in human conduct between law and theology (*Soggettività e qualificazione del fatto. L'indagine del factum intrinsecum tra diritto e teologia nel XII secolo: due casi di studio e spunti per una ricerca*). The abundance of secondary sources at the Robbins Collection played an important role in helping him finish the article. “I found a couple of books I was looking for that are not so easy to find in Italy, including the three-volume collection of Gérard Fransen’s works, [*Canones et quaestiones*](#), and Lotte Kéry’s book [*Gottesfurcht und irdische Strafe*](#).”

Upon his return to Italy, De Concilio joined the University of Padua in Italy as a member of the research project *Migrating Commercial Law and Language, Rethinking Lex Mercatoria (11th-17th Century)*, abbreviated as [*MICOLL*](#). The project aims to analyze the development of commercial law through historical linguistics, looking at commercial letters, contracts, and statutes. They will be looking at Venice in particular, since for several centuries it was practically a mandatory stop for traders coming from the East before moving on to other ports or trading hubs. The project seeks to determine whether merchants were using the same legal terms in different places, and if those terms had the same meaning, if so. The research team is focusing on the 11th century to the beginning of the modern period, when Venice was no longer the center of global maritime trade. As a part of the project, the research team will create a glossary of medieval commercial law terms and an interactive digital map of the land routes that connected Venice to Northern Europe and the Tyrrhenian Sea.

“My time at the Robbins Collection was great, and so was the help all of the staff provided,” De Concilio said. “I look forward to having an opportunity to come again.”

Robbins Fellow Spotlight

Laura Velázquez Arroyo



Dr. Laura Velázquez Arroyo

The Robbins Collection welcomed Dr. Laura Velázquez Arroyo in October 2022 for her research fellowship. Dr. Velázquez Arroyo is a researcher in Roman Law, Civil Law, and the Law of Antiquity and Philosophy at Universidad Nacional Autónoma de México (UNAM) in Mexico City. She is also the coordinator of the research areas of Roman law, civil law, and the Romanist tradition at the Instituto de Investigaciones Jurídicas at UNAM, and teaches courses in Roman law and property law at the Faculty of Law.

Dr. Velázquez Arroyo is using the resources at the Robbins Collection to conduct research on possession and property in the classical and medieval worlds. “How did possession and property evolve, and how can this evolution let us know the relationship between the concepts of possession and property,” she asks. The ideas of possession and property were once distinct concepts, but in classical Roman law they became linked. While her main interest

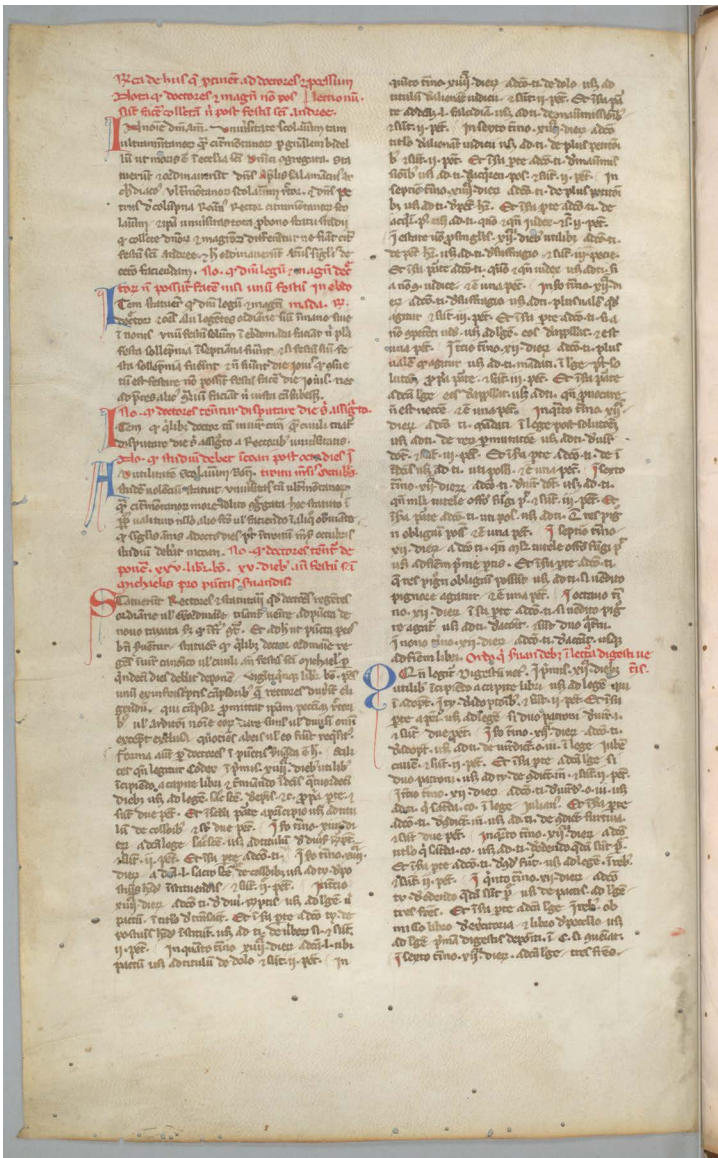
is in the classical and medieval era, she is also interested in seeing how the full development of possession and property has conditioned our modern institutions. “In the past, possession and property were dramatically reconceptualized in three distinct periods: the classical period, the medieval period, and codification. Maybe we’re in a new period where possession and property are being changed by technology,” she said.

Some of the materials she is using from the Collection include *Digestum novum cum Glossa ordinaria Accursii* (Robbins MS 270), and two texts by medieval Roman Law jurist Bartolus de Saxoferrato: *iure consultorum facile principis In secundam Digesti veteris partem commentaria* and *In secundam Digesti noui partem commentaria*.

While at the Robbins Collection, Dr. Velázquez Arroyo finished an article, “Criptomonedas. Pecunia y bienes virtuales. Análisis desde la perspectiva romana de res” that will be published by the Università di Padua. She has also written an article about possession and property and a book about possession in Roman classical law, called *La possessio. Una investigación sobre su origen, concepto y clases en el derecho romano clásico*, both to be published by UNAM.



A Translation of the Statutes of the University of Bologna Law School



Robbins MS22

Our new exhibition, The Statutes of the University of Bologna, is based on a translation of the statutes by Robbins Collection Senior Reference Librarian Jennifer K. Nelson, as well as on material included in our earlier exhibition, The Medieval Law School. The Robbins Collection houses the *Statuta universitatis bononiensis* (Robbins MS 22), one of the earliest copies of the statutes of the University of Bologna, dating from 1252. The statutes explain the rules that must be followed by university professors, such as how many days off they can take a week, when the terms begin and end, when they may accept payment for teaching, the precise material to be covered during each term, and the fines they must pay if they do not complete the curriculum during the established time.

The exhibition takes a closer look at sections of the statutes as well as the influence Bologna-trained scholars had on the development of legal scholarship in the centuries following the founding of the law school. Some of the most influential jurists of the 12th and 13th centuries either studied or taught at Bologna. They produced a significant body of scholarship, analysis, and commentaries on Justinian's *Corpus juris civilis*, establishing the standard texts and jurisprudential methodology for generations of jurists across the European continent.

The video exhibition is on rotation on the screen in the Trautman Lobby at Berkeley Law and is available online.

Selection of Recent Acquisitions

Robbins MS 331

Robbins MS 331 is an early seventeenth-century legal compendium compiled by the Walloon nobleman and historian Louis de Haynin (1582-1640) while he was a student of civil and canon law at the University of Douai. Haynin went on to serve the city of Douai as a magistrate; he also published several works on the Thirty Years' War. The manuscript opens with an extensive commentary on the first nine books of the Code of Justinian enhanced with plentiful marginal notes. The second part is Haynin's copy of a commentary on the Decretals of Gregory IX by a doctor of law named "Ferarius." The remainder of the manuscript is devoted to questions of legal penalties, academic disputations performed by Haynin at Douai, and a detailed list of fees and expenses for obtaining a law degree, covering such things as printing of theses, renting a cap and gown, and hiring an organ player. The manuscript ends with a mathematical treatise composed by Haynin in 1607. Besides being an interesting example of an early modern law student's study materials, the manuscript is also visually compelling, including Haynin's elegant ribbon design signaling the conclusion of a work, and drawings of plants, insects, animals, religious figures, and coats of arms, such as those found on the cover of this year's Digest.



Robbins MS331

Forthcoming Robbins Publications

The Robbins Collection will be releasing two new books in 2023. We will be adding a seventh volume to our Collected Works of David Daube series. The essays in this volume cover a large range of topics, including contracts, property and possession, and succession and inheritance. We will also be releasing *Current Legal Issues in American and Taiwanese Law*, the culmination of a collaboration between National Taiwan University's College of Law and the Robbins Collection at Berkeley Law. The essays included in this volume were presented at a series of conferences that brought together scholars from both universities.

Consilia at the Robbins Collection

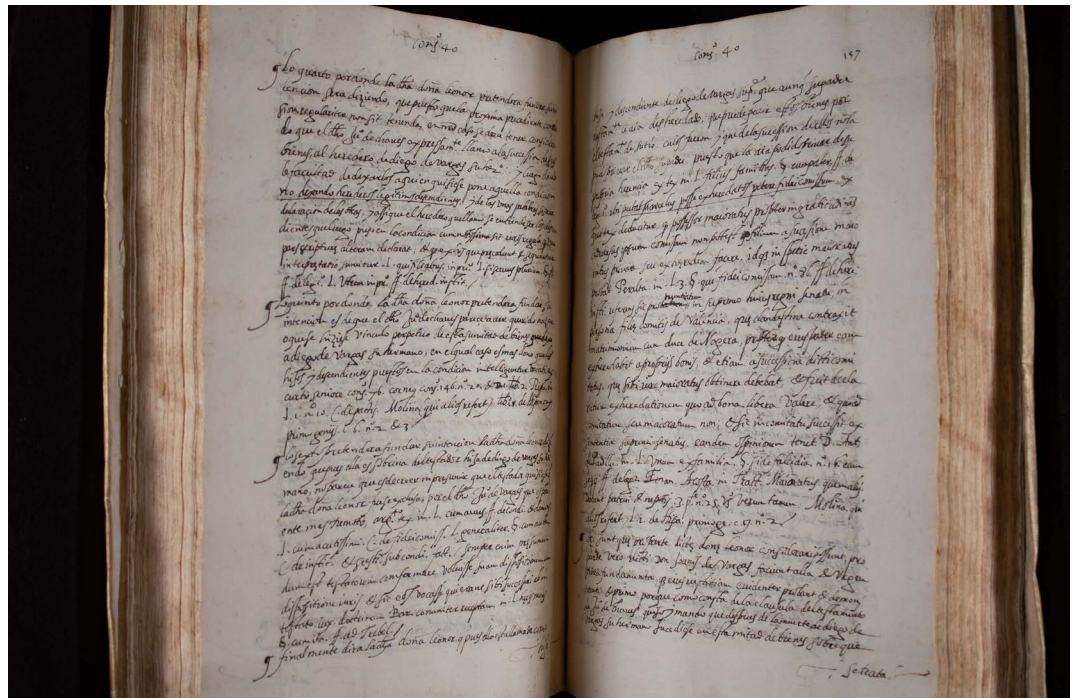
by Jessie Sherwood, Associate Librarian

The Robbins Collection holds over 250 collections of *consilia*, expert opinions on complicated points of law or procedure, which span the fourteenth through the nineteenth centuries. These include the collections of well-known jurists, as well as manuscript copies of jurists whose juridical careers have been all but forgotten.

The *consilia* of Bartolus de Saxoferrato (1313/1314-1357), an early and eminent jurist whose decisions were frequently consulted and cited by later jurists, were published in over twenty editions, often as part of his collected works. His *consilia* range in topic from inheritance and contracts to ecclesiastical matters and crime. One of Bartolo's *consilium* concerned whether a student absent from their studies should be struck from the university's register, and whether they should have to pay the enrollment fee again if they returned to the University. The Robbins Collection also holds a copy of the published *consilia* of his student Baldus de Ubaldis (1327-1400), one of medieval Italy's most prolific jurists, who issued opinions on, among other questions, the responsibility of lawyers for giving bad advice.

One recent acquisition, Robbins MS 329, includes a collection of *consilia* authored by the German jurist, Martin Prenninger, which may predate the publication of his opinions in 1597 and 1607. Other jurists' *consilia* were never published and survive only in manuscript. MS 158 contains a manuscript collection of *consilia* of Francisco Mosquera de Barnuevo, a Spanish jurist of the late sixteenth and early seventeenth century, who is now primarily remembered as a poet. Among other questions, he posed for himself a query about Spain's nobility, which had occurred to him in praxis, revealing the sometimes hypothetical nature that *consilia* could assume.

Hypothetical or real, however, *consilia* dealt with topics and laws that their authors deemed useful and relevant for other lawyers, which could be used in advising clients and reaching future decisions.



Robbins MS158

Book Reviews

The impressive breadth of intellectual work fostered at the Robbins Collection continues long after our scholars depart Berkeley. This space is dedicated to our intellectual community engaging with the recently published work of former Robbins Collection fellows. Our scholars span the globe and engage in diverse areas of study within the fields of religious and civil law. They also span generations: The Robbins Collection has been hosting research fellows for over thirty years and post-doctoral fellows for fourteen years.

Reviewer Biographies

Jesús Vallejo is a Professor of Roman Law and History of Law at Universidad de Sevilla. He was a Robbins Research Fellow in 2009.

Joshua C. Tate is Professor of Law at SMU Dedman School of Law. He was a Robbins Research Fellow in 2012.

Bernard Durand is Professor Emeritus at l'Université de Montpellier. He was a Robbins Research Fellow in 1993, 2003, and 2009.

Marta Cerrito is Assistant Professor of Legal History at Università degli Studi di Palermo. She was a Robbins Research Fellow in 2015.

Laurent Mayali is the Distinguished Lloyd M. Robbins Professor of Law at Berkeley Law and the Director of the Robbins Collection and Research Center.

Books Reviewed

Barbagli, Alarico. *Notai da Firenze al Levante. Gli ultimi cancellieri della 'Nazione Fiorentina' di Costantinopoli (1524-1566)*. Genova: Società Ligure di Storia Patria, 2022.

Nuzzo, Luigi. *Lawyers, Space and Subjects: Historical Perspectives on the Western Legal Tradition*. Lecce: Pensa Multimedia, 2020.

della Cananea, Giacinto and Stefano Mannoni, eds. *Administrative Justice Fin de siècle: Early Judicial Standards of Administrative Conduct in Europe (1890-1910)*. Oxford: Oxford University Press, 2021.

del Mar Tizón Ferrer, Maria. *Justicia Ciudadana y Justicia Regia en la Monarquía Hispana. El Modelo Sevillano*. Valencia: Tirant Lo Blanch, 2020.

Fontana, Alessandro. *Lezioni sulla sicurezza. A cura di Ernesto de Cristofaro*. Milan: Udine, 2021.

Alarico Barbagli, *Notai da Firenze al Levante. Gli ultimi cancellieri della 'Nazione Fiorentina' di Costantinopoli (1524-1566)*

This concise and remarkable book (accessible online through the website of the collection where it is published) aims to shed new light on the professional activity of the Florentine notaries sent as chancellors to the merchant colony established in Constantinople. The Florentine “nation” had taken root in the lucrative textile trade (wool to the East, silk to the West), and Alarico Barbagli’s approach responds to a primary institutional interest: the community was governed by a *bailo* (bailiff) who exercised representative functions before the Sultan’s court, coordinated the commercial activities undertaken by Tuscan merchants, and administered civil and commercial justice. He was assisted by a small body of officials, most notably the chancellor. The chancellor’s responsibilities were especially relevant in the judicial sphere, and his records of the proceedings before the *bailo*’s court became part of the official archives of the colony, dispersed and lost after its definitive dissolution in 1566. The succeeding chancellors up to that date combined their public duties with their private practice as notaries. The abundant documentation they produced would have been completely lost if it were not for the fact that two of them, Filippo di Francesco Argenti and Pier Filippo Assirelli, brought the protocols they kept in their private archives with them on their return to their homeland. These protocols have been preserved until today, unknown, in the *Archivio di Stato* of Florence. We now have access to the documents that the first and second chancellors wrote and signed between 1524-1528 and 1560-1566 respectively, which is the chronological arc covered by the book.

With this work, Alarico Barbagli intends to make his discovery known. A well-founded introductory study (pp. 7-74) sets out the background, followed by a small part of this extensive corpus of documents (pp. 77-157). Barbagli is well acquainted with the notarial and commercial law of the early modern age, to which he has devoted previous works characterized by their strong coherence (the notary’s office in Tuscany, commercial institutions between *ius commune* and *ius proprium*). He presents the reader with a rigorous, well-structured

and clear exposition, beginning with the Florentine “nations” in the Medicean period and the concrete organization of the Constantinopolitan colony. The book then addresses the relationship and functions of those who held the office of *bailo* under Cosimo I; it continues with an overview of the chancellors and their activities during the same period, then focuses on the records of Chancellor Argenti—not transcribed but generically described (matters, intervening parties...). Finally, the most extensive section (pp. 34-68) delves into Chancellor Assirelli’s protocols.

Indeed, the real protagonist of the book is the activity of the last chancellor, whose protocols contain extremely rich information. As the author points out, it not only concerns the members of the Florentine colony but provides an incisive look at the complex and varied Constantinopolitan society of the mid-16th century. These protocols give us insight into a melting pot of people from different nations, ethnicities, and religions: merchants, bankers and shipowners, dignitaries and ambassadors, and adventurers and captives from a vast territory that stretched from the Atlantic to the Caucasus, encompassing the entire Mediterranean. Barbagli transcribes and publishes a large number of notarial deeds dated between 1560 and 1565, all of them concerning the businesses of two powerful families established in the capital of the Ottoman Empire: the Albori, of Greek origin or culture, immersed in a long succession dispute; and the Nasi, Jews of direct Portuguese origin, whom we see attending to businesses and interests projected over the European side of the Mediterranean—in particular the management of substantial loans granted to the king of France.

Barbagli’s book is instrumental, conceived mainly as an incentive or stimulus. The richness of the documentary sample will attract historians interested in exploiting this new vein of information, although it can also provide researchers with the precise data to support a particular stance. The introductory study outlines some guidelines: the elements of continuity and change between the 1520s (Argenti) and the 1560s

(Assirelli), the frequently traded products, the busiest ports, the types of businesses, the origin and character of those appearing before the notary, and his outstanding role in the redemption of captive slaves. While the author describes the contents, the reader cannot expect a work like this to explore all the possibilities it offers for institutional deepening. The documents published here have the potential to broaden our knowledge of a wide range of issues: complex manifestations of commercial and exchange transactions, concrete examples (including letters of commitment and awards) of an arbitration practice extending across different nations, and powers of attorney for the management of a wide variety of matters.

In a field such as current legal historiography, in which global approaches tend to prevail, it is certainly interesting to observe, for example, how a powerful Jewish woman of Portuguese origin settled in Constantinople—and who therefore normally managed her affairs according to Ottoman legal rules and formalities—grants powers of attorney before a Florentine notary public assisted by her *mundualdus* (also Jewish); and how she states to be aware of the benefits due to her by virtue of the Velleian *senatus consultum*, and renounces them so that her procurator may act on her behalf before any judge of any curia in any land and city, in order to claim what is due to her in Ragusa, in Ferrara or at the French court. That we can undertake such readings, and reflect on them in an informed manner, is to the credit of Alarico Barbagli's solid work.

Jesús Vallejo
Sevilla, Spain

NOTARIORUM ITINERA
 VARIA

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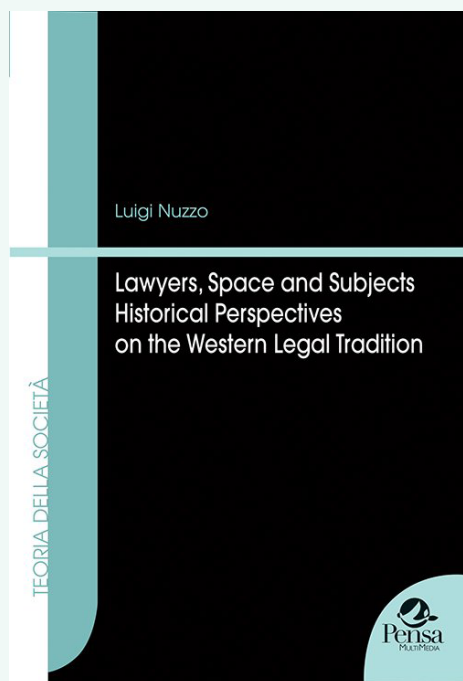
Notai da Firenze al Levante.
 Gli ultimi cancellieri della
 'Nazione Fiorentina' di Costantinopoli
 (1524-1566)

a cura di
 Alarico Barbagli



GENOVA
 SOCIETÀ LIGURE DI STORIA PATRIA
 Palazzo Ducale
 2022

Luigi Nuzzo, *Lawyers, Space and Subjects: Historical Perspectives on the Western Legal Tradition*.



This book seeks to explore a difficult question: is it possible to write a decolonized history of international law within a European legal framework? According to Luigi Nuzzo, international lawyers tend to see their field through a scientific or quasi-scientific lens, steering clear of possible intersections with the legal history of empire or the overall project of decolonialization. Nuzzo seeks to change this by redirecting the colonial scythes of European legal criticism back toward their own fields, using Eurocentrism to deconstruct Eurocentrism.

In the first part of his book, Nuzzo examines how lawyers in the nineteenth and twentieth centuries wove threads of international law into a colonialist tapestry. While international lawyers have always been conscious of the historical dimension of their field, their methodology has at times been thin, more akin to genealogy than history. Nuzzo begins instead with Friedrich Carl von Savigny, the great German jurist and historian, who saw the law as taking its strength from history and thus (at least to some extent) irreducible to legislation. Savigny presented international law as positive law that was Christian in essence, and thus able to encompass the indigenous peoples of the world even though they were not yet ready to be welcomed into civilized society.

This same conceptual linkage of civilization and Christianity was adopted in the writings of Henry Wheaton, the sometime jurist, diplomat, and reporter of U.S. Supreme Court decisions. Wheaton saw the divide between the Christian states of the West and the so-called barbarian and Muslim nations of North Africa as presenting an immovable obstacle to the adoption of a single universal law of nations. Other writers expanded on these ideas, and espoused a doctrine of international law that would supposedly move those in the “barbaric” places of the world toward the higher ideal of Christian civilization. Non-Western peoples were included in the international order, but stripped of their sovereignty in the process.

In the second part of his book, Nuzzo turns from “Lawyers” to “Spaces.” During the nineteenth century, theories of international law relating to sovereignty and territory clashed with a messy colonial reality. The European vision of international law was an awkward fit when applied to the Ottoman Empire, various African territories, or China. The principle of legal territorial sovereignty was particularly incongruous with the various treaties signed by the U.S. and European powers with the Chinese imperial government. The diplomatic reality forced the suspension of international legal principles that had been previously developed. Nuzzo explores how the city of Tianjin developed a more local outlook from a legal perspective even as it became global from the perspective of commerce. Where international law demanded consistency, the laws imposed on Tianjin by the colonial powers were both complex and uncertain.

After “Spaces,” Nuzzo turns finally to “Subjects.” Here he spotlights the “otherness” that forms the dark underside of the European international law tradition. Nuzzo examines the treatment of the Spanish Empire’s indigenous subjects and the failed Italian efforts to rule in Eritrea, turning finally to the march toward fascism in the 1930s.

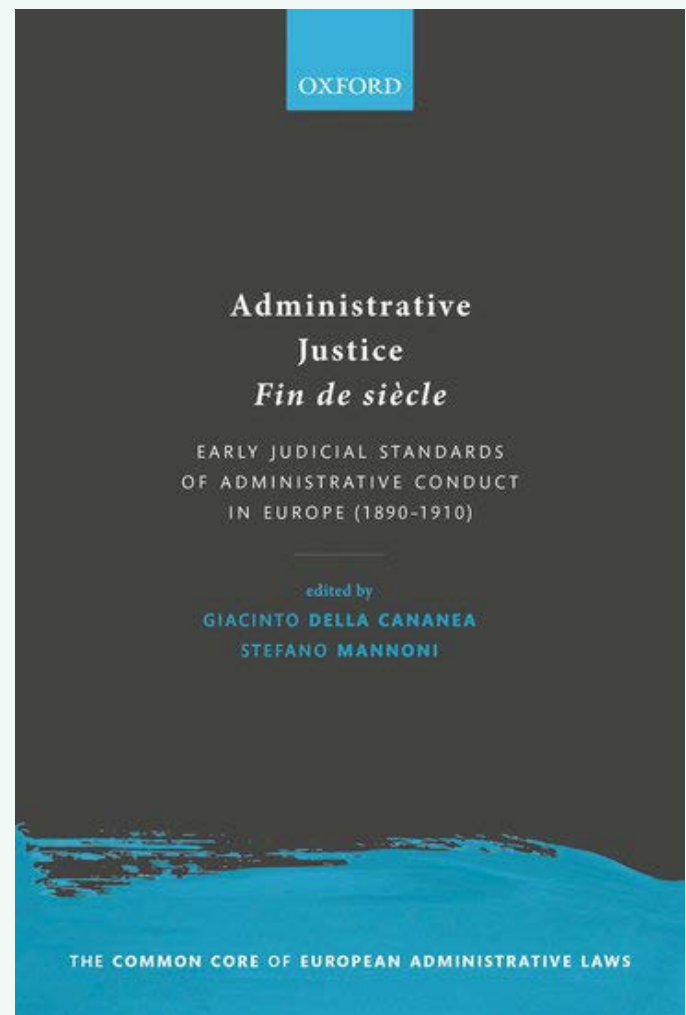
Impressive both in its scope and in the erudition of its author, Nuzzo’s book will certainly be of interest to all who study the history of international law. It stands to remind us that the goals of international law toward promoting a peaceful world will always fall short so long as the injustices of colonialism are left unexplored.

Joshua C. Tate
Dallas, Texas

Giacinto della Cananea and Stefano Mannoni (eds), *Administrative Justice Fin de siècle: Early Judicial Standards of Administrative Conduct in Europe (1890-1910)*

To read a book on the “common core of European administrative laws” is to remind oneself of the expression “unfinished business” that described in the United States the study of administrative reforms. But the volume edited by Giacinto della Cananea and Stefano Mannoni takes us beyond the limits implied by such a statement. It sheds new light on the significance of the contribution of “Judge-made law” to the creation of administrative law in various European countries at the turn of the twentieth century. The two decades between 1890 and 1910 were the theatre of momentous changes in the development of the administrative state. The comparative studies comprised in this volume examine how, during this relatively short period, Courts’ decisions influenced and brought about the adoption of new principles and standards governing the action and the control of the public administration. This process comprised three distinct phases that also structure the three parts of this volume on the methodology, the selection of the relevant cases and the classification of the factors that contributed to the decline of the justice retenue and the concomitant rise of the justice *déléguée* and to the enforcement of a principle of equity in the protection of people’s rights. The choice of countries comprised in this study provides a sensible basis for an effective comparison between similar systems without ignoring distinct national identities and administrative legacies.

In considering the ability of the judges to anticipate legislative rules and preempt more theoretical administrative models, the authors chose not only to compare the singularities of the various European administrative systems but also to highlight their diverse interactions on the European political stage that was dominated by the States’ balancing acts of domestic policies and international ambitions. This methodological choice allows the authors to explore new perspectives and renew the debate on the influence of judicial decisions in the development of administrative procedures that will in turn contribute to the redefinition of public policies. We can thus better understand the various processes that lead to institutional reforms and the adoption of new administrative regulations.



While being aware of the differences and similarities that define the specific legal reality of each country in comparison with others, these studies draw our attention to a series of transnational challenges faced by the administrative state in each one of these countries. The emergence of new technologies, shared cultural values and beliefs in the authority of the rule of law facilitated reciprocal influences and, in some cases, created common grounds for comparable legal developments. Despite the common ground and similarity in judges’ attitudes towards the adjudication of administrative disputes in a variety of countries, not every country has the same level of specialized administrative courts. Two examples of well-established administrative courts that provide judges the flexibility and autonomy to make decisions include the

Verwaltungsgerichtshof in Austria with its resourceful promotion of sophisticated procedural rules and the Council of State in France and in Italy.

But if the intensity and depth of the courts' influence on the development of administrative law might vary from one country to another, the trend toward a better protection of individual rights and the strengthening of procedural guaranties remains commons to all courts whether administrative or ordinary even in countries like Germany which were more sympathetic to an authoritarian form of government. Thus, the role of the courts is not simply to adjudicate the disputes caused by the actions of the administrative authorities but also to participate in the administration of the country as illustrated by the actions of jurisdictions as diverse as the French or Italian administrative courts and the English courts.

This thought-provoking comparative study of the courts' contributions to the reshaping of administrative law in European states opens new research perspectives on the role of courts in the administration of the modern state. The diversity of the administrative models selected in this volume paints a convincing picture of the legal and judicial synergies that successfully satisfy comparable administrative ambitions within disparate institutional structures even in the absence or despite the presence of a legislative model. As Stefano Mannoni observes in conclusion, this global trend was heightened by the premature emergence of the *État* providence that encouraged, in varying degree, public authorities to develop of a new social model whether they were Austrian, British, Belgian, French, German, or Italian.

Bernard Durand
Montpellier, France

From November 26th to December 5th, 2003 Alessandro Fontana, professor of Italian Studies at the Ecole Normale Supérieure in Lyon, France, gave a series of six lectures on the dual idea of safety and security in the context of the private care of the self and the public reason of State. He was, at the invitation of Professor Franco Migliorino, a visiting professor in legal history at the Law School of the University of Catania. These lectures, initially prepared for an audience of undergraduate law students, were never published, although they condense in a didactic form the substance of decades of Fontana's erudite scholarship on the history of political ideas and the origins of the modern State. Nine years after his untimely death in February 2013, Ernesto de Cristofaro is editing the recorded version of these lectures which had captivated a large audience of students and scholars.

De Cristofaro's introduction consists of two parts. In the first part, he perceptively distinguishes the formative steps that led Fontana to conceive and apply the scholarly methodology that will help him refine his contextual reinterpretation of some of the foundational texts of European political philosophy. De Cristofaro shows how this original intellectual journey was also shaped by successive connections with academic institutions in Italy and in France from Fontana's first years as an undergraduate student in philosophy and literature at the University of Padova to his graduate work in Paris at the Sorbonne University with Claude Levi-Strauss and at the Ecole des Hautes Etudes with the historian Francois Furet. But the fundamental stage in this journey would remain the defining encounter, in the 1970s, with the philosopher Michel Foucault. Their ensuing lifelong collaboration and dialogue ended with Foucault's death in 1984. Foucault's intellectual influence is everywhere present in these lectures as De Cristofaro subtly observes in Fontana's intelligence of history in "reading the actuality of the present with the eyeglasses of history." Translator in Italian of two of Foucault's books, *The Birth of the Clinic* and *The Order of Discourse*, Fontana also co-edited, with François Ewald, the series of his annual lectures delivered at the College de France.

In his first lecture, Fontana, as De Cristofaro remarks, presents himself as a kind of intellectual wanderer, crossing the scholarly boundaries imposed by various academic disciplines to find in each one of them the sources and methodologies that guide his own intellectual musings. But this intellectual meandering between philosophy, literature and history is not an aimless contemplation on the legacy of a turbulent European past. It is attentively focused on the historical interpretation of the various techniques of power and practices of knowledge (Foucault) as forms of self-preservation and protection of the public order that have shaped the practical formation of political communities for several centuries. Fontana's self-reflective observations draw the attention on the identity and the reasons of the author, speaking currently to the audience of Catanese students, in reaction to what he calls the neo-positivist knowledge that pretends to blur the ideological character of any act of speech.

The second part of the introduction is devoted to the presentation and the discussion of Fontana's interpretation of selected literary masterpieces of the Italian Renaissance written by a quartet of Italian thinkers: Niccolo Machiavelli, Francesco Guicciardini, Baldassare Castiglione, and Leon Battista Alberti. In doing so, De Cristofaro stresses quite accurately Fontana's interest in highlighting the importance of the pair truth/power as the key to unlocking the deeper significance of these historical works. Fontana's reading of these works transcends the usual scholarly classification that consigned them to a particular literary genre. He reminds us that underneath its celebrated time of artistic and humanistic creations, the Renaissance was also a violent period of quasi permanent state of war. The safety of persons, the care of the soul in these deadly times, and the security of the State threatened by the political ambitions of rival states were thus closely dependent on the exercise of power and the superiority of one's armed forces. As he observes, the binomial truth/power is not only essential for an historically accurate interpretation of Machiavelli's *Discourses on Livy*



or Castiglione's *Book of the Courtier*, both written in the same period of political unrest for the competing states in the Italian peninsula. It also provides a guiding reference that unites works that were initially written for different reasons in different circumstances. In doing so, it gives them a modern significance without stripping them of their historical identity. This keen awareness of the historical context does not, however, prevent Fontana from expanding his observations to more recent issues since the issues of security of the State and safety of the individual taken in the context of the struggle for the survival of the species cross the centuries of human history up to the present with its own combination of wars and pandemics.

In the sixth and final lecture, Fontana turned his attention to the shift from the *forum internum* to the *forum externum*, from the penitential government of the self to the penal government of the others. The security of the public order and the protection of the social peace become the justification for new practices of power leading to open discriminations and to various forms of exclusions that are the hallmarks of the totalitarian states in his fight against the enemy within. It is now, according to

the prescient pessimist who comes out of this series of lectures, that the public fight against the insider threat comforts the police state in its use of the full force of the law and an arsenal of security policies and procedures. Fontana's vast erudition was not limited to his flawless knowledge of the Italian Renaissance. His lectures were filled with multiple references to an impressive number of authors from the Antiquity up to the twenty first century. Fortunately, an exhaustive index as well as multiple biographical references to some of the quoted authors are a precious help to the reader. Finally, we should also be grateful to Ernesto De Cristofaro for this insightful edition that does justice to Fontana's last words in conclusion of his lectures: "It is only a start."

Laurent Mayali
Berkeley, California

María del Mar Tizón Ferrer, *Justicia Ciudadana y Justicia Regia en la Monarquía Hispana. El Modelo Sevillano*



In 2020 María del Mar Tizón Ferrer published an interesting monograph, whose main goal is to contribute to the study of the complex relationship between *justicia ciudadana* (municipal justice) and *justicia regia* (royal justice), having a historical-legal perspective and focusing on the experience of

Seville, a city of great relevance in Castile and Hispanic monarchy. The late Middle Ages (from 1251 onwards) and, above all, the time of the *Monarquía Católica*, is the historical context investigated by Tizón Ferrer.

This topic is not only of interest from a historical point of view, but also from a legal one because relevant issues stand out. First of all, it is remarkable having focused the research on the political-institutional context of the Hispanic monarchy, undoubtedly the most important institutional model of modern Europe and, since the late Middle Ages, one of the main actors in history and history of law in Europe. Secondly, having entirely focused the research on procedural law (in particular on second instance justice) is noteworthy because trial history traditionally represents one of the least explored areas of law, thus making the reconstruction of the legal phenomenon very hard.

The monograph is made up of three parts and six chapters, endowed with an impressive bibliography of sources and historiography.

In the first part of the volume (pp. 27-122) Tizón Ferrer analyzes and defines the particular structure of the late medieval *consejo de Sevilla* as a jurisdictional *unicum* in the Castilian context. From the very first pages she emphasizes the continuous friction between the municipal model of Sevillian justice and the centralizing tendency of royal power. It is notable the clarity and the accuracy with which Tizón Ferrer reconstructs and examines the council offices and institutions, the organs of control, inspection, and accountability. The city

had its apparatus to manage and control justice: the *jurados*, the *fieles ejecutores*, and the *Audiencia del Alcázar*. The juries controlled the work of the *alcaldes mayores*, an activity they performed in addition to the function of drawing up reports, making complaints and petitions to the king.

The second part (pp. 125-188) is entirely focused on the analysis of the process of institutionalization of an *Audiencia del rey* in Seville, pursued by the Crown in order to integrate the variety of municipal courts into the organization of the superior royal jurisdiction. Tizón Ferrer almost exclusively deals with the normative study of this process, which began in the traditionalist time of the *Reyes Católicos*, continued in the sixteenth century and ended with the establishment of a Royal Audiencia in Seville (*Audiencia del rey*).

The third and final section (pp. 191-245) investigates two cases of transposition of Seville's procedural legislation. The first one regards the city of Carmona, a municipal centre, very close to Seville, where the Seville jurisdictional exemption was applied *extra terminum* since 1252 by Fernando III. The second case concerns the city of Murcia, to which the Seville model was transposed in 1266.

Tizón Ferrer's research undoubtedly has the great virtue of having precisely and accurately described the structure and functioning of the Seville judicial system with reference to the normative sources, emphasising the controversial dichotomy between central and municipal power. For this purpose, the accurate bibliography of normative and documentary sources is particularly indicative and useful (pp. 251-273). This exclusive focus on normative production may lead one to neglect the complexity of the legal phenomenon, that, especially from a legal-historical perspective, cannot be separated from legal practice and doctrinal and scholastic production. Despite the absence of a section dedicated to legal doctrine, *Justicia ciudadana y justicia regia en la Monarquía hispana. El modelo sevillano* is a compelling study not only for those who are specifically interested in Seville's historical experience, but also for anyone who wants to investigate the relations between central power and local autonomies.

Marta Cerrito
Palermo, Italy

Fellows Updates

Alarico Barbagli

Alarico recently published a new book, *Notai da Firenze al Levante. Gli ultimi cancellieri della nazione Fiorentina di Costantinopoli (1524-1566)*. See the review of this book on page 13 in this edition of the Digest.

Marta Cerrito

In 2022 Marta published an edition of papal documents from the Norman period in Sicily, and a paper “Boundaries Between Law and Religion” concerning the legal nature of anathema clauses. She also became an assistant professor of legal history at the University of Palermo. She is currently editing a collective monograph on the relationship between law and religion.

Emanuele Conte

Emanuele is still teaching in Roma Tre and at the EHESS in Paris, where he recently held a seminar on the sources of Roman Law in cooperation with Dario Mantovani. In addition, he published an audio course on Legal History from a European Perspective. He has also recently published three articles, “The Centre and the Margins in the Jungle of Glossed Manuscripts,” (*Riv. Intern. Di Diritto Comune* 32 (2021), 55-73; “La France dans une Europe Juridique? La relation à l’Italie au 12ème siècle,” (*Riv. Di St. del Diritto Italiano* 94 (2021), 17-37; “The Many Legal Faces of the Commons. A Short Historical Survey (*Quaderni storici* (December 2021), 625-640.

David De Concilio

David recently published an article, “Soggettività e qualificazione del fatto. L’indagine del factum intrinsecum tra diritto e teologia nel XII secolo: due casi di studio e spunti per una ricerca,” *Historia et ius* 22 (2022), paper 9, pp 1-42. This article was mostly written during his stay at the Robbins Collection during his fellowship. [It is available online.](#)

Ernesto De Cristofaro

In addition to his teaching position in History and Medieval Law at the Department of Law, University of Catania, Ernesto has also been teaching the History of Modern and Contemporary Law at the Department of Political Science and History of Total Institutions at the Department of Law. He has also recently published the following works: “La viziosa ripartizione. Critiche al pluralismo dei fori e unità della giurisdizione nel pensiero italiano di fine Settecento” in *Specialità delle giurisdizioni ed effettività delle tutele*, edited by A. Guidara, Giappichelli, Torino, 2021, pp. 42-59; “L’eutanasia nello Stato nazista. Profili legali e giudiziari,” in *Minority Reports*, 12-1/2021, edited by M. Lalatta Costerbosa, pp.181-197; “Misurare la colpa. Giustizia penale e frenologia nell’Italia dell’Ottocento,” in *Mundus alter. Dialoghi sulla follia*, edited by A. Cesaro, G. Palermo, M. Pignata, Artetetra, Capua (CE), 2022, pp. 47-63; and “Rivoluzione, riforme, regime,” in *Il “groviglio costituzionale” del fascismo. Materiali per una mappa concettuale*, «Giornale di storia costituzionale», 43-1/2022, pp. 71-91.

Gero Dolezalek

Gero received a Mellon Fellowship for work in the Vatican Film Library at St. Louis University in Missouri. His recent publications include: “Die Literaturgattung ‘Apparatus glossarum’ in der juristischen Literatur des Mittelalters” in *Juristische Glossierungstechniken als Mittel rechtswissenschaftlicher Rationalisierungen. Erfahrungen aus dem europäischen Mittelalter vor und neben den großen Glossae ordinariae* edited by Susanne Lepsius. Berlin: Erich Schmidt Verlag 2022, pp. 237-265; and “Roman Law. Symbiotic Companion and Servant of Canon Law” in *The Cambridge History of Medieval Canon Law*, edited by Anders Winroth and John C. Wei (Cambridge: Cambridge University Press 2022), pp. 230-261.

Luigi Nuzzo

In 2021 Luigi was visiting professor at the École des Hautes Études en Sciences Sociales, Paris. He published two articles in English “Cities and International Law: an Imperial Perspective,” in *Research Handbook on International Law and Cities*, edited by Janne Nijmann and Helmut Aust (London: Eldgar, 2021, pp. 52-63); and “The Law that Wasn’t There,” in *European Journal of International Law*, 32:3 (2021). He also published one essay in Italian, “Pluralismo giuridico e ordine coloniale in Santi Romano,” in *Quaderni Fiorentini*, 50:I (2021).

Christoph Paulus

Christoph has published a second edition of his Habilitationsschrift, under the title *Auf der Suche nach Unsterblichkeit*. He has also edited, with Prof. John Pottow, a book titled *Bankruptcy’s Universal Pragmatist: Festschrift in Honor of Jay Westbrook* (Ann Arbor, 2021). Christoph is also the co-editor, with Stuart Isaacs and Tom Smith, of the 4th edition of *EU Regulation on Insolvency Proceedings*, to appear in March 2023.

Pablo Echeverri

In March 2022, Pablo joined OTC Markets Group as Assistant General Counsel.

Maria Sole Testuzza

Since November 2021 Maria has been working as an associate professor at the law department of at the University of Catania, where she teaches Medieval and Modern Legal History. Her recent publications include: “Lo Ius Sensuum nelle architetture teoriche di alcune dissertationes giuridiche di fine seicento,” in *Quaderni fiorentini* LI, pp. 89-129; and “Mayoridad y obediencia / Majority and obedience (DCH),” in *Max Planck Institute for Legal History & Legal Theory Research Paper Series*, No. 15, pp. 1-51.

The Digest is shared widely among our affiliated scholars and former fellows, and we would be pleased to include your professional updates. Please share any new appointments or new jobs you’d like to announce, articles or books you’ve published recently, and research grants you’ve been awarded.

Email us at robbins@law.berkeley.edu to include your professional updates in the next Digest.

J.D. Students Abroad

Isabella Dominguez, J.D. 22'

Women in a Legal World, Madrid, Spain

Berkeley Law's Away Field Placement Program grants J.D. students academic credit for legal work performed for a non-profit or government agency outside the Bay Area. The Robbins Collection provides financial support for students working in a country, region, or city outside the U.S. that is characterized by civil or religious law traditions and institutions. In Spring 2022 the Robbins Collection supported the placement of Isabella Dominguez. Read about her experience in our Q&A below.



Isabella Dominguez

Why did you choose Women in a Legal World?

I used to teach English in Spain, and I wanted to make more connections in Madrid. Furthermore, my partner is an attorney here and I wanted to be close to him given COVID separation.

What was a typical work day like?

It's a lot of work, since there's no full-time staff. The organization was created by women who want to empower women in the legal field in Spain. I did a lot of research on issues of diversity. We launched a program with Harvard Law School to get women in

leadership development. I got to spend four days with the first woman president on the African continent, Ellen Johnson Sirleaf, which was a privilege. We also created a hub that helps Ukrainian refugees. The organization has only been around three years, but in those three years we've reached a lot of people.

What is something you took away from your field placement that you never would have gotten from a typical classroom?

I was really immersed in the civil law system, I learned so much. I also was able to network a lot, and also saw how non-profits function. I'd like to be on a non-profit board as an attorney in the future.

What will you be doing after graduation?

I will be joining Cleary Gottlieb in NYC. They have a large Latin American practice and a strong presence in Europe.

Do you have any advice to give to current J.D. students?

Take advantage of everything that Berkeley has to offer, including the Away Field Placement. It's a great opportunity to get credit, but also to travel and become well rounded before finding a job in the legal field in the U.S., which tends to be pretty domestic.

Robbins Fellowships

J.S.D. Class of 2025



Jelena Laketic

Since 2019, the Robbins Collection and Research Center has provided funding for over a dozen incoming J.S.D. students who work on comparative, civil, or religious law topics. The incoming J.S.D. class of 2025 has two students who received a Robbins Fellowship; Jelena Laketic and Joonmo Park.

Before joining the J.S.D. program, Jelena Laketic received an LL.M. from UC Berkeley, an LL.M. in International and Comparative Contracting from the University of Chile, and an LL.B. from the University of Novi Sad in Serbia. “While working on my master’s thesis in Chile, I became especially interested in the relationship between information and communication technology, legal institutions, institutional change, and economic development from a comparative perspective,” she said. During her J.S.D. she will be working on internet governance, privacy, and cybersecurity issues.

Joonmo Park most recently served as the Director of the Legislation and Judiciary Division of the National Assembly Research Service in Korea and practiced as a

litigator at Lee & Ko, a top-tier law firm in Korea, for five years prior to that. He received his LL.B. from Seoul National University College of Law and his LL.M. from Berkeley Law. “I would like to develop a method of analysis and evaluation of the function of the judicial systems in various countries in order to determine the scope and feasibility of judicial reforms,” he said. He will use this analysis to write his dissertation, “Comparative Perspectives on Judicial Reform in Korea.”

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