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The practice of multilingualism in legal scholarship

– A case study on the use of French and the research on francophone law at the Max Planck Institute for International Law in Heidelberg and beyond –

The Heidelberg-based Max Planck Institute for Comparative Public Law and International Law (MPIL or Institute hereafter), one of the world's leading institutions in the field of legal research, is celebrating its 100th anniversary this year. To mark this impressive jubilee, a blog has been dedicated to highlighting various facets of the Institute's history, research, and traditions.¹ As a polyglot academic with close ties to France, I was pleased to contribute to this blog with an analysis of the use of French and the study of francophone law at said Institute. This contribution is an enlarged version of the analysis published on the MPIL100! blog.

I. A micro-study on linguistic practices engendering macro-reflections on legal scholarship

Ever since I joined the Institute about ten years ago, I have found it somewhat disconcerting to note the extent to which French and the study of French and francophone law were and still are, largely absent from the otherwise very international and multilingual MPIL. I wanted to understand why French (law) seemed to be of little or no

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1 Available at <https://mpil100.de/2024/03/ma-patrie-cest-le-multilinguisme-une-reflexion-sur-l-utilisation-du-francais-dans-l-etude-et-la-pratique-du-droit-a-l-institut-max-planck-de-droit-international-publ> (last accessed 22nd May 2024).

importance for the scholars currently working at the MPIL. Has this always been the case?

To find answers, I plunged – with the support of my brave (student) assistant – into the Institute’s very extensive archives covering the last 100 years. We studied *inter alia* the protocols of the Monday Meeting (*Montagsrunde*, formerly called *Referentenbesprechung*), searched journal and library registers for publications by Institute researchers in French or on French-speaking law, deciphered the handwriting of Victor Bruns in his French-language correspondence with his peers, unpacked staples of legal opinions, collected testimonials from (former) Institute researchers, and turned over numerous pages of various activity reports. This exploration of the archives is by no means exhaustive, and it may be subject to statistical error. However, it does provide some interesting insights.

Without spoiling the reading, one can summarize the result of this inquiry as follows: French is definitely losing ground at the MPIL, and the study of francophone legal systems is also in sharp decline. This is already an interesting observation on the changing academic practices at the Institute, as in former times French (law) used to be a key element in the research carried out there. If we consider the linguistic (research) practices at the Heidelberg Institute as a microcosmic object of study that allows for macrocosmic extrapolations, the analysis allows us to draw much broader conclusions about international law and international legal research in Germany and beyond. Indeed, the void concerning French law and, more broadly, French-speaking law, is not unique to the Max Planck Institute in Heidelberg, as I illustrate in my contribution. On the contrary, the Institute offers a faithful representation of the changing conditions and practices of diplomacy, international law and (legal) academia in Germany and beyond. English has undeniably become the dominant language of international law and practice, and this anglophone hegemony is having a considerable impact on legal scholarship and publishing.

While the results of my analysis may not come as a great surprise, they do provide food for thought about the linguistic practice of (international) legal scholars and lawyers. Are we – as scholars or practitioners – aware of the analytical, conceptual and other biases today’s anglophone hegemony entails? Are we willing and capable of making individual and institutional choices that allow for multilingualism, and thus encourage conceptual and intellectual diversity in legal research and practice? With these questions in mind, let’s discover together the status of French and French-speaking law at the MPIL and its (broader) implications for legal scholarship and practice.

II. Language – (far) more than another tool in the box

Language is the cornerstone of all legal thought and practice. In fact, it is the most important tool of lawyers, enabling them to develop ideas, present arguments and, more generally, to (re-)shape the legal framework. In other words, a lawyer’s competence is also measured by his or her command of the language. The importance of

this linguistic proficiency lies in the ambiguity of (international) legal rules, as Guy de Lacharrière, former French judge at the ICJ, reminds us in his classic work, ‘La politique juridique extérieure’, published in 1983.²

However, it would be simplistic to consider language merely as a tool. In fact, it is much more than that. Language impregnates our identity and provides a socio-cultural frame of reference that goes beyond its nominative nature. As Albert Camus said: ‘I have a homeland: the French language.’³ Language is therefore an indispensable vector of identity and culture, including in the legal context. Given this characteristic of identity and culture, the choice of one language over another has a significant impact on legal thought and practice.

When reading the same judgment in French and English, for instance, one quickly realises that the respective texts not only diverge linguistically, but also convey a different legal culture, sometimes even a different conception of law. Consider, for example, the *Les Verts* judgment of the Court of Justice of the European Communities (CJEC) of 1986. The French version of the decision refers to a ‘*communauté de droit*’ (lit. legal community), later transformed into a ‘*Union de droit*’ (lit. legal union),⁴ while the English version refers to a ‘Community [Union] based on the rule of law’.⁵ We know that the *Etat de droit* concept (adapted by the Court to suit the European polity, i. e. the community and then the Union), which is dear to civil law systems, on the one hand, and the concept of the rule of law used by common law systems, on the other hand, differ in many respects. To think that languages (of law) are simply interchangeable means to fall back on the myth of linguistic equivalence, as Jacqueline Mowbray skilfully demonstrates.⁶ Consequently, the use of a particular language can open up to its user not only a lexical field, but also and above all a conceptual and intellectual dimension,⁷ which may even have a legal-political dimension.

III. The decline of French (law) at the Heidelberg Institute

For historical reasons, French enjoys a privileged status in international and European Union (EU) law. Today, this is reflected in the use of the French language as one or, in some cases, the only working language in major international judicial institutions (in

2 Guy de Lacharrière, *La politique juridique extérieure* (Economica 1983).

3 In French, Camus’ statement reads as follows: ‘Oui, j’ai une patrie : la langue française.’ Albert Camus, *Carnets II*, janvier 1942-mars 1951 (Les Editions Gallimard 1964), 265.

4 CJEC, *Parti écologiste ‘Les Verts’ contre Parlement européen*, Arrêt de la Cour du 23 avril 1986, affaire 294/83, ECLI:EU:C:1986:166, para 23.

5 CJEC, *Parti écologiste ‘Les Verts’ v European Parliament*, judgment of 23 April 1986, case no. 294/83, ECLI: EU:C:1986:166, para. 23.

6 Jacqueline Mowbray, ‘Multilingualism, Translation and International Law: four myths’, Cambridge International Law Journal 12 (2023), 190–210, see in particular pages 193–199.

7 On this issue of, see the inspiring account of Madeleine Schwartz in the New York Times. Madeleine Schwartz, Can You Lose Your Native Tongue?, New York Times, 14 May 2024, <https://www.nytimes.com/2024/05/14/magazine/native-language-loss.html> (last accessed 22nd May 2024).

alphabetical order: CJEU, ECtHR, ICC, ICJ, ICTR, ICTY).⁸ The linguistic dimension of legal proceedings also raises questions of linguistic justice.⁹ What is more, French is the working language of many international institutions, including the United Nations Secretariat, as well as academic entities such as the *Institut de droit international* (Institute of International Law). While some may consider this linguistic privilege to be obsolete,¹⁰ the fact remains that it persists and permeates international and EU law. Indeed, the working language is closely linked to the language of reasoning, which means that reasoning takes place within a given legal framework (in this case, French). And without any aspiration to glorify French law, it is undeniable that it has left significant traces in many other legal systems in Europe and beyond, notably through the Napoleonic Code. It is therefore an asset for any ‘internationalist’, ‘Europeanist’ or ‘comparatist’ to be able to speak, read and write French for many reasons.

Despite this (relative) importance of the French language for the practice of international and European law, French and the study of francophone legal systems are scarce at the Max Planck Institute for International Law in Heidelberg. Apart from a few conferences linking members of the Institute to francophone scholars, the points of contact with the francophone legal community remain sporadic. This is despite the existence of an institutional framework, such as the Franco-German academic partnership HeiParisMax, which was set up in 2015.¹¹ Much more frequent are, indeed, scholarly exchanges and collaborations with Spanish-, Italian- and of course English-speaking researchers and institutions.

It is also worth noting that very few French-speaking scholars come to pursue or deepen their research at the Institute. This also explains the relatively low activity of the Francophone Forum,¹² with an average of one or two presentations per year: the unofficial statistics of the Institute’s international officer Mrs Stadler show that, on an annual average, only four researchers, whose working language is French, use the reading room of the Institute or work at the MPIL as guests, which is five times fewer than in the 1990s, according to the activity reports (*Tätigkeitsberichte*) of that time. This also contrasts significantly with the dozens of Spanish-speaking and hundreds of English-speaking scholars pursuing their research at the Institute these days. It should be borne in mind, however, that in the past, two French-speaking members

8 The acronyms stand for (also in alphabetical order): Court of Justice of the European Union; European Court of Human Rights; International Criminal Court; International Court of Justice; International Criminal Tribunal for Rwanda; International Criminal Tribunal for the former Yugoslavia.

9 Isabelle Pingel and Jean-Christophe Barbato (eds), *La langue du procès international : questions de justice linguistique*, Cahiers Européens 14 (Pedone 2022).

10 Mathilde Cohen, ‘On the Linguistic Design of Multinational Courts: The French capture’, *International Journal of Constitutional Law* 14 (2016), 498–517.

11 For further information, see <https://www.heiparismax.eu/fr> (last accessed 20th February 2024).

12 For further information, see <https://www.mpil.de/en/pub/research-interaction/discussion-and-working-formats/discussion-groups/forum-francophone.cfm> (last accessed 20th February 2024).

have been part of the Scientific Advisory Board (*Fachbeirat*): Pierre Pescatore, Judge at the CJEC, in the 1970s, and Evelyne Lagrange, Professor at the Sorbonne university, in the 2010s. (The latter remains an external scientific member of the Institute to this day.)

Likewise, France and its legal order, as well as French-speaking legal systems, have become rather uncommon as objects of study at the Heidelberg Institute. This is evidenced by the low frequency of presentations on French legal news within the framework of the Monday Meeting, which are currently limited to a maximum of one or two annual presentations (see annex, Table 1. Presentations delivered during the Monday Meeting on subjects of French law (in the broadest sense)). This implies that the legal developments in francophone legal systems, including France, Belgium, parts of Switzerland and Canada, as well as – importantly – French-speaking Africa (covering the Maghreb and large parts of sub-Saharan Africa), have virtually no resonance within the Institute, even though there are enough topics to cover. Hence, the successive *coups d'Etat* in the Sahel region, for example, have received little attention (or, at least, no academic follow-up) at the Institute.

An exception to the invisibility of French and francophone law and current legal events is the contribution of French-speaking colleagues to comparative collective works, particularly in the context of the *Ius Publicum Europaeum* and later European Public Law Handbook projects.¹³ However, these publications are written in either English or German. On the other hand, it has become very rare for MPIL researchers to publish in French (nowadays). The situation was different twenty or thirty years ago. Until the late 1980s, for example, the Institute regularly published trilingual collections (German, French, English) in the *Schwarze Reihe*. In fact, between 2002 and 2021, the *Schwarze Reihe* had no publications in French (see annex, Table 2. Contributions to the *Schwarze Reihe* in French or on French or francophone law). The average number of publications in French per year by one of the Institute's approximately 50 researchers is 1.5, comprising all types of output, including articles, chapters and blogs (see annex, Table 3. Articles in French published by MPIL scholars in the last 20 years). Since 2000, only one French-language article has been published in the *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* (ZaöRV) on a question of Mauritanian law. The picture is brighter for the *Journal of the History of International Law / Revue d'histoire du droit international*, where the latest contributions in French date back to 2020 (see annex, Table 4. Articles in French published in the *Journal of the History of International Law* in the last 20 years). Similarly, only a few articles in German (or English) on French or francophone law published in these two journals can be counted on the fingers of two hands. However, there have been

13 An overview of the different volumes of the *Ius Publicum Europaeum* series can be found at https://www.otto-schmidt.de/buch_reihe/Ius%2520Publicum%2520Europaeum (last accessed 20th February 2024). An overview of the volumes of the *Max Planck Handbook in European Public Law* can be found at <https://global.oup.com/academic/content/series/m/max-planck-handbook-public-law-in-europe-mpple/?lang=es&cc=tw> (last accessed 20th February 2024).

a few reviews of monographs and collective works published in French. All things considered, French is far from being a research language at the Institute, let alone a working language (even at the tertiary level, after German and English).

IV. Analysis of language practices and skills

This linguistic reality contrasts sharply with the situation in the past. In the inter-war period, for example, Director Viktor Bruns dealt exclusively in French with cases related to the German-Polish Mixed Arbitral Tribunal, which was established under the provisions of the Versailles Peace Treaty and of which he was a member. What is more, Directors Hermann Mosler – as a judge at the ECtHR (1959–80) and the ICJ (1976–85) – and Jochen Frowein – as a member of the European Commission of Human Rights in Strasbourg (1973–93) – carried out a large part of their (para-)judicial work in French.

It should also be noted that the Institute's researchers have, in general, authored reports and opinions on French law. Leaving aside all the opinions on the European Coal and Steel Community (ECSC) and on the pursuit of European integration, as well as opinions on matters concerning the law of war, on the Council of Europe, which (also) had a link with France, and all opinions of comparative law, there are 13 opinions from 1949 to 1998 which deal exclusively with questions of French law, two thirds of which were drafted in the 1950s (see annex, Table 5. Opinions on questions of French law drafted by researchers of the MPIL). However, it appears that those expert reports have been discontinued since 1998, when Jochen Frowein and Matthias Hartwig produced their report on the legal situation of cultural goods seized or expropriated by France.

How can we explain today's lack of interest in the French language at the Heidelberg Institute, or even in francophone law? The reasons for this development are undoubtedly multifactorial. The most logical explanation would be the decline in the language skills of the Institute's researchers. As a matter of fact, many staff members of the Institute were francophone (or even francophile) in its founding period and after the Second World War. This applied to the researchers, but also to their multilingual secretaries. So, where do we stand today? The hypothesis of a decline in language skills does not hold water: a linguistic inventory of the Institute's scientific staff shows that the vast majority of researchers employed by the Institute have completed a period of their studies in France (or the francophone part of Switzerland or Canada), and sometimes even hold a degree from a French-speaking university. They are therefore perfectly qualified to follow legal developments in the French-speaking world. The decline in the use of French at the Institute can thus hardly be explained by a lack of language skills. Moreover, the current directors – Anne Peters and Armin von Bogdandy – also have an excellent command of French, which they regularly use at French-speaking events.

V. The Anglophone hegemony

Another hypothesis might be that the moderate use of French and the limited study of francophone law at the Institute simply reflect the broader political and legal context, and therefore, the declining importance of French in international legal practice. French plays a prominent role in international law because, to put it simply, France was a major (colonial) power at the time when the current international legal system took shape. As a result, until the 20th century, international diplomacy used to be conducted in French, and many international legal instruments were drafted in French. This is evidenced by the collections of treaties and jurisprudence published or edited by staff members of the Institute. Among these are the *Nouveau recueil général de traités et autres actes relatifs aux rapports de droit international* (Recueil Martens) (published by the Institute between 1925 and 1969) and the *Fontes iuris gentium* (published by the Institute between 1931 and 1990), which switched entirely into English in 1986 (under the name World Court Digest).

Although France retains a permanent seat on the United Nations Security Council and remains a pillar of the European project, it has for quite some time now ceased to be a great power. This has had an undeniable impact on the use of the French language, which is in decline, if not to say collapse, in favour of English, which has become the lingua franca of international relations since the Second World War. For instance, the Treaty of Aachen – signed by France and Germany in 2019 – was first written and negotiated in English by diplomats of both countries, and then translated into French and German. The world of diplomacy is changing, and so are language habits and preferences.

This brings us to a third factor that may help to explain the decline of French at the MPIL in Heidelberg: the Anglophonisation of the research world, including in the field of law. For internationalists, Europeanists or comparative public / constitutional lawyers, English is now the primary language of interaction and, in many cases, the prevailing, if not predominant, language of publication.¹⁴ A review of the most cited academic journals in the field of international law¹⁵ reveals that they are all published in English. Despite the fact that, thanks to digital tools, we can now much more easily consult sources in several languages and translate the writings of our colleagues, we have noticed over the last twenty years that academics are mainly and increasingly referring to English-language sources. This applies to international law, as Allain Pellet had already deplored in 1988 in a letter to the editors of the *American Journal of International Law* (AJIL),¹⁶ as well as to European law as Daniel Thym's insightful

14 Odile Ammann, 'Language Bias in International Legal Scholarship: Symptoms, Explanations, Implications and Remedies', *EJIL* 33 (2022), 834.

15 See the ranking of top international law publications on google scholar, available at https://scholar.google.com/citations?view_op=top_venues&hl=en&vq=soc_internationallaw (last accessed 20th February 2024).

16 'Correspondence', *AJIL* 82 (1988), 331–332.

analysis of 2016 shows.¹⁷ This linguistic bias towards English is, moreover, particularly pronounced among American authors who, in the words of Christian Tomuschat, ‘remain deliberately within the cage of the Anglophone literature without ever looking beyond their own home-grown source.’¹⁸ Although tools such as DeepL or ChatGPT allow us to approach foreign-language sources more easily, their use can complement basic linguistic expertise, but it cannot replace it. Moreover, digital tools often favour English because of the algorithms they employ – but that’s yet another debate.

French has thus been replaced not only as the language of international diplomacy and therefore of the practice of international law, but also as a research language in international and European law. A particularly radical and significant change in this respect was the disappearance of French as the language of publication of the European Journal of International Law (EJIL) in 1998, when the journal came under the management of the British publisher Oxford University Press, only ten years after its launch as a bilingual (French / English) journal by polyglot academics.¹⁹

In any case, the situation at the Heidelberg Institute is not an exception, but part of a general linguistic trend. In other words, we are witnessing the decline of French as a result of the globalisation and diversification of the research world. Following this logic, the question is whether the last bastions of French – such as the *Institut de droit international* – will be able to impose its francophone language policy over time, especially given that some discussions at said *Institut* are already held in English, as Anne Peters, a member of this institution since 2021, told me.

VI. Aggravating factors: academic and political barriers

The French academic landscape in (international) law is characterised by a pronounced formalism and very specific methods, such as the ‘*deux parties / deux sous-parties*’ outline.²⁰ This does not necessarily make easily accessible legal research emanating from the French tradition. Yet, as Andrea Hamann has shown with great analytical finesse, the French tradition of international law (and to some extent European law) is pragmatic.²¹ This pragmatism is inspiring, even refreshing for some, and could prove advantageous in our time, marked by a growing sense of realpolitik and the need to find solutions to the many emerging problems.

17 Daniel Thym, The limits of transnational scholarship on EU law: A view from Germany (2016). European University Institute (EUI) Working Papers LAW 2016/14, available at https://cadmus.eui.eu/bitstream/handle/1814/40824/LAW_2016_14.pdf?sequence=1&isAllowed=y (last accessed 20th February 2024).

18 Christian Tomuschat, ‘The (Hegemonic?) Role of the English Language’, *Nordic Journal of International Law* 86 (2017), 221.

19 See the letter of Joseph Weiler and Antonio Cassese to the President of the EUI of 13th October 1987, published by EJIL:Talk!, available at <https://www.ejiltalk.org/wp-content/uploads/2019/05/Editorial-Birth-of-EJIL.pdf> (last accessed 20th February 2024).

20 Andrea Hamann, ‘The French Tradition of International Law’ in: Peter Hilpold (ed.), *European International Law Traditions* (Springer 2021), 137–139.

21 Ibid, 149–163; 179–180.

Finally, it can also be observed that the decline of French at the Heidelberg Institute follows a broader political trend. The Franco-German relationship is going through a (prolonged) difficult period. As reported by several French media,²² Vice-Chancellor Robert Habeck remarked in September 2023 at the annual conference of German ambassadors: ‘We [the Germans and the French] do not agree on anything.’ Except, it seems, on a certain linguistic distance. The German government has decided to close several Goethe Institutes in France, notwithstanding the provisions of the 1919 Treaty of Aachen, which stipulates that the two countries are committed to maintaining and strengthening the learning of each other’s languages.²³ Despite the impressive number of students who have completed a binational academic programme offered by the French-German University (UFA) – in 2022 alone, more than 1,400 students followed Franco-German law courses at the UFA²⁴ – thanks to exchange programmes such as Erasmus or *cotutelle* agreements, there appears to be a (linguistic) regression (at a high political level), which is not without consequences for the research world.

VII. Advocating French in a multilingual (academic) context

In conclusion, this contribution is by no means intended to be nostalgic, i. e. to urge a return to the days when French was the language of international diplomacy and international law, or to advocate an outdated Franco-English duopoly in international relations.²⁵ With these few lines, I would like to draw the readers’ attention to the need for linguistic diversity in academic work, which also allows for a certain intellectual and conceptual diversity. The predominance of English in the research and practice of international and European law certainly has its advantages, making (a priori) exchange and access to knowledge easier. But it also has its downsides: it gives the illusion of a world that is much more unified and inclusive than it actually is.

Indeed, as Odile Ammann explains so delicately, the dominance of English as the language of academia is accompanied by significant analytical, conceptual and other biases.²⁶ If we want to avoid an impoverishment of the (academic) legal debate and, on the other hand, maintain a certain richness in legal thought and practice, it is important

22 Pierre Mennerat, ‘«Nous ne sommes d’accord sur rien»: ce qu’a vraiment dit Habeck sur le franco-allemand’ *Le Grand Continent* (15 September 2023), available at <https://legrandcontinent.eu/fr/2023/09/15/nous-ne-sommes-daccord-sur-rien-ce-qua-vraiment-dit-habeck-sur-le-franco-allemand> (last accessed 20th February 2024).

23 Treaty on Franco-German Cooperation and Integration [Aachen Treaty] of 22 January 1919, Arts. 10, 15.

24 Université franco-allemande (UFA), *Annexes au rapport annuel de l’UFA* (2022), available at https://www.dfh-ufa.org/app/uploads/2023/05/DFH-UFA_Jahresbericht_RapportAnnuel_2022_Anhang_Annexes_web.pdf (last accessed 20th February 2024).

25 Justina Uriburu, ‘Between Elitist Conversations and Local Clusters: How Should we Address English-centrism in International Law?’, *OpinioJuris*, 2 November 2020, available at <https://opiniojuris.org/2020/11/02/between-elitist-conversations-and-local-clusters-how-should-we-address-english-centrism-in-international-law>.

26 Ammann (n. 14), 836–842.

to cultivate linguistic diversity – at both the individual and the institutional level.²⁷ It seems appropriate that French should be part of this diversity, given its historical and contemporary importance – it is the fifth most spoken language in the world after English, Mandarin, Hindi and Spanish. For me in any case, my homeland is multilingualism, and French is undoubtedly an important part of that.

VIII. Annex

Table 1. Presentations delivered during the Monday Meeting on subjects of French law (in the broadest sense)

Year	Number of presentations on matters of French law
2023	2 (cases before the ECtHR against France)
2022	0
2021	1 (case before the ICJ involving France)
2020	2
2019	2 (including 1 case before the CJEU against France)
2018	2 (including 1 case before the ICJ involving France)
2017	1
2016	2
2015	1
2014	1 (case before the CJEU against France)
2013	2
2012	1
2011	0
2010	2
2009	1 (case before the CJEU against France)
2008	5 (including 1 case before the ICJ against France and 1 case before the ECtHR against France)
2007	6 (including 1 case before the CJEU against France)
2006	7
2005	5 (including 1 case before the ECtHR against France and 1 case before the CJEU against France)
2004	2
2003	3 (including 1 case before the CJEU against France)

²⁷ Ibid, 842–850.

Table 2. Contributions to the *Schwarze Reihe* in French or on French or francophone law

Year	Title [with English translation]	Authors
2021	'L'accès au juge des associations de protection de l'environnement – une perspective européenne et internationale' [Access to the courts for environmental protection associations – a European and international perspective] in: Layla Kristina Jaber, Stefanie Lüer, Anne-Marie Thévenot-Werner (eds), <i>Rechtsweggarantie im vergleichenden Verwaltungsrecht</i> (Springer 2021), 37–50.	Aurélien Raccah
2021	'L'accès au juge des associations de protection de l'environnement – une perspective française' [Access to the courts for environmental protection associations – a French perspective] in: Layla Kristina Jaber, Stefanie Lüer, Anne-Marie Thévenot-Werner (eds), <i>Rechtsweggarantie im vergleichenden Verwaltungsrecht</i> (Springer 2021), 65–86.	Ariane Meynaud-Zeroual
2021	'L'accès au juge en matière d'asile – une perspective européenne' [Access to the courts in asylum matters – a European perspective] in: Layla Kristina Jaber, Stefanie Lüer, Anne-Marie Thévenot-Werner (eds), <i>Rechtsweggarantie im vergleichenden Verwaltungsrecht</i> (Springer 2021), 89–104.	Antonio Caiola
2021	'L'accès au juge en matière d'asile – une perspective allemande' [Access to the courts in asylum matters – a German perspective] in: Layla Kristina Jaber, Stefanie Lüer, Anne-Marie Thévenot-Werner (eds), <i>Rechtsweggarantie im vergleichenden Verwaltungsrecht</i> (Springer 2021), 105–130.	Adèle Goetsch
2021	'L'accès au juge en matière d'asile – une perspective française' [Access to the courts in asylum matters – a French perspective] in: Layla Kristina Jaber, Stefanie Lüer, Anne-Marie Thévenot-Werner (eds), <i>Rechtsweggarantie im vergleichenden Verwaltungsrecht</i> (Springer 2021), 131–145.	Francesco Martucci
2021	'L'état acheteur, un acteur sur le marché comme un autre?' [Is the buying state a market player like any other?] in: Layla Kristina Jaber, Stefanie Lüer, Anne-Marie Thévenot-Werner (eds), <i>Rechtsweggarantie im vergleichenden Verwaltungsrecht</i> (Springer 2021), 149–164.	Hannah Schröder
2021	'L'accès au juge en droit des marchés publics internationaux' [Access to the courts in international public procurement law] in: Layla Kristina Jaber, Stefanie Lüer, Anne-Marie Thévenot-Werner (eds), <i>Rechtsweggarantie im vergleichenden Verwaltungsrecht</i> (Springer 2021), 167–179.	Gisela Süß
2021	'La justiciabilité des actes unilatéraux des organisations internationales financières ou techniques' [The justiciability of unilateral acts of international financial or technical organisations] in: Layla Kristina Jaber, Stefanie Lüer, Anne-Marie Thévenot-Werner (eds), <i>Rechtsweggarantie im vergleichenden Verwaltungsrecht</i> (Springer 2021), 181–214.	Emanuel Castellarin
2021	'Loin de l'Union, loin des juges? – Sur les voies de recours juridictionnelles dans le cadre des activités de sécurité et de défense extraterritoriales de l'Union européenne' [Out of the EU, Out of Judicial Reach? On the Means of Recourse in the Context of the Union's Extraterritorial Security and Defence Activities] in: Layla Kristina Jaber, Stefanie Lüer, Anne-Marie Thévenot-Werner (eds), <i>Rechtsweggarantie im vergleichenden Verwaltungsrecht</i> (Springer 2021), 215–240.	Carolyn Moser

Year	Title [with English translation]	Authors
2012	'Judicial Independence in France' [l'indépendance judiciaire en France] in: Anja Seibert-Fohr (ed.), <i>Judicial Independence in Transition</i> (Springer 2012), 273–305.	Antoine Garapon and Harold Epineuse
2002	'La protection des droits et des libertés de l'homme et du citoyen par la Cour Constitutionnelle de la Fédération de Russie dans le contexte des effets du droit international en droit interne' [The protection of human and civil rights and freedoms by the Constitutional Court of the Russian Federation in the context of the effects of international law in domestic law] in: Hans-Joachim Cremer, Thomas Giegerich, Dagmar Richter, Andreas Zimmermann (eds), <i>Tradition und Weltoffenheit des Rechts</i> (Springer 2002), 1001–1014.	Nikolaj Vasil'evič Vitrouk
2002	'Droit national et droit international dans le droit français de l'extradition' [National and international law in French extradition law] in: Hans-Joachim Cremer, Thomas Giegerich, Dagmar Richter, Andreas Zimmermann (eds), <i>Tradition und Weltoffenheit des Rechts</i> (Springer 2002), 733–753.	Roger Errera
2002	'Die Beachtung völkerrechtlicher Verpflichtungen in Frankreich' [Compliance with international legal obligations in France] in: Hans-Joachim Cremer, Thomas Giegerich, Dagmar Richter, Andreas Zimmermann (eds), <i>Tradition und Weltoffenheit des Rechts</i> (Springer 2002), 865–898.	Karin Oellers-Frahm
1999	<i>Verfahrensfehlerfolgen im französischen und im deutschen Verwaltungsrecht</i> [Consequences of errors in French and German administrative law] (Springer 1999). Note: in German, but with a French afterword.	Clemens Ladenburger
1998	<i>Liber amicorum Günther Jaenicke – zum 85. Geburtstag</i> [Liber amicorum Günther Jaenicke – on the occasion of his 85th birthday] (Springer 1998). Note: Contains contributions in French.	Volkmar Götz, Peter Selmer and Rüdiger Wolfrum (eds)
1995	'La Convention de Schengen et le droit d'asile en France' [The Schengen Convention and the right of asylum in France] in: Ulrich Beyerlin (ed.), <i>Recht zwischen Umbruch und Bewahrung</i> (Springer 1995), 1177–1191.	Michel Fromont
1995	'Les résolutions des organisations internationales en tant que source du droit des gens' [Resolutions by international organisations as a source of international law] in: Ulrich Beyerlin, Michael Bothe, Rainer Hoffmann, Ernst-Ulrich Petersmann (eds), <i>Recht zwischen Umbruch und Bewahrung</i> (Springer 1995), 21–39.	Julio A. Barberis
1995	'Sécurité collective et construction de la paix dans la pratique contemporaine du Conseil de sécurité' [Collective security and peace-building in the contemporary practice of the Security Council] in: Ulrich Beyerlin (ed.), <i>Recht zwischen Umbruch und Bewahrung</i> (Springer 1995), 41–56.	Pierre-Marie Dupuy
1995	'La Convention européenne des droits de l'homme: un cas de ius cogens régional' [The European Convention on Human Rights: a case of regional ius cogens] in: Ulrich Beyerlin (ed.), <i>Recht zwischen Umbruch und Bewahrung</i> (Springer 1995), 555–562.	Fausto de Quadros
1995	'Des parallèles qui devraient se rejoindre: les méthodes de contrôle international concernant les conventions sur les droits de l'homme' [Some parallels that should merge: methods of international monitoring of human rights conventions] in: Ulrich Beyerlin (ed.), <i>Recht zwischen Umbruch und Bewahrung</i> (Springer 1995), 647–661.	Nicolas Valticos

Year	Title [with English translation]	Authors
1995	'Interprétation et Auto-Interprétation: Quelques réflexions sur leur rôle dans la formation et la résolution du différend international' [Interpretation and Self-Interpretation: Some thoughts on their role in the formation and resolution of international disagreements] in: Ulrich Beyerlin (ed.), <i>Recht zwischen Umbruch und Bewahrung</i> (Springer 1995), 9–20.	Georges Abi-Saab
1987	<i>Die Rechtsstellung von Ausländern nach staatlichem Recht und Völkerrecht</i> / <i>The Legal Position of Aliens in National and International Law</i> / <i>Le régime juridique des étrangers en droit national et international</i> (Springer 1987). Note: Contains contributions in three languages.	Jochen A. Frowein and Torsten Stein (eds)
1987	<i>Zu Freiheit und Grenzen der politischen Betätigung von Ausländern</i> / <i>Freedom and Restriction of Political Activities of Aliens</i> / <i>Liberté et restrictions des activités politiques des étrangers</i> (Springer 1987). Note: Summary in English and French.	Ulrich Wölker
1983	<i>Völkerrecht als Rechtsordnung, internationale Gerichtsbarkeit, Menschenrechte: Festschrift für Hermann Mosler</i> [International Law as a Legal Order, International Jurisdiction, Human Rights: Commemorative Publication for Hermann Mosler] (Springer 1983). Note: Contributions partly in German, Spanish, French and English.	Rudolf Bernardt (ed.)
1980	<i>Die Koalitionsfreiheit des Arbeitnehmers</i> / <i>The Freedom of the Worker to Organize</i> / <i>La liberté syndicale des salariés</i> (Springer 1980). Note: Also contains contributions in three languages.	Heinz-E. Kitz
1970	<i>Gerichtsschutz gegen die Exekutive</i> / <i>Judicial protection against the Executive</i> / <i>La protection juridictionnelle contre l'exécutif</i> (Heymanns/Oceana 1970). Note: Volume 1–2 Country Reports, Volume 3 Comparative Law & International Law.	Max-Planck-Institut für Ausländisches Öffentliches Recht und Völkerrecht
1969	<i>Das französische Kolonialreich und die Gründung neuer Staaten</i> [The French colonial empire and the founding of new states] (Heymanns 1969).	Albert Bleckmann
1967	<i>Haftung des Staates für rechtswidriges Verhalten seiner Organe</i> / <i>Liability of the state for illegal conduct of its organs</i> / <i>La responsabilité de l'état pour le comportement illegal de ses organes</i> (Heymanns 1967). Note: Contains country reports and comparative law. International colloquium organised by the MPIL Heidelberg 1964.	Max-Planck-Institut für Ausländisches Öffentliches Recht und Völkerrecht
1962	<i>Verfassungsgerichtsbarkeit in der Gegenwart</i> / <i>Constitutional review in the world today</i> / <i>La juridiction constitutionnelle à l'époque contemporaine</i> (Heymanns 1962). Note: Contains country reports and comparative law; contributions partly in German, English, French and Italian	Max-Planck-Institut für Ausländisches Öffentliches Recht und Völkerrecht
1960	<i>Staat und Privateigentum, öffentliche Gewährleistung, Beschränkung und Inanspruchnahme privaten Eigentums in sechs Staaten rechtsvergleichend dargestellt</i> [State and private property, public guarantee, restriction and utilisation of private property in six countries presented in comparative law] (Heymanns 1960). Note: Also trilingual, the contribution on France is in French.	Joseph H. Kaiser, Hans Huber, André de Laubadère, Harry Street, B.A. Wortley, Paul G. Kauper, Geoffrey Sawer, Helmut Strebel
1938	<i>Die tschechoslowakischen Denkschriften für die Friedenskonferenz von Paris 1919/1920</i> [The Czechoslovak memorandum for the Paris Peace Conference of 1919/1920] (Heymann 1938). Note: Text in French and German.	Hermann Raschhofer (ed.)

Year	Title [with English translation]	Authors
1934	<i>Die Volksabstimmung im Saargebiet</i> [The referendum in the Saar region] (Heymann 1934). Note: Contributions partly in German, French and English.	Viktor Bruns
1929	<i>Der deutsche und der französische Reichswirtschaftsrat: ein Beitrag zu dem Problem der Repräsentation der Wirtschaft im Staat</i> [The German and French Imperial Economic Councils: a contribution to the problem of the representation of the economy in the state] (De Gruyter 1929).	Friedrich Glum

Table 3. Articles in French published by MPIL scholars in the last 20 years

Year	Title [with English translation]	Authors
2023	‘La guerre en Ukraine et la limitation du droit de veto au Conseil de sécurité’ [The war in Ukraine and limiting the right of veto in the Security Council], <i>Revue Européenne du Droit</i> 5 (2023), 96–103. Note: Translated into French.	Anne Peters
2022	Avis de recherche. Chronique judiciaire et mémoire du nazisme’ [Wanted: Judicial chronicle and memory of Nazism] 20 & 21 <i>Revue d’histoire</i> 3 (2022) 191–192.	Philipp Glahé
2022	‘La clause d’assistance mutuelle du Traité sur l’Union européenne (article 42§ 7 TUE) permet-elle de répondre adéquatement aux nouvelles menaces?’ [Can the mutual assistance clause in the Treaty on European Union (Article 42(7) TEU) provide an adequate response to the new threats?], E–Note 40 (Institut royal supérieur de défense), 11 Mai 2022.	Carolyn Moser and Estelle Hoorickx
2022	‘La Chine et les limites conceptuelles et pratiques de la guerre juridique en mer de Chine méridionale’ [China and the conceptual and practical limits of legal warfare in the South China Sea] <i>Revue Défense Nationale</i> 852 (2022), 31–37.	Christian Schultheiss
2020	‘Loin de l’Union, loin des juges? Sur les voies de recours juridictionnelles dans le cadre des activités de sécurité et de défense extraterritoriales de l’Union européenne’ [Out of the EU, Out of Judicial Reach? On the Means of Recourse in the Context of the Union’s Extraterritorial Security and Defence Activities’], MPIL Research Paper Series No. 2020–12.	Carolyn Moser
2020	‘Surveillance des flux de données : juridiction ou compétences de l’Etat, des notions à refonder’ [Surveillance of data flows: jurisdiction or State powers, concepts to be reconsidered] in: M. Audit & E. Pataut (eds), <i>L’extraterritorialité</i> (Pedone 2020), 141–194.	Milan Nebyl Tahraoui
2019	<i>Humanisme, constitutionnalisme, universalisme : Etudes de droit international et comparé</i> [Humanism, constitutionalism, universalism: Studies in international and comparative law] (Pedone 2019). Note: Translation of selected essays.	Anne Peters
2017	‘La circulation des normes comme outil de l’effectivité : le cas de la CITES, de la CDB et du fond pour l’environnement mondial’ [The circulation of standards as a tool for effectiveness: the case of CITES, the CBD and the Global Environment Facility] in: Sandrine Maljean-Dubois (ed.), <i>Circulations de normes et réseaux d’acteurs dans la gouvernance internationale de l’environnement</i> . (DICE 2017), 95–116.	Guillaume Futhazar
2017	<i>Droit et Mouvements Sociaux : Quelles Interactions? – Le cas des révoltes dans le monde arabe</i> [Law and Social Movements: What Interactions? – The case of revolts in the Arab world] (Presses de l’Université Toulouse Capitole 2017).	Fatiha Sahli, Adelmalek El Ouazzani and Anne Peters (eds)

Year	Title [with English translation]	Authors
2016	'Le droit européen contemporain : Une notion revisitée et non-prédominante avec une nouvelle mission pour le droit comparé' [Contemporary European law: A revisited, non-predominant concept with a new mission for comparative law] in: Gyula Bándi, Péter Darák, Kinga Debisso (eds), <i>Speeches and Presentations from the XXVII FIDE Congress Vol. 4</i> (Wolters Kluwer 2016) 71–95.	Armin von Bogdandy
2016	'La grande récurrence : Les crises de l'Union Européenne à travers de l'œuvre de Karl Polanyi' [The great recurrence: The crises of the European Union through the work of Karl Polanyi] in: Gyula Bándi, Péter Darák, Kinga Debisso (eds), <i>Speeches and Presentations from the XXVII FIDE Congress Vol. 4</i> (Wolters Kluwer 2016) 187–208.	Matthias Goldmann
2016	'Par-delà la hiérarchie des ordres juridiques – Le pluralisme ordonné vu d'Allemagne' [Beyond the hierarchy of legal orders – Orderly pluralism from a German perspective] in: Baptiste Bonnet (ed.), <i>Traité des rapports entre ordres juridiques</i> (LGDJ 2016), 1631–1651.	Anne Peters
2015	'Article 14' [Article 14] in: Robert Kolb (ed.), <i>Commentaire sur le Pacte de la Société des Nations</i> (Bruylant 2015), 587–598.	Karin Oellers-Frahm
2014	'Les restructurations de dettes souveraines comme exercices de l'autorité publique internationale : Vers un droit décentralisé sur l'insolvabilité souveraine' [Sovereign Debt Restructurings as Exercises of International Public Authority: Towards a Decentralised Law of Sovereign Insolvency] in: Geneviève Dufour, David Pavot (eds), <i>La crise des dettes souveraines et le droit: approches croisées Canada-Europe</i> (Lexis Nexis Canada 2014), 157–197.	Matthias Goldmann and Armin von Bogdandy
2014	<i>Les Acteurs à l'Ère du Constitutionnalisme Global / Actors in the Age of Global Constitutionalism</i> (Société de législation comparée 2014).	Anne Peters, Manuel Devers, Anne-Marie Thévenot-Werner, Patrizia Zbinden (eds)
2014	'Le Cheminement historique des Organisations Internationales : entre Technocratie et Démocratie' [The historical development of International Organisations: between Technocracy and Democracy] in: Pierre-Marie Dupuy, Vincent Chetail (eds), <i>The Roots of International Law/Les Fondements du Droit International: Liber Amicorum Peter Hagenmacher</i> (Martinus Nijhoff Publishers 2014), 487–529.	Anne Peters
2013	'L'acte constitutif de l'organisation internationale' [The constituent instrument of the international organisation] in: Evelyne Lagrange, Jean-Marc Sorel (eds), <i>Droit des organisations internationales</i> (LGDJ 2013) 201–245.	Anne Peters
2012	La hiérarchisation des normes nationales et internationales par les ordres juridiques internes – Une question fonctionnelle' [The hierarchisation of national and international norms by national legal orders – A functional question], <i>Annales de Droit</i> 6 (2012), 9–29.	Dana Burchardt
2011	'Pluralisme, Effet Direct et une Ultime Remarque sur les Relations entre Droit International et Droit Constitutionnel Interne' [Pluralism, Direct Effect and a Final Remark on the Relationship between International Law and National Constitutional Law] in: Hélène Ruiz Fabri, Michel Rosenfeld (eds), <i>Repenser le Constitutionnalisme à l'âge de la Mondialisation et de la Privatisation</i> (Société de législation comparée 2011), 75–92.	Armin von Bogdandy

Year	Title [with English translation]	Authors
2011	'Propositions pour la science juridique dans l'espace juridique européen' [Proposals for legal science in the European legal space], <i>Actualité Juridique du Droit Administratif (AJDA)</i> 34 (2011), 1921.	Armin von Bogdandy
2011	'La science juridique dans l'espace juridique européen, une réflexion à partir de l'exemple allemand' [Legal science in the European legal space, a reflection based on the German example], <i>Recueil Dalloz</i> 41 (2011), 2816–2822.	Armin von Bogdandy
2007	'Comités nationaux d'éthique et démocratie représentative : le nouveau Comité allemand d'éthique est-il plus « démocratique »?' [National ethics committees and representative democracy: is the new German Ethics Committee more 'democratic'?], <i>Journal international de Bioéthique</i> 18/1–2 (2007), 131–145.	Stéphanie Dagron
2007	'Chronique: Allemagne' [Chronicle: Germany], <i>Annuaire International de Justice constitutionnelle</i> 22–2006 (2007), 599–633.	Stéphanie Dagron, Constanze Grewe, Michel Fromont and Xavier Volmerange
2006	'La théorie juridique allemande de la légitimité démocratique de l'administration' [The German legal theory of the democratic legitimacy of the administration], <i>Revue Européenne de Droit Public</i> 18/4 (2006), 1279–1309.	Stéphanie Dagron
2004	'L'Effet Utile dans la Jurisprudence de la Commission Européenne des Droits de L'Homme entre 1970 et 1985' [The <i>effet utile</i> in the Jurisprudence of the European Commission of Human Rights between 1970 and 1985] in: Luigi Condorelli, Charles Leben, Philippe Weckel (Eds), <i>Libertés, Justice, Tolérance, Mélanges en hommage au Doyen Gérard Cohen-Jonathan</i> (Bruylant 2004), 855–864.	Jochen A. Frowein
2003	'A l'Ouest, rien de nouveau? L'affaire Gerardo Valdez devant la Cour d'Appel d'Oklahoma à la lumière du droit international' [Nothing new in the West? The Gerardo Valdez case before the Oklahoma Court of Appeal in the light of international law], <i>Revue Générale de Droit International Public</i> 2 (2003), 401–414.	Cristina Hoss
2003	'L'équité en droit constitutionnel allemand' [Fairness in German constitutional law] in: Marie-Luce Pavia (ed.), <i>L'Équité dans le jugement</i> (L'Harmattan 2003), 55–71.	Christian Walter
2003	'Le régime de l'Antarctique et les Etats tiers' [The Antarctic regime and third countries] in: Vincent Coussirat Coustère (ed.), <i>La mer et son droit : Mélanges offerts à Laurent Lucchini et Jean-Pierre Quéneudec</i> (Pedone 2003), 695–704.	Rüdiger Wolfrum

Table 4. Articles in French published in the *Journal of the History of International Law* / *Revue d'histoire du droit international* in the last 20 years

Year	Title [with English translation]	Authors
2020	'La conception des devoirs du négociateur en Nouvelle-France: Héritage métropolitain ou cas particulier?' [The conception of the negotiator's duties in New France: A metropolitan legacy or a special case?], <i>Journal of the History of International Law</i> 22/1 (2020), 75–100.	Alice Bairoch de Sainte-Marie
2020	'La dignité impériale des rois de France en Orient: Titulatures et traductions dans la diplomatie franco-ottomane' [The imperial dignity of the kings of France in the East: Titles and translations in Franco-Ottoman diplomacy], <i>Journal of the History of International Law</i> 22/1 (2020), 147–163.	Victor Simon

Year	Title [with English translation]	Authors
2020	'Droit et histoire dans la formation diplomatique d'après les écrits sur l'ambassadeur et l'art de négocier (XVII ^e –début XVIII ^e siècle)' [Law and history in diplomatic training according to writings on the ambassador and the art of negotiation (17th and early 18th centuries)], <i>Journal of the History of International Law</i> 22/1 (2020), 164–181.	Dante Fedele
2015	'L'esclavage en droit international : aux origines de la relecture actuelle de la définition conventionnelle de 1926' [Slavery in international law: the origins of the current re-reading of the 1926 Conventional definition], <i>Journal of the History of International Law</i> 17/2 (2015), 170–220.	Michel Erpelding
2013	'L'affaire Naulilaa entre le Portugal et l'Allemagne, 1914–1933. Réflexions sur l'histoire politique d'une sentence arbitrale internationale' [The Naulilaa case between Portugal and Germany, 1914–1933. Reflections on the political history of an international arbitration award], <i>Journal of the History of International Law</i> 15/2 (2013), 201–234.	Jakob Zollmann
2011	'La neutralité et l'émergence du concept de due diligence en droit international. L'affaire de l'Alabama revisitée' [Neutrality and the emergence of the concept of due diligence in international law. The Alabama case revisited], <i>Journal of the History of International Law</i> 13/2 (2011), 307–346.	Awalou Ouedraogo
2010	'Des nations libres sans territoire? Les Autochtones et la colonisation de l'Amérique française du XVI ^e au XVIII ^e siècle' [Free nations without territory? Autochtones and the colonisation of French America from the 16 th to the 18 th century], <i>Journal of the History of International Law</i> 12/1 (2010), 1–70.	Michel Morin
2010	'Les juristes et l'Organisation internationale du travail 1919–1939. Processus de légitimation et institutionnalisation des relations internationales' [Lawyers and the International Labour Organisation 1919–1939. Processes of legitimisation and institutionalisation of international relations], <i>Journal of the History of International Law</i> 12/2 (2010), 227–266.	Dzovinar Kévonian
2009	'La doctrine vattelienne de l'égalité souveraine dans le contexte neuchâtelois' [The Vattelien doctrine of sovereign equality in the Neuchâtel context], <i>Journal of the History of International Law</i> 11/1 (2009), 103–124.	Tetsuya Toyoda
2008	'Traité de Paix de Trianon et la protection des minorités en Hongrie' [The Treaty of Trianon and the protection of minorities in Hungary], <i>Journal of the History of International Law</i> 10/1 (2008), 147–156.	Gábor Hamza
2007	'Les mythes indo-européens, sources du droit international public dans l'Antiquité' [Indo-European myths as sources of public international law in antiquity], <i>Journal of the History of International Law</i> 9/1 (2007), 109–156.	Dominique Gaurier, Frédéric Blaive
2007	'L'histoire du droit international revue par Carl Schmitt' [The history of international law reviewed by Carl Schmitt], <i>Journal of the History of International Law</i> 9/2 (2007), 233–262.	François Rigaux
2006	'L'aspect universaliste du droit international européen du 19 ^e siècle et le statut juridique de la Turquie avant 1856' [The universalist aspect of European international law in the 19 th century and the legal status of Turkey before 1856], <i>Journal of the History of International Law</i> 8/1 (2006), 19–37.	Tetsuya Toyoda

Year	Title [with English translation]	Authors
2006	“Non par la guerre, à la manière des sauvages” : Kant et l’avènement de l’état de droit entre les nations’ [“Not by war, in the manner of savages”: Kant and the advent of the rule of law between nations], <i>Journal of the History of International Law</i> 8/1 (2006), 39–89.	Bruno Arcidiacono
2005	‘Paix et guerre dans les grands traités du dix-huitième siècle’ [Peace and war in the great treaties of the eighteenth century], <i>Journal of the History of International Law</i> 7/1 (2005), 25–41.	Randall Lesaffer
2005	‘Le régime juridique du recours à la force tel qu’interprété par les Etats membres de l’Organisation de la Conférence islamique’ [The legal regime governing the use of force as interpreted by the Member States of the Organization of the Islamic Conference], <i>Journal of the History of International Law</i> 7/2 (2005), 211–253.	Eric Corthay
2004	‘La Société des Nations et son action après l’attentat contre Alexandre, roi de Yougoslavie’ [The League of Nations and its action after the assassination attempt on Alexander, King of Yugoslavia], <i>Journal of the History of International Law</i> 6/1 (2004), 65–78.	Péter Kovács
2004	‘Le Protocole de Londres du 17 janvier 1871: miroir du droit international’ [The London Protocol of 17 January 1871: a mirror of international law], <i>Journal of the History of International Law</i> 6/1 (2004), 79–142.	Giovanni Distefano
2004	‘Les origines et l’évolution du droit international selon l’historiographie soviétique’ [The origins and development of international law according to Soviet historiography], <i>Journal of the History of International Law</i> 6/2 (2004), 187–207.	Olga Boutkevitch
2004	‘Le Rapport entre Empire ottoman et République turque face au droit International’ [The relationship between the Ottoman Empire and the Turkish Republic under international law], <i>Journal of the History of International Law</i> 6/2 (2004), 209–231.	Enrico Zamuner

Table 5. *Opinions on questions of French law drafted by researchers of the MPIL*

Year	Title [with English translation]	Authors
1998	<i>Rechtslage der von Frankreich beschlagnahmten bzw. enteigneten Kulturgüter</i> [Legal situation of cultural goods seized or expropriated by France]	Jochen A. Frowein and Matthias Hartwig
1997	<i>Vereinbarkeit des Gesetzes über die Rechtsstellung der Banque de France mit dem EG-Vertrag</i> [Compatibility of the Law on the Statute of the Banque de France with the EC Treaty]	Jochen A. Frowein, Peter Rädler, Georg Ress and Rüdiger Wolfrum
1981	<i>Rücknahme und Widerruf von begünstigenden Verwaltungsakten in Frankreich, Großbritannien, Italien und den Niederlanden</i> [Withdrawal and revocation of favourable administrative acts in France, Great Britain, Italy and the Netherlands]	Karin Oellers-Frahm, Rudolf Dolzer, Rolf Kühner, Hans-Heinrich Lindemann and Werner Meng
1962	<i>Entschädigungssache des Herrn Jaques Sztern, Paris / Land Nordrhein-Westfalen</i> [Claim for compensation from Mr Jaques Sztern, Paris / Land of North Rhine-Westphalia.]	Fritz Münch
1957	<i>Communauté de Navigation Française Rhénane – Land Rheinland-Pfalz betr. Staatshaftung</i> [Communauté de Navigation Française Rhénane – Land of Rhineland-Palatinate with regard to State liability.]	Günther Jaenicke

Year	Title [with English translation]	Authors
1956	<i>Welches Erbrecht ist beim Tode eines aus rassischen Gründen emigrierten früheren deutschen Staatsangehörigen, der in Frankreich lebte und in Auschwitz ums Leben kam, von dem deutschen Nachlaßgericht für die Erteilung eines gegenständlich beschränkten Erbscheines anzuwenden?</i> [What law of succession applies to the death of a former German national who emigrated for racial reasons, who lived in France and died in Auschwitz, for the purpose of issuing a certificate of inheritance?]	Günther Jaenicke
1956	<i>Der Rentenanspruch des unehelichen Kindes eines in französischen Diensten gefallenen deutschen Fremdenlegionärs gegen den französischen Staat</i> [The pension entitlement of the illegitimate child of a German legionnaire who died in the service of France against the French state.]	Günther Jaenicke
1955	<i>Zulässigkeit des Elsässischen Rheinseitenkanals</i> [Lawfulness of the Lateral Rhine Canal in Alsace.]	Günther Jaenicke
1954	<i>Die völkerrechtliche und staatsrechtliche Stellung des Saargebietes</i> [Saarland's status in international and public law.]	Carl Bilfinger, Günther Jaenicke and Karl Doehring
1953	<i>Die völkerrechtliche und staatsrechtliche Stellung des Saargebietes</i> [Saarland's status in international and public law.]	Günther Jaenicke and Karl Doehring
1952	<i>Die Stellung des Saargebietes als assoziiertes Mitglied des Europarates</i> [Saarland's position as an associate member of the Council of Europe.]	Günther Jaenicke
1951	<i>Bürger und Wehrmacht in Frankreich</i> [Citizens and the Wehrmacht in France.]	Hans Ballreich
1951	<i>Die rechtliche Stellung der politischen Parteien in Frankreich</i> [The legal status of political parties in France.]	Günther Jaenicke

Zusammenfassung: Die Sprache ist der Grundstein allen juristischen Denkens und Handelns. Dennoch ist die sprachliche Vielfalt in der internationalen Rechtsforschung und -praxis stark rückläufig, da Englisch unbestreitbar zur vorherrschenden Sprache geworden ist. Dies war jedoch nicht immer der Fall. Noch vor einigen Jahrzehnten war Französisch die Sprache des internationalen Rechts und der Diplomatie. Diese Sprachverschiebung ist in einer der weltweit führenden Institutionen auf dem Gebiet der (internationalen) Rechtsforschung, nämlich dem Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht in Heidelberg (MPIIL oder Institut), deutlich spürbar. Mein Beitrag analysiert den Gebrauch der französischen Sprache und das Studium des französischsprachigen Rechts am Institut in den letzten 100 Jahren und ordnet die Ergebnisse dieser Untersuchung in eine breitere Diskussion über die Entwicklung der juristischen Forschung und Praxis in den letzten Jahrzehnten ein. Meine Analyse zeigt, dass die französische Sprache am MPIIL eindeutig an Bedeutung verliert und dass auch das Studium der französischsprachigen Rechtssysteme stark rückläufig ist. Diese Tendenz ist jedoch nicht auf das untersuchte Institut beschränkt. Im Gegenteil: Das Institut ist ein getreues Spiegelbild der sich verändernden Bedingungen und Praktiken der Diplomatie, des Völkerrechts und der (Rechts-)Forschung in Deutschland und darüber hinaus, wie mein Beitrag darlegt. Wir sind mit einer anglophonen Hegemonie konfrontiert, die mit erheblichen analytischen, konzeptionellen und anderen Verzerrungen einhergeht. Letztlich stellt sich die Frage, ob wir bereit und in der Lage sind, individuelle und institutionelle Entscheidungen zu treffen, die Mehrsprachigkeit und damit konzeptionelle und intellektuelle Vielfalt in der juristischen Forschung und Praxis ermöglichen.

Summary: Language is the cornerstone of all legal thought and practice. Yet, language diversity is in very steep decline in international legal scholarship and practice, where English has undeniably become the dominant language. Yet, this has not always been the case. Some decades ago, French was the language of international law and diplomacy. This linguistic shift is clearly perceptible in one of the world's leading institutions in the field of (international) legal research, namely the Max Planck Institute for Comparative Public Law and International Law in Heidelberg (MPIIL or Institute hereafter). In my contribution, I analyse the use of French and the study of francophone law at said Institute over the last 100 years and put my findings in a broader perspective of how legal scholarship and practice has changed in the last decades. My inquiry shows that French is definitely losing ground at the MPIIL, and the study of francophone legal systems is also in sharp decline. This development is all but unique to the institute under scrutiny, though. As I demonstrate, the Institute offers a faithful representation of the changing conditions and practices of diplomacy, international law and (legal) academia in Germany and beyond. We are faced with anglophone hegemony, which comes with significant analytical, conceptual and other biases. Ultimately, the question is whether we are willing and capable of making individual and institutional choices that allow for multilingualism, and thus conceptual and intellectual diversity in legal research and practice.



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