EBERHARD KARLS UNIVERSITÄT TÜBINGEN



In Legal Spheres

Discover the Faculty of Law at the University of Tübingen

JURISTISCHE FAKULTÄT



Many thanks to...

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Juristische Gesellschaft e.V., an organisation of alumni, members and friends of the Faculty of Law at Eberhard Karls University, is a reliable sponsor of research, teaching and study-related activities, as well as a hub for alumni relations. In supporting this brochure, the association significantly contributes to promoting the Faculty's visibility and standing outside Tübingen.

... law firm Milbank, Tweed, Hadley & McCloy LLP

for their financial support for this brochure, to which we owe the opportunity of presenting the many facets of our Faculty of Law in Tübingen to an international audience. In recent years, Milbank has come to appreciate the close contact with our faculty, and the close ties to our students, particularly through recurring events on our campus. Such contacts also provide our students with a welcome opportunity to familiarise themselves with the professional life of lawyers in an international law-firm as an intern, clerk, or potential future employee.







Dear friends of the Faculty of Law,

On behalf of our staff members, I am pleased to welcome and warmly invite you to learn more about our law faculty.

As a founding member, this faculty has its place at the heart of the University of Tübingen since 1477. Jurists have been researching, teaching and studying here for more than 500 years. Our Alumni include Carlo Schmid, Roman Herzog, Günter Dürig, and Jürgen Baumann. Its long history and number of great scholars have earned the faculty its excellent reputation in Germany and around the world. In that lies an obligation for the future.

We are committed to excellence in teaching and advancing knowledge. Our law faculty remains at the forefront of legal research. From the historic foundations of law to the current developments in national and international law, from civil and commercial through public and criminal to European and international law, academic contributions from Tübingen have acquired great renown.

Of equal importance are our nearly three thousand students, three hundred of whom come from other parts of Europe and the rest of the world. To them, we offer a solid education in the foundations of law and thorough preparation for the state examination. Building on this foundation, our seven focal modules make for a broad and well-rounded range of specialised courses from which students may choose. Also of great importance to us is practical relevance. Here, we profit from our close proximity to the state capital; Stuttgart is the seat of central courts and administrative bodies as well as numerous distinguished law firms with whom the faculty maintains close ties. Exceptional job opportunities are open to our graduates.

In the early stages of the study of law, work environment is key: the faculty's own sizeable library with its generous opening hours and quiet workspaces enjoys great popularity among our students and young researchers. Its up to date and immense collection of books and journals as well as access to all the major online databases facilitate efficient learning and research.

If you would like to work here as a guest researcher, remain in touch with legal scholarship as a practicing jurist, or if you are a potential undergraduate, I encourage you to come visit us.

We look forward to meeting you!

Professor Jochen von Bernstorff Dean of the faculty

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Commercial Law, Company Law and Economic Law

Research in the area of commercial law, company law and economic law benefits from a close exchange with legal practice. We therefore cultivate our close partnerships with companies, law firms, as well as business associations. Both our junior researchers and our students benefit tremendously from this interaction.



Professor Jens-Hinrich Binder's (left) research interests are in banking and financial law. **Professor Christine Osterloh-Konrad** (right) explores the private and tax law determinants of economic activities from a comparative law perspective.



Professor Hermann Reichold (left) focuses on industrial relations and the special legal framework applicable to labour contracts in the church. **Professor Stefan Thomas** (right) examines the law and economics of competition and antitrust.



I have never regretted my decision to read law at Tübingen. The faculty combines academic excellence with an impressive network of courts, law firms, and companies. This is exactly what you need for a successful career start."

Dr. Boy-Jürgen Andresen is alumnus of the Tübingen Faculty of Law and was a long-standing CEO of the Dr Heissmann GmbH.

Modern Economy in Focus

The legal frameworks for economic activity: this is what our research in commercial and company law is all about. Whether concerned with the immense wave of new developments in financial markets regulation following the global financial crisis, the foundations of modern partnership and company law, or the vulnerability of tax systems to arbitrage effects — we always keep in mind the economic foundations and examine relevant problems not just from the perspective of national law, but also look into foreign legal systems and at the European level.

In order to stay in touch with legal practice, our academics participate actively in a circle of practitioners from law firms and legal departments of leading companies in the greater Stuttgart area. Both practising lawyers and senior members of the judiciary are teaching regularly within the Faculty.

Industrial Relations

When and why are strikes justified in air travel or railway services? Is a minimum wage compatible with the freedom of collective bargaining? What is the difference between a works council and a labour union? How to address "labour 4.0", i.e. employment without clear-cut limits with regard to the working place and work hours? Do we need new laws to address the challenges posed by the digital revolution?

Such are the questions in the field of German and European labour law, directly related to problems of the modern social state, our teaching focuses on – close to legal practice, and with direct relevance to day-to-day life. A good example is our weekly colloquium with practitioners – a platform for students to benefit from first-hand experience of experts from specialised law firms, organisations, companies, and from the labour courts.

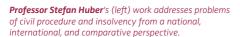
A Focus on Competition and Antitrust

How can we measure, and prove to the satisfaction of courts, the damages caused by cartels? How does competition and regulatory law cater for social and public interest considerations?

As a pillar of functioning market economies, competition between firms has to be protected, but also regulated, by the state. To that end, legislators have to strike the right balance between the freedom of enterprises and private autonomy on the one hand and social aspects and public interest considerations on the other hand. In addition to genuine matters of competition law, we therefore always look into their interplay with current developments in economics and society. In order to familiarise students with how all that looks like in practice, we maintain close partnerships with specialised law firms in the greater Stuttgart area and reach out to practitioners in joint seminars and workshops.

Civil Procedure and Insolvency Law

Conflict resolution potentially is of relevance across all areas of private law. In addition to traditional court-based legal redress, aggrieved parties can also resort to other means, including arbitration. However, individual legal redress always ends in case of the insolvency of one of the parties. In cross-border litigation, the national framework is complemented, and superseded, by European law. The interplay of all these factors form the agenda for our procedural research cluster.





Professor Christine Osterloh-Konrad's (right) main area of research is comparative business taxation. She also takes a strong interest in the philosophical and economic foundations of tax law

Public Budgets and Taxation

There is no state without revenue. In recognition of this simple but fundamental fact, the legal framework for public budgets and taxation forms a core part of the research at Tübingen: Working closely with visiting faculty from practice, no less than four chairs examine all matters relating to the financing of the state. Inevitably, research in this area is highly dynamic, given the high frequency of changes to the applicable legal framework compared with other areas of the law.



Professor Christian Seiler's (right) teaching and research interests are in the areas of public law, with a special focus on the constitutional aspects of fiscal law and tax law.

Professor Michael Droege (left) is particularly interested in the constitutional aspects of fiscal law, as well as in the taxation of not-for-profit organizations and foundations.

Professor Ferdinand Kirchhof was Vice President of the German Constitutional Court. His research and teaching focuses on the constitutional aspects of fiscal and tax law.

Law Needs Enforcement

If and where private law entitlements are not respected. claims are not fulfilled, or property titles are infringed, problems of enforcement arise. At Tübingen, we explore conditions for and methods of conflict resolution and the enforcement of claims with the attorneys, notaries public, and the courts. Relevant problems include all aspects of litigation in state courts, including the enforcement of titles and interim measures, as well as national and international arbitration. Against this backdrop, conflict resolution certainly presents a complex range of issues and an intricate interplay with substantive private law. Throughout, in cross-border contexts, national laws are increasingly superseded by provisions of European law, with competition between different jurisdictions becoming ever more important. This is why we have established close contacts with international research networks.

Moreover, given the high practical relevance of matters of conflict resolution, we collaborate closely with experts from practice. For us, intensive exchange with judges, attorneys, and corporate counsel is not just a valuable source of inspiration for the academic discussion, but also an integral part of the education of future lawyers within the Faculty of Law. Together with teachers from practice, we have established a comprehensive curriculum that provides the basis for an excellent training for future judges, litigators, insolvency practitioners, or notaries public.

A Strong Network

Why do we have to pay taxes? And how much tax should be paid? Answers to such and other questions can hardly be derived from a single statute, but need to be analysed by taking into account the interplay between different sources of law.

Against this backdrop, research at Tübingen in the area of public budgets and taxation takes a comprehensive perspective and looks at the constitutional constraints of public debt and public budgets, including the fiscal relationship between the federal level and the states. Moreover, we look into the restrictions on taxation resulting from fundamental rights, the relationship between tax and private law, the enforcement of tax law, the applicable criminal sanctions, and the increasing relevance of European law in this area. With tax becoming more and more of a global issue, we also

widen our perspective by doing comparative research, thereby including other jurisdictions' approaches to tax into our considerations. Reflecting this wide range of determinants, research in tax law at Tübingen covers all relevant areas and explores fundamental questions as well as special areas, such as the taxation of non-profit organizations.

Fully aware of the practical implications of tax law, we maintain a close exchange with legal practice, to which our faculty have contributed in the capacities of judge at the Bundesverfassungsgericht (the Constitutional Court) or consultants in legislative projects. Our faculty includes Rudolf Mellinghoff, president of the Bundesfinanzhof (the Federal Fiscal Court), who holds a Honorary Professorship at the Tübingen University Faculty of Law.

Foundations of European Legal Systems

When finding your way through today's debates on topical matters of social or religious policy, a look into the past always helps.

As our contemporary constitutional system roots the whole history of our civilisation and, in many parts, goes back to the Roman Empire. In our research cluster "Foundations of European Legal Systems", we explore the origins of our legal system.



Through its strong network of international partnerships, the Faculty of Law is not just a venue for excellent academic teaching, but also a vibrant platform for the academic discourse."

Professor Ferdinand Kirchhof, a member of our faculty, was Vice President of the Federal Constitutional Court.



In all the codifications of the 19th and 20th centuries there is a unity: The Modern Codes may be regarded as republications, to a large extent, of Justinian's monumental Codification of Roman law."

Charles Phineas Sherman, Yale



Professor Thomas Finkenauer's research focuses on the Roman law foundations of contemporary German private law



Professor Wolfgang Forster explores, from a historical and comparative perspective, the interplay between ecclesiastical and state law.



Professor Michael Droege's work addresses the interplay between constitutional and ecclesiastical law.

Looking at the Roman Empire

Researchers at Tübingen explore the Roman law foundations of contemporary private law, including the whole range of classic Roman private law, more specifically, the law of obligations, of property, inheritance, and master and slave. They also look into the development of Roman law in the Middle Ages through to the European codifications of private law. As Roman law is taught and researched worldwide, both research and teaching benefit from manifold international academic contacts.

At the same time, our research addresses contemporary problems of private law, including problems related to works of art and objects of cultural value. In this context, research also covers aspects of contemporary legal history including, for example, the relevance of Roman law in National Socialism or the restitution of Jewish assets seized in the NS era.

Our Perspective on Religion and Law

In our research cluster on the interplay between constitutional and ecclesiastical law, we build on Tübingen's tradition as a prominent research center in this area in general and, in particular, in the area of Protestant ecclesiastical law.

The shrinking relevance of the large Christian churches and the battle for legitimacy in multireligious societies challenge not just the legal system in its capacity as the basis for a peaceful coexistence of the citizens. Moreover, such developments also affect and change the legal framework for the pursuit of the pastorate and, hence, ecclesiastical law.

Within this fascinating area, academics in Tübingen seek to help define responses to contemporary political problems – in close contact with practice and in an ongoing interdisciplinary exchange.

International Law

In a globalised world, in which social challenges like the migration crisis and their roots transcend national boundaries, legal solutions have to be developed, and analysed, with an international perspective. In this spirit, researchers at Tübingen work in areas like human rights, climate change, free international trade, and the international movement of capital, goods, or services.



Professor Stefan Huber (left) focuses on matters of European and international conflicts of law in private law and civil procedure, as well as on substantive uniform private law.

Professor Martin Nettesheim's (second from left) research interests are in the areas of European integration, the constitutional foundations for public international law and international economic law.

Professor Martin Gebauer (second from right) also serves as Judge at the regional Court of Appeals (Oberlandesgericht) at Stuttgart and focuses on matters of private international law and civil procedure, as well as comparative law.

Professor Jochen von Bernstorff's (right) research addresses matters of fundamental and human rights and explores the history and theory of public international law.

The State Sector, Public Infrastructure, and the Environment

Large public projects are closely monitored by the media and the general public. They also illustrate the potential for conflicting interests – and the need to reconsider the legal frameworks for the management of such conflicts. Examples for that can be found in large infrastructure projects, but also in the quest for alternative energies. These and many other topics are examined in our specialisation in the state sector, public infrastructure, and environmental law.



Professor Barbara Remmert (right) specialises in the organisational aspects of constitutional law, basic rights, the role of municipalities in the state sector, and public procurement law.

Professor Johannes Saurer's (left) research focuses on matters relating to green energies and the legal implications of climate change within the context of European law.

Organising Cooperation

Over the past decades, a host of international and non-governmental organisations, European rules, and international treaties have complemented, and to some extent superseded, national legislation. International and European actors have assumed responsibility for central areas of public policy, including European integration and the prevention and solution of regional and global conflicts.

Our researchers explore the interplay and the coordination of these various institutions and levels. They examine, for example, how global markets can be regulated in the public interest and how the protection of the human rights can be accomplished in a global perspective, even in the face of challenges like the current migration crisis.

Global Problems – Who Is in Charge?

Which courts have jurisdiction in cross-border cases? What are the conditions for the recognition and enforcement of foreign judgements? International mergers and acquisitions, online business, international holidays, or migration: With ever more integrated markets and cross-border relationships between people, national legal systems have entered a state of dynamic exchange with one another. Even small and medium-sized enterprises are no longer focused on domestic business. The resulting problems in terms of jurisdiction and applicable law in cross-border cases define the focus of academic research within the Tübingen Faculty of Law.

Striking the Balance

The state is in charge of maintaining and improving the infrastructure. In this context, striking the balance between economic interests and the protection of nature and other legitimate interests is of essence. Both the German Constitution and the European Treaties focus on protecting economic freedoms and the Single European Market. At the same time, the state, municipalities, but also the European Union are required to protect human health, sustainability in terms of the use of natural resources, and the climate. They also have to use public funds efficiently and maintain adequate levels of participation of stakeholders in the decision-

making processes. Research at Tübingen examines these conflicts from an interdisciplinary perspective, making use of the close connections between the Faculty of Law, the natural sciences, and the European Center for Research on Federalism at the University of Tübingen.

As the exit from nuclear and fossil-fuel energy is a genuinely European topic, the excellent international contacts between our researchers and colleagues in different countries, including Switzerland, the United Kingdom, and the Netherlands, are particularly fruitful in this field.

Criminal Law and the Law Relating to Economic Offences

Interdisciplinary and highly topical – these are key attributes of criminal law and the law relating to economic offences at Tübingen. Our academics look into current cases involving a wide range of problems, from corruption in the sports business and white-collar crime to compliance in the health sector. Criminology in particular is characterised by close interdisciplinary cooperation with academic disciplines like sociology and psychology.



Professor Jörg Kinzig is Director of the Tübingen Institute of Criminology and explores the causes of crimes and potential remedies.



Professor Bernd Hecker's research interests are in the area of European criminal law, environmental crimes, economic offences, offences relating to consumers, and the constitutional implications of criminal law.



Professor Jörg Eisele addresses problems of economic offences, in particular relating to competition law and corruption, as well as problems of corporate compliance, crimes relating to IT, criminal procedure, and European criminal law.



Professor Bernd Heinrich's research focuses on economic offences, corruption, and the international context of criminal law.

Exploring the Causes of Crime

What are the implications of societal developments, e.g. of changes in the demographic structure or migration, on the dimension and nature of crimes? Why and how does one become a criminal? Such questions involve empirical and interdisciplinary work, and are explored



Assistant Professor Tillmann Bartsch and **Professor Rita Haverkamp** are criminologists within the Tübingen Faculty of Law.

by researchers from a wide range of disciplines in the Tübingen Institute of Criminology. Established more than 50 years ago, the Institute brings together not just lawyers, but also sociologists, psychologists and experts from educational sciences. Their interdisciplinary collaboration opens new perspectives which facilitate the quest for better and more effective sanctions systems in criminal law.

Our research covers a broad range of diverse topics, ranging from the choice of effective sanctions, problems relating to specific areas of crime (e.g., sexual offences), to the perception of crime among citizens. A good example can be found in an ongoing study on the problems of young Muslim offenders in prison, commissioned by the federal government and carried out by the Institute.

From Compliance to Corruption

In recent years, a large number of high-profile cases of white-collar crime, including a series of scandals in large public companies, have illustrated the relevance of the law relating to economic offences – not just in economic terms, but also in terms of new doctrinal problems. A case in point is the ongoing discussion on the need for criminal sanctions against companies. In their research activities, academics at Tübingen focus on issues like corruption and the criminal law implications of labour relations, competition law, copyright, money-laundering, environmental law, the regulation of foodstuffs, the health sector, IT, and media law. They also cover problems relating to corporate compliance and internal investigations in companies. On a wide range of problems, they cooperate closely with colleagues in Europe, Africa, Asia, and Latin America.

The subdiscipline of European criminal law is comparatively young and provides a number of specific challenges for both academia and legal practice.

To what extent is the EU empowered to harmonise national criminal law and criminal procedure? What are the conditions for surrender under a European Arrest Warrant? What is the scope for the non bis in idem principle under the European Charta of Fundamental Rights? Questions like these are core elements of criminal law research at Tübingen.



An Excellent Network

Promoting the Dialogue

"Forum Junge Rechtswissenschaft", the Young Researchers' Forum, is an initiative of postdocs within the faculty. It offers a vibrant platform for academic exchange and the discussion of research projects. To fully reflect the whole range of methods applied in modern legal research, the forum adopts a broad, interdisciplinary perspective, integrating also researchers from neighbouring disciplines and their work on projects pertaining to legal problems. The international dimension of contemporary legal problems is explored by academic participants from foreign research institutions.

Antitrust Law in Practice

The "Young Antitrust Forum" is a network connecting students, doctoral students, postdocs, and practitioners. In lectures, presentations, and panel discussions, participants explore topical problems of anti-trust and competition law, promoting academic discourse at an early level of the legal education. The network helps disseminate the results of contemporary legal research and, at the same time, provides a platform to young researchers to test and refine their work results. The forum has been established by students and research staff as a unique network and valuable basis for contacts to potential future employers. It reflects not just the long-standing tradition of competition law at Tübingen, but also the relevance of the greater Stuttgart area as one of the hotspots in anti-trust and competition law.



The railway on strike – a controversial discussion between **Claus Weselsky** (second from left), **Professor Hermann Reichold** (left), **Professor Frank Bayreuther** (University of Passau, second from right), and **Professor Jobst Hubertus Bauer** (right).

Creating Networks

Phi Delta Phi is an international, bipartisan honor society. It was established in the United States of America and bears no similarities with traditional German fraternities. Phi Delta Phi is organized in more than 130 Inns world-wide. In 2008, former German President Richard von Weizsäcker sponsored the new Tübingen Inn.

In order to promote the exchange between academia and legal practice, the Inn organises public lectures and panel discussions involving both prominent legal scholars and practitioners, workshops, and seminars with prominent law firms, banks, and other companies. In addition, the Inn is involved in informational events for our students. Moreover, its members actively engage in pro bono work, e.g. by offering legal training classes in local schools. Phi Delta Phi at Tübingen thus established an impressive international network of students, alumni, academics, and practitioners.



A high profile visit from Bonn: **Andreas Mundt**, President of the Bundeskartellamt (the German Cartel Authority) (left) in a discussion of contemporary case law with **Professor Stefan Thomas** (right).

Current Legal Problems in the Spotlight

TV stations covering a Tübingen event – this is what happened in May 2015, when Claus Weselsky, president of one of the railway unions, joined a panel discussion on the legality and legitimacy of strikes in the railway sector amid a controversial strike that hit both citizens and companies across the country. The event, which had to be relegated to the largest lecture hall in order to seat all guests and journalists, clearly was an excellent example of the role of "Juristische Gesellschaft" as a forum for discussions between the faculty and the public at large.

The association, established also as a network between the faculty and its alumni, is chaired, inter alia, by Professor Hermann Reichold, the Dean, the President of the High Court of Tübingen, and representatives of the Bar. It currently has around 500 members. Twice a year, the association organises panel discussions on topical issues from all fields of the law, ranging from sanctions for sports doping and prominent cases of securities fraud to the legalisation of assisted suicide. The association is not just a platform for intensive debates between faculty and legal practice, students and attorneys, officials, and companies, but also an active promoter for job fairs. It also manages the public relations of the faculty.

Our discussions demonstrate how fascinating the law can be – and how much this is of interest to the general public!"

Professor Hermann Reichold, Chair, Juristische Gesellschaft Tübinger

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Law Abroad

Going Global – Out of Tübingen

Cross-cultural competence, flexibility, and the ability to work in foreign languages – key skills for a successful career in the 21st century. For future lawyers just as for any other profession, it is therefore instrumental to spend part of their studies in a foreign jurisdiction. The Faculty of Law actively promotes and supports its students in this respect.

Probably the best known program for academic exchange within the European Union is the Erasmus programme. Within this context, the University of Tübingen maintains exchange options with no less than 300 reputable partner universities across Europe. With a lot of these, the Faculty of Law has entered into separate exchange agreements, allowing it students to study free from tuition at their respective destination.

A particularly intensive and successful partnership has been established with the University of Aix-en-Provence in Southern France. Each year, several students from Tübingen spend a whole academic year in Aix under the well-established TübAix programme, with French students coming to Tübingen in return. Historically, the TübAix programme has been particularly appealing to students with a specialization in public international and European law.

Since 2015, the "Netzwerk Ost-West" has offered joint seminars of two weeks each with partner faculties in East and South-East Europe, including cooperations with Lwiw (Ukraine), Szeged (Hungary), and Izmir (Turkey).

As from 2019, the Tübingen Chapel Hill Programme provides a platform for research and teaching exchange between the Faculty of Law and the University of North Carolina at Chapel Hill School of Law. Under this programme, academics and students from both institutions meet twice a year in the US and in Tübingen, respectively.



The reasons why the Erasmus exchange programme is definitely worth your attention are numerous. Being abroad as a tourist is completely different from being abroad as an exchange student. Participating in the programme in cooperation with the John Moores University Liverpool, offered the great chance to get to know people from all over the world, develop cultural awareness as well as open-mindedness, and to learn about the importance of Europeans working and sticking together. I can only recommend taking part in this unique programme providing an invaluable and powerful international experience."

 $\textbf{\textit{Emely Nann}} \ \text{spent an Erasmus exchange semester in the UK}.$



The exchange with Aix-Marseille in France was a great experience. And, extremely helpful in academic terms. Under the TübAix Programme, I was able to read for a French Master's Degree in parallel to my German exam preparations while being fully involved with academic life at Aix. This has been enormously stimulating — not just with regard to my expertise in international law, but also in terms of my language skills."

Laura Cardinale participated in the TübAix programme.



Negotiating Like a Professional

Moot courts are internationally organized, fictitious court proceedings designed to provide future lawyers with exposure to the practical implications of international litigation. In view of the increasingly global nature of legal services, moot courts thus constitute a valuable basis for a career in an international environment.

In recent years, students from Tübingen have been very successful in several international moot courts, including the renowned Willem C. Vis International Commercial Arbitration Moot Court. Following half a term of intensive preparations in the areas of international commercial law and international sales

law, the Tübingen team participated in hearings and coachings in Frankfurt, Munich, Vienna, and Hong Kong. Students from Tübingen also participated in the International Roman Law Moot Court, in the Philip C. Jessup International Law Moot Court, as well as in national events like the moot courts organized by the Administrative Court of Appeals of Mannheim and the tax law moot organized by the Federal Fiscal Court.

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The Faculty of Law at a Glance

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Imprint

Published by

The Dean of the Faculty of Law at the University of Tübingen Geschwister-Scholl-Platz 72074 Tübingen

Concept, Text, and Layout

Professor Dr. Hermann Reichold, Pierre Bounin, Alina Rehmann, Katharina Ochs, Karg und Petersen Agentur für Kommunikation GmbH Tübingen

Picture Credits

Uni Tübingen/Friedhelm Albrecht (Seite 4, 5)
Juristische Fakultät (Seite 6, 18, 19)
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