



IN PRAISE OF THE LIBRARY TEAM
BOGDAN IANCU

Born in 1973 in Vaslui, Romania. Dr. iur., Lecturer in Public Law, Faculty of Political Science, University of Bucharest. Studied law at the “Al. I. Cuza” University of Iași, Romania and the Central European University in Budapest, Hungary; researched comparative constitutional and administrative law at the University of Toronto, Yale Law School, and McGill University. Currently Alexander von Humboldt Research Fellow, the University of Bremen, Center for European Law and Politics and Humboldt University, Faculty of Law. – Address: Zentrum für Europäische Rechtspolitik, FB Rechtswissenschaft, Universität Bremen, Universitätsallee GW1, 28359 Bremen. E-mail: bogdan.iancu@fsub.ro

When I started to write my report for the yearbook, I realized that I have few memories left of my time at the Wissenschaftskolleg. To be more accurate, the memories I can now summon are kaleidoscopic snippets, not a clear narrative continuum.

There are legitimate reasons for this. The invitation to visit the Institute on a three-month Andrew W. Mellon research fellowship reached me at an auspicious moment, a brief respite from teaching duties, which was to be used judiciously. I was aware that I would be there for a short stretch of time and had much to do, and I was poised from the outset to make the most of it. This requisite instrumentalism naturally took away part of the overall social-academic charm. I can recollect now haphazard shards of my life there, for instance constitutional law discussions with Dieter Grimm, Alexander Somek, and Gunther Teubner, sundry familiar conversations with Kathrin Biegger and Moira Gatens, peripatetic chats with Salman Bashier and Dhruv Raina, a couple of Thursday dinners, and a few Tuesday lectures.

For the most part, however, my stay in Berlin was by necessity a well-mustered daily routine of work in Grunewald, with swift evening *Ringbahn* getaways to swim laps in the pool at Landsberger Allee. Due to this habitual commute, my impressions of the city are also fractured rather eerily between the stately peacefulness of Grunewald (a somewhat faded overall sense of winding lakes and sloping streets lined with old villas, clearer memories of evening walks through the *Hasensprung* to the Grunewald station) and the drab surroundings of the former GDR Olympic swimming complex, an epitome of the prolific Socialist Realist architectural school (depressingly standardized gray buildings made of concrete slabs). With his peculiar mystical wit, Salman quipped that discipline requires sacrifices but going all the way to the Soviet Union for a swim was taking things a tad too far.

The general sense of gratitude for my stay at the Kolleg is intact. It is a privilege to be at the Wissenschaftskolleg and – it is perhaps common with many such privileges – one fully realizes the extent of it only in the postlapsarian state (there is nothing more natural in humans than acquiring the feeling of entitlement to a life of advantage). To wit, while on my first day in Berlin I looked out the window of my room in the Villa Linde and was spellbound by the view overlooking the lake, I soon lost all sense of wonder and learned to acknowledge it as a perfectly normal part of my environment. Only when one returns to the real world of noises and squabbles does one suddenly stop taking the quiet, sheltered, carefree beauty of one's former life in Grunewald for granted.

Among the many comforts awaiting a Fellow, none is as unexpected and intellectually praiseworthy as the Library Services. Their level of competence is in my experience unparalleled and cannot be explained by generalizations (elite academic institution, etc.); it is not uncommon to encounter unhelpful librarians and bizarre borrowing rules and restrictions in good university libraries. To wit, one of the projects I had to complete during my stay at the Kolleg was a chapter for a volume on the conceptualization of freedom of assembly in contemporary constitutionalism. What seemed initially like an in-and-out commentary on a couple of modern constitutional law decisions quickly turned into a much more demanding and gratifying research. Liberal constitutionalism has always entertained an uncertain relationship with free assembly, for a reason that is best showcased by Madison's terse statement in "The Federalist No. 55": "[h]ad every Athenian citizen been a Socrates, every Athenian Assembly would still have been a mob." This tenuous relationship, due to the foundational liberal fear of the masses, of the irrationality of crowds, translates legally into an uneven and unsure path toward recognition of free assembly on the level of fundamental rights protection and, consequently, into a very interesting constitutional genealogy

of the right. I needed a stream of books and articles and quickly realized with unmitigated surprise that I could ask for and expect a steady and prompt supply of an unlimited number thereof. They would be brought to my doorstep, no questions asked. No matter how many, how ostensibly unrelated to my general field of research, and how esoteric the titles I would require, these would surely be on my shelf in the *Weißer Villa* within a few days. One morning I filled in a request form for a transcript of the trial of Lord George Gordon, who had initiated in 1780 a mass petitioning of Parliament against the Catholic Relief Act of 1778 and ended up stirring a rebellion, which caused London to burn for days on end. I was without much hope of getting a hold of it too soon but, to my surprise, I received a call from the Library within hours. They had located the document and I could download it from an online database the Wissenschaftskolleg subscribes to. Likewise, requiring references, one December morning I solicited a few volumes of Holdsworth's *History of English Law* and the entire work, all twelve thick volumes of it, was waiting in the library by nightfall. Indeed, I made out a request for three law journal articles in late December, by pure mistake, not realizing that my time in Berlin was getting very short. I later received them by mail in Romania, together with a card signed "Library Team", a team to which I can now extend admiring gratitude.