lucernaiuris
Institut für Juristische Grundlagen

UNIVERSITÄT LUZERN

Annual Report 2019

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I. INSTITUTE

PROFILE

The Institute for Interdisciplinary Legal Studies – *lucernaiuris* is a hub for cutting-edge teaching and research that crosses traditional boundaries between law, the humanities and the social sciences. It holds a distinctive position within the national and international academic landscape as an innovative forum for intellectual discussion and exchange.

Established in 2004, the institute's founding aims were to provide a rallying point for inter- and transdisciplinary work on the foundations of law, to promote intellectual and methodological innovation in teaching and research, and to strengthen and expand domestic and international networks of scholars. Now well into its second decade of operation, the institute remains committed to these guiding principles, and continues to explore new avenues and opportunities for deepening our critical understanding of the law and its workings.

Currently, the institute's activities focus on the following main themes:

- Law, Media and Technology
- Law, Arts and Humanities
- Histories of Law and Justice
- Law and Economics
- Law and Biomedicine

LUCERNAIURIS

During the middle ages, "lucerna iuris" was a term applied to the most significant Bolognese jurists. In taking the name for our institute, we lay no personal claim to it, for we are but mere dwarves on the shoulders of giants. The title serves rather to both acknowledge a connection to one of the mythical 'origins' of legal studies (Bologna) and underline our commitment to a critical engagement with the modern 'Bologna Process' and its implications for teaching and research in law.

MESSAGE FROM THE HEAD

I am pleased to present this annual review of our activities over the past twelve months. 2019 was a milestone year for the institute, marking as it did the fifteenth anniversary of our formal constitution. Looking back, we feel modestly proud of our accomplishments in establishing *lucernaiuris* – both nationally and internationally – as a hub for interdisciplinary legal research, and as an open space for original thinking and critical discussion.

Fittingly, 2019 also witnessed a particular milestone event. In early July, we hosted the 29th World Congress of the International Association for Philosophy of Law and Social Philosophy (IVR). With over 1'300 participants from across the globe, the congress not only set a new record for the IVR, but was also the largest academic event in the history of the University of Lucerne. Intellectually and organisationally, the congress was a resounding success, and it was a privilege to welcome so many scholars, both established and emerging, to Lucerne. I would like to take this opportunity to place on record again my thanks to all those involved for their excellent work in planning and running the event.

If the congress was very much the centrepiece of the academic programme for the year, we were nonetheless also able to sustain and advance a number of our other core projects. The institutional lecture series continued with a range of engaging talks on the legal history of colonial Hispanic America, theories of criminology, and the relations between law, art and space. The bi-weekly 'law and theory' reading group, reconfigured as a workshop module open to students, ran in both the spring and autumn semesters on the topics of "Theories of Self-Determination" and "The Nature of Legal Personhood" respectively, and sparked a series of lively discussions. In April, the institute collaborated with colleagues from the University of Roma Tre and the Australian National University on a week-long interdisciplinary Law and Humanities Spring School for doctoral and graduate students. In addition, we also welcomed three visiting fellows – Paolo Do, Amadou Sow and Laura Petersen – who each made diverse and significant contributions during their time with us.

Looking ahead to 2020, one event already stands out – the Law and Humanities Summer School on "Law, Art, Politics", which we will be running with international partners in Lucerne in June. A number of impressive speakers are already lined up for the lecture series, while the law and theory workshop will resume with a session on "Legal Fictions" in the spring. We will also host two further visiting fellows – Alexander Damianos and Fernando Liendo Tagle – who were selected from nearly 100 applicants for the 2020 scheme. Thus we are poised for what we are sure will be another exciting and stimulating year at the institute.

Before closing, I would like to extend a warm word of thanks to the members of our advisory board, who have provided invaluable support for many years. Changes to university regulations mean that the board will cease to operate from 2020, but we are extremely grateful to all members for their time and input. In particular, I would like to thank the outgoing president of the board, Prof. Matthias Mahlmann, for his collegial cooperation – not least with regards the organisation of the IVR congress, the success of which stands as an appropriate and lasting tribute to a fruitful collaboration over the past five years.

With thanks for your interest and support,
Prof. Vagias Karavas

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II. TEACHING

TEACHING PROFILE

At the core of our teaching philosophy lies a firm conviction of the importance of what in German are usually referred to as the 'foundational subjects' (*juristische Grundlagenfächer*) for the discipline of legal studies. Our courses encourage students to engage with the historical, philosophical, economic, social and cultural dimensions of law, in the belief that such an approach is vital in:

- strengthening contextual and foundational knowledge;
- enhancing methodological competence in understanding structural and systemic connections;
- promoting critical reflection on the meaning and validity of positive law; and
- boosting key skills needed for practice as a lawyer, including analysis, evaluation and communication.

Two further principles are also central to our teaching programme. The first is the view that legal education in Switzerland should strive for a more intensive exchange with neighbouring disciplines in the humanities and social sciences. Thus alongside conventional lectures in legal history, legal philosophy and legal sociology, we also offer a set of supplementary modules that pursue new and innovative interdisciplinary directions. The second is the belief that the study of law should also become more international in content and outlook. To this end, we aim to help familiarise students with other legal cultures and orders by opening up teaching to international guest lecturers, developing collaborative projects with partner universities, and nurturing student exchange relationships.

LECTURES & SEMINARS 2019

BACHELOR

Grundlagen des Rechts
Prof. Malte-Christian Gruber, Prof. Vagias Karavas, Prof. Michele Luminati, Prof. Klaus Mathis

Theorien der Selbstbestimmung
Prof. Malte-Christian Gruber, Prof. Vagias Karavas, Prof. Michele Luminati

Einführung in das juristische Arbeiten
Prof. Michele Luminati

MASTER

Lektüreworkshop zur aktuellen juristischen Grundlagenforschung
Prof. Malte-Christian Gruber, Prof. Vagias Karavas, Prof. Michele Luminati

Critical Legal Tech: Wissenschaftliche Perspektiven auf Technologie und Digitalisierung im Recht
Prof. Malte-Christian Gruber

Law and Society in a Global Context
Prof. Vagias Karavas

Rechtstheorie: Gerichte und Demokratie – Auf dem Weg zu einer Justiz ohne JuristInnen?
Prof. Michele Luminati

Rechtsökonomie
Prof. Klaus Mathis

Rechtsphilosophie
Prof. Malte-Christian Gruber

Immaterialgüterrecht
Prof. Malte-Christian Gruber

Integrationsseminar Recht und Politikwissenschaft: Justiz, Politik, Gesellschaft
Prof. Michele Luminati, Dr. Stefan Rieder, Dr. Christof Georg Schwenkel

Law and Justice in Literature and Film
Dr. Steven Howe

Technikrecht
Prof. Malte-Christian Gruber

Forschungskolloquium zur Geschichte der vormodernen und modernen Welt
Prof. Michele Luminati, Prof. Daniel Speich, Prof. Patrick Kury, Prof. Markus Ries, Prof. Valentin Groebner

Innen- und Aussenansichten zum Strafrecht (Guest Seminar)
Prof. Jochen Bung

Law, Cinema and Popular Culture
Dr. Steven Howe (Law and Humanities Summer School)

LLM IN LEGAL THEORY

In 2009/10, the European Association for the Teaching of Legal Theory (AEETD) and the European Academy of Legal Theory (EALT) launched an initiative to establish a new collaborative Master's Course in Legal Theory. The following year, the AEETD and a consortium of European partner universities (Lucerne, Vienna, Frankfurt, Brussels, Cracow and Stockholm) prepared and submitted a successful funding application to the EU's Lifelong Learning Programme (Erasmus Multilateral Projects – Curriculum Development), designed to facilitate the development and implementation of a new "EALT LLM Programme in Legal Theory". Subsequently, the partner universities collaborated intensively, over the course of three years, on the design of the teaching curriculum in preparation for its accreditation at the Goethe-University, Frankfurt. In summer 2014, accreditation was approved, and the course was opened to its first cohort of students. At the start of the Autumn term 2019, the programme began its sixth year of operation with approximately twenty participants.

As the only course of its kind in Europe, the LLM in Legal Theory offers a unique perspective on the study and practice of law. Based around a series of subject-specific modules, taught by specialists from the various partner universities, the programme has been designed so as to equip students with the conceptual tools and skills required for a thorough understanding of the workings of law in a modern, globalised world. Strongly interdisciplinary in orientation, the modules promote a productive synthesis of the study of the intellectual heritage of law's traditions and institutions with deep methodological and theoretical reflection, allowing participants to not only gain expertise in a wide range of domestic, European and international subject areas, but to also develop advanced, transferable analytical and critical skills.

III. RESEARCH

RESEARCH PROFILE

The institute is committed to advancing pioneering research and projects. We pride ourselves on being a hub of contact and exchange – an open laboratory for the discussion of issues and ideas, methods and theories. This openness is reflected in the work of our members, much of which is based on innovative, often cross-disciplinary, collaborations with colleagues in Lucerne or at other institutions at home and abroad.

The research undertaken at the institute spans local, national and international concerns in areas as diverse as law and technology, law and economics, legal history and law and humanities studies. Our core interest lies in exploring the conceptual foundations of law, its assumptions and aspirations, and its workings and effects in diverse social and cultural contexts, both historical and contemporary.

Each year, we run a varied schedule of lectures, seminars, workshops and conferences, together with a visiting fellow programme for young scholars. These activities enable us not only to foster a vibrant research community that brings together established and emerging academics, but to also consolidate existing national and international networks, and support new collaborations.

LECTURE SERIES: LABORATORIUM LUCERNAIURIS

Established in 2009, the "laboratorium lucernaiuris" lecture series provides a public forum for critical discussion and debate. Scholars and thinkers – both established and emerging – are invited to present aspects of their research and to share their expertise with students, faculty and the broader community.

The series aims to strike a balance between convention and innovation. While open to lectures on traditional legal subject matter, it also strives to nurture a space for showcasing original work that moves beyond traditional disciplinary borders. Speakers are, moreover, actively encouraged to think outside the box, and to take the opportunity to test new ideas and approaches.

2019 LECTURES

Grosse Imperien, kleine Bücher. Normerzeugung und Normenwissen im kolonialen Hispano-Amerika

Prof. Thomas Duve (Direktor Max-Planck-Institut für Europäische Rechtsgeschichte, Frankfurt a.M.)
Mittwoch, 8. Mai 2019

Die Rechtsgeschichte des kolonialen Hispanoamerika wird seit ihren Anfängen vor einem Jahrhundert als Geschichte des Aufbaus staatlicher Strukturen nach einem europäischen Modell geschrieben. Diese Forschungstradition bestimmte die Erkenntnisinteressen, die Normvorstellungen und den Konsens über die relevanten Quellen. In dem Vortrag soll eine andere mögliche Erzählung skizziert werden: eine Geschichte der Normerzeugung, der ein pragmatisches Normverständnis zu Grunde liegt und die nicht zuletzt anhand von Wissen erzählt werden muss, das in einem besonderen Medium gespeichert war – der pragmatischen normativen Literatur.

Anomie, Neutralisierung, Moralumkehr – Zur Theorie der Kriminologie

Prof. Jochen Bung (Universität Hamburg)
Donnerstag, 3. Oktober 2019

Die Kriminologie ist nach Foucaults Beobachtung ein Labyrinth. Man kommt vielleicht leicht hinein, aber nur schwer wieder heraus. Statt dem unverwirklichten Traum einer Grosstheorie des Verbrechens nachzuhängen, sollte man sich damit zufriedengeben, Versatzstücke von Theorien zu erproben und, vielleicht, zu kombinieren. Der Vortrag greift einige Versatzstücke kriminologischer Theorie auf und will einen Zusammenhang zwischen ihnen sichtbar machen, vor allem im Hinblick auf die Erfassung von Handlungsmustern, Einstellungen und (Selbst-)Interpretationen, die solchen Taten zugrunde liegen, deren Täter/innen ein gutes Gewissen haben.

Layers of Law? Birkenau in the Reichstag

Laura Petersen (University of Melbourne)
Tuesday 10 December 2019

Gerhard Richter, one of Germany's most famous contemporary artists, painted the *Birkenau* cycle in 2014. *Birkenau* consists of four large abstract panels. Underneath the layers of paint are the outlines of four painted photographs. The images underneath, not visible but present, are based on the four rare photographs smuggled out of the gas chamber at crematorium V of Auschwitz-Birkenau. In 2017, a copy of *Birkenau* was installed in the entrance hall to the Reichstag.

In this talk, I share some of my initial thoughts on the *Birkenau* paintings. I pay attention to Richter's technique of layering paint and notice how the ostensible site of the images, the concentration camp, is rendered absent. At the same time, I pay attention to the site of their display on the threshold to a prominent legal space. In so doing, I question the dynamic between the artwork, the audience and the legal institution.

WORKSHOP ON LAW & THEORY

The workshop on contemporary issues in law and theory is designed to be an open forum of reflection, conversation and debate. Each semester we engage with a range of texts centred around a particular overarching theme. The selections are deliberately diverse, providing the opportunity for broad-ranging discussions from a variety of perspectives. The group is open to all, and we actively encourage participation not only from members of the institute's research team, but also students as well as colleagues from neighbouring faculties. athis pointed to the upcoming popular vote on 21 May on the first reform package of the energy law, which is part of the new Energy Strategy 2050 of the Swiss Federal Council.

SPRING 2019: THEORIES OF SELF-DETERMINATION

- Der Konsistenz des Menschlichen. Post- und transhumane Visionen des Autonomieverständnisses (Jens Kersten)
- Selbstbestimmung oder sozialer Optimierungsdruck? Perspektiven einer kritischen Soziologie der Biopolitik (Peter Wehling)
- Selbstbestimmung im biotechnischen Zeitalter (Bijan Fateh-Moghadam)
- Selbstbestimmung bei persönlichkeitsverändernden Eingriffen. Gehirn und Gedankenexperimente der Tiefenhirnsimulation (Malte Gruber)
- Umstrittene Grenzen. 'Psychopathische Persönlichkeiten' zwischen Psychiatrie und Justiz (Urs Germann)
- Unternehmensinteresse – das gesellschaftliche Interesse des Unternehmens 'an sich'? (Gunther Teubner)

AUTUMN 2019: ON LEGAL PERSONHOOD

- Unternehmenskorporatismus: New Industrial Policy und das 'Wesen' der juristischen Person (Gunther Teubner)
- Von Mäusen, Menschen und Maschinen – Autonome Systeme in der Architektur der Rechtsfähigkeit (Jan- Erik Schirmer)
- Zumutung und Zumutbarkeit von Verantwortung in Mensch- Maschine- Assoziationen. Ein Beitrag zur zivilrechtlichen Entwicklung der Roboterhaftung (Malte Gruber)
- Natur als Rechtsperson. Konstellationen der Stellvertretung im Recht (Andreas Fischer- Lescano)
- The Law of Persons Today: At the Margins of Jurisprudence (Edward Mussawir & Connal Parsley)
- Die Subjektwerdungen der juristischen Person. Subjektivierungstheoretische Überlegungen zur rechtlichen Personalisierung von Kollektiven (Doris Schweitzer)

CONFERENCES & WORKSHOPS

IVR WORLD CONGRESS 2019: DIGNITY, DEMOCRACY, DIVERSITY

7 – 12 July 2019

Convenors: Malte-Christian Gruber, Steven Howe, Klaus Mathis, Bernhard Rütsche, Anne Kühler (Zurich), Matthias Mahlmann (Zurich), Simone Zurbuchen (Lausanne)

The IVR World Congress is something of an institution. Since its inauguration in 1957, the biennial meeting has established itself as a significant landmark in the academic and intellectual landscape. More than just the flagship event of the association, the congress offers an unrivalled forum for scholars, thinkers and practitioners from all over the world to convene for a full week of critical discussion and exchange.

The list of recent host cities gives a sense of the congress's global resonance and allure: Beijing, Frankfurt, Belo Horizonte, Washington D.C., Lisbon. 2019 provided the opportunity for Lucerne to join that roll of honour, the institute's application to stage the event having been approved by the IVR's Executive Committee back in late summer 2014. When the doors finally opened for registration on the afternoon of Sunday 7 July, the moment thus marked the culmination of five years of deep, drawn out – and at times furious – planning and preparation.

BREAKING RECORDS

At the outset, the lead concern of the organisers had been how best to maximise attendance and ensure sufficient numbers to make the event viable. Any doubts on this front swiftly subsided, however, once the registration process opened. As an initial flood of sign-ups ceded to a steady stream, a quiet confidence began to set in by early spring that we would not only meet but surpass our aspirations.

And so it proved. A late surge in the days immediately prior to the deadline lifted the final count to over 1'300 delegates – a figure far outstripping even the most ambitious forecast. The academic programme was to be accordingly and appropriately extensive, comprising eight plenary lectures and five evening events, as well as nearly 150 special workshops and 28 working groups – all to be hosted at five different locations across the city. These were dimensions unprecedented in the histories of both the IVR and the University of Lucerne. Small wonder, then, that, in the weeks leading up to its start, the congress attracted considerable attention and interest – not just in academic circles, but across local media as well.

FIRST IMPRESSIONS

"A good first impression can work wonders". So counsels Mrs. Weasley in *Harry Potter and the Order of the Phoenix*, as the title character awaits his hearing before the Ministry. And so was the thinking behind the congress's formal launch on the morning of Monday 8 July. The setting alone could barely fail to impress, even awe – the main concert hall of Lucerne's Kultur- und Kongresszentrum (KKL), renowned for its spectacular architecture and unique acoustics. Neatly juxtaposing these surrounds, the official opening was marked by a display of traditional

Swiss culture – Alphorn blowing and flag-throwing – before the delegates were greeted in a series of short addresses. Bruno Staffelbach and Bernhard Rütsche welcomed attendees in their capacities as University President and Dean of the Faculty of Law respectively. Mortimer Sellers, the sitting president of the IVR, congratulated the organising committee on its success in bringing the event together and expressed his delight at the record participant numbers. Simone Zurbuchen, President of the Swiss section of the IVR (SVRSP), thanked both the members of the institute in Lucerne for their support and cooperation, and the delegates for their attendance. Lastly, Matthias Mahlmann spoke on behalf of the organising committee, underlining both the value of the IVR Congress as a communal space for discussion and debate, and the urgent contemporary relevance of the event's three lead terms – dignity, democracy and diversity.

STRIKING THE KEY NOTES

Formalities completed, it was time for the opening keynotes. First to the lectern was Catharine A. Mackinnon, Elizabeth A. Long Professor at Michigan Law and James Barr Ames Visiting Professor at Harvard Law School, who spoke with characteristic eloquence on substantive inequality and dignitary harms. After a short break, a second – equally engaging and erudite – lecture followed by John Tasioulas, Professor of Law and Director of the Yeoh Tiong Lay Centre for Politics, Philosophy and Law at King's College London, on the internal defects of international human rights law and its tendency to 'overreach'. As the first morning closed, the delegates adjourned for an expansive buffet lunch in the KKL's impressive main atrium, invigorated by the thoughts of two leading scholars, and suitably inspired for further intellectual exchange throughout the rest of the congress.

PLENARIES, PODIUMS AND PANELS

Over the next four days, subsequent plenary lectures took up the slogan 'dignity, democracy, diversity' and presented an array of critical perspectives on contemporary concerns and possible responses. These included incisive commentaries on the promise and limitations of human rights discourse in relation to issues of globalisation (Neus Torbisco-Casals) and cultural diversity (John Mikhail); on the Islamic tradition of humanity as a potential grounding for principles of democracy and dignity (Azizah al-Hibri); on the persecution condition for refugeehood as a strain on fundamental human rights (Eilidh Beaton); on the significance of diversity for present and future generations (Yoshiki Wakamatsu); and on the meaning of, and challenges to, human dignity in our current climate (Heiner Bielefeldt, Peter Schaber and Simone Zurbuchen). These sessions were supplemented by two evening plenaries, which dovetailed well both with one another, and with the overarching themes of the congress – the first, a podium discussion on the contemporary crisis of democracy (Christine Abbt, Lukas Bärfuss, Matthias Mahlmann, Philippe Mastronardi); the second, a panel on current threats to academic freedom (Adam Bodnar, Gökce Çataloluk, András Sajo). Rounding out the main body of the programme were a lecture by IVR Book Prize Winner Brian Tamanaha, a presentation of the IVR's Encyclopedia of the Philosophy of Law and Social Philosophy, and a book launch and discussion of Miodrag Jovanovic's The Nature of International Law (with Veronica Rodriguez-Blanco and Mortimer Sellers).

SPECIAL WORKSHOPS: CRISIS, CRITIQUE, FUTURES

If these happenings represented the outward face of the congress, its inner core resided in the rich and diverse programme of special workshops run primarily across the afternoon sessions, each dedicated to a particular topic, theme, issue or idea. Such was their volume that not even a cursory review can be attempted here. Suffice it only to make two general observations. A first is that the workshops covered a remarkable geographical, temporal and thematic span, and registered a strong, common interest in stimulating inter- and transdisciplinary exchange. A second is that a good number of the sessions zoomed in on contemporary crises and challenges, outlining critical understandings and evaluations, but also pushing the need to think – deeply, critically and creatively – about the future(s) of law. These same energies pulsed through a series of workshops convened by members of the institute: on democracy and globalisation (Klaus Mathis); on artificial intelligence and digital ontologies (Malte-Christian Gruber, Vagias Karavas); on narratives of dignity (Steven Howe); on anarchism, law and statehood (Klaus Mathis); on legal feminism (Vagias Karavas); and on human dignity in Europe (Klaus Mathis). Alongside the workshop sessions, 28 loosely framed working groups provided additional opportunity for individual participants to present and discuss their current projects.

CULTURE, GASTRONOMY, HOSPITALITY

Last but not least – the congress was capped by a generous social programme that offered delegates the opportunity to sample the culture, gastronomy and hospitality of Lucerne and its environs. Highlights included a welcome reception at the KKL, and a farewell gathering at the Swiss Museum of Transport – the latter featuring no fewer than seven different international food stations, accompanied by live music and dancing. In addition, a variety of mid-week excursions were available to delegates, including visits to Mount Pilatus and Mount Stanserhorn, trips to Zurich and Berne, and a boat ride on Lake Lucerne. More than a mere supplement to the academic programme, these activities were integral to the overarching success of the congress, presenting further opportunities to discuss, socialise and make new friends, and planting memories that will hopefully live long with all who partook.

8. LUZERNER LAW AND ECONOMICS TAGUNG: CONSUMER LAW AND ECONOMICS

29.–30. März 2019

Organisation: Klaus Mathis

Die 8. Luzerner Law and Economics-Tagung fand am 29.-30. März 2019 zum Thema «Consumer Law and Economics» statt und wurde gemeinsam mit der University of Notre Dame durchgeführt. Hauptreferenten waren Prof. Omri Ben-Shahar, The University of Chicago Law School, Prof. Florencia Marotta-Wurgler, New York University Law School, und Professor Avishalom Tor, University of Notre Dame Law School.

Avishalom Tor machte auf die versteckten Kosten des Nudging aufmerksam, wie etwa psychologische Kosten oder die mit der Massnahme einhergehenden Opportunitätskosten. Nudges könnten daher teurer sein als ihre niedrigen Umsetzungskosten gemeinhin vermuten liessen. Omri Ben-Shahar analysierte das Versagen von Offenlegungspflichten, wie er es im Buch «More Than You Wanted to Know: The Failure of Mandated Disclosure» zusammen mit Carl E. Schneider beschrieben hat. Vielfach würde eine Vereinfachung der Produktinformationen für die Verbraucher gefordert. Dies sei jedoch keine geeignete Lösung, da die entsprechenden Informationen ihrer Natur nach komplex seien und deshalb nicht effektiv vereinfacht werden könnten. Florencia Marotta-Wurgler präsentierte die wichtigsten Ergebnisse ihrer Forschung zur Wirksamkeit von Datenschutzvorschriften. Sie stellte fest, dass die US-amerikanischen Datenschutzrichtlinien im Gegensatz zur Datenschutz-Grundverordnung der EU wenig wirksam seien. Im Anschluss daran folgten weitere Präsentationen, etwa zu Offenlegungspflichten und Blockchain, zu «Dieselgate» im Lichte des Konsumentenschutzrechts oder zu den Auswirkungen von Offenlegungspflichten bei Hypothekarkrediten aus verhaltensökonomischer Sicht.

PROGRAMME

Friday 29 March

09.15–09.20	**Welcome** Klaus Mathis, University of Lucerne
Panel 1	Chair: Anne-Lise Sibony
09.20–10.00	**The (Somewhat) Hidden Costs of Behavioral Interventions** Avishalom Tor, University of Notre Dame Law School
10.00–11.15	**Beyond Disclosure: A New Approach to the Regulation of Consumer Data** Omri Ben-Shahar, The University of Chicago Law School
11.45–12.45	**Regulating Information Privacy Through Fine Print: Examining the Effectiveness of the U.S. Approach to Consumer Information Privacy** Florencia Marotta-Wurgler, New York University School of Law
Parallel Panel 2A	Chair: Mariusz J. Golecki
14.15–14.45	**The Readability of Privacy Agreements and the General Data Protection Regulation** Samuel Becher, Victoria University of Wellington
14.45–15.15	**Fragile or Smart Consumers? Suggestions for the US from the EU** Giuseppe Colangelo, University of Basilicata, Potenza, and Mariateresa Maggiolino, Bocconi University, Milan
15.15–15.45	**'Your DNA is one Click away': The GDPR and Direct-to-consumer Genetic Testing** Miriam Buiten, University of Mannheim
Parallel Panel 2B	Chair: Ann-Sophie Vandenberghe
14.15–14.45	**The Interplay of Regulation and Litigation: What Dieselgate Tells us about US and European Consumer Laws** Susanne Augenhofer, University of Erfurt

14.45–15.15	**Environmental Protection by Means of Consumer Law?** Felix Ekardt and Jutta Wieding, Research Unit Sustainability and Climate Policy, Leipzig
15.15–15.45	**Harmonisation of Alcohol Labelling in the EU: How Much is Enough?** Kai Purnhagen and Hanna Schebesta, University of Wageningen

Parallel Panel 3A Chair: Sören Segger-Piening

16.15-16.45	**Mandated Disclosure and Blockchain** Thibault Schrepel, Utrecht University
16.45–17.15	**From "Failure of Mandated Disclosure" towards "The Rise of Mandated Product Content"? Empirically and BehaviourallyInformed Analysis of Mortgage Products on European Markets** Mariusz J. Golecki, University of Lodz, and Piotr Tereszkiewicz, Jagiellonian University of Cracow
17.15–17.45	**The PRIIPs Regulation in View of Behavioural Research: An Example of Hyperbolized Mandated Disclosure** Rainer Baisch, University of Zurich

Parallel Panel 3B Chair: Susanne Augenhofer

16.15–16.45	**The Law on Unfair Contract Terms in Standard Form Contracts in Europe: A Comparative Law & Economics Approach** Ann-Sophie Vandenberghe, Erasmus University Rotterdam
16.45–17.15	**Standard Contract Terms and Legal Controls: a Reconstruction from the Law and Economics Theory of Contract** Mireia Artigot i Golobardes, University of Pompeu Fabra, Barcelona
17.15–17.45	**From Disclosure to Transparency in Consumer Law** Rolf H. Weber, University of Zurich

Saturday 30 March

Panel 4 Chair: Samuel Becher

09.00–09.30	**In Search of the Theory of Harm in EU Consumer Law: Lessons from the Consumer Fitness Check** Anne-Lise Sibony, UCLouvain, and Fabrizio Esposito, Safra Center for Ethics, University of Tel Aviv
09.30–10.00	**No Need to Read – 'Self-enforcing' Pre-contractual Consumer Information** Sören Segger-Piening, University of Würzburg
10.20–10.50	**De-Biasing Strategic Communication** Tobias Gesche, ETH Zurich
10.50–11.20	**Correcting Information Asymmetry via Deep Consumer Information – Compelling Companies to Let the Sunshine In** Danny Friedmann, Peking University School of Transnational Law, Shenzhen
11.20–11.30	**Concluding Remarks** Klaus Mathis, University of Lucerne, and Avishalom Tor, University of Notre Dame Law School

VISITING FELLOWS

Since 2013, the institute has sponsored a dedicated visiting fellows programme for young researchers. The aim of the scheme is to enable promising doctoral candidates and early-career scholars to spend a period of time in Lucerne, during which they can share and develop research and teaching ideas with our members. We believe that the academic and international diversity of our fellows greatly enriches the intellectual life of the institute.

The fellowships are awarded in response to an annual call, and provide a stipend to defray travel and accommodation costs. The standard tenure is between four and eight weeks.

The institute offers visiting fellows a vibrant environment within which to pursue their research. Participants are encouraged to attend our events, present their work in one of our research fora, and to avail themselves of further opportunities for exchange with our members and visitors. All fellows are provided with workspace, as well as access to University of Lucerne facilities, computer services and library resources.

2019 FELLOWS

Paolo Do is a researcher based at La Sapienza University in Rome, and holds a PhD in Critical Management and Political Economy from Queen Mary University of London. He previously spent over a year in East Asia as a research fellow at the Shue Yan University of Hong Kong and the Shanghai Jiao Tong University, developing field research on the issue of the international strategic management of knowledge within the new political economy and the international division of labour.

While in Lucerne, Paolo researched the social and legal aspects of digital identity, which is becoming ever more a part of our daily lives in a modern world revolutionised by the internet. Together with Vagias Karavas, he also developed a SNSF-research proposal concerning "self-sovereign identity" (SSI) based on blockchain-technology, questioning the direct and exclusive control of personal data.

Amadou Korbinian Sow is a doctoral candidate at Bucerius Law School. His thesis tells the story of the early 20th-century's Free Law Movement and its perception by mainstream legal scholarship. He studied law in Hamburg and at the University of Oxford's Brasenose College. Since 2017, he has been a research assistant at Bucerius, where he teaches courses on law and criticism, as well as public law. Amadou's research interests lie in the history of jurisprudence, particularly in the early 20th-century, legal philosophy with a focus on the textuality and narrativity of law, and public law. He has written about subjects such as Franz Kafka's legal theory, the concept of a practical turn in law, and the meaning of non-juridical knowledge in German administrative law.

While in Lucerne, Amadou worked on his thesis in close cooperation with researchers at the institute. This involved interdisciplinary research that focused on developing a methodology for studying the internal disciplinary and exclusionary effects of legal discourse. Amadou presented his thesis to faculty at a talk entitled "The Early History of the Free Law Movement".

Laura Petersen is a PhD Candidate at the Institute for International Law and the Humanities at The University of Melbourne. Her research is cross-disciplinary, combining approaches to jurisprudence with literature and visual and public art. Laura's PhD project joins together her interests in law, German studies, and aesthetics. It has the working title of 'Making Good Again? Practices of Aesthetics and Justice after the Holocaust.' She reads examples from legal and literary writing, and public and visual art as objects to help us understand the dynamics of attempting *Wiedergutmachung* / 'restitution' in Germany. Laura has an MA from the Freie Universität Berlin and a BA/LLB (1st Hons) from The University of Melbourne. She was recently awarded an international collaborative grant to lead a team of early career scholars to investigate methodologies and scholarship on the theme of 'art + conflict'.

During her fellowship, Laura wrote a book chapter on form and authority in legal scholarship for an upcoming edited collection on the topic of International Law and Humanities. She also researched and wrote the first draft of an article on art and law, using a reading of the *Bourbaki Panorama* in Lucerne (and its re-workings in two contemporary art works) as a way to think about methodology. In addition, Laura held a public lecture on Gerhard Richter's *Birkenau* paintings in the Reichstag as part of the *laboratorium lucernaiuris* lecture series. She also participated in a reading group on sociology and legal personality with Doris Schweitzer, and began preparations with Steven Howe and Antoinette Maget Dominicé for a seminar at the Summer School on *Law, Art, Politics* to be held in Lucerne in June 2020.

RESEARCH PROJECTS

Milan and Ticino (1796–1848): Shaping the Spatiality of a European Capital
Michele Luminati

This research aims to study the evolution of Milan and of the Swiss Canton of Ticino between 1796 and 1848, thanks to an international cooperation and an interdisciplinary partnership. The study of the city's physical transformations and its projects is based on the use of a cross-cutting approach to the three fields that had a strong impact on the shaping of public space: legal changes, editorial policies, public opinion and political thought. The research addresses urban spatiality – a physical and cultural reality – taking the example of Milan and its territory and the Swiss Canton of Ticino in the first half of the 19th century: a case-study that can be used to construct a sophisticated model of hybridisation, in which physical, architectural and urban transformation, changes in culture and legal frameworks, were determined by the domination first of Paris and then Vienna, while not interrupting the continuity of practices and customs specific to the Italian-speaking areas in Italy and Switzerland that were its field of influence. Adopting a major hypothesis defining spatiality as a reality both physical and cultural, this research combines in an interdisciplinary perspective approaches used by the history of law, cultural history and history of architecture. The study period, 1796–1848, corresponds to the time when Milan assumed the status of a capital city, first "French" and then, from 1815, "Austrian" in the Lombardo-Venetian Kingdom. This historical shift, with its impact on the city's physical and cultural transformations, also saw Ticino acquire a political identity under French domination. In Milan there emerged an assertion of a consistent cultural policy that occupied its physical and intellectual space and turned it into a laboratory of modernity for all Italian-speaking areas, a laboratory that caused Ticino to examine the specific nature of its membership of the Helvetic Confederation. Milan will be presented as the archetype of a contemporary European capital: an alternative to the model of national capitals that involves an idea of spatiality combining the city's physical, intellectual and cultural dimensions. The project's general objective is to develop, starting from the Milanese example, a method and instruments that are valid for addressing a wider corpus of European cities, and thus to propose a new paradigm that will identify, indeed assert, the characteristics and values of relative centrality within a complex territorial system in which Ticino played a leading role.

Future Generations in Swiss and European Private Law: Models and Legal Institutions for Protecting the Interests of Future Generations
Malte-Christian Gruber, Michael Monterossi, Eliane Wicki

This research project proposes to lay the cornerstone for a new area of research within Private Law, specifically devoted to the studying of the models and legal institutions aimed at protecting the long-term interests related to future generations. The ever-growing scientific and public awareness of the medium and long-term impact that present-day actions and choices exercise on the Earth's systems, such as that produced by hazardous climate change, has led political institutions to establish a series of Public Law environmental principles (sustainability, precaution and inter-generational fairness) aimed at extending the temporal range of environmental policy and legal regulation.

Due to the limits emerging from a regulatory system based exclusively on public intervention, both legal doctrine and case-law have begun to show signs of re-interpreting some Private Law categories and rules in order to avoid externalizing the costs of present choices to the collectivity which will inhabit the future.

The proposed project intends to cover this area of research by addressing two crucial issues. The first one concerns the attribution of liability, in case in which present-day actions produce medium- and long-term risk or damage that will be borne by future generations. In this respect, the research aims at evaluating how, and to what extent, Public Law environmental principles (sustainability, precaution, intergenerational solidarity) affect and shape the rules concerning the attribution of liability in Private Law (e.g. fault and multiple causation). The second one refers to

the ways by which (future) damaged parties can legally bring lawsuits in the present against those actors whose conducts are capable of affect the natural resources and means that will be at the disposition of future generations. In this perspective, the project aims at addressing the question of legal personhood for not-yet-existing subjects as well as the legal techniques and procedural instruments which can be used in order to assure legal standing to future generations in Private Law proceedings (e.g. class actions, collective actions, associations).

Handbook of Human Dignity in Europe
Klaus Mathis, Paolo Becchi

As a reaction to the barbaric events during World War II, human dignity (*dignitas*) found its way into international law. Article 1 of the Universal Declaration of Human Rights (UDHR) states that "[a]ll human beings are born free and equal in dignity and rights." The starting point for developing the concept on a national level was the codification of human dignity in article 1, paragraph 1 of the German Grundgesetz. Consequently, the concept of human dignity spread to other European states.

The present volume shall give a systematic overview of the legal concept and the meaning of human dignity for each European state and the European Union. The (1) constitution, (2) legislation, and (3) application of law (court rulings) will be scrutinized and, inter alia, the following questions shall be answered: what is the meaning of human dignity? What is the legal status of the respective human dignity norms? Are human dignity norms of a programmatic nature or do they establish an individual right which can be invoked before court? Is human dignity inviolable?

Blockchain Law: The Promise of an Automated Law
Vagias Karavas

Das Forschungsprojekt beabsichtigt die hinter der digitalen Kryptowährung Bitcoin stehende Technologie namens Blockchain sowie die mit ihr einhergehenden gesellschaftlichen Erwartungen einer rechtstheoretischen Analyse zu unterziehen. Die Blockchain ist nichts anderes als ein digitales Register bzw. Kontoauszug, der aus aneinandergereihten Datenblöcken besteht und Daten über alle möglichen Transaktionen enthält. Wesentliches Merkmal der Blockchain ist, dass sie von keiner zentralen Instanz (bspw. einer staatlichen Behörde) verwaltet wird. Im Gegenteil weist die Blockchain eine genuin dezentrale Natur auf. Das Register ist somit auf allen Knoten des Netzwerks verteilt bzw. alle Knoten des Netzwerks verfügen über die gleichen Datenblöcke, was dem Register selber grosse Resilienz verleiht. Ein weiteres Merkmal der Blockchain besteht darin, dass Daten unmanipulierbar in diesem Register abgelegt und durch ein mathematisches Kontrollsystem dezentral verifiziert werden, was sich wiederum als vertrauensfördernd erweist. Nicht nur die Finanzbranche erhofft sich inzwischen eine Revolution des Geldverkehrs durch den Einsatz der Blockchain. Auch der Rechtsmarkt stehe – so zumindest die Einschätzung vieler Experten – kurz vor einer richtigen Revolution. Statt vieler Beispiele an dieser Stelle nur zwei: Während Notare und behördliche Register (Grundbuch etc.) noch unentbehrlich sind, könnten sie doch bald durch die Blockchain ersetzt werden. Damit ist wiederum die Hoffnung auf vollkommen automatische Eigentumsverhältnisse und die damit einhergehenden Vorteile (erhöhte Rechtssicherheit sowie Effizienz; niedrige Betriebs- und Unterhaltungskosten) verbunden. Ein weiterer Einsatzbereich dieser Technologie stellten sogenannte Smart-Contracts dar. Hierbei handelt es sich um elektronische Agenten, deren Funktion innerhalb der Blockchain darin bestünde, die Bedingungen eines Vertrags zu kontrollieren bzw. einzelne Vertragsbestandteile bei der Erfüllung von gewissen Bedingungen automatisiert auszuführen, womit ebenfalls die Möglichkeit automatischer Vertragsverhältnisse eröffnet würde. Das Forschungsprojekt möchte genau diese Versprechen und Verheissungen, die mit einer vollständigen Automatisierung von Rechtsvorgängen einhergehen, einer rechtstheoretischen Analyse unterziehen. Konkret soll die Frage untersucht werden, ob das Verschmelzen von Recht und Technologie, wie man es im Fall der Blockchain zu erleben glaubt, JuristInnen tatsächlich entbehrlich macht und die dem Rechtsbetrieb inhärenten Kontingenzen ausräumt.

TA-SWISS-Studie Neue Anwendungen der DNA-Analyse
Malte-Christian Gruber, Vagias Karavas

In der DNA verborgene Informationen auswerten, das war noch vor kurzem aufwändig, zeitintensiv und teuer. Doch heute sind Gen-Analysen zunehmend verbreitet. Einige Firmen bieten sogenannte „Lifestyle-Gentests" an. Damit erhalten beispielsweise Menschen einen eigenen genetischen Stammbaum oder ein Ernährungsprogramm, das auf ihre Gene zugeschnitten ist Mit Genanalysen lassen sich auch Aussagen darüber treffen, wie ein unbekannter Mensch aussehen könnte, von dem man nur eine DNA-Spur gefunden hat. Strafverfolger und Polizei erhoffen sich, dereinst Phantombilder aus DNA-Proben erstellen zu können.

Die neuen Anwendungsmöglichkeiten werfen aber auch Fragen auf. Eine DNA-Analyse offenbart sehr persönliche Informationen, nicht nur über einen selbst, sondern womöglich auch über seine Blutsverwandten. Wer soll Zugang haben zu diesen Informationen und wie sollen oder dürfen die Erkenntnisse aus DNA-Analysen genutzt werden?

Diese und weitere Fragen will eine neue Studie im Auftrag von TA-SWISS beantworten. Sie soll aufzeigen, welche Möglichkeiten DNA-Analysen schon jetzt bieten und welche weiteren Einsatzbereiche denkbar sind. Darüber hinaus will TA-SWISS mit der Studie unter anderem den ethischen Aspekt von Erbgut-Analysen beleuchten.

La città nascosta: Noto barocca
Michele Luminati

Aus der zufälligen Begegnung mit dem Archäologen Lorenzo Guzzardi ist eine über mehrere Jahre währende Kooperation zur systematischen Aufarbeitung der Entstehungsgeschichte der sizilianischen Barockstadt Noto, die mittlerweile von der UNESCO zum Weltkulturgut deklariert worden ist, entstanden.

Exemplarisch wird dabei das Phänomen von Zerstörung – Verschiebung – Wiederaufbau einer Stadt im Barockzeitalter untersucht und zwar durch Kombination von archäologischer und archivalischer Ausgrabung. Textuelle und räumliche Dimension eines hochkomplexen und konfliktuellen Entstehungsprozesses werden dabei sichtbar. Der Städtebau erfolgt auf dem Hintergrund rechtlicher und sozio-ökonomischer Strukturen und ist gleichzeitig durch Morphologie und natürliche Gegebenheiten des Standortes und durch vorbestehende Siedlungselemente beeinflusst. Gegenüber den bisherigen städtebaulichen und architekturgeschichtlichen Ansätzen, die sich vorwiegend mit der Monumentalität der Stadt beschäftigen, bringt das Projekt die versteckten, «zugedeckten» Dimensionen der Stadtgeschichte zum Vorschein.

Justizgeschichte des schweizerischen Bundesstaates: Justizelite zwischen Recht und Politik, 1848–2020
Michele Luminati

Die zunehmende Bedeutung der Justiz in der globalisierten Welt hat zu einem beträchtlichen Aufschwung der Justizforschung und Justizgeschichte geführt. Eine markante Lücke besteht allerdings in Bezug auf die Schweiz. Mit diesem langfristigen Forschungsprojekt (teilfinanziert durch den SNF, den Fonds zur Förderung des Akademischen Nachwuchses der UZH und die Stiftung Ecoscientia) sollen die Grundlagen für eine methodisch abgesicherte und international vernetzte Beschäftigung mit der Geschichte der Justiz im schweizerischen Bundesstaat geschaffen werden.

Ein erster Schwerpunkt liegt bei der rechts- und sozialgeschichtlichen Untersuchung des Schweizerischen Bundesgerichts. Auf der Grundlage einer prosopographischen Datenbank entsteht ein biographisches Lexikon der Bundesrichterinnen und Bundesrichter für die Periode 1848–2020. Parallel dazu werden laufend multifaktorielle Analysen

der gesammelten Daten publiziert, die Aufschluss über die Dynamik von Richterwahlen, Richterkarrieren und Richterprofilen liefern und über die Entwicklung der schweizerischen Justizelite Auskunft geben.

Ein zweiter Schwerpunkt bildet die Frage nach den Wechselwirkungen zwischen Rechtsprechung und Gesetzgebung in der Schweiz. Insbesondere wird der Umgang des Schweizerischen Bundesgerichts mit den grossen Kodifikationen (OR, ZGB und StGB) untersucht. In diesem Zusammenhang stellen sich etwa folgende Fragen: Was bedeutet Gesetzesbindung und Umsetzung des gesetzgeberischen Willens? Wie werden Konflikte zwischen unterschiedlichen (kantonalen) Rechtsprechungstraditionen gelöst?

Genome Editing – Interdisziplinäre Technikfolgenabschätzung. Rechtlicher Kontext und Regulierung
Malte-Christian Gruber, Andrea Sommer

Neue Techniken des *Genome Editing*, vor allem die so genannte «Gen-Schere» *CRISPR/Cas9*, haben das Potential, grundlegende Aspekte unseres moralischen Selbstverständnisses, existierende rechtliche Regulierungen und gesellschaftliche Gegebenheiten in Frage zu stellen. Im Rahmen einer von der TA-SWISS in Auftrag gegebenen interdisziplinären Technikfolgenabschätzung soll ein grundlegender Rechtsrahmen entwickelt werden, der für die juristische Dogmatik und Gesetzgebung weitere Empfehlungen mit besonderem Fokus auf das schweizerische Recht unter Berücksichtigung rechtsvergleichender Aspekte bereithält. Das Projekt bildet den rechtswissenschaftlichen Teilbereich eines Verbundprojekts, welches in Zusammenarbeit mit dem Institut für Höhere Studien (Wien), dem Interdisziplinärem Forschungszentrum für Technik, Arbeit und Kultur (Graz) sowie der KU Linz bis zum Jahr 2019 weitergeführt wird.

Distributed Dispute Resolution Mechanism Operated by Community of Legal Professionals on a Smart Contract Code-based Peer to Peer Transaction DLT
Malte-Christian Gruber, Golnaz Abdollahi Jafari

The advancement of different distributed ledger technology (DLT) networks has raised issues not only in terms of compliance with data protection and privacy of natural persons, but also in terms of the enforceability of smart contract codes upon which decentralised applications are built, in particular in the area of dispute resolution between peers and parties to transactions.

Data integrity is of primary importance in a network run by distributed computer nodes. Prior to the occurrence of transaction finality, parties would require validation of input and output states before entries on the ledger are correctly updated. An algorithmic consensus process would need to be in place in order to confirm that a certain input state for a proposed transaction has not been spent before.

Solutions are foreseen through the intermediation of a distributed network of operating computer nodes controlled by a community of legal professionals.

Such community of legal professionals would provide validation services in order to ensure data integrity and to avoid double spending. Validation would take place through e-signatures using private key pairs by assigned individual participants of the community. In addition, the network would be able to issue verifiable third party claims under a joint data controller/processor framework, compliant with data protection laws such as the EU General Data Protection Regulation (GDPR).

Moreover, the network would use data propagation as opposed to data broadcasting, whereby the ledger would only be visible to participants to the extent of their subjective interests and expertise. This feature would enhance privacy and would be compliant with the principle of data minimisation under GDPR.

In terms of technical and organisational measures, the network would also comply with the concepts of 'privacy by design' and 'privacy by default', as introduced by the GDPR. Personally identifiable information (PII) of data subjects would be stored effectively 'off-ledger', with access remaining under the ultimate control (through private key pairs) of natural and legal persons by means of an exclusive and pseudonymous representation of their identities through the use of decentralised identifiers (DIDs).

Any disputes parties to transactions encounter would be governed by the terms and conditions of the legal agreement pointed to by the smart contract code. The assignment of the community network to settle disputes would be conducted on a case to case basis, whereby individual community participants are selected on the basis of their merits and expertise, and who would operate within the set limits of the network's governance model (or protocol).

The feasibility study will provide a preliminary and introductory insight into the scope of the proposed concept, in particular through a general analysis of smart contract codes and an identity management system as the central components of the design model network infrastructure, next to applicability from a legal standpoint. In particular questions related to legal enforceability and compliance with data protection laws, predominantly in the context of the multi regulatory system of the European Union (EU) and that of Switzerland are addressed.

Logistics of Life: The Logistics of Surrogate Motherhood
Vagias Karavas, Paolo Do

This research project aims to use logistics to provide an epistemic angle for an analysis of law, its ontological capability and transformative power in the making of the current world regions.

Logistics erasures distances and uses it for profit facilitating a constant movement of goods, people, and information across sites, trading labour costs against transport costs, eroding the distinction between production and circulation. Within this framework an original process of value creation takes the stage: the transport of goods, rather than being an added cost, is a generative production of surplus value. In doing so, logistics is challenging our perception of time, while is producing the global space we are living. In fact, logistics makes world: nodes, chokepoints, hub, corridors and gateway are the infrastructure of our segmented, fragmented, continuously reassembled planet.

Taking into consideration the life science industries, or the expansion of the assisted reproductive technologies as a flourishing transnational market: there are global biomarkets, which involves multiple bodies as well as multiple locations where people and goods are translated by differential national regulations, shaped by overlapping jurisdictions, and produced by extra-territoriality laws. As logistics is productive, so is the law: special economic zones, unprecedented institutional configurations, transnational borders are opening incessantly new frontiers of capital and shaping our social world.

Within this outline, this research proposal will explore the case of commercial surrogacy practices and the cross-border assisted reproduction in the regions of Europe, which is on the rise due to differential regulations, cost factors, differing accessibility and personal choice. It will focus on the so called “fertility tourism” or “cross-border reproductive care”, where national and provincial regulation creates distinctive geographies of permission and prohibition, so that intending parents may elude national regulatory restrictions and travel to a jurisdiction where surrogacy market is permitted. In particular, it will highlight the legal, technical, and commercial aspects of this biological process of reproduction, and the forms of value production made by this logistical infrastructures.

Law, Justice and the Popular Imagination in Weimar Germany (1919-1933)
Steven Howe

This project seeks to offer a first extended investigation of the relations between law, media and popular culture during the period of the Weimar Republic. Its leading premise is that the widely proclaimed 'crisis' of law and order in interwar Germany elicits a set of responses and debates that extend beyond official legal and political discourse into the public sphere, and that popular media become an important staging ground for the struggle to (re-)define law, rights and justice. Focusing on distinct media forms, the study will attempt to illustrate how Weimar culture produces a set of popular interventions that variously negotiate, legitimate and/or challenge contemporary legal standards and values. By doing so, it aims to open new perspectives on the intersections between legal and popular culture in Weimar Germany – both via a historical resituating of the cultural texts of the era in the context of circulating discourses of law, crime and justice, and through close analysis of their relevance for transporting and questioning legal norms and normativities within the popular imagination.

Economic Analysis in Regulation and Legal Reasoning
Klaus Mathis, Lynn Gummow

The interdisciplinary project Economic Analysis in Regulation and Legal Reasoning comprises the two sub-projects 'The Philosophical and Behavioural Foundations of Cost-Benefit Analysis' (Sub-Project A) and 'Economic Arguments in Legal Reasoning' (Sub-Project B). Both are studies on the economic analysis of law, whereby Sub-Project A focuses on legislation, and Sub-Project B on the application of law. Sub-Project A will further develop the philosophical foundations of cost-benefit-analysis and explore possible effects of the results of behavioural economics research on cost-benefit analysis as an instrument of legislation. Sub-Project B will investigate the role economic arguments play in the application of law. In the theoretical study, a comparative analysis between civil law and common law systems will be undertaken; in the application-oriented sub-project, a comparative case study will be used to illustrate how economic arguments concretely enter into the legal justification of court decisions in both jurisdictions. The publication of both studies in the series Economic Analysis of Law in European Legal Scholarship, edited by Prof. Dr. Klaus Mathis, is planned.

Enlightened Anarchism: What Can We Learn from the Anarchist Critique of the State, the Law and Authority?
Klaus Mathis, Luca Langensand

The classical conception of the state currently finds itself, in the wake of modern globalisation processes, in a condition of flux and is being called into question to varying degrees from a raft of different perspectives. Against this backdrop, anarchist theories and social models are also increasingly gaining relevance. As a political philosophy, anarchism does not merely criticise state authority, but also fundamentally questions all forms of rule and coercion.

This interdisciplinary doctoral project analyses the anarchist critique of authority. In the first section, the concept of 'anarchism' as a subject of research will be defined – the various anarchist currents both in history and the present will be presented and analysed in view of differences and commonalities. In the second part, a set of general anarchist precepts will be distilled out of the broad and diverse anarchist critique of the state, law and authority. Following this, an attempt will be made, in the third section, to explore the extent to which this critique can be accommodated via the implementation of individual anarchist principles in the existing social order. The aim here is analyse whether it may be advantageous for human coexistence to allow space for the unfolding of anarchistic precepts within society, independent of any and all state, economic or social structures of authority.

Deutsche Strafrechtskommentare der 1920er Jahre im Vergleich – die erste Auflage des späteren Leipziger Kommentars und seine Konkurrenten: Was war ein „guter" Kommentar?
Christian Puricel

Ausgangspunkt der Dissertation ist die Frage, warum der sogenannte „Leipziger Kommentar" verglichen mit anderen Kommentaren zum deutschen Strafgesetzbuch – aus Sicht der Nutzer – der „bessere" Kommentar war. Dabei wird die 1. Auflage dieses Kommentars von 1920 mit drei Kommentaren zum Reichsstrafgesetzbuch, die zwischen 1910 und 1920 erschienen sind, verglichen. Der Vergleich erfolgt unter Berücksichtigung der Forschungsarbeiten von Henne und Kästle zu den Funktionen von juristischen Kommentaren. Es werden die Kommentartexte zu zwei Normen (Beispiele) unter Zuhilfenahme der von den erwähnten Autoren definierten Funktionen, die auch als Kriterien aufgefasst werden können, analysiert. Es handelt sich um die Kommentierungen zur Notwehr und zum Widerstand gegen die Staatsgewalt.

Eine erste Analyse der Kommentierungen zur Notwehr zeigt, dass der „Leipziger Kommentar" durch gute Struktur und stringente Gedankenführung überzeugt. Zudem werden abstrakte juristische Begriffe gut erklärt, indem dem praktisch tätigen Juristen bekannte Fachbegriffe mit Beispielen kombiniert werden. Diese Aspekte lassen sich der von Henne als Feinsteuerung bezeichneten Funktion zuordnen. Somit kann im Sinn eines Zwischenfazits gesagt werden, dass der „Leipziger Kommentar" die Feinsteuerung besser zu leisten scheint. Es geht nun darum, diese These anhand des anderen Beispiels zu bestätigen oder zu verwerfen.

Der Deutsche Juristentag 1933. Der Aufstieg des Bundes Nationalsozialistischer Deutscher Juristen und die Selbstmobilisierung der juristischen Professionselite
Silvan Schenkel

Wie war es möglich, dass nach der Machtübernahme der Nationalsozialisten im Jahr 1933 ein grosser Teil der juristischen Professionselite nahezu übergangslos weiterarbeiten konnte?

Im vorliegenden Dissertationsprojekt wird argumentiert, dass der Deutsche Juristentag 1933 in Leipzig eine zentrale Rolle in diesem Übergangsprozess spielte. In Leipzig wurden das kollektive Selbstverständnis der Professionselite und die Organisationsstrukturen nach der sogenannten „nationalen Revolution" manifestiert. Die „Rechtserneuerung" folgte – gemäss einem Banner am Gebäude des deutschen Reichsgerichts - dem Prinzip „Durch Nationalsozialismus dem deutschen Volk das deutsche Recht". Aufgrund der polykratischen Strukturen im NS-Staat blieb die konkrete Umsetzung dieses Prinzips jedoch vage und ermöglichte insbesondere der jungen juristischen Professionselite, ihre teils widerstreitenden Konzepte und Vorschläge zur „Rechtserneuerung" zu präsentieren. Die alte Professionselite brachte ebenfalls ihre Vorschläge ein und versuchte das bestehende Rechtssystem vor zu starken Eingriffen zu bewahren (beispielsweise die Wahrung der richterlichen Unabhängigkeit).

Ziel der Arbeit ist die Reden zu analysieren und herauszufinden, wie sich der jeweilige Redner am Juristentag positionierte und auf welche Teile des nationalsozialistischen Ideologiekonglomerats er sich berief, um seine Konzepte zur Änderung und Neugestaltung der Rechtsordnung einzubringen. Der anschliessende Vergleich mit den Juristentagen 1936 und 1939 soll aufzeigen, welche Redner nach 1933 noch eine Rede hielten und ob sie sich im Vergleich zu 1933 radikalisierten.

La giuria (post)moderna – studio sulle aspettative riposte nella magistratura penale popolare in Svizzera
Filippo Contarini

Im Jahr 2010 hat der Kanton Tessin mit einer hauchdünnen Mehrheit per Volksabstimmung entschieden, die Geschworenengerichtsbarkeit in seinem Strafprozess beizubehalten. Ein historisches Relikt? Eine gerechtfertigte Kontrolle einer zunehmend technischen Gerichtsbarkeit? Wie kann es sein, dass die Laienbeteiligung noch Legitimation geniesst?

Anhand systemtheoretischer und rechtshistorischer Ansätze erforsche ich die «Entstehung» und den «Untergang» der Geschworenengerichte in der Schweiz. Als «Palladien» der bürgerlichen Freiheit der liberalen Revolution proklamiert, im Zentrum der Verfassungsgedanken der Gründungsväter des neuen Bundesstaates von 1848 gerückt, sind sie für die Hälfte der Schweiz allerdings nie eine gerichtliche Realität geworden. Abgesehen davon finden wir eine Geschichte des allmählichen Bedeutungsverlustes durch Korrektionalisierung, der Rollenänderung und der schlichten Abschaffung. Die Widerstände gegen diese Entwicklung, die sich als Mythologisierung der demokratischen Präsenz im Gericht verstehen, blieben allerdings konstant.

Ich verstehe die Geschworenen- und Schöffengerichtsbarkeit als eine Institutionalisierung des Chaos im Gericht. Angesichts der Paradoxie der unentscheidbaren, aber zwingenden Gerichtsentscheidung, stellt das moderne Rechtsverweigerungsverbot den Schluss des autopoietischen Zirkels des Rechtssystems dar. Um mit der Politik strukturell gekoppelt zu sein, muss aber die Autonomie des Rechts einen gewissen Grad erreichen, wobei neue Instanzenzüge, die Präsenz der öffentlichen Meinung und eben die Geschworenengerichtsbarkeit als einige der Mittel erschienen, um diese Aufgabe zu gewährleisten. Waren die Geschworene aber vielleicht ein untaugliches Mittel? Eine kaum kontrollierbare Institution, die auf der Zufälligkeit der Wahl der Geschworenen (und nicht: aus der demokratischen Herkunft) die eigene Legitimation aufbaute? Oder waren sie eine unnötige Abweichung eines modernen Rechts, das aus einer gesellschaftlichen Komplexitätserhöhung seine eigene Ausdifferenzierung in der Schweiz suchte und letztendlich fand? Auf diese Fragen wird, auch über Fallstudien zu den politischen Prozessen gegen Revolutionäre, eine Antwort gesucht.

Institutionalisierte Digitalallmenden: Ansätze für einen nachhaltigen Zugang zu digitalen Ressourcen
Dario Haux

In Zeiten eines omnipräsenten Internets und einer allumfassenden Vernetzung, kämpft das verhältnismäßig junge Immaterialgüterrecht um seine Bedeutungshoheit. Der Einfluss auf die Gestaltung der geistigen Produktion der Informationsgesellschaft wird dabei größer sein, sofern es gelingt, die Entwicklungstendenzen von Beginn an kritisch zu reflektieren und zu begleiten.

Dies führt zu einem Hauptbedürfnis, dem mit dieser Arbeit Rechnung getragen werden soll. So ist in erster Linie eine Öffnung und Zuordnung dieser Inhalte an die Allgemeinheit in Erwägung zu ziehen. Von vornherein, also bereits auf der Ebene der Produktion und nicht der Distribution, sollte feststehen welche Akteure, wie und wieso auf diese Form der Ressourcen zurückgreifen können. Dabei spricht für eine digitale Öffnung, dass bereits in vormodernen Logiken, Nutzungsrechte und Teilhabeformen eine enorm wichtige Rolle einnahmen. Ob dies im Internet durch die Konstruktion einer digitalen Allmende geschehen kann, ist zu diesem Zeitpunkt noch nicht absehbar. Ein neuartiger Ansatz muss sich dabei den Prinzipien des Immaterialgüterrechts nicht widersetzen. Auch deshalb wird sich die Arbeit in erster Linie mit bereits bestehenden Ansätzen auseinandersetzen und im Rahmen dessen die Grundlagen für eine rechtliche Neuordnung erarbeiten, die den technischen Entwicklungen in einer Weise Rechnung trägt, die sowohl Wissensproduktion als auch Wissenszugang gewährleisten.

Die normativen Grundlagen des Menschenrechts auf Wasser
Moritz Pachmann

Heute haben über 660 Millionen Menschen keinen Zugang zu sauberem Trinkwasser und ein Drittel der Weltbevölkerung keine Möglichkeit hygienische Toiletten zu benutzen. Die Wasserkrise wird sich in den nächsten Dekaden verschärfen, unter anderem weil Grundwasservorräte massiv übernutzt werden, sich das durchschnittliche Konsumverhalten der Weltbevölkerung verändert und aufgrund des Klimawandels. Ein wichtiges rechtliches Instrument, um den Folgen der Wasserkrise entgegenzuwirken, sind die Menschenrechte.

Das Menschenrecht auf Wasser ist bislang in keinem rechtlich verbindlichen völkerrechtlichen Dokument ausdrücklich statuiert. Es beruht auf einer Vielzahl von Erklärungen, Standards und völkerrechtlichen Übereinkommen, die jedoch nur zum Teil rechtlich verbindliche Verpflichtungen für die Staaten begründen. Solche werden hauptsächlich aus Art. 11 und 12 UNO-Sozialpakt hergeleitet.

Dieses Dissertationsprojekt nimmt eine Analyse und einen Vergleich der rechtlichen sowie der moralischen Normativität des Menschenrechts auf Wasser vor. Es erörtert die Legitimität einerseits der völkerrechtlichen Verpflichtungen, andererseits der moralischen Verpflichtungen. Dabei wird das Menschenrecht auf Wasser rechtsphilosophisch rekonstruiert, indem verschiedene Theorieansätze für eine legitimatorische Grundlegung geprüft werden. Daran anknüpfend soll ein Begründungsansatz spezifisch für das Recht auf Wasser entworfen werden.

Wettbewerb und Wohlfahrt - Darstellung einer wohlfahrtsorientierten Wettbewerbskonzeption und deren Implementierung ins schweizerische Wettbewerbsrecht
Martin Meier

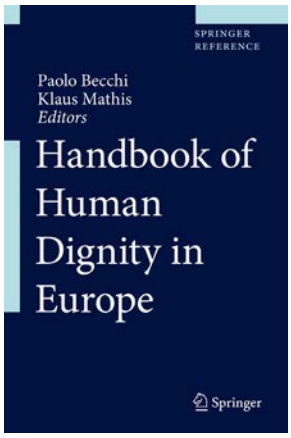
Das vorliegende Dissertationsprojekt setzt sich vertieft mit dem Verhältnis von Wettbewerb, Realität und Gemeinwohl in der schweizerischen Wettbewerbspolitik auseinander.

Im Zentrum steht die Frage, wie die bestehende Wettbewerbsordnung – unter Berücksichtigung neuer Erkenntnisse der empirischen und theoretischen Sozialforschung – realistischer und gemeinwohlfördernder ausgestaltet werden kann. Dabei werden einerseits die verhaltenstheoretischen sowie andererseits die normativen Grundlagen des bestehenden Wettbewerbsrechts kritisch analysiert. Basierend auf dieser Analyse wird ein Regulierungsvorschlag für das schweizerische Kartellrecht ausgearbeitet. Das Ziel dieses Regulierungsvorschlags ist es, die struktur- und gesellschaftspolitische Bedeutung des Kartellrechts wieder zu stärken.

Das Dissertationsprojekt stellt eine Grundlagenstudie dar, hat interdisziplinären Charakter und versteht sich als Brückenbauer zwischen den verschiedenen gesellschaftswissenschaftlichen Disziplinen.

NEW BOOKS

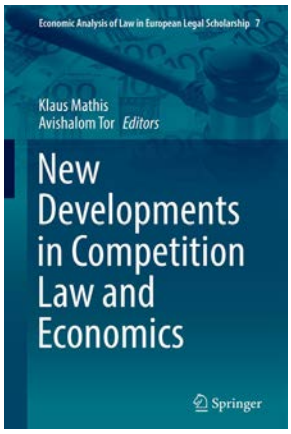
Klaus Mathis & Paolo Becchi (eds.), **Handbook of Human Dignity in Europe** (Cham et al: Springer, 2019)



This handbook provides a systematic overview of the legal concept and the meaning of human dignity for each European state and the European Union. For each of these 43 countries and the EU, it scrutinizes three main aspects: the constitution, legislation, and application of law (court rulings). The book addresses and presents answers to important questions relating to the concept of human dignity. These questions include the following: What is the meaning of human dignity? What is the legal status of the respective human dignity norms? Are human dignity norms of a programmatic nature, or do they establish an individual right which can be invoked before court? Is human dignity inviolable? The volume answers these questions from the perspectives of all European countries.

As a reaction to the barbaric events during World War II, human dignity (dignitas) found its way into international law. Article 1 of the Universal Declaration of Human Rights (UDHR) states that "[a]ll human beings are born free and equal in dignity and rights." The starting point for developing the concept on a national level was the codification of human dignity in article 1, paragraph 1 of the German Grundgesetz. Consequently, the concept of human dignity spread throughout Europe and, in the context of human rights, became a fundamental legal concept.

Klaus Mathis & Avishalom Tor (eds.), **New Developments in Competition Law and Economics** (Cham et al: Springer, 2019)



This book further develops both the traditional and the behavioural approach to competition law, and applies these approaches to a variety of timely issues. It discusses several fundamental questions regarding competition law and economics, and explores the applications of competition law and economics. In turn, the book analyses the interplay of intellectual property rights and patents in various aspects of competition law, and investigates the impacts that developments in information technology, such as big data analytics, have on competition law. The book also discusses the impact of energy law reforms on energy markets from a competition law perspective.

Competition law is a classic field of economic analysis. This is largely due to the fact that competition law uses terms such as market, price, and competition and must therefore rely on economic know-how and analyses. In the United States, economic analysis has greatly influenced not just the scholarship on antitrust law, but also judicial decisions and agency enforcement. Antitrust law and economics are based on the traditional paradigm of neoclassical economics, which relies on the assumption that the market players, i.e. consumers and producers, are rational. This approach to competition law was later received in Europe under the banner of a "more economic approach".

For the past two decades, behavioural law and economics, which seeks to generate better insights into legal phenomena by providing more realistic psychological foundations for economic models, and to offer a multitude of applications in legislation and legal adjudication, has challenged the traditional economic approach to law in general and, more recently, to competition law specifically.

Klaus Mathis & Luca Langensand (Hrsg.), **Anarchie als herrschaftslose Ordnung** (Berlin: Duncker & Humblot, 2019)

Der Anarchismus – verstanden als Theorie und Praxis der Herrschaftslosigkeit – verfügt über eine lange und mannigfaltige Geschichte und Tradition. Durch seine Vielfalt und indem er starre Konzepte und Dogmen ablehnt, kann er sich an veränderte äußere Bedingungen anpassen, weshalb er auch im 21. Jahrhundert eine innovative Gesellschaftsphilosophie darstellt. Der vorliegende Band leistet einen Beitrag zur anarchistischen Debatte der Gegenwart, indem er aus unterschiedlichen Blickwinkeln das Verhältnis von Anarchie und Ordnung ergründet. Nebst Texten zu den Grundlagen anarchistischer Organisation und zu klassischen und aktuellen anarchistischen Ordnungsmodellen finden sich Beiträge, in denen die historische Wirklichkeit des politischen Anarchismus als auch seiner Vorläufer erforscht wird. Außerdem enthält der Band Texte zu Anarchie, Ordnung und Herrschaft aus philosophischer Perspektive sowie Texte, die das Verhältnis von Anarchie, Anarchismus und rechtlicher Ordnung beleuchten.

Klaus Mathis, **Effizienz statt Gerechtigkeit? Auf der Suche nach den philosophischen Grundlagen der Ökonomischen Analyse des Rechts**, 4. überarb. und erweit. Aufl. (Berlin: Duncker & Humblot, 2019)

Das vorliegende Werk erfreut sich als Einführung in die Ökonomische Analyse des Rechts nach wie vor grosser Beliebtheit, weshalb Verlag und Autor übereingekommen sind, eine vierte, überarbeitete und erweiterte Auflage herauszugeben. Nach der Vermittlung der Analysemethoden und -konzepte werden Anwendungen aus verschiedenen Rechtsgebieten dargestellt, wobei nebst den Möglichkeiten auch die Grenzen der Ökonomischen Analyse des Rechts reflektiert werden. Zu diesem Zweck werden ihre philosophischen Grundlagen und insbesondere das Verhältnis von Effizienz und verschiedenen Konzeptionen der Gerechtigkeit untersucht.

Dario Haux, Dario Picecchi & Markus Schreiber (Hrsg.), **Recht und Risiko. Junge Rechtswissenschaft Luzern** (Zürich: Schulthess, 2019)

Der Umgang mit Risiken prägt unseren Alltag. Um einzelne Personen und die Gesellschaft angemessen vor Risiken zu schützen, muss das Recht eine Balance zwischen Freiheit und Regulierung finden.

Das Ziel des vorliegenden Sammelbandes ist es, die rechtliche Regulierung von Risiken genauer zu betrachten. Hierzu setzen sich die Autorinnen und Autoren mit unterschiedlichen Rechtsfragen kritisch auseinander und bieten Anregungen für weiterführende Diskussionen in den Rechtswissenschaften und darüber hinaus.

Die Junge Rechtswissenschaft Luzern richtet mit dem Leitthema «Recht und Risiko» den Fokus somit auf einen interdisziplinären Forschungsbereich, der von historischen Entwicklungen, aktuellen empirischen Ergebnissen sowie vom technologischen Wandel massgeblich geprägt wird.

FURTHER PUBLICATIONS

PROF. MALTE-CHRISTIAN GRUBER

- "Mensch oder Maschine. Zur Humanität des Rechts nach dem Ende des Menschen", in Andreas Funke / Klaus Ulrich Schmolke (Hrsg.), Menschenbilder im Recht (Tübingen: Mohr Siebeck, 2019), S. 43–59
- Genome Editing – Interdisziplinäre Technikfolgenabschätzung. TA-SWISS Publikationsreihe, 01.08.2019 (Zürich: vdf Hochschulverlag, 2019) [mit Alexander Lang, Armin Spök, Dominik Harrer, Caroline Hammer, Florian Winkler, Lukas Kaelin, Helmut Hönigmayer, Andrea Sommer, Milena Wuketich, Michael Fuchs, Erich Griessler]

PROF. VAGIAS KARAVAS

- "Ermächtigung durch Technik? Zum Umgang mit Technikoptionen im liberal-demokratischen Rechtsstaat am Beispiel der Eizellkonservierung", in Ancilla iuris (2019), S. 101–120

PROF. MICHELE LUMINATI

- "Das Richterbild in der Schweiz: Richterliche Unabhängigkeit auf dem Prüfstand", in Zeitschrift für Schweizerisches Recht 138 (2) (2019), S. 201–289 [mit Filippo Contarini]
- "Justizrat als Alternative", in Neue Zürcher Zeitung (13. September 2019), S. 10

PROF. KLAUS MATHIS

- "Human Dignity in Switzerland", in Paolo Becchi / Klaus Mathis (eds.), Handbook of Human Dignity in Europe (Cham: Springer, 2019), pp. 1–50 [with Balz Hammer]
- "Introduction", in Klaus Mathis / Avishalom Tor (eds.), New Developments in Competition Law and Economics (Cham: Springer, 2019), pp. vii–xi
- "Vorwort", in Klaus Mathis / Luca Langensand (Hrsg.), Anarchie als herrschaftslose Ordnung? (Berlin: Duncker & Humblot, 2019), S. 11–12

DR. STEVEN HOWE

- "Law, Clemency and the Politics of Emotion in Heinrich von Kleist's *The Prince of Homburg*", in Chiara Battisti / Sidia Fiorato (eds.), Law and the Humanities: Cultural Perspectives (Berlin: De Gruyter, 2019), pp. 275–292
- "Law, Narrative and Critique in Contemporary Verbatim Theatre", Polémos – Journal of Law, Literature and Culture 14 (2) (2020) [with Clotilde Pégorier] [in press]
- "In/Humanity. Figures of Enmity around 1800" / "In/Humanidad. Figuras de la Enemistad alrededor de 1800", in Christine Abbt / Leire Urricelqui / Ángela Sierra Gonzalez (eds.), In Terms of Exclusion. Thinking the Barbarian Then and Today / En términos de exclusión. Pensar el bárbaro de ayer, hoy (Barcelona: Laertes, 2020) [in press]

DR. FILIPPO CONTARINI

- "Das Richterbild in der Schweiz: Richterliche Unabhängigkeit auf dem Prüfstand", in Zeitschrift für Schweizerisches Recht 138 (2) (2019), S. 201–289 [mit Michele Luminati]
- "Rischio processuale: decidere è pericoloso?" in Dario Haux / Dario Picecchi / Markus Schreiber (Hrsg.), Recht und Risiko. Junge Rechtswissenschaft Luzern (Zürich: Schulthess, 2019), S. 131–156
- "'Il y a ensuite des formes d'homicide que nous ne blâmons pas'. Il processo all'anarchico Brousse per una nuova prassi del processo politico in Svizzera?", in Klaus Mathis / Luca Langensand (Hrsg.), Anarchie als herrschaftslose Ordnung? (Berlin: Duncker & Humblot, 2019), S. 201–231

FABIENNE GRAF

- "Saving Content in Digital Surroundings: A Safe Solution? Obligation to Open Access: Academic Publishing of the Future?", in Polémos – Journal of Law, Literature and Culture 14 (1) (2020) [with Antoinette Maget Dominicé and Dario Haux] [in press]
- "Open Access für die Rechtswissenschaft – Pflicht oder Privatsache? Tagungsbericht zur Konferenz vom 18. und 19. Oktober 2018", sic! Zeitschrift für Immaterialgüter-, Informations- und Wettbewerbsrecht 2 (2019), S. 105–111 [mit Dario Haux]

DARIO HAUX

- "Saving Content in Digital Surroundings: A Safe Solution? Obligation to Open Access: Academic Publishing of the Future?", in Polémos – Journal of Law, Literature and Culture 14 (1) (2020) [with Antoinette Maget Dominicé and Fabienne Graf] [in press]
- "Cities as Ill Bodies? Cure them with a Commons-Oriented Approach", in Anne Wagner / Le Cheng (eds.), Law, Cinema and the Ill City: Imagining Justice and Order in Real and Fictional Cities (London: Routledge, 2019), pp. 54–62
- "Einleitung: Risikokontrolle durch rechtliche Regulierung?", in Dario Haux / Dario Picecchi / Markus Schreiber (Hrsg.), Recht und Risiko. Junge Rechtswissenschaft Luzern (Zürich: Schulthess, 2019), S. 1–4 [mit Dario Picecchi und Markus Schreiber]
- "No risk, no fun: Ungewissheit als Gewissheit im Kontext von Recht und Technologie?", in Dario Haux / Dario Picecchi / Markus Schreiber (Hrsg.), Recht und Risiko. Junge Rechtswissenschaft Luzern (Zürich: Schulthess, 2019), S. 7–28
- "Schlussfolgerungen – Die richtige Balance zwischen Über- und Unterregulierung", in Dario Haux / Dario Picecchi / Markus Schreiber (Hrsg.), Recht und Risiko. Junge Rechtswissenschaft Luzern (Zürich: Schulthess, 2019), S. 233–234 [mit Dario Picecchi und Markus Schreiber]
- "Open Access für die Rechtswissenschaft - Pflicht oder Privatsache? Tagungsbericht zur Konferenz vom 18. und 19. Oktober 2018", sic! Zeitschrift für Immaterialgüter-, Informations- und Wettbewerbsrecht 2 (2019), S. 105–111 [mit Fabienne Graf]

SILVAN SCHENKEL

- "Kompetenzkonflikte zwischen Jurisprudenz und Psychiatrie am Beispiel der Schuldfähigkeit im deutschen Strafrecht (1871–1939)", in Dario Haux / Dario Picecchi / Markus Schreiber (Hrsg.), Recht und Risiko. Junge Rechtswissenschaft Luzern (Zürich: Schulthess, 2019), S. 81–104

MICHAEL MONTEROSSI

- "Law, Risks and Actors in the New Climate Regime", in Dario Haux / Dario Picecchi / Markus Schreiber (Hrsg.), Recht und Risiko. Junge Rechtswissenschaft Luzern (Zürich: Schulthess, 2019), S. 205–231

PRESENTATIONS

PROF. MALTE-CHRISTIAN GRUBER

- Anforderungen an die Juristen heute – und morgen
  („Meine Vision, als produktive Utopie: Rechtsverfassungsrecht!" Zu Rudolf Wiethölters politischer Rechtstheorie, Frankfurter rechtstheoretisches Kolloquium, Fachbereich Rechtswissenschaft, Goethe-Universität Frankfurt am Main)
- Renaturierung der Rechtsperson? Zur Durchsetzbarkeit ökologischer Rechte in der Nachhaltigen Entwicklung
  (Ringvorlesung: Recht der nachhaltigen Nutzung natürlicher Ressourcen, Universität Luzern)
- Introduction: AI and Digital Ontology – Literary Visions, Technological Perspectives and Legal Challenges
  (Workshop on AI and Digital Ontology – Literary Visions, Technological Perspectives and Legal Challenges, IVR World Congress 2019, University of Lucerne)

PROF. VAGIAS KARAVAS

- Roundtable Discussant
  (Recht in Bewegung. Konferenz für Gender Law 2019, Universität Freiburg)

PROF. MICHELE LUMINATI

- Das Richterbild in der Schweiz: Richterliche Unabhängigkeit auf dem Prüfstand
  (Schweizerischer Juristentag 2019, Aarau)
- Auf dem Weg zum Bundesstaat: Die 1840er-Jahre aus verfassungsgeschichtlicher Perspektive
  (Stürmische Zeiten, Vortragsreihe zu Ehren des 200-jährigen Bestehens der Kunstgesellschaft Luzern, Universität Luzern)

PROF. KLAUS MATHIS

- Sustainability and Solidarity
  (Conference: Nature, Culture and Perception. From the Amazon to the Alps, Universityof Lucerne)
- Law and Economics in Lucerne
  (Invited Lecture, Economic Analysis of Law in European Legal Culture, Oslo)
- Law and Economics in Europe – New Developments and Challenges
  (Invited Lecture, University of Chicago Law School)

DR. STEVEN HOWE

- Tales from the War on Terror: Law and Narrative in Contemporary Documentary Theatre
  (Workshop on Law and Narrative, IVR World Congress 2019, University of Lucerne)
- Law, War and Politics in Kleist's *Die Herrmannsschlacht* and Shakespeare's *Henry V*
  (German Studies Association Annual Conference, University of Portland)

DR. FILIPPO CONTARINI

- What is Real for Giorgio Agamben and Bruno Latour?
  (Workshop: What is Real About Law and Technology? Queensland University of Technology)
- The Time of Law in Cyberpunk Comics: Questioning Logic Through the Lenses of the Future (Conference: Drawing the Human – Law, Comics, Justice, University of the Sunshine Coast, Queensland)

IV. COVER IMAGE & ARTIST

CAREY YOUNG

Prosecutor's Office, 2019. Digital C-type photograph. Image: 29 7/8 x 41 7/8 in. (75.8 x 106.4 cm). Frame: 31 x 43 x 1 7/8 in. (78.7 x 109.2 x 4.8 cm). Edition of 5, 2 APs. © Carey Young. Courtesy Paula Cooper Gallery, New York

Carey Young (born 1970, lives and works in London) has developed her artistic practice from a cross-fertilisation of disciplines including business, law, politics, science and communication. The tools and language of these different fields act as material for her installations, performances, text works and photographs, as well as for videos in which absurd relationships develop between the performer or subjects, and the rhetoric of political, commercial or legal discourse. Recently, she has explored relations between law, gender and the cinematic, most notably with the video installation *Palais de Justice* (2017), in which the artist surreptitiously filmed female judges working at the main courthouse of Belgium.

Young's work has been exhibited widely, including solo shows at La Loge, Brussels (2019), Towner Art Gallery (2019), Dallas Museum of Art (2017), Migros Museum für Gegenwartskunst, Zurich (2013), The Power Plant, Toronto (2009), Contemporary Art Museum St. Louis (2009), Eastside Projects (Birmingham, 2009), MiMA (Middlesbrough, 2010), John Hansard Gallery (Southampton, 2001) and group shows at Kanal Centre Pompidou, Brussels (2018), Aspen Art Museum (2016), Centre Georges Pompidou, Paris (2015), Tate Liverpool (2014–15), San Francisco Museum of Modern Art (2012), New Museum, New York (2011), Tate Britain (2009–10), ICA (London, 2003), The Photographers' Gallery (London, 1999) amongst many others. She has participated in numerous biennials, including Moscow (2013, 2007), Taipei (2010), Sharjah (2005), and Venice (2003). Works in public collections include Tate Gallery, Centre Pompidou, Sharjah Art Foundation, Arts Council Collection and Migros Museum für Gegenwartskunst. Two monographs on her work have been published: *Subject to Contract*, was published by JRP | Ringier in 2013, and *Carey Young: Incorporated*, published by Film and Video Umbrella and John Hansard Gallery, 2001. Young is represented by Paula Cooper Gallery, New York.

Carey Young's practice is research based and interdisciplinary, often involving collaborations with professionals from other fields, including lawyers, legal academics, scientists and communication skills trainers. She has been an Honorary Fellow in the School of Law, Birkbeck, University of London since 2013 and has given lectures at Harvard University, Princeton University, the University of Cambridge and Oxford University. She has taught at many art colleges internationally, including the Slade School of Fine Art, (London), where she is an Associate Professor in Fine Art.

Her website is www.careyyoung.com.

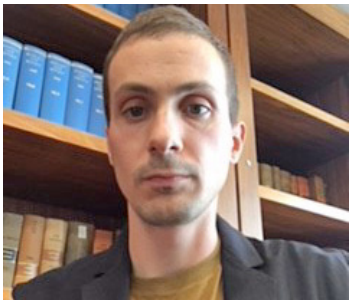
V. 2020 – A Preview

LAW AND HUMANITIES SUMMER SCHOOL: LAW, ART, POLITICS

In June 2020, the institute will be co-organising, together with the Australian National University, the University of Roma Tre and the Ludwig Maximilian University of Munich, a week-long summer school on "Law, Art, Politics". Bringing together leading scholars, researchers and postgraduate students, the school will showcase cutting-edge work at the intersections of law and the humanities, and serve as a laboratory for exploring a range of contemporary methods, approaches and issues.

VISITING FELLOWS 2020

We are delighted to announce the following two fellowships for 2020:



Alexander Damianos
PhD Candidate at the London School of Economics and Political Science
Project: The Technofossil: A Media Geology of the Anthropocene
Dates of Stay: March – April 2020

Fernando Liendo Tagle
PhD Candidate at Universidad Carlos III de Madrid and Universidad de Huelva
Project: Legal Journals, Universities and Legal Disciplines. Interrelationships Across Half a Century (1836–1883)
Dates of Stay: September – November 2020

LECTURE SERIES: LABORATORIUM LUCERNAIURIS

The "laboratorium lucernaiuris" lecture series will resume in spring 2020. First to the lectern will be Prof. Massimo Meccarelli (left), professor of legal history at the Università di Macerata in Italy, who will discuss issues surrounding law and diversity. Further speakers scheduled for later in the year include Carey Young (Artist & Associate Professor in Fine Art at Slade School of Fine Art, University College London) and George Pavlakos (Professor of Law and Philosophy at the University of Glasgow).

WORKSHOP ON LAW AND THEORY

The bi-weekly workshop on contemporary issues in law and theory will return in early spring. The topic of the first cycle will be “Legal Fictions”, and the selected texts will range from Kelsen through Luhmann to Annalise Riles. A continuation is planned for the autumn on the subject of “Legal Futures”.

For further information, and to keep up-to-date with our programme, please visit **www.lucernaiuris.ch**.
If you would like to subscribe to our mailing list, please send a short message to lucernaiuris@unilu.ch.

lucernaiuris
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