

German National Reports on the 22nd International Congress of Comparative Law

Edited by
STEFAN GRUNDMANN and
CAROLINE SOPHIE RAPATZ

Gesellschaft für Rechtsvergleichung e.V.

*Rechtsvergleichung
und Rechtsvereinheitlichung*

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Mohr Siebeck

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Caroline Sophie Rapatz

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Stefan Grundmann, born 1959; Professor of Civil Law, European and International Private and Business Law, Comparative Law and Legal Theory at the Humboldt-Universität Berlin.
orcid.org/0000-0003-2703-705X

Caroline Sophie Rapatz, born 1983; Professor of Civil Law, European and International Private and Procedural Law, Comparative Law at the Christian-Albrechts-University of Kiel.
orcid.org/0000-0002-6684-6987

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www.mohrsiebeck.com, info@mohrsiebeck.com

Preface by the Editors

The 22nd General Congress of Comparative Law will be held from September 29th to October 2nd, 2026. As the internationally leading forum for the discussion of themes, issues and methods of comparative law, every four years the Congress brings together academics from all legal disciplines and all regions of the globe. It is a special honour and pleasure for the German Association for Comparative Law that this year, the Congress will convene in Germany, hosted by Prof. Dr. Dr. Stefan Grundmann at the Humboldt-Universität zu Berlin.

The 22nd General Congress covers nearly thirty thematic sessions, reflecting the broad scope of current comparative law scholarship. Their subjects encompass all legal disciplines, ranging from legal history and legal theory via a plethora of specialized areas of law to legal education and methodology and legal pluralism. The topics chosen by the Academy range from classical questions of constitutional, administrative, criminal, civil and commercial law – often viewed through a new lens – to forward-looking, cross-cutting issues like “Imitation as a tool of legal change” or “The Decolonial turn in comparative law”.

For each of the sessions organized by the Academy in Berlin, National Reports from different jurisdictions provide the main source material for the General Reporters appointed by the Academy. For each of these nearly thirty panels, the German Association for Comparative Law has named a National Reporter to contribute the perspective of German law to the issue at hand. Their reflections will become an integral part of the considerations and discussions at the Congress.

This volume presents a collection of the large majority of the German National Reports to the Berlin Congress. The order of the reports reflects the systematic order in which the topics are proposed by the International Academy of Comparative Law. Typically, National Reports are provided on the basis of questionnaires developed by the General Reporters; the internal structure of many of the reports in this book reflects this practice, as well as the plurality and variety of approaches chosen by General Reporters for different subject areas.

Following the Congress, many of the General Reporters will bring together their General Report as well as selected National Reports for publication in a thematic volume. In addition, a collection of all General Reports will be published by the Academy. We hereby make reference to these other Congress publications, and warmly invite the reader to explore these volumes. The German Association for Comparative Law is grateful to the Academy for their permission to publish an advance collection of the German national reports – continuing a tradition established also by various other national sub-organisations to the Academy.

On behalf of the German Association of Comparative Law, the editors express their sincere thanks to Ms. Judith Zölke for her invaluable assistance in the collection and administration of the German National Reports, as well as to the team of student and graduate assistants at the Institute for European and International Private and Procedural Law at Christian-Albrechts-Universität zu Kiel, led by Mr Fynn Baas, for their support in preparing the manuscripts for publication. We are also deeply grateful to the team at our publisher Mohr Siebeck, especially Dr. Julia Caroline Scherpe-Blessing and Ms. Silja Verena Meister, without whose cooperation it would not have been possible for this volume to be published in time.

Berlin / Kiel, March 2026

Stefan Grundmann and Caroline S. Rapatz

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Teaching Comparative Law Subjects in Germany¹

Mareike Schmidt

I. Introduction

The first systematic survey of comparative law teaching in Germany was carried out in 1951 by Bernhard C. H. Aubin and Konrad Zweigert on behalf of the German Society of Comparative Law.² Their questionnaire, sent to the 16 West German law schools, was answered by 14 and confirmed the impression that comparative law received neither the attention nor the teaching it deserved in the post war university system.³ This country report is different in its scope. On the one hand, it is much more modest in that the primary emphasis here is on presenting the status quo of the teaching of comparative law in Germany rather than on its evaluation.⁴ On the other hand, it aims to report on the teaching of comparative law in the currently existing 46 German law schools. Unless stated otherwise, the report focuses on the traditional German law programmes leading to the first state examination. Degree programmes that do not qualify for regulated legal professions, in particular stand-alone bachelor's or master's programmes outside the state examination track, as well as the legal clerkship (*Referendariat*) are excluded. Where relevant, master's and doctoral programmes are mentioned, but the information is necessarily less systematic.

Regarding the content, this report follows the questionnaire provided by the general reporter, Barbara Pozzo. The focus is thus on the role of courses on comparative law, which is here understood as the systematic comparison of two or more legal systems, legal families, or legal solutions across jurisdictions.⁵ The teaching of foreign law without a substantial comparative perspective has there-

¹ The author is grateful to Hannah Baumgarten and Carolin Joos for their invaluable research assistance and further acknowledges the use of AI-based language support in the drafting of this report. All substantive content and evaluations remain the author's sole responsibility.

² Published as *Aubin/Zweigert*, *Rechtsvergleichung im deutschen Hochschulunterricht*, 1952.

³ *Aubin/Zweigert* (ibid.), 9 et seqq.

⁴ For a comprehensive discussion of comparative law as a pedagogical challenge in the German context, see Brockmann/Pilniok/Schmidt (eds.), *Rechtsvergleichung als didaktische Herausforderung*, 2020.

⁵ In line with prevailing approaches in contemporary legal education in Germany, the focus of this report lies on comparisons between contemporary state legal systems, thus generally excluding courses dealing primarily with historical legal orders or with the legal norms of non-state communities.

fore not been included systematically, although the distinction can be blurred in practice.

The report is primarily based on publicly available sources, including course catalogues and descriptions for the academic year 2024/2025, examination regulations and other legal requirements, as well as other information from university websites. It must be noted that these data are limited with respect to the information they provide regarding actual teaching practices. The report thus aims to identify typical patterns, tendencies, and institutional frameworks of comparative law teaching in Germany rather than to provide an exhaustive or statistically representative account.

The structure of the report in principle follows that of the questionnaire, with minor adjustments based on the distinctive characteristics of German legal education.

II. The Background

Describe briefly the historical background of the legal system of your country. Do you think that comparative law could help explain better the historical origin of your legal system?

The modern German legal system was to a considerable extent formed in the large codifications undertaken at the end of the 19th century, such as the Penal Code, the Code of Civil Procedure, the Commercial Code, and the Civil Code, which all entered into force in the German Empire between 1872 and 1900. Previously, the legal system was fragmented, partially formed by local laws, partially originating from Roman law. Comparative legal work had a significant impact on the drafting of the codifications, looking at both the existing local laws as well as codes from other states.⁶

With regard to the role of comparative law in understanding the German legal system, one can thus say that certainly a deep understanding of the origins of the major German codifications benefits significantly from comparative legal insights. However, for the teaching of the central fields of German law, comparative law's role is generally not so much seen in its influence on the historic origins of the codifications. Historically, the more interesting connection of German law and comparative law tends to be seen in the influence of major German codifications on other countries' domestic laws, such as the role of the German Civil Code as model for other countries like Brazil, Greece, Japan, and Switzerland. Comparative law's role is generally deemed to be more important with regard to (more or less) contemporary issues in German law, in particular when it comes to

⁶ Cf. *Dölle*, in: von Caemmerer/Friesenhahn (eds.), *Hundert Jahre deutsches Rechtsleben*, vol. 2, 1960, 19, 23 et seqq.

the influence of supranational, i.e. European Union, or international law and (other) projects of unification and harmonisation of law.

Aubin and Zweigert, in their study on the teaching of comparative law in Germany after World War II, forcefully argued that the true pedagogical value of comparative law specifically lies beyond the teaching of domestic law.⁷ They propose to rather see comparative law as a fundamental science (*Grundlagenwissenschaft*) and to re-establish it as a central factor in legal education.⁸ Their idea that comparative law can contribute to the ‘necessary intellectualisation and humanisation of legal education in Germany’⁹ may still be shared by many professors teaching comparative law in Germany today.¹⁰

Describe the curriculum to become a lawyer in your country: E.g. after university, is it necessary to accomplish a practice? Is a state exam/bar exam necessary to become a lawyer?

Access to all legal professions (judges, lawyers, notaries, prosecutors) in Germany is contingent on the passing of two consecutive state examinations. The first one is on average taken after 4.5 years of studies at a university’s law school, the second forms the end of a two-year clerkship. This structure is laid down in the German Judiciary Act (*Deutsches Richtergesetz*) and, within that framework, the respective laws and regulations of the 16 *Länder* (states).

In the field of law, the university curriculum does not adhere to the bachelor/master system that is otherwise widely implemented in Germany.¹¹ The German Judiciary Act stipulates that students must successfully complete the study of the compulsory subjects, in addition to a so-called area of specialisation (*Schwerpunktbereich*) comprising elective subjects, as well as a foreign language requirement and three months of internships during the semester breaks. The compulsory subjects include ‘the core areas of civil law, criminal law, public law and the law of procedure, including their links to European law’.¹² Since 2021, the programme has further incorporated a compulsory module addressing the injustices perpetrated by the National Socialist regime and the Communist dictatorship in Germany. The final compulsory element is a so-called foundational component, defined as ‘the methodology of legal science and the philosophical, historical and

⁷ Aubin/Zweigert (fn. 2), 23 et seqq.

⁸ Aubin/Zweigert (fn. 2), 28 et seq.

⁹ Aubin/Zweigert (fn. 2), 29 (*‘zur notwendigen Vergeistigung und Humanisierung der Rechtsausbildung in Deutschland’*).

¹⁰ In particular, it will resonate with those who consider comparative law to be a ‘foundational subject’ in legal education, cf. on this issue question sub II., p. 4 below (at fn. 14). Kötz, in: Brockmann/Pilniok/Schmidt (eds.), *Rechtsvergleichung als didaktische Herausforderung*, 2020, 19, 22, even highlights comparative law’s particular importance as *‘door opener’* for the other foundational subjects’ (emphasis in the original).

¹¹ Recently, however, law schools have started introducing a bachelor’s degree which students who have successfully followed the course of law studies can obtain prior to taking the (state part of) the first state examination.

¹² Section 5a(2) sent. 3 German Judiciary Act.

social foundations'.¹³ Comparative law is widely regarded as a foundational subject in this context despite the absence of any explicit reference to it in the German Judiciary Act.¹⁴ With regard to the areas of specialisation, the universities are at liberty to decide on their content.¹⁵ Consequently, these vary considerably between universities. Since 2003, the administration of examinations in the areas of specialisation has been the responsibility of the universities, constituting 30 per cent of the grade of the first state examination.

Exams, both during university studies as well as in the first state examination are mostly written exams primarily focusing on doctrinal methods and a particular form of discussing case hypotheticals in the so-called *Gutachtentechnik*.¹⁶ To a much lesser degree, there are also oral exams as well as term papers.

The first state examination is followed by a legal clerkship (*Referendariat*). This consists of two years of practical training, where candidates work for three to nine months in different legal professions in all major fields of law. Mandatory placements include courts, administrative authorities, and law firms. Candidates are free to complete part of their clerkship abroad.¹⁷ The clerkship ends with the second state examination, which also consists of written and oral exams. With successful completion, the former candidate is considered a *Volljurist* (fully qualified jurist) and allowed to practice as a lawyer as well as to apply for positions in the judiciary.

Is comparative law an exam subject in competitions to enter legal professions?

While the two German state examinations in law are not competitions in a narrow sense, they do form the central hurdle for entering the legal professions in Germany.¹⁸ Comparative law is not a compulsory subject for either of these examinations. Even the foundational subjects in general are not part of any written

¹³ Section 5a(2) sent. 3 German Judiciary Act.

¹⁴ While most comparative law scholars seem to take it for granted that comparative law forms a foundational subject (e.g. Kötz [fn. 10], 21; in the same vein: *Wissenschaftsrat [German Science and Humanities Council]*, Prospects of legal scholarship in Germany, 2012, 35, www.wissenschaftsrat.de/download/archiv/2558-12_engl.html [13.02.2026]), there is some disagreement in this regard, cf. Funke, in: Krüper (ed.), *Rechtswissenschaft lehren*, 2022, § 15 n. 43 et seq. (with further references). With regard to legal provisions on legal education, in Baden-Württemberg, comparative law is explicitly named as a foundational subject in Section 3(1) sent. 2 of the Ministry of Justice's Ordinance on Legal Education and Exams as of 2019; at university level, around one fourth of Germany's law schools expressly consider comparative law a foundational subject based on their study regulations and guidelines; examples outside Baden-Württemberg include the Universities of Bochum and Bremen as well as Saarland University.

¹⁵ The German Judiciary Act only stipulates that they 'serve to supplement university studies, to deepen knowledge of the compulsory subjects to which they relate and to impart the interdisciplinary and international bearing of the law', cf. Section 5a(2) sent. 4 German Judiciary Act.

¹⁶ This is a form of structured legal analysis somewhat similar to the US-American 'TRAC' (Issue-Rule-Application-Conclusion) style.

¹⁷ Section 5b(3) sent. 1 German Judiciary Act.

¹⁸ Cf. question sub II, pp. 3 et seq. above.

exams in these examinations; they will only occasionally be examined orally, depending upon the focus of the individual examiners.¹⁹ It will thus be the absolute exception for comparative law to be tested in the state parts of the state examinations. It may nonetheless contribute to the grade of the first state examination where a student selects a specialisation that includes comparative law as a compulsory element.²⁰

III. Where Is Comparative Law Taught?

Is comparative law taught in law school? At which level (undergraduate level, postgraduate level, PhD level)?

Comparative law is taught at virtually all German law schools. Only for four out of 46 law schools this could not be positively ascertained.²¹ Courses in comparative law will usually comprise two hours per week per semester. They are offered at different stages of legal education, most notably as one of the foundational subjects²² and thus frequently in the first semesters of studies,²³ or within the areas of specialisation, meaning towards the end of law school. In quantitative terms, measured by the number of courses offered, the areas of specialisation are central to the teaching of comparative law: According to the data gathered, almost two thirds of the comparative law courses form part of areas of specialisation. The number of foundational subject courses on comparative law is far smaller; it should be kept in mind, however, that these courses are typically taught as large lectures and therefore tend to have a substantially higher number of participants than courses in the areas of specialisation.

Another option is for comparative law classes, typically then taught in English, to be considered as either the mandatory foreign language qualification every law student has to obtain (one semester course of two hours per week during their

¹⁹ According to experts, the foundational subjects 'play almost no role' in the state part of the first state examination, cf. *Wissenschaftsrat* (fn. 14), 64.

²⁰ On the role of areas of specialisations cf. question sub II., pp. 3 et seq. above (in general) and questions sub II., pp. 5 et seq. and sub II., pp. 6 et seq. below (on its role regarding the teaching of comparative law).

²¹ No relevant information was found for the Universities of Lüneburg and Marburg, EBS Universität and BSP Business and Law School; however, the first three institutions have several professorships whose titles include the term 'comparative law,' thus making it likely that comparative law will nevertheless be taught there at least occasionally.

²² On the question whether comparative law is seen as a foundational subject or not cf. fn. 14 above.

²³ Many law schools require foundational subjects in the early semesters, sometimes as a prerequisite for further studies (e.g. Bochum, Leipzig, Münster), while others also mandate such courses at a later stage (e.g. Hamburg, Bonn, Heidelberg). Saarland University recommends comparative law in the fifth semester.

course of studies)²⁴ or as part of a more intensive foreign law and language certificate.²⁵

In addition, comparative law is offered in some master's programmes, particularly those with an international or comparative orientation.²⁶ At doctoral level, comparative law is pursued mainly through individual supervision rather than through structured coursework.²⁷

Is comparative law taught in any other course or school? Which one? (E.g. political science, anthropology, cultural mediation?)

At the law schools, comparative law courses are predominantly addressed to law students, though in some cases they are open to students from other disciplines, such as political science, history, social sciences in general, or theology. There is no indication that comparative law is taught as an autonomous subject outside law schools, nor that it is systematically addressed to non-law students.

Is comparative law a compulsory subject at any of these courses?

As a general matter, comparative law is not a compulsory subject in German legal education and is typically taught as an elective. Students may thus complete their legal studies without attending any comparative law course, despite the fact that the legal training acts or regulations of certain *Länder* (states) place particular emphasis on the international context.²⁸

Within certain areas of specialisation, comparative law courses may, however, be defined as mandatory components. In quantitative terms, about half of the law schools offer an area of specialisation where comparative law forms part of the core subjects that are assessed in the final exam of the respective area of specialisation. Generally, these are more likely to be focused on private law,²⁹ slightly less

²⁴ Where comparative law can count towards the foreign language requirement (e.g. at Halle-Wittenberg), students may usually take it at any stage of their studies.

²⁵ At least one third of universities offer programmes introducing law students to foreign legal systems and terminology. These programmes generally encompass a total of 16 hours of courses per week over the course of four semesters. They frequently incorporate introductions to the respective foreign legal systems, albeit without necessarily adopting a comparative approach.

²⁶ Some master's programmes are inherently comparative in their approach (e.g. 'Comparative and Global Law', recently started at the University of Münster) others expressly focus on a specific foreign legal system and typically also include comparative law aspects (e.g. 'Chinese Law and Comparative Law' at the University of Göttingen in cooperation with the University of Nanjing).

²⁷ For more information on comparative law at the level of doctoral studies, see question sub VII., pp. 15 et seq. below.

²⁸ Cf., e.g. in Rheinland-Pfalz and Hamburg.

²⁹ Relevant areas of specialisations often focus on comparative law and private international law or on international, European, and/or foreign law of civil procedure and can be found at a fairly large number of law schools (e.g. in Bonn, Erlangen-Nürnberg, Hamburg, and München).

on public law,³⁰ and rather rarely on criminal law.³¹ Exceptionally, specific comparative law areas of specialisation are offered, in which comparative law consequently also forms a compulsory component.³²

Beyond the regular course of studies leading up to the first state examination, comparative law may occasionally be compulsory, for example in individual master's programmes;³³ however, no general pattern can be identified on the basis of the available data.

IV. The Class of Comparative Law

How is a class where comparative law is taught generally composed?

As there is a wide range of different formats in which comparative law is taught, no general answer to this question can be given. Within the regular formats (i. e. excluding study abroad programmes, excursions, etc.), the range extends from small seminar formats where one professor might teach a rather small number of students (usually 5 to 15 or 20, possibly up to around 30) to large lecture formats with possibly hundreds of students in the lecture hall. Depending on the location of the course in the curriculum, participants will be at different stages of their studies. Most of the courses primarily target German law students preparing for the first state examination. However, particularly when taught in English, comparative law courses also tend to attract a considerable number of exchange students and are in some cases specifically intended for this group.

How many foreign students attend the law school in your country?

The Federal Statistical Office of Germany provides annual data on the number of students enrolled in law.³⁴ According to the latest available figures for the winter term 2024/2025, a total of 115,272 students were enrolled, of whom 9,269 were foreign nationals. This corresponds to approximately 8 % of all law students. Over the past decade, the proportion of foreign students in law has fluctuated between roughly 8 % and 9 %. A noticeable decline occurred in the winter term 2020/2021,

³⁰ Examples with a public law focus include areas of specialisations such as 'State and Administration in Transition' at Humboldt-University Berlin and 'International, Transnational, and European Law' in Martin-Luther-Universität Halle-Wittenberg.

³¹ The only example found is the area of specialisation in criminology at the University of Würzburg.

³² E. g. at the Universities of Greifswald and Würzburg.

³³ Cf. programmes mentioned in fn. 26 above as well as the programme on 'German Law and European Comparative Law' at Saarland University.

³⁴ All figures are based on data available at <https://www-genesis.destatis.de/datenbank/online/url/leec1601> (13.02.2026). They refer to students enrolled in law (*Rechtswissenschaften*) in general and do not differentiate between specific degree structures or examination tracks.

which is likely attributable to the Covid-19 pandemic. Since then, the numbers have remained at a slightly lower but relatively stable level.

How many foreign professors teach comparative law or foreign law at law schools?

There are no aggregate data available that would allow for a reliable quantification of foreign professors teaching comparative or foreign law at German law schools. Overall, it remains rather uncommon for scholars who have obtained their full legal education outside Germany to hold full professorships at German law schools,³⁵ although notable exceptions do exist.³⁶ As a rare point of reference, the German Science and Humanities Council (*Wissenschaftsrat*) reported in 2010 that 26 foreign law professors were employed full-time at German higher education institutions, corresponding to approximately 2.8 per cent of all law professors at the time.³⁷ Not all of these professors, however, can be assumed to teach comparative or foreign law.³⁸

Below the level of full German professorships, foreign scholars are more frequently involved in teaching at German law schools. They typically contribute in the form of temporary teaching assignments, for example by offering introductions to their home jurisdictions, participating in international or comparative courses, or supporting moot courts and similar formats. In addition, in law schools that offer programmes focused on specific foreign jurisdictions, foreign scholars are regularly involved in teaching as part of these institutionalised programmes, often in cooperation with partner universities abroad.³⁹

Are there programs of visiting professors from abroad to teach comparative law? Do you have programs to encourage professors to teach abroad?

Germany does not have a centralized or dedicated national (or state) program specifically aimed at sending or hosting visiting professors to teach comparative law. However, several international mobility initiatives facilitate academic exchanges, including in law, that in the legal field are likely to include teaching of comparative law or on foreign legal systems.

³⁵ In most cases, such persons will not have passed both German state examinations, a formal qualification that still plays a decisive role in appointments to full professorships.

³⁶ E.g. Prof. Dr. Yuanshi Bu, LL.M. (Harvard), Chair of International Economic Law with a Focus on East Asia, University of Freiburg; Prof. Dr. James Fowkes, LL.M. (Yale), Professor of Foreign and International Law, University of Münster; Prof. (NTU) Dr. Georg Gesk, Chair for Chinese Law, University of Osnabrück; Prof. Dr. Thoko Kaime, Chair of African Legal Studies, University of Bayreuth; Prof. Dr. Eva van der Zee, Assistant Professor for International Law with a Focus on Behavioral Law & Economics, University of Hamburg.

³⁷ *Wissenschaftsrat* (fn. 14), 91.

³⁸ Professor van der Zee (cf. fn. 36), for instance, does not teach Dutch or comparative law, but various subjects in the field of law and economics and public international law.

³⁹ See, e.g. the master's programme 'Chinese Law and Comparative Law' offered by the Universities of Göttingen and Nanjing.

The most significant of these frameworks is the Erasmus+ program, supported by the European Union.⁴⁰ It enables higher education staff from participating countries⁴¹ to teach abroad for stays between 2 and 60 days.⁴² Within this framework, Erasmus+ enables substantial inbound and outbound academic mobility with roughly 8,000 to 9,000 academics moving in either direction in 2024 alone.⁴³

Alongside Erasmus+, the German Academic Exchange Service (DAAD) operates several programmes encouraging German academics to teach abroad.⁴⁴ These include the Johann Gottfried Herder Programme for retired professors undertaking semester-long teaching assignments, as well as DAAD-funded lecturer positions typically held by post-doctoral scholars. At present, there are six such positions in law: one in Hungary, two in France, and three in the United Kingdom.⁴⁵ Further DAAD programmes support longer-term (two to five years) or shorter-term (several weeks to six months) teaching stays at foreign universities.

In addition, there are country-specific programmes such as the Swiss-European Mobility Programme⁴⁶ and the Fulbright Scholar Grant. The latter funds U.S. academics to teach or conduct research in Germany, and explicitly encourages the inclusion of lecturing components, in order to benefit German students and faculty.⁴⁷

At the institutional level, individual universities complement these national and European schemes with their own initiatives. These include, for example, fellowship programmes for visiting scholars with a teaching component,⁴⁸ joint international courses,⁴⁹ or participation in international university net-

⁴⁰ Cf. www.erasmus-plus.ec.europa.eu (13.02.2026).

⁴¹ These include all 27 EU member states, plus Iceland, Liechtenstein, North Macedonia, Norway, Serbia, and Turkey; in addition, a vast number of states are accepted as partners to the program with limited participation.

⁴² Regarding outbound mobility, some German universities tend to encourage shorter stays of a maximum of one or two weeks (e.g. Hamburg, Potsdam, Heidelberg), while others do not impose such restrictions (e.g. Würzburg, Berlin [FU], Halle-Wittenberg).

⁴³ European Commission: Directorate-General for Education, Youth, Sport and Culture, Erasmus+ annual report 2024 – Statistical annex, Publications Office of the European Union, 2025, 32 et seq., <https://data.europa.eu/doi/10.2766/6002858> (13.02.2026); discipline-specific data for law are not available.

⁴⁴ Cf. www.daad.de/de/im-ausland-studieren-forschen-lehren/lehren-im-ausland/ (13.02.2026).

⁴⁵ Cf. www.daad.de/de/im-ausland-studieren-forschen-lehren/lehren-im-ausland/daad-lektorenprogramm/karte/?profiles=12 (13.02.2026).

⁴⁶ Programme similar to Erasmus+; cf. <https://movetia.ch/en/funding-opportunities/stays-abroad-for-staff-in-higher-education> (13.02.2026).

⁴⁷ Fulbright Germany frames this as being '[i]n the interest of German students and teachers, who benefit greatly from U.S. lecturing methods', <https://fulbright.de/en/grants/program/fulbright-scholar-grant-including-inter-country-travel-grant> (13.02.2026).

⁴⁸ E.g. the Magdalene Schoch Fellowship Program at the University of Hamburg's Faculty of Law.

⁴⁹ E.g. the German-language law program focused on private law recently initiated by the University of Passau in cooperation with Károli Gáspár University of the Reformed Church in

works.⁵⁰ Taken together, such initiatives further contribute to the presence of visiting professors and to opportunities for German academics to teach abroad.

V. The Content of the Course of Comparative Law

As already outlined above, comparative law in Germany is taught in a wide variety of formats and institutional contexts, reflecting the high degree of academic freedom traditionally granted to university professors. This freedom extends to the content, structure, and teaching methods of individual courses. Since comparative law does not form part of the state examination,⁵¹ it is subject to even fewer structural constraints than courses in the compulsory curriculum. Accordingly, any general observations on the content of comparative law courses can only describe typical patterns rather than fixed models. The answers to the questions in this section therefore focus on general courses in comparative law, including those that concentrate on one of the major branches of law, namely private, public, or criminal law.

How is a course of comparative law structured? E.g. does it include a methodological part? Does it include an introduction to the legal systems of the world? Which legal systems are generally taken into consideration? Are cases discussed in comparative law perspective? Does the course include a comparative law analysis in specific fields? (E.g. contract law, family law, tort law?) Are there separate courses for private and public comparative law?

Comparative law in Germany is frequently taught along the *traditional disciplinary lines* of private law, public law, and – significantly less frequently – criminal law. Many courses are expressly designated as ‘comparative private law’, ‘comparative public law’ or ‘comparative criminal law’. Even where courses bear the general title ‘comparative law’, in practice they will regularly focus on only one of these branches, often private law. Courses that explicitly combine comparative perspectives across two or all three major branches of law are rather rare.

Within this disciplinary framework, courses may concentrate on *specific fields of law*. In public law, a particularly strong emphasis can be observed on comparative constitutional law. In private law, comparative analyses of contract law are common; in some cases, these are complemented by tort law, consumer law, or unjust enrichment. More specialized courses depend largely on the expertise and research focus of individual professors and may address fields such as comparative competition law, civil procedure, or family law.

Hungary and funded by the DAAD; see also the cooperation between the Universities of Göttingen and Nanjing (fn. 39).

⁵⁰ E.g. the THEMIS Network, a collaboration of 11 universities across Europe, New Zealand, Taiwan, and Hong Kong, for a ‘Joint Certificate in International and Business Law’, of which the Freie Universität Berlin forms part.

⁵¹ Cf. question sub II., pp. 4 et seq. above.