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CAN I BE SUED BY MY *dog?*

100 YEARS OF
THINKING AHEAD

We often consider our pets to be family members. In divorce or separation proceedings, when the court has to decide who gets the dog, the decision is often couched in terms of the welfare of the animal. But just because the law recognizes the animal's interest in having a good life does not mean the family dog can take someone to court.

The German Animal Protection Act stipulates that no one without reasonable grounds may harm an animal or cause it to endure pain or suffering, spelling an affirmative obligation on humans to protect the interests of animals. Animals, in this sense, have rights. However, the enforcement of these rights relies on human representatives acting on the animal's behalf. In my research, I explore the details of representing animal rights and examine the various solutions already adopted by other countries.



FELIX AIWANGER

is a senior research fellow at the Institute. He studies the status of animals under the law, among other things.

More on
Felix Aiwanger
and his research





WHO BENE- FITS FROM BUSINESS IN *Africa?*

100 YEARS OF
THINKING AHEAD

In many African countries, legislation is shaped by private economic actors. Business law in Africa especially prioritizes the interests of multinational corporations. However, this formal business law regime represents only about 10 percent of aggregate economic activity across Africa. The remaining 90 percent operates 'informally', meaning with little to no state involvement in enforcing contracts or providing social security. The so-called informal economy encompasses a range of activities from artisanal and agricultural production to skilled labour, transportation services, and innovative start-ups.

My research focuses on identifying the strategies workers and businesses use to enforce contracts and otherwise protect themselves, and on how these strategies can be supported with or without state involvement.

KWAMOU EVA FEUKEU

leads the Institute's Centre of Expertise on Africa. She conducts research on legal pluralism and decolonial legal theory.



More on
Kwamou Eva Feukeu
and her research





CAN THE LAW TURN RUBBISH INTO *raw* *materials?*

100 YEARS OF
THINKING AHEAD

Earth's resources are finite. However, our linear economy continues to exploit them unsustainably. The circular economy offers a way to break the pattern. The aim is to reuse, repair, and recycle products and materials for as long as possible. Circular practices lessen the burden on the environment, avoid waste, and can even power viable business models.

The legal framework for circular economies, which must encompass contracts, liability, and property regimes, is currently inadequate. The supply chains behind many products are global, and as a result, the solutions must be tailored to international contexts.

In my research, I study how the circular economy concept can be integrated into private law, such that we in Germany and around the world can move closer to having sustainable, circular economies and lifestyles.

ANTONIA SOMMERFELD

is a senior research fellow at the Institute. She studies private international law and European private law and civil procedure with a current focus on sustainability and the circular economy, among other things.



More on
Antonia Sommerfeld
and her research





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Adoption: A GOOD INVENTION?

100 YEARS OF
THINKING AHEAD

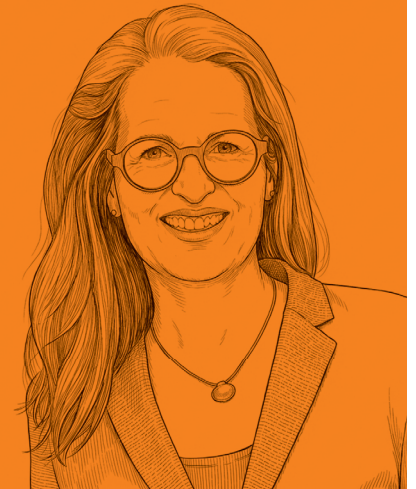
The act of adoption often sounds caring and altruistic: A parentless child should be given parents. For this reason, many legal systems have chosen to allow adoption. Germany is one of those jurisdictions.

But adoption itself is not self-explanatory and should not be taken for granted. Adoption today takes many forms, and they do not always centre around the child.

My research explores the concerns and challenges that legal systems worldwide seek to address through adoption laws and policies. Furthermore, I aim to explore innovative approaches in family law that can bring children and their caregivers together in a legally recognized family unit, regardless of whether they are related by biology or adoption.

ANNE RÖTHEL

is a director at the Institute. She studies the meaning and significance of adoption in the law, among other things.



More on
Anne Röthel
and her research





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CAN ONE *Japanese* WOMAN MARRY ANOTHER?

100 YEARS OF
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The queer community's quest for legal recognition challenges traditional notions of family in Japan as much as it does in other countries. Under current Japanese law, same-sex couples are not permitted to marry or enter into a registered partnership. Multiple couples have already sued to force the Japanese government to accommodate their desire to marry. Like Germany's Basic Law, Japan's constitution also provides a fundamental right to equal treatment, and the Japanese plaintiffs' complaints raise constitutional arguments.

My research involves tracking current legal debates in Japan and analysing developments in Japanese law. Given the significant economic, social, and demographic parallels between Japan and Germany, it is not surprising that the two countries confront many related legal challenges.

RUTH EFFINOWICZ

leads the Institute's Centre of Expertise on Japan and studies Japanese law from comparative perspectives.



More on
Ruth Effinowicz
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DOES CORPORATE LAW NEED *scandals?*

100 YEARS OF
THINKING AHEAD

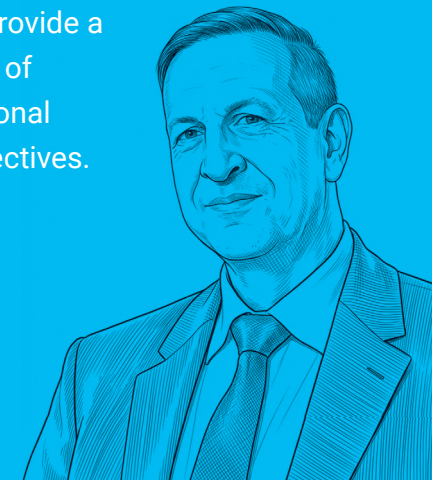
Fraud, scams, bankruptcies, plummeting market indices – these are the disturbing public hallmarks of corporate scandals. Progress, it is likely, is not the first thing that comes to mind when a corporate scandal breaks. However, a closer examination reveals that scandals have had a profound impact on the development of securities and capital markets law, often serving as catalysts for reform.

Fiascos like the collapse of Wirecard are complex, dynamic processes that unfold over time, beginning with revelations and evolving through public outcry, media scrutiny, accusations of wrongdoing, and potential legal consequences, including court proceedings. Ultimately lawmakers may respond by enacting reforms.

Corporate scandals remain a relatively unstudied phenomenon. My research series aims to provide a comprehensive, nuanced analysis of corporate scandals from international and historical-comparative perspectives.

HOLGER FLEISCHER

is a director at the Institute. He studies company law and capital markets law, among other things.



More on
Holger Fleischer
and his research





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WHAT IS *law*? AND IF SO, HOW MANY?

100 YEARS OF
THINKING AHEAD

When we talk about “law”, we usually refer to a singular – law as an abstract entity, or law as the specific law of a particular jurisdiction.

However, in reality there are many legal orders. Each state has its own unique legal order. Supranational bodies of law, such as EU law or public international law, exist alongside non-state law, such as Islamic law or local customary law. These many legal orders coexist, and they interact with one another in complex, reciprocal ways.

My research concerns the interrelationships among different legal orders. Do they recognize one another as law? Do they learn from one another? Which law takes precedence in cases of conflicting demands or incompatible norms? Rather than studying “law”, my research studies “laws” and their plural interplay.

RALF MICHAELS

is a director at the Institute. He studies comparative law, private international law, and the theory of global legal plurality, among other things.



More on
Ralf Michaels
and his research





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CAN AI DO JUSTICE?

100 YEARS OF
THINKING AHEAD

Artificial intelligence has arrived in court as judges use computer systems to help them decide complex cases. This raises the question: might AI one day decide without human oversight? AI decision-making could streamline trials, by reducing costs and caseloads across the legal system. But can machine decisions ever be just? Is strict adherence to rules enough, or do deciders need empathy? My research explores the challenge AI poses to conventional notions of law and justice.

KATHARINA ISABEL SCHMIDT
leads the Institute's Artificial Justice
research group. Her research revolves
around law's place among human
knowledge practices.



More on
Katharina Isabel Schmidt
and her research





IS A cor- poration LIABLE FOR ITS SUBSI- DIARIES?

100 YEARS OF
THINKING AHEAD

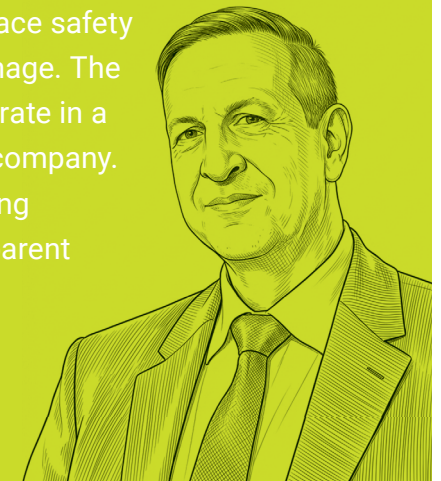
The old saw that parents are liable for their children is not entirely accurate from a legal perspective. As is so often the case in law, the reality is: it depends. Parent corporations are subject to a special set of rules.

A corporate group may comprise multiple subsidiaries linked to a parent company. Although the parent company and its subsidiaries share financial interests, they are generally considered to be separate legal entities, each with distinct liabilities and responsibilities.

In recent years, there has been a growing trend towards holding parent corporations liable for the actions of their subsidiaries. This shift has been driven by legislative acts and court decisions, which have imposed liability on parent corporations for a range of issues, including anticompetitive behaviour, workplace safety violations, and environmental damage. The subsidiaries in question often operate in a different country than the parent company. My research explores the underlying principles and boundaries of the parent company's liability in these cases.

HOLGER FLEISCHER

is a director at the Institute. He studies company law and capital markets law, among other things.



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Holger Fleischer
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YOU *bought* IT, BUT DID YOU REALLY WANT IT?

100 YEARS OF
THINKING AHEAD

We often act not rationally but rather by force of habit, feeling that something is urgent, or rotely reacting to a charming offer. The exploitation of these tendencies to influence our behaviour is not new. Such psychological subterfuge, however, has shown to be especially effective on the internet, where apps and platforms employ “dark patterns” to systematically steer our decision-making. Examples of such practices are hidden fees, confusing click paths, highlighting an inferior option, or insinuating scarcity by displaying a countdown.

My research explores these manipulative techniques, which are gaining momentum with the use of AI. In particular, I am studying whether we need to reconceptualize the legal regime that governs the use of manipulative techniques in the digital environment.

PASCAL T. SIEREK

is a senior research fellow at the Institute. He studies law and digitalization from an interdisciplinary perspective.



More on
Pascal T. Sieriek
and his research





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WHO EXPLAINS THE LAW TO THE *court?*

100 YEARS OF
THINKING AHEAD

German judges do not need anyone to explain the law to them. They have studied it at university and subsequently gathered practical experience in the field. However, in cases with international elements, German courts may need to apply the law of another jurisdiction. Potential examples would be the cases of a Turkish couple residing in Germany and seeking a divorce, a foreign resident passing away with bank accounts in Germany, and a German resident suffering an injury in a traffic accident in Poland.

As the German courts will usually be unfamiliar with the applicable foreign legal norms, they need help in determining their content and application. For the past century, our Institute has been providing this assistance. Our legal research is global in scope, and our expertise flows into expert opinions on foreign law, thereby serving the public interest.

JAN PETER SCHMIDT

leads the Institute's Centre for the Application of Foreign Law. He studies topics in comparative law and private international law.



More on
Jan Peter Schmidt
and his research





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WHO PAYS FOR *climate change?*

100 YEARS OF
THINKING AHEAD

Climate change comes with a price. The transition to climate-neutrality requires investment. Preparing for extreme weather events and other climate-related risks also incurs substantial costs. Significant funds are already being allocated to compensate losses from climate-related disasters such as the recent flooding in the Ahr River valley.

A principle of civil law is that the party causing the harm is liable for the resulting costs. Given the significant contribution of corporate greenhouse gas emissions to climate change, it seems reasonable to expect that corporations should be asked to pay their share.

My research examines the scope of corporate financial responsibility for addressing climate change. What specific corporate activities incur liability? Will certificate systems do, or will complete avoidance of carbon emissions be necessary? Should corporations be liable to make restitution?

VINCENT HOPPMANN

is a research associate at the Institute.
He studies the interface between
business and sustainability.



More on
Vincent Hoppmann
and his research





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WHO DECIDES WHAT gender I AM?

100 YEARS OF
THINKING AHEAD

A person's gender is something only they can know. As a result, finding one's own gender identity and having it recognized by others is a human right. However, every infant born in Germany still receives an entry in the register of births determined solely by their physical characteristics. As a consequence, many individuals experience a mismatch between their legal gender marker and their gender identity. Since 2024, individuals in Germany have been able to correct their legal gender marker and change their names by making a simple declaration to the civil registrar. That way, everyone can now determine their own gender.

My research explores the practical implementation of this system and the broader implications of gender determinations in law. Additionally, I examine the impact of the German Act on Self-Determination on our contemporary understanding of gender.

SUSANNA ROSSBACH

is a senior research fellow at the Institute. She studies topics of self-determination and gender identity.



More on
Susanna Roßbach
and her research





AN *animal shelter* RATHER THAN THE CHILDREN: WHO INHERITS?

100 YEARS OF
THINKING AHEAD

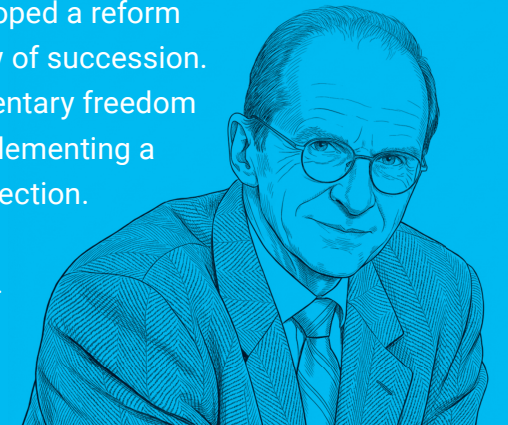
In Germany everyone is free to determine who is to inherit his estate after his death; that can, for example, be an animal shelter. But this freedom is subject to a significant limitation, for the deceased's closest relatives are entitled to a "compulsory portion", i.e. they can claim the value of a fixed share of the estate.

There are strong arguments for thinking that this regime is no longer tenable today. Thus, for example, the deceased's children are usually economically independent by the time their parents pass away. Family members which still need to be supported should be protected by a maintenance obligation that can also be brought against the estate.

My research has explored how other jurisdictions face the challenges surrounding the topic of mandatory family protection. Based on that research, the members of my Working Group and I have developed a reform proposal for the German law of succession. It aims at extending testamentary freedom while, at the same time, implementing a system of needs-based protection.

REINHARD ZIMMERMANN

is an emeritus director at the Institute. He studies succession law from comparative-historical perspectives, among other things.



More on
Reinhard Zimmermann
and his research

