

Obituary of Professor Hans-H. Münkner

Professor Hans-H. Münkner died in November 2023.

His many friends, colleagues, and students around the world will understand that -to paraphrase Amadou Hampâté-Bâ-with him an immense library of knowledge has gone. Not only a library of cooperative law -for which he was most famous-, but also for cooperative theory, enterprise law in general, development theory and practice, land law... . Hundreds of publications written in German, English, French, Spanish, some of which translated into other languages, including Polish, Bahasa Indonesia and Italian, attest to it. Some of his knowledge and wisdom is also preserved in the memories of those who had the privilege to learn from him in person. He had an extraordinary ability to capture the attention of his audience, from China to Honduras and from Finland to South Africa; and he had the rare gift of explaining complex issues “simply”, often with humor, and in a way that was uncompromising, yet always fair vis-à-vis those who disagreed with him.

As said, his work spanned well beyond the field of cooperative law and certainly way beyond cooperative law in Germany. But cooperative law was his starting point and that is where he anchored his many other interests. He had written his doctoral thesis on cooperative law in African countries influenced by common law, with an emphasis on the cooperative law in Ghana. Many more publications on foreign cooperative laws followed. His sharp comments on cooperative law, at home, at the European Union level and further afield, always impressed. Cooperative law and lawyers would not be where they are today without Professor Münkner’s contribution. For more than six decades he ensured progress by determinedly insisting that the identity of cooperatives as an alternative enterprise form be respected. His means were publications, teaching and consultancies. The book in his honor published on the occasion of his 65th birthday in 2000 already listed an unusual high number of publications. That number steadily grew thereafter. Most known and referred to are probably the following two books “Co-operative Principles and Co-operative Law” (2nd ed. 2015) and “Ten Lectures on Co-operative Law” (2nd ed. 2016). As a teacher Professor Münkner reached hundreds, if not thousands of students from all over the world over more than four decades Apart from his

home university, the University of Marburg/Germany, he also taught regularly on short-term assignments abroad. He was also the long-time director of what became the Institute for Cooperation in Developing Countries of the University of Marburg whose students can be met in many so-called developing countries and of whom a substantial number has been influential for the development of cooperatives in their respective countries. Professor Münkner's consultancies for numerous national governments, regional and international governmental and non-governmental organizations were equally remarkable. For example, in Malta he is still remembered for his decisive efforts to elaborate an adequate cooperative law; for the Food and Agricultural Organization of the United Nations (FAO) he designed among others training material; he was part of the team that drafted the 1995 International Cooperative Alliance Statement on the Co-operative Identity (ICA Statement); at the European Union (EU) level Professor Münkner served over several years as an expert for the elaboration, implementation and first evaluation of the EU Council Regulation (EC) No. 1435/2003 on the Statute for a European Cooperative Society (SCE); he was part of the group that elaborated the the 2001 United Nations Draft guidelines aimed at creating a supportive environment for the development of cooperatives (UN Draft guidelines); for the International Labor Organization (ILO) he helped organizing a series of Expert group meetings which eventually led to the adoption of the Promotion of Cooperatives Recommendation No. 193 (ILO R. 193) in 2002. Those who make and apply cooperative law will nowadays at least refer to the ICA Statement, the UN Draft guidelines and the ILO R. 193.

This glimpse at Professor Münkner's professional life reveals an attitude which did not allow him to let theory and practice drift apart: law not lived, law not reflected, is not law. He saw cooperative law-based cooperatives as a means to improve the lot of the voiceless, about whom too many simply make a lot of noise. To Stéphane Hessel's 2010 famous tract "Indignez-vous [Time for Outrage]!" he replied in 2013 with "Organisiert euch in Genossenschaften [Organize yourself in cooperatives]!" His combining theoretical thought and practical guidance disturbed many a theorist and many a practitioner. What is it good for to know what cooperative byelaws are if you do not know how to elaborate them? was one of his credos. By experience Professor Münkner knew that cooperative law is the result of cooperative laws meeting; he knew that working across cultures is a source of misunderstandings if one is not aware of the trap any lingua franca sets. His persisting in clarifying terms, at times misunderstood as a Teutonic obsession, had no other aim than to reduce the risk of misunderstandings. In this context one might regret that his enormous efforts to publish together with colleagues glossaries of cooperative terms in Arabic, English, French, German, Portuguese, Russian and Spanish remains largely unknown. The same is true for his efforts to revive the debate on the link between land law and agricultural cooperatives, now a burning issue in the face of rampant land grabbing and of the concentration of the food economy. And, and ...

We owe Professor Münkner our respect and gratitude and to acknowledge this, we plan to prepare a book in his memory which should have become a Liber amicorum on the occasion of his 90th birthday in 2025.

Hagen Henrÿ

Mentored by and colleague and friend of Professor Münkner
for more than 45 years