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WERNER KRAWIETZ  
(1933–2019)

Werner Krawietz (1933–2019) was a proven friend and an exceptional colleague who supported many scholars from former Yugoslavia involved in legal theory and similar disciplines, and especially the University of Belgrade Faculty of Law as an institution, and the existence of that support has and will always continue to represent a great honour for us.

In 2005, at the invitation of Academician Danilo Basta, he became a member of the International Editorial Board of the *Annals of the Faculty of Law in Belgrade*. He had previously already visited Belgrade, when attending the symposium *Legal State – The Origin and Future of an Idea*. The symposium was held on 26–27 September 1991, on the occasion of Faculty's jubilee, i.e. its 150<sup>th</sup> anniversary. This happened during a very difficult period for our country, and internationals were already being discouraged from visiting, especially by the German government. However, professor Krawietz did in fact come, speak on the topic of social rules of the game and law from a system theory perspective and engage in debate and informal discussion with other symposium participants: Radomir D. Lukić, Stevan Vračar, Erhard Denninger, Edin Šarčević, Jasminka Hasanbegović, Ulrich K. Preuß, Jovica Trkulja, Kosta Čavoški, Dragoljub Popović, Lidija R. Basta-Posavec, Božidar S. Marković and Slavoljub Popović. He recalled the aforementioned colleagues years after the event and inquired about them at every subsequent occasion. The scientific value of the presentations at that symposium was and will be evaluated by the readers of the bilingual (Serbian-German) edition of the proceedings published that same year.

Still, professor Krawietz did even more on that occasion: he suggested and in a certain manner undertook the obligation to publish

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the papers from the Symposium in the special volume (*Sonderheft*) of the renowned *Rechtstheorie* journal that he had been editing for many years. However, in attempting to do so he faced strong resistance and harsh criticism at home, both from his colleagues, who strictly adhered to the views of their government during the UN sanctions against the Federal Republic of Yugoslavia, and, though informally, from that same government which had quite widely interpreted and implemented the sanctions. Still, he managed to withstand the pressure and stood firm in his conviction that the actors in culture and government policy should remain separate and that imposing collective cultural sanctions on colleagues should be resisted, which two years later resulted in the publication of: D. Basta, W. Krawietz, D. Müller (eds.), *Rechtsstaat – Ursprung und Zukunft einer Idee*. Symposium zum 150jährigen Bestehen der Belgrader Juristischen Fakultät: Sonderheft Jugoslawien (Symposium on the 150th anniversary of the Belgrade Faculty of Law. Special issue Yugoslavia). *Rechtstheorie*, Vol. 24, No. 1–2, 1993, SS. 1–260. This last journal differs from the previously mentioned bilingual proceedings (which is good) because it includes an additional paper – the German translation of a text by Danilo Basta titled *Šta nije pravna država* [What isn't legal state] (*Gledišta*, 1989, No. 10–12, 75–78).

The exceptional character of Werner Krawietz is also reflected in his professional achievements. In the best tradition of the German approach to university studies (taking simultaneous majors at different universities), after graduating high school, he studied law, philosophy and sociology in Munster, Freiburg and Graz, from 1954 to 1957. Then he passed the first state examination in Hamm, at the Supreme Court of North Rhine-Westphalia, one of the Germany's biggest and oldest courts, dating back to the early 19<sup>th</sup> century. After that he passed the National Economy Exam in Graz, as well as subsequently received his PhD in Political Science in 1960. He passed the second state examination (corresponding to the bar exam) in 1963, and received his second PhD in Munster in 1965 – this time in Legal Science – with a dissertation titled *Das positive Recht und seine Funktion. Kategoriale und methodologische Überlegungen zu einer funktionalen Rechtstheorie* [Positive law and its function: Categorical and methodological considerations on a functional theory of law]. This dissertation was published two years later (in 1967) in Berlin by Duncker & Humblot, one of the oldest and most renowned German publishing houses (dating back to late 18<sup>th</sup> century) specialized for the field of legal, government, political, economic, social, historical and literary sciences, as well as philosophy, i.e. the field of humanities.

As a lawyer who had passed the state exams and obtained his (first) PhD, he was employed in the administration of Munster University (1964–1966), and then, after receiving his second PhD, he became an assistant professor in the Institute of Public Law and Policy (1966–1974).

In 1970 – together with Karl Engisch, Herbert L.A. Hart, Hans Kelsen, Ulrich Klug and Karl R. Popper – Werner Krawietz participated in the founding of *Rechtstheorie*, a journal for legal method, logic and theory, general theory of law and state, theory of communication, norms and action, legal sociology and philosophy. *Rechtstheorie* would soon become and remain one of the most respectable global journals in its field, and Werner Krawietz would remain its editor for many years, up until his death. In professional circles he might be primarily recognized in this role.

In 1974, he obtained *Venia legendi* in Public Law, Legal Theory and Sociology of Law at the Munster Faculty of Law, on the basis of his Habilitation thesis *Theorie und Technik der Begriffsjurisprudenz* [The theory and technique of conceptual jurisprudence] which was published in 1976 by the Wissenschaftliche Buchgesellschaft publishing house in Darmstadt. He became a full professor of Theory of Law, Philosophy of Law and Social Philosophy in 1979, taking over the seat from his mentor Helmut Schelsky. He held the position of Dean of Faculty of Law from 1980 to 1982, and continued lecturing even after retiring in 1999 as professor emeritus.

From the very beginning Werner Krawietz possessed an extraordinary sense for cooperation in science even beyond the borders of his own country, which with time allowed him to gain great prominence and the respect of his colleagues. In 1982 he was appointed professor at the European Faculty of Land Use and Development in Strasbourg. He developed especially strong cooperation with the Moscow State University Faculty of Law and the Russian Academy of Sciences Institute of State and Law, which is especially reflected in the International Centre for German-Russian Legal Studies, which he established in Munster. For many years he was a member of the Executive Committee of International Association for the Philosophy of Law and Social Philosophy (IVR).

His writings include more than four hundred bibliographic units. He was particularly involved in the study of the foundations of legal science, theory of state and law, political systems analysis, comparison of institutions and systems, the new constitutionalism in post-Soviet constitutional and legal states, as well as legal system changes. The scope and achievements of his research is indirectly demonstrated by as many as three Festschrift publications honouring him. These edited volumes were dedicated to: issues of legal norm and legal reality – *Rechtsnorm und Rechtswirklichkeit* [Legal norm and legal reality], published in 1993 on the occasion of his 60th birthday; legal and social theory – *Theorie des Rechts und der Gesellschaft* [On law and society theory], an edited volume from 2003; as well as on positivity, normativity and institutionality of law – *Positivität, Normativität und Institutionalität des*

*Rechts*, a 2013 celebratory publication published on his 80th birthday. The author of these lines had the honour of being the only author from Southeastern Europe who was invited to provide her contribution to this last publication.

Krawietz's impressive body of scientific work and results, as well as the various forms of cooperation that he had initiated, have been widely recognized and acknowledged. He received the honorary doctorate from Helsinki University, regular membership in the Finnish Academy of Science (despite not being Finnish), an honorary doctorate and tenure at the renowned Hungarian Eötvös-Loránd University, honorary membership (also as the first German to receive such an acknowledgement) and a honorary doctorate from the Russian Academy of Science, as well as honorary doctorates from the University of Salento in Lecce (Italy) and the University of Tartu (Estonia).

We shall remember Werner Krawietz not only for his exceptional academic achievements but also as a sincere friend of the Belgrade University Faculty of Law, as a man who has provided our faculty and his Serbian colleagues with support during difficult times, when we needed it the most.