

Charl Hugo/Thomas M.J. Möllers (eds.)

# Transnational Impacts on Law: Perspectives from South Africa and Germany



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## Preface

“It happened on 5 March 2001. It was bluebell time in Johannesburg” (freely adapted from Lord Denning, in: *Hinz v Berry* [1970] 2 QB 40 42). On that day, a delegation from four faculties visited the Rand Afrikaans University in Johannesburg for the first time. The merger that led to the founding of the University of Johannesburg had not yet taken place. Under the auspices of Professor Helmut Koopmann (German literature), a cooperation agreement was concluded on the university level. (In 1998, the RAU had conferred an honorary doctorate on Koopmann in recognition of his work.) In 2006, the return visit took place at the University of Augsburg and in November 2008, another delegation travelled to Johannesburg. Once again, several faculties participated, represented on the Augsburg side by Professor Koopmann, Professor Juliane Alders (communication sciences), Professor Martin Middeke (English studies), as well as Professor Thomas MJ Möllers (law) and Vice President Professor Horst Hanusch (economics). In 2008, a partnership agreement was eventually concluded on the university level between the University of Augsburg and the University of Johannesburg. In 2009, Professor Möllers was invited to participate in the Annual Banking Law Update arranged by the Centre for Banking Law of the University of Johannesburg. In 2011, the deans of the Law Faculties of the Universities of Augsburg and Johannesburg signed a “Memorandum of Understanding in respect of Academic Cooperation”. In 2012, Professor Möllers visited South Africa again to speak at the Goethe society in Johannesburg and to visit the University of Stellenbosch. In 2015, he again participated in the Annual Banking Law Update. In 2016, the ongoing cooperation and collaboration between the two Law Faculties eventually led to this publication, *Transnational Impacts on Law: Perspectives from South Africa and Germany*.

Professor Charl Hugo and Professor Thomas MJ Möllers met on numerous occasions during the last 15 years, several times in Stellenbosch, but also in Johannesburg. As emerges strongly from the number of contributions to the publication, this *Transnational Impacts* collaboration is without doubt a high point of the relationship to date. The cooperation of senior and junior researchers as well as the combination of paper and comment from a comparative law perspective present innovations. The parallels that can be detected between Germany and South Africa are impressive: various areas of commercial law (company, banking, insurance, social and labour law) and of public and criminal law led to numerous elucidating findings.

This volume is the result of our collaborative research. Fittingly, the German-South-African collaboration is also reflected by two publishers Nomos (in Germany) and Juta (in South Africa) joining hands. It is also the intention of both faculties that this should not be a once-off project, and, we are happy to say, planning for a second project focusing mainly on aspects of constitutional and public law, is far advanced.

We would also like to place on record that, in accordance with academic practice in South Africa, the contributions of all South African authors were subjected to a rigorous double blind peer-review process by reviewers who are experts in the fields of the contributions they were called upon to review, and who understand the importance of proper academic ethical standards. Their material recommendations led to the adjustment of the original contributions of the authors and assisted the editors in making editorial decisions. We would like to thank the reviewers for their efforts that have contributed positively towards the original and systematic analyses of the transnational impacts on law contained in this publication. It has been the aim of those involved (authors, editors, reviewers and publishers) to create a work that will contribute meaningfully to post-graduate research in comparative law.

The editors

Prof. Dr. Thomas M.J. Möllers (University of Augsburg) and  
Prof Dr Charl Hugo (University of Johannesburg)

October 2017