

סילבוס

מבוא למשפט גרמני - 54812

תאריך עדכון אחרון 21-09-2023

2 HU Credits:

<u>היחידה האקדמית שאחראית על הקורס:</u>לימודי גרמניה בת ימינו: פוליטיקה, חברה ותרבות

<u>השנה הראשונה בתואר בה ניתן ללמוד את הקורס:</u>

<u>'סמסטר אי</u>

<u>שפת ההוראה:</u>אנגלית

<u>קמפוס:</u> הר הצופים

<u>מורה אחראי על הקורס (רכז):</u>קטיה אסף זכרוב

<u>katya.assaf@mail.huji.ac.il</u> <u>דוא"ל של המורה האחראי על הקורס:</u>

<u>שעות קבלה של רכז הקורס:</u>יום שני 12:00-13:00

<u>מורי הקורס:</u> ..

ד"ר קטיה אסף

<u>תאור כללי של הקורס:</u>

A legal system is a social phenomenon. Legal rules are shaped by cultural

perceptions, religious beliefs, historical events and philosophical theories. In turn, the legal system itself often plays an important role in a country's history, society and culture. This course will introduce the students to the basic structure of German legal system, and will focus on the historical, cultural, philosophical and social aspects of this system.

<u>מטרות הקורס:</u>

The goal of this course is to give the students a broad notion of German legal system: its structure and functioning, its main characteristics in terms of philosophy and ideology, as well as its historical role.

<u>תוצרי למידה</u>

<u>בסיומו של קורס זה, סטודנטים יהיו מסוגלים:</u>

□ be familiar with the role that various institutions of German legal system (the courts, the constitution, the president, etc.) played throughout history. □ be familiar with the main characteristics of German legal system, such as its tendency towards social welfare legislation, its strong emphasis on personal rights and on questions of honor and dignity, its special treatment of free speech issues. □ be able to give examples from various fields of law to describe the different characteristic traits of German legal system.

<u>דרישות נוכחות (%):</u> 70%

שיטת ההוראה בקורס: Frontal teaching

<u>רשימת נושאים / תכנית הלימודים בקורס:</u>

- 1. The unification of Germany (1871); the idea of Rechtsstaat.
- 2. The basic characteristics of German legal system as a civil law and inquisitorial system.
 - 3. "Legal Positivism" vs. "Natural Law" philosophies.
 - 4. Codification vs. Common-law.
 - 5. The birth of Welfare state.
 - 6. The Weimar Constitution: main principles, strengths and weaknesses.
 - 7. The inflation of 1914-1923 and jurisprudence of these years.
 - 8. Political trials between the two wars and their role in the rise of Nazism.
 - 9. President-ruled country between 1929 and 1933 and jurisprudence of these
 - 10. German legal system during the Nazi time.
- 11. Contemporary German legal system: Basic Law. Main principles and the political

structure.

<u>חומר חובה לקריאה:</u> Introduction to German Legal System Syllabus Dr. Katya Zakharov-Assaf

1. Michael Stolleis, Judicial Review, Administrative Review, and Constitutional Review in the Weimar Republic, Ratio Juris, Vol. 16, No. 2 pp. 266 ≥80 (2003)

- 2. Michael L. Hughes, Private Equity, Social Inequity: German Judges React to Inflation, 1914-24, 16(10) CENTRAL EUROPEAN HISTORY, 76 (1983)
 - 3. RICHARD J. EVANS, THE COMING OF THE THIRD REICH (2004)
- 4. Bruce P. Smith, Hans Litten and the Politics of Criminal Law in the Weimar Republic, in MODERN HISTORIES OF CRIME AND PUNISHMENT (Markus Dirk Dubber & Lindsay Farmer, eds. 2007)
- 5. Karl Loewenstein, Law in the Third Reich, The Yale Law Journal, Vol. 45, No. 5 pp. 779-815 (1936)
 - 6. INGO MUELLER, HITLER'S JUSTICE: THE COURTS OF THE THIRD REICH (1991) 7. Donald P. Kommers, The Federal Constitutional Court: Guardian of German Democracy, Annals of the American Academy of Political and Social Science, Vol. 603, pp. 111-125 (2006)
- 8. Movie: Sophie Scholl: The Final Days, by Marc Rothemund & Fred Breinersdorfer

<u>חומר לקריאה נוספת:</u>

מרכיבי הציון הסופי:

הגשת עבודה מסכמת / פרויקט גמר / מטלת סיכום / מבחן בית / רפרט 100 %

<u>מידע נוסף / הערות:</u>