

Remarks at the Opening of the Symposium Celebrating the 10th Anniversary of the *German Law Journal* – The *German Law Journal* as “Lived” Comparative Law

By Russell A. Miller*

A. Salutation

It is proper that we have come to Berlin to celebrate this remarkable transatlantic enterprise. It is true that the *German Law Journal* was born in Karlsruhe and that it emerged in its current form – as an online, monthly, peer-reviewed, English-language forum for commentary on developments in German, European and International law – at the University of Frankfurt. But one advantage of Internet publishing is the detailed information editors can gather on their readers, including the almost absurd statistic that tracks the frequency with which the *German Law Journal* website is accessed from each of Germany's *Postleitzahl* districts. Berlin is the right place for this event because we know from that data that the largest block of our German readers, by far, is based here in the German capital.

Peer and I are deeply honored that the Federal Ministry of Justice has sponsored this 10th Anniversary *Festakt* and the accompanying symposium. Let me warmly thank Minister Zypries for her congratulatory remarks that opened this event and for her ministry's support of the *German Law Journal*.¹ When Peer and I conceived this project a decade ago we hardly could have dreamed that it might someday attract the attention, not to mention the praise, of the Minister of Justice. That it has done so is largely the consequence of the hard work of scores of people. I hope you will indulge me while I pause to mention just a few of them before I hazard a few substantive remarks on the *German Law Journal* as a comparative law project.

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¹ See Brigitte Zypries, German Federal Justice Minister, Opening Address at the Conference “Transnationalization of Legal Cultures” on the Occasion of the 10th Anniversary of the *German Law Journal* (July 2, 2009), at http://www.bmj.de/enid/37946e0c23854c6d7675aaac46def681,a700b0706d635f6964092d0936303935093a0979656172092d0932303039093a096d6f6e7468092d093037093a095f7472636964092d0936303935/Ministerin/Red_en_129.html.

First and foremost, we must thank our board of peer editors, some of whom are here this week.² These scholars from around the world are the intellectual heart of the *German Law Journal*. They conduct blind reviews of all submissions, an effort they undertake with a humbling measure of intelligence and integrity. They solicit single contributions or, exercising their vast creativity, they develop whole special issues.³ They have given Peer and me advice on all manner of administrative matters, both tedious and grave. They have organized and participated in the *Journal's* annual symposia. The board is owed all the credit for the *Journal's* success and it deserves none of the criticism for the *Journal's* shortcomings. But more remarkably, the board also has become a virtual and *ad hoc* scholarly network out of which much other collaboration has resulted, including published books and global research agendas.⁴ Not infrequently, members of the board consult one another on their independent research and share drafts of their scholarship. I have benefitted immensely from this network in my own work. It has been a great privilege to have called these talented and tolerant scholars “colleagues” – both in the context of the *GLJ's* work and outside it – all these years.

Second, let me thank the many North American law students who have worked on the *German Law Journal* as student editors over the last decade. These students are represented here today by a number of Washington & Lee University Law School and Osgoode Hall Law School students whose travel and accommodation costs were very generously covered by the Ministry of Justice. Working closely with the student editors, chiefly on the technical matters of editing, formatting and publishing under the pressure of the *Journal's* breakneck monthly schedule, has been an unanticipated joy of this project.

² The current board of editors includes: Gregor Bachmann (University of Trier; bachmann@uni-trier.de), Betsy Baker (Vermont Law School; bbaker@vermontlaw.edu), Nina Boeger (University of Bristol School of Law; Nina.Boeger@bristol.ac.uk), Graf-Peter Calliess (University of Bremen; calliess@uni-bremen.de), Matthias Casper (University of Münster; matthias.casper@uni-muenster.de), Patrycja Dabrowska (University of Warsaw; p.dabrowska@uw.edu.pl), Helge Dedek (McGill University; helge.dedek@mcgill.ca), Morag Goodwin (University of Tilburg; m.e.a.goodwin@uvt.nl), Felix Hanschmann (Max Planck Institute for Comparative Public Law and Public International Law; fhanschm@mpil.de), Hans Michael Heinig (University of Göttingen; hmh@jura.uni-goettingen.de), Florian Hoffmann (London School of Economics Department of Law; F.Hoffmann@lse.ac.uk), Alexandra Kemmerer (Simon Dubnow Institute for Jewish History and Culture at the University of Leipzig; Kemmerer@dubnow.de), Malcolm MacLaren (Institute for Public International and Comparative Constitutional Law, University of Zurich; malcolm.maclaren@ivr.unizh.ch), Stefan Magen (Max Planck Institute for Research in Collective Goods; magen@coll.mpg.de), Ralf Michaels (Duke University School of Law; michaels@law.duke.edu), Christoph Safferling (University of Marburg; christoph.safferling@staff.uni-marburg.de), Frank Schorkopf (University of Göttingen; Frank.Schorkopf@jura.uni-goettingen.de), Cornelia Vismann (Max Planck Institute for European Legal History;).

³ See, e.g., Special Issue – Reform of the GmbH [Volume 9, Number 9] (Gregor Bachmann and Matthias Casper); Special Issue – What Future for Kosovo? [Volume 8, Number 1] (Morag Goodwin); Special Issue – Marking the Republication of Martti Koskenniemi's *From Apology to Utopia* [Volume 7, Number 12] (Morag Goodwin and Alexandra Kemmerer); Special Issue – Jacques Derrida: Before, Through, Beyond (the) Law [Volume 6, Number 1] (Florian Hoffmann and Cornelia Vismann).

⁴ See, e.g., DERRIDA AND LEGAL PHILOSOPHY (Florian Hoffmann, Cornelia Vismann, et al. eds., 2008).

Both Peer and I have developed curriculum based on the *Journal's* work and coverage through which these students are introduced to and engage deeply with German and European law and legal culture as a substantive matter. I learn more from working and studying alongside these students than I do from any other professional relationship. And, of course, without their always professional and high-quality editorial work the *Journal* would not be the serious scholarly forum it has become.

Third, Peer and I must acknowledge the gracious support we have received for the *German Law Journal* project from a number of institutions. At our home universities – University of Idaho College of Law, Washington & Lee University School of Law School and Osgoode Hall Law School of York University – the deans and our colleagues have sustained the *Journal* with financial support and scholarly contributions. The Robert Bosch Foundation awarded me the fellowship that first brought me to Germany in 1999 and it generously provided funding for us to move the *Journal* onto its present Internet platform. Over the years a number of Justices of the Federal Constitutional Court have shown considerable confidence in the *Journal* and their scholarly contributions lent the project, from its earliest days, credibility and gravitas.⁵ We hope we have not betrayed the trust of these eminent jurists. At various times the universities of Frankfurt and Bremen have given us support. We are particularly pleased that Oxford University Press has joined this list of the *Journal's* institutional collaborators and supporters. In the coming year it will publish an extensive collection of the *German Law Journal's* most impactful contributions in a single volume entitled *Transnational Law: Scholarship from the Frontier*. But no single institution has done more for the *Journal* than the Heidelberg Max Planck Institute. I have been a regular guest of the MPI and its directors have opened up the Institute to host several *German Law Journal* programs. Unsurprisingly, more *GLJ* contributors have called the MPI their home than any other institution. I say this is unsurprising because the Institute's impressive team of researchers combine the highest levels of doctrinal expertise and theoretical inquisitiveness with a breathtaking facility with the English language. The *Journal* has been indelibly enriched by its long-standing collaboration with the Heidelberg Max Planck Institute. All of these partners share in the *German Law Journal's* success.

⁵ See, e.g., Renate Jaeger, *The Federal Constitutional Court: Fifty Years of the Struggle for Gender Equality*, 2 GERMAN LAW JOURNAL (Number 9) (June 2001), at <http://www.germanlawjournal.com/article.php?id=35>; Udo di Fabio, *The Present and Future Meaning of the State and the role of the Federal Constitutional Court – Interview*, 2 GERMAN LAW JOURNAL (Number 9) (June 2001), at <http://www.germanlawjournal.com/article.php?id=20>; Jutta Limbach, *Every Human Matters – Comments on the Occasion of the Terrorist Attacks in America*, 2 GERMAN LAW JOURNAL (Number 15) (September 2001), at <http://www.germanlawjournal.com/article.php?id=85>; Wolfgang Hoffmann-Riem, *Two Hundred Years of Marbury v. Madison: The Struggle for Judicial Review of Constitutional Questions in the United States and Europe*, 5 GERMAN LAW JOURNAL 685 (2004), at http://www.germanlawjournal.com/pdf/Vol05No06/PDF_Vol_05_No_06_685-701_EU_Hoffmann-Riem.pdf; Udo di Fabio, *The European Constitutional Treaty: An Analysis*, 5 GERMAN LAW JOURNAL 945 (2004), at http://www.germanlawjournal.com/pdf/Vol05No08/PDF_Vol_05_No_08_945-956_EU_DiFabio.pdf.

B. The *German Law Journal* and “Lived” Comparative Law

I like to think of the *German Law Journal* as a new kind of comparative law project. It is not a large, mostly descriptive, exotic, single-issue, “set piece” comparative law venture of the kind that has traditionally dominated the field. That tradition has come to be burdened by its high costs and seemingly insoluble methodological problems, both of which result from the field’s lofty expectations for expertise in the various legal systems under comparison. One prominent comparatist suggested that it would be necessary, alongside the relevant doctrine, to have a firm grasp of the various systems’ governmental structure, general philosophical values and historical traditions, language, and contemporary developments, in short “complete familiarity with [the law and legal methods] – together with [the] thought forms predominant in varying legal cultures.”⁶ A solution for achieving this impossible range of expertise has been the frequent claim that comparative law, more than any other legal field, must avail itself of interdisciplinary collaboration. Thus, the same commentator acknowledged that the comparatist would need the aid of philosophers, historians and sociologists.⁷ But comparative lawyers have been loath to pursue such interdisciplinary collaboration.

The *German Law Journal*’s innovation on this traditional model has been to unburden comparative law of the impossible expectations of expertise and interdisciplinarity that were necessary to give large, issue-specific comparative surveys their hoped-for credibility. Instead, the *German Law Journal* proposed simply to “live” comparative law through the discourse of a community of interested scholars who would regularly (at one time – twice-monthly, but now monthly) engage with one country’s legal system – Germany primarily – from the vantage point of another continent and/or in another language. Comparison, on this model, would be omnipresent and inherent whether explicitly conceptualized or not and it would be susceptible to correction and expansion through the contributions and commentary of other scholars with other substantive or theoretical strengths and insights.

What if the *German Law Journal*’s success with this approach – so often described here today – is an answer to M.M. Siems’ 2007 article in the *Journal of Comparative Law* in which he declared “The End of Comparative Law”?⁸ In this self-loathing, or existential angst, Siems is not alone among comparatists. But he does neatly summarize the central elements of the long-standing anxiety about the propriety and effectiveness of comparative law, noting that it now largely is disregarded; that it remains confoundingly complex; and, ultimately, that it has become irrelevant. With reference to the *German Law Journal*’s “lived” comparative law, let me address each of these critiques in turn.

⁶ Donald P. Kommers, *The Value of Comparative Constitutional Law*, 9 JOHN MARSHALL JOURNAL OF PRACTICE AND PROCEDURE 685, 691 (1976).

⁷ *Id.*

⁸ M.M. Siems, *The End of Comparative Law*, 2 JOURNAL OF COMPARATIVE LAW 133 (2007).

I. Judges’ and Academics’ Disregard for Comparative Law

Siems, drawing what he believes to be the lessons of the comparative law controversy that was sparked by the U.S. Supreme Court’s recent interpretive glance at foreign and international law in a handful of cases,⁹ concludes that “the disregard of comparative insights is a general feature of contemporary U.S. legal culture.”¹⁰ Siems concludes that both the judiciary and academics are guilty of this disregard. But this claim, at least as it concerns America’s Supreme Court justices, is flawed from the start. Siems acknowledges that the comparative law controversy was triggered by the *regard* a number of justices showed for non-U.S. law, going so far as to identify it in their opinions as having illuminated, albeit not decisively, their interpretation of the constitution.¹¹ Our experience with the *German Law Journal* suggests that, in fact, judges are quite interested in comparative law. Not long after the *Journal* was founded, Supreme Court Justice Ruth Bader Ginsburg publicly praised the contribution it makes to comparative legal analysis in the United States.¹² As I mentioned in my opening acknowledgements a number of German Federal Constitutional Court justices have published articles and commentary in the *German Law Journal*.¹³ Justice Bryde’s participation in today’s *Festakt* is compelling evidence of the interest in comparative law among the justices of that highly regarded tribunal. The *Journal* also has published contributions from judges of the European Court of Human Rights.¹⁴ And Peer and I have received email contacts from judges in Israel and South Africa expressing gratitude for the access the *German Law Journal* has given them to developments in German, European and international jurisprudence.

Siems supports his argument that academia has come to disregard comparative law on some embarrassingly refutable statistics. He finds ever fewer uses of the terms “*droit*” and “*Recht*” in the *Harvard Law Review*, and decreasing use of the term “*droit*” in the *Neu Juristische Wochenschrift*.¹⁵ He concedes, however, that the phrase “comparative law” has

⁹ See *Atkins v. Virginia*, 536 US 304 (2002); *Lawrence v. Texas*, 539 US 558 (2003); *Roper v. Simmons*, 543 U.S. 551 (2005). See also Ingrid Wuerth’s contribution to this special issue.

¹⁰ Siems, *supra* note 8.

¹¹ *Id.*

¹² Ruth Bader Ginsburg, *Looking Beyond Our Borders: The Value of Comparative Perspective in Constitutional Adjudication*, 40 *IDAHO LAW REVIEW* 1, 3 (2003).

¹³ See *supra* note 5.

¹⁴ See, e.g., Boštjan C. Zupancic, *Constitutional Law and the Jurisprudence of the European Court of Human Rights: An Attempt at a Synthesis*, 2 *GERMAN LAW JOURNAL* (Number 10) (June 2001), at <http://www.germanlawjournal.com/article.php?id=30>.

¹⁵ Siems, *supra* note 8.

regained its traction in the *Harvard Law Review* in the last decade and that use of the terms “law” and “*Rechtsvergleichung*” has remained steady in the *Neue Juristische Wochenschrift* over the years. But the inconclusive nature of his own empirics is not the worst facet of his argument. Rather, his myopic selection of the *Harvard Law Review* and the *Neue Juristische Wochenschrift* overlook the general trend towards specialization in legal scholarship. He neglects the massive growth in the number of U.S.-based, student-edited international and comparative law journals in the last half century. It is a strange omission on Siems’ part considering the fact that his article was published in the brand new, peer-edited *Journal of Comparative Law*. The new *International Journal of Constitutional Law*, another peer-edited journal, seems to be thriving. Of course, I think that the *German Law Journal* can be counted among these new, peer-edited journals that have responded to and fueled the interest in comparative law. Running the same search in the *German Law Journal* archive reveals regular uses of the terms “*droit*,” “*Recht*,” “compare,” “comparison,” and “comparative.” More fundamentally, however, Siems’ search for these foreign terms ignores the ubiquity of English-language translations of primary legal texts from around the world and the increasing acceptability of writing comparative law scholarship in English. In light of these developments it is probably necessary to search for uses of the word “law” for comparative scholarship concerned with “*Recht*.” Of course, this language-transcending approach has been a central part of the *German Law Journal*’s “lived” approach to comparative law.

II. Comparative Law’s Confounding Complexity

Siems finds in comparative law’s burdensome complexity further evidence of its demise. He identifies a “strong” and “weak” form of this disabling element of the comparative law project.¹⁶ Both forms give expression to the post-modern critique that comparative law necessarily depends on invidious abstractions that fail to adequately account for distinct legal cultures or contexts. Siems explains that “meaningful comparison requires understanding the historical, social, economic, political, cultural, religious, and psychological context of legal rules. . . . The result of this approach is that comparative law becomes impossible.”¹⁷

These contextual demands are impossible, however, only if comparative law is viewed as a discrete, solitary scholarly undertaking. This is comparative law as traditionally practiced – a scholar’s adventures in exotic lands. And it is true, no one scholar can, in a single project – or a lifetime of such efforts – fulfill these contextual demands. The *German Law Journal*’s “lived” comparative law provides two distinct answers to this legitimate critique, answers that suggest that a deeply contextual comparative law is not impossible. The first answer has been to relieve any single scholar, or small team of scholars, of the impossible

¹⁶ *Id.*

¹⁷ *Id.*

burden of accounting for German law’s context. Instead, the *German Law Journal’s* comparative undertaking has been carried out by hundreds of scholars in dialogue with one another.¹⁸ More reassuring – and revolutionary – is the fact that a large number of these scholars (more than half of the 600 hundred who published with the GLJ in its first decade) happen to be German themselves. This is something akin to “wiki” comparative law: more voices considering German law must surely achieve a greater representation of German law’s context, especially when many of the “comparatists” are themselves deeply attuned to that context because it is their indigenous legal culture. Of course, we hope we overcome the traditional suspicions of verifiability and integrity that plague “wiki” projects through our stringent process of peer-review.

The second answer to the impossible complexity of comparative law has been to conceive of the *German Law Journal’s* comparative endeavor as a permanent, on-going engagement with German legal culture. We have certainly missed quite a lot of context in ten years of publication, but we have captured far more than would have been possible in even the most comprehensive discrete collection on German law. And we do not intend to relent. The *German Law Journal*, viewed as comparative undertaking in its own right, will have accounted for still more context by the end of its second and third decades. But it has already been a rich and deep encounter. We have published a number of special issues and serial commentary on legal issues distinctly colored by Germany legal culture including Germany’s anti-discrimination law,¹⁹ Germany’s security / anti-terrorism legislation,²⁰ and Germany’s GmbH reform.²¹ We have published deep and regular treatment of trends in German and European jurisprudence including a special issue devoted to the work of Jürgen Habermas,²² a special issue on the work of Karl-Heinz Ladeur,²³ and a special issue on the work of Martti Koskenniemi.²⁴ We have published deeply contextual – almost quirky – individual contributions including articles entitled “The Life and Times of a Local

¹⁸ 615 contributors from 37 countries in the first decade.

¹⁹ See, e.g., Nicola Vennemann, *The German Draft Legislation On the Prevention of Discrimination in the Private Sector*, 3 GERMAN LAW JOURNAL (Number 3) (March 2002), at <http://www.germanlawjournal.com/article.php?id=137>; Karl-Heinz Ladeur, *The German Proposal of an “Anti-Discrimination”-Law: Anticonstitutional and Anti-Common Sense. A Response to Nicola Vennemann*, 3 GERMAN LAW JOURNAL (Number 5) (May 2002), at <http://www.germanlawjournal.com/article.php?id=152>; Viktor Wikner, *The Planned German Anti-Discrimination Act: Legal Vandalism? A Response to Karl-Heinz Ladeur*, 3 GERMAN LAW JOURNAL (Number 6) (June 2002), at <http://www.germanlawjournal.com/article.php?id=158>.

²⁰ Special Issue – Security, Democracy and the Future of Freedom [Volume 5, Number 5].

²¹ See *supra* note 3.

²² Special Issue – The Kantian Project of International Law: Engagements with Jürgen Habermas’ *The Divided West* [Volume 10, Number 1].

²³ Special Issue – The Law of the Network Society [Volume 10, Number 4].

²⁴ See *supra* note 3.

Court Judge in Berlin,”²⁵ “Gustav Radbruch and Hermann Kantorowicz: Two Friends and a Book – Reflections on Gnaeus Flavius’ *Der Kampf um die Rechtswissenschaft* (1906),”²⁶ and “The Einheitsjurist: A German Phenomenon.”²⁷

We have published timely coverage of decisions and legislative developments in Germany, at times faster than German-language law journals. We have regularly published reports from such uniquely German institutions as the annual meeting of the young public lawyers.²⁸

That this has been a great deal of hard work goes without saying. And we should concede that it has produced a cacophonous and unsystematic picture of the context of German law. But it is a lot more context than Siems imagined possible in a comparative law project; and there will be more.

III. Comparative Law’s Irrelevance

Siems ends his dirge with the damning conclusion that comparative law has, above all, become irrelevant. “If the laws of two countries are identical,” he explains, “comparative law is pointless.”²⁹ And, as a result of ever-accelerating processes of harmonization and convergence – on both regional and global scales, Siems argues that this is precisely the stage we have reached in the evolution of our legal framework. Sort of. Siems immediately qualifies the degree of harmonization and convergence that has beset us. Conscious of the frequent invocation of the European Union as an instance of the modern trend towards convergence, Siems concedes that “even within the European Union it is not

²⁵ Stephen Ross Levitt, *The Life and Times of a Local Court Judge in Berlin*, 10 GERMAN LAW JOURNAL 169 (2009), at http://www.germanlawjournal.com/pdf/Vol10No03/PDF_Vol_10_No_03_169-204_Articles_Levitt.pdf.

²⁶ Frank Kantorowicz Carter, *Gustav Radbruch and Hermann Kantorowicz: Two Friends and a Book – Reflections on Gnaeus Flavius’ Der Kampf um die Rechtswissenschaft* (1906), 7 German Law Journal 657 (2005), at http://www.germanlawjournal.com/pdf/Vol07No07/PDF_Vol_07_No_07_657-700_Articles_Carter.pdf.

²⁷ Annette Keilmann, *The Einheitsjurist: A German Phenomenon*, 7 GERMAN LAW JOURNAL 293 (2005), at http://www.germanlawjournal.com/pdf/Vol07No03/PDF_Vol_07_No_03_293-312_Developments_Keilmann.pdf.

²⁸ See, e.g., Matthias Koetter, *Freedom, Security and (the) Public(ity): Notes on the 2008 Heidelberg Conference of German-speaking Public Law Assistants*, 9 GERMAN LAW JOURNAL 737 (2008), at http://www.germanlawjournal.com/pdf/Vol09No05/PDF_Vol_09_No_05_737-752_Developments_Koetter.pdf; Lukas Bauer and Konrad Lachmayer, *Networks in Public Law: Notes on the 47th Meeting (2007) of German-Speaking Public Law Assistants in Berlin*, 8 German Law Journal 1069 (2007), at http://www.germanlawjournal.com/pdf/Vol08No11/PDF_Vol_08_No_11_1069-1078_Developments_Bauer.pdf; Marten Breuer, *Law and Medicine: Notes on the Meeting of German-Speaking Public Law Assistants in Vienna (2006)*, 7 GERMAN LAW JOURNAL 445 (2006), at http://www.germanlawjournal.com/pdf/Vol07No04/PDF_Vol_07_No_04_445-452_Developments_Breuer.pdf.

²⁹ Siems, *supra* note 8.

realistic that the entirety of law . . . is becoming identical.”³⁰ However, more fundamental than his misgivings about the extent of harmonization and convergence we might be experiencing, Siems apparently concludes that even far-reaching harmonization and convergence would not render comparative law irrelevant. Contrary to the alarming subtitle he has given this final salvo, Siems suggests that harmonization and convergence only “make it less interesting to compare national laws.”³¹ Instead of comparative law’s irredeemable irrelevance, Siems merely argues that comparative law must abandon its traditional preoccupation with the laws of two or more countries and adopt new methodologies that permit the study of the relationship between the “complex network of national, transnational and international private and public norms,”³² that makes up our contemporary normative reality.

From its beginning the *German Law Journal* has insisted on engaging with law precisely on this plane – meeting law as it is lived and not through the lens of an archaic formalism. The *Journal’s* subtitle might say enough: “Developments in German, European and International Jurisprudence.” I am proud to say that we have studiously striven to deliver on the promise of this mandate. Our efforts in this regard are too numerous to catalogue and include extensive coverage of European and international law with special attention paid to Germany’s relationship to these two legal arenas. Two recent projects serve as examples. Last fall we published a massive special issue devoted to Professor von Bogdandy’s critical engagement with global governance and administrative authority. Fittingly, global governance was one of the developments Siems chose to illustrate the challenges facing contemporary comparatists as a result of harmonization and convergence.³³ And next month we will publish a slate of articles examining the German Federal Constitutional Court’s *Lisbon Case*.³⁴ Like the decision itself, these commentaries inevitably will be transnational in their perspective – reporting on a domestic constitutional court decision from an emerging European legal consciousness. Some will feel rather comfortable in that skin and likely disapprove of the Court’s decision. Others will feel less at home in this new *Rechtsgeist* and likely endorse the Lisbon Case. We will not claim to have perfected an approach, but the *German Law Journal*, as a comparative undertaking, cannot be accused of ignoring our complex, transnational legal reality. It is my hope that the discussion still to come in this symposium, under the title “The Transnationalization of Legal Cultures,” will provide us much needed insight into this effort.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ Special Issue – Developing the Publicness of Public International Law: Towards a Legal Framework for Global Governance Activities [Volume 9, Number 11].

³⁴ Special Issue – The German Federal Constitutional Court’s *Lisbon Case* [Volume 10, Number 8].

C. Conclusion

Siems and other skeptics seem to have given up on comparative law as we knew it. The *German Law Journal* has forged ahead as a forum for a new kind of “lived” comparative law. We hope the next decade will find that it continues to attract the interest of judges and scholars, to work deeply in Germany’s legal culture, and to engage with law’s increasingly transnational character. If it does so, it will only be with your help.