

# Re-Reading Historic Articles in the ZaöRV: Anniversary Series

## Introducing the Anniversary Series

In December 2024, the Max Planck Institute for Comparative Public Law and International Law (MPIL) celebrates its centenary. While a key part of this anniversary is a blog dedicated to the institute's history,<sup>1</sup> it was obvious that the journal should also contribute to these efforts. After all, the journal formed a vital part of the original plans for the Institute as Philipp Glahé was able to uncover during his research on the institute.<sup>2</sup> Given the blog's focus on the past, we decided to complement this rather historical perspective with a series which aims at connecting past, present, and future. To this end, we asked scholars to reflect on historic pieces published in the ZaöRV. The aim of the series is not primarily to appraise these historical contributions as such. Rather, we invited the authors to take these contributions as starting points for reflection on the topic under discussion. In the spirit of a fruitful debate, we left it to the authors' discretion how to approach the articles and equally welcomed critical, historical as well as future-oriented engagements with the topic.

Over a period of two years, each issue of the ZaöRV will contain one or two articles dedicated to the topics of earlier ZaöRV contributions. The historical papers were written by former directors and by prominent researchers who were important for the MPIL. All of them deal with topics that were particularly dear to the respective authors. The articles selected cover most of the lifespan of the ZaöRV, notably also the years of Nazi Germany (1933-1945).

It is our great pleasure that Armin von Bogdandy's reflection on Hermann Mosler's article 'Der Vertrag über die Europäische Gemeinschaft für Kohle und Stahl – Entstehung und Qualifizierung' kicks off the series. The article exemplifies what the series is all about: von Bogdandy offers a fresh appraisal of Mosler's rather understated and sober analysis of the treaty on the Euro-

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<sup>1</sup> See <<https://mpil100.de/>>; see also on the blog Philipp Glahé and Alexandra Kemmerer, '100 Years of Public Law: International, Transnational, Comparative: An Introduction to MPIL100' ZaöRV 84 (2024), 23-25.

<sup>2</sup> See the diary of Viktor Bruns' wife Marie Bruns transcribed by Philipp Glahé which can be found here: Marie Bruns, 'Eine „ganz unverhoffte Freude“. Eindrücke aus der Gründungszeit des Instituts 1924-1926', available at: <<https://mpil100.de/2024/10/eine-ganz-unverhoffte-freude-eindruecke-aus-der-gruendungszeit-des-instituts-1924-1926/#comments>>.

pean Coal and Steel Community by highlighting the paradigm shift underlying Mosler's argument. In von Bogdandy's account, Mosler liberated German legal thinking from its obsession with the State by presenting alternative frameworks for understanding political community. Yet, von Bogdandy also identifies the void in Mosler's argument: his (probably conscious) omission of any engagement with German guilt for the atrocities in the Second World War and the Holocaust. Despite its groundbreaking character, the article remains a creature of its time. This historical reflection on an influential article in the *ZaöRV* is but the beginning of a series which will, as we hope, provide much food for thought and discussion. After all, there is still a lot to discover in the journal's volumes which merits re-discovery, engagement, and critique.

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