



Syllabus

Introduction to German Constitutional Law - 54686

Last update 28-09-2016

HU Credits: 1

Responsible Department: cont. german studies:politics, soc.&cult

Academic year: 0

Semester: 1st Semester

Teaching Languages: English

Campus: Mt. Scopus

Course/Module Coordinator: Dr. Jens Woelk

Coordinator Email: jens.woelk@unitn.it

Coordinator Office Hours: Coordinator office hours by prior arrangement

Teaching Staff:

Dr.

Course/Module description:

The course will provide an overview over the constitutional system of the Federal

Republic of Germany established by its federal Constitution, the Basic Law. The main emphasis is placed on the fundamental principles determining the character of the Federal Republic of Germany, such as federalism, democracy, the rule of law, social state and Republican principle, but the course will also address the functions of the state organs, the control of constitutionality and the protection of fundamental rights.

Course/Module aims:

Students shall develop an integrated understanding of the German constitutional order and political system. The course aims to widen the horizons of the students by exposing them to a constitutional system that profoundly differs from the one they are used to, in particular with regard to the centrality of the written Constitution and the federal system

Learning outcomes - On successful completion of this module, students should be able to:

Know the characteristic features and basic principles of the German constitutional system.

Have sufficient orientation for further exploring the German constitutional system on their own.

Attendance requirements(%):

80%

Teaching arrangement and method of instruction: Seminar

Course/Module Content:

The course will address the following topics:

1. Legacies and Weight of History. Introduction

Empire and Bismarck

Weimar Republic and Third Reich

Western Germany and Bonn Republic

Re-Unification and Berlin Republic

2. System of Government: □Chancellor Democracy□

Federal Parliament and electoral system

Federal President: representative and reserve functions

Rationalisation of stability: the Federal Chancellor and the federal government

Rationalisation of the state of emergency and democratic control of armed forces

Political parties and their regulation

3. The Federal System: Checks and Balances rather than Diversity

An executive, unitary and cooperative federalism

The distribution of powers

The institutional set-up and its centre: the Federal Council (Bundesrat) and its role in the legislative process

Fiscal federalism and reforms

4. "Rechtsstaat" (Rule of Law) and Role of the Federal Constitutional Court

The Constitution: value and technique

The Basic Law: one document, binding, eternal and to protect

The "Rechtsstaat" (Rule of Law)

The decentralised structure and organisation of the judiciary

The Federal Constitutional Court: ultimate guarantor of the supremacy of law

5. Human Dignity and Fundamental Rights: The Individual at the Centre

Protection of Fundamental Rights: which rights and how enforced?

The Individual Complaint to the Federal Constitutional Court

6. The Challenge of European Integration

Constitutional basis and challenges of European integration

The "integration clause", art. 23 GG

Constitutional limits to EU law?

The dialogue between Constitutional Court and European Court of Justice

Required Reading:

Foster, Nigel/Sule, Satish, German Legal System and Laws, Oxford University Press, 3rd Edition, Oxford 2008; chapters:

1. German legal history and legal development, p. 9-35

2. Sources of German law, pp. 36-65

3. Legal institutions, pp. 66-79 (in part. 76-78)

6. Public law I: constitutional law: principles and institutions, pp. 145-203

7. Public law II: basic rights and the Federal Constitutional Court, pp. 204-247

German Basic Law (federal Constitution) - text:

[http://www.gesetze-im-internet.de/englisch_gg/]

Additional Reading Material:

Course/Module evaluation:

End of year written/oral examination 100 %

Presentation 0 %

Participation in Tutorials 0 %

Project work 0 %

Assignments 0 %

Reports 0 %
Research project 0 %
Quizzes 0 %
Other 0 %

Additional information: