
GRR (Geschichte, Recht und Rechtsgeschichte / History, Law and Legal History) is a research seminar interested in the challenges of legal history. It is jointly organized by Benjamin Lahusen (Juristische Fakultät der Universität Rostock), Julia Eichenberg, Marcus Payk and Kim Priemel (all Institut für Geschichtswissenschaft, HU Berlin), and brings together historians and lawyers/jurists working on interdisciplinary topics. We organize regular workshops on relevant topics where current projects, especially by postgraduate and postdoctoral scholars, can be presented and discussed.

Painting by William Orpan: The Signing of Peace in the Hall of Mirrors, Versailles, 28th June 1919 (http://www.iwm.org.uk/collections/item/object/20780)

Our first session on November 28th 2014 at HU Berlin dealt with “Histories of International Law” and featured papers by Felix Lange, Dietmar Müller and Marcus Payk.

FELIX LANGE (Faculty of Law, HU Berlin) chose a biographical approach to discuss the reformation of international public law in West Germany after 1945. Lange argues that while international public law had traditionally been close to political science and academia, post-45 saw a new appreciation for practical experience rather than academic knowledge. This development was specifically dominant in West Germany. Analyzing the career of Hermann Mosler, a leading figure of German international public law, Lange identifies a composition of causes for this reorientation: Many German lawyers and jurists had served as intermediaries between the Allies and German society. Based on this experience, legal experts of all sorts aligned to the overall Western Integration and Americanization. Additionally, Mosler’s academic socialization at the Kaiser-Wilhelm-Institute had significant impact on his own policy as a director of the Max-Planck Institute (successor institution of the former). Finally, Lange underlines that after their experience of the Third Reich and its downfall, German legal experts tended to steer clear of anything vaguely ideological in the post-war years. Instead, they now believed in a “legal policy of small steps”. Lange argues that Mosler’s influential academic position ensured that many others shared these views, making it a nation-wide phenomenon.
DIETMAR MÜLLER (GWZO Leipzig) talked about Central European particularities of international law and processes of juridification of international relations in Eastern Europe since 1850. Taking a prosopographical approach, he followed the careers of Hersch Lauterpacht and Raphael Lemkin from the Faculty of Law in Lwów[1] as well as the Rumanian Vespasian Pella from their younger years and education in challenged Central European states during the interwar period to being renowned experts on international law. Following the Central European influence thus puts the master narrative of continuous success of international law into perspective and to historicize it. The intellectual input of these legal experts, Müller argues, cannot be fully understood without considering the impact of their own personal experiences as well as the political situation of their home countries during the time of their academic and professional education and socialization. The Leipzig-based project thus aims to write legal history as a prosopographically grounded history of ideas.

MARCUS PAYK (HU Berlin) discussed the Versailles Treaty 1919/1920 in the broader framework of international law. His study explores how and why legal issues became central to international politics during the 19th century and even more so during the First World War. During the 1880s/1890s almost all European countries had introduced legal departments as permanent parts of their Foreign Policy administrations, making legal concern central to their decisions. Payk’s analysis of the Versailles Treaty and the negotiations leading up to it finds that political demands dominated the treaty negotiations. However, just as international law was at the center of political discussions during the First World War, ending the war was about manifesting national political interests in way that met legal standards. Politicians and international lawyers both challenged and complemented the work of the others. Historicizing the treaty thus makes it necessary, Payk argues, to reflect on law and politics as two sides of the same coin.

The following discussion focused on some key questions, one of them being the relation between agency and structure (who “acts” in legal history?). This sparked a debate on in how far the different disciplinary background of legal historians (law vs. history) influences the outcome of legal history. Is historical research only interested in people (and what they do with international law) while juridical research focuses on the origins of norms? While phrasing it so bluntly certainly represents stereotypes of the respective disciplines, there seems to be some truth to it.

The topic “agency” also raised questions about the agents themselves. Especially with regard to the three papers and the experts on international law discussed, it became obvious that a clear distinction between academic/theoretical and practicing experts is almost impossible to establish. While other aspects of law see clearer distinctions of jurisdiction, jurisprudence and juridical academia, international law seems to invite overlapping. This is further complicated by the high number of non-jurists in the field, such as politicians and representatives/legates of diplomatic services. The introduction of juridical education of diplomatic services on the one hand and the meddling of non-jurists with legal questions seems a central challenge to the field of international law.

*We hope to pick up these and other questions in our ongoing research seminar. The next seminar will be held on Friday, 30th January 2015, discussing Courts in Legal History.*
Programme of the 1st GRR Workshop on November 28th, “History/ies of International Law”

Felix Lange (Berlin) Hermann Mosler und der praxisorientierte Ansatz der bundesrepublikanischen Völkerrechtswissenschaft nach 1945

Dietmar Müller (Leipzig) Ostmitteleuropäische Prägungen des modernen Völkerrechts

Marcus Payk (Berlin) An den Grenzen der Souveränität. Die Pariser Friedensverträge von 1919/20 und das Völkerrecht

[1] (today the Ukrainian city of L’viv, also known under its Habsburg name Lemberg)