

## Call for Papers

### ***Call for Papers – Smashing the Machine: The Troubled Legacy of Kantorowicz's "Kampf"***

In conjunction with the publication of the first English-language translation of Hermann Kantorowicz's historic 1906 text "The Battle for Legal Science" (*Der Kampf um die Rechtswissenschaft*), the *German Law Journal* issues this call for papers, seeking scholarly commentary on one of the most important and incendiary works in Germany's rich history of legal scholarship. Submissions should consider the consequences of this text's legacy and its availability in English.

In "The Battle for Legal Science" Kantorowicz – at the time a humble post-doctoral researcher – called on German jurists to break free of the country's tradition of suffocating formalism and blind positivism. His proposal, what he called the "free law movement," would set the German jurist free of the "logic machine" of the German civil law culture to better do what he believed every jurist already implicitly was doing, namely, resorting to life's full spectrum of values, knowledge, and experience in making legal decisions.

The essay loosed a conflagration of critical commentary and judicial reaction, perhaps best exemplified by Hans Kelsen's emergence as Germany's leading legal scholar in the inter-war years. Kelsen has become synonymous with a rigid positivism that coldly, but rationally, embraced the separation between law, society, and morality. Kantorowicz's essay did not seem to redirect – to liberate – German jurisprudence in its day. But it has a significant legacy, perhaps having stimulated America's legal-realism movement, playing an uncertain role in the Nazi's jurisprudence, and as a foundation for post-war Germany's turn towards natural law. The essay also is extremely pertinent to historians of the philosophy of law, particularly in light of the text's connections to Gustav Radbruch and Carl Schmitt. Finally, the availability of an English translation of the essay invites a conversation about the role of translation in the comparative law tradition, a line of inquiry that is worthy of increased attention.

The *German Law Journal*, with support from Washington & Lee University Law School and W&L's Frances Lewis Law Center, will mark the historic nature of the publication of this translation by convening a special issue, composed of a select number of contributions received in response to this call for papers.

**Submissions, not exceeding 8,000 words (including footnotes), must be received no later than 9 March 2012. Submissions should be delivered as an MS Word Document attached to an email and sent to Professor Russell Miller – [millerra@wlu.edu](mailto:millerra@wlu.edu). For format and style guidelines, please refer to:**

<http://www.germanlawjournal.com/index.php?pageID=3>

Potential topics for discussion include:

- Heroism in legal scholarship
- Free Law and National Socialist Law
- Contemporary German Constitutional Law and the Victory of “Free Law”
- The Free Law Movement’s Influence on American Legal Realism
- Free Law and Free Translation