

CONFERENCE REPORT - IALL 2015

Reflections on the IALL Conference 2015 and Some Thoughts About Brexit: Perhaps Brexit is the Ending of the International Era and the Beginning of the Transnational Period?

Abstract: In this article Pattie Punch reflects on IALL's 34th Annual Course on International Law and Legal Information which was held at Statsbibliothek, Berlin from 20th to 24th September, 2015. The course was entitled 'Within and in Between: German Legal Tradition in Times of Internationalization and Beyond' and the work and content of the presentations made her consider what she values about the education of law librarians in the 21st Century. The course raised many questions in relation to a resilient education for law librarians. Since this course, the Brexit referendum in the UK has taken place and the author offers her thoughts about this change of direction and what it might mean for the profession.

Keywords: transnational law; social capital; legal research; law librarianship; Germany; IALL; Brexit

BREXIT AND AN UNCERTAIN FUTURE

The headlines say it all... 'uncertain future'. as though futures were ever certain. Brexit is a reality and it is time for the legal virtues of pragmatism, diplomacy and negotiation to come to the fore. Most certainly there is no room for polarity and brinkmanship or, indeed, inflated notions of nationalism or sovereignty. Those of us with long experience of the EU, when futures were no less uncertain, will remember endless budget debates and controversies. All these things were resolved eventually, and all sides found a path to the future. The question for me is whether the future will see a return to hyper-nationalism with the aggressive sovereignty of the past; or to a future infused with transnational values that is fit for an extremely complex 21st century landscape of conflict, inequality, migration and deprivation; with the question arising, in which institutions we want those transnational values to reside.

Many months before the Brexit referendum, I was fortunate to attend the IALL (International Association of Law Libraries) Conference in Berlin in 2015. It was a carefully and cleverly organised conference giving a visionary

and wide ranging context for transnational law. Much of what was discussed at the conference could add value to the post-Brexit realities. Somehow, UK researchers, academics, legal experts, financiers, administrators and business people must craft new relationships which will allow for continued participation in European institutions and networks. There are administrative tools and structures which would value inclusion. Jean Monet, much quoted as valuing the European superstate, while also warning of the dangers of nationalism, made the point that, 'Nothing is possible without men; nothing is lasting without institutions.' So it is our job to maintain the contacts, the intellectual values and the institutions which will facilitate inclusion. This will not happen by accident or neglect; growing inclusion is a positive objective. In this context, Ireland has seen an increase in passport applications from the UK, and 'passporting' applications to the Law Society and other professional associations. No doubt this is also the experience of other EU countries. The EU is not the only transnational institution, though it has overshadowed others, including the Council of Europe, so perhaps Brexit will lead to a rebalancing of the institutions of civic society across Europe. And what of transnational values themselves? The diversity of the

subjects, approaches and the organisations that were part of the Berlin IALL conference suggested that they are vital, imaginative and stimulating. Will Britain, post Brexit, be able to work to retain what is best within transnational approaches? Now, that is a big question...?!

IALL 34th ANNUAL COURSE on International Law and Legal Information. 20–24 September, 2015

'Within and in Between: The German Legal Tradition in Times of Internationalization and Beyond' was the brilliant title and metaphor for the successful IALL course on international law and legal information. Berlin was marvellous in the early autumn sunlight and Berliners were wonderful, witty, urbane, sophisticated and just plain friendly! I overheard café discussions where Germans and Berliners tangled over the magnitude of the humanitarian crisis and 'Mutti's' hugely controversial response to the refugee situation. My guide to the wonderful Assyrian galleries in the Pergamon museum was Syrian, a man who was knowledgeable and enthusiastic but who had sad eyes. He had fled the troubles early with his immediate family, and lost all others to the war. Our present day crises were made real in a city where the past is proof of indomitable spirit in reconstruction and reinvention. A diverse group of international law librarians were given a crash course in pragmatism, reasonability and a sense of good people responding to the circumstance of reality and seeking to design and implement a working, civic-spirited, democratic, legal and legislative process.

The conference organisers set out a series of independent lectures each of which represented a specific issue or period but which also provided a metaphor for the evolution of the German legal and legislative system through imperial phases, totalitarian regimes, divided society, unification and then to Germany's involvement with the EU. These were memorable stories with human concerns and an intense sense of pragmatism to challenge society to work or to understand itself better.

TRANSNATIONAL LIBRARIANS

We were more than simply an international group of librarians: IALL old hands, library directors, newbies and bursary holders, 'next generation' law librarians who have recently taken on the challenges of notable academic law libraries, special or institutional librarians, traditionalists, born digital librarians, law-only librarians and many for whom law is just one of many subjects in their care. It was a tough group to coordinate but this was achieved pleasantly and painlessly by the Berlin Committee and Jeroen Vervliet, the IALL President. Perhaps 'Transnational Librarians' could be the most appropriate term for us. There were moments as we toured Sanssouci and Potsdam, or as we walked the line of the wall, when this

very diversity challenged us. We were beyond the world of published databases and simple certainties and into the hoped-for-future of digitisation programmes, the archiving of the history of the present moment and the supporting for research which make values change in a society. This was not law and tradition; this was law and the civic and social contract in a society which has had to craft a new vision twice in a hundred years.

We have all seen that challenge of the impassioned parent and the bored children at places that have been touched by history, with the kids asking with all the insouciance of Bob Geldof 'Is that it?' Well, I caught a tiny glimpse of the gap between those librarians who stood at Checkpoint Charlie in the seventies, their student selves bearing witness and representing freedom, and the younger law librarians for whom the Wall/Die Mauer, and all that it stood for had already faded into a grainy, unhappy past and a slightly grimy touristy experience. It was almost like an undercurrent, a place of danger, of uncertainty and it nearly became an extra theme to the conference. There was the edgy-ness of the international, no certain shared age, space, place or experience. It left me knowing that we have to redesign law librarianship, and the access to legal information; every bit as much as transnational approaches have transformed the legal curriculum.

I found myself asking the fundamental question was this a 'course' or a 'conference' and I tended to fall onto the conference side of the house because of the diversity of approaches, which I greatly enjoyed. This was truly the joy of being a student again! If it is to be a course in the conventional meaning of the word, some thought might be given to offering some preparatory materials online to provide context for the conference programme. Can IALL see their way to coordinating an online package of readings and resources to support each conference? And then, if it is a course, should we have a system of CPD points to affirm the effort. Many resources are already on the websites of member libraries. There were gaps in knowledge and I found that my international colleagues, were understandably less aware of the overall EU, and the European universities, research landscape regarding funding and the research excellence networks in place which provide space for the meeting of minds. Anybody working within the European context is familiar with the difficulties of diversity. IALL may need a future conference to examine the transnational research structures which transfer ideas across Europe and the world. Also, I feel that there needs to be something about the many European based legal institutions, now that so many sources are available electronically and via open access.

THE COURSE PROGRAMME

Dr Thomas Duve (of the Max Planck Institute for European Legal History) opened the conference with a challenging paper on transnationalisation of law and legal education. What happens to legal scholarship when we

remove the old subject walls between economy, society, politics and law? How does this affect our law making and the application of law? It was a deep assessment of the virtue of contemporary scholarly approaches and intellectual integration. I was aware of the work done by the 'Normative Orders' research excellence cluster in Frankfurt giving the wider intellectual context of Professor Duve's work. How we integrate these new approaches into law librarianship needs more discussion. I could see fracture lines among my colleagues; those who were pure law librarians, often from large libraries and prestigious institutions, and those from younger or more diverse institutions where law is one subject among many.

History is never far from anything or anywhere in Berlin, so Dr. Kim Christian Priemel's paper on reassessing the Nuremberg tribunal and the concept of transitional justice was delightfully wise. He amplified his revision of the Nuremberg trials by examining the information and education available to the prosecuting teams and reconstructing the library that was available to them in a world of no databases and little access to precedent. Effectively, his paper prepared us for the tour of the Cecilienhof where the Potsdam Conference took place, which was tiny, individual, intimate and so far from the tragedy of a world war. Our adventure to the 18th century, to the palace of Sanssouci and the Potato King, Frederick the Great, prepared us for Paul Klimpel's adroit lecture on preserving European heritage; preserving and protecting by ensuring legal access informed by his scholarship on legal paternalism. There was the added warning that legal resources needed even more protection in the digital age. Recent history and issues of administrative pragmatism and complexity came to the fore in the post-unification dilemma, merging the opposing legal systems for real property law of the FDR and DDR over a period of ten years. The digitising and archival protection of the DDR's legal heritage is important and is part of our responsibility regarding the history of our own times.

Johanna Schmidt-Räntsch is a beacon light, who is both a judge of the German Supreme Court and an academic with a considerable and courageous personal journey.

Rights based papers included assessments of civil rights protection in Germany and Europe and there was the director of the German Institute for Human Rights, Beate Rudolf's paper on human rights in Germany. Her extensive experience includes work with the Directorate for Human Rights of the Council of Europe and representing cases before the European Court of Human Rights. This paper brought a strong sense of the civic, the institutional and the state response to rights issues. She is a director of the research project 'Public International Law Standards for Governance in Weak and Failing States' within the Research Centre 'Governance in Areas of Limited Statehood'. She has taught in both German and American Universities and is a member of both the German Women Lawyer's Association and the European

Women Lawyer's Association. Her colleague, Anne Sieberns, presented a paper entitled, 'Accessible Libraries: the Significance of the UN Convention on the Rights of Persons with Disabilities' and demonstrated that there was more work to be done despite the frameworks already in place.

Gender rights and legal history were explored by Dr. Marion Röwekamp from the Free University of Berlin where she works in the Department of History and Cultural Studies. The 'Legal History of Women's Rights in Family Law in Germany and Europe from 1848 to the mid-1970s', is, sadly, a familiar story, and which is nearly a shared international experience, which can be replicated in many countries, though based on specific and detailed German archival research on family law claims, custody law, gender and judging.

Professor Georg Nolte gave a wise and insightful presentation on the general characteristics of 'Civil Rights Protection in Germany and Europe'. The title was low key, but his comparative examples on free speech and dignity raised distinct differences between German and American law. His presentation drew on his extensive academic work and practical experience as the Chair of the Council of Europe's 'Venice Commission' (European Commission for Democracy through Law) and it conveyed a sense that the rights protection and the safe functioning of the world's states and democracies are fragile, requiring vigilance, accountability, education and scholarship.

The visit to the Bundesrat was a high point for me. I toured the New Chancellery on an earlier visit to Berlin and marvelled at the architectural openness of the buildings there. The Bundesrat, adjacent to Checkpoint Charlie with the remains of the wall as a sculptural reminder of the past, completed the democratic process. The function of The Mediation Committee of the Bundestag and Bundesrat was explained by Claus Koggel as we sat in the Mediation Room, thoughtfully experiencing the practical business of negotiation and mediation for consensus in a legislature. Even in the quiet of a parliament in recess there was a sense of the respect and responsibility in the layout of the chambers. Negotiation too was the key to Dr. Andreas Günther's paper on 'The Role of Germany in the Decision-Making System of the EU'. What a challenge it is, to merge and accommodate the different political styles and cultures in all the institutional work of the EU and the European Parliament. I had a 'qualified majority' discussion with a puzzled American colleague afterwards, and could feel the challenge of the culture shift which Europe represents. In an outbreak of kindness I did not mention Ireland's proportional representation electoral system; perhaps these systems are easier to understand if you grow up with them! No doubt it is this sharing of experience, the tiny, brief learning moments which are invaluable.

Professor Heike Schweitzer analysed undistorted competition in the light of the European Economic Constitution, which is another challenging area for

librarians unused to working in a European context but it did contextualise the German contribution to the evolution of the contemporary European Union and it underpins some of the complex ideological debates around the financial crisis, social economy and the social capital of Europe.

Professor Kirstin Drenkhan is a principal investigator for the Joint Interdisciplinary Doctoral Programme, 'Human Rights under Pressure – Ethics, Law, and Politics' (HR-UP) shared between German academic institutions and Israeli universities; another wonderful example of pragmatic transnationalism in education. The value of opening a joint conversation through educational institutions and research endeavour is long established, and it underpins our European student mobility networks such as the Erasmus Programme. Rights are always a huge issue in the political metamorphosis of a society and doubly so in a society in conflict. Her gentle paper on 'A German Perspective on the Criminology of State' was a metaphor for the unfolding of simple issues hiding extremely complex emotions in the context of a state. Law and emotion is perhaps an area for another conference theme for IALL in the future. The subject of legal blogs in Germany was a lovely piece of contemporary ethnographic scholarship by Hannah Birkenkötter, who presented a report from the Verfassungsblog's Research Project. Identifying radical blogging on legal issues and structures, she raised yet again the issues of archiving the history of our present moment and the library's role in preservation. More importantly perhaps, her paper challenged me to look at social capital and electronic networks of practice in the light of the IALL conference, and which helps to inform this report.

The collective scholarship and intellectual achievements of the lecturers at IALL conference in Berlin were remarkable but, more importantly, was their own representation on national committees and civic institutions, the pan European research institutes, universities and international organisations. Therein lies the social capital of legal knowledge and participation in Germany and in Europe. Transnationalism goes even further, into shared Masters programmes, joint PhDs as well as research groups that are working without borders and 'nomadic' legal experts working across every facet of European life. It demonstrates the centrality of law as a transnational discipline working for the betterment of society.

LIBRARIANS AND THE TRANSNATIONAL MODE

So how does our work as librarians fit into the transnational mode. What exactly is a law librarian for the 21st Century? Where do we stand on digitisation and historical legal futures, what do we think about open access, Research Gate, academia.edu and Reed Elsevier's recent purchase of the SSRN repository? Are we able to move into the new world of research groups, centres and committees and their diverse information outputs, many of which will not follow the typical route into Lexis or Westlaw or even to Google Scholar? We understand the value of information, we value the intellectual asset which is a library and we value the services it offers. We need to look now at the social capital inherent in the role of librarians and their supportive knowledge within our networks of practice, real or virtual, and then, look onward to our customers. We could put it simply: how to value the worth of our own knowledge in this transnational legal world? The IALL conference in Berlin demonstrated a living social law that can meet the challenges with new tools, and a new and flexible organisation, as part of the relational capital in a society. It probably also marks an end to certainty. It asked questions of our own education, training and continuing professional development and how we value ourselves. There is a social debate right now that the 'age of information' has come to an end and that the 'age of experience' is beginning. Transitions are always difficult and I suggest that we open a conversation within the profession of law librarianship about our education, knowledge and training and our resilience in the context of an ever more diverse world, especially a post-Brexit world.

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Biography

Pattie Punch is the Arts Humanities and Social Sciences Librarian at the Glucksman Library at the University of Limerick in Ireland. Law is only one of many subjects in her faculty.