



Grundgesetz G Nter Frankenberg

Michel Rosenfeld, András Sajó



Grundgesetz G Nter Frankenberg:

Disease and Democracy Peter Baldwin, 2005-05-16 A historical masterpiece Just when we thought we knew everything about the politics and policies of the HIV AIDS pandemic Peter Baldwin surprises us with innovative insights about the sharp differences in policy among countries as well as complex tradeoffs between civil liberties and public goods This is a refreshing and readable book in which AIDS is used as a lens to understand the public health enterprise ranging from leprosy and syphilis to tuberculosis and SARS Baldwin offers a deeply historical and comparative understanding of HIV in the industrialized world Lawrence O Gostin author of Public Health Law Power Duty Restraint Although a vast literature has emerged to chronicle and reflect on the history of the AIDS epidemic since it was first reported almost a quarter of a century ago there is nothing like Peter Baldwin's probing and synthetic analysis of AIDS in the industrialized world Building on his masterful Contagion and the State in Europe 1830 1930 Baldwin has provided a complex historical tapestry of how an epidemic threat has challenged and exposed democracies that thought infectious threats a thing of the past Ronald Bayer author of Private Acts Social Consequences Aids and the Politics Of Public Health and coauthor with Gerald Oppenheimer of AIDS Doctors Voices from the Epidemic Political Technology and the Erosion of the Rule of Law Günter Frankenberg, 2014-01-31 This timely volume by distinguished scholar Günter Frankenberg offers a sophisticated analysis and sharp critique of the reactions of nations such as the US Great Britain and Germany to perceived terrorist threats organized crime actions and other political emergencies that have occurred in recent years **Annual of German and European Law** Russell A. Miller, Peer Zumbansen, 2007-02 German law has been of long standing interest and increasing relevance around the world but access for researchers and practitioners very frequently was limited by the necessity of German language proficiency Offering English language access to these fields the Annual of German Law 2 jurisdictional reports comments on the latest caselaw from Germany's most significant courts and the case law of the European courts having importance for Germany 3 book reviews surveying the most compelling recent literature whether in the German or English language in the fields of German and European law and 4 translations exclusive English language versions of significant primary sources of German law including statutes and court opinions The first volumes of the Annual of German Law Juliet Lodge Volume I Alexander Somek Volume I Susanne Baer Volume I Renate Jaeger Volume II Günter Frankenberg Volume II Bootjan Zupan i Volume II Nigel Foster Volume II The third volume maintains this tradition of high quality peer reviewed scholarship with contributions expected from Gertrude Lübbe-Wolff Justice German Federal Constitutional Court and Christian Joerges European University Institute **Traditions and Transformations** Michaela Hailbrunner, 2015 German constitutionalism has gained a central place in the global comparative debate but what underpins it remains imperfectly understood Its distinctive understanding of the rule of law and the widespread support for its powerful Constitutional Court are typically explained in one of two ways either as a story of change in a reaction to National Socialism or as the continuation of an older

nineteenth century line of constitutional thought that emphasizes the function of constitutional law as a constraint on state power. But while both narratives account for some important features their explanatory value is ultimately overrated. This book adopts a broader comparative perspective to understand the rise of the German Constitutional Court. It interprets the particular features of German constitutional jurisprudence and the Court's strength as a reconciliation of two different legal paradigms: first a hierarchical legal culture as described by Mirjan Damaska building on Max Weber as opposed to a more coordinated understanding of legal authority such as prevails in the United States and secondly a more recent paradigm of transformative constitutionalism which is most often associated with countries like South Africa and India. Using post war legal history and sociological and empirical research in addition to case law this book demonstrates how German developments reflect the frequently conflicting demands of these two legal paradigms yielding an idiosyncratic synthesis. In Value Formalism a specific type of constitutional reasoning at once pragmatic open formalist and technical. Value Formalism however also comes with serious problems such as a lack of self reflection in the Court's jurisprudence and the closure of constitutional discourse towards laymen.

A gramática da constituição e do direito Günter Frankenberg, 2007

Constitutionalism Joakim Nergelius, 2008. This book has its roots in a conference on recent developments in Nordic and German constitutional law that took place in Berlin in 2002 at the Nordic Cultural Centre. That conference was organised within the project Konstitutionalism demokrati och den nordiska valfardsstaten Constitutionalism Democracy and the Nordic Welfare State financed by the Joint Committee for Nordic Research Councils for the Humanities and the Social Sciences. NOS HS. The volume contains the edited and updated papers which emerged from this meeting of minds. They offer insight into some of the new exciting strands of constitutional thought that are currently present in the Nordic doctrine where many new paths have been opened in recent years. The contrast with the situation two decades ago is indeed striking. As far as German and European law are concerned some of the most important theoretical issues in the doctrine are analysed in a number of particularly rewarding and inspiring contributions.

Policy Debates on Reprogenetics Svea Luise

Herrmann, 2009-06-15. Policy Debates on Reprogenetics takes an in depth look at recent public policy debates over stem cell research and therapeutic cloning in Great Britain and Germany in order to determine the effect of such debates on the progress of scientific knowledge. Svea Luise Herrmann argues that debates about government policy do not tend to lead to more societal and political control over scientific research rather the discussions when framed as questions of ethics allow societies to air anxieties without retarding or challenging scientific progress. As our understanding of genetics continues to grow this volume will be a useful resource for scientists and policy makers alike.

The 'Militant Democracy' Principle in

Modern Democracies Markus Thiel, 2016-02-17. This collection provides an up to date analysis of key country approaches to Militant Democracy. Featuring contributions from some of the key people working in this area including Mark Tushnet and Helen Irving each chapter presents a stocktaking of the legal measures to protect the democracy against its enemies within

In addition to providing a description of the country's view of Militant Democracy and the current situation it also examines the legal and political provisions to defend the democratic structure against attacks. The discussion also presents proposals for the development of the Militant Democracy principle or its alternatives in policy and legal practice. In the final chapter the editor compares the different arrangements and formulates a minimum consensus as to what measures are indispensable to protect a democracy. Highly topical, this book is a valuable resource for students, academics and policy makers concerned with democratic principles.

Authoritarian Constitutionalism Helena Alviar García, Günter Frankenberg, 2019. The contributions to this book analyse and submit to critique authoritarian constitutionalism as an important phenomenon in its own right, not merely as a deviant of liberal constitutionalism. Accordingly, the fourteen studies cover a variety of authoritarian regimes from Hungary to Apartheid South Africa, from China to Venezuela, from Syria to Argentina, and discuss the renaissance of authoritarian agendas and movements such as populism, Trumpism, nationalism and xenophobia. From different theoretical perspectives, the authors elucidate how authoritarian power is constituted, exercised and transferred in the different configurations of popular participation, economic imperatives and imaginary community.

Beginn der Gegenwart Martin Löhnig, 2021-07-12. Nachrüstung und Friedensbewegung, Wirtschaftskrise und Arbeitslosigkeit, Volkszählung und Überwachungsstaat, AIDS und das Ende der sexuellen Freiheit, Waldsterben und tote Flüsse, Tschernobyl und Wackersdorf, Immigration und Ausländerfeindlichkeit, Links und rechtsextremer Terrorismus, Schulterpolster und Dauerwelle, Hausbesetzer, Drogentote. Die 1980er Jahre waren keineswegs eine langweilige Wartezeit zwischen dem Ende der sozial liberalen Reformära und den Revolutionen der Jahre 1989/90, sondern ein Experimentierfeld für Pluralismus und Individualismus für kritisches Bewusstsein, Protest und Distinktion, das die bundesdeutsche Gesellschaft und ihr Recht massiv transformiert hat.

Rearmament and the peace movement, economic crisis and unemployment, census and surveillance state, AIDS and the end of sexual freedom, dying forests and dead rivers, Chernobyl and Wackersdorf, immigration and xenophobia, left wing and right wing extremist terrorism, shoulder pads and perms, squatters, drug deaths. The 1980s were by no means a boring waiting period between the end of the social liberal reform era and the revolutions of 1989/90, but an experimental field for pluralism and individualism for critical consciousness, protest and distinction, which massively transformed West German society and its law.

Parlamentkunst Lea-Marie Weischede, 2022-09-12. Ästhetisierungen des Staates werden häufig als Krisenerscheinung der Demokratie beschrieben. Inszenierung politischer Macht, so wird eingewandt, überzeichne den demokratischen Prozess in seiner Idee der politischen Autonomie aller. Die Demokratie stelle sich demnach adäquat allein im Verzicht auf staatliche Ästhetik dar. Ausgehend vom Verfassungsrecht und entgegen dieser Trennungsthese von Demokratie und Ästhetik zeigt Lea Marie Weischede, dass demokratische Verfahren durch ihre Ästhetisierung nicht entleert, sondern erst erfahrbar werden. Demokratische Staatsästhetik reflektiert die normative Ordnung und den darin festgelegten politischen Prozess, der sie hervorbringt. Daraus wird der juristische Code einer politischen Bildersprache der freiheitlichen Demokratie

entwickelt und in der Kunst in den Berliner Parlamentsbauten der Parlamentskunst faktisch gespiegelt **The Oxford Handbook of Comparative Constitutional Law** Michel Rosenfeld, András Sajó, 2012-05-17 The field of comparative constitutional law has grown immensely over the past couple of decades Once a minor and obscure adjunct to the field of domestic constitutional law comparative constitutional law has now moved front and centre Driven by the global spread of democratic government and the expansion of international human rights law the prominence and visibility of the field among judges politicians and scholars has grown exponentially Even in the United States where domestic constitutional exclusivism has traditionally held a firm grip use of comparative constitutional materials has become the subject of a lively and much publicized controversy among various justices of the U S Supreme Court The trend towards harmonization and international borrowing has been controversial Whereas it seems fair to assume that there ought to be great convergence among industrialized democracies over the uses and functions of commercial contracts that seems far from the case in constitutional law Can a parliamentary democracy be compared to a presidential one A federal republic to a unitary one Moreover what about differences in ideology or national identity Can constitutional rights deployed in a libertarian context be profitably compared to those at work in a social welfare context Is it perilous to compare minority rights in a multi ethnic state to those in its ethnically homogeneous counterparts These controversies form the background to the field of comparative constitutional law challenging not only legal scholars but also those in other fields such as philosophy and political theory Providing the first single volume comprehensive reference resource the Oxford Handbook of Comparative Constitutional Law will be an essential road map to the field for all those working within it or encountering it for the first time Leading experts in the field examine the history and methodology of the discipline the central concepts of constitutional law constitutional processes and institutions from legislative reform to judicial interpretation rights and emerging trends *Solidarität - Programm und Prinzip der Verfassung* Uwe Volkmann, 1998 Wie solidarisch verhalten sich die Mitglieder einer Gesellschaft zueinander Die Antwort auf diese Frage l t R ckschl sse auf die Qualit t einer Gesellschaft zu und ist somit immer aktuell Die tiefgreifenden Individualisierungs und Entfremdungsprozesse die Auswirkungen der Globalisierung neoliberale Forderungen nach einer Reinhonisierung des Marktes die Diskussionen um den Um oder Abbau des Sozialstaats die Klage ber den allgemeinen Verfall der Werte die Suche nach einem neuen Gesellschaftsvertrag und die R ckbesinnung auf die Idee der Gemeinschaft im amerikanischen Kommunitarismus demonstrieren die Aktualit t des Solidarit tsbegriffs Vor diesem Hintergrund verleiht Uwe Volkmann dem Begriff sch rfere Konturen und zeigt seine vielf ltigen Verwendungsm glichkeiten Es geht ihm vor allem darum den Beitrag zu bestimmen den Solidarit t und Recht f reinander leisten k nnen Dazu bezieht er soziologische und philosophische sozial ideen und rechtsgeschichtliche Aspekte in seine Untersuchung mit ein Solidarit t wird nach und nach als ein Rechtsbegriff entdeckt der sich nicht auf eine blo e Variante des Sozialstaatsprinzips reduzieren l t sondern weit dar ber hinausreicht Volkmanns Grundthese lautet da das Grundgesetz eine spezifische Form von Solidarit t

verb rgt die im Kontext moderner Gesellschaften angelegt ist und die jede Verfassung ihren B rgern als notwendige Voraussetzung eines Zusammenlebens abverlangen mu Die einzelnen Bausteine dieser Solidarit t sind die Anerkennung des jeweils anderen in seiner ganzen Individualit t die Bereitschaft zur Zusammenarbeit und zur gemeinsamen Bew ltigung von nur gemeinsam zu l senden Problemen ein Mindestma an Sorge f r andere und wechselseitiges F reinanderstehen Das Recht stellt die daf r n tigen Garantien bereit und liefert dem Zusammenhalt zugleich das wesentliche Fundament **The**

Habermas Handbook Hauke Brunkhorst, Regina Kreide, Cristina Lafont, 2017-10-24 J rgen Habermas is one of the most influential philosophers of our time His diagnoses of contemporary society and concepts such as the public sphere communicative rationality and cosmopolitanism have influenced virtually all academic disciplines spurred political debates and shaped intellectual life in Germany and beyond for more than fifty years In *The Habermas Handbook* leading Habermas scholars elucidate his thought providing essential insight into his key concepts the breadth of his work and his influence across politics law the social sciences and public life This volume offers a comprehensive overview and an in depth analysis of Habermas s work in its entirety After examining his intellectual biography it goes on to illuminate the social and intellectual context of Habermasian thought such as the Frankfurt School speech act theory and contending theories of democracy The Handbook provides an extensive account of Habermas s texts ranging from his dissertation on Schelling to his most recent writing about Europe It illustrates the development of his thought and its frequently controversial reception while elaborating the central ideas of his work The book also provides a glossary of key terms and concepts making the complexity of Habermas s thought accessible to a broad readership **Der Verfassungsbegriff des Grundgesetzes** Peter

Unruh, 2002 English summary It has often been pointed out that constitutional dogmatics can only be based on a self reflection through the constitutional concept In this study Peter Unruh proposes a solution to this problem in constitutional law about which many complaints have been heard by describing the constitutional concept of the Basic Law as an evolutionary category whose roots can be traced back to the French and the American Revolutions The author demonstrates that it is possible to describe the constitutional concept of the Basic Law with the help of a number of conceptual elements The basis of the concept is the general idea of human autonomy German description Auf den Umstand dass Verfassungsdogmatik nur auf der Grundlage einer Selbstvergewisserung uber den Verfassungsbegriff moglich ist wurde schon vielfach hingewiesen Fur dieses haufig beklagte Problem der Staatsrechtslehre bietet die vorliegende Untersuchung einen Losungsvorschlag Peter Unruh beschreibt den Verfassungsbegriff des Grundgesetzes als eine evolutionare Kategorie deren Wurzeln sich bis zur Amerikanischen und Franzosischen Revolution zuruckverfolgen lassen Der Autor zeigt dass es moglich ist den Verfassungsbegriff des Grundgesetzes mit Hilfe einer Reihe von Begriffselementen adquat zu umschreiben Die ideengeschichtliche und verfassungstheoretische Grundlage dieses Verfassungsbegriffs ist die allgemeine Vorstellung von der menschlichen Autonomie Aus dem Gedanken der Selbstbestimmung der Freien und Gleichen leiten sich die einzelnen

Verfassungsbegriffselemente ab die sich aus heuristischen Gründen in zwei funktionell ausdifferenzierte Gruppen unterteilen lassen die Strukturelemente die den Geltungsgrund die Geltungsweise und die Form der Verfassung betreffen sowie die materiellen Begriffselemente die konkrete inhaltliche Festsetzungen enthalten Neben verfassungstheoretischen und methodologischen Fragen steht vor allem die Geschichte des Verfassungsbegriffs im Vordergrund des Bandes Aus dieser evolutionär verfassungstheoretischen Grundlegung werden Folgerungen für die aktuelle Verfassungsdogmatik abgeleitet

Rückkehr der Folter Gerhard Beestermöller, 2006 Die Bilder aus dem irakischen Gefängnis in Abu Graib haben weltweit Entsetzen und Abscheu ausgelöst Anders liegt der Fall bei der Entführung von Jakob von Metzler im Jahre 2002 Der Frankfurter Vize Polizeipräsident Daschner hatte dem Entführer körperliche Gewalt angedroht falls er das Versteck seines Opfers nicht preisgibt Darf der moderne Rechtsstaat in bestimmten Ausnahmefällen zum Mittel der Folter greifen Ist Folter zum Beispiel zulässig wenn damit ein Terroranschlag verhindert und Tausende von Menschenleben gerettet werden können In vierzehn Artikeln gehen ausgewiesene Wissenschaftler dieser schwierigen Frage nach

Handbuch des Staatsrechts - Neuausgabe Michael Achenberg-Lyden, Ivo Appel, Carsten Bäcker, Martin Borowski, Christian Bumke, Johannes Dietlein, Christoph Enders, Dieter Grimm, Bernd Grzeszick, Christian Hillgruber, Ulrich Hufeld, András Jakab, Thorsten Kingreen, Stephan Kirste, Uwe Kischel, Hanno Kube, Anna Leisner-Egensperger, Oliver Lepsius, Christoph Möllers, Dietrich Murswiek, Mehrdad Payandeh, Niels Petersen, Franz Reimer, Matthias Ruffert, Angela Schwerdtfeger, Ute Mager, Kischel Kube, 2024-08-27 Das Handbuch des Staatsrechts Neuausgabe arbeitet Stand wie Perspektiven des gesamten deutschen Staatsrechts umfassend auf Es informiert vertieft erschließt europäische internationale rechtsvergleichende und interdisziplinäre Zusammenhänge gibt Antworten auf die Herausforderungen unserer Zeit und bietet zukunftsweisende Ansätze Das Handbuch nimmt die Staatsrechtswissenschaft in ihrer ganzen Breite und Tiefe auf dient als ihr gemeinsames verbindendes Forum und schafft dadurch Einheit in Vielfalt In der Balance zwischen Bewahrung und Erneuerung richtet es sich an die Staatsrechtswissenschaft ebenso wie an die Verfassungspraxis und die internationale Wissenschaftsgemeinschaft Band II zu Gewinnung und Grundprinzipien des Staatsrechts enthält zum einen Beiträge zu Entstehung und Fortentwicklung des Staatsrechts unter anderem zur Verfassungsgebung zur formaler Verfassungsänderung zu Methodik und Praxis der Verfassungsauslegung zu Unionsrecht Völkerrecht und Rechtsvergleichung in der Verfassungsauslegung zur Verfassungsauslegung in ausländischen Verfassungsordnungen und zum Verfassungsrecht als politischem Recht Zum anderen enthält der Band Beiträge zu den großen bergreifenden Grundprinzipien des Staatsrechts unter anderem zu Menschenwürde Freiheit und Gleichheit zum Rechtsstaat zu Gewaltenteilung und Verhältnismäßigkeit zu Sozialstaat Bundesstaat und Selbstverwaltung zur Europa und Völkerrechtsfreundlichkeit zu Staat und Gesellschaft und zu den ungeschriebenen Verfassungsvoraussetzungen Bestellen Sie die Edition zur Fortsetzung mit 15 % Ermäßigung auf den Einzelpreis Lieferung bei Erscheinen der Einzelbände mit einer einzigen Bestellnummer ISBN 978 3 8114 5975 5 Die

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