



# German Constitutional Law

The protection of  
civil liberties

SABINE MICHALOWSKI  
AND LORNA WOODS

# German Constitutional Law The Protection Of Civil Liberties

**C.A. Gearty**



## **German Constitutional Law The Protection Of Civil Liberties:**

*German Constitutional Law* Sabine Michalowski, Taylor & Francis Group, Lorna Woods, 2021-09-30 First published in 1999 this volume introduces the basic constitutional principles and key articles of German constitutional law and will be especially useful for teachers and students of the subject It is the result of a collaboration between a German and a British lawyer who have attempted to present the German approach in a manner understandable to British law students legal professionals and academics without losing the authenticity of the German approach The book explains the German approach to the protection of civil liberties primarily through reference to the German Constitution the Basic Law and the case law of the German Federal Constitutional Court which has interpreted and delineated the relevant constitutional provisions Its main emphasis lies on the constitutional protection of civil liberties

**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

**A Theory of Constitutional Rights** Robert Alexy, 2010 In any country where there is a Bill of Rights constitutional rights reasoning is an important part of the legal process As more and more countries adopt Human Rights legislation and accede to international human rights agreements and as the European Union introduces its own Bill of Rights judges struggle to implement these rights consistently and sometimes the reasoning behind them is lost Examining the practice in other jurisdictions can be a valuable guide Robert Alexy's classic work reconstructs the reasoning behind the jurisprudence of the German Basic Law and in doing so provides a theory of general application to all jurisdictions where judges wrestle with rights adjudication In considering the features of constitutional rights reasoning the author moves from the doctrine of proportionality procedural rights and the structure and scope of constitutional rights to general rights of liberty and equality and the problem of horizontal effect A postscript written for the English edition considers critiques of the Theory since it first appeared in 1985 focusing in particular on the discretion left to legislatures and in an extended introduction the translator argues that the theory may be used to clarify the nature of legal reasoning in the context of rights under the British Constitution This book will be of central interest to all legal and constitutional theorists and human rights scholars

Law, Religion, Constitution W. Cole Durham, Silvio Ferrari, Cristiana Cianitto, Donlu Thayer, 2016-04-29 What is the place assigned to religion in the constitutions of contemporary States What role is religion expected to perform in the fields that are the object of constitutional regulation Is separation of religion and politics a necessary precondition for democracy and the rule of law These questions are addressed in this book through an analysis of the constitutional texts that are in force in different parts of the world Constitutions are at the centre of almost all contemporary legal systems and provide the principles and values that inspire the action of the national law makers After a discussion of some topics that are central to the constitutional regulation of religion the book

considers a number of national systems covering countries with a variety of religious and cultural backgrounds The final section of the book is devoted to the discussion of the constitutional regulation of some particularly controversial issues such as religious education the relation between freedom of speech and freedom of religion abortion and freedom of conscience

**German Constitutional Law** Sabine Michalowski, Lorna Woods, 1999 5 The basic rights      **American Constitutional Law** Donald P. Kommers, John E. Finn, Gary J. Jacobsohn, 2010 American Constitutional Law Essays Cases and Comparative Notes is a unique casebook that encourages citizens and students of the Constitution to think critically about the fundamental principles and policies of the American constitutional order In addition to its distinguished authorship the book has two prominent features that set it apart from other books in the field an emphasis on the social political and moral theory that provides meaning to constitutional law and interpretation and a comparative perspective that situates the American experience within a world context that serves as an invaluable prism through which to illuminate the special features of our own constitutional order While the focus of the book is entirely on American constitutional law the book asks students to consider what if anything is unique in American constitutional life and what we share with other constitutional democracies Each chapter is preceded by an introductory essay that highlights these major themes and also situates the cases in their proper historical and political contexts This new edition offers updated and expanded treatment of a number of important and timely topics including the death penalty privacy affirmative action and school segregation Volume 2 of this text focuses on civil rights and basic freedoms and includes separate chapters on race and gender      *European Civil Liberties and the European Convention on Human Rights* C.A. Gearty, 2021-09-27      **English, French & German Comparative Law** Raymond Youngs, 2014-06-13 This comparative analysis considers the differing approaches to important areas of law in England France and Germany In particular constitutions sources of law rights against the state to prevent abuse of power and rights of private individuals and organisations against each other in tort and contract are examined and compared and the system of courts is also considered Updated and revised each sub topic is introduced with the relevant material in the English system allowing easy comparison and assimilation of the other systems The text includes translations of relevant French and German codal material and references to relevant cases from all of the jurisdictions This new edition includes constitutional changes in France and the United Kingdom in particular the new procedure for challenging existing legislation before the Conseil constitutionnel It examines the consequences of the Lisbon Treaty as well as other recent codal and legislative changes Comprehensive and topical the text explores a wide variety of new case law on issues such as preventive detention the use of evidence obtained by torture the balance between suppression of terrorism and personal freedom the internet email monitoring artificial reproductive techniques use of global positioning systems GPSs deoxyribonucleic acid DNA and closed circuit television CCTV the wearing of religious clothing such as the headscarf and symbols such as the cross circumcision methods of crowd control the prevention of human trafficking the preservation of privacy especially for

celebrities and the legality of pre nuptial agreements and success fees for lawyers Designed for students on comparative law courses this textbook will also prove valuable to students who are familiar with English law but require a readily comprehensible introduction to French or German law      **Modern Studies in Property Law - Volume 2** Elizabeth Cooke,2003-05-09 This book comprises a collection of papers given at the conference of the Centre for Property Law at the University of Reading held in 2002      **American Constitutional Law** Donald P. Kommers,John E. Finn,Gary J. Jacobsohn,2004 Designed for an undergraduate course in US constitutional law the casebook takes a liberal arts approach tracing constitutional doctrine and policy back to their foundation in social moral and political theory and prompting students to engage the great questions of political life addressed by the Constitution and its interpretation Opinions of the US Supreme Court constitute the core of the documents The first edition was published in 1998 the second adds and updates topics Annotation 2004 Book News Inc Portland OR booknews com      **Constitutional Protection of Human Rights in Latin America** Allan R. Brewer-Carías,2009 This book examines the most recent trends in the constitutional and legal regulations in all Latin American countries regarding the amparo proceeding It analyzes the regulations of the seventeen amparo statutes in force in Latin America as well as the regulation on the amparo guarantee established in Article 25 of the American Convention of Human Rights      Facilitating Freedom of Religion or Belief: A Deskbook W. Cole Durham,Tore Sam Lindholm,Bahia Tahzib-Lie,NA Oslo Coalition on Freedom of Religion or Belief,NA Norway,NA Norsk senter for menneskerettigheter,NA Brigham Young University,2013-12-11 As the world enters the 21st Century the challenges in implementing freedom of religion or belief grow more complex and more acute How can the internationally recognized norms regarding freedom of religion or belief be meaningful for all women and men majorities and minorities established religions and new religious movements parents and children How can tolerance mutual respect and understanding be globally expanded How does freedom of religion or belief relate to other human rights Launched by the Oslo Coalition on Freedom of Religion or Belief this deskbook anthology is designed as a single volume resource for all who are concerned with facilitating improved global compliance with international standards in this vital area The varied and diverse topics addressed by over fifty global experts in the field provide a rich weave of many threads The book addresses historical and philosophical background on religious human rights applicable international norms and the international procedural mechanisms for safeguarding these norms It surveys central areas of controversy including registration of religious and belief organizations emerging debates on religion and gender parental and children s rights new religious movements proselytism and conscientious objection Other chapters describe practical approaches to promoting tolerance and understanding through education inter religious dialogue joint religious efforts addressing shared social problems and conflict resolution initiatives The volume also provides practical information regarding networking and other background issues that can help translate understanding of the applicable norms and procedures into action Appendices provide texts of major international

instruments on freedom of religion or belief      Courts and Political Institutions Thijmen Koopmans,2003-09-04 Considers the relation between law and politics including human rights federalism and equal protection      *Disability Rights in Europe* Anna Lawson,Caroline Gooding,2005-05-15 This book is based on a conference organised jointly by the editors to mark the European Year of Disabled People It explores the range of legal strategies which have been adopted both nationally and internationally to achieve equality for disabled people and facilitate their inclusion into mainstream society It examines current developments in anti discrimination law both within Member States and at EU level It also assesses the effectiveness and potential of the human rights framework for disabled Europeans In addition a number of approaches to the enforcement and promotion of disability rights are considered Contributors to this book drawn from across Europe represent a variety of different backgrounds They include leading academics in the field as well as campaigners and others working to improve or enforce disability related legislation The book is a unique and timely contribution to an important and rapidly expanding field of study It will be of relevance to all those whether lawyers or not with an interest in disability and equality issues

**Human dignity and fundamental rights in South Africa and Ireland** Anne Hughes,2014-04-11 Post apartheid South Africa has yielded enlightened judicial decisions in contrast to the limited interpretation of human rights in Ireland The value of human dignity with its central position in international law underpins both countries Constitutions but has left a more striking mark in South Africa There it has impacted significantly on punishment for crimes family life children s rights defamation sexual violence investigations substantive equality and socio economic rights Practical guidance can be gleaned from South Africa to revitalise Irish jurisprudence While its focus is on South Africa and Ireland this book draws on the experience of many countries and regions      *Ibss: Political Science: 1987* British Library of Political and Economic Science,1991 IBSS is the essential tool for librarians university departments research institutions and any public or private institutions whose work requires access to up to date and comprehensive knowledge of the social sciences      *Human Dignity* Aharon Barak,2015-01-29 An analytical study of human dignity as the humanity of a person as a constitutional value and a constitutional right      **Comparative Legal Approaches to Homeland Security and Anti-Terrorism** James Beckman,2016-05-23 The spectre and fear of another terrorist attack looms large for most of the world s citizenry and for the domestic law agencies charged with protecting these citizens and countries This book explores how various countries have dealt with or are dealing with homeland security in the aftermath of terrorist attacks such as 9 11 the underground tube attacks in London in 2005 the Madrid train bombing in Spain and compares global approaches and lessons to the US and the world This unique study looks at homeland security law and policy utilizing a comparative analysis methodology ideal for those interested in law and security      **Human Rights from a Comparative and International Law Perspective** Joan Church,Christian Schulze,Hennie Strydom,2007 In terms of the South African Constitution of 1996 there is a general need for an introduction to comparative law and one that covers what is technically known as applied comparative law more

particularly applied comparative law that involves a study of the bills of rights in other countries      Discrimination, Equality and the Law Aileen McColgan KC, 2014-12-01 This monograph explores some of the conceptual questions which underpin the legal disputes which arise in relation to equality and discrimination Among these are questions about the meaning of equality as a legal concept and its relationship to the principle of non discrimination symmetrical and asymmetrical approaches to equality non discrimination the role of comparators in discrimination equality analysis the selection of protected characteristics and the proper sphere of statutory and constitutional protections and the scope for and regulation of potential conflicts between protected grounds The author engages with domestic EU and ECtHR case law as well as with wider international approaches

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