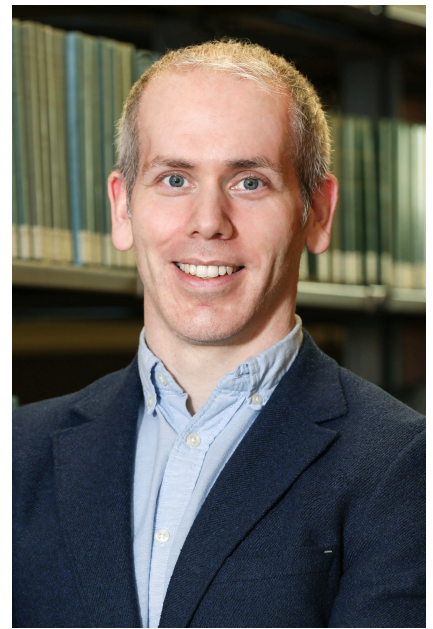


Grußwort



Dear readers,

As one whose educational foundation was in history rather than law, it has always been a source of note to me that some of the most prestigious law journals are edited and produced not by the most senior professors in a particular field of faculty, but by students. This is a marked contrast with the top journals in the field of history. It also of course means journal editorship can be a major career milestone for people who pursue careers in law and other fields. Warren Christopher was the first editor of the Stanford Law Review for example while Barack Obama was editor of the Harvard Law Review. While these examples are American, more recently, the Journal of Law and Jurisprudence has been published at University College London, edited by graduate students in the Faculty of Laws. The students at Goethe University can therefore be said to be following in august footsteps in launching and producing this journal – one deserving of acknowledgement and congratulations as it enters its fourth year.

This edition brings together papers on an interesting variety of subjects – both concerning German law as well as comparative and European dimensions. It has the pertinent overarching theme of digital transformation. A particular focus of the first paper by Stitz and the fifth article by Janek is the rise of Artificial Intelligence. These transformations have major implications for all our lives, and as Stitz shows, such developments have legal consequences in the area of contract as well as torts. As Janek’s article investigates, European legislation has sought to take account of technological change with its definition of “deepfakes” – once again creating much to consider from a legal perspective as well as scope to critique the new law itself. Adopting a comparative approach, Kunze’s article analyses litigation rates in Japan as well as Germany. In examining decline in both jurisdictions with different historical and legal contexts, the article assesses the trends in both countries and “influence of reforms, mass litigation, and digitalisation on contemporary litigation behaviour”. The third, fourth and fifth articles in this issue move to examine public law. In addition to Janek’s piece on the advent of digital changes and AI, Constant’s piece considers neutrality in the administration of justice while Caraca takes up the issue of bans on headscarves from a feminist and anti-racist perspective, responding to the 2025 judgement of the Darmstadt administrative court. Finally, in the realm of criminal law, the article by Wessel undertakes critical analysis of recent case law in the area of so-called “stealth rape”, its definitions and whether it fulfils the statutory definition of rape.

It is clear to see the contemporary relevance of these topics – many of which are gaining increasing significance and sensitivity in areas of political and social debate as well as the law. There may also be historical considerations too. In litigation rates for example, one is drawn to reflect on the longer-term trends and the legal history of Japan as well as Germany. Social norms are hardly fixed either and impinge on the wider debates of how the law decides in the matters analysed in the articles in this journal. Historians are notorious for shying away from predicting the future (though some try) and often prefer to focus on the past and its available evidence. Yet, it seems safe to forecast that the advance of technology and artificial intelligence will be one of the major themes in histories of the early twenty-first century. David Ibbetson reflected that in legal history, there is “external legal history” – that is “the history of the law as embedded in its context” – and “internal legal history” which “deals with law on its own terms”.¹ For Ibbetson, even that raises questions about what the law is. He suggests for the legal historian, in the realm of the Common Law at least, “law is perpetually in a state of flux”. Such ponderances need not overly detain the authors or readers of the current journal though perhaps this will acquire relevance for the readers of the future, considering the relationship of law to the technological transformation of the current period.

For now, it is enough to once again give thanks and praise to the editors for the fine jobs they have done with another edition of Frankfurt Law Review. It is to the immense credit of the editorial team that they have once again produced such a splendid publication with an array of topics and approaches discussed here.

Yours sincerely,
Dr. Martin O’Donoghue

¹David Ibbetson, “What is Legal History A History Of?”, in Andrew Lewis and Michael Lobban (eds) *Law and History: Current legal Issues 2003, Volume 6* (Oxford, 2004), pp 33-4, 40.