



## *The Hebrew University of Jerusalem*

### *Syllabus*

## *Germany in Legal Terms: Politics Religion and Free Speech - 54915*

*Last update 04-10-2019*

*HU Credits:* 2

*Degree/Cycle:* 2nd degree (Master)

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

*Academic year:* 0

*Semester:* 2nd Semester

*Teaching Languages:* English

*Campus:* Mt. Scopus

*Course/Module Coordinator:* Dr. Katya Assaf

*Coordinator Email:* [katya.assaf@mail.huji.ac.il](mailto:katya.assaf@mail.huji.ac.il)

*Coordinator Office Hours:*

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Teaching Staff:

Dr. Katya Assaf

Course/Module description:

*This course aims to grant the students broad basic knowledge of the German legal system. It provides an overview of its structure, discussing both of its houses of legislation, the federal and the local regulation, the judicial system, as well as the existing political parties.*

*We will get acquainted with the characteristic traits of the German legal system, such as the great weight it ascribes the protection of social welfare and human dignity. We will see how it understands the freedom of religion/from religion, both in the context of education and broader contexts. We will discuss different aspects of freedom of expression, such as hate speech, Holocaust denial, the use of Nazi symbols, flag burning, personal defamation, and more.*

Course/Module aims:

*This course aims to provide broad basic understanding of the German legal system, its structure, its functioning, its basic characteristics and its position on several socially significant topics.*

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

*The students should be able to describe the process of legislation in the German legal system, its court system, each of its political parties, as well as its position on several central topics, such as state and religion.*

Attendance requirements(%):

Teaching arrangement and method of instruction: frontal lectures

Course/Module Content:

1. Contemporary German Legal System – Structure and Functioning
2. German Legal Culture – Examples from Several Legal Fields:
  - a) State and Religion
  - b) Hate Speech
  - c) The Use of Symbols
  - d) Personal Dignity

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3. *Germany after the Unification: Judging the Past*
  4. *Germany as a Welfare State*

Required Reading:

*Germany in Legal Terms*

Dr. Katya Assaf

*Syllabus*

*Contemporary German Legal System – Structure and Functioning*

1. David S. Clark, *The Selection and Accountability of Judges in West Germany: Implementation of a Rechtsstaat*, 61 S. CAL. L. REV. 1795 (1988)
2. Donald P. Kommers, *The Federal Constitutional Court: Guardian of German Democracy*, 603 ANNALS AM. ACAD. POL. & SOC. SCI. 111 (2006)

*German Legal Culture – Examples from Several Legal Fields*

*State and Religion*

1. David Abraham, *Circumcision: Immigration, Religion, History, and Constitutional Identity in Germany and the U.S.*, 8 GERMAN L.J. 1745 (2017)
2. Nicky Jones & Kerstin Braun, *Secularism and State Neutrality: The Headscarf in French and German Public Schools*, 23 AUSTRALIAN JOURNAL OF HUMAN RIGHTS 61-89 (2017)
3. Achim Seifert, *Religious Expression in the Workplace: The Case of the Federal Republic of Germany*, 30 COMP. LAB. L. & POL'Y J. 529 (2009)

*Hate Speech*

4. Ann Goldberg, *Minority Rights, Honor, and Hate Speech Law in Post-Holocaust West Germany*, LAW, CULTURE AND THE HUMANITIES 1-22 (2017)
5. Robert A. Kahn, *Cross-Burning, Holocaust Denial, and the Development of Hate Speech Law in the United States and Germany*, 83 U. DET. MERCY L. REV. 163 (2006)

*The Use of Symbols*

6. Peter E. Quint, *The Comparative Law of Flag Desecration: The United States and the Federal Republic of Germany*, 15 HASTINGS INT'L & COMP. L. REV. 613 (1992)
7. Jennifer Kain, *Taking Back the Controller: How Germany's Video Game Rating System Curbs Freedom of Speech*, 18 NEW ENG. J. INT'L & COMP. L. 369 (2012)

*Personal Dignity*

8. Peter E. Quint, *Free Speech and Private Law in German Constitutional Theory*, 48 MD. L. REV. 247 (1989)
9. Edward J. Eberle, *Human Dignity, Privacy, and Personality in German and American Constitutional Law*, 1997 UTAH L. REV. 963 (1997)
10. Ronald J. Krotoszynski, *A Comparative Perspective on the First Amendment: Free Speech, Militant Democracy, and the Primacy of Dignity as A Preferred Constitutional Value in Germany*, 78 Tul. L. Rev. 1549 (2004)

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*Germany after the Unification: Judging the Past*

11. Kristen Hutchens et. al., *The Laws of Others: A Jurisprudential Reflection on the Lives of Others*, 9 *GERMAN L.J.* 951 (2008)

*Germany as a Welfare State*

12. George s. Katrougalos, *The Implementation of Social Rights in Europe*, 2 *COLUM. J. EUR. L.* 277 (1996)

*Additional Reading Material:*

*Course/Module evaluation:*

*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:*

*The students will write a paper on one of the subjects related to the German legal system.*