

## Part 2: The Development of the Law Faculty of the University of Freiburg and the Internationalization of Law and Legal Education\*

Rolf STÜRNER\*\*

The Faculty of Law of the University of Freiburg has been a special place of comparative law for many decades. A description of its international activities should differentiate between two phases. In the first phase from the sixties to the nineties of the last century comparative law was mainly a matter of personal interests of research of prominent comparatists who were members of the faculty of law. These colleagues did a lot of comparative research in articles and contributions to law journals and special volumes dedicated to actual problems of comparative law, this not only in German language but also in English and French or sometimes in Italian and Spanish. There existed also special relationships to Japan and Japanese law faculties. A book project organized by colleagues from Tokyo and Freiburg was designed to give reports on the development of law in Japan and Germany, but it ended in the nineties when the organizers retired and on both sides younger colleagues were not willing or able to continue. Another traditional German-Japanese project was the cooperation with members of the law Faculty of Osaka-City University where every three or four years a symposium with about eight colleagues from each university was organized in Osaka or Freiburg and congress volumes with the contributions were published in Japanese and German language. This project is still alive though it suffers from financial difficulties and perhaps generation problems. There was a regular and dense individual exchange between Japanese and German colleagues furthered by the Japanese Society for the Promotion of Science and the German Humboldt Foundation. Many young Japanese colleagues in particular came to Freiburg to write their dissertation in German language and a big part of them became professors of law in Japan. Not only the relations to Japan were flourishing, members of the Law faculty had continuous exchange with nearly all prominent faculties all over the world, and they were members of important international boards and committees for the harmonization of law and interna-

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\*\* Professor Dr. Dres. h.c. Rolf Stürner, Freiburg University in Germany.

tional legal cooperation, organized by Unidroit, Rome, the UN or Uncitral, New York, or the Hague Conference. The scholarly standing of the members of the faculty of Freiburg was so undisputed that for decades and until now the president and the secretary general of the German Association of Comparative Law were recruited from faculty members although we have three Max Planck Institutes for Comparative Law in Germany. According to the spirit of the time, this period of comparative and international activities was characterized by individualism and only poor administrative organization by the faculty or university as a whole.

The second period of international activities from the nineties of the last century until today is a time of increasing organizational measures. This is true for external and internal organizational activities. The Law Faculty and the University began to formalize foreign relations and to conclude treaties or at least agreements of cooperation. The law faculty concluded many contracts for exchange programs with universities in Europe and other parts of the world. These agreements put most emphasis on the exchange of students. Between 15% and 20% of our law students come from foreign countries, most of them from Europe but also from China and Latin America, doctorate students also from Japan, regrettably with a decreasing tendency because of language problems. Beginning with the mid-nineties, the Faculty decided to start a program for legal education in Anglo-American law, which was my initiative. In the winter term the faculty offers a course in English legal terminology, and in the summer term a course "Introduction to US-American law" being complemented by special courses for advanced students in selected fields of law like Constitutional Law, English Contract Law, American Legal Thought, Civil Procedure, Corporation Law etc. These courses are held in English by colleagues from prominent universities like Harvard, NYU, Ann Arbor, Cambridge, etc. The students may get a special certificate that documents this additional legal education and facilitates their admission to LLM studies in good English speaking universities. About eight years ago, the faculty installed a French law school where French or French speaking colleagues teach courses in French law, and the students may again get a certificate for this special and additional education. At the same time, the Faculty intensified its cooperation with Japanese and Chinese universities. Formal cooperation agreements exist with Ritsumeikan, Nagoya University, Osaka City University, informal cooperative contacts with Keio, Waseda, Fukuoka University and other places. Other formal agreements were concluded with the Law Faculty of Tsinghua University, Beijing, and especially the University of Law and Politics, Beijing. Our faculty installed a chair for Chinese legal studies which is held by a Chinese professor who coordinates the cooperation of six German law faculties with the Chinese University of Law and Politics and organizes the exchange of students, lecturers and professors for the joint legal education of Chinese students in German law. A very special cooperation began about six years ago with the Supreme Court of Brazil and its institution for the legal training of federal judges. The federal judges came to Germany

visiting German courts and our law faculty and professors of our faculty organized courses in Brazil together with high Brazilian and German judges. For about five years, the University of Nagoya had established an Institute for Business Litigation together with the University of Freiburg in Freiburg. This project was the idea of a Japanese colleague from Nagoya and then realized together with me, it was generously and mainly financed by the Japanese Society for the Promotion of Science and – to a smaller degree – by the University of Freiburg. After the end of the Project “Business Litigation”, the University of Nagoya prolonged the institute’s maintenance and made it its European branch for the organization of its European activities. Besides these officially organized relationships, the exchange of students and professors continues on an individual basis. Professors of our law faculty do and did research and taught or teach in American and European Universities like the NYU, Harvard, Sorbonne, Georgetown, etc. Cooperation agreements are often a necessary and very helpful formal basis of financial sources but in the end personal activities and mutual personal understanding are necessary for a successful and continuing cooperation. It is my pleasure to say this here at Kyoto where my dear colleague Deguchi works continuously and enthusiastically for the furtherance of the successful cooperation between Ritsumeikan and Freiburg.