

The Production of Normative Knowledge and the Early Modern Book Trade

– Partner Group Project (SSI-Max Planck Institute for Legal History and Legal Theory, Frankfurt am Main)

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Description of the project and State of the art

The global and transnational dimensions of law characterize today's legal practice. Moreover, the digital revolution and rapid development of new media technologies are producing continuous challenges for the legal system, for instance, regarding the concept of authorship in the digital age. A historical inquiry that looks at the global dimension of law using a methodology that combines the analytical categories of comparative law and comparative legal history can shed some light on how our society became what it is. This would require looking at the circulation of normative knowledge, practices, and norms – legal traditions – and their adaptation to new cultural contexts.

The early modern period shares these two crucial aspects with the contemporary age – globalization in the context of a media revolution – making it a privileged observatory for understanding the roots of these challenges of the contemporary legal system. It was a moment in which, following the 'discovery' of new worlds, the growth of the early modern empires, and the activities of Christian missionaries, law for the first time circulated on a global scale. Moreover, the new technology of print made new normative media available (Vesting, 2018). Even though the printing press was not *per se* an agent of change, it created the conditions for the development of the book trade, in which new actors – printers, editors, booksellers and merchants – contributed to global book production, circulation, and consumption (Nuovo, 2013; González Sánchez, 2011; Rueda, 2005). This was a "circuit" (Darnton, 1982) that the political powers tried to control and regulate with new legal tools. Among other things, these contributed to the definition of the notion of the author in the editorial system (Squassina/Ottone, 2019). How both the "nature" of early modern books and the logic of the book trade shaped knowledge, especially early modern science, is currently being investigated (Johns, 1998; Ottone/Valleriani, forthcoming). How it contributed to the production of normative knowledge on a global scale remains to be explored.

The research, conducted in the framework of the Partner Group, led by Dr. Manuela Bragagnolo (University of Trento) in cooperation with Prof. Dr. Thomas Duve (Director of the Max Planck Institute for Legal History and Legal Theory), would seek precisely to investigate how far, and in what ways, the production, circulation, and consumption of normative *books* had an impact on the production, organization, and circulation of normative *knowledge* in the early modern period. Starting from the strong connection between form and content in early modern legal books (Hespanha, 2008), it takes on an interdisciplinary perspective that involves legal history, book history, and history of knowledge. It focuses on the developing early modern book trade in which legal books played a crucial role, and aims at analysing their global circulation. Moreover, the Project investigates how legal knowledge embedded, stored, and mobilized on a global scale in the materiality of a new medium was received, culturally translated, and adapted to local needs.

Methodology

The Partner Group's project follows the history of knowledge perspective that extended the investigation of the history of science to include the external representations of the practitioners' knowledge (Renn, 2017; Valleriani, 2017). It shifts the attention from the well-researched universal

legal corpora to practical normative literature, such as handbooks and manuals. In particular, the Partner Group will focus on “pragmatic” manuals related to religious normativity and moral theology, which constituted a significant share of the book market and played a crucial role both in evangelization and in setting up new regimes of normativity in the early modern global Iberian empires (Duve, 2020).

Research lines of the project

To answer these questions, the Partner Group will follow two lines of research. The first one looks at the rules and regulations that accompanied the emergence and development of the early modern book trade and includes the broader question of the definition of legal authorship before the introduction of copyright. The Partner Group will study early modern legislation on book production and the book market, namely printing privileges, in order to understand how their use by the actors involved in producing and selling legal books contributed to the definition of the role of the author in the early editorial system, especially for legal books. The analysis of these legal documents will allow us to better understand if and how authors (or other actors) did control the production and circulation of legal books.

The second line of research analyses the relationship between the globally circulating books and the production of normative knowledge on the ground in various locations around the globe. The Partner Group will try to understand how the “potential knowledge” (Brendecke, 2009) stored in these books was adapted to serve local needs. This requires the historical reconstruction and analysis of the different channels, trade routes, and economic logics that influenced the production and global circulation of books in the early modern period. Moreover, it needs to map the book’s presence across the globe and to study physical copies, preserved in different places. This will permit us to understand how these pragmatic books contributed to “legal literacy” in different geographical, political, and religious contexts in which they circulated, reaching different kinds of readers.

The Partner Group provides a collaborative research framework between the mpilht and the SSI, to carry out the project. The Partner Group Researcher will be involved in the organization of one workshop a year (three at the SSI and two at the mpilht) with experts in book history, the history of knowledge, and legal history.

Selected bibliography

- Bragagnolo, M. (2020), Managing legal knowledge in Early Modern Times. Martín de Azpilcueta’s Manual for Confessors and the Phenomenon of «Epitomisation», in: Duve, T./Danwerth, O. (eds.), Knowledge of the Pragmatici. Legal and Moral Theological Literature and the Formation of Early Modern Ibero-America, Max Planck Studies in Global Legal History of the Iberian Worlds, vol. 1, Leiden-Boston, 187-242
- Brendecke, A. (2016), Imperio e información: funciones del saber en el dominio colonial español, Madrid
- Darnton, R., ‘What is the history of books’, *Daedalus*, 111.3 (1982), 65–83
- Duve, T. (2020), Pragmatic Normative Literature and the Production of Normative Knowledge in the Early Modern Iberian Empires (16th-17th Centuries), in: Duve, T./Danwerth, O. (eds.), 1-39
- González Sánchez, C. A. (2011), *New World Literacy. Writing and Culture across the Atlantic*, Lewisburg
- Hespanha, A. M. (2008), Form and content in early modern legal books. Bridging the gap between material bibliography and the history of legal thought, *Rechtsgeschichte – Legal History*, 12, 12-50
- Johns, A. (1998), *The Nature of the Book. Print and Knowledge in the Making*, Chicago

- Nuovo, A. (2013), *The book trade in the Italian Renaissance* (Trans. Lydia G. Cochrane), Leiden
- Renn, J./M. D. Hyman (2012), *The Globalization of Knowledge in History: An Introduction*, in Renn, J. (ed.), *The Globalization of Knowledge in History*, Berlin
- Rueda Ramírez, P. (2005), *Negocio e intercambio cultural: el comercio de libros con América en la Carrera de Indias (siglo XVII)*, Sevilla
- Squassina, E./A. Ottone (eds) (2019), *Privilegi librari nell'Italia del Rinascimento*, Milano
- Valleriani, M. (ed.) (2017), *The structures of practical knowledge*, Cham (Svitzerland)
- Valleriani, M./A. Ottone (eds), *The Printing-press and the European Academic Milieu: 1470-1650. Defining Modes of Interaction and Scientific Exchange in the World of Printed Words*, Forthcoming
- Vesting, T. (2018), *Legal Theory and the Media of Law*, Cheltenham, UK; Northampton, MA, USA