ACKNOWLEDGEMENTS

I did not mean to write another book right after the first one. When I left in 2014 for South Africa with my soon-to-be husband James, I cheerfully abandoned the plan to write a Habilitation to become a German law professor. However, things turned out otherwise, and when we returned to Germany in 2016, it was clear to me I had to write a book, and I better make a move on it since I had already spent two years in South Africa writing other things and having a child. But even though I started out in Münster with a privileged position as research assistant to Niels Petersen, who was very supportive and kindly left me alone to work on things, writing this book was not straightforward. This is partly because writing a book when one is just starting a family will always be less than ideal. For me, it meant writing this book during my son's first years. It also meant writing it during a time in which I had two miscarriages and two ectopic pregnancies. As statistics attest, this happens to many women. It didn't help with the writing that all miscarriages happened right at the start of my semester breaks when I had carefully reserved weeks on end to finally sit down to think and write, in February 2017, in August 2017, in August 2019 and in February 2020.

All of this contributed to lingering doubts whether an academic career was the right one to pursue at all. There is much to dislike about academia: most importantly for me, it was about how much networks and connections matter. I often resented not being invited to some or other thing where I felt I would have been better qualified than others. After a while, however, I realized that I myself was also increasingly invited to events or projects, where other people clearly knew a lot more. This struck me as fairly ironic. Nevertheless, the fact that these things seem to balance each other out somehow doesn't mean that we couldn't do better as academics.

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That in my case everything worked out in the end, or so it seems right now, is due to a mix of luck and to those people who supported me at varying stages over the last few years.

I owe a big thanks first of all to my parents for their support over the years. I am also very grateful to my colleagues at the law faculty of Giessen, where I had my first tenure-track appointment. They always treated me as someone who belonged. Since a kindly anonymous reviewer of the DFG had previously suggested that I had no place in German academia as an outsider who mostly wrote in English in international journals, their trust and community could not have been more important. And I have been very lucky that in Münster, too, there are colleagues and now friends who have my back and whom I enjoy learning from, most importantly Nora Markard, Niels Petersen and Oliver Lepsius. At Humboldt University, Philipp Dann and Christoph Möllers agreed to shepherd this book, which made for a rather unconventional Habilitation, through the process, with Susanne Baer chairing the faculty commission. All of them could have chosen to be difficult about things, but were very supportive instead.

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I dedicate this book to my family. My father has always been an important influence on me, and while our political views diverge, I cannot help writing partly still to convince him, too. (No therapy is that good.) Edward, now ten years old and bursting with ideas of his own,

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has had to put up with an often distracted and sometimes rather impatient mother over the past few years, which is one of my biggest regrets. He also sat patiently through countless conferences where I have been presenting this book. And it was really my husband James who originally came up with the observation that courts often act expansively when there is a sense that other institutions have failed and then let me write about it. James was also always there, doing an equal share of what needed to be done and sometimes more. He remains the most kind, generous, funny and inspiring person I know.

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