The Hebrew University of Jerusalem

Syllabus

Introduction to German Law - 54812

Last update 31-08-2018

HU Credits: 2

Degree/Cycle: 2nd degree (Master)

Responsible Department: Cont. German Studies:politics, Soc.&Cult

Academic year: 0

Semester: 1st Semester

Teaching Languages: English

Campus: Mt. Scopus

Course/Module Coordinator: Katya Assaf Zakharov

Coordinator Email: katya.assaf@mail.huji.ac.il

Coordinator Office Hours: Monday 12:00-13:00

Teaching Staff:

Dr. Katya Assaf

Course/Module description:
  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.

Course/Module aims:
  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.

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

Attendance requirements(%):
  70%

Teaching arrangement and method of instruction: Frontal teaching

Course/Module Content:
  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 years.
10. German legal system during the Nazi time.
11. Contemporary German legal system: Basic Law. Main principles and the political structure.

<u>Required Reading:</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>Additional Reading Material:</u>

 <u>Course/Module evaluation:</u>
 End of year written/oral examination 0 %
 Presentation 0 %
 Participation in Tutorials 0 %
 Project work 100 %
 Assignments 0 %
 Reports 0 %
 Research project 0 %
 Quizzes 0 %
 Other 0 %

Additional information: