



# THE POLITICS OF CONSTITUTIONAL REVIEW IN GERMANY

GEORG VANBERG

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# Politics Of Constitutional Review In Germany

**H Kauffman**



## Politics Of Constitutional Review In Germany:

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*The Politics of Constitutional Review in Germany* Georg Vanberg, 2004-12-06 Constitutional courts have emerged as central institutions in many advanced democracies This book investigates the sources and the limits of judicial authority focusing on the central role of public support for judicial independence The empirical sections of the book illustrate the theoretical argument in an in depth study of the German Federal Constitutional Court including statistical analysis of judicial decisions case studies and interviews with judges and legislators The book s major finding is that the interests of governing majorities prevailing public opinion and the transparency of the political environment exert a powerful influence on judicial decisions Judges are influenced not only by jurisprudential considerations and their policy preferences but also by strategic concerns By highlighting this dimension of constitutional review the book challenges the contention that high court justices are largely unconstrained actors as well as the notion that constitutional courts lack democratic legitimacy

**Research Handbook on the Politics of Constitutional Law** Mark Tushnet, Dmitry Kochenov, 2023-11-03 This Research Handbook deals with the politics of constitutional law around the world using both comparative and political analysis delivering global treatment of the politics of constitutional law across issues regions and legal systems Offering an innovative critical approach to an array of key concepts and topics this book will be a key resource for legal scholars and political science scholars Students with interests in law and politics constitutions legal theory and public policy will also find this a beneficial companion

**The Politics of Constitutional Review** Georg Stephan Vanberg, 1999 [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 The Oxford Handbook of Law and Politics Keith E. Whittington, R. Daniel Kelemen, Gregory A. Caldeira, 2010-06-11 The study of law and politics is one of the foundation stones of the discipline of political science and it has been one of the most productive areas of cross fertilization between the various subfields of political science and between political science and other cognate disciplines This Handbook provides a comprehensive survey of the field of law and politics in all its diversity ranging from such traditional subjects as theories of jurisprudence constitutionalism judicial politics and law and society to such re emerging subjects as comparative judicial politics international law and democratization The Oxford Handbook of Law and Politics gathers together leading scholars in the field to assess key literatures shaping the discipline today and to help set the direction of research in the decade ahead

Politics in Germany M. Donald Hancock, Henry Krisch, 2008-07-10 Take a sneak peak inside Click on the links below to preview the Introduction and Chapter 1 Order your exam copy today by clicking on the Request an Exam Copy link above Introduction Chapter 1 Germans born in the second decade of the last century will have been a subject of no less than six political regimes seven if they lived in the former German Democratic Republic Today Germany s democratic polity pluralistic society institutional structures and market economy are growing increasingly strong In clear and compelling prose Hancock and Krisch argue that German politics today is the politics of a normal European democracy moving toward the EU The authors discuss Germany s course of modernization which involves rapid industrialization and social development following the nation s first unification in 1871 and its subsequent torturous course of political change embracing Imperial authoritarianism the democratic experiment of the Weimar Republic Nazi totalitarianism and postwar variants of communism and Western style democracy Chapters detail the country s political history as well as its culture new constitutional debates

parties and economic policy and culminate in a look at Germany in global context Adopt together with Politics in Britain and Politics in France and pass savings along to your students For pricing and ordering information please contact us at <mailto:collegesales.cqpress.com> *The Use of Foreign Precedents by Constitutional Judges* Tania Groppi, Marie-Claire Ponthoreau, 2013-03-28 In 2007 the International Association of Constitutional Law established an Interest Group on The Use of Foreign Precedents by Constitutional Judges to conduct a survey of the use of foreign precedents by Supreme and Constitutional Courts in deciding constitutional cases Its purpose was to determine through empirical analysis employing both quantitative and qualitative indicators the extent to which foreign case law is cited The survey aimed to test the reliability of studies describing and reporting instances of transjudicial communication between Courts The research also provides useful insights into the extent to which a progressive constitutional convergence may be taking place between common law and civil law traditions The present work includes studies by scholars from African American Asian European Latin American and Oceania countries representing jurisdictions belonging to both common law and civil law traditions and countries employing both centralised and decentralised systems of judicial review The results published here for the first time give us the best evidence yet of the existence and limits of a transnational constitutional communication between courts

The Oxford Handbook of Political Executives Rudy B. Andeweg, Robert Elgie, Ludger Helms, Juliet Kaarbo, Ferdinand Müller-Rommel, 2020-07-30 Political executives have been at the centre of public and scholarly attention long before the inception of modern political science In the contemporary world political executives have come to dominate the political stage in many democratic and autocratic regimes The Oxford Handbook of Political Executives marks the definitive reference work in this field Edited and written by a team of world class scholars it combines substantive stocktaking with setting new agendas for the next generation of political executive research The Constitutional Jurisprudence of the Federal Republic of Germany Donald P. Kommers, Russell A. Miller, 2012-11-09 The third edition of this renowned English language guide to German constitutional law has been fully updated and significantly expanded to incorporate previously omitted topics and recent decisions of the German Federal Constitutional Court **German politics today** Geoffrey Roberts, 2013-01-18 This revised and updated edition provides the reader with a comprehensive description and analysis of the institutions of the German political system The historical development of German politics is surveyed and special attention is given to the causes course and consequences of German reunification Where more detailed explanations of special topics are required such as surplus seats in the electoral system or the political career of Chancellor Merkel these are provided in boxes set within the relevant chapters Some information is provided in tabular form such as the list of federal chancellors and federal presidents the membership of trade unions or election results Appendices contain examples of important constitutional court cases plus a survey of the political features of the sixteen Länder which make up the federal structure of the state Each chapter offers suggestions for further reading Accessibly written with suggestions for further reading this book offers a

sound basis for all undergraduate courses focused on or including study of the German political system The author's familiarity with all aspects of the German political system is evident from the authority with which he explains the structures and processes which form the basis of German politics      The Political Foundations of Judicial Independence in Dictatorship and Democracy Brad Epperly, 2019-09-26 This book argues that explaining judicial independence considered the fundamental question of comparative law and politics requires a perspective that spans the democracy autocracy divide Rather than seeking separate explanations in each regime context in The Political Foundations of Judicial Independence in Dictatorship and Democracy Brad Epperly argues that political competition is a salient factor in determining levels of de facto judicial independence across regime type and in autocracies a factor of far greater import This is because a full insurance account of independence requires looking not only at the likelihood those in power might lose elections but also the variable risks associated with such an outcome risks that are far higher for autocrats First demonstrating that courts can and do provide insurance to former leaders he then shows via exhaustive cross national analyses that competition's effects are far higher in autocratic regimes providing the first evidence for the causal nature of the relationship Epperly argues that these findings differ from existing case study research because in democratic regimes a lack of political competition means incumbents target the de jure independence of courts This argument is illustrated via in depth case study of the Hungarian Constitutional Court after the country's 2010 constitutional coup and then tested globally Blending formal theory observational and instrumental variables models and elite interviews of leading Hungarian legal scholars and judges Epperly offers a new framework for understanding judicial independence that integrates explanations of both de jure and de facto independence in both democratic and autocratic regimes      **eBook: Representative Government in Modern Europe, 5e**

GALLAGHER, 2021-04-09 eBook Representative Government in Modern Europe 5e      *Constitutional Pluralism in the European Union and Beyond* Matej Avbel, Jan Komárek, 2012-02-29 Constitutional pluralism has become immensely popular among scholars who study European integration and issues of global governance Some of them believe that constitutionalism traditionally thought to be bound to a nation state can emerge beyond state borders most importantly in the process of European integration but also beyond that for example in international regulatory regimes such as the WTO or international systems of fundamental rights protection such as the European Convention At the same time the idea of constitutional pluralism has not gone unchallenged Some have questioned its compatibility with the very nature of law and the values which law brings to constitutionalism The critiques have come from both sides from those who believe in the traditional European constitutionalism based on a hierarchically superior authority of the European Union as well as from scholars focusing on constitutions of particular states The book collects contributions taking opposing perspectives on constitutional pluralism some defending and promoting the concept of constitutional pluralism some criticising and opposing it While some authors can be called the founding fathers of constitutional pluralism others are young academics who have recently entered the field

Together they offer fresh perspectives on both theoretical and practical aspects of constitutional pluralism enriching our existing understanding of the concept in current scholarship      *The German Polity* Eric Langenbacher, David P.

Conradt, 2017-02-16 This thoroughly revised and updated edition provides a comprehensive introduction to contemporary Germany one of the world's leading economic and political powers Tracing the country's transformation since World War II the authors provide an in depth guide to Germany's institutions actors and challenges      The Political System of Germany

Florian Grotz, Wolfgang Schroeder, 2023-08-11 This book offers a systematic theory based and empirically grounded introduction to the political system of Germany Compared to other textbooks on government and politics in Germany it has two particular benefits First it analyzes the individual dimensions of the German political system from a uniform theoretical perspective based on the well known distinction between majoritarian and consensus democracy Second it particularly explains how political decision making in the multi level system takes place including the local state federal as well as EU levels This way the book provides a comprehensive detailed and clear picture of how German democracy is organized and how it works      *Constitutional Review in Federalised Systems of Government* Obeng Mireku, 2000      **The Political Role**

**of Law Courts in Modern Democracies** Jerold Waltman, Kenneth M. Holland, 1988-02-23 No society can function without judicial institutions At a minimum conflict must be regulated and the criminal law enforced Ironically though modern political science has tended to ignore the role of courts in advanced industrial societies so much so that even basic information has often been unavailable This book covers three important bases First it provides for the first time up to date material about the court systems their structures their personnel their jurisdictions of the major democratic nations Second it places the courts in their political context eschewing legalism and stressing their linkages with other institutions and their role in the policy process Third there is an attempt to assess the direction of contemporary change especially how it relates to broader themes of other types of political change      Politics and Government in Germany, 1944-1994 Carl Christoph

Schweitzer, 1995 A source book of primary documents for students and scholars of Germany since World War II revised from the 1984 *Politics and Government in the Federal Republic of Germany* to include new sections on the former German Democratic Republic East Germany and the process of German unification Other sections include the 1944-49 origins of the country Berlin foreign policy the armed forces the Bundestag political parties officers the judiciary federalism public opinion and economic and social policy Includes a glossary of untranslated German terms without pronunciation Paper edition 855 3 24 50 Annotation copyright by Book News Inc Portland OR      *The Political System of Germany* Tom Manne, Wolfgang Rudzio, 2023-07-07 The textbook introduces the self understanding institutional structure and practice of the political system of the Federal Republic of Germany The work provides a problem oriented overview of the basic constitutional and foreign policy decisions that have constituted German democracy the political field of forces formed by interest groups citizens initiatives parties and mass media the political institutions at the federal state and local levels the social reach and

administrative enforcement of political decisions the political culture including the structure of the political ruling class The new edition also addresses among other things the consequences of the Corona crisis for the political system the changing party system and the crisis of the EU after the 2021 federal election



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