

Conference Report, 2015 Annual Course on International Law and Legal Information  
Submitted by Thomas R. French, Grant Recipient

With the assistance of a generous grant from Bibliothek & Information Deutschland (The Federal Association of German Library and Information Associations), I attended *Within and in Between: German Legal Tradition in Times of Internationalization and Beyond*, the 2015 Annual Course on International Law and Legal Information of the International Association of Law Libraries, held at the Staatsbibliothek zu Berlin. Law Librarians, judges, and lawyers who attended the conference came from more than two dozen countries ranging from the Philippines and Korea to Australia, Argentina, the U. S. and Canada to Norway, Germany, France and the United Kingdom, among others.

Topics covered at the conference included: Civil Rights protection in Germany and the European Union; Legal documents and records of the Nuremberg Trials; the Mediation Committee of the German Parliament (including a visit to the Bundesrat and the Committee's meeting room); Germany's role in the European Union's decision-making process; the criminology of state crime from a German perspective; Germany's National Human Rights Institution, an historical overview of women's rights and family law in Germany and Europe from 1848-1970s; accessible libraries and the significance of the UN Convention on the Rights of Persons with



Disabilities; and legal blogs insights from Verfassungsblog's Research Project. Speakers at the conference were mainly German academics, practitioners, or librarians. The complete program, summaries of presentations and biographies of conference speakers is attached to this report. In addition to the formal academic programs, cultural and social programs included a concert by the Berlin Fire Department Brass Band, boat and bus tours of the city, and visits to the non-public areas of the Berlin State Library, the Bundestag Library, and the Bundesrat. The last official event was a concluding banquet at the Haus der Kulturen Welt.

Space does not allow for a full coverage of the fifteen formal sessions and presentations, all of which were extremely interesting and well presented. Many of the programs were formal "academic" presentations. I will concentrate on those that most resonated with me, those of particular interest for my work and professional development, and those that were particularly insightful and enlightening.

The opening event at the Microsoft Atrium provided delegates with the opportunity to renew old acquaintances, to socialize with law librarians from all over the world, to enjoy a band concert, and to hear a presentation by Dr. Thomas Duve from Goethe University and the Max-Planck Institute for European Legal History on the challenges of the transnationalization of law and legal scholarship. The challenges described by Dr. Duve include:

- the increasing importance of transnational law and its implications for legal scholarship
- an increase in private actors as law makers
- digitization
- the displacement of state law
- an increasing market for scholarship
- reforms in higher education and research

- the growing influence of interdisciplinary research on legal scholarship
- the dangers of publishing house “politics” in creating new products that often respond to markets rather than to academic needs and quality control.

Dr. Duve’s presentation was especially relevant for attendees, most of whom confront these trends in their daily work. Of particular significance to my work is increasing market control of the publishing industry rather than focusing on the needs of academic researchers and the legal profession in general. Rapidly increasing costs of these products is both problematic and troubling.

Dr. Kim Christian Priemel’s presentation “*Reassessing the Nuremberg Trials: Transitional Justice, Courtroom Narratives, and Keeping the Records*” placed the trials as a turning point in international criminal law as well as an analysis of National Socialism. He also talked about the need to preserve the records, reports, memoirs, diaries, and documents of those associated with the trials in order to “tell the story.” Otherwise the world is “going to lose” if the history of the process is not written and preserved. Archives that are preserving these records include: The Library of Congress, Harvard University, the International Court of Justice, and many German State and Federal Archives and Universities. This was especially relevant for me as a colleague who was once an international criminal law prosecutor has established an interactive website, “Impunity Watch” ([impunitywatch.com](http://impunitywatch.com)) to record and inform readers of state violations of its citizens’ rights.

The next presentation was by Dr. Georg Nolte of Berlin’s Humboldt University, who spoke on civil rights protections in Germany and Europe. In his talk he contrasted the U.S. Supreme Court case involving *Hustler* magazine with the somewhat similar *Strauss* case involving free speech from the German Federal Constitutional Court. The German case limited harmful free speech

when a violation of dignity took place, as opposed to the U.S. case where, notwithstanding outrageous and hurtful allegations printed in the magazine, the magazine's First Amendment right to do so were upheld. He also described a more liberal protection of artistic expression in Germany than in the United States. Protection of dignity, the right to privacy, and social rights and equality afforded citizens of Germany and Europe, and protection of the individual, is something other countries and societies might learn from or emulate.

Mr. Claus Koggel gave a fascinating talk about the Mediation Committee of the Bundestag and Bundesrat, which was followed by a tour of the Bundesrat with a further presentation in the Committee's meeting room. The Committee, an interesting component of German legislative procedure, meets to work out compromises when the two chambers of the Parliament disagree on legislation. This, along with the fact that Committee members are not required to vote party lines, seems like an efficient means of streamlining the legislative process, by working out legislative differences between the Bundesrat and Bundestag, thus saving contentious legislative proposals. The committee's meetings are closed sessions, even to the extent that the blinds are drawn on the windows to ensure privacy away from the inquiring press. As a result of the Committee's deliberations, legislative bills may be amended, repealed, confirmed or, in rare instances, there may be no agreement at all. According to Mr. Koggel, this procedure leads to effective legislation and increased acceptance of political decisions. This was an interesting session for an American who is more used to open committee hearings with lots of participants playing to the camera more than trying to reach effective compromise.

Two sessions on Tuesday, *The Role of Germany in the Decision Making System of the European Union* and *Real Property Law in the Unification Treaty-Melting Two Opposite Legal Systems*, were particularly informative and compelling for me as an instructor of international and foreign

law research methods. Before Dr. Andreas Gunther's session on decision making in the E.U., I never understood how such a large organization could ever legislate and fairly take into consideration the large variation in population of the various members of the European Union. His discussion of the "qualified majority" calling for a 55% majority of the member states and 65% of the population, in voting in order to prevent particular countries from blocking measures was revealing. He made it clear that the E.U. is not a federal state and that Germany and France have a special relationship within the organization.

Dr. Johanna Schmidt-Rantsch's paper on real property law and the melting of the two legal systems after German unification answered further questions I have had about European Legal Systems and Traditions in general, and more specifically the German system. The G.D.R. legal system was not updated nor adapted to E.U. law, and East German lawyers were overwhelmed by the weight of internal directives, cases, and commentaries. Dr. Schmidt-Rantsch stated that the Unification Treaty, approximately three hundred pages long, referred to the 1900 Civil Code as controlling but left many real property issues unsettled. As there was no "private property" in the G.D.R. it was urgent after unification to resolve property issues. In order to do this, several laws were enacted to reorganize property law, and libraries were called upon to provide necessary documentation and other assistance for the courts' decision making and legal history scholars.

*Legal Blogs as a Means to Alter Scientific Communication Structures and Legal Research?*

*Insights from Verfassungsblog's Research Project* by Hannah Birkenkotter, dealt with the growing use of blogs, particularly in the German academy, and their effects on legal communication, scholarly research, and debate. Journalists, academics, and lawyers are beginning to use blogs to gain visibility, to test new ideas, and to have conversations about legal

issues and research topics. She concluded that blogs have altered scientific communication, bridged the gap between experts and others, and have helped to develop new ideas. As social media, blogs, the Internet etc. become commonplace, it is interesting and timely that the Verfassungsblogs study be done. More studies should be undertaken to help us understand the impact of these recent developments in legal communication and their potential impact on the courts, legal system, and pedagogy.

The most relevant presentation to my current work situation and interests was Anne Sieberns' *Accessible Libraries: The Significance of the U.N. Convention on the Rights of Persons With Disabilities*. Ms. Sieberns, Head Librarian of the German Institute for Human Rights, discussed the U.N. Committee on the Rights of Persons with Disabilities (chchr.org), and in particular Article 9 of the Treaty, *Accessibility* and Article 21, *Freedom of Expression and Opinion, and Access to Information*. She stated the need for accessible technologies, training, building access, universal building design, alternative format material, and sensitivity training in order for people with disabilities to live independently and especially to gain access to information. Striving to make our libraries as accessible as possible we often run into issues of cost and feasibility. However, as Ms. Sieberns reminded us, there are several measures that are relatively cost-free and recognize the dignity of our disabled patrons. She listed four that I will take back to my library:

- Ask a person with a disability if he or she needs help before helping
- Talk directly to the person with a disability, not through the person's companion
- Choose words free of judgmental or emotional connotations
- Think and speak of the person first and the disability second.

On the “optional” day at the end of the conference we toured the Berlin State Library and the Bundestag Library, whose Director presented a detailed and instructive session on her library’s research services for the Parliament. This was followed by a pleasant boat tour around Berlin, highlighted by a stop at the East Side Gallery to view remnants of the Berlin Wall and its murals. (<http://www.eastsidegallery.com/>).

Thanks to the grant from Bibliothek & Information Deutschland, I was able to attend a fantastic conference of the International Association of Law Libraries. All of the sessions were extraordinarily good and informative. I learned about many things that have relevance to my teaching and library work: some of the internal procedures of the German Parliament, Germany’s place as an influential member of the European Union, Human Rights in Germany and Europe; the protection of cultural property differences between Germany and the United States especially in the area of personal privacy and dignity protections; common issues faced by many countries when it comes to the treatment of refugees and migrants, structural racism, racial profiling, violence against women, and the lack of inclusive educational systems, to name a few.

My teaching will be better informed by having attended this conference, especially in the area

of comparative law, foreign research sources, and of course, I have a newly



Bundestag Library

enlarged network of colleagues throughout the world. I had the opportunity to visit two impressive libraries: The State Library of Berlin, the largest research library in Germany, and the beautiful Bundestag Library. Finally, I got to enjoy some of the dynamic city of Berlin.